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CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

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ALSO

SPECIAL SESSION OF THE SENATE.

VOLUME XL.

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VOLUME XL, PART II.

CONGRESSIONAL RECORD,

FIFTY-NINTH CONGRESS, FIRST SESSION.

resent those who sent us here and intrusted great interests in our hands.

No, Mr. Chairman, no legislation which strikes at the trust will be passed by this Congress. I know there are gentlemen on both sides of this Chamber who ardently desire to see some measure enacted into law which will strike at the criminal trust. I have never believed that my political party had a monopoly of civic virtue, and I am glad to hear testimony of the patriotic purposes of gentlemen on the other side of the isle; but, unfortunately, as I believe, the party in power is under obligations to the very corporations the people expect us to deal with. While I believe the rules of this House are abominable and arbitrary, it is hardly fair to blame the Speaker for exercising the power which has been placed in his hands, but with all my heart and soul I contend that the time has come for the Members of this House to abolish this oligarchy and to teach the three or four men who monopolize most of the time of the House and wield all its power that they are the servants and not the masters of the American House of Representatives. Right here I will venture to repeat a prediction I made during the last Congress on this floor. It is this: Any legislation which affects railroad rates will result in no practical benefit to the shipper. The Republican party can not legislate against the railroad. It can not legislate against the trust, for it would by so doing legislate against itself. Colonel Roosevelt has been President for nearly six years. Every day during that period his party has had control of both Houses of Congress. You can pass any bill you desire to pass. Again and again the President has denounced the vicious and criminal practices of the trust. Again and again he has called attention to the need of railroad-rate legislation. Why don't you do something? The beet-sugar farmer says you are about to strike at him. The tobacco farmer says you are about to strike at him. Why don't you strike at the trust? Why don't you repeal the duty on refined sugar—that little differential which was put there to help the trust? Oh, no, Mr. Chairman, the big corporation is safe. It can be relied on when money is needed to run your campaign.

Now, Mr. Chairman, there is much in the President which a political foe can admire. He is honest, courageous, intensely American. For one I am glad to support him in many of his recommendations. I am in full sympathy with his spirit of independence. I have never subscribed to the doctrine that the party is greater than the man. Violent partisanism is not a healthy condition. Political parties become a curse when they obstruct the passage of beneficent laws. I am a Democrat because, before God, I believe the principles of my party, as I understand them, are right. It is of but little concern to the millions of American people who are affected by the laws we pass whether they are initiated by the one party or the other. I confess there is but little in the pending measure to commend it. I will not pledge myself to do so, yet I expect to vote for it, because it is a very short step in the right direction.

In conclusion, there is one other matter to which I will allude. To-day at the White House myself and wife were looking at the portraits of the great men who have occupied the Presidential chair of the grandest of all the nations of the earth. At one of these long and reverently we gazed in silence, for upon his countenance there was a look of heaven which limners give to the beloved disciple. It was the portrait of the greatest soul ever elevated to the Presidential office—Abraham Lincoln, the martyr.

Just as we were about to leave the building, again we stopped to look in reverent silence upon the kindly features of yet another President, who did not live in such a trying hour in the life of the Republic, but who left behind a memory so gentle and sweet that every American will always speak his name with pride. It is the portrait of McKinley, the martyr.

And then, as the car approached the Capitol, we passed the statue of still another President—a statue built by his comrades in arms to honor the memory of the soldier, statesman, and patriot. It was the statue of Garfield, the martyr.

And then I was reminded that one out of every eight Presidents who held the office before Colonel Roosevelt died at the hands of a miserable assassin. The President is compelled to see thousands of people. Let us not be too hasty or too harsh in our criticisms of those of the President's household whose duty it is to be always on guard. [Loud applause.]

Mr. FRENCH. Mr. Chairman, it is after a great deal of hesitation that I address this body upon the question that has been attracting its attention for most of the time during the past week—the tariff bill as affects the Philippine Islands. Anyone to speak upon this measure should not only be in earnest in the cause that he represents, but he should be thoroughly informed upon the principles and the workings of the tariff question. He should be fully acquainted with the conditions of our own country, the conditions in the Philippine Islands and our responsibilities thereto, and last of all, he should weigh carefully the effect of the passage of this bill upon an industry that the Republican party has sought to build up for the benefit of the American farmer, the American wage-earner, and the American consumer.

I feel my limitations, but with utmost care I have gone through the testimony that has been offered before committees and commissions. I have read what the friends of the bill assert and its enemies declare. I have conversed with those who have made a personal examination of the Philippine Islands and the sugar industry there, and I have followed through many hours the debate upon this measure, and yet, while I confess a hesitation that is due in the consideration of a great question, I am more fully convinced than I was when the debate began that a wrong will be done in the passage of this bill.

This bill proposes to place upon the free list all products of the Philippine Islands brought into the United States, except sugar and tobacco. These latter two products, it is provided, shall pay 25 per cent of the Dingley rate for a period of a little more than three years, after which time they shall be admitted free. I do not care to address myself to any phase of this question other than the proposed reduction of the tariff on sugar. This phase I believe to be the most important one and, indeed, my objection to it shall determine my vote upon the bill.

CONTRARY TO POLICY OF PROTECTION.

I am opposed to this bill because I regard it as a blow against the principle upon which the Republican party has stood since it was born a half century ago beneath the oaks of Michigan. Since that time it has stood for the policy of a protective tariff to American industries that need protection, and since that time and under that policy we have seen our industries develop, our country prosper, our laborers better paid, and our millions of homes happier than those in any other land. Strangely enough, and contrary to what has been stated upon this floor to-day by Democratic leaders, that same year, a half century ago, the Democratic party adopted a platform upon which Mr. Buchanan was elected President, which declared in so many words for free trade—for "progressive free trade," as they chose to call it. Democratic administration has brought failure, and Republican administration has brought success. The Democratic party finds its last practical demonstration in the period of Grover Cleveland, and the Republican party the acme of its realization at the dawn of the new century in the greatest era of prosperity our country has ever known under the wise Administrations of the last two Republican Presidents.

REPUBLICAN PROMISES TO BEET-SUGAR INDUSTRY.

The beet-sugar industry is one that has been of slow development in this country. Most of that development has been made within the last twenty years. At the time the Republican party was granted a respite in governmental administration, and the Democratic party assumed control, following the election of 1892, there were only six beet-sugar factories in the United States. During the next four years one factory was discontinued. During that same period two new factories were established, and when the Democratic party was relieved of the responsibilities of governing, and the American people had declared their confidence in the Republican party by returning that party to power in 1896, there was only one more factory in the United States than at the time the Democratic party gained the ascendency, four years before.

The Republican party had seen the difficulties that had made doubtful the development of this industry. They had seen that capital was in danger of losing by reason of the strangeness of conditions. We did not know where the sugar beet would grow best. Our farmers did not know how to raise the crop. Machinery was new and imperfect. The by-products were undeveloped. Soil, climate, market, and a thousand other problems had to be met and overcome, and besides all this, one of the greatest trusts that the American people knew controlled the sugar output and threatened destruction to the new industry. The Republican party believed that that industry should receive encouragement. It believed that it should receive the same encouragement that had been given to other industries which had grown great. Accordingly, in the platform of 1896 a plank was placed reaffirming our faith in the policy of protection. Another plank was also inserted which declared our belief specifically in a policy which would build up the beet-sugar industry within our country. It read as follows:

We condemn the present Administration for not keeping faith with the sugar producers of this country. The Republican party favors

such protection as will lead to the production on American soil of all the sugar which the American people use, and for which they pay other countries more than $100,000,000 annually.

Following out this promise that was made, we enacted in 1897 the Dingley tariff law, and in that law we gave adequate protection to the sugar industry.

But that is not all. That law was not placed on our statute books by chance. It was the result of thought. It was the result of care, and it was approved by the leaders of our party in that Congress. Mr. Dingley, who was chairman of the Ways and Means Committee at that time, and whose name attaches to the act, said in his discussion upon the floor of this House:

I believe that the time has come when the production of our own sugar from the beet ought to be and can be successfully entered upon, and thus the seventy-five millions—soon to be one hundred millions—sent abroad for the purchase of our sugar ultimately distributed here to our farmers.

The present chairman of the Ways and Means Committee [Mr. PAYNE], who stood next to Mr. Dingley on the committee when the bill was drafted, declared the wisdom of the act by saying:

We propose to raise beet sugar and cane sugar enough in this country to supply all our 73,000,000 people, who must have the best in the world, and in that way we will take off $50,000,000 in the course of a few years. * * * We will not disturb our tariff in the next quarter of a century.

The gentleman from Ohio [Mr. GROSVENOR], then and now a member of the Ways and Means Committee, declared:

We propose that instead of sending $125,000,000 a year to the foreign countries of the world, most of which goes to pay labor in the production of sugar, we will make it possible for every pound of sugar that we want to be produced in the United States of America. [Applause.]

The Republican party comes and offers to the agriculturists of this country this magnificent boon. We will protect the industries of the country in all directions from further demoralization, and we ask you to turn aside hundreds of thousands of acres of the splendid lands of all these States from the production of corn, oats, wheat, potatoes, and cotton, to be put into an already overstocked market, to the production of sugar, and give to the farmers upon the farming lands of the country a better market with less competition than they now have.

And so I could continue. I could call to your attention the words of other of our leaders; but it is not necessary. I have shown to you what the beet-sugar industry had to rely upon in 1897, and, sirs, it had reason to be encouraged. Touched by the same hand that had brought life to a thousand industries and hope and courage and larger wages, too, to the toilers of our land in mill and mine and farm, the beet-sugar industry sprang forward with the same impetus that characterized the other industries protected by proper legislation. The year 1897 witnessed the building of two new factories, and during the years 1898, 1899, and 1900, twenty-seven new factories were established. This was a splendid record, and our party was proud of what had been accomplished. The laboring man had been benefited, the farmer had been rewarded, and the capital invested was making fair returns.

But that is not all. The Republican national platform of 1900 approved the work that had been done and affirmed its adherence to the policy of protection. Our public speakers did the same and pledged our party to the protection of our industries that stood in danger of foreign competition, and especially pledged our party to the protection of the manufacture of beet sugar. Our campaign text-book, which was approved and indeed authorized by the Republican national campaign committee, said, in discussing the need of the beet-sugar industry—

That [Porto Rican] duty was small, but it was an explicit declaration by the Republican party that it proposed to retain the power to fix such tariff as it might deem judicious against the products of cheap tropical labor wherever located and under whatever conditions. In other words, it was a distinct promise to the farmer that he need not fear that the Republican party would permit the cheap labor and cheap sugar of any tropical territory to be brought in in a manner which would destroy the infant industry of beet-sugar production which the farmers of the United States have under the fostering care of the Republican party been building up during the last few years.

Again, I say, the beet-sugar industry could feel encouraged. It was encouraged. The following three years witnessed great progress. Nineteen new factories were built, and as the year 1903 closed fifty-three factories were manufacturing sugar where seven factories had manufactured sugar in 1896. In 1903 we manufactured 208,135 tons of beet sugar as against less than 38,000 tons only seven years before. Not only that, but in 1903 our sugar factories paid to the farmers and laborers of our country employed in raising and handling sugar beets about $12,000,000.

DANGERS TO BEET-SUGAR INDUSTRY.

Now, for the dangers appearing above the horizon. Sugar is brought into our country free to-day from the Hawaiian Islands and from Porto Rico. Sugar is brought from Cuba by paying only 80 per cent of the Dingley rate. In fact, last year we imported from foreign countries under the full Dingley tariff only about 300,000 tons of sugar. The free or reduced rates granted to the islands I have already mentioned have worked a tremendous hardship upon the beet-sugar industry. Since 1903 two of the beet-sugar factories have been dismantled, three new factories have been erected, and now there are fifty-four factories, or one more only than there were in 1903. Do you ask me what has caused this change? My answer is the modification of the tariff, as mentioned before, in favor of Porto Rico, Cuba, and Hawaii and the proposed modification of the tariff as applied to the Philippine Islands.

In the laws already passed an injury has been done. Who, then, can measure the magnitude of the wrong that will follow the striking down of the duty on Philippine sugar to 25 per cent of the Dingley rate and in three more years the admission of their sugar free?

Do you know that prior to the passage of the Cuban bill the greatest annual production of sugar on that island, according to their own figures, was about 800,000 tons? The estimate of the Cuban Government for this year is 1,300,000 tons. Do you know that prior to the passage of the Porto Rican bill that island produced not to exceed about 66,000 tons of sugar in a single year? Last year it produced 116,000 tons. Do you know that prior to the annexation to our country of the Hawaiian Islands their annual output was not in excess of about 200,000 tons, and to-day it is 400,000 tons?

And what is the logical country to receive this sugar? Why, the United States, of course.

Is it any wonder, then, that the men who are interested in the manufacture of beet sugar are trembling to-day? Is it any wonder, then, that we have only one more factory to-day than we had in 1903? Who can measure the outcome of this industry should this pending bill become a law? And have not those who are interested in the raising of sugar beets and the manufacture of beet sugar reason to fear that the Republican party has forgotten its promises made so brief a time ago?

MENACE IN FREE PHILIPPINE SUGAR.

More than ten years ago the Philippine Islands produced 200,000 tons of sugar in a single year. This almost equals the sum total of our importation for last year under the Dingley rate.

True it is that war and pestilence have retarded the development of the sugar industry in the Philippine Islands during the last ten years, and yet, notwithstanding that, last year the islands shipped from their ports to foreign countries 112,500 tons of sugar. It does not require a stretch of the imagination to estimate the output of those islands equal to the present importation of sugar under the Dingley tariff. Aye, it does not demand that the imagination be called upon to estimate the output of the Philippines equal to, or even in excess of, our total importation from foreign countries.

The area of the islands is something like 73,000,000 acres, of which about ninety per cent will probably never be available for the highest agricultural purposes. If this is so, there remains about 7,000,000 acres of land, or, as others urge, 8,000,000 acres, that is highly valuable for that purpose. You see I am not indulging in extravagant figures. And even then all this land is not sugar land, as I admit. We are told, however, that not less than 1,500,000 acres is splendid land for the production of sugar. I believe that figure is conservative. Indeed, this much land can be found in the two provinces of Negros and Panay, the two leading sugar provinces of the islands. Experts believe that the land there is as good as any land the world possesses for the raising of sugar. Suppose, however, that this land produces only 1 ton of sugar per acre—and you see I am not appealing to your imaginations—you would then have over 1,500,000 tons of sugar, or as much as our total importation from foreign countries, including Cuba, which sends her sugar to our ports at 80 per cent of the Dingley rate.

But the land will produce more than 1 ton per acre. Mr. Welborn, the chief of the agricultural bureau in the Philippine Islands, reports that on the government farm, where better methods than the natives use are employed, the yield will be brought to 2¼ tons per acre. The governor of Negros Occidental reported in 1902 that an acre of land produces almost 2 tons of sugar, and this notwithstanding the fact that by reason of their imperfect machinery they sustain a loss of 45 per cent in the treatment of their cane. Mr. F. R. Hathaway, the secretary of the Michigan Sugar Manufacturers, told me that after careful examination in the island of Negros and the island of Panay that he estimated the loss sustained by reason of poor machinery in the handling of the cane as 40 per cent of its true value.

This is a difficulty that will pass away as the next few years go by. New machinery and new methods are already taking the place of the old. It is not unreasonable, then, that in a short time the Philippine Islands will be producing 3,000,000 tons of

sugar every year, or an amount equal, approximately, to all that we consume.

Should this time come, I need not ask you what will become of the beet-sugar industry of the United States.

But this is not all. Sugar can be produced in the Philippine Islands at far less cost than it can be produced in our own land. Our laborers demand more here, and they deserve more. Our farm laborers here the country over, where sugar beets are raised, receive about $1.50 per day. The average farm laborer in the Philippine Islands receives probably not to exceed 17 cents per day and in many instances 8 or 10 cents.

The testimony relative to the cost of sugar in the Philippine Islands is so conflicting that it is hard to find a basis. Witnesses who claim to know say that it costs as much as from $1.40 to $1.75, and some even more, per hundred pounds to raise sugar in the islands of Negros and Panay and bring it to Iloilo ready for shipment. On the other hand, Mr. Hathaway, to whom I have referred before, declares that according to the testimony of all the sugar planters he consulted in an extensive tour of the island of Negros the average cost was 74½ cents per hundred pounds, and for the island of Panay an average cost of 73½ cents per hundred pounds. In both instances this included the delivery of the sugar to Iloilo, the sugar market of the archipelago. It costs 24 cents per hundred pounds to bring the sugar to New York Harbor, and this includes insurance. Of course, then, some allowance must be made in addition to this for the handling of the sugar, for the loading and the unloading.

Some allowance should also be made for interest on the capital invested and tied up during a long trip. The last two items would not exceed in the aggregate probably 2½ cents per 100 pounds. A fair average cost of production, then, would probably be $1.25 per hundred pounds in the islands. Add to this all the other costs and the sugar could be landed in New York City for less than $1.55 per hundredweight plus, for three years, a duty of 25 per cent. This, of course, is raw sugar. It would cost from 37½ to 62½ cents per hundred pounds for refining, and then the sugar would be ready for the market and would be used as a club to drive the beet-sugar industry from our land, for all the imported sugar is controlled in price by the great American sugar barons.

OUR DUTY TO AMERICAN LABORERS.

The beet-sugar companies can not produce sugar for less than about $4 per hundredweight. Three-fourths of this cost price goes to the farmer who raises the beets and to the laborers employed in handling the crop. Should this bill pass, the sugar trust could place the sugar from the Philippine Islands upon the American market for less than $3 per hundred pounds, and they would use that advantage in cost price to drive the beet-sugar industry from the American continent.

Sirs, this must come, or else the American farmer must be degraded, the American laborer must receive lower wages, and the American home be in want of that which our ideals demand.

Go if you please to the countries which have produced beet sugar for the longest time. The industry was born in France, and in its discovery the world owes a debt of gratitude to the great Napoleon for a service which must atone in part for the many wrongs he did. The industry was transplanted to Germany, and to-day those two countries have no industry that they cherish more. They have found it necessary to protect this industry with the care a father bestows upon a favored son. They not only protect it by sufficient tariff against the sugar from other lands but even from their own tropical possessions, where cane sugar can be produced. They levy a duty upon the sugar from these possessions that equals the difference in wages paid to low-grade labor and the wages paid to the laborers in the mother country.

If Germany and France find it necessary to protect their labor from the degraded labor of their insular possessions, surely America should hold up a higher standard for her workmen than is demanded by the degraded laborer of the Orient.

HOW THE INDUSTRY AFFECTS IDAHO.

And now, by way of illustration, let me speak of the industry as it concerns the State which I have the honor to represent in this body. The southern part of Idaho is arid and must be reclaimed by means of irrigation. Almost a million acres of our land to-day looks like the Valley of the Nile in her most fruitful season, yet yesterday it was a barren desert. A few more years and our acreage will be double what it is to-day.

Our land is rich. We can raise a thousand products, but that crop is best which brings the greatest returns to the farmers. We can raise alfalfa, but there is a limit to our consumption. We can raise grains, but you of the Middle West are at the door of a great market and our profit is consumed in freight. What we want now is a crop which will not alone be able to be handled, but will produce a market which will utilize our other crops. This the beet-sugar industry will furnish. We have to-day three factories representing a capital of about $3,000,000. These factories are larger than the average and each one has a slicing capacity of 1,000 tons of beets per day. To supply these beets requires a little more than 21,000 acres of land or about 7,000 acres for each factory. More than this, each factory paid to the farmers who raised the beets and the laborers employed upon the farms, an average of over $300,000 last year, or an aggregate of over $900,000 for the three factories.

This sum went to those who were engaged in producing the sugar beet, and yet they were not the only ones benefited. The people engaged in this industry in turn formed a market in part for the surplus products of other lands, while they produced a crop the essence of which was shipped at a rate similar to that charged for grains or other products. In this way an appreciable saving was made in freight charges to the farmers of this region. We want more factories, and that we may have them, we want the industry protected that will give them to us.

SUGAR TRUST ALONE BENEFITED.

We saw a little while ago that sugar can be produced cheaper in the Philippine Islands than it can be produced here. But who will receive the benefit of this reduction? The bill does not contemplate that the American consumer shall receive the benefit, but rather the producers in the Philippine Islands. Or even if it did contemplate that the benefit would be for us at home, the bill would fall short of its purpose because the price would be fixed by the sugar barons of the American sugar trust.

If the Philippine Islands did not produce enough, so that some sugar must still be brought from foreign countries, the foreign sugar would bear up the price, for it is a well-known principle of economics that the price of a commodity is not lower than its cost under greatest disadvantage. Again, if, as I fear, the Philippine Islands can produce so much sugar that we do not need to import a pound from foreign countries, but they can flood our markets, our beet-sugar industry will be ruined and American labor pushed several places down the line to a nearer level with the labor of the people across the seas.

PHILIPPINES NOT BENEFITED.

On the other hand, the Filipino will not receive the benefit. First of all, he will not because the American sugar trust will be his chief buyer. Second, he will not because, by reason of the terms of the Brussels convention, the principal countries of the world will refuse his sugar unless he pay a heavy duty. This will force him, then, to sell to us. I can not present this phase of the question better than by quoting from the American Economist of December 29, 1905. It reads as follows:

There is reason to think that free trade will result disadvantageously to the Philippine sugar producer in cutting him off from world markets and in forcing him to sell his product exclusively in the American market at a price to be fixed, not by the world market, from which he will be debarred, but by the American sugar trust. This aspect of the matter is well presented in a letter of December 11 to Hon. Charles E. Coffin, former Member of Congress from Maryland, written by Mr. F. R. Hathaway, secretary of the Michigan sugar manufacturers. In this letter Mr. Hathaway draws attention to the fact that the removal of the duty on Philippine sugar by the United States amounts to the payment of a bounty of 1¼ cents per pound, and that according to the terms of the agreement adopted by the Brussels sugar convention of September 1, 1903, the amount of this bounty will in all European markets be deducted from the price to be paid for Philippine sugar. On this point Mr. Hathaway says:

"Moreover, we believe that the proposed legislation will work to the detriment of the Philippine sugar industry. The Brussels conference was held in March, 1902. It resulted in the Brussels convention, which went into effect September 1, 1903. The signatory powers to the Brussels convention are all of the sugar-refining countries of Europe except Russia. The purpose of the convention was to terminate the system of bounties, direct and indirect, offered by European countries on the production of sugar. The terms of this convention provide that if any country shall offer after September 1, 1903, a bounty on the production of sugar, either directly or indirectly, either by the removal of a tariff or by any other means, that the powers signatory to the Brussels conference shall place upon sugar coming from such favored country a countervailing duty equivalent to the reduction made.

"England is one of the leading signatory powers to this convention. Hongkong belongs to England. The only Asiatic refineries, aside from two small ones in Japan, are located in Hongkong. The markets in which the Hongkong refiners sell their sugars are English, English India, French and German China. All of this territory is owned by powers signatory to the Brussels convention. From the leading English refiner in Hongkong I learned that if the proposed reduction of tariff on Philippine sugars entering the United States is enacted as a law he will be unable to use any Philippine raws unless he pays a countervailing duty equivalent to such reduction. He states this will virtually prohibit him from using any Philippine raws, and as the Filipino planter can not sell his sugar in continental Europe for a similar reason, the proposed legislation will virtually result in dumping the entire Philippine output into the United States. In point of fact, this refiner has not used any Philippine raws since the passage of our law reducing the tariff on Philippine sugars 25 per cent.

"Please note carefully the following way in which the Philippine planter will be handicapped: Suppose the world's price on raw sugar

is 3¼ cents, and that our reduction in tariff is 1¼ cents. The countervailing duty on Philippine raws, if marketed anywhere other than the United States, will be 1¼ cents, which will make the net price to the Filipino planter 2¼ cents if he markets his sugars anywhere other than in the United States. When he brings his product to the United States he will find practically but one buyer for his goods, and this buyer knows full well that the planter can not get more than 2¼ cents for his sugars anywhere else than in the United States. If this buyer then offers the planter, say, 2¼ cents for his sugars he will surely get the output. Or, in other words, the Filipino planter will be obliged to take at least 1 cent a pound less for his sugars than he could obtain if he were allowed to market them, without the countervailing duty, in the world's markets.

"In view of the above statement it seems to me that the whole effect of the proposed legislation will be to turn the entire sugar business of the Philippines over to the sugar trust in the United States and leave the development of the sugar industry in those islands entirely at the mercy of that corporation. We fail to see how the proposed legislation can work to the benefit of anyone except the sugar trust."

DANGER OF CHINESE IMMIGRATION.

There is another objection that I see, to which I would call attention. It is well known that the labor of the Philippine Islands is a degraded labor. Many of the natives of the islands are splendid people. They have culture and attainments. They can take their places beside the people of enlightened countries. The gentleman from Ohio [Mr. LONGWORTH], who spoke a little while ago, paid a high compliment to one of them. He said: "Judge Arellano would adorn the bench of any court in the United States." I am glad of this. I want the time to come when they all shall be an enlightened race. At present their labor is degraded. Should the sugar industry assume the proportions that the conditions of the islands warrant, it would be necessary to import laborers from China to aid in handling the crop.

I hope this time may never come. I hope I may be wrong, and that even if this measure does become a law it will not be necessary to import the cooly labor from China to do our work, and especially when that work is in competition with our own labor. Yet there is grave reason to fear. The Hawaiian planters are already asking for this labor. The Philippine Commission expressed the same wish for the Philippine Islands in their report of November 1, 1902. Their recommendation was as follows:

That an amendment be made to the Chinese-exclusion act giving power to the Government by law to admit a fixed and limited number of Chinamen into the Philippine Islands, who are certified to be skilled laborers, on the bond of the employer that for every Chinese laborer employed he will employ a Filipino apprentice, and that he will return the Chinese skilled laborer thus introduced within five years after his admission into the country, and that he shall pay a head tax of not exceeding $50 for each Chinaman so admitted to the insular government, to be expended incident to the enforcement of these restrictions.

True it is there were limitations, but once the doors were open when would the difficulty end? Could it end in five years or in ten years, or would it be the beginning of a policy that would eventually bring cheap labor to the Pacific coast?

Governor Taft said, in testifying before the Philippine Committee (p. 173):

A franchise to an agricultural company—I know of a number—accompanied by the right to purchase something of the public domain, would bring a great deal of capital to the islands, if we can judge from the statements made to us by those who are interested.

Senator BURROWS. For what purpose?

Governor TAFT. For the raising of sugar, for the raising of rice, cocoanuts. I do not know that there is any proposition for the raising of hemp. There is for the raising of cotton and for the raising of tobacco.

Senator RAWLINS. In connection with your recommendation with respect to granting franchises and parting with lands in large tracts, say of 5,000 acres, which will be put in sugar, say——

Governor TAFT. To be correct, we have not recommended any particular number of acres. We think there ought to be the right to sell at public auction large quantities of land, and I think the bill fixes the limit at 2,500 acres.

Senator RAWLINS. That would make the condition similar to what it is in Hawaii, where companies, in order successfully to cultivate the land, would demand labor from China or some other source.

Governor TAFT. That is quite probable, for they are already demanding it.

Senator RAWLINS. They are already demanding it and exerting their influence to obtain it, and you know the fear among the people of the United States, especially in the West, where the beet-sugar industry is being developed.

Governor Luke E. Wright said, when he appeared before the Committee on the Philippines of the United States Senate, December 9, 1902:

The sugar industry, in my opinion, can not be very largely developed in the Philippine Islands. Of course it can be increased considerably, but it can not be made a rival to other countries which produce sugar on a large scale so long as the present policy of the United States is continued as to the exclusion of the Chinese cooly labor from that country. In other words, the native Filipino laborer is largely engaged in raising rice and food products aside from sugar and in gathering hemp and copra, and there is not a very great amount of labor there available for sugar raising on a large and profitable scale.

Senator BURROWS. Then do I understand that owing to labor conditions the development of the sugar industry would be retarded?

General WRIGHT. It would be slow.

Senator BURROWS. And it would be necessary to admit cheap labor—Chinese labor—in order to make it profitable?

General WRIGHT. Yes, sir.

Senator BURROWS. If that cheap labor were admitted, to what extent might that industry be developed?

General WRIGHT. Oh, indefinitely. The islands are very rich, and both climate and soil favor the production of sugar on a large scale. There is no doubt about that.

And so I say this is no idle question, and, sirs, I am opposed to any policy or any law which strikes a blow at the laboring people of our country. I am especially opposed to any policy which will bring the oriental labor into competition with our own. This does not come from a spirit of hatred or antipathy for a race. I want the Chinese people to succeed. They are succeeding. They have been touched by the hand of civilization and are being roused from their long slumber. But let success come to them on their own ground. Their blood is not our blood. Their ideals are not our ideals. In my judgment, the people of no nation should be given welcome to our shores in whom do not lie the essential elements of American citizenship.

DEVELOP NONCOMPETING INDUSTRIES.

And now one thought further and I am through. I believe in admitting free of duty every product that the islands can send forth that is not in competition with our own products. I believe in lending generous encouragement in the development of such industries. Let me give an illustration. My home is in the center of a great grain belt. Northern Idaho and eastern Washington send to the markets of the world about 60,000,000 bushels of grain every year. Much of this grain goes to foreign countries. It must be put in sacks. Last year the sacks for our grain cost us about $1,000,000. We have this expense to meet every year. It is an enormous tax. Hemp grows wild in the Philippine Islands, and we are informed by testimony before the Philippine Commission that it can be placed upon our markets at one-third our present prices should the industry be developed. This would mean a saving to the farmers of my section of over half a million dollars every year. Besides this it would help the Filipino. And so we could continue. We could develop the coffee industry. Coffee grows on nearly every island in the Philippine Archipelago and would not compete with industries at home. Last year we imported into this country more than $80,000,000 worth of coffee.

Why not let the Filipino share largely in the benefit of this great trade? We need the copra, the cocoanuts, the cocoa, the rice that he wants to sell. We need the products of his forests. We need the fruits of a thousand industries that could be developed there.

On the other hand, he needs that which we produce. He needs our grains, He needs our machinery. He needs our wealth in the delving of his mines, the building of his railroads, the development of his industries. More than that, and for which money can not pay, he needs our encouragement and our good will. We have established schools. We have made clean his cities. We are teaching him the lesson of self-government.

We have a duty there, but our duty does not lie in exploiting the islands at the expense of American citizenship and American labor. [Applause.]

Mr. PAYNE. Mr. Chairman, I do not know of any other gentleman who desires to take the floor to-night. If not, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 3—the Philippine tariff bill—and had come to no resolution thereon.

Mr. PAYNE. I move that the House do now adjourn.

The motion was agreed to.

Accordingly, and in compliance with the order heretofore entered, the House (at 4 o'clock and 58 minutes p. m.) adjourned until to-morrow, Saturday, January 13, 1906, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for target range at Madison Barracks, N. Y.—to the Committee on Military Affairs, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Manurvia J. Spake, formerly Manurvia J. Ross, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, trans-

mitting a copy of the findings filed by the court in the case of John W. Bean against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John B. Luttrell against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of the Union Trust Company, administrator of estate of Mary Lefevre, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William B. Rutherford against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Sam Edmondson, administrator of estate of Isaac T. Eppler, against The United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CUSHMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 2558) authorizing the Washington Bridge Company to construct a bridge across the Columbia River near the city of Wenatchee, Wash., reported the same with amendment, accompanied by a report (No. 184); which said bill and report were referred to the House Calendar.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 9721) to amend section 5481 of the Revised Statutes of the United States, reported the same without amendment, accompanied by a report (No. 185); which said bill and report were referred to the House Calendar.

ADVERSE REPORT.

Mr. JENKINS, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 427) to provide for filing of commissions of officers of the Post-Office Department and Department of Commerce and Labor, reported the same adversely, accompanied by a report (No. 186); which said bill and report were ordered laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. JAMES: A bill (H. R. 11640) to provide for the erection of a public building at Mayfield, Ky.—to the Committee on Public Buildings and Grounds.

By Mr. FOSTER of Vermont: A bill (H. R. 11641) for the improvement of the public schools of the District of Columbia—to the Committee on the District of Columbia.

By Mr. McCALL: A bill (H. R. 11642) providing that all contributions hereafter made to political committees engaged in promoting the election of Representatives or Delegates to the Congress of the United States or of Presidential electors at any election at which such Representatives or Delegates shall be voted for shall be reported by such committees to the Clerk of the House of Representatives of the Congress of the United States, and for other purposes—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. SMITH of Maryland: A bill (H. R. 11643) to equalize the rank and pay of certain retired officers of the Marine Corps—to the Committee on Naval Affairs.

By Mr. GROSVENOR: A bill (H. R. 11644) to increase the pensions of those who have lost both feet, or been totally disabled therein, in the military or naval service of the United States—to the Committee on Invalid Pensions.

By Mr. RHINOCK: A bill (H. R. 11645) to provide for the construction of an ice harbor in the Kentucky River at or near Carrollton, Ky.—to the Committee on Rivers and Harbors.

By Mr. GROSVENOR: A bill (H. R. 11646) to make oleomargarine and other imitation dairy products subject to the laws of any State or Territory or the District of Columbia into which they are transported, and to change the tax on oleomargarine, and to impose a tax, provide for the inspection and regulate the manufacture and sale of certain dairy products, and to amend an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886—to the Committee on Agriculture.

By Mr. WATSON: A bill (H. R. 11647) to establish a fish-cultural station in the State of Indiana—to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 11648) making an appropriation for the purchase of a site and the erection of a public building thereon at the city of Connersville, State of Indiana—to the Committee on Public Buildings and Grounds.

By Mr. FOSS: A bill (H. R. 11649) to create a national arbitration tribunal and to define the duties and powers thereof—to the Committee on Labor.

By Mr. DIXON of Montana: A bill (H. R. 11650) appropriating money for rebuilding and enlarging quarters for officers and troops at Fort Missoula, Mont.—to the Committee on Appropriations.

By Mr. GARDNER of New Jersey: A bill (H. R. 11651) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States or any Territory or the District of Columbia, thereby securing better products, and for other purposes—to the Committee on Labor.

By Mr. RHODES: A bill (H. R. 11652) to extend the provisions of the pension act of June 27, 1890, to all State militia and other organizations that were organized for the defense of the Union and cooperated with the military or naval forces of the United States in suppressing the war of the rebellion—to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 11781) to amend section 3255 of the Revised Statutes of the United States, concerning the distilling of brandy from fruits—to the Committee on Ways and Means.

By Mr. DALZELL: A joint resolution (H. J. Res. 70) directing the selection of a site for the erection of a bronze statue in Washington, D. C., in honor of the late Henry Wadsworth Longfellow—to the Committee on the Library.

By Mr. MORRELL: A joint resolution (H. J. Res. 71) authorizing the Secretary of War to grant leave of absence to Maj. Cassius E. Gillette—to the Committee on Military Affairs.

By Mr. WACHTER: A resolution (H. Res. 147) authorizing the chairman of the Committee on Enrolled Bills to appoint an assistant clerk—to the Committee on Accounts.

By Mr. FORDNEY: A resolution (H. Res. 148) authorizing the appointment of a janitor for the committee room of Committee on Expenditures in the Navy Department and the lieutenant's and guard rooms of the Capitol police—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BATES: A bill (H. R. 11653) granting an increase of pension to James R. Jordan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11654) granting a pension to Emma A. Smith—to the Committee on Invalid Pensions.

By Mr. BELL of Georgia: A bill (H. R. 11655) granting a pension to Theodore Cole—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 11656) granting an increase of pension to John Pe Simer—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 11657) granting a pension to Madison M. Burnett—to the Committee on Invalid Pensions.

By Mr. BRICK: A bill (H. R. 11658) granting an increase of pension to Gould E. Utter—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 11659) for the relief of Ingram Rains—to the Committee on Military Affairs.

Also, a bill (H. R. 11660) granting a pension to Jacob Lohr—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11661) granting a pension to Winnie Brewer—to the Committee on Pensions.

Also, a bill (H. R. 11662) granting a pension to James C. Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11663) granting an increase of pension to Albert O. Locke—to the Committee on Invalid Pensions.

By Mr. BUTLER of Tennessee: A bill (H. R. 11664) granting a pension to Mary Margaret Whitley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11665) granting an increase of pension to Francis A. Fisher—to the Committee on Invalid Pensions.

By Mr. BURTON of Delaware: A bill (H. R. 11666) granting an increase of pension to Addie B. Thomas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11667) granting an increase of pension to George E. King—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11668) granting an increase of pension to John S. Appleton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11669) granting an increase of pension to William J. Records—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 11670) granting an increase of pension to Mary B. Minton—to the Committee on Pensions.

By Mr. CAMPBELL of Kansas: A bill (H. R. 11671) for the relief of Michael Finnigan—to the Committee on Military Affairs.

By Mr. COCKS: A bill (H. R. 11672) granting an increase of pension to Franklin J. Fellows—to the Committee on Invalid Pensions.

By Mr. COOPER of Pennsylvania: A bill (H. R. 11673) granting a pension to Rachel Fleegel—to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 11674) granting a pension to John H. McKenzie—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11675) granting an increase of pension to Paul Nelson—to the Committee on Invalid Pensions.

By Mr. DAWSON: A bill (H. R. 11676) for the relief of persons who sustained property damage caused by fire at the Rock Island Arsenal—to the Committee on Claims.

By Mr. DRAPER: A bill (H. R. 11677) for the relief of Hiram H. Harrington—to the Committee on Military Affairs.

By Mr. FLACK: A bill (H. R. 11678) granting an increase of pension to Marcus Crossman—to the Committee on Invalid Pensions.

By Mr. GARDNER of New Jersey: A bill (H. R. 11679) referring the claim of the legal representatives of William T. Duvall, deceased, against the United States to the Court of Claims—to the Committee on Claims.

By Mr. GROSVENOR: A bill (H. R. 11680) granting an increase of pension to James Fenwick—to the Committee on Invalid Pensions.

By Mr. HOAR: A bill (H. R. 11681) granting an increase of pension to Edward P. Clapp—to the Committee on Invalid Pensions.

By Mr. HUBBARD: A bill (H. R. 11682) for relief of the estate of Patrick Dougherty, deceased—to the Committee on Claims.

Also, a bill (H. R. 11683) for the relief of Mrs. Adeline D. Norris, widow of W. W. Norris—to the Committee on War Claims.

By Mr. KELIHER: A bill (H. R. 11684) granting an increase of pension to William L. Gaynor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11685) granting an increase of pension to Timothy McCartney—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Nebraska: A bill (H. R. 11686) granting a pension to William C. Berghahn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11687) granting an increase of pension to Matt Fitzpatrick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11688) granting an increase of pension to Firman J. Compton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11689) granting an increase of pension to Byard H. Church—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11690) granting an increase of pension to Lewis Lowry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11691) granting an increase of pension to John Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11692) granting an increase of pension to John P. Wishart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11693) granting an increase of pension to James H. Davison—to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 11694) granting an increase of pension to Joseph M. Feather—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11695) granting an increase of pension to Rudolphus W. Moses—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11696) granting an increase of pension to Stewart McKinley—to the Committee on Invalid Pensions.

By Mr. CLAUDE KITCHIN: A bill (H. R. 11697) for the relief of A. S. Padrick, administrator of the estate of the late W. H. Padrick—to the Committee on War Claims.

By Mr. LACEY: A bill (H. R. 11698) granting a pension to Leroy S. Deveny—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11699) granting a pension to James H. D. Goodwin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11700) granting a pension to Milton Carnahan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11701) granting a pension to Marion Waldorph—to the Committee on Invalid Pensions.

By Mr. LILLEY of Connecticut: A bill (H. R. 11702) granting an increase of pension to Lucy A. Pender—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 11703) granting a pension to Laura McNulta—to the Committee on Invalid Pensions.

By Mr. MOORE: A bill (H. R. 11704) to refund legacy taxes illegally collected from the estate of Martin Tilford Jones—to the Committee on Claims.

By Mr. MOON of Tennessee: A bill (H. R. 11705) granting an increase of pension to Samuel Teague—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11706) granting an increase of pension to Frederick Dauchy—to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 11707) for the relief of Frank B. Crosthwaite—to the Committee on Claims.

By Mr. MURDOCK: A bill (H. R. 11708) granting an increase of pension to Jesse Ask—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11709) granting an increase of pension to John M. Hartnett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11710) granting an increase of pension to Mons Davisson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11711) granting an increase of pension to Martin J. Heltzel—to the Committee on Invalid Pensions.

By Mr. NEVIN: A bill (H. R. 11712) granting a pension to James A. Haley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11713) granting an increase of pension to Benton Eichelberger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11714) granting a pension to Mary Hoover—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11715) granting a pension to Eliza M. Mullin—to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 11716) granting an increase of pension to Warren P. Tompkins—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 11717) for the relief of Rowan White—to the Committee on War Claims.

Also, a bill (H. R. 11718) for the relief of Robert E. Thomas, administrator de bonis non cum testamento annexo of Edward Thomas, deceased, and James George James—to the Committee on Claims.

By Mr. POWERS: A bill (H. R. 11719) granting an increase of pension to Hiram A. Spencer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11720) granting an increase of pension to Dennis Cronin—to the Committee on Invalid Pensions.

By Mr. REID: A bill (H. R. 11721) for the relief of the estate of Wiley J. Davis—to the Committee on Claims.

Also, a bill (H. R. 11722) to correct the military record of William H. H. Love, alias Joseph E. Brown—to the Committee on Military Affairs.

Also, a bill (H. R. 11723) granting a pension to William Brinkley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11724) granting an increase of pension to John A. Conley—to the Committee on Invalid Pensions.

By Mr. SCROGGY: A bill (H. R. 11725) granting a pension to Sarah Morgan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11726) granting a pension to Isaac Hoalbrook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11727) granting an increase of pension to Henry W. Hall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11728) granting an increase of pension to Hill C. Crawford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11729) granting an increase of pension to Parker Green—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11730) granting an increase of pension to Rudolph Burkhart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11731) granting an increase of pension to Caleb J. Richardson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11732) granting an increase of pension to W. P. Madden—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 11733) granting an increase of pension to Philester S. Elliott—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 11734) granting an increase of pension to Mary J. Barfell—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 11735) granting an increase of pension to Jane A. Ward—to the Committee on Pensions.

By Mr. WELBORN: A bill (H. R. 11736) to correct the mili-

tary record of William F. Lawson—to the Committee on Military Affairs.

Also, a bill (H. R. 11737) to correct the military record of Henry Stufflebam—to the Committee on Military Affairs.

Also, a bill (H. R. 11738) to correct the military record of Robert W. Sands—to the Committee on Military Affairs.

Also, a bill (H. R. 11739) granting an increase of pension to Benjamin F. Sweckard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11740) granting an increase of pension to R. R. Dill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11741) granting an increase of pension to Anderson Weese—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11742) granting an increase of pension to Charles H. Culver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11743) granting an increase of pension to Andrew J. Sawyers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11744) granting an increase of pension to Andrew J. Davison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11745) granting an increase of pension to James D. Billingsley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11746) restoring the name of Berry Weese to the pension roll—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11747) restoring the name of James W. McCullah to the pension roll—to the Committee on Invalid Pensions.

By Mr. WILEY of New Jersey: A bill (H. R. 11748) granting an increase of pension to James Wilson—to the Committee on Invalid Pensions.

By Mr. WILSON: A bill (H. R. 11749) granting a pension to Cora M. Farrington—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 11750) granting an increase of pension to William H. Patterson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11751) granting an increase of pension to Chauncey G. Phelps—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11752) granting an increase of pension to Casimir Pankan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11753) granting an increase of pension to Cyrus L. Danforth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11754) granting an increase of pension to Charles W. Helvey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11755) granting an increase of pension to Mary E. Allred—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11756) granting an increase of pension to John W. Ijams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11757) granting an increase of pension to Anthony J. Sansoni—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11758) granting an increase of pension to Nahum Daniels—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11759) granting an increase of pension to William Kent—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11760) granting an increase of pension to George M. Wildin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11761) granting an increase of pension to Luther L. L. Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11762) granting an increase of pension to John Kohar—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11763) granting an increase of pension to Joseph Thomas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11764) granting a pension to Catherine Torich—to the Committee on Pensions.

Also, a bill (H. R. 11765) granting a pension to Lizzie J. Boatman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11766) granting a pension to Josiah C. Ury—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11767) granting a pension to James Hall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11768) granting an increase of pension to Benjamin McElroy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11769) granting an increase of pension to John Brown—to the Committee on Pensions.

Also, a bill (H. R. 11770) granting an increase of pension to William H. Houghtlin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11771) for the relief of William Hayes—to the Committee on War Claims.

Also, a bill (H. R. 11772) for the relief of Eli F. Bouton—to the Committee on War Claims.

Also, a bill (H. R. 11773) for the relief of James L. Gray—to the Committee on War Claims.

Also, a bill (H. R. 11774) for the relief of James S. Risley—to the Committee on Military Affairs.

Also, a bill (H. R. 11775) for the relief of Patrick Larkin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11776) for the relief of Caleb H. Adams—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 11777) granting an increase of pension to Manson B. Scott—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 11778) for the relief of Green Edmondson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11779) granting an increase of pension to William Henthorn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11780) granting an increase of pension to Charles Stair—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 4713) granting a pension to Mary Manning—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 4727) granting a pension to Emma M. Boyer—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11097) granting a pension to George W. Hale—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS of Pennsylvania: Petition of the Christian Endeavor Society of Gaston Presbyterian Church, Philadelphia, Pa., favoring twenty-one years' limit to liquor selling in Indian Territory as a State—to the Committee on the Territories.

Also, petition of the Christian Endeavor Society of Gaston Presbyterian Church, Philadelphia, against liquor selling in Soldiers' Homes and all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. BARTHOLDT: Petition of the Civic Improvement League of St. Louis, Mo., against commercial spoliation of Niagara Falls—to the Committee on Foreign Affairs.

By Mr. BURKE of Pennsylvania: Petition of the American Association of Masters and Pilots of Steam Vessels, to vote against bills H. R. 5281 and 5283—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Dauler, Close & Johns, of Pittsburg, against tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Pittsburg Chamber of Commerce, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BURLEIGH: Petition of citizens of Anson, Me., favoring pension for Daniel Lane—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Charles V. Richards—to the Committee on Invalid Pensions.

By Mr. BURNETT: Petition of Junior Order United American Mechanics of Decatur, Ala., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BUTLER of Tennessee: Paper to accompany bill for relief of Margaret Whitley—to the Committee on Invalid Pensions.

Also, petitions of Piney Grove and Wartburg councils, Junior Order United American Mechanics; Local Union No. 667, United Mine Workers of America, and citizens of Petros, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. CHANEY: Petition of Indiana Aberdeen-Angus Breeders' Association, for improvement and increase of experiment stations—to the Committee on Agriculture.

By Mr. DALZELL: Petition of Aliquippa Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. DAVIS of Minnesota: Paper to accompany bill H. R. 6011, for a public building at Red Wing, Minn.—to the Committee on Public Buildings and Grounds.

Also, petition of the Minnesota Good Roads Association, for State and national cooperation in road building—to the Committee on Agriculture.

Also, petition of the Minnesota State Firemen's Association, relative to fire insurance companies—to the Committee on Interstate and Foreign Commerce.

By Mr. DEEMER: Petition of citizens of Mansfield, Pa., against duty on hides—to the Committee on Ways and Means.

By Mr. DIXON of Montana: Petition of Great Falls Cigar Makers' Union, against bill H. R. 3—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of G. W. Wilburn—to the Committee on Invalid Pensions.

By Mr. DOVENER: Resolution of Chester Council, No. 81, and Valley Star Council, No. 60, Junior Order United American Mechanics, of West Virginia, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. DRAPER: Petition of the Organization of *General Slocum* Survivors, relative to claims of heirs of victims of the disaster to said steamboat—to the Committee on Claims.

Also, petition of John L. Beveridge et al., for a retired list for volunteer generals of the civil war—to the Committee on Military Affairs.

Also, petition of the Woman's Christian Temperance Union of Los Angeles, Cal., favoring the pure-food bill—to the Committee on Agriculture.

By Mr. DUNWELL: Petition of the general assembly of the State of Indiana, and W. L. Sanderson Post, Grand Army of the Republic, for an auditorium in the national cemetery at New Albany, Ind.—to the Committee on Military Affairs.

By Mr. DWIGHT: Petition of the Woman's Christian Temperance Union of New York, against sale of liquor in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. ESCH: Petition of the National Woman's Christian Temperance Union, for a law prohibiting importation of alcoholic liquors under protection of Federal law, etc.—to the Committee on Alcoholic Liquor Traffic.

Also, petition of cigar makers of Superior, Wis., against bill H. R. 3—to the Committee on Ways and Means.

By Mr. FITZGERALD: Petition of the National Woman's Christian Temperance Union, favoring legislation prohibiting importation of alcoholic liquors under a Federal law in any territory where prohibition prevails—to the Committee on Alcoholic Liquor Traffic.

Also, petition of General Warren Council, No. 46, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the executive officers of legal-reserve life insurance companies organized in Indiana, Illinois, Iowa, Missouri, Nebraska, Kansas, Ohio, and Tennessee, favoring Federal control of insurance—to the Committee on the Judiciary.

By Mr. FLETCHER: Petition of the Wesley Methodist Episcopal Church, of Minneapolis, against restoration of the canteen—to the Committee on Military Affairs.

By Mr. FULLER: Petition of the Illinois Coal Operators' Association, relative to freight rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of merchants of Sycamore, Ill., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Eastern Oklahoma Miners' Association, against grant of mineral lands to Oklahoma—to the Committee on the Territories.

By Mr. GRAHAM: Petition of Bennet Circle, No. 120, Protected Home Circle, of Millvale, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the American Association of Masters and Pilots of Steam Vessels, to vote against bills H. R. 5281 and 5283, and favoring a marine hospital at Pittsburg—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Fort Pitt Supply Company, of Pittsburg, for 1-cent postage—to the Conmmittee on the Post-Office and Post-Roads.

By Mr. GRANGER: Petition of the Florists and Gardeners' Club of Providence and Cumberland (R. I.) Grange, Patrons of Husbandry, for extension of agricultural experiment stations—to the Committee on Agriculture.

Also, petition of the Florists and Gardeners' Club of Providence, R. I., favoring placing basic-slag meal on the free list—to the Committee on Ways and Means.

By Mr. GOULDEN: Petition of heirs and survivors of the *General Slocum* disaster, asking relief—to the Committee on Claims.

By Mr. GROSVENOR: Paper to accompany bill for relief of Joseph Nichols—to the Committee on Pensions.

By Mr. HOAR: Paper to accompany bill for relief of Edward P. Clapp—to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: Petition of citizens of Utah, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Hiawatha Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. HUFF: Petition of Loyalty Council, No. 314, Junior Order United American Mechanics, of Cribbs, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. HUNT: Petition of the National Woman's Christian Temperance Union, for a law prohibiting importation of alcoholic liquors under protection of Federal law into territories where prohibition prevails, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. JENKINS: Petition of cigar manufacturers of Superior, Wis., against bill H. R. 3—to the Committee on Ways and Means.

By Mr. KELIHER: Petition of the Coal Club of Boston and vicinity, for a breakwater at Point Judith—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Massachusetts Retail Grocers and Provision Dealers' Association, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. KLINE: Petitions of the Linden Street Methodist Episcopal Church, United Evangelical Church, Dubbs Memorial Reform Church, Bethany Evangelical Church, Ebenezer Evangelical Church, and Seibert's United Evangelical Church, all of Allentown, Pa., for a constitutional amendment abolishing polygamy—to the Committee on the Judiciary.

By Mr. LEE: Paper to accompany bill (H. R. 9147) relative to Jordan H. Saylors—to the Committee on Invalid Pensions.

Also, paper to accompany bill H. R. 6438—to the Committee on War Claims.

Also, paper to accompany bill H. R. 3498—to the Committee on Military Affairs.

By Mr. LILLEY: Paper to accompany bill for relief of Lucy A. Pruden—to the Committee on Invalid Pensions.

By Mr. MANN: Petition of the Fox River Valley Manufacturers' Association, favoring Interstate Commerce Commission control of railway rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Illinois Coal Operators' Association, of Springfield, Ill., favoring legislation guaranteeing equitable railway rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of the sanitary district of Chicago, favoring navigable canal from the Lakes to the Gulf of Mexico—to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Amalgamated Association of Street Railway Employees, of Chicago; Washington Camp, No. 46, Patriotic Order Sons of America; William McKinley Council, No. 2, Junior Order United American Mechanics, of Alton, Ill., and citizens of Chicago, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of Samuel Teague—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Frederic W. Dauchy—to the Committee on Invalid Pensions.

By Mr. MORRELL: Petition of the advisory board of the Delaware Branch, city of Philadelphia, to prohibit sale of liquor in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the advisory board of the Delaware Branch, city of Philadelphia, in favor of the Hepburn-Dolliver bill—to the Committee on Interstate and Foreign Commerce.

By Mr. MURDOCK: Petition of citizens of Caldwell, Kans., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. NEVIN: Petition of Samuel G. Clagget and 16 others, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. PATTERSON of Tennessee: Petition of the Organization of the *General Slocum* Survivors, for relief of victims and heirs of victims of the disaster to said steamboat—to the Committee on Claims.

By Mr. REYNOLDS: Papers to accompany bill (H. R. 8710) granting an increase of pension to J. Lenn Roeesh—to the Committee on Invalid Pensions.

By Mr. SAMUEL: Petition of Washington Camp, No. 123, Patriotic Order Sons of America, of Benton, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Master Grange, No. 1160, of Muncey, Pa., to remove tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of W. H. Clewell and others, of Benton, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SCHNEEBELI: Petition of Junior Order United American Mechanics, Council No. 123, of Mauch Chunk, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SCROGGY: Petition of Clifton and Andrew Jackson councils, Junior Order United American Mechanics, and Emerald Lodge, No. 211, Independent Order of Odd Fellows, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SHEPPARD: Paper to accompany bill (H. R. 8950) for relief of Ransom Cunningham—to the Committee on Claims.

By Mr. SMITH of Kentucky: Paper to accompany bill H. R. 11197—to the Committee on Invalid Pensions.

By Mr. SMITH: Petition of citizens of Flint, Mich., relative to arbitration treaties—to the Committee on Foreign Affairs.

By Mr. THOMAS of Ohio: Petition of Union Grange Hall, Thompson, Ohio, favoring a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. TOWNSEND: Petition of Lenawee County Pomona Grange, of Adrian, Mich., against tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Jackson Division, No. 2, Brotherhood of Locomotive Engineers, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. WADSWORTH: Petition of 73 citizens of Lockport, N. Y., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. WEBB: Paper to accompany bill for relief of Jeremiah Lensford—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Nathaniel Davis—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Lawrence Hagan—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of William Cody—to the Committee on Invalid Pensions.

Also, petition of Elk Park and Eseola councils, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. WEISSE: Petition of George W. Perkins, president of the Cigar Makers' International Union, against bill H. R. 3—to the Committee on Ways and Means.

Also, petition of the Postal Progress League of California, favoring a parcels post—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Arizona Cattle Growers' Association, against joint statehood—to the Committee on the Territories.

Also, resolution of the legislature of Indiana, favoring an auditorium in the cemetery of the National Soldiers' Home at New Albany, Ind.—to the Committee on Military Affairs.

By Mr. WILEY: Petition of the Organization of the *General Slocum* Survivors, for relief of heirs of victims of the disaster—to the Committee on Claims.

By Mr. WILSON: Petition of the Steger & Sons Piano Manufacturing Company, against tax on denaturized alcohol—to the Committee on Ways and Means.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January 13, 1906.*

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

PHILIPPINE TARIFF.

Mr. PAYNE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 3—the Philippine tariff bill.

The motion was agreed to; and accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 3—the Philippine tariff bill—Mr. OLMSTED in the chair.

[Mr. GAINES of Tennessee addressed the committee. See Appendix.]

Mr. WILEY of Alabama. Mr. Chairman, I am in favor of the bill under consideration. Its provisions do not go far enough, in my humble judgment, to bring all the relief needed, but the measure unquestionably is a step in the right direction. I concur in the views of the members of the great Committee on Ways and Means, as contained in the minority report, and I am decidedly of the opinion that if we are to hold the Philippine Islands as a part of our trans-Pacific territory we should deal with the inhabitants in a spirit of justice and fairness, and when we do that it means nothing short of the establishment of absolute free-trade relations between the two countries.

There was a volume of truth in Gen. Winfield Scott Hancock's definition of the tariff. He declared it to be a local question—that is to say, when one community, within certain limitations, finds it profitable to protect by special legislation a particular interest affecting that locality, the influences coming from that quarter will line up unerringly on the side of a tariff wall, erected for "the sake of protection," and vice versa. In advocating the passage of this bill I do not pretend to be free from selfish or sectional motives, but, notwithstanding my environments, my patriotism takes a wider range than mere partisan considerations. The opening of the "door of opportunity" in the Orient to the southern planter, spinner, and manufacturer, as well as to the wide-awake and progressive business man in the East and West, will undoubtedly result in higher prices for our cotton, wool, shoes, leather, hides, iron, cloths, coal, wood, and other commodities used in the Tropics, without materially injuring any American interest, such as sugar, coffee, tobacco, or rice. That no country can be prosperous without markets for the disposition of its products is so undeniably true as to be axiomatic—a self-evident proposition.

As a member of the Taft party, who went to the Far East last summer, I learned on that itineracy some things I did not know before, and I hope the House will pardon me for imparting some of the knowledge I thus acquired as to the history, conditions, prospects, and capabilities of the Philippine Islands as a necessary preliminary to an intelligent discussion of the subject of providing revenue, even temporarily, for them.

The Philippines are a group of islands in the Torrid Zone, discovered by Hernando Magellan in 1521, and occupied and colonized by Spain in the same century. They vary in number from 1,000 to 3,300, according to the size of the rock that may happen to be dignified with the title "island." The twelve largest, in the order named as to size, are Luzon, Mindanao, Samar, Panay, Mindoro, Palawan (Paragua), Leyte, Negros, Cebu, Masbate, Bohol, and Catanduanes, containing in the aggregate a population of more than 7,000,000 souls and possessing about 73,000,000 acres of land, a large part of which is both fertile and tillable. Situated within 350 miles of the equator, the climate is hot, but on account of constant sea breezes a mean temperature is produced, rendering it both salubrious and healthy.

There are eight principal tribes, to wit, Bicol, Cagayán, Ilocano, Pampangan, Pagasinan, Tagalog, Viscayan, and Zambalan. There are 61,000,000 acres of public domain, of which 40,000,000 are dense with forests of finest and most durable of hard woods, and contain rich mines of silver and gold and copper, with evidences of abundant coal and iron awaiting development. The chief products are hemp, tobacco, sugar, copra, rubber, indigo, gutta-percha, lumber, coffee, and cacao. Fruits are never cultivated there, but the banana, lemon, lime, chico, citron, mango, orange, lausaner, pomelo, mangostine, and other edible varieties, which are generally indigenous to tropical soil, grow wildly and profusely in that sunny climate and are both palatable and nutritious.

The census, taken in 1903 by conservative enumerators, reveals not only a gratifying condition as to the intelligence of a large percentage of the inhabitants, but surprising information as to the magnitude of these possessions and the possibility of developing them.

The islands lend themselves most favorably to water transportation. Good harbors now are well-nigh numberless, while there are 450 miles of navigable streams flowing either into the Sea of China or the Pacific Ocean. Many other rivers could readily be rendered navigable by opening their mouths. For this purpose it would require only a small outlay to remove all impeding bars.

The first and most commendable work of the Spaniards after settling these oriental lands was to Christianize the various tribes, with the exception of those of Mindanao and a few other bands of "wild men," who, like the North American Indian, retreated to their mountain fastnesses before the march of a civilization that shed a radiant influence of peace and good will all around them at that period of Spanish history.

All indications point to the conclusion that catttle raising will become a profitable industry. The large areas of growing pastures are particularly suitable for ranches. Now that the rinderpest insect has been practically stamped out it is manifest that horses, mules, oxen, bulls, and carabaos will thrive there.

The Spanish Crown organized originally at Manila a strong central government, inaugurated industrial enterprises, opened ports to foreign trade, encouraged commerce, and enacted just laws. Considerable progress was speedily made toward material prosperity and national exaltation; but when the world moved out of ancient mediævalism, leaving Spain in its enervating and corrupt embrace, her brilliant power began to decay

and the glory of her name and fame to wane forever. The champions of ecclesiasticism cemented the union of monarchy with church.

The inquisition placed its burning seal upon the lip, tortured the body, shackled the limb, and threw its black shadow over the soul's recesses of the hapless victim of despotic power. Feudalism was adopted; the people no longer had a voice in the affairs of government. They were vassalized. Churchmen profoundly influenced the policy and fate of the nation. Foreign priests and exploiting soldiers were placed in absolute control and guided the ship both of church and state. It developed that many of the friars were not God-serving nor God-fearing men. Under these surroundings it is not to be marveled at that the laws on all hands were shamelessly disregarded and the whole country was manipulated for the aggrandizement of certain selfish foreign-born priests and the enrichment of Spanish officeholders. Commercial and trade relations were devised only to add wealth to the Spanish Peninsula. In the course of time it is said the reprehensible conduct of some of these alien friars became so offensive to the common people that they not only fell off in their religious zeal and devotion, but did not hesitate, in many instances, to apply the torch to valuable church property. It is admitted there by worthy members of the Catholic denomination that some of those priests were graceless men, who despoiled the people, and, on this account, were largely responsible for the hatred which was everywhere engendered against the Kingdom of Spain. Do not misunderstand me. I am not speaking against Catholicism, but against a certain wicked foreign class, who having fattened themselves in "the fleshpots of Egypt" put on the "livery of heaven to serve the devil in." They were far from the wholesome restraints of the Vatican and mother land. Hence a tale of woe; but there never was any general complaint against the native priests. The dislike was to the alien. Corruption in public station was the rule; honesty the exception. Graft was systematized. Cheating grew grandiloquent and styled itself policy. Money, whenever voted for internal improvements, was stolen by fat and pampered officials to whom it was intrusted. It was appropriated but not distributed. This distressing condition of affairs did not improve with time. For instance, in the year 1863 there occurred a disastrous earthquake, and $400,000 was subscribed as a relief fund. Not one cent of this contribution ever found its way to the sufferers.

Education was almost entirely neglected, although a law on the statute books made it mandatory to teach Spanish in the schools; but the local authorities, both temporal and spiritual, refused to allow such instruction. Their policy was to keep the masses in ignorance and by grinding the face of the poor to prevent the growth of anything like national unity through a common language. The result was, in the island of Luzon alone, as late as 1900, there were twenty different dialects and not less than seventy tongues spoken throughout the archipelago. The various tribes not only could not speak Spanish, but could not talk to each other. "Liberty regulated by law" was not dreamed of. In the execution of law, either civil or criminal, there was not any semblance of justice. Filthy lucre decided every legal issue. Men were thrown into frowning bastiles without charge or formal accusation. They had scarcely any right to face their prosecutors, to confront those who testified against them, nor to have process to compel the attendance of their own witnesses. A trial under such circumstances was a mockery. During the few years immediately preceding the last Filipino insurrection in 1896–1898, executions of criminals, including political prisoners, were daily spectacles on the Luneta. Beautiful court ladies, robed in gay but richest apparel, full of mirth and joy, laughing at human suffering, reclining luxuriously in handsome carriages driven by cocheros dressed in royal livery, were conveyed every afternoon to the slaughter wall to witness the shooting or garroting of some unfortunate native, like the gifted José Rizal, the immortal patriot, unjustly condemned to death for opinion's sake and because he loved the land of his birth.

The ignorance of business methods was lamentable. The rich and powerful were virtually exempt from taxation. The laws of economy were ignored. The burden of raising all revenue rested heavily and exclusively upon the shoulders of the poor. Taxes were laid on the necessities of life. None were imposed on luxuries, which the tao (common man) was never permitted to enjoy. No improvement in agricultural implements was even suggested. No progress in mechanical arts was shown. The most primitive means of cultivating the earth and in carrying on works of construction prevailed. Compulsory labor was exacted, and peonage existed in an atrocious form. Spaniards like Weyler took pains to extort all the money they needed to take back to Madrid, but cared not to leave bettered conditions behind them. Crude methods of raising and handling crops still exist; but good husbandry and skilled machinery, if proper labor could be obtained, would yield harvests well-nigh as rich and abundant as those now grown by our most intelligent and successful American farmers.

The lack of educational facilities to these benighted islanders, during the long and dismal period of the cruel Spanish reign, was deliberately planned. It was outrageous. A ruthless oligarchy, with refined subtlety, was thus enabled to generate credulity and engender superstition on the part of an ignorant people. Even now, by simply playing upon their sense of awe and veneration, it is easy to dominate them. For example, it was related to me by a reliable gentleman, while I was in Manila last summer, that a certain knavish chieftain, staggering under a load of poverty, made a fortune by using a megaphone. Through it he announced from a hill overlooking a town in one of the provinces that he was God Almighty, and that it was his divine command that the natives should bring to him, without delay, all the good things they possessed in the shape of money, goods, flax, cloth, arms, bolos, fruits, rice, potatoes, vegetables, grain, etc.

These ignorant dupes, so easily victimized, shrouded in religious mystery, cheerfully and with alacrity obeyed this unprincipled imposter. This explains the fact that among the ladrones, who in recent years have been hung at Manila for highway robberies and murders, there have been found six Jesus Christs, four Popes of Rome, and several Thomas Jeffersons and George Washingtons. These illustrious names were assumed by outlaws to enable them to inspire the blind confidence of these simple-minded men-children of the Far East.

In the annals in which are recorded the lasting events of the world's history there never has been chronicled a worse government than that which Spain swayed over the islands at the time Dewey's guns in Manila Bay thundered the downfall of her merciless thraldom over these possessions.

Such were the conditions existing there when the treaty of Paris was ratified by the United States Senate. It imposed numerous and momentous obligations upon our great Republic touching the control and dominion of the Philippines and the betterment of the Filipinos. These altruistic responsibilities and duties we can not now evade, even if we desired to do so. "Benevolent assimilation" is the term William McKinley used in defining our policy in this connection. The difficult problem is squarely before us; we have bravely undertaken to try the experiment; yet we can not shut our eyes to the conspicuous fact that, for the most part, these uneducated islanders are ignorant of both the science and art of self-government. That circumstance, however, is not surprising, because they never had a chance to learn the lesson.

Now, after the peace treaty had been ratified, and when the Administration at Washington was preparing to give attention to the moral, social, and civil rights of this people, as well as protection and encouragement to every business interest in the archipelago, certain red-mouthed political agitators, like Aguinaldo, Lopéz, Luna, and others, with no loftier notions of liberty than those which have always prevailed in Central American states, believing that revolution would pay them better dividends than legitimate business vocations, began at once to prate loudly about independence, with the result that they drenched their country in blood. By their peculiar "tricks of trade" they found it not difficult to play upon the fanaticism and racial prejudices of the common masses to such an extent as to foment an insurrection against the sovereign authority of the United States, the most powerful nation on the globe. The perfidious Aguinaldo had already gotten his price, aggregating about $400,000, from Spain, at different times, to put down revolts which he himself had started, and he vainly hoped by similar treachery to again enrich himself by setting on foot a corresponding hostile movement against the supremacy of our American Republic.

These leaders mistook our moderation and courtesy for cowardice, and so taught their deluded followers. The whole country was quickly stirred from shore to shore by silly braggadocio, and the bombastic talk of irresponsible, political montebanks, and erstwhile bandits. Not being ready, at that very moment of time, for an extended campaign, the military commander of the army of occupation, under the advice of President McKinley, issued a proclamation of amnesty, promising pardon to all who would lay down their arms; but a persistent belief in the craven qualities of our soldiers so inflamed the passions of the insurgents as to rush them headlong to their doom. They flocked to Manila by thousands, each man carrying a sack, with which to take away his proportionate share of booty when the city should be looted.

These fanatics went into battle believing they were invul-

nerable to American bullets. In order to account for the large numbers who fell in these ouslaughts, they invented a fiction to the effect that their fallen braves were only feigning death and that in a short while they would again appear in the flesh as valiant soldiers, armed from head to foot, in order thereby the better to fight the war of extermination to "the foreign devils." With 80,000 men, rank and file, who were finally put in the field by authority of the United States Congress, the insurrection was crushed and ended within a period of two years, but not until the knightly Lawton was killed at San Mateo and many a brave lad had gone to an untimely grave; not until the only railroad in Luzon had been destroyed; not until numerous churches, temples, monasteries, convents, palaces, schoolhouses, and municipal edifices had been burned, and not until hundreds of the best towns—like Iloilo and Albay—in several rich provinces had been wiped out of existence by barbarian bands. This havoc was wrought under the insane idea that they were doing the sensible thing to repel invasion, as the Russians did at Moscow. They never thought of the differing climatic conditions. The Russians burned houses in the dead of winter and in snowstorms in order to "freeze out" Napoleon and his conquering army, and they accomplished thereby the end aimed at. The Filipinos, having applied the torch everywhere in the confident hope of driving out our soldiers, were astonished to find that they could sleep in tents or on the ground in the open air without shelter and under tropical skies. With fire leading their army, famine and desolation followed in their train. That beautiful country was left in sackcloth and ashes. With their own hands they had struck the blow.

I pause in my remarks long enough to solemnly declare that our soldiers, both officers and privates, under most trying circumstances, manifested extraordinary clemency, forbearance, and moderation. Under the flag they did their duty with patience, courage, and humanity. They were villified and abused by persons, either misinformed or malicious, for alleged acts of injustice and oppression never perpetrated by them; for the destruction of property, of which they were guiltless; for the burning of homes to which the Filipinos themselves set fire. All honor to the brave men who unflinchingly upheld the faith, credit, and glory of their country in the face of calumny and unmerited detraction!

These were some of the difficulties which confronted and beset Governor-General Taft and his colaborers and associates when they went there to establish a civil government five years ago. They found no wharves, no telegraph lines, no commerce. Trade was paralyzed, industry was at a standstill, fields had gone out of cultivation, and sanitary conditions were horrid. Pestilence stalked abroad in the land. Smallpox, Asiatic cholera, and bubonic plague ravaged town and village, hillside and valley alike, and did not pause until they had swept off a half million inhabitants. The terrible disease called "rinderpest" afflicted the draft animals, almost annihilating all the horses, mules, oxen, bulls, and carabaos (water buffalo) in what then seemed a drought-cursed land, while swarms of locusts ate up the growing crops. Egypt in the days of the Pharaohs was never worse stricken.

This picture is not overdrawn. But a wondrous change has come over the land and over the hopes and aspirations of the people. The Americans, having ended the insurrection, proceeded at once to bring about peace and order, to enforce the law, and let justice hold an evenly balanced scale. They were quick to give local self-government to the municipalities, where the people now elect their own town presidents and councilmen and manage their own affairs in their own way, under the supervision, of course, of the central insular government at Manila.

Local governments are also in operation in each province, composed of two Americans and one native; but the native, as a general rule, is the governor, elected to office by the suffrages of the people. This is what was originally known as the administration of the pueblo, or township, which embraced many square miles of country and contained numerous "barrios," and afterwards, because of its potentiality, was changed to province. These provincial capitals are admirably located, and in the center of each stands, without exception, not only a great church and a convent of missionary friars, but are also the market places and trading shops of Chinese, as well as the elegant homes of the prosperous Filipinos.

The central insular government at Manila has both legislative and executive functions. It consists of eight members, appointed by the President of the United States, five of whom are Americans and three are Filipinos.

The United States troops in all the islands, both officers and men, number at this time only about 13,000 and seem amply able to preserve peace and promote the public weal.

The insular government, as before mentioned, is nonpartisan. With Gen. Luke E. Wright, a southern Democrat, at the head, they have provided 3,000 schools and imported over 1,000 American teachers, who are so industriously and efficiently teaching the English language that after six years of occupation it is discovered that there are now more persons there speaking our tongue than ever spoke Spanish at any given time in the history of the archipelago. In the higher schools are taught all the general branches of nautical, mathematical, mechanical, telegraphical, medical, and scientific knowledge.

In addition to this good work the constituted authorities at Manila have codified the laws, done away with compulsory labor, cleaned up all the cities, stamped out disease, exterminated cholera, and put in a first-class quarantine system. They have introduced by inoculation a method of protection against the rinderpest plague, which, as already stated, a few years ago killed 80 per cent of the draft animals throughout the islands; and by means of compulsory vaccination they have enormously decreased the ravages of smallpox. This beneficent result cost the insular government $650,000. They have also put into effect a customs system which, with the revenue laws now in force, provides a sufficient fund for the operation of the whole machinery of civil government. Taxes have been equalized. The burden has been shifted from the poor man and distributed with something like equality amongst the classes. Under a lower rate than the Spaniards fixed they gather yearly ₱30,000,000, as against ₱13,000,000 formerly collected by the Crown officials. They have set in motion the wheels of civil government in every province, which includes the establishment of all necessary tribunals where even-handed justice—"the one weight and the one measure"—is dispensed without let or hindrance, without delay, barter, or favor; and where habeas corpus, the great writ of liberty wrested by the barons of England from King John at the battle of Runnymede, is within the easy reach of every citizen.

One of the great drawbacks to commerce, both interisland and foreign, has been the lack of dock facilities. I am informed that the insular government has been compelled to spend about $5,000,000 in dredging canals and improving harbors among these islands, for the protection of sea-going ships against typhoons, monsoons, and trade winds, and in promoting commerce, notably at Manila, Iloilo, Cebu, and Jolo.

They have inaugurated a system of coast surveys which will eventuate in obtaining an accurate chart of 11,000 miles of sea frontage, which is double the coastage of the United States, excluding Alaska.

They have connected by telegraph and cable the capital city of Manila with every outlying province, and are maintaining 450 post-offices, affording good postal service to all. In the meanwhile they have not neglected to take an accurate census of the islands at a cost approximating $700,000.

They have expended about $2,000,000 in building turnpikes and public roads, including the great highway to Baguio; laid out and beautified several parks and pleasure grounds; constructed ice plants, and erected many new light-houses, increasing the number from 15 to 85, to say nothing of needed buoys in all the straits and bays, thereby rendering navigation there perfectly safe.

They have a fleet of coast-guard vessels for interisland service, amounting to 20 steamers, carrying rapid-fire guns, which aid greatly in giving police protection to all the provinces.

They have established a leper colony, where 10,000 of these outcasts can be segregated and cared for. They have recently passed a land-registration act, which will clear the title to property on which the majority of the people reside, giving them sufficient quantities for agricultural and business pursuits, fixing well-defined boundary lines between owners of the fee and "squatters," as well as between municipalities and "barrios" or "sitios," which mean rural villages or settlements. They have at last purchased the lands belonging to or claimed by the religious orders, thus settling amicably and satisfactorily a vexing and irritating subject—"the apple of discord." The wise and consecrated prelate, Archbishop Harty, a native of St. Louis, Mo., "the right man in the right place," is arranging, so rumor has it, to dispense with the services of 80 per cent of the friars, who have proven objectionable to the masses, and will have them go away at an early day, never to return. Of course, other priests, known to be good and worthy, will be substituted in their stead, and this is commendable.

The necessity for railroads connecting the rich agricultural regions with the principal seaports is apparent to every intelligent observer. A plan is on foot, therefore, to increase the railway mileage there by the immediate construction of an additional 1,000 miles of railroad. This facility is greatly needed. It will not only roll on the car of progress and civilization, but

will multiply manifold the prosperity of these insular possessions.

The Commissioners have re-created Manila, making her, in five years' time, the most beautiful city in the Orient. The things done, the results accomplished, are monuments to their fidelity, energy, partiotism, and capacity. In the disbursement of public funds I do not believe any taint of dishonesty has attached to any civilian official who has been commissioned by the President to administer the affairs of government out yonder in the Far East. The record thus made speaks for itself. It is both gratifying and creditable.

I observe from the newspapers that in an address delivered recently at Manila, Col. William Jennings Bryan, twice the Democratic candidate for the Presidency, said:

The officials of the Philippines are representative Americans and have the best interests of the natives and islands at heart.

This is a valuable indorsement.

I believe, too, that Manila, romantically situated on the banks of the Pasig River, will again become the most important emporium of a vast antipodal empire—a proud mistress commanding the opulent trade of a billion people, embraced in all those coveted lands and seas, which for four centuries has been the burning desire of every European state.

I am sure she will yet be the mighty entrepôt through which the kingdoms of Asia and Africa will exchange their wealth of useful wares. I could fill pages in the enumeration of the various merchandise which in the near future, as my judgment sees it, will be bought and sold, bartered, and pledged, according to all the protean forms in which business contracts are framed in this magnificent mart, but instead I will content myself by only naming a few of these articles, viz: Embroidered silks, brilliant brocades, oriental cloths, richest tapestry, and beautiful rugs and carpets; hemp, flax, mats, hats, pearls, jewels, gems, corals, and variegated jewelry; gold, silver, precious stones, and objects of the most artistic handiwork; rice, breadstuffs, coffee, sugar, tobacco, and cacao; fruits, nuts, and light wines; spices, citrons, lemons, limes, cinnamon, ginger, and pepper; camphor, indigo, rubber, and every kind of hardwood; curious and most durable weapons, of keenest blade and cunning workmanship, and finest hand-carved furniture; honey, wax, incense, and myrrh; sago, pottery, glass, beads, and every variety of earthenware, to say nothing of the rare and costly productions from Bengal, India, Persia, Mesopotamia, and Turkey. It would be a shortsighted policy to put any limitations upon her commercial growth and development. Her expansion along these natural trade lines means that our ocean-going steamships, laden with enormous riches and valuable products from these oriental lands and seas, will ultimately be poured into the laps of our adventurous and enterprising American merchants.

Surely this is a matter worthy of thoughtful, patriotic, nonpartisan consideration. In passing, and before I reach the economic question involved in the bill under consideration, permit me to say it is difficult to convince our southern farmers that they have not already been greatly benefited by the retention of these "colonial" possessions in the light of the interesting fact that cotton in late years steadily advanced from 5 cents to 16½ cents per pound, and as a consequence great prosperity has come to our section.

The Filipinos are being taught the important lesson that the essence of good government is self-reliance; that the masses must "learn to labor and to wait;" must have high ideals and live up to them; must recognize and respect the individual rights of man, and must know how to bear responsibility. All this is necessary to become a self-governing race; and until they learn these simple yet essential principles it is worse than folly to preach about independence to them or for them. As has been wisely said, "Ideal life for men is found only in governed society, where there is order and protection, and where also should be feedom of opportunity." The tao (the common man) must be westernized, modernized. His political training will have to be unlearned. He must be taught just ideas of liberty, equality, fraternity, and democracy. It remains to be seen whether a durable government can be built out there on these doctrines, and whether society can be reformed under such benign influence.

I learned while there that wages and labor are burning questions. I have neither the time nor inclination to discuss these issues, but suffice it to say that, in my humble opinion, great possibilities are stretched out before these people under western tutelage, with immense resulting advantages to us, the people of the United States. From a material point of view our efforts are bound to result in reciprocal profit.

The "Moses's wand" of intelligent labor (whenever the same can be had) and well-directed pursuit can not fail to increase the general weal to such an extent as to make those broad acres the most productive and prosperous in the Tropics. By affording us larger and better markets for the surplus products of our woods, fields, shops, dairies, and manufactories there can be no question that we will be able to secure the "lion's share" of this oriental trade. Dewey's guns and the Paris treaty put these islands under the sovereignty of our great Republic. By purchase and the law of conquest they came under our flag. Public opinion and the conscience of mankind approved our action and applauded our purposes. We made no conquest to exploit our colonial fellow-citizen, and his welfare demands that he be protected from foreign and domestic plunder and official greed. As a stronger nation we are bound to assist a weaker one, even without assurance of material reward; and this undertaking by our brave and generous race is worthy of the profoundest interest and consideration.

In this connection, I do not know of any better way of outlining our American policy in reference to these insular possessions than to quote the following words from the eloquent speech of Congressman BOURKE COCKRAN last August, in Manila, at the archbishop's banquet. No tongue of mine can sketch that policy as graphically and accurately as he has done. He said:

The subject assigned me is a discussion of the Philippines in general. It is a wide subject. It embraces their history, their conditions, their capacities, their prospects. Their history, I take it, is familiar to you all. To assume to summarize it here would be presumption. Their actual condition is as obvious to you as to me. An attempt to call attention to them would be superfluous. Their history is still shrouded behind the mists that conceal the future. To undertake to describe it would be to assume the power of prophecy, and I have no pretensions to that quality. While we may not see what that future may be, certain it is that the most powerful influence in determining its character is the Government of the United States. Whatever may be God's purpose in these islands, the United States are the instruments here, as the Secretary of War has described more than once, under circumstances quite unique in the history of the world. For the first time in the experience of mankind, a country has been annexed by another government not for its own benefit but for the benefit of the country that it has annexed; not to enrich itself, but to benefit the people it has taken over. The history of the world may be searched for a parallel to this. I think we may survey the whole aspect of civilization without finding anything to correspond to it. The object of this conquest is the uplifting, the benefiting, the ultimate emancipation of the islands. We do not take them even to hold them; we do not undertake to improve them to make the holding of them easier for ourselves or more profitable. But we undertake to improve and uplift them that they themselves may ultimately be competent to go upon a career of prosperity and independence.

CHINA.

China occupies one-tenth of the world's territory, and contains one-fifth of the world's population, to wit, 500,000,000 people. To all the leading nations, therefore, the Celestial Empire has come to be a country of intense commercial concern.

As the bulk of all our cotton goes to Asia the agricultural interests of the South in the matter of the establishment of eastern markets are vital and special.

China is an incomprehensible country. The mystery of her people and the enigmas of her Government are such as to cause one to go astray when trying to state the plainest Chinese facts. Four thousand years old, she seems to me to be dying of age and senile decay. Manifestly, her vitality is running low. For the past century she has been slowly ossifying—this country that gave letters and learning, the arts and sciences, the printing press, philosophy, language and advanced civilization to the oriental world; this country whose self-restraint, self-reliance, and individual contentment have formed the basis of every religious creed on the globe. She saw Persia, Macedonia, Babylonia, Assyria, Egypt, Greece, and Rome rise and fall. She watched their reconstruction, regeneration, and subsequent downfall. She saw them a second time break and again go to pieces. For these long ages she has endured.

To-day the aggressive world powers are anxiously gazing upon her last symptoms, her coming dissolution and extinction. The Chinese remain always the same incomprehensible, homogeneous, unfathomable, unchanging, unchangeable, unassimilating, and inscrutable people, no matter under what sky they toil or in what clime they live—always idolatrously loyal to the decayed and crumbling old Empire. As a class they are the most logical and illogical, the steadiest and most varying, the frankest and most secretive, the firmest and most vascillating, the most learned, and yet the most ignorant; in short, the most contradictory creatures on the surface of the earth. Of all the orientals no race is so alien. There is no kinship or common feeling possible between the Anglo-Saxon and Chinese. They are lacking in soul, charm, and magnetism. Their vast numbers and eternal sameness—the monotonous resemblance of one individual to 500,000,000 others, all having the same physical and mental mold, the same yellow skin, almond-shaped eyes, and high metallic voice, the same manners and dress, the same superstitions and prejudices, the same selfish conservatism and blind worship of antiquity, do not fall far short of something appall-

ing. China has rightly been called "The Empire of the great unwashed;" but in business affairs the Chinese are enterprising, energetic, thrifty, and absolutely honest.

The Hongkong and Shanghai banking corporation managers put the Celestials at the very top of those who are trustworthy. In Shanghai banks the Chinese business done in the past thirty years has amounted, approximately, to $2,000,000,000; and there has never been a defalcation. Not a single Chinaman has ever failed to meet every term and stipulation of his contract. To be dishonest is the worst disgrace that can overwhelm a Chinaman. It means for him the everlasting disapproval of his ancestors, disbarment from heaven, a lost spirit condemned to fly forever from star to star, from planet to planet, throughout the countless ages of eternity.

There has never been but one bank failure in China, and everybody connected with the institution, either directly or remotely, had his head cut off and rolled into a basket. In this respect she has set a most laudable example to the Christian people of this country.

They are so reliable that the Japanese employ them in money matters in preference to natives. Whenever a person has occasion to call at a counting house, a manufacturing establishment, a bank, a store, or hotel in Kobe, Yokohama, Nagasaki, Tokyo, Osaka, Kyoto, or any other large city in Japan, he will observe that the man who handles the cash, whether called cashier, paying teller, treasurer, accountant, or whatnot, is a long-queued Celestial in flowing robes. This is because in financial affairs the Chinaman is honest. He has before him his wooden beads on a string of wire and with them he can run up a column of figures with lightning rapidity and unerring accuracy. The Chinaman fears to "lose his face"—that is to say, his credit.

Hongkong and Shanghai are England's great manufacturing marts in the Eastern world.

HONGKONG.

The proper name for the city is Victoria, but everybody now calls it Hongkong, after the island of that name. The island is 13 miles long and 3 miles wide, containing a population of 500,000, and is one of England's most valuable possessions. The city proper has a population of 300,000, and is, perhaps, the best built metropolis of its size in the world. Most of the houses are of granite. It is constructed on the side of a mountain 2,000 feet high. The residential part is lovely beyond compare. Babylon, with her famous hanging gardens, was never as radiantly beautiful as Hongkong. It is a city of palaces. Three regiments are stationed there. The Highlanders, Fusiliers, and Sepoys are constantly deploying through the Queen's road, and with all the brown and yellow races of Asia streaming through the arcades, Hongkong is so spectacular, picturesque, and dramatic that no one ever tires of watching its fast-moving panoramas.

SHANGHAI.

Shanghai has a foreign import and export trade of £40,000,000 sterling. Half the foreign trade of China goes up and down the Woo-Sung River. Great fortunes have been made there. The foreign population of new Shanghai numbers about 8,000, chiefly British and American citizens. It is one of the most beautiful and best governed cities in the world—the greatest surprise of the East. Situated near the Yangtze River, its banks are covered with miles of graves, and are thick with shipyards, cotton mills, and other manufacturing establishments. The hum, roar, and bustle of modern industries oppress the air. One can scarcely credit the fact that this hustling, feverishly busy city is in Asia. Society is brilliant, extravagant, fascinating, keyed up to the highest pitch and tone of the great social centers of the western world. But what a contrast between new and old Shanghai, the latter being a city of a million and a half people, where one smells the true flavor of China, the heavy sickening odor of bean oil, of incense and opium smoke, of filthy human bodies pervading the atmosphere, and beholds narrow streets, toy houses, and all uncleanliness.

In these two great English cities our raw materials are manufactured into finished goods, and the British Empire is thus enabled to monopolize the oriental markets. These are facts we ought not to overlook in the discussion of a Philippine tariff.

JAPAN.

Old Japan is passing away. New Japan has emerged from her chrysalis. She has stepped forth from a place of exclusiveness and timidity into the front ranks of the great powers, henceforth to be the dominant and guiding influence in shaping the destinies of Asia, in galvanizing into life the effete civilization of the ancient peoples of the Orient.

We have discovered that Perry's Christian opening of Japanese ports has not given us any mortgage on the Mikado's commerce. As the industries grow that country will become a great manufacturing center.

Indeed, Japan has already become a mighty factor in the Orient as the manufacturer of cloth, shoes, and machinery. Only about 13 per cent of her soil is tillable. The balance is sterile, barren, unproductive, abandoned volcanic formations. As a consequence, the masses, who are gifted in handicraft and are generally skillful as artists, whenever a chance is offered to them, are glad to engage in manufacturing and mechanical enterprises and pursuits. The great modern cities of Yokohama, Osaka, and Kobe contain the largest cotton mills in the world, and weave splendid fabrics at cheap prices.

The people of Japan are very industrious. Whether toiling in rice fields up to their knees in water under a broiling sun, or doing the most skilled mechanical works, they are very efficient. Wages generally are extremely low, some of the most expert artisans receiving not more than 30 or 40 cents for a day's labor.

For situation, scenery, venerable years and bounding youth; for lofty ambitions, practical methods, and actual performance, as well as for future promise, Japan stands unique among the nations of the globe. Her energy and marvelous adaptability have enabled her to advance with unparalleled leaps and bounds to the very forefront of the leading countries along industrial, educational, commercial, and civic lines. This record speaks volumes for her capacity in the way of adaptation and assimilation.

A striking feature in the Japanese character is their intense ambition; a desire and determination to advance, to rise, to succeed; not to go below or get behind anybody. This feeling pervades all classes, and must be regarded as a potential factor in the nation's astounding progress during the last fifty years. Self-sufficiency and self-reliance are also prominent characteristics. They have exceptional powers of imitation and acquisition.

JAPS LACK IDEALISM.

The Japanese, however, are lacking in idealism. The deficiency in this respect renders the life of even the most cultured native a sort of humdrum, mechanical affair when compared with that of the westerner. His master passion is patriotism—an ardent love for his country. The man who is willing to desert his parents, wife, and children for his sovereign receives unstinted praise and most honorable recognition. He regards life less than nothing when duty demands of him a display of loyalty to the Emperor by self-renunciation and the sacrifice of his property.

But the Japanese are a wonderful people, and live in a beautiful country.

OUR BEST CUSTOMERS.

Our best customers at this time are England, France, and Germany. A certain and fixed volume of business between this country and Europe is bound to continue, with slight fluctuations, according to varying trade conditions. Most of the things we buy from or sell to these continental nations, whether coming in under tariff schedules or going out through free gates, constitute a profitable and continuous commerce, which the whole world must ultimately use or enjoy, and that too in such increasing quantities as the same shall be needed from time to time, in the way of food, fuel, shelter, and raiment and the every-day necessities of life.

Much of our so-called "political economy" has been more political than economic. We have been content in the past to play "second fiddle" to European countries, selling them our raw material at such small prices as to enable them to monopolize the oriental markets to our own detriment, instead of boldly entering the "frowning lists," in the first instance, and seizing, holding, and controlling this tremendous and valuable trade for our own benefit. All that is necessary to attain this end, to consummate this purpose, is a little patient, courageous, and intelligent concert of action on the part of our progressive cotton growers and manufacturers, our aggressive shippers, and business men.

The scheme of securing foreign markets and the means of extending our trade relations beyond the Pacific are questions worthy of our most serious consideration.

When the immense natural resources of China begin to be developed and the habits and wants of her people become more numerous and complex, as they always do in proportion to the growth of industrial life, a trade will be created across the Pacific analogous to that which now goes back and forth across the Atlantic. There is no doubt that Japan will prove equal to her mighty industrial opportunity, and the whole world, to some extent, will profit by the development which she will set in motion.

"THE LIGHT OF ASIA."

The question of more markets and better traffic facilties should be considered, therefore, in a nonpartisan spirit and in a business-like way by every patriotic citizen who hopes to see North

America mistress among the commercial powers of the earth. Through the Golden Gate, which bars out the Mongolian, a new light—the light of Asia—is breaking. Our economic cry ought to be, "On to the Tropics!" Under proper conditions a rare chance is now afforded us to capture the opulent trade of the Orient. When the Panama Canal is completed, connecting the two great oceans, the southern route to the East will be shortened on an average of about 4,000 miles.

If we take advantage of our commanding geographical position, we shall discover in our Southland the far-famed Eldorado, for which the Spanish conquerors and early explorers sought in vain; a region abounding in glorious sources of enterprise; a land full of golden opportunities for the acquisition of wealth; a land possessing the fabled mines of King Solomon, laden with treasures hidden away from the gaze of men; a land as fair as the lilies of the valley; a land as rich as the splendors "by the sunbeams spun;" a land as roseate in beauty as the picturesque "gowns of Aurora's pages;" a land brimming over with health, happiness, and prosperity; a land good enough for the angels of heaven to dwell in.

A little over a half century ago Russia acquired Vladivostok from China—away up yonder past Peking, the northern capital, beyond the Yellow Sea, in the direction of the frozen regions of Siberia. She expended millions of dollars in the fortification of this magnificent fortress. At that time she had only one water route to this port, and that was through the narrow strait lying between Japan on the south and the island of Sakhalin on the north. Under a previous agreement the southern part of Sakhalin had been ceded to Japan; but Russia, naturally apprehensive that her rival, Japan, if left in possession of the territory on both sides thereof, would fortify this strait to her detriment, arbitrarily and ruthlessly refused to surrender any portion of that island to the Japanese Empire.

SOME EASTERN HISTORY.

The name of Vladivostok is significant. It means "the rule of the East." To reach this port by land Russia was forced to build a railroad, from St. Petersburg through Manchuria, 6,000 miles long. She discovered, however, that for six months in the year Vladivostok was icebound. The grip of King Boreas was upon her throat, and all commercial intercourse by water communication with the outside world during every half year was necessarily cut off.

In the years 1894–95 Japan, in her war with China, took possession of Korea and captured Port Arthur. Russia intervened and refused to allow Japan to enjoy the fruits of her victory. Weak, defenseless, with an exhausted treasury, with only a small army and without a navy, Japan was compelled to accede to Russia's terms, to wit, to accept the island of Formosa and a Chinese indemnity in lieu of Korea and Port Arthur; and, thereupon, the Czar of Russia and his cabinet entered upon a piratical scheme of national aggrandizement more audacious and far-reaching in its consequences than was ever before dreamed of in the statecraft of the world. Russia leased Port Arthur from China for a tenure of 99 years and constructed a railroad line in a southerly direction and in a zigzag fashion through Mukden and the Liao Yang Valley, a distance of about 600 miles, connecting her two great fortresses, Port Arthur and Vladivostok, on the south and north.

East of Port Arthur, lying between the Sea of China on one side and the Sea of Japan on the other, is romantically situated the island of Korea, the hermit nation. The great "White Bear" had deliberately put his strong arms around this coveted domain to crush out her national life.

As the next move on the political chessboard Russia would have constructed an impregnable fort at the southeast corner of Korea, overlooking the Pacific Ocean. With this object in view, she had already sold Alaska to the United States. With the enormous trade of Africa and Asia within her remorseless grip, with her own ships, merchant vessels, and men-of-war plying between Russian dominion and Vancouver, Seattle, San Diego, and San Francisco she would have ridden the majestic waves of the Pacific and become the proud mistress of the Orient. All the nations of the earth, with the exception, perhaps, of the United States, whose leather, hides, wool, cotton, and other raw material Russia needed in carrying on her business enterprises, would have been practically excluded from all participation in the transcendently great and rich commerce of the Far East, involving the destinies of a billion people.

IMPREGNABLE ENGLAND.

England, always alive to the advantage of foreign markets, and already possessing 47 per cent of the trade of the East, by her recent alliance with Japan will occupy in the near future substantially the same vantage ground which Russia, with such far-reaching sagacity, endeavored to acquire; and, but for the construction of the Panama Canal and our possession of the Philippine Islands, she would thereby be enabled virtually to cut off all commercial relations between the United States and these oriental countries.

It is lamentable to consider that of all this enormous trade the United States at this time, directly speaking, can claim only about 11 per cent of the whole. Of course, indirectly we enjoy a larger percentage, but miss entirely the profits of the "middleman," and the cost of the finished goods.

We are deliberately closing our eyes to the important fact that Great Britain is now, at an immense cost, constructing a naval base of operations near Singapore, with the manifest object in view of extending her trade relations and protecting her oriental interests. In the light of these undeniable facts would it be wise, if we could, to withdraw from the Philippines?

These islands are in the very heart of the Orient. From Manila Hongkong is distant 700 miles, Shanghai, 1,000 miles, Osaka 1,500 miles, and Yokohama 2,000 miles. In the commercial equation these are important figures to bear in mind. Around Manila, as a center, circle a billion people, whose trade the United States could easily command. It is apparent, therefore, that the Philippine question ought to be put outside the domain of partisan legislation. It is the part of wisdom that political agitation over that issue should cease. These islands came to us without our seeking.

We could not let them go if we desired. While we hold them, let us strive to derive a legitimate profit out of them. They may have been put into our possession, for ought we know, to fulfill the Bible prophecy, which foretold that "our vine shall run to the farthest parts of the earth and extend beyond the uttermost wall."

That prophecy seems already to have been verified.

We live under a Federal Constitution which guarantees absolute free trade between the different States of the American Union. We have established free trade relations between the United States and our territorial possessions; for instance, Alaska, Honolulu, and Porto Rico, as well as our home Territories, like New Mexico, Arizona, Oklahoma, and the Indian Territory. We have even granted to Cuba a 20 per cent preferential rate over other countries in her commercial dealings with our Republic. Common justice, as well as a uniform public policy, demands that there should no longer be any embargo on trade passing to and fro between the United States and our trans-Pacific colonies. There should be but "one standard" used in the application of a tariff rule to our territories. The application should be made equally and fairly to all alike.

With free-trade relations thus established between the United States and the Philippines our progressive business men, transporting raw materials in their own bottoms, can erect warehouses, depots, and manufactories in Manila and elsewhere in the islands, and by means of cheap labor weave fabrics at such small cost as will enable them to undersell all competitors. What Japan has done in manufacturing enterprises at Yokohama, Osaka, and Kobe, and what England has done, and will continue to do in the same industrial lines at Hongkong and Shanghai, the United States could readily accomplish with commanding superiority at Manila, Iloilo, Cebu, and Jolo in the Philippine Archipelago; but gentlemen stand upon the floor of this House and say we can not compete with Japan and England in the manufacture of goods because, forsooth, they possess an advantage over us in the way of cheap cooly labor. This argument is fallacious and absolutely without merit, in the face of the damaging truth that these very Representatives, who make this contention here, forget the important fact that Congress by legal enactment has closed the door against the Mongolian and shut him out of the Philippines. If Japan and England occupy any vantage ground over us in this respect it is because we have by our own unwise laws given it to them. The sensible thing, therefore, to do would be to so modify the Chinese exclusion act as to admit to the Philippine Islands during each year, covering a designated period of time, a limited number of coolies; and then the problem will have been solved. A naked statement of a fact like this is worth a ton of argument. A mere suggestion of the remedy is a sufficient answer to the fine-spun theories, in which the opponents of this measure delight to indulge. My friends, do not get excited. Be not alarmed. Be cautious. Do not exhibit childish fears at the imaginary approach of the "yellow peril." Do not tear your hair at the bare mention of the impossibility of Chinese labor ever coming in competition with that of the skilled American artisan and mechanic. That contingency is too remote ever to happen. The intervening space is too great. The nations are too far apart. No man who has the slightest respect for his own intelligence would be guilty of the folly of attempting seriously to hold out the pretext that a Chinaman, laboring in

the far-away Orient, can ever compete with an American, either in work or wages. Fifteen million bales of cotton at this time seem amply sufficient to supply the world. When the Chinese people cease going naked, and can be induced to wear a single khaki blouse per capita each year, it will require 50,000,000 bales of cotton to meet necessary demands.

KING COTTON ON A THRONE.

God, in His infinite wisdom, has formed the cotton zone in the South. With proper labor facilities we can raise in the States south of the Potomac and east of the Mississippi, including Texas and Arkansas, all the cotton the trans-Pacific people can possibly need. Then king cotton will sit on his white throne and with his fleecy scepter sway the world. The price of the commodity will never range below 20 cents a pound, and the whole Southland will have entered upon a career of unexampled prosperity, more fruitful and enduring than it has ever been given to the tongue of man to describe.

This seems, no doubt, an extravagant view of the situation, but the picture is true to life. This is no iridescent dream—"the baseless fabric of a vision." It is more than possibility. It is reality—a certainty.

The great ocean liner, steamship *Ceria*, arrived at San Francisco a few days ago, having on board the imperial Chinese commissioners, Tuan Fang and Tai Hung Tzeu, with their subordinates and suites, 62 persons in all. They have crossed the Pacific to study the political and social institutions of the United States and Europe, and this Government has received them in a most kindly spirit. Progressive Chinese leaders and thinkers are already advocating the cutting off of the queue and the abolition of the frock and clogs, and the adoption of our western dress. This custom stands as a bar to China's progress and development. Unless this step is taken at an early day the Celestial Empire will die of its own senility and the vast domain will be partitioned among the great powers.

Think of it! When 600,000,000 people in Asia and Africa begin to wear shoes, cook their food on iron stoves, and dress in cotton clothes, did it ever occur to anyone in this Chamber to estimate what that will mean in the creation of wealth in this country? The East will "get busy" making shoes, the North and West will find ample employment in manufacturing stoves, and the South will have her hands full growing cotton.

But to be more effective along these lines, we must cease to pay so much attention to political vagaries and give more thought to foreign markets.

The world about us is glowing with beauty, replete with energy, and crowned with the glory of endless progress. The winds and the waves, harnessed by a power divine, are toiling on in their holy mission to catch the glad tidings sung by angel bands, "Peace on earth, good will to men." Nature bears no impressions of indolence or lawlessness in all her boundless operations for good. She is eminently benevolent. She is liberal to man's wants. She turns none away empty-handed. Obedient to the voice of her Maker, wherever there is pain, want, or suffering, there Nature, in imitation of her God, unlocks the vast storehouses of her wondrous treasures and lays them down reverently at the feet of sorrowing man. From her we learn that our most important duty on earth, in its sublimest sense, is to realize and recognize the fatherhood of God and the brotherhood of man.

Let us do justice to the Filipinos. Let us furnish them an opportunity to raise, not temporarily, but permanently, a revenue sufficient for their support, maintenance, and education. Let them reap an abundant harvest in the peace, security, happiness, and general welfare which must come to them from faithful and honest labor well performed as well as in their moral uplifting—a precious realization which fate can not lessen, reverse can not reach, the seasons can not blight, nor greed steal away. [Applause.]

The CHAIRMAN. The gentleman from Michigan [Mr. YOUNG] is recognized.

Mr. YOUNG. Mr. Chairman, the effect of the Philippine bill, which is the real matter under discussion before this House, if enacted into law will be to create absolute free trade in the markets of the United States proper for all Philippine products except sugar and tobacco, which are to pay 25 per cent of the Dingley rates until the 11th of April, 1909, and then also to go upon the free list.

In consideration of these concessions, the United States proper are to have the privilege of importing into the Philippines their sugar and tobacco without paying duty thereon, and after the 11th of April, 1909, the time fixed for the expiration of the agreement of the Spanish treaty, then all exports from the United States into the Philippine Islands are to be free of duty.

But before proceeding to a discussion of the main question in this bill, I wish to call the attention of the House for a moment to one of its minor features. It is provided that on articles manufactured in the United States proper and exported to the Philippines, the like of which when manufactured in the Philippines pay an internal-revenue duty there, shall pay a like duty and no other, and that articles manufactured in the Philippine Islands for export to the United States, the like of which bear an internal-revenue tax here, when manufactured in this country, shall pay a like tax and no other, and that all of the taxes collected either upon imports into the Philippine Islands or exports from the Philippine Islands into the United States shall find their way finally into the Philippine treasury.

Mr. Chairman, this seems to me a somewhat remarkable provision. I do not believe there is anything like it in legislation anywhere except in our dealings with our own insular possessions. To illustrate, if alcohol is made in this country for export into the Philippine Islands it is free from the internal-revenue tax of $1.10 imposed here, and pays the much lower tax imposed in the Philippine Islands. I am at a loss to understand how this provision benefits the Filipino or the people of the United States either. It amounts to a bounty paid to the American manufacturer for importing his alcohol into the Philippines, and if when we charge our own rate of taxation upon our exports the Philippine manufacturer has a little advantage in his own market, I for one say, for God's sake give him the benefit of it. That is one of the things we can do for him legitimately. In the same way, when alcohol is manufactured in the Philippine Islands for export to the United States it does not pay the Philippine internal-revenue tax, but pays the much higher tax imposed by the laws of the United States proper. In other words, we pay bounty to the American manufacturer for importing his alcohol into the Philippine Islands and we charge the Philippine manufacturer an additional charge for sending his alcohol to the United States. I can understand that the object of the committee was to place the revenues of these two manufactures on an equality in each of these markets, but it seems to me that they forgot for a moment their benevolent intention toward the Filipino people—"their plain duty," as the gentleman from New York calls it. But they only forgot it for a moment, for they then provided that all of this tax, whether imposed on the imports to the Philippine Islands or the exports from the Philippine Islands should find their way to the Philippine treasury. I am at a loss to conceive any reason for the payment of internal-revenue taxes imposed on one of our domestic products into the Philippine treasury that would not be equally cogent for paying into that treasury a part of the proceeds of the sales of our own public lands or a part of our customs duties that are collected upon the imports into this country from foreign nations. In other words, it is a plain case of almsgiving, and yet given in such dubious ways as to leave an impression in the minds of those grown-up children for whose benefit it was intended that it is something they are entitled to.

If we are to go into the business of almsgiving for the Philippine Islands, do it openly and in such a manner that all may know that it is almsgiving.

Now, let us turn to the main features of this bill. It was testified before the Taft party in the Philippines by one John T. McLeod, who appeared there as the representative of the Manila Chamber of Commerce, that the highest taxes ever paid in the islands under the domination of Spain were those imposed for the fiscal year 1894–95, and that that budget in round figures was 13,580,000 pesos, while under our beneficent reign there the amount has increased to 23,000,000 pesos for insular administration alone, and to this amount must be added the sum of 7,000,000 pesos of provincial and municipal taxation, making a total of over 30,000,000 pesos, or more than twice the largest amount ever imposed by Spain. So it seems that notwithstanding our benevolent intentions there, and possibly a little because of our benevolent intentions, and in spite of the impoverishment of that country by the war, rinderpest, cholera, and other causes about which we have heard, the startling and striking fact that stands out so that all may see is that we have increased the burden of that people to double what the tyranny of Spain imposed.

It was said by one gentleman who appeared before the committee that our salary list was greater than the entire Spanish budget. I do not know whether this be so or not, but it is evident that that people are becoming impatient under the double load imposed by their poverty and the burden of the government. One gentleman said that we were doing a great work in the Philippines, but he thought we were going too fast—faster than the people could afford to pay.

But of course there is another side to this matter. When we went into the islands there was hardly a road there. The

schools, where any existed at all, were in wretched condition according to the American standard. A great deal of our expense has gone into much-needed roads and other public improvements and into the establishment and maintenance of the schools.

If these islands are to be improved at all, it must be through better education and training, in habits of steady industry, and modern methods of agriculture, business, and manufacture. You can not do it by mere almsgiving. As great as our expenditures have been, it is too evident that there is need for still greater expenditures.

We have between 400,000 and 500,000 children in the schools there, but there are thrice as many who are not enjoying and can not enjoy such advantages under the present conditions.

The gentleman from Connecticut [Mr. HILL] stated before the Taft party in the hearings there that the expense of the Filipino government was made up by the following taxes: Internal revenue, 6,000,000 pesos; customs duties, 16,000,000 pesos; land tax, 2,000,000 pesos; making a grand total of 24,000,000 pesos. It was a remarkable thing, gentlemen, that the Filipino witnesses who appeared before that committee—I suppose we may call it a committee properly—demanded free trade with the United States, and also demanded that the land tax be abolished or suspended, and that the internal-revenue taxes be lowered. This, they said, was necessary on account of the depression of business and agriculture there. So it would seem that what the Filipino people object to principally is any taxes at all and not any particular form of taxation. [Laughter.]

Mr. MANN. Are they not like everybody else in that respect?

Mr. YOUNG. Somewhat; but the people of the United States pay their taxes pretty cheerfully. If the building of roads is to go on there; if the education of the people is to go on there; if civilization and improvement and progress are to go on there, it is very evident that at least the present rate of taxation must be maintained. Thirty million pesos, equivalent only to $15,000,000, does not seem a very extravagant amount of taxation annually for the government of seven and a half millions of people. If we can save a little from salaries there and dispense with unnecessary officials, it can well be expended in education and the building of roads and the making of other improvements.

Now, the only effect of this bill on revenue, so far as it affects it at all, will be to reduce it. The customs duties collected on imports into this country, except sugar and tobacco, are to cease at once, and on sugar and tobacco they are greatly lowered and are to cease entirely in three years' time. At the end of that time the duties on all goods imported from the United States into the Philippines are to cease. It is but reasonable to suppose that under the stimulus of this advantage our trade with the Philippine Islands will considerably increase, and I have no doubt that that is one of the purposes which gentlemen who favor this bill have had in view.

But, sir, as our trade with the Philippine Islands increases, her trade with the rest of the world will correspondingly decrease. The transfer of every dollar of trade from the rest of the world to the United States must decrease the revenue. Customs duties now furnish fully two-thirds of the revenue of these islands. Every dollar that you strike off there you must add in some form to the internal taxation. So I say that this bill will not lessen in the least the burdens of that people. You will merely shift the burden to internal taxation.

The gentleman from New York said, the other day, that the internal taxes were not working as smoothly there as he expected or as had been expected. Indeed, I think that this bill strikes out that form of taxation which is easiest collected there and which is the least irritating to the people, for it is the kind of taxation to which they are accustomed.

Now, it may be admitted that the maintenance of a tariff between the different portions of the United States proper, even were it constitutional, can not be justified.

We may go further and say that if these islands are to remain permanently in our possession the time will come when we must remove all tariff barriers between them and the United States proper, and we can say this without in the least impairing the argument against this bill. Every fair-minded man will admit that there is little analogy between this case and that which would arise between two States of the American Union. The Supreme Court of the United States has drawn this distinction sharply. These islands are with us, but not of us. Our constitutional guaranties do not extend to them. The government there we impose upon them. It does not spring from what they are pleased to call their "aspirations." It is purely paternal, and while they enjoy a greater measure of self-government there than ever before and are soon to enjoy a still greater measure of self-government, yet they receive it from us as a gift. They did not achieve or establish it as our forefathers achieved and established the American Union. They do not contribute one single dollar to the support of the Federal Government. We even pay all the expenses of the Philippine Scouts—native Filipinos who are kept there for the purpose of preserving order. They are an alien race; they are a race in an early stage of development.

The distinguished gentleman from New York [Mr. PAYNE] the other day said that the Filipino had the judgment of a 12-year-old boy, and every fair-minded observer who has been to the Philippines comes back with the statement that they are utterly incapable of self-government. To apply to our relations with them theories and principles derived from the relations between the States of the American Union is absurd and may prove disastrous. [Applause.] In the letter and in the spirit I accede to the doctrine that having accepted the trust imposed upon us by the result of the Spanish war to govern this people, we must govern them for their own interest, and not exploit them for ours: but I recognize also that we are charged with the government of the continental United States, and that that nation is the hope of the world and that the Filipinos are not. It is our duty also to govern our own people in their own interest, and while we should deal justly and fairly with the Filipinos we should not sacrifice or endanger the interests of the Republic. [Applause.] Do not do it for any quixotic scheme of playing the part of universal Providence to the poor and ignorant and worthless of all nations. The distinguished gentleman from New York said that he did not believe this bill would benefit the Filipinos except to give them courage, but that we must pass it because it was right and our duty, nay, "our plain duty," to do so.

I wish to say to the distinguished gentleman from New York that, much as I respect and honor him, that statement does not satisfy either my judgment or my conscience. And the gentleman from Ohio intimated the other day that he should vote for this bill because it was a duty he owed to his Creator, and that even if some people were hurt he did not care very much about it, because it was his plain duty. These gentlemen are shifting the question. Every man in this House, I take it, wishes to do his plain duty; but the question here is not about doing that. The question is, what is our plain duty? I am not quite so sure as I was two short years ago, when I entered this House, that being right consists in following the distinguished gentleman from New York on all and every occasion, whenever and wherever he may lead. "The King can do no wrong," but I have never heard that that immunity extended to even the great of his ministers. That distinguished gentleman, if anything, is usually sane and sensible. No man knows better than he that statesmanship does not consist in uttering sounding phrases and pronouncing high moral sentiments, but rather in the humbler and more useful occupation of framing practical remedies for present evils. This being so, I can not subscribe to the statement that it is right and our plain duty to pass a bill which will do no good, even though it is conceived in the spirit of the Sermon on the Mount. And as to the gentleman's statement that it will give the Filipinos courage, I reply that when they find it does them no good they will be correspondingly depressed [applause], and that then one of those political conditions may arise about which the President speaks in his message, one of those political conditions which may cause the loss of American blood and the spending of American treasure. We must diagnose this disease in the Philippines correctly before we can remedy it. From all the testimony, I ask what causes the depression there? I say it is not the war, it is not the death of the carabao, it was not the rinderpest, nor the cholera. First and foremost it is the ignorance and oriental indolence of this tropical people.

The gentleman from Ohio, who has lately been there, said the other day that the Filipinos not only were lazy, but they thought it was dishonorable to work. There is want of capital there after three hundred years of Christianity and Spanish rule and what they call "civilization," because these people are too ignorant and too indolent to create it. They are paying as high as 40 per cent annually for the use of money, because they are too ignorant and too indolent and too improvident to improve the advantages they have and create and accumulate wealth there. Then they say that there is a want of labor in the Philippine Islands—a want of labor where seven and a half millions of people are living on less than 7,000,000 acres of land, not half of which they cultivate. They tell us the sugar industry is unprofitable, and if it be true the cause is not far to seek. They merely scratch the surface of the ground there with a wooden plow. They never use any fertilizers there, although some of that land has been cropped for more than a hundred

years. The sugar mill is so crude that the gentleman from Connecticut [Mr. HILL] told us that if you put two stalks of cane into it at once it stopped; so crude that they save only 60 per cent of the sugar which is produced upon the land, while a modern mill, such as is used in Hawaii or in our own Southern States, will save over 90 per cent.

And then they tell us that their methods are so crude, and the sugar in consequence is so poor, that after they have made allowance for the difference in strength between it and 96 per cent sugar they still have to sell it at one-half a cent a pound less than the American market price. The gentleman from Connecticut [Mr. HILL] told us that in many instances—in fact, I believe, he made no limitation—that when you double the pay of a Filipino workman he would only work half as many days. Maybe that is the reason that under Spanish rule they were able to export 261,000 tons of sugar besides what they used at home, while they now raise but 180,000 tons altogether.

The gentleman from Connecticut, you will remember, summed it all up, in strong and earnest words, to the effect that the mind of man could not conceive, if he had not seen it, nor could the English language find words to express, the primitiveness of these people and the crudeness of their industries. This is the picture gentlemen who favor this bill draw of the industries of these people. Now, what is their remedy for all this indolence and ignorance? It is to make it easier for this people to live without work, to make it easier for them to live without improving their present methods! I never heard before that a lazy man could be made industrious by filling his pockets with money or a fossil made progressive by making it easier for him to compete. This proposed remedy does not go to the root of this matter. This people must be weaned from their indolence and taught steady, persistent industry. They must be taught to wish for a broader and a richer life.

You remember that Shakespeare puts in the mouth of Lear, on the occasion when his daughters wished to deprive him of his train, the words:

> O, reason not the need: * * *
> Allow not nature more than nature needs,
> Man's life is cheap as beast's.

And that is the trouble in the Philippine Islands. They have no want for anything higher than a waist string and a banana. Their life is cheap as beast's, not because we oppress them, but because they have no ambition and will not work.

We must have a modern sugar mill there, as we have already an experimental farm, and teach these people modern methods, and then, sirs, I think that worthy and honest planters there should be aided to obtain money upon reasonable terms. Gentlemen will say this is paternalism. Of course it is, but our entire government over there is paternal, and when you are up to your neck in paternalism an inch or two more does not make any difference. [Laughter.] We have got to have better transportation there. We must reduce the cost of moving these products by building better roads and more of them. With stability in the government do not fear but that the enterprise of the American people will carry capital there. But if gentlemen who are urging the passage of this bill have given a fair account of the conditions there, they ask, "What have we to fear from them?" The distinguished gentleman from New York says that he has faith in American brains and enterprise and sneers at the idea that the intelligent labor here has anything to fear from the Philippines. This argument is an old and familiar one, but it has oftener been heard from the other side of the House. The gentleman from New York is camping to-night where the gentleman from Missouri camped last night, and in the future Tantalon's robber stronghold may well be called upon to do duty to illustrate, to illume, to adorn, and to ornament the speeches of both of these distinguished gentlemen indiscriminately and interchangeably. [Applause.] Is underpaid labor less a menace to the conditions under which we are so proud to say the American laborer lives because it happens to come from a territory over which our flag waves? The whole country, both sides of this House, seem to feel that a few thousand Chinamen are a great menace to the industries of this country and the welfare of our laboring men; but, sirs, I ask, what about the seven and one-half million of Filipinos, whom the gentleman from Connecticut tells us will soon be 25,000,000? Are they no menace? But these gentlemen who stand sponsors for this bill, frank and honest as they are, in their zeal for its passage, forget to dwell on certain features of the Philippine situation that can not honestly and fairly be blinked at by this Congress.

It is these which render the farmers and manufacturers engaged in the beet-sugar industry apprehensive. There seems to be a good deal of difference of opinion about the acreage over there which is capable of cultivation. The total number of the acres of the islands has been fixed by actual survey as some 73,000,000 acres, and the gentleman from Connecticut tells us that only 9½ per cent of that is capable of cultivation. I am not so certain about these prophecies. You know it was James Russell Lowell who said, "Don't prophesy onless you know." [Applause.] I have seen too many such estimates that had to be revised in the light of wider knowledge. Why, gentlemen, over here in the Land Office is a report made by an expert sent out by the Government in the early part of the last century to examine the southern peninsula of Michigan, and there in this grave official document he states that the entire lower peninsula of Michigan is one malarious swamp, that three-fourths of it is below the water level of Lake Michigan and Lake Huron. He says that it never can be inhabited by anybody but aquatic animals and that nothing will grow there but aquatic plants, and yet, sirs, that country to-day supports over 2,000,000 people whom we think are fairly well civilized. [Applause.] Why, in 1834, a little later, when Michigan made application for admission to the family of States, there was a dispute arose between her and Ohio as to the boundary line over a little strip of land 6 miles in width and 60 miles long. The National Congress decided that dispute in favor of Ohio, but to compensate Michigan they gave her the entire upper peninsula, and she objected and protested against receiving it. She said that it was a barren waste of rock and sand, and yet that despised country is one of her brightest jewels. [Applause.] It is one of her richest possessions, not only in mineral wealth, but in agricultural resources also. There is not a gentleman in this House who is over 50 years of age who does not remember in the geography he studied in his youth that a large section of the West was called the "American Desert," and yet large portions of that area to-day are covered with beautiful farms and happy homes that in the proper season for them are made rich and beautiful by the waving grain. [Applause.] And the gentleman from Colorado told us in eloquent language of the beautiful and stately city of Denver that had arisen within the borders of that territory. So I am not inclined to put too much faith in any cut-and-dried estimate that only 9 per cent of the Philippine territory is capable of cultivation. [Applause.] But the gentleman from Connecticut stated that his authority for this statement was to be found on page 181, volume 4, of the Philippine Census. An examination of that page does not support his contention, as the gentleman from Colorado [Mr. BROOKS] so well showed the other day. The statement there given is not an estimate of land capable of cultivation, but a statement of lands which are already set off into farms.

The table is preceded by this statement:

> The people are extremely gregarious and live in villages, and the spaces of land between the villages are, as a rule, unpopulated, and these intervening tracts, frequently of great extent, are almost wholly uncultivated and practically unused except in a limited way for grazing purposes.

There is no hint that these unused spaces are not as capable of cultivation as those that are already cultivated. Further on, you will remember, Mr. Welborn, the commissioner of agriculture, who appears here in behalf of this bill, stated that there are 180,000 acres of land in sugar; that you could easily double, that you could easily treble, that you could easily quadruple it, and he was not certain whether you could not increase it tenfold or not.

But I wish to call your attention to another official document which settles that question beyond all chance of controversy. Perhaps it is thrashing over old straw to follow the gentleman from Colorado on this point, but, sirs, the gentleman from Connecticut, who gave us so instructive a speech the other day, indicated that he was not satisfied with the demonstration of the gentleman from Colorado. And so I will turn to this official document, called "Bulletin 1—Population of the Philippines," and issued by the Department of Commerce and Labor in 1904. The article from which I read is signed by J. P. Sanger, the director of the Philippine census, as follows:

> Setting aside the intermediate water space, amounting to 717,042 square miles, and considering the land alone, the area is estimated to be 115,026 square miles, or 73,616,640 acres. Of this, about 12,000,000 are private lands and over 61,000,000 public land. Of the latter, 40,000,000 or more are forest lands, leaving about 21,000,000 available for agriculture.

This, remember, is all the public lands, and does not include the farms, amounting to over 7,000,000 acres. Then the report goes on:

> Much of the land covered by forests is of great richness, and if cleared would be capable of a very high degree of cultivation.

It is not mountain peaks, it is not the craters of dead vol-

canoes. It is capable of a high degree of cultivation. Then he adds:

This may be said of nearly all parts of the Philippines, in which the soil is especially adapted to tropical agriculture, producing all kinds of tropical fruits and vegetables and many of those usual to the temperate zone.

Truly Secretary Taft was justified in his early conclusion that the agricultural possibilities of the islands were practically unlimited. And our own sugar producers are not merely scared by hobgoblins of their own raising when they view this situation with some degree of alarm.

The testimony taken before the Philippine Commission as to the cost of making sugar there under present conditions is somewhat contradictory. The statement made to Mr. Hathaway by the sugar planters themselves indicate that the cost in the warehouses in Iloilo was about three-quarters of a cent a pound. The distinguished gentleman from New York [Mr. PAYNE], the leader of this House, was inclined to speak sarcastically and disparagingly of Mr. Hathaway. But I wish to say to this House that up in Michigan where we know him there is no man that is not glad to call him friend. [Applause.] And no one there would think any more of doubting his word upon a matter of fact which he said he had seen, than they would doubt the word of the most distinguished gentleman in this body.

Now, then, in the Philippine Census, in volume 4, page 32, Commissioner Luziriaga says:

Formerly the cost of production of a picul of sugar ready for market did not fall below $1.50 Mexican currency. Since the war, however, operating expenses have considerably increased. It is estimated at present the cost of producing a picul of sugar ready for market is all the way from $2.50 to $3 or even $3.50.

One dollar and a half Mexican currency would be 75 cents in gold.

Well, take $3, which is the highest amount given, except in a few special instances, and we have $1.50 in gold for 140 pounds of sugar. Other testimony there went as high as $1.88 a hundred. The gentleman from New York [Mr. PAYNE] said with fine sarcasm in his tone, that Mr. Hathaway represented the beet-sugar interests, and that he represented to the planters over there that he intended to buy sugar land, and so he said it was a case of swapping horses, where each man cracked up his own property. The allusion was not an especially happy one, for it might suggest itself to some Members in this House that the Ways and Means Committee are also engaged in swapping horses, and that (unconsciously perhaps) they were swapping off the American farmer and the American laborer, with their style of living, for the peon of the Philippines, who dresses, as the gentleman from Connecticut [Mr. HILL] described him, in a waist string. [Applause.] And in that game of wits, allow me to say, Yankee shrewdness did not appear to any great advantage by the side of Filipino cunning. If these planters had an object in understating the cost of sugar to Mr. Hathaway, they also had an object in overstating it to this committee.

And it may be that Commissioner Luziriaga's statement that it was about 1 cent per pound, made to the Agricultural Department, comes nearest the truth, for it was made before this controversy arose and without reference to it. If it is correct, and it is a statement of the Filipino Commissioner, made in an official document when he was under no inducement to falsify, then it amounts to about $2.20 or $2.30 per hundred for Philippine sugar free on board New York, present duty paid; and that is a price which no cane-sugar manufacturer and no beet raiser of this country can meet.

The effect of this bill is to put our labor in competition with Filipino labor; and let us see what the wages paid respectively in the United States and the Philippines really are. It is another way to make this comparison. The wages in the beet fields of Michigan are at least $1.50 a day; and Mr. Hathaway and Mr. Humphrey and the gentleman from Michigan [Mr. FORDNEY], who are all familiar with this subject, have stated that one laborer in Michigan can cultivate 5 acres and only 5 acres, and that the average yield in Michigan is 1,960 pounds of refined sugar. In the Philippines all the witnesses agree that one man can cultivate 2½ acres, and the cane produced there, at the very lowest estimate given by the gentleman from New York, is one long ton—2,240 pounds—of raw sugar, or 2,000 pounds of refined sugar per acre. So that two men in the islands will raise as much sugar as one man in Michigan. About these facts there is not any dispute. I have taken the figures of the gentlemen who favor this bill. Now, the wages of the farm laborer in Negros, where eight-tenths of this sugar is raised, was stated in the Philippine census at 30 centavos or 16⅔ cents per day. Commissioner Luziriaga stated before the Taft committee that it was now 20 to 30 cents a day, and De la Rama—and you remember that De la Rama is the man upon whom the gentlemen on the other side of this question place so much reliance—said that before the war 3 to 4 pesos a month without food was paid to the agricultural laborer, and now a little over twice that with food. Taking the highest figures he named, 4 pesos a month, and then double that and then add another for full measure, making it 9 pesos per month, equals 18 cents in gold per day, and then you add to that 5 cents for food and you have 23 cents as De la Rama's statement of the wages; and one man there cultivates half as much sugar as a man in Michigan.

Mr. Welborn said in his public report on agriculture of 1904 that the wages there were not quite 15 cents a day. Mr. Hathaway says they are nominally 13 cents in Negros, 14 cents in Panay. He further said that an actual state of peonage existed there, although it was unlawful, and that the men did not actually receive this amount, but they received the lowest amount on which they could live. Governor Wright, commenting on that statement of Mr. Hathaway, says it is to some extent an exaggeration, thus admitting that it is substantially correct. The effect, then, of this bill is to put the labor of the United States in direct competition with the labor of peons, who nominally receive from 13 to 25 cents a day, and do half as much work as one of our laborers. If these peons lived in India or China, how the distinguished gentleman from New York and the no less distinguished gentleman from Pennsylvania and his friend from Ohio would arise and protest against that outrage; and yet the injury to American labor is just the same whether they live under one flag or under another.

The object of protection—the main object, if I understand it aright—is to maintain the present style of living for the American workingman. But gentlemen say that this fear of competition is but a fantastic dream arising out of an uneasy conscience; that we forget the crude methods and the ignorance and the indolence. My answer is to fling back the statement of the distinguished gentleman from New York, when he said that he had faith in American energy and American genius. These bright men, American capitalists, will not long permit all of these rich and fertile fields to go uncultivated or that wealth of cheap labor to go to waste. Soon American brains and skill will be directing industrial operations there, substituting modern machinery and methods for the antiquated methods of today, paying for it with good American capital, and with the advantage offered by this cheap labor, forcing our own labor into an unequal combat, from which these capitalists will no doubt acquire wealth, but which will benefit the Filipino laborer very little.

We are now, I believe, at the parting of the ways. The other day the gentleman from Massachusetts said protection is no child of ours, and he went on to tell us truthfully, as we all know, how it was forced upon the reluctant people of Massachusetts, and you all remember how it was protested against by Daniel Webster when he represented the State of Massachusetts. But after it was established, after the people there had accommodated themselves to it and invested their money under it, then Mr. Webster, wisely changing with the changed conditions, demanded that those people should be protected. So it will be here. Every man who, after this bill passes, if it does pass, invests one dollar in machinery or land in the Philippine Islands will say he did it in reliance upon this bill. [Applause.] Whether it be true or not, I do not know how we can refuse his claim to consideration. So I say we are at the parting of the ways. If this bill is passed it means free trade forever between this country and the Philippines so long as they are under the American flag. I am opposed to this bill, first, because I believe it will do the real Filipino no good. Of no country was it ever truer that the people perish for want of knowledge. They need the bread of enlightenment, and you offer them the stone of tariff reduction. [Applause.] I am opposed to this bill, second, because these duties are needed to develop the islands, and you can offer no substitute for them but direct taxation. Third, I am opposed to this bill because you endanger an industry in which our own people have invested millions of dollars. [Applause.] They have invested it on the pledged faith of the Republican party that they should be protected. [Applause.] And finally, I am opposed to it because you place the American farmer in direct competition with labor that is paid not to exceed 25 cents per day and is one-half as efficient as his own.

I yield to no man in this House in my desire to raise up and benefit the Filipino people. I will vote for any measure presented for that purpose which I believe will not do an equal injury to our home people. [Applause.] And when by enlightenment and industrial training in the use of American capital and better methods you have raised the common people of the Philippines to a somewhat higher standard of living, when they have discarded the waist string for the habiliments of civiliza-

tion, and when they are paying their fair proportion of the expenses of this Government, and when they have ceased to be a pensioner upon its bounty, then, but not until then, I believe they should be admitted to equal privileges in our markets. [Applause.] Until that time we should proceed with caution, that we do not in our benevolent intentions fracture that noble fabric of liberty and independence and civilization which our forefathers and ourselves have reared upon this continent. [Applause.]

Mr. THOMAS of North Carolina. Mr. Chairman, this bill opens up for discussion very properly two very interesting and important questions, one of them the attitude of the Government toward the Philippines and our island possessions, and the other question the policy of the Government upon the subject of the tariff. To both of these subjects, Mr. Chairman, I profess to have given some little study and investigation. In fact, I have long ago learned in this House that it is unwise to discuss any question in which you are not interested and to which you have not given at least some study and investigation.

WHAT OUR PHILIPPINE POLICY MEANS.

Now, upon this first subject in the Fifty-sixth Congress I expressed my individual views in no uncertain language. In the Fifty-sixth Congress I said, speaking with reference to the attitude of the Government toward the Philippines and all our island possessions:

I do not believe that by the treaty with Spain we should ever have acquired this territory, but, having acquired it, I believe to hold this territory in the far Orient is fraught with far greater danger to the Republic than to give its inhabitants their independence.

When I said that, Mr. Chairman, I did not mean to advocate what is called "the scuttle policy," for under no circumstances would our Government turn those islands adrift without giving them proper protection, without reserving coaling stations and trade privileges, and securing reimbursement of the twenty millions of dollars paid Spain; but I meant that, under the genius and theory of our free institutions, our great Government should never hold any people incapable of being assimilated with our population, and any territory incapable of being converted into States. While we should never haul down the American flag while it floats over free American territory, that flag should never float over conquered and subject provinces. [Applause.] In his interesting sketch of Cæsar, the historian, Froude, says:

If there be one lesson that history clearly teaches, it is this—that free nations can not govern subject provinces. If they are unable or unwilling to admit their dependencies to share their own constitution, the constitution itself will fall in pieces from mere incompetence for its duties.

Now, Mr. Chairman, when we annexed the Philippine Islands, what did it mean? I showed in the same speech in the Fifty-sixth Congress that the acquisition of the Philippines meant the subjugation and forcible annexation of our former allies; that it meant, not a legitimate, homogeneous expansion, but the English colonial system, or a similar system; that it meant the spirit of gain and commercial greed or lust for gold was to override and obscure the advice and warning of the founders of the Republic under a plea of manifest destiny; that it meant, if the Philippines were to be retained permanently, a total departure from the past theory and practice of our Republic for the sake of trade with these islands, China, and Asiatic countries, the advantages of which had been greatly exaggerated; that it meant foreign alliances and foreign entanglements, from which heretofore we have happily been free; that it meant a practical abandonment of the spirit if not the letter of the Monroe doctrine, which heretofore has preserved the peace and happiness in a large measure of the Western Hemisphere; that the permanent retention of the Philippines meant, also, a large standing army and navy, quadruple at least their present size, and a constantly increasing expense of maintaining our fleets and armies in the archipelago; that it meant the beginning of a career of acquisition and conquest upon which other republics have entered with the same belief in their superiority and integrity only to find that the end was disaster and possibly the destruction of a republican form of government.

There are but two logical positions which we can take with reference to the Philippine Islands—one is to regard them as American territory in all respects, and the other is to grant them their independence.

VIEWS OF THE DEMOCRATIC MINORITY ON THE PENDING BILL.

Under the existing law and the decisions of the Supreme Court of the United States in the insular cases the Philippine Archipelago, as clearly set forth in the views of the minority upon this bill, "occupy a most anomalous status." They are treated as American territory for certain purposes and as foreign or semiforeign territory for certain other purposes. "According to the whim of Congress or the Executive, they are considered as American or foreign, or as both American and foreign, or as neither American nor foreign," and in justice to both the Filipinos and ourselves they should be considered as "altogether American or altogether foreign. So long as we retain them we favor the establishment and maintenance of free trade betwixt them and the United States."

The bill of the minority proposes free trade between the Philippines and the balance of the domain of the United States.

The bill of the minority, the Democratic bill, and report are as follows:

[House Report No. 20, part 2, Fifty-ninth Congress, first session.]

The undersigned members of the minority of the committee believe that the anomalous and preposterous status of the Philippine Islands, by which they are treated as American territory for certain purposes and as foreign or semiforeign territory for certain other purposes, can not be long maintained and should be immediately terminated.

At present, according to the whim of Congress or the Executive, they are considered as American or foreign, or as both American and foreign, or as neither American nor foreign.

In justice to both the Filipinos and ourselves they should be considered as altogether American or altogether foreign.

So long as we retain them we favor the establishment and maintenance of free trade betwixt them and the United States.

The party which we in part represent desires to get rid of them at the earliest practicable moment, and we welcome the dissatisfaction of the hitherto legislatively favored classes, growing out of the competition of the products of Philippine labor with our own products in our own market, as a possible moving cause to governmental divorce between the Philippine Archipelago and the balance of the United States.

For these reasons we offer as a substitute for H. R. 3 H. R. 406, which is in words and figures as follows:

"A bill to secure to the Philippine Islands free trade with the balance of the domain of the United States.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the date of the passage of this act all goods, wares, merchandise, or other articles, being the growth or product of any of the islands forming a part of the archipelago called the Philippines, or of the island of Guam, when shipped to any port of Hawaii, Porto Rico, or to any other port of the United States, shall enter any said port free of import duty.

"SEC. 2. That from and after the passage of this act all goods, wares, merchandise, and other articles, being the growth or product of Porto Rico, Hawaii, or any other appurtenance, Territory, or State of the domain of the United States, when shipped to any port of the Philippines or Guam shall enter any said port free of import duty.

"SEC. 3. That all existing provisions of law enacted by the Congress, by the Philippine Commission, or by any other authority whatsoever, civil or military, which are in conflict with the provisions of this act are hereby repealed: *Provided, however*, That nothing herein contained shall be construed to repeal the provisions of a treaty of peace entered into at Paris, France, on the 10th day of December, 1898, by and between the United States of America and His Majesty the King of Spain, and confirmed by the Senate of the United States on the 6th day of February, 1899."

If the substitute herein proposed is voted down we will support H. R. 3, being the bill reported by the majority, on the principle that it is a long step in the logical and right direction.

JOHN SHARP WILLIAMS.
CHAMP CLARK.
WM. BOURKE COCKRAN.
OSCAR W. UNDERWOOD.
D. L. D. GRANGER.

WILL NOT HARM AMERICAN INTERESTS.

But independently of the Democratic minority report I think we ought to pass this bill for three reasons: First, because it is in accordance with Democratic policy to reduce the rates of the Dingley tariff law wherever possible to lighten its burdens, and to regard the islands as wholly American territory as long as we own them and until they have an independent government. It is a step in the logical and right direction.

Second, it is only justice to the Filipinos, who are the wards of the Government, to grant them freer trade with us.

Third, because I do not entertain the fears of some of my good friends on this side and the other side of the House that this bill is going to harm any American interests. I am unable to see that it will affect them to any appreciable extent or at all. On the contrary, as the bill is framed the effect upon American tobacco, of the quality raised in the South, may be advantageous, American tobacco being more likely to go to the Philippine Islands than their product to come here.

The hearings before the Ways and Means Committee showed that the Filipinos are unable to produce the light-colored wrapper so essential to American trade, and which their own export trade is demanding.

As to the effect of the bill upon the sugar interests of Louisiana, or the beet-sugar interests of the West, I am not so fully informed, nor do I care to discuss that phase of the pending bill. So far as I am personally concerned I shall adopt the views of the Democratic minority upon these questions. They do not fear any harm to American interests after full and careful investigation. The committee report says, as to tobacco:

With absolute free trade both ways, it would seem that American tobacco is more likely to go to the Philippine Islands than that their product should come here. They are unable to produce a light-colored wrapper, so essential to our trade, and which their own export trade

is demanding. The Georgia and Florida growers claim that they are now producing in large quantities under shade a wrapper equal in every respect to the Sumatra leaf and at a cost of 75 cents per pound to the trade. The real Sumatra wrapper imported into the United States costs $1 per pound, with the additional $1.85 duty added. The Philippine Islands are now importing from Sumatra leaf tobacco of a quality inferior to that imported by us and at a cost of $1.50 per pound, including the duty. They have experimented with our Connecticut wrapper in manufacturing cigars, and believe that it will take the place of the Sumatra wrapper which they are importing when we remove the duty on the Connecticut wrapper going into the Philippine Islands.

As to sugar, I understand from the speech of the gentleman from Missouri [Mr. CLARK], who has fully investigated the matter, that the whole area of land that can be cultivated in the Philippine Islands, according to the most liberal estimate, is only about 35,000 square miles, just about the size of that portion of the State of Missouri south of the Missouri River. In 1904 we imported from the Philippines 25,489 tons of sugar only.

WILL BENEFIT COTTON MANUFACTURES FOR WHATEVER THE MARKET IS WORTH.

But, Mr. Chairman, there is one feature of this bill which I think will benefit American interests, and especially benefit the people of my section.

The 11th day of April, 1909, is the date fixed by this bill for the abolition of all tariffs between the United States and the Philippine Islands, and on and after that date the Philippine Islands, for whatever the market is worth, will be open to all cotton manufactures of North Carolina and of the South. This should have been done long ago, but it seems to me that will be the effect of the bill. The language of the bill is as follows:

That on and after the 11th day of April, 1909, all articles and merchandise going from the United States into the Philippine Islands and all articles wholly the growth and product of the Philippine Islands coming into the United States from the Philippine Islands shall be admitted free of duty.

Now, certainly, after April 11, 1909, the effect of that legislation will be to open up the market in the Philippine Islands for whatever it is worth to us for the cotton goods manufactured in North Carolina and the South.

I hope the market may be of some value to us. It is about time we should realize some profit in this Philippine business.

This bill is but one step in a series of legislative acts in the past and in the future with reference to these remote possessions. Unless I shall be able to see in the future more profit in holding these island possessions than I have been able to see in the past, I would gladly unite with any insurgents from the Republican majority for the purpose of fixing some date upon which these islands shall have absolute independence. This action on the part of Congress would solve many of the vexing problems which molest and disturb us. I would do so because I believe that any people who are incapable of assimilation—and I believe the Filipinos are incapable of assimilation—should not become citizens of our country, and any territory which is incapable of being converted into States of the American Union should not be retained as a permanent part of our possessions. But, Mr. Chairman, my purpose in this debate is not so much to discuss either the pending bill or the policy of the country toward the Philippine Islands, but a question which is germane to the bill, and, notwithstanding all the outcry of the politicians, is a living and burning issue before the American people, namely, the question of tariff revision.

TARIFF REVISION AND RECIPROCITY.

Now, Mr. Chairman, to proceed to the second subject involved in the discussion of this bill, namely, the policy of the Government upon the tariff. You all remember who were in it that when the last Congress convened there was much discussion as to the prospect of tariff revision. Even many Republicans felt then, and feel now, that this issue must be faced and met and solved in such manner as would best redound to the interests of the country. The agitation begun in the Fifty-eighth Congress was silenced for a time by the politicians of the Republican party, and the cry of the politicians was "stand pat." They said, "Let the tariff schedules alone," and did not heed the demands of the people. Though William McKinley in his last great speech at Buffalo, before he was stricken down by the assassin's bullet, made a strong plea for new and wider markets, gentlemen of the majority, and although President Roosevelt at times, and the Democratic party at all times, has warned the country of the dangers of monopoly built up and fostered by a high protective tariff, the cry of the politicians was heeded. Other questions for the time being obscured the consideration of this great issue, which has deserved and received the best thought of Clay, Calhoun, Webster, Benton, Walker, Blaine, McKinley, Wilson, Dingley, and all the greatest of our statesmen. We discussed the construction of the Panama Canal; we discussed the regulation of railway rates, and the result was the passage of the Esch-Townsend bill and a full investigation of that subject this summer by a committee of the Senate. But these questions of the canal and the regulation of railway rates, live as they then were and live as they now are, can not obscure and will not obscure in the mind of the country the absolute necessity in the near future of some legislation upon the tariff for the relief of the consumers, and of our agricultural and manufacturing interests, for new markets are needed for both. Like Banquo's ghost, this question will not down and it can not be obscured by all the arts of the politicians, because the question of new and wider markets, gentlemen of the majority, is becoming now a world-wide problem and our statesmen must solve it or we must meet with retaliation abroad and stagnation of business at home. The issue can not be dodged; it can not be evaded; it must be solved and solved now. There are two ways to my mind, gentlemen, in which this question can be solved. First, by proper revision of the tariff schedules, and, second, by reciprocal trade agreements with foreign countries. Whichever method you choose, tariff revision or reciprocal agreements with foreign countries, your Republican Administration, I warn you to-day, must do something.

The President calls attention in his public addresses to the dangerous growth of monopolies, and the people of this country demand some action. The whole question is interwoven with every other question of our national policy—with the construction of the Panama Canal, as to whether we shall buy our goods in the foreign or domestic markets, in the cheapest or in the dearest markets; with our foreign policy; with the agitation of a system of reciprocity to meet the enactment of retaliatory tariffs by Germany, France, Austria-Hungary, and other European countries; with the trusts, built up and fostered by a high protective tariff; with our policy toward the Philippine Islands and all our island possessions, and with the deficit in our revenues. It has been claimed, Mr. Chairman, that the Republican party is a party of constructive statesmanship and legislation; that the Democratic party is a party of negation. If that be true, gentlemen of the majority, quit raising your cry of "stand pat," because that is the cry of a party of negation. [Applause on the Democratic side.] Do something positive, and do it now, for the whole world is agitating the question of retaliation unless there is some definite action and some revision of the high protective schedules of the Dingley tariff law, the highest ever known in the history of our Government. Revise this law for the protection of the American farmer and the American laborer, and revise this law also for the relief of the American manufacturer, who will soon be excluded from the markets of the world. Such revision is not inconsistent with the protection and safety of all our industries, North and South, and of American labor, and accords with wise statesmanship. In a speech which I made in the Fifty-eighth Congress—the last Congress—upon the subject of reciprocal trade agreements with foreign countries, I made an appeal to Republicans, if they would not give some measure of relief by revision of these high rates of the Dingley tariff law, that they would at least negotiate again and ratify the treaties which were pigeonholed in the United States Senate—the Kasson treaties with France and other countries. These treaties were negotiated with the Danish and British West Indies, with Nicaragua, Ecuador, and France, and they gave the maximum of benefit and the minimum of injury to American interests. Why, you take the French treaty. It proposed only an average of 6.8 per cent reduction of duty on American manufactures, and we got a reduction from France, by means of that treaty, of from 26 to 48 per cent on our exports of $25,000,000 to France. I said on February 4, 1905, in the discussion of the diplomatic and consular bill:

I wish to-day to appeal to Republicans, if they will not give to the people some measure of relief as advocated by some of the Republican party, by means of a proper revision of tariff schedules, that they will at least extend to the American people such relief by means of reciprocity treaties as will open up new markets for the products of our farms and factories, and enable the farmers and manufacturers of the United States to dispose of their surplus products. Unless some such course is pursued by the Republican Administration, and if the exactions of the high rates and schedules of the Dingley tariff law are continued, the effect must be that retaliatory measures will be resorted to by the other nations of the world and we shall lose new and valuable markets for American agricultural products and manufactures.

One hundred years ago Mr. Jefferson declared that the choice was between reciprocity or retaliation, and so to-day if the high rates of the Dingley tariff law be maintained you, gentlemen of the majority, must choose between reciprocity and retaliatory measures by other nations. Sooner or later you must advocate commercial fair play and peace instead of commercial exclusiveness, or you will have commercial war. Jefferson understood this governmental principle; Blaine foresaw it, and President McKinley, who, though dead, still possesses and deserves the respect and confidence of the American people, advocated it.

Mr. Chairman, I was then making in that speech a plea for the South. I was speaking then for the southern farmer and the southern cotton-seed-oil industry, advocating the Kasson treaty with France and other reciprocity treaties. The logic of

events has justified what I then said; and again to-day I plead for the sunny South and the southern farmer and cotton-seed-oil industry, which is being destroyed by European tariffs, and for new and wider markets.

I urge you, gentlemen of the majority, to do something in the way of revision of the tariff on reciprocal trade agreements, and substantially benefit the producers, the farmers, and laborers, and the manufacturers of the whole country. As the minority leader, the gentleman from Mississippi [Mr. WILLIAMS], said the other day upon the floor, "If you will not let us revise the Dingley law, why, then, revise the tariff yourselves." I say to you, if you will not do either, then give us reciprocity. The pendulum has constantly swung from tariff revision to reciprocity, and you will be forced to accept one or the other policy or face commercial war.

I am glad to see the independent voice, which is being raised from Massachusetts and which is being raised from Iowa. I know that the Republican leaders have been inclined to make light of the fact that we are selling our surplus products in the foreign markets cheaper to the foreigner than we are to the American citizen. I know that they are inclined to make light of what Governor Cummins said at the late reciprocity convention in the city of Chicago, and they are inclined to say there is not so much after all in this cry which comes from independent Massachusetts—independent ever since the days of the Revolution, the days of Concord and Lexington and Bunker Hill—and from Iowa.

But I want to say to Republicans upon this floor, that in my honest judgment and opinion the time has come or is coming soon when you will be forced to abandon your policy of negation, your "stand-pat" policy, and assert your constructive statesmanship, and either moderate your high tariff or give the country reciprocal commercial agreements, or commercial war with the whole world is inevitable. [Applause on the Democratic side.]

THE NEW GERMAN AND EUROPEAN TARIFFS, AND EFFECT ON COTTON-SEED OIL INDUSTRY.

Very recently important tariff changes have taken place or are about to take place in the tariff systems of nearly all the continental nations of Europe, which have adopted or have under contemplation the adoption of a high protective tariff against our exports.

Mr. Chairman, I hold in my hand a recent letter which was addressed to the Newbern Cotton Oil Mills, Newbern, N. C. That is my home town, and it is one of the best towns in the United States. [Applause.] In that letter the disastrous effect of the new German tariff upon the great commodity of cotton-seed oil is shown. Do you know what that industry means to the South? Why, from the few hundred thousand dollars investment, this great industry—the cotton-seed oil industry—has been built up, until a few years ago, in 1902, the total value of the product was over $42,000,000. Cotton-seed oil mills are scattered all over the South. They are located in close proximity to the ginneries, and the industry is constantly becoming of more and vital importance to the cotton-growing districts of the South. They afford new avenues of employment to the people and an opportunity for the investment of capital. What was formerly waste material is becoming a mine of wealth to the southern people. We find markets in France, Germany, and Austria-Hungary. The letter to the Newbern Cotton Oil Mills from the Merchants' Association of New York City is as follows:

TO FOSTER THE TRADE AND WELFARE OF NEW YORK.

NEW YORK, *July 14, 1905.*

NEWBERN COTTON OIL MILLS,
Newbern, N. C.

GENTLEMEN: Important changes have taken or are about to take place in the tariff systems of nearly all the continental nations of Europe which have adopted or have under contemplation the adoption of high protective tariff duties on imports. Besides this very marked increase in tariff duties adopted by European countries, most of these nations have adopted a dual tariff system under which they apply a maximum or general tariff on ordinary imports and minimum, separate, or conventional tariff duties to those nations which make reciprocal concessions in their rates of duty, the difference in the two rates of duty, of the maximum and the minimum tariff, respectively, running from 15 per cent to 75 per cent.

The result of these new tariff systems adopted by the countries of Europe will be most disastrous upon the export trade of the United States. In addition to the high and prohibitive rates of duty imposed upon imports from the United States our products will meet with the severe competition of other nations to whom the minimum tariff rates are conceded.

The very serious situation that confronts the export trade of the United States to Europe will be realized when it is considered that our total exports to Europe during the fiscal year 1904 exceeded the sum of $1,057,000,000, which was more than two-thirds of our total exports. The United Kingdom, which receives more than half of these exports to Europe, under its present tariff system will offer no barriers to our trade unless the agitation conducted by Mr. Chamberlain should be successful. Germany (after the United Kingdom our best customer), which receives $215,000,000 of our exports; France, $65,000,000; Italy, $35,000,000, and Switzerland, Russia, Austria-Hungary, and minor countries of the Continent will bar many of our exports through the imposition of these high rates of duty.

Our principal articles of export to the Continent of Europe are the following: Wheat, rye, oats, barley, corn, wheat flour, malt, potatoes, hops, dried apples, pears, apricots, peaches and prunes, fresh apples, sausages, lard, salted meats, butter, cheese, fresh and canned beef, canned salmon, tobacco, eggs, oleomargarine, wood alcohol, cows and oxen, horses, hogs, cotton, shoes, lumber (rough), sewing machines, leather, electrical machinery, machine tools, telegraph instruments, telephones, electric lighting and power apparatus, railways and street cars, motor cars and motor bicycles, machinery of various kinds, typewriters, naval stores, agricultural implements, petroleum, oils.

All of these articles will be seriously affected by the proposed tariff changes in most of the continental countries.

The new tariff system of the Empire of Germany, which goes into effect during the first half of the year 1906, not only doubles many of the rates of duty upon our chief articles of export, but also by the reciprocal treaties entered into by Germany with a number of European nations will place us at a still greater disadvantage.

The same condition will shortly meet us in Austria-Hungary, where the proposed new tariff is expected shortly to be adopted. As an instance of the disastrous effect of these new high tariff rates of duty upon the exports from the United States, it is sufficient to mention the article of cotton-seed oil, the duty upon which will be quadrupled, which will destroy our cotton-seed oil export trade to that country.

Russia raised her rates of duty on our exports by from 50 per cent to 100 per cent in 1901, in retaliation for the countervailing duty imposed by the United States on Russian sugar, and has now adopted a maximum tariff which increases these retaliatory rates of duty, and which will no doubt entirely check our export trade with that country. Our total exports to Russia in 1904 were $31,200,000, as against imports of $2,200,000.

The Republic of France after the passage of the McKinley Act adopted a high protective maximum tariff and a minimum tariff, with the result that during the last six years our exports to France have shown no increase except in a few limited articles on which France gave the United States reductions in duties in exchange for certain slight reductions granted by the United States under section 3 of the Dingley Act, and it is noteworthy that our exports to France covered by this reciprocal agreement have increased from 1898 to 1903 by 46 per cent.

Italy granted us reductions under her minimum tariff on a limited number of exports with the same result as in the case of France, namely, that our exports of the few articles on which Italy grants us her minimum rates have shown a very large increase, whereas our exports of such articles as are subject to the maximum rates have not increased materially.

In Switzerland, which Republic has always been a good customer of the United States, we shall be subjected to the maximum rates of duty under the new Swiss tariff shortly to be put in force.

The Merchants' Association of New York, after carefully considering the conditions with which our trade is threatened, have adopted the subjoined resolutions, which we commend to your serious consideration.

It appears to us that the time has now come when the United States should adopt a policy of reciprocal trade agreements, in accordance with the last words of ex-President McKinley, for the purpose of preserving and extending our export trade and gaining more outlets for our growing agricultural and manufacturing products.

With this end in view we should seek to establish reciprocal trade relations not only with the countries of Europe, but also with our immediate neighbors on the north and on the south.

The most striking illustration of the benefits that follow the cultivation of better trade relations by reciprocal tariff reductions can be witnessed in the extraordinary growth of our exports to the island of Cuba, which, it is estimated by the Bureau of Statistics of the Department of Commerce and Labor, will, during the fiscal year ending June 30, 1905, reach the total of $38,000,000, showing a very large increase as compared with the previous fiscal year and a much larger increase as compared with the fiscal year immediately antedating the reciprocity convention with Cuba. The fact also is significant that whereas our imports from Cuba have increased 33 per cent our exports to Cuba have gained 80 per cent since reciprocity was adopted.

The business interests of the United States should take prompt and active steps, both collectively through their trade organizations and individually, to impress upon the President of the United States and his advisers the important necessity that exists for the negotiation of reciprocity treaties with our neighbors and our principal customers abroad, and to urge upon Senators and Representatives in Congress that such reciprocity treaties should promptly be ratified, in order to preserve our present trade and enlarge it. When once lost or taken from us it can not be recovered except with great difficulty.

We trust that we may count upon your cooperation in this movement and would ask you to inform The Merchants' Association of New York of any action that you take. We would also ask you to forward copies to us of any letters that you may send to or receive from public officials whom you address on the subject.

Yours, very truly,

COMMITTEE ON RECIPROCITY TREATIES,
THE MERCHANTS' ASSOCIATION OF NEW YORK.
By JOHN C. EAMES, *Chairman.*

JOHN C. EAMES,
GUSTAV H. SCHWAB,
EDWARD D. PAGE,
DANIEL P. MORSE,
E. H. OUTERBRIDGE,
Committee on Reciprocity Treaties.

Mr. Chairman, I have another letter here which I am going to put in the RECORD, with the permission of the House. This is a letter from the president of the Chamber of Commerce of New York to the president of the Chamber of Commerce of Newbern, N. C., also calling attention to the effect of the new European tariffs upon our foreign trade. It is as follows:

NEW YORK, N. Y., *June 23, 1905.*

To the president of the Chamber of Commerce, Newbern, N. C.

DEAR SIR: In pursuance of the inclosed resolutions, adopted by the Chamber of Commerce of the State of New York on the 1st instant, we take liberty of addressing you on behalf of the chamber for the purpose of drawing your attention to the grave dangers that now threaten our foreign trade.

Since the enactment of the McKinley and Dingley tariff laws the nations of continental Europe—France, Germany, Austria, Russia, Italy, Switzerland, Spain, and Portugal—following the example of the United States, have adopted, or are about to adopt, high protective tariff duties on imports into their respective countries, which have the effect, or when adopted will have the effect, of very seriously curtailing, if not in some instances entirely cutting off, our exports to these European countries, some of which have in the past been among our best customers.

The tariff systems adopted by most of these nations of Europe include a maximum or general tariff and a minimum or conventional tariff under which they reduce the rates of duty on many articles by separate treaties or conventions with such nations as offer tariff concessions in exchange, the difference in the two rates of the duty of the maximum and minimum tariff ranging in the case of some nations from 15 to 75 per cent and more.

When these new tariff systems are in full force the effect upon the export trade of the United States will be disastrous, as not only shall we be subjected to the high and, in many cases, prohibitive rates of duty of the maximum or general tariffs, but shall also find the reciprocal reductions made by European nations among each other under their minimum or conventional handicapping our export trade with still greater disadvantage.

During the fiscal year 1904 our total exports to Europe exceeded the sum of $1,057,000,000, more than two-thirds of our total exports. Of these exports the United Kingdom took more than half, or nearly $538,000,000; Germany, our next largest customer, took $215,000,000, or more than one-fifth; then comes France with $85,000,000, Italy with $35,000,000, and the other countries with lesser amounts.

Our trade with the United Kingdom is not threatened at present and will not be unless the agitation conducted by Mr. Chamberlain and his adherents should result in the introduction of a different tariff system in Great Britain than now prevails.

Our trade relations with Germany present the most serious aspect, owing to the magnitude of the interests affected. Under the new general tariff adopted by the German Empire, and going into effect in the year 1906, the duties on our products will be raised as follows, the rates expressed in United States currency:

[Per 100 kilograms, equal to 220.4 pounds.]

On wheat, from 83 cents to $1.78.
On rye, from 83 cents to $1.66.
On oats, from 67 cents to $1.66.
On barley, from 47 cents to $1.66.
On corn, from 38 cents to $1.19.
On flour, from $1.74 to $4.36.
On malt, from 85 cents to $2.44.
On hops, from $3.38 to $6.66.
On dried apples, pears, apricots, and peaches, from 95 cents to $2.38.
Fresh apples, now free, $2.38.
On oranges, from 95 cents to $2.86.
On sausage, from $4.04 to $16.66.
On lard and cotton-seed oil, from $2.38 to $2.97.
On salted meats, from $4.04 to $10.71.
On butter, from $3.80 to $7.14.
On oleomargarine, from $3.80 to $7.14.
On cheese, from $4.76 to $7.14.
On eggs, from 47 cents to $1.42.
On wood alcohol, now free, $4.76.
On cattle, per head, from $2.14 to $4.28.
On horses, per head, from $4.76 to $21.42–$85.68.
On hogs, per head, from $1.19 to $4.28.
On shoes, from $11.90–$15.47 to $20.23–$42.84.
On sewing machines, from $5.71 to $8.33.
On other kinds of machinery the increase in duty amounts to from 50 to 100 per cent.

The importance of our export trade in the articles affected by this great increase in duties is shown by the value of articles exported from the United States to Germany in 1904: Wheat, $6,000,000; lard, $15,600,000; leather and manufactures, $1,200,000; corn, $7,200,000; beef, $600,000; wood and manufactures, $3,600,000; flour, $2,200,000; fruits, $3,600,000.

The conventional tariff adopted by the German Empire and applied to the imports from those countries that grant Germany reciprocal concessions in tariff rates reduces the general tariff rates very materially, on many articles by 75 per cent, and the countries thus favored will be enabled to underbid us in the German markets in all of our articles of export and practically to exclude many of our products.

Our trade with the Republic of France under the present tariff system in operation in that country is most unsatisfactory, handicapped as it is by heavier rates of duty under the maximum tariff of France on many articles on which our competitors receive the benefit of the mimimum tariff rates, and it is not surprising that our total exports to France show practically no increase in the last six years, whereas our exports to Germany in the same period have increased from $155,000,000 in 1898 to $215,000,000 in 1904. On the other hand, our exports to France of the few articles covered by the reciprocal agreement entered into with that country under section 3 of the Dingley Act have increased from 1898 to 1903 by 46 per cent.

Russia, in 1901, in consequence of the countervailing duty imposed by the United States on her bounty-paid sugar, raised her rates of duty on our exports by from 50 to 100 per cent. She has now adopted a maximum tariff, which raises these duties still higher, and will undoubtedly completely destroy our export trade to Russia.

Austria-Hungary now has under contemplation a new maximum and minimum tariff, which it is expected will shortly be adopted by Parliament, and under which our exports to Austria-Hungary will suffer severely. Under this new tariff an increase in the Austrian rate of duty on cotton-seed oil will be made equal to 300 per cent, which will effectually kill our cotton-seed oil exports to Austria-Hungary.

Italy now grants us minimum rates of duty on a limited number of our products, the export of which to that country has greatly grown, while the export of articles subject to her maximum rates has not shown a material increase.

In view of the grave situation that thus confronts us, it appears that the business interests of this country should make their influence felt in favor of the early negotiation and ratification of treaties of reciprocity with our principal European customers through which our trade relations with these countries may be adjusted upon a mutually advantageous basis.

We trust that if you agree with this chamber in their view of the situation and the remedy it calls for we may count upon your earnest cooperation in rousing the business interests of the country to the dangers that threaten our foreign trade.

It is of the utmost importance that the National Government be informed in no uncertain terms of the demand of the business community that our foreign trade be extended and enlarged by improved commercial relations with the countries of Europe so that imminent danger of a disastrous tariff war of retaliation may be avoided, and we should therefore urge you to present your views on this subject to the President of the United States and his advisers and also to the Senators and Congressmen from your State.

It is necessary that this important question, which means either life and growth or practical extinction to a large part of our valuable export trade, should be thoroughly agitated. To this end the prompt, thorough, and effective support of all the commercial organizations of the country is imperatively demanded.

Kindly indicate to us if we may count upon your active cooperation.

Yours, very truly,

COMMITTEE ON FOREIGN COMMERCE AND THE REVENUE LAWS,
By GUSTAV H. SCHWAB.

I will also call to the attention of Congress resolutions adopted by the Chamber of Commerce of the State of New York and the Merchants' Association of New York, also resolutions of the Memphis Merchants' Exchange, as follows:

Resolutions adopted by the Chamber of Commerce of the State of New York June 1, 1905.

Whereas the new customs tariff adopted by the German Empire, and the commercial treaties concluded by that Empire with important European countries, will seriously affect our growing export trade to Germany; and

Whereas our exports of merchandise to Germany have more than doubled in the last ten years, and have reached the sum of $215,000,000 in the year 1904, exceeding in value the exports of any other nation into Germany, and proving that country to be our best customer after the United Kingdom: Therefore, be it

Resolved, That the Chamber of Commerce of the State of New York heartily favor the conclusion of a commercial treaty of reciprocity between the German Empire and the Government of the United States, by which the trade relations between both countries may be adjusted upon a mutually advantageous basis; and be it further

Resolved, That the committee on foreign commerce and the revenue laws be instructed to use all proper means and to exercise every honorable effort to secure the conclusion and ratification of such a treaty of reciprocity between the two countries.

Whereas our export trade to France, Russia, Switzerland, and Austria-Hungary is threatened with material reduction, if not practical extinction, by the adoption of new maximum tariff rates of duty, either now in force or shortly to be adopted by these countries; be it

Resolved, That the Chamber of Commerce of the State of New York advocate the early conclusions of commercial treaties of reciprocity with the countries above mentioned; and be it further

Resolved, That the committee on foreign commerce and the revenue laws be instructed to use every honorable means at the proper time to secure the adoption and ratification of such treaties of reciprocity or commercial treaties.

The following preambles and resolutions were unanimously adopted by the board of directors of the Merchants' Association of New York at their meeting on June 8, 1905:

"Whereas the principal nations of continental Europe, following the example of the United States, have adopted or are about to adopt high tariff rates of duty on many products of the soil and of manufacture, the imposition of which on the products of the United States can not fail to most injuriously affect the welfare of the varied interests of this country; and

"Whereas these European countries have also adopted or have in contemplation a system of preferential tariff rates of duty to be accorded to those nations that are willing to offer similar reciprocal reductions in their rates of duty, which would enable countries so favored to underbid our products in European markets: Now, therefore, be it

"*Resolved*, That the Merchants' Association of New York heartily favors the conclusion of reciprocal treaties of commerce between the United States and these European countries by which an enlarged trade and extended markets for our products may be secured; and be it further

"*Resolved*, That a committee of five be appointed by the president, which committee shall urge upon the Government of the United States and upon the Congress of the United States the importance of the adoption of such reciprocity treaties, and shall place itself in communication with all commercial and agricultural associations or bodies throughout the United States for the purpose of soliciting their cooperation in securing the conclusion and ratification of such commercial treaties of reciprocity."

Resolutions adopted by the Memphis Merchants' Exchange at a meeting held June 2, 1905, relative to the proposed prohibitive tariffs upon imports into foreign countries of cotton-seed oil and other American manufactured products.

Whereas the Government of Germany has promulgated a new schedule of tariffs upon imports into that country, to become effective March 1, 1906, under which the rates of duty upon imports from the United States are largely increased; and

Whereas the duty on cotton-seed oil is therein increased from 10 marks per 100 kilograms to 12.50 marks per 100 kilograms, or 25 per cent; and

Whereas the Government of Austria-Hungary has arranged a new schedule of tariffs upon imports into that country, which schedule but awaits the favorable action of the two parliaments of that Government to become effective, under which the rates of duty upon imports from the United States are largely increased; and

Whereas under the proposed new schedule of tariffs in Austria-Hungary the duty on cotton-seed oil will be 40 kronen per 100 kilograms, instead of the present rate of 9.52 kronen per 100 kilograms, an increase of more than 300 per cent—i. e., from 7½ cents to 30 cents per gallon, or fourfold, which duty would be absolutely prohibitory and would result in the destruction of a trade with that country in this commodity which it has taken years to build up, and which now amounts to 75,000 barrels per annum; and

Whereas in France a bill for an injurious, if not destructive, increase of the duty on cotton-seed oil, which has been pending for several years, has been checked by the advocates of reciprocity in that country, but the passage of which has now become imminent; and

Whereas the movements above named are manifestly the beginning of a general tariff war upon American products; and

Whereas the "favored nations" clause in our treaties with foreign nations does not give us the benefit of lower duties in those countries which are the result of reciprocal arrangements with other nations as a consideration therefor, but only guarantees to us the privilege of entering into similar reciprocal arrangements: Therefore, be it

Resolved, That the Merchants' Exchange of the City of Memphis urges upon southern United States Senators and Representatives, upon the southern newspaper press, and upon all commercial and trade organizations throughout the South, earnest efforts to arouse public interest in this subject and to make immediate and concerted efforts for defense against the threatened destruction of a most important southern industry.

I also desire to insert in the RECORD the resolutions adopted on the subject of reciprocity and our foreign trade by the reciprocity convention that held its meeting in Chicago during the past summer and McKinley's wise counsel, as follows:

RECIPROCITY AND OUR FOREIGN TRADE—CONDITIONS NOW CONFRONTING THE EXPORT BUSINESS OF THE UNITED STATES CALL FOR SERIOUS CONSIDERATION AT THE PRESENT TIME—A MEMORIAL TO THE CONGRESS AND THE PEOPLE OF THE UNITED STATES.

In behalf of more than 200 leading American agricultural and commercial organizations participating in the national reciprocity conference held at Chicago, Ill., August 16 and 17 last, and in behalf of many others who have since expressed their sympathy with the aims and objects of that conference, the undersigned, constituting the national committee of the American Reciprocal Tariff League, organized in accordance with resolutions adopted by said national reciprocity conference, respectfully invite attention to the following facts:

When in the year 1897 the Dingley tariff law was enacted by Congress and approved by the President, the business interests of the country generally and the producing interests of the West in particular assumed that practical measures were at last to be taken to protect our foreign trade as well as home markets, that those interests producing a surplus that has to be sold abroad were to receive the same consideration from the Government that had been so generously extended for so many years to industries whose output is consumed at home. Sections 3 and 4 of this law provided for the establishment of reciprocal trade relations with such nations as would concede valuable trading privileges to ourselves. The law was supposedly designed to open the way to a comprehensive scheme of international reciprocity. The President was authorized to negotiate commercial treaties with foreign powers upon the basis of mutual concessions, the schedules being purposely set high enough to afford protection to home industries even where the full 20 per cent reduction authorized by the law might be conceded. Under this provision President McKinley concluded no less than twelve different treaties, the fate of which is well known. Requiring ratification by a two-thirds vote of the Senate, they were deliberately "held up" until the time limit fixed by the law itself had been exhausted. In this way a rigid maximum range of duties, amounting in some cases to downright exclusion, was established, the continued application of which now threatens to materially affect our European balances.

This condition, it will be observed, arises not by virtue of the deliberate intent of the framers of the Dingley law, for they made every provision for quite a different policy. It does not exist by virtue of any failure on the part of the Executive, because President McKinley and his successor undertook to give full force and effect to what they knew to be the desire of the masses of the people and of the majority of those who in Congress had voted for the bill, believing that section 4 was to be honestly and promptly administered. As enacted it possessed the vital element of elasticity so essential in dealing with the several governments now operating under the dual tariff plan; but as emasculated it is fairly forcing some of our best customers to retaliate against us. It is time, therefore, that we consider carefully the question of how we are to meet the difficulties now rapidly coming into view.

THE RECIPROCITY CONFERENCE RESOLUTIONS.

That the duties thus fastened upon the country by indirection are sooner or later to lead us into serious trouble is the firm belief of those whom we represent. The nullification of section 4 not only defeated the intent of a majority of those who voted for the existing law, but is building up monopolies at the expense of important interests now seriously menaced and is rapidly leading up to trade complications threatening the continued prosperity of our people. Hence the demand of the business interests represented at the late Chicago convention as voiced in the following declarations:

Whereas the agriculture, manufactures, and other industries of this country have expanded to such an extent that they can no longer depend upon the home market for the consumption of their entire product; and

Whereas the export trade has become a vital support to many of our industries; and

Whereas the present commercial attitude of the United States, largely owing to our failure to carry into effect the reciprocal trade provisions of section 4 of the Dingley law, is antagonizing foreign nations, whose good will we desire, and on whom we have hitherto depended as purchasers of our surplus products: Therefore, be it

Resolved, First, that this convention, recognizing the principle of protection as the established policy of our country, advocates reciprocal concessions by means of a dual or maximum and minimum tariff as the only practical method of relieving at this time the strained situation with which we are now confronted.

Second, that eventually the question of the schedules and items to be considered in reciprocal concessions preferably be suggested by a permanent tariff commission, to be created by Congress and appointed by the President, which shall consist of economic, industrial, and commercial experts.

Third, that it is the sense of this convention that our present tariff affords abundant opportunity for such concessions without injury to industry, trade, or the wages of labor.

M'KINLEY'S SANE COUNSEL.

"Our capacity to produce has developed so enormously and our products have so multiplied that the problem of more markets requires our urgent and immediate attention. Only a broad and enlightened policy will keep what we have. No other policy will get more. In these times of marvelous business energy and gain we ought to be looking to the future, strengthening the weak places in our industrial and commercial systems, that we may be ready for any storm or strain.

"By sensible trade arrangements which will not interrupt our home production we shall extend the outlets for our increasing surplus. A system which provides a mutual exchange of commodities is manifestly essential to the continued and healthful growth of our export trade. We must not repose in fancied security that we can forever sell everything and buy little or nothing. If such a thing were possible, it would not be best for us or for those with whom we deal. We should take from our customers such of their products as we can use without harm to our industries and labor. Reciprocity is the natural outgrowth of our wonderful industrial development under the domestic policy now firmly established. What we produce beyond our domestic consumption must have a vent abroad. The excess must be relieved through a foreign outlet, and we should sell everywhere we can and buy wherever the buying will enlarge our sales and productions, and thereby make a greater demand for home labor.

"The period of exclusiveness is past. The expansion of our trade and commerce is the pressing problem. Commercial wars are unprofitable. A policy of good will and friendly trade relations will prevent reprisals. Reciprocity treaties are in harmony with the spirit of the times; measures of retaliation are not. If perchance some of our tariffs are no longer needed for revenue or to encourage and protect our industries at home, why should they not be employed to extend and promote our markets abroad?"

In addition to these letters, resolutions, and memorial I call to the attention of the House the appeal addressed to the Members of Congress by the National German-American Alliance, as follows:

National German-American Alliance of the United States of America to the Members of Congress of the United States:

Believing that the conclusion of a commercial treaty on lines of reciprocity between the United States of America and the Empire of Germany would be a great advantage to the commercial interests of this country and that such a treaty would tend to strengthen the bonds of good feeling between the two countries, and, further, believing that the present time is eminently auspicious for the conclusion of such an agreement that may be just and fair to both parties, we hereby respectfully petition your honorable body in behalf of such legislation now before you or that may be introduced hereafter in favor of a reciprocity treaty between the United States of America and the Empire of Germany.

A revision of the tariff conditions between the United States and Germany on a broader, firmer, and above all a juster basis has for a long time been the desire of the American and German business world and is now urgently demanded. Business men know that in mercantile and industrial circles a deep-seated bad feeling prevails in consequence of the experiences arising out of the present unbearable conditions. The following facts very clearly show how well founded this feeling of dissatisfaction is:

On the total imports, including dutiable and free goods, the collections in the United States amount on the average to 27 per cent; in Germany, only to 9 per cent; in other words, the tariff wall inclosing America is three times as high as that inclosing Germany.

Those goods which enter Germany free from the United States amount to 540,000,000 marks. That is more than half and almost two-thirds of the total imports from America.

On the other hand, the greater majority of goods imported from Germany to America pay on an average 50 per cent and even more. In the case of woolen goods, which are an important German export, the American tariff hovers about the 100 per cent mark, while in individual cases far higher figures are reached. For example, in the case of blankets, 142 per cent; cloths, 150 per cent, and in the case of woven goods, 168 per cent. Some few rates, especially those on machines, are absolutely prohibitive and kill any and every competition.

The so-called "sliding-scale" tariffs have become a special source of annoyance and dissatisfaction where the rate for certain goods is calculated from a series of various factors. In the application of this tariff rate the American custom-house officials have displayed such arbitrary action that the rate could not be determined even approximately in advance, and the importer found himself practically at the mercy of the officials. No one will have the temerity to assert that such an uncertainty encourages business.

Such profits as arise from these conditions do not accure, however, to the American people, but to the trusts, into whose lap this tariff arrangement has already poured millions; for by it they save themselves from all competition in their own country, and can force prices from their own countrymen 25 to 50 per cent higher than those which they gratefully accept for the same goods abroad.

The opponents of a reciprocity agreement maintain that Germany's dissatisfaction need not be considered at all; even if the German tariff should be raised, it would not lessen the sale of American goods in Germany, since Germany is forced to buy in the United States. But this is a serious error. While the German exports to America amounted to 469,000,000 marks in 1903, the United States exported during the same year to the extent of 935,000,000 marks to Germany, made up chiefly of raw materials such as cotton. A German high tariff after the American manner would close to the United States a territory to which they have been sending goods to the amount of more than 900,000,000 marks. Where will they find another market for these? The German goods shipped to America are, on the other hand, almost exclusively manufactured articles; and these exports have risen during the last five years from 333,000,000 to 469,000,000 marks, in spite of the fact that the American tariff screws have been put on tighter and tighter—which proves that America finds it profitable to import these goods from Germany.

To how great an extent American trade would be injured by the failure to conclude a treaty is evident from the voices heard from the shoe industry of Massachusetts. They have learned that the new general tariff, which goes into force in Germany next March, places a two to three times higher duty on shoe goods, and they realize that they will no longer be able to compete with the German home manufacturers. One of them sounds this warning note: "If we do not conclude a reciprocity treaty with Germany our shoe trade with that country will be ruined." Another admits: "Reciprocity alone can save us. We can no more blame the Germans than the Canadians if they raise their tariff against us."

Germany has in its outline of a commercial treaty considerable advantages to offer the United States; but then it has, of course, a right to count on an equivalent return.

President Roosevelt has expressed himself in favor of such a treaty, and Ambassador Tower has said in Berlin that he considers the time very auspicious and entertains the hope that an agreement which may

be just and fair to both parties may be reached. The spokesmen of a commercial treaty may therefore refer to these two men in case anyone should accuse them of a lack of patriotism.

By order of the national executive committee.

Respectfully submitted.

C. J. HEXAMER, *President.*

PHILADELPHIA, *January, 1906.*

THE PEOPLE DEMAND SOME ACTION—EXCLUSION MEANS RETALIATION.

Coming from associations of this character, are these letters and resolutions entitled to proper consideration or are they not? Shall they be ignored? Will you decline to heed them? Shall the "stand-pat" policy still prevail and other questions sidetrack the consideration of this great issue before the American people? Once before in the history of our country, before we had achieved our independence, when actual war and not commercial warfare confronted us, the emissaries of King George cried peace when there was no peace, and the politicians lulled the people into fancied security until Virginia's great orator, Patrick Henry, aroused patriots to the duty of the hour and the fact that peace was no longer possible. I would that I had the gifted tongue of Henry to ring it into your ears, gentlemen of the Republican party, that the "stand-pat" policy is no longer possible. Your tariff schedules can no longer be made a fetich to be worshiped and idolized as sacred. With the growth and expansion of our country, our trade, our territory, new avenues of trade must be provided and wider markets. Private extortion must yield to public right. The demand comes from the manufacturers as well as the farmers and laborers, from the sellers and producers as well as the buyers and consumers. With our growth as a world power the oceans which wash the shores of our Republic invite us to enjoy foreign trade. Every ripple upon our shores and every ship which sails the seas invites us to share the wealth of foreign nations. If you restore by any method the ocean-carrying trade of our ships and still maintain without a single breach your high protective tariff walls of exclusion, where, I pray you, will you ship your surplus products which can not now be consumed at home? Will you continue your export price lists and sell cheaper to the foreigner than to the American citizen? Such a policy is immeasurably unjust and discreditable to any school of statesmanship. Should the Chamberlain policy prevail in Great Britain (preferential tariffs between the colonies and mother country, and protection against the rest of the world) excluding us from one of our largest markets, and the retaliatory measures of Germany and other countries be enforced, business stagnation would be inevitable and ruin stare us in the face. Except Great Britain, the whole world is closing its doors against us. While we are sympathizing with the open-door policy and wrestling with the problem of extending our trade in China, Japan, and the Orient, we are by a false economic policy closing the doors of all continental Europe to our trade; a false policy, a disastrous policy, to benefit a few manufacturers who already reap enormous and extortionate profits. Lower your high tariff walls either by revision or trade agreements and you would increase your revenue and enjoy a foreign trade beyond your dreams.

Do you propose to continue a policy so grossly inconsistent, so grievously unjust to the people of the United States, which compels you to pay for the supplies for the construction of your Panama Canal in the home market more than the same class of goods can be purchased in the open market of the world where competition exists? Will you continue to pay a bounty to manufacturers already so rich that they are unable to count their millions, and arraying against themselves the spirit of socialism and communism? What are you going to do about this Panama business, anyhow? The canal must be built. There is a deficit in the Treasury. Do you propose to lavish the people's money upon a few manufacturers, or buy where it can be done most economically to all our citizens and taxpayers? Will you squander the money of the people to benefit a few at the expense of the whole country? The Panama Canal is the great gateway of commerce between the Atlantic and Pacific, the highway of nations, and its speedy construction is of incalculable importance to every portion of the country, and especially to the people of the Gulf and South Atlantic coasts. It will build up seaports and coaling stations, and it will benefit the shipping of the world. It should be built in the most judicious and economical way. One of the best votes I ever cast in Congress was for this canal, and I want to see nothing retard its progress. But the expenditures will be enormous, and I am not in favor of making it another medium of favoring and fostering a few favored manufacturers and protected interests. Raise your revenues by lowering your prohibitory tariff, and build your canal by your revenues and not by bond issues. But if you will "stand pat" on the existing schedules, if you will buy in the dearest market upon the pretext of aiding American manufacturers, how long will this hothouse system of protection maintain your trade with the world? Retaliation, as I have outlined, has already begun. If we trade only with ourselves other nations will not trade with us. Something must be done to meet the retaliatory measures of Germany, Austria, France, Russia, and other countries. [Applause on the Democratic side.]

THE NEW GERMAN TARIFF.

The gentleman from Ohio [Mr. GROSVENOR] said the other day that Germany would be forced to buy from us. Now, Mr. Chairman, that is not correct, because, as the gentleman from Mississippi [Mr. WILLIAMS] showed in this debate, the Argentine Republic is a great cattle country, and can furnish all the meat and foodstuffs required by Germany. He read a magazine article, from which I quote:

The Argentine Republic, as it is commonly called, is to-day one of the most prosperous and progressive countries. Its foreign commerce for 1904 reached the immense total of $451,463,000 in gold. This was greater than that of any other Latin nation, not excepting Mexico and Brazil. It exceeded the foreign trade of Japan, of whose marvelous progress we now hear so much, and it went far beyond that of China, concerning which there is general discussion. In other words, Argentina, with only 5,000,000 people, showed a buying and selling capacity in excess of Japan with 40,000,000 people and China with 400,000,000! My comparison is no reflection on these latter countries, and I have always been an earnest advocate of the importance of our commercial and political interests in the Far East, but these should not overshadow or hide what we have at stake in South America.

That Argentina is moving ahead with proverbial leaps and bounds is proved by the fact that her foreign commerce, the best thermometer of a country's prosperity, increased $90,000,000 in 1904 over the total for 1903, which was $360,000,000. Estimating her population, as before stated, at 5,000,000, she has in the present total of $451,463,000 the remarkable average of nearly $90 per head, or a far greater average than the United States or any of the principal European countries.

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Argentina boasts of splendid railroad facilities. It has now nearly 20,000 miles of trunk lines. Numerous new roads, branch routes, and feeders are being constructed or planned.

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The transcontinental trains that convey travelers across the broad pampas and climb the Andes to connect with the road on the Chilean side are solid and vestibuled, with up-to-date dining cars. The tourist or business man can now go from Buenos Ayres, on the Atlantic, to Santiago in Chile and Valparaiso, on the Pacific, in seventy-two hours.

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In conclusion, I wish to epitomize some of the foregoing facts to be remembered by the passing reader: Argentina is as large as half of the United States proper, and covers 1,200,000 square miles; it has a growing population of only 5,000,000, but an annual foreign trade of $450,000,000, or $90 per head.

The effect of the new German tariff is especially detrimental to the agricultural interests of the United States as well as our manufacturing interests.

The CHAIRMAN. The time of the gentleman has expired.

Mr. THOMAS of North Carolina. Mr. Chairman, I would like to have a little more time in order to conclude my remarks. I will not trespass very long upon the House.

Mr. McCLEARY of Minnesota. How much time does the gentleman wish?

Mr. THOMAS of North Carolina. About ten minutes.

Mr. McCLEARY of Minnesota. I ask unanimous consent that the gentleman may proceed for ten minutes.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the gentleman from North Carolina may proceed for ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. THOMAS of North Carolina. I thank the gentleman and the House.

This new German tariff was enacted, according to an excellent article which I have here in the North American Review, written by N. I. Stone, the tariff expert of the Bureau of Statistics, in the interest of the agrarian or agricultural classes of Germany, and therefore it strikes the hardest blow at the American farmer. Mr. Stone says:

THE NEW GERMAN CUSTOMS TARIFF.

In no country of Western Europe does the landed aristocracy retain its political power and influence to the extent it does in Germany, and especially in Prussia. At the court it practically has no rival; all the positions of command and honor in the army are in its grasp; all that is most influential and desirable in the bureaucratic machine of the Prussian Kingdom and the German Empire is in its undisputed possession. Having the ear of the Emperor, whose direct influence on legislation is greater than that of any other constitutional monarch in the world, skilfully and persistently fanning the agitation among the rural population of the country, which has a representation in the German Reichstag out of proportion to its numerical strength, and using all its social and political advantages, the German aristocracy was able to bring the Government around to its point of view, and make the question of protection of the agrarian interests the paramount object of the Government's solicitude in framing the new tariff.

Bearing in mind these facts, it will be easy to follow out the important changes through the elaborate network of the new German tariff. There is not an article of any importance in the agricultural list that can be produced at home the duty on which has not been raised. The duty on wheat, for instance, has been raised from 3.50 marks per 100 kilos in the present conventional tariff to 7.50 marks in the new autonomous tariff, or more than 114 per cent; on corn from 1.60 to 5 marks, or 212 per cent; on flour from 7.30 to 17.75 marks, or 156 per cent; on bacon, from 20 to 36 marks, or 80 per cent;

on lard from 10 to 12.50 marks, or 25 per cent; on hops, from 14 to 70 marks, or 400 per cent. Several products formerly on the free list have now been made dutiable; thus, potatoes, formerly admitted free, will now be subject to a duty of 2.50 marks per 100 kilos; other vegetables, like tomatoes, asparagus, mushrooms, melons, etc., also formerly admitted free, are put under a duty of 20 marks per 100 kilos, when imported in a fresh state, and 40 marks if dried or otherwise prepared; several varieties of flowers, plants, and fruit have met with a similar fate.

In the case of manufactures, owing to the radical changes in the classification adopted in the new tariff, no such exact comparison of old and new rates can be made. One thing, however, becomes apparent at a glance, and that is the absence of such sweeping changes in a uniformly upward direction as are found in the agricultural schedules. A number of rates have been advanced, especially those affecting articles in which the United States has recently begun to compete in European markets, such as boots and shoes, certain kinds of machinery, especially of the light-weight varieties, hardware, tools, motors, bicycles, sewing machines, typewriters, etc. The agrarian protectionists were only too glad to grant higher rates to the manufacturers, in order to get the support of the powerful industrial syndicates for their own measures. But, unlike the rates in the agricultural schedules, side by side with increases there are also reductions, while a very large number of rates remain unchanged. This is not surprising, since increased protection to manufactured products did not furnish the motive for tariff revision. Confident of their ability to hold the home market, the manufacturers were not so much after increased rates of import duty as after more favorable rates in foreign markets on German manufactures.

Then I call the attention of gentlemen who come from the West to the fact that the new German tariff will also affect your trade in meats exported to Germany. I ask the Clerk to read this article.

The Clerk read as follows:

PACKERS WOULD ELUDE GERMAN TARIFF WAR—SWIFT & CO. MAY SHIP THEIR MEATS FROM SOUTH AMERICA.

The tariff question has taken on one new phase, as a result of announcement made by officers of Swift & Co., the greatest packing concern in the country, that they are planning to protect their great export trade in meats by establishing a great packing and stock-yard business in Argentina.

Germany's market has been one of the most important in which American meat producers have entered, but if the German plan for increasing tariffs on American foodstuffs is carried into effect it is calculated that this market will be almost closed to this country. In order to secure entrance on fair terms the American packers need only move their business to some country against which Germany does not discriminate. Argentina is such a country. Not only does Germany attempt no discrimination there, but in line with the German policy of encouraging the greatest expansion of trade with South America, much has been conceded to Argentine producers in German markets. Therefore, Argentina is a most promising field for exploitation in this regard.

Mr. THOMAS of North Carolina. Now, Mr. Chairman, that is in line with what I was saying, that the effect of the new German tariff is not only to exclude our agricultural products, but to exclude also our meats from the German market. Why is it, Mr. Chairman, that the gentlemen of the majority will persist in this policy of exclusion with this condition of affairs confronting them in the whole world? Why, I am told that a few special interests, such as the cheap brass jewelry manufacturing interests of New England, held up the Kasson treaty with France in the Senate of the United States, and along with that treaty pigeonholed all the other treaties which, in my judgment, were and are advantageous to the people of the whole country. The result of it all is that our manufacturers and farmers find themselves on the verge of a commercial war.

RECIPROCITY MAY AVOID COMMERCIAL WAR.

Is our foreign trade, now one and one-half billions of dollars annually, of no value? Is it not worth protecting and promoting? Will you sit idly by and do nothing while the nations are excluding you from their markets? Have you forgotten that William McKinley said: "The period of exclusiveness has passed; the expansion of our trade and commerce is the pressing problem?" Have you forgotten that one hundred years ago Mr. Jefferson declared that the choice was between reciprocity or retaliation? What is reciprocity? It is fair trade, recognizing all those nations which buy liberally of us, and who thus become our commercial allies, and make their prosperity our own. The main difficulty in the way of reciprocity advocated by the most enlightened of statesmen of both political parties is this same spirit of selfishness outlined in the "stand-pat" policy. If the stand-pat policy is not modified or moderated, firmly intrenched as the Republican party seems now, I believe the American people will hurl that party from power. [Applause on the Democratic side.] The agitation has already begun. It is heard throughout the land, and it is not confined to the reciprocity convention at Chicago and to Governor Cummins's speeches, but the Merchants' Association of New York, the commercial metropolis of the country, the Chamber of Commerce of New York, and commercial bodies everywhere are crying for some relief. We must prevent the retaliation of Germany and France and Austria and Russia. We must have new and wider markets or business stagnation. The people demand some relief, and they demand it at this time. True reciprocity does not consist in noncompeting products alone. That seems to me senseless. There must be give and take and concessions upon both sides. Reciprocity is a common meeting ground upon which men of all parties can stand. It is certainly Democratic doctrine, however, for Jefferson advocated it. Blaine saw its wisdom. McKinley, who was elected President upon the issue of protection, boldly, eloquently, and earnestly proclaimed it. But whatever the origin of reciprocity, patriotism, the restoration of our trade, counteracting the retaliatory measures of other countries, the expansion of our commerce, and broad statesmanship, which is above party lines and selfish interests, demands in clarion tones some measure which is essentially different from the narrow, sordid, selfish one of maintaining the Chinese walls of exclusion around our borders. [Applause.]

The Atlantic washes our eastern shores; the Pacific our western coast; the Panama Canal, freighted with the commerce of the world, is upon the south and Canada to the north of us, rich with the wealth which we should share in common with other nations, and all our best interests are against a policy of exclusion. The wonderful growth of the whole country, the magnificent cotton belts of the South, the waving fields of grain in the West, the smoking furnaces and factories in the North, and the whirring spindles of New England all demand new and wider markets.

THE NEW SOUTH.

In the South especially has wonderful progress been manifested since the civil war. During the past year there was a gathering at Appomattox of the prosperous citizens of the new South, celebrating the fortieth anniversary of the close of the civil war. And what a wonderful change has come over the spirit of the South since that disastrous day at Appomattox, when the ragged heroes who had charged with Pettigrew and marched with Jackson stacked their arms in front of their exultant foemen and surrendered with their great commander. All in the shape of property was lost by the South as the result of the war. On their homeward way the Confederates marched through a desert; fair cities like Columbia and Atlanta had been licked up by the flaming tongue of war; great industries and transportation systems had been ruined, and plantations had been allowed to grow up in weeds. Three billions of property had been destroyed, and these men, without money, and oftentimes with one arm, were compelled to begin life over again. But in one generation the dauntless gray veterans have turned the old battlefields into smiling farms. Stately cities now rear their spires where once stood the red redoubts of war, and the busy hum of peaceful industry is now heard where once rang the clash of steel and the wild shouts of charging regiments. The rising South to-day greets the world and points with honest pride at the result of her work. No trace of desolation or defeat remains. Prosperity has taken the place of poverty, new cities and towns surprise the traveler everywhere; progress is written all over the map; with the monopoly in cotton, supremacy in iron and coal and timber to supply the Republic in future, the South once again occupies a commanding position in the nation. Diversified crops and great manufacturing industries have wrought a revolution. Outside capital is rushing in; the world has its eyes turned toward "Dixie." The great world's supply of cotton and iron, coal and timber, and marble and granite must come from our fields and mountains, and the world's great factories must do their work in our midst.

In His own good time and in His mysterious way, through the storm of battle and the humiliation of poverty and defeat, the Almighty has led the South at last out of darkness into the light and showered His blessings upon her. The South's story of progress is indeed a marvelous one. I quote the words of the Baltimore Manufacturers' Record: "Two large volumes have already been written, one before and one since the civil war. Their sequel is only beginning. It promises to be full of still greater interest and profit." I have not time to give the statistics as to the growth of this section of our common country. I have not time to eulogize the spirit of the South which has thus risen phenix-like from the ashes of war. Nothing in the history of nations has ever equaled the magnificent recuperation of the South from the devastation of the days of '61 to '65. [Loud applause.]

The following article shows the progress of the South in cotton manufactures:

THE SOUTH AND ITS COTTON.

"Her inevitable prosperity can hardly be exaggerated by predictions." This sentence is another pregnant utterance of the Washington Post. The opening paragraph of the same editorial is even stronger, since the progeny has been, and the world onlooking knows and recognizes à plain and cold fact robbed of all its frills: "In the last three years 483 cotton mills have been erected, and of this number 405 have been constructed south of Mason and Dixon's line."

The entire comment from the Post follows:

"In the last three years 483 cotton mills have been erected, and of this number 405 have been constructed south of Mason and Dixon's

line. This has much to do with the marked changes in the conditions connected with the manufacture of cotton goods, a change which was the chief topic of discussion at the recent meeting of the New England Cotton Manufacturers' Association at Atlantic City. Members of the association discussed at great length the necessity of action looking to the enlargement of the market for the product of the American mills and frankly exchanged figures and experiences showing that the mills of the South have led in the progress of manufacturing in the last few years and have made it necessary for the New England mills to look to the foreign fields for their products. The concession is a remarkable tribute to the spirit of the new South, which is no longer content to plant and pick cotton, but now raises, markets, and manufactures cotton. The northern spinners for many years had all they could do to supply the demands of the home market, but now the South, with its materials at the doors of the mills; with its coal fields, timber forests, and magnificent streams furnishing a cheap and never-failing supply of fuel, water, and power; with its cheap labor, owing to the cheaper cost of living; with all the natural and artificial advantages that may be profitably employed in the manufacture of the home-grown crop, is finding a welcome in the home markets and forcing the New England mills to scan foreign fields for an outlet for their surplus. That they have been successful in this search is shown by the fact that exports of cotton manufactures for the year ended last June were in excess of $50,000,000, an increase of 300 per cent in ten years.

PLEA FOR THE SOUTHERN FARMER.

And now one, at least, of the industries in this great section of our country, which has so manfully wrought its salvation and prosperity, is threatened by your high protective tariff with almost total annihilation. For years we have been struggling to build up a great cotton-seed oil industry, and from an investment of a few hundred thousand dollars this industry has invested in it many millions. The failure of the Republican party to give us some relief by adopting, at least, reciprocity treaties with France and Germany and Austria, is destroying this great industry.

The following article from the Washington Post suggests the facts in regard to the Kasson treaty with France:

During the last fiscal year the United States exported, in round numbers, merchandise to the value of $1,500,000,000. Of this stupendous sum the South, with less than a third of the population and less than a tenth of the wealth of the country, supplied merchandise to the value of $614,000,000, or more than 40 per cent of our entire exports. Cotton, in the raw state, was exported to the value of $379,965,014. This represented more than one-half the entire cotton crop.

The late President McKinley appointed Mr. John A. Kasson, an accomplished diplomat, one of the ablest thinkers upon the subject of political economy in the country, and a protectionist of the most consistent record, to negotiate certain reciprocity treaties with foreign states. Mr. Kasson negotiated a treaty with France that would have been of immense advantage to the South, more than doubling her exports of cotton-seed oil, as it would, and helping to swell the right side of the "balance of trade" by at least $20,000,000; but it seems that France, under the new arrangement, would have been permitted to send us cotton stockings at a lower rate than is nominated in the Dingley schedules, and somebody who is making cotton stockings in New England ordered the knife put to the throat of this Kasson treaty, and its throat was accordingly and promptly cut.

Thus, in order to afford New Engand opportunity to make an additional $100,000 or so on cotton stockings the foreign market for cotton-seed oil is curtailed $20,000,000 per annum. The Republican party was never in favor of reciprocity after an election, however vociferously it yelled for it before the vote was cast.

In the early days of the Republic the history of tariff legislation was the history of sectional struggle. The North was jealous of the South, and especially of her great agricultural interests. The North fostered and promoted manufactures. This sectional war was bitter, with some compromises, and sectional legislation was the result. But I plead to-day, with this magnificent record of the South before me, for a broader spirit of patriotism, for the obliteration of this sectional spirit, and in behalf of the southern farmer and manufacturer I beg that you will not destroy one of the great industries of our country. All sections of our country are now identified in interest. The South keeps step with the North and West to the music of the Union.

Let us alone with the solution of the race problem and we will heartily cooperate with you in everything looking to the prosperity of the whole country, and keep steadily in view its honor and welfare. You can by a single stroke of the pen, a single act of administrative policy, put millions in the pockets of our farmers and restore that great industry of our section which is now languishing—the cotton-seed oil industry—by the ratification of reciprocity treaties with France, Germany, and Austria.

If you want to help us build up the South, and if you are not a sectional party, give us such legislation by treaty or act of Congress. Some revision of the tariff, either by act of Congress or reciprocity, will help counteract the drift toward monopoly and toward socialism. It will prevent a glut in the home market and build up commerce on land and sea and increase our revenues. Continue your policy of exclusion and favoritism and class legislation and it will inevitably bring upon you disaster and defeat. [Applause.]

The gentleman from Massachusetts [Mr. LAWRENCE] the other day, in the House, used the following language in his speech in regard to proper tariff revision:

Having the power, we should not hesitate to use it. Let us give to this subject honest and fearless consideration. When such consideration discloses the fact that a duty is no longer needed let us remove it. This is simple justice. It will benefit all the people and will, I believe, be responsive to the commercial needs of the country.

If you will not revise in a proper and just manner the tariff schedules, at least increase the powers of the Secretary of State under section 3 of the Dingley law with reference to reciprocity and trade agreements, or reenact section 4 of the Dingley tariff law making provision for the negotiation of reciprocity treaties.

The bill looking to this end has been introduced in the House by the gentleman from Kentucky [Mr. GILBERT]. His bill is as follows:

A bill (H. R. 10848) authorizing the President to negotiate commercial treaties with foreign countries.

Be it enacted, etc., That whenever the President of the United States, by and with the advice and consent of the Senate, with a view to secure reciprocal trade with foreign countries, shall enter into commercial treaty or treaties with any other country or countries concerning the admission into any such country or countries of the goods, wares, and merchandise of the United States, and their use and disposition therein deemed to be for the interests of the United States, and any such treaty or treaties in consideration of the advantages accruing to the United States therefrom shall provide for the reduction during a specified period, not exceeding five years, of the duties imposed by the act entitled "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897, to the extent of not more than 20 per cent thereof upon such goods, wares, or merchandise as may be designated therein of the country or countries with which such treaty or treaties shall be made as in this act provided for; or shall provide for the transfer during such period from the dutiable list of said act approved July 24, 1897, to the free list thereof, of such goods, wares, and merchandise being the natural products of such foreign country or countries and not of the United States; or shall provide for the retention upon the free list of said act approved July 24, 1897, during a specified period not exceeding five years, of such goods, wares, and merchandise now included in said free list as may be designated therein; and when any such treaty shall have been duly ratified by the Senate and approved by Congress, and public proclamation made accordingly, then and thereafter the duties which shall be collected by the United States upon any of the designated goods, wares, and merchandise from the foreign country in which such treaty has been made, shall, during the period provided for, be the duties specified and provided for in said treaty, and none other.

SEC. 2. That this act shall take effect on and after its passage.

To increase the rates of the Dingley tariff law for the purpose of retaliation means commercial war. It is certain that something must be done, and if so, I ask, when is the best time to do it? Is it when the sun is shining and everything is clear, or shall we wait until the clouds gather and the rains begin to descend and then attempt to build an ark of refuge? There were men who laughed at Noah and said it was not going to be much of a shower anyway. Then there is another famous gentleman who lived in Arkansas and he would not mend his roof when the weather was clear and bright because it did not need it, and he could not do it when it rained. Will you imitate that class of people or will you with business sagacity take the steps necessary to build up our nation with other nations and give the business men of the South and of the whole country new and wider markets? [Loud applause.]

The CHAIRMAN. The gentleman from Michigan [Mr. LOUD] is recognized for forty-five minutes.

Mr. LOUD. Mr. Chairman, thirty years ago in the district which I have the honor to represent the lumber business was the paramount industry. Although agriculture was gaining a foothold and the country rapidly settling up, it was known as a lumber country. Pine was king. In those days the great majority of lumbermen had invested every dollar of his own and every dollar he could borrow in pine stumpage, sawmills, and logs and lumber in conversion and in transit. And connected with most of our large sawmills were great salt blocks, evaporating from three to five hundred barrels of salt each with the refuse fuel from the mills. About this time the lumber production exceeded the consumption and market demands, and a period of stagnation and business depression came on. With notes to meet and current expenses to maintain, the majority of us were in trouble. By a freak of good fortune, however, with our docks full of lumber, which we were unable to sell even at losing prices, the price of salt went up until we obtained $1.25 and $1.50 a barrel for the salt which cost us from 40 cents to 50 cents per barrel to manufacture. With the memory of those days of trouble a couplet, published in the Michigan Lumberman, seemed especially pat and has always remained in my memory:

I am a back-bone lumberman,
Michigan is my nation,
Saginaw is my dwelling place,
And salt is my salvation.

[Laughter.]

Twenty years later, the pine forests gone, the lumber industry practically at an end in this part of the State, the lumbermen who did not seek pastures new in other parts of the United States where timber was still to be found and whose homes and interests bound them to this section of the country, sought for other lines of business.

At this time, ten years ago, investigation proved that sugar

beets could be profitably raised from our soil and in our climate, and many of the lumbermen considered seriously embarking in the manufacture of beet sugar as the only available line of business in that section. It was not salt now, but sugar which was their salvation. In this promise of a new business they were encouraged by the plank in the St. Louis platform of the Republican party in 1896. The encouragement promised in this plank was definite and plain:

We condemn the present Administration for not keeping faith with the sugar producers of this country. The Republican party favors such protection as will lead to the production on American soil of all the sugar which the American people use and for which they pay other countries more than $100,000,000 annually.

In quick indorsement of this plank in the party platform the Republican party in the Dingley bill placed a protective duty upon sugar. Believing the Republican party meant what they said and believing in the faith and honor of the Republican party to keep inviolate the pledge so fully made, our capital and our business energies were combined and encouraged to push forward in this new industry and with a determination to bring it to a success, and so fulfill in part, or in whole, so far as they might, the hope expressed in our party platform. In less than ten years twenty magnificent factories have been built in Michigan, five of them in my own district. Of these twenty factories, sixteen have been successful, three of them in my largest county. In these sixteen factories in our State $10,000,000 are invested. A good deal has been said about the sugar trust having bought the controlling interest in these factories, and I wish to say here that that is not true. Of the sixteen factories, there are nine costing $6,000,000, in which the trust has no interest whatever. In the other seven, costing $4,000,000, the trust has about one-half interest. So that out of the $10,000,000 invested in the sixteen factories the trust has an interest of $2,000,000, or 20 per cent of the whole.

If you ask why the sugar trust invested money in these factories, I will say that it is my opinion that they bought interest in these factories to stifle the opposition of the beet-sugar men who owned them against the passage of the Cuban reciprocity treaty, and you gave the sugar trust both the motive and the means. The motive, the stifling of opposition to the measure, and the means to buy them out, for the money which they invested was a small part of the benefit which the sugar trust have obtained and will obtain from that measure.

By that measure, under a sentimental excuse of carrying out a vague, almost imaginary plea of duty to Cuba, you forgot or disregarded your concise pledge to our own people and sought to encourage a greater production and importation of sugar grown upon the richest soil and by cheap labor as against the welfare and interest of our own American farmers raising sugar beets and the manufacturers whose capital was invested in this new industry. But this is ancient history.

In the bill under discussion to-day we find that history has repeated itself, and in behalf of another tropical country, the Philippine Islands, you are again disregarding the explicit promise made to our people in that platform of '96, and you are seeking to again encourage the production and importation of sugar grown by the cheapest of labor from soil the richest in the world by removing the only barrier which exists between that cheap labor and our own American labor here at home. That a portion of the Filipino people are in dire need of assistance is beyond question in the minds of the members of the Taft party who recently visited the islands. While the hemp provinces are prosperous and the people contented, the sugar-growing provinces are quite the reverse, and the people there are in poverty and are dissatisfied. As one of the Taft party I shall never forget some of the scenes which were incidentally witnessed in that visit to the Philippine Islands. One of the hardest experiences which I can recall in my life was sitting at a great banquet in the beautiful pavilion erected especially for that occasion in the great square at Bacolod, and as we sat at that sumptuous repast, with the finest viands and the finest wines before us, looking at us from the outside of that pavilion were the hungry eyes of hundreds of people in dire distress resulting from the hard times and decadence of the sugar industry there.

By a subscription made by a philanthropic lady member of our party money was freely contributed by members of our party to relieve the poverty and distress in two of the cities which we visited. In one of the cities we were advised that hundreds of the poor people were sent out into the suburbs, where we would not see them. I do not think that there is any Member of this House who more fully realizes the need of help for this sugar industry in the Philippines and for the people who have been engaged in it than myself, and I will gladly join in any means of assisting them which in its provision does not menace an important industry in our own country and in which the people of my district are so vitally interested. While the present deplorable conditions in the sugar districts seem to arise from causes for which our Government is in no wise responsible—ladronism, loss of working cattle by rinderpest, failure of crops from drought, the plague, crude methods of cultivation, usurious rates of interest, etc.—the people naturally, as people do in hard times, forget the real origin of their troubles and blame the government for them, and insist that it is the duty of the government to produce a remedy for the ills from which they are suffering.

In their present trouble they have been told and they firmly believe that the abolition of the duty on their sugar coming into the United States will be a remedy for all their ills.

On the premises that the sugar-producing people of the Philippines need assistance from us there is no question, and while it may or may not be our duty, it is surely proper and right for this country, now so prosperous, to lend a helping hand industrially to these needy people, and it only remains to ascertain the best method of bringing about the desired result.

There seems to be two methods from which to choose—one theoretical, the other practical. To aid them through a lowering of the Dingley tariff is purely theoretical. In theory it is presumed that the reduction of the duty—50 per cent additional reduction of the Dingley rate—giving about 84 cents per 100 pounds, or, remembering that their sugar is mostly below grade, of about 60 cents per 100 pounds, will all go to the Filipino and increase the price of the sugar by that amount. There is, however, a barrier which will prevent this benefit reaching the Filipino to a more or less extent. This barrier is the sugar trust. [Applause.] If the seller (the Filipino) controlled the fixing of the price, then there would be no question of theory in the matter, for the seller (the Filipino) would rightly insist on adding the 60 cents per hundredweight to his present price.

The important condition of the problem is this: The duty is paid, not by the seller of the sugar, but by the buyer, the sugar trust. If the duty is reduced by 60 cents per hundredweight, why should not the trust, who pays the duty, reap the entire benefit if they do not raise the price? Now, with the theory that the sugar trust will advance its price by the full amount of 60 cents per hundredweight, as would surely follow if there was free competition, there is little or no possibility. With the sugar trust practically the only buyer, absolutely dictating the price, the reduction of the duty makes the trust the custodian of the 60 cents per hundredweight, to be divided between the buyer and the seller, with the buyer—the sugar trust—the dictator of the division. Have we any reason to believe the division will be a fair one? The same theoretical method was adopted for Cuba two years ago, when we reduced the tariff rate of their sugar 20 per cent, equivalent to 34 cents per hundredweight. The average result so far as we can learn has been that the trust has retained 23 cents and allowed only 11 cents to reach the Cuban, for whom the entire reduction of 34 cents was intended. This means that for the last year alone, with the reduction of the duty 34 cents per hundredweight, the sugar trust paid about $9,000,000 less duty than it would have paid had there been no reduction, and the revenues of the United States were diminished by that amount. With great generosity the sugar trust divided this amount, $9,000,000, placed in its custody by our Government, so that $3,000,000 went to the Cubans while $6,000,000 remained in the capacious pocket of the trust. This was the result, I believe, of the theoretical assistance to the Cubans. [Applause.] That the American people should properly understand the drift of such theoretical legislation the bill should have been entitled "A bill to assist the sugar trust," and to assist Cuba incidentally. With this object lesson only two years old, it seems strange that this Congress should use the same identical method of theoretical legislation for the relief of the Filipinos which has so miscarried for Cuba. The gentleman from New York [Mr. PAYNE], advocating this measure, says (p. 690, CONGRESSIONAL RECORD):

I am doubtful about the benefit to the Filipinos.

Now, if we really desire to aid the people of the sugar-growing provinces, there is a practical way—a business method. They are now suffering from three causes.

First. Usurious rates of interest—36 to 100 per cent on money borrowed to grow their crops.

Second. Underextraction (40 per cent being lost) of the sugar content of the cane.

Third. Primitive methods of cultivation.

As to the first, agricultural banks instituted temporarily by our Government, charging a normal or reasonable rate of interest, would put the Chinese usurer out of business and should not cost our Government a penny. A good profit on the crop, which now goes to the usurious Chinese broker, would then re-

main a profit to the planter, and which in itself would be a greater benefit to the sugar planter than would come to him from any change in the tariff. The people of the Philippines are clamoring for the establishment of such banks, and we of the Taft party heard again and again this clamor while we were in the Philippines.

In a memorial to the honorable the Secretary of War, presented by the Agricultural Association of Panay and Negros on August 15 last, we find the following section:

AGRICULTURAL MORTGAGE BANKS.

A great difficulty stands in the way of the establishment of these credit institutions in this country. There are no capitalists here to undertake such an enterprise, or at least the few which we have prefer to employ their money in the making of usurious loans, which is a more lucrative business for them.

The idea that the government should use its funds to establish these banks has many times been advanced—an idea that can not be put into practice, however, because it is alleged to be contrary to the principles of American administration, aside from the fact that the insular treasury would require large sums to establish banks in all of the provinces of the archipelago. The necessity for a class of banks that will advance money at a moderate rate of interest to owners of country lands is evident, as the conditions imposed by the Philippine money lenders are insupportable and absorb all of the profits which the farmer may obtain as the result of his labor. Hence the fact that the majority of the property owners have their estates eternally mortgaged, without hope of freeing them, on account of the usurious interest, which, multiplying annually through successive accumulations, finally results in the transfer of the property to the creditor.

Under such irritating impositions it is impossible for the farmer to sever the bonds of his humiliating condition of dependency upon usurious capital, and consequently he does not extend the area under cultivation for the purpose of increasing his aggregate production, but only tills the land he is able to with the small resources at his command, unless he is willing to run the risk of being dispossessed of his property at the end of a few years.

In view of the difficulties in the way of the establishment of mortgage banks by the Government itself, we believe that capitalists should be induced to establish them by Congressional legislation which will guarantee a profit for at least the first few years of their existence upon the amount invested in the same manner as was done by the provisions of the act relative to the construction of Philippine railroads. The law enacted for this purpose, however, should fix certain limitations in order that the advantages accruing to the agriculturalist shall be positive when he finds himself compelled to have recourse to these banks, and that the latter may not be converted into a means of gradually despoiling the farmers of their lands.

For the second cause, 40 per cent under extraction of sugar content of the cane, we can also be of assistance. In the sugar provinces we should install modern experimental mills or stations in limited number. At $250,000 each, eight could be put in operation for $2,000,000. The mills grinding for toll should be self-supporting, and if successful would lead to the building by private capital of central extraction or grinding works all over the sugar-growing country. The extraction by modern up-to-date mills would raise the quality of the planters' sugar to the standard grade, thereby giving him one-half cent more for his output than he has ever or is now obtaining. This in itself would be equal to a good profit for the planter. If the investment should prove an entire loss it would not be a serious matter. With a yearly expenditure of from $20,000,000 to $50,000,000 in Army and Navy to govern and defend these islands, $2,000,000 to $5,000,000 (not a yearly investment, but a permanent one) to aid them industrially would be a mere bagatelle.

For the third cause, crude methods of cultivation, time is the only remedy. We can, however, aid in shortening the length of time required to replace with modern progressive farming their antiquated methods by assisting the insular agricultural department to enlarge the present and operate more experimental estates in the heart of the sugar-growing districts as object lessons to the untaught Filipino farmer.

On these estates rudimentary agricultural schools should be maintained, care being taken to enroll in these schools the sons of native sugar planters.

As these last two suggestions will not be immediate in their benefits and of little or no avail to meet the present conditions, it is my belief that the 25 per cent reduction now existing on Philippine sugar should be replaced at once, the full Dingley rate collected, and the amount thus realized placed in the custody of the Philippine government to be paid to the sugar growers as a bounty, this bounty to be continued for three years, the fourth year two-thirds, and fifth year one-third of such bounty. As this bounty is withdrawn the moneys turned over by our Government from customs duties collected on Philippine imports shall be turned over to the Philippine treasury to be used as under the present law.

A million dollars could well be added yearly for the next five years to the school fund of the insular education department by our home Government, while the country is practically dependent as at present. [Applause.]

If these practical suggestions could be worked out for the benefit of the Filipino, it would be evidence enough to them of our interest and our desire to help them, and the clamoring for theoretical tariff tinkering would die out as prosperity returned. If it is the sugar trust that we desire to help, the tariff-tinkering method is all right. The sugar trust is ready and willing to profit by all such legislation.

I have listened to the magnificent presentation of the views of some of the ablest Members of this House who favor this measure. I have listened to their exhaustive arguments that Philippine sugar costs about as much laid down in New York as American beet sugar. I have not the time to go into the matter myself, but when I see, as I do, on page 149 of the Philippine hearing, in the same memorial which I mentioned a few moments ago, in this carefully prepared document, carefully considered by the president and secretary of agricultural associations of Panay and Negros, that the cost of sugar laid down in Iloilo is 1.41 cents gold per pound, and if you add interest, rent, commission, deterioration and loss of cattle the cost as given is 1.88 cents gold per pound, and if to this we add the expenses of exportation, warehouse expenses, and insurance it brings the cost to 2 cents per pound, we who live in the beet-sugar country can not comprehend for an instant how sugar manufactured and in bags delivered, with every possible expense, including interest, rent, etc., at Iloilo at 1.88 or 2 cents, take whichever figure you like, is fair competition with us, when we know that our farmers are paid for the sugar in the beets before they enter the manufactory 2.31 cents per pound.

These figures satisfy our people that there is a grave menace in this competition, if the sugar industry of the islands revives from the deplorable conditions arising from natural causes, and with which the tariff between them and us had nothing to do.

The question of difference in wages paid to their labor and our labor, and to the effectiveness of the one against the other, has also been fully discussed, and while I shall not take the time of this committee to make any discussion of the subject, I shall present to you matter bearing upon this part of the question which I find in these same Philippine hearings and from other reliable sources. Permit me to quote from page 71, from Mr. Welborn:

SUGAR—WAGES.

[Philippine hearings.]

Mr. WELBORN (page 71). We have tried native labor by the hundreds in at least two places, and we have always gotten it by paying 50 to 60 centavos (25 to 30 cents) per day. We have always been able to get all the labor we wanted by paying a little better wages than was usual.

(Note.—Filipino planters bitterly complained that we paid too high wages, making it hard for them to hold wages down.)

Again I quote from the hearing when we had Commissioner Luzuriaga, a man of undoubted probity, before us:

SUGAR—WAGES.

[Philippine hearings—Commissioner Luzuriaga, page 15.]

Q. (By Senator FOSTER.) What is the average price paid per day for labor by sugar men?

Reply. Field hands are paid from 40 to 50 centavos per day—20 to 25 cents American money—besides they are all provided with their food by the planters.

Q. (By Senator FOSTER.) You say that is 25 cents per day gold?

Reply. Yes, sir; the field hands get 25 cents gold a day and their food.

Q. What does it cost per day to feed them?

Reply (by Señor HERAS). In my province, Pampanga, it costs from 20 to 25 centavos (10 to 12½ cents gold) per day for the food. The food provided is very inferior in quality and quantity. It is not food for an American or European laborer, nor could an American subsist on it at all.

And again we have in the same hearing, pages 163 and 164:

SUGAR—WAGES.

[Philippine hearings—Señor Lacson, pages 163–164.]

Q. (By Senator NEWLANDS.) What is the price paid laborers upon the sugar plantations now?

Señor LACSON. To-day we have to pay not less than 20 cents gold per day.

Senator NEWLANDS. And what was it from 1886 to 1896?

Señor LACSON. At all times of the year, except the grinding season, we used to pay 50 cents of the currency of that time per week (8⅓ cents gold per day). During the grinding season we paid double that amount.

Senator NEWLANDS. What would that 50 cents be the equivalent of in Philippine currency to-day?

Señor LACSON. I consider the 50 cents I referred to as the equivalent of 50 cents gold. Therefore, it would be the equivalent of 1 peso Philippine currency (50 cents gold) per week.

Q. (By Representative COOPER.) Then you say that the wage had increased from 50 cents gold per week to 20 cents gold per day?

Señor LACSON. Yes, sir; and that is explained by the fact that the laborer can not live upon any less, the cost of living being so much higher than before.

Q. (By Representative COOPER.) Do you give them food?

Señor LACSON. We do not find the laborers except during the grinding season. During this season we give them two meals a day and 25 cents gold.

From Representative BONYNGE (First district Colorado), who has made exhaustive study of this question, I find that he has set the average price at 15 cents per day, including two meals. Again, from the Summary of Commerce of the Philippine Islands, July, 1901, pages 5, 6, 7:

One of the advantages possessed by the Filipino sugar planter is that he can hire help very cheaply. The average farm hand will work for

10 cents per day and board himself. Native boys may be hired still cheaper.

Concerning wages paid on sugar plantations General Hughes stated:

The ordinary wages, if paid regularly and promptly, which seem to satisfy the native, is 1 peso a week—a peso being 50 cents of our money—which means 8⅓ cents gold per day. (Statement of Gen. Robert P. Hughes, February 26, 1902, Senate Committee on the Philippines, p. 535.)

1904.

There is one important item of economy that the Negros planter has down to a fine point. The average laborer does not receive quite 16 cents gold a day in money and food combined. I have seen fifty and a hundred sitting on their tools waiting for daylight to begin a day's work. (Report of Philippine Bureau of Agriculture for year ending August 31, 1904.)

1905.

The wages paid for field labor varied from $1 to $1.50 silver currency (50 to 75 cents American currency) a week, in addition to rations and lodging. The hours of labor were from about 4 a. m. to 6 p. m., with two hours rest at noon. (From Labor Conditions in the Philippines, by Victor S. Clark, Ph. D., Bulletin of the Bureau of Labor, Department of Commerce and Labor, May, 1905, p. 751.)

In the Philippine Census, Volume IV, page 487, the total number of laborers on sugar estates is given as 45,247, and the total monthly wage rate as 388,817 pesos, or 8.60 pesos per month per employee. This is equivalent to 17 cents gold per day, and includes the food and allowance where it is given.

From the Engineering News, of New York, issue of November 23, 1905, a most exhaustive article on labor conditions in the Philippine Islands, by J. M. Bridsley, page 541:

The average wage through the provinces is somewhat less than one-half a peso (25 cents gold). During the planting and harvesting season labor may be scarce and difficult to obtain at somewhat higher prices, but lower rates prevail during the remainder of the year.

In the same article, page 543, we find in regard to men employed on the railroad from Manila to Dagupan:

The construction as well as the maintenance and operating forces are composed entirely of Filipinos, except the superintendent. The permanent works require the services of 1,300 men. Mr. Higgins, general manager of the road, says he had no serious trouble in securing laborers for new work. He states that on the new works the average period of service is about one month. Their pay days occur weekly and their wages average 25 cents gold per day.

So we find that the wages vary, from various sources considered reliable, from the petty wage involved in the peonage system, which is well known to be to some extent prevalent there, 8⅓ cents per day mentioned in some authorities, up to the highest, 25 cents per day paid for field labor in the cane districts in ordinary seasons and ordinary conditions. It does not matter what price we take in this range from 8⅓ cents to 25 cents; the Filipino laborer receives about one-sixth to one-tenth the daily wage paid to the farm laborers in the United States. As to the efficiency we find several witnesses on that subject who speak with some considerable knowledge, as follows:

1902.

There is no difficulty in securing good labor. * * * They are capable of doing as much and as hard work as any laborers we have had in the Orient. * * * This labor is very efficient. (From report of J. B. Aleshire, major and quartermaster, United States Army; Taft Philippine Commission Report, November, 1902, p. 161.)

The sugar cane of the Philippine Islands is cut entirely by the Filipinos, and they are effective, can stand the heat, and do well. (From testimony of Secretary Taft before the Insular Committee, 1902.)

I further state that my experience with labor has proved to me that in many ways the native laborers are superior to Chinese laborers. (From report of W. B. Moses, in charge of native labor and river stevedores, United States Army; Taft Philippine Commission Report, November, 1902, p. 165.)

I would respectfully state that they (Filipinos) have proven highly satisfactory. (From report of J. E. Cole, superintendent of transportation; Taft Philippine Commission Report, November, 1902, p. 174.)

It is my experience that Filipino labor is much more satisfactory in every way than Chinese labor. (From report of F. D. Grant, captain and quartermaster, United States Army; Taft Philippine Commission Report, November, 1902, p. 164.)

My opinion is that the Filipino labor is the cheapest and the best. (From report of Adam Nedar, Army Transport Service; Taft Philippine Commission Report, November, 1902, p. 165.)

In regard to crude cultivation employed in the Philippine Islands, I will call your attention to the Philippine hearing, page 170, to the questions asked of Señor Yulo, and the evidence shows that there were 40 sugar estates owned in the Yulo family.

CRUDE CULTIVATION AND LABOR.

[Philippine hearing—Señor Yulo, page 170.]

Colonel HILL. Is there any difficulty about Filipinos to do the work needed on the plantation? Are the hands good?

Señor YULO. The generality of Filipinos would be suitable labor for the cane fields, but the difficulty is that the majority of them prefer to work in the rice fields.

Secretary TAFT. Is it harder work—to work in the cane fields?

Señor YULO. Very much so. It is especially hard, on account of the defective agricultural implements and tools which we use.

And, further, the evidence of Mr. Heil, superintendent of the government agricultural farm at La Grange, an estate of twenty-five hundred acres:

CRUDE CULTIVATION—PHILIPPINE ISLANDS.

[Mr. Heil, pages 178–179.]

Q. (By Secretary TAFT.) Now, do you know about the production among the farmers here generally?

Reply (by HEIL). Yes; the way they raise sugar it costs about twice as much as at the experimental station.

Secretary TAFT. Do you plow deeper than the planters here?

Reply (by HEIL). I plow 10 to 12 inches.

Secretary TAFT. Is that deeper than they plow?

Reply (by HEIL). They don't plow any deeper than 3 to 6 inches.

With wages to the Filipino laborer one-sixth to one-tenth of that paid to our farm laborer here in America; with efficiency I admit not equal to our own, but I can not conceive of any judgment which would put it at a greater ratio than 2 to 1, thus making labor three to five times cheaper in the Philippines than in the United States; with their primitive methods of agriculture, which when changed to modern methods should produce sugar there at one-half the cost for which they are now producing it—these all combine and constitute the gravest menace conceivable to American labor if permitted to oppose us on an even basis. With the protective principle of the Republican party always before us in the United States, in my mind we can not conceive any just reason for removing the present barrier of the Dingley tariff rate as it now exists. [Applause.]

We are not the first people who have been concerned by this same difficult problem. I notice in the daily Consular and Trade Reports, under date of December 27, 1905, only two weeks ago, that in Australia a bounty is paid for sugar grown by white labor as against sugar grown by black or cheap labor. They have met the same difficulty and they have fought it out by the most practical and direct method. We could not apply such a method as that in this country, but the barrier of the Dingley tariff will serve, as is intended to serve, the same purpose to prevent the competition of this cheap oriental labor as against our own well-paid American labor. [Applause.]

Before closing I wish to call your attention to some extracts from the Monthly Summary of Commerce of the Philippine Islands, dated December, 1904:

CHEAP LABOR.

The fact that Philippine sugar production was able to hold its own after 1885, and even make slight gains, under such a handicap of antiquated methods is only to be explained on the basis of the cheapness of labor, which made a measure of profit still possible and saved the industry from extinction or the alternative necessity of the extensive inauguration of the improved methods of more progressive countries. Such was the condition of the Philippine sugar industry as inherited by the United States in 1898—an industry operating with antiquated equipment and the crudest methods in competition with modern science and progress, engaged in a losing struggle for nearly two decades, and subsisting only through labor conditions as oriental and primitive as its equipment.

NEW ERA.

The advent of the United States in the islands is considered to have marked a new political era; but that it should at the same time inaugurate a new industrial era was inevitable. That the new era should manifest itself most forcibly in the primitive, but at the same time the most highly organized, industry of the islands was only natural, and that its effect should be disastrous is unfortunate; but it is the general penalty that extreme cases for regeneration must be preceded by destruction, and the Philippine sugar industry seems simply to be undergoing the drastic preliminaries of a reorganization on a modern basis.

POSSIBILITIES OF PHILIPPINE SUGAR CANE UNDER MODERN CONDITIONS.

That Philippine sugar cane would be entirely adequate under other conditions to this increased demand upon its output and could compete with the beet and cane product of other countries admits of no doubt. In an interesting survey of the Philippine industry by United States Consul Webb, in 1899, he states that with the stone and wooden mills of the islands only about 40 per cent of the weight of the cane is expressed in juice, and shows how the low-grade Philippine sugar could be doubled in value by the use of the improved methods of his day. By all accounts the conditions which he described have not since greatly mended, and it is obvious that between the sugar that is thus burned up in the bagasse and what is lost by unintelligent production of what is one of the lowest grade sugars on the world market there would be ample to pay the laborer his increased wage as well as to restore the industry to some measure of its former prosperity.

[Applause.]

FUTURE OF SUGAR INDUSTRY.

That there will be a reaction from the present desperate condition of the industry, and that it will ultimately be placed on an even more prosperous basis than during the closing years of the Spanish régime, is not only a matter for hope, but for reasonable anticipation. The recovery of the industry from its present unfortunate condition may not be until many years and a hard struggle, especially if no aid is extended to it, but so long as sugar cane flourishes in Negros, Panay, and Batangas as it does, the extinction of the industry by force of untoward conditions, in the face of its natural advantages, seems scarcely possible.

I have suggested in this speech a method by which this reduction of the tariff, which by our people is considered a grave menace to them can be avoided, and this plan of relief outlined here brings benefit directly to the Filipino in such manner that the sugar trust can not get any benefit therefrom, and moreover it distributes the burden of such relief upon the entire people of the United States, and does not concentrate the load upon one or two industries, thus threatening their destruction. [Loud applause.]

The CHAIRMAN. The gentleman from California [Mr. NEEDHAM], a member of the Ways and Means Committee, asks to be recognized for forty-five minutes.

Mr. NEEDHAM. Mr. Chairman, at the beginning, and as preliminary to what I desire to say upon the merits of the pending bill, I think it will be profitable to refer to the history of the legislation which has heretofore been considered by this House to accomplish the same purpose.

At the present time we are collecting upon articles coming into the United States from the Philippine Islands 75 per cent of the Dingley rates. This rate was fixed by an act of Congress approved March 8, 1902. During the second session of the Fifty-seventh Congress a bill was presented to the House of Representatives and favorably reported from the Ways and Means Committee further reducing the rates upon articles coming into the United States from the Philippine Islands from 75 to 25 per cent of the Dingley rates. This bill came before the House of Representatives on the 18th day of December, 1902, and after a short discussion had upon that day the bill passed the House of Representatives. The Democratic party, then under the leadership of Mr. Richardson of Tennessee, took the same position upon that bill that the Democratic party now takes upon the pending bill—that is to say, its members argued for and favored absolute free trade between the Philippine Islands and the United States and stated in their speeches that if that could not be had they would vote for the bill as presented. After offering amendments to accomplish free trade, which were voted down, the then Democratic leader upon this floor moved to recommit the bill to the Committee on Ways and Means with instructions to report a bill providing for free trade between the Philippine Islands and the United States. Upon that motion a roll call was demanded, and the motion was defeated by substantially a party vote. The bill was then passed without even a demand for a division or for a roll call, and in the parliamentary sense, therefore, the bill passed this House unanimously. I find upon looking over the record that many of the gentlemen who are now opposing the pending measure voted against recommitting the bill, and did not demand a division or roll call on the final passage, so that they might record their votes against it. Therefore they must be counted as having voted in favor of the bill.

From an examination of the debates had at that time it will be seen that no opposition was made to the bill upon the theory that is universally accepted, that the inevitable and only proper ultimate policy of our Government toward the Philippines is the policy of free trade.

The measure went to the Senate, and in the closing days of the short session was defeated by methods which are well known to us all—by methods usually adopted by members of that body when they are not willing that a measure shall come to a vote upon its merits.

In the Fifty-eighth Congress a similar measure was again introduced, and was not pushed during the first session of that Congress, for the reason, as is well known, that it seemed impossible to overcome the opposition of the small number of Senators at the other end of the Capitol. The bill, however, was reported to the House of Representatives by the Ways and Means Committee and was not taken up for the reason just stated.

The Secretary of War, who has so earnestly and unselfishly labored for legislation such as is accomplished by the pending measure, during last summer organized the party of Senators and Representatives that visited the Philippines and which trip has been so vividly described during this debate by different members of that party. The Secretary, as I understand it, invited those who are particularly prominent in opposing a reduction of duty on Philippine products, so that they might see with their own eyes the condition in the Philippines, the possibilities of those islands, and be the more able to intelligently vote upon this proposition.

I am told, Mr. Chairman, by numerous members of that party that practically every member of the party admits privately that legislation such as is sought to be accomplished by this bill would not only be harmless so far as any injury to any American industry is concerned, but would undoubtedly be highly beneficial, particularly as disclosing our good intentions toward the inhabitants of the Philippine Islands.

I recount the history of this legislation for the purpose of showing that from the very first the policy which this measure would inaugurate has been the settled policy of our Government and the Republican party and that the delay in the enactment of laws putting it into effect has been occasioned by the opposition of a ridiculously small minority, mostly at the other end of the Capitol. In fact, the bill in question or a similar one accomplishing the same purpose would have been enacted long since had it not been for the peculiar rules and methods of procedure which prevail and which require practical unanimity of action in the Senate of the United States.

Having said this much in regard to the history of the pending legislation, I now desire to discuss the merits of the legislation involved in the pending bill. And, Mr. Chairman, I approach the discussion with the full realization of the importance of the subject, not only as it affects the United States, but also as it affects the Philippine Islands.

The pending bill, if it is enacted into a law, will permit all articles, wholly the growth and product of the Philippine Islands, to enter the United States free of duty, except sugar and tobacco, upon which there is to be collected a duty of 25 per cent of the Dingley rates, until the 11th day of April, 1909, the date of the expiration of the treaty of Paris, after which there is to be freedom of commercial intercourse between the Philippines and the United States. It furthermore provides that all the revenue derived by the imposition of the 25 per cent duty on sugar and tobacco shall be turned over to the treasury of the Philippine Islands for their use and benefit. I think this states in substance that which the bill is intended to accomplish.

It is not my purpose, Mr. Chairman, to discuss the bill as it affects the tobacco question further than to say that I am convinced, after hearing all the evidence before our committee, that there is not the slightest possibility, in my opinion, of any injury to this industry.

Of course, Mr. Chairman, the injury which might be visited by this legislation upon any American industry is involved in the pending bill. I should certainly regret as sincerely as any Member of this House if such a result should follow. But, as I view the question, the fact that this legislation might possibly injure an American industry can not be as a matter of principle decisive of the issue. But before entering upon the discussion of the principle involved and the duty which is imposed upon us as Members of the American Congress in dealing with this question, I propose to discuss the measure as it relates in a practical way to the sugar industry.

I assert most confidently, after the most careful study and consideration of the evidence, and also the information which I have gained by reason of the fact that I live in a sugar-producing State, that the measure can not possibly result in the slightest injury to the sugar industry. It is true that the evidence taken before the Ways and Means Committee is conflicting, but from it the impartial investigator can arrive at a very just estimate of the value and reliability of this evidence. From the standpoint of self-interest there was much more reason why those opposing the pending measure should exaggerate their testimony than those who favor the measure, because the latter are composed of officials of the Government and of the Philippine Islands, who could have no possible self-interest to serve.

I am convinced that the report submitted, and which accompanies the bill, and made by my colleague, the chairman of the Ways and Means Committee, as to the cost of the production of sugar in the Philippines, and of beet sugar in the United States, is substantially true. From this it appears that the cost of a pound of raw sugar produced in the Philippines and delivered at the sugar ports, Iloilo and Manila, is 1½ cents per pound. This does not allow anything for interest on plant or property or for depreciation. Add to this freight to the United States, insurance, waste, loading and unloading, refining, and duty as provided for in this bill, and items of interest on plant, wear and tear of same, and interest on value of the cargo in transit, brings the cost on Philippine sugar refined at New York to approximately from 3½ to 4 cents per pound. It certainly will not be less than 3½ cents per pound, and in many cases will reach higher than 4 cents per pound. Then add to this the freight which is necessary to place such sugar in the principal markets of the eastern part of our country and you will at once see from a comparison of the cost of sugar raised in Michigan, Colorado, or California, even if the whole duty is taken off, that Philippine sugar will be at a great disadvantage, because all the evidence goes to show that a pound of beet sugar raised in any one of the sugar-producing regions of the United States is less than the figures I have just given as the cost of Philippine sugar. Furthermore, the cost of producing beet sugar in this country is constantly and rapidly decreasing. Improved machinery, improved methods of extracting saccharine matter, the profit of by-products, and the improvement in cultivation of beets are surely and rapidly bringing down the cost of this product.

I am not much of a hand for statistics, and as a rule I am not given to their use to any great extent, but there are a few prominent and significant facts in the sugar question which stand out so clearly and prominently as to be of the highest value in reaching a conclusion upon this question. For instance,

it is indisputably shown from statistics that the people of the United States purchased from the sugar countries of the world sugar to the amount of $150,000,000 during the year 1905 to supply the demand for consumption in the United States proper. This was in addition to what we produced in the beet-sugar regions and the cane-sugar regions of Louisiana and the South. It is also shown from statistics that the per capita consumption of sugar in the United States is a little over 70 pounds, while the per capita consumption of sugar in the United Kingdom is about 90 pounds. In other words, notwithstanding that we are underconsuming by 20 pounds per capita, and notwithstanding our great possibilities for sugar production, still we are as yet able to produce upon our own soil and upon the territory under our control but a ridiculously small percentage of the amount we consume. I will insert a table upon this question which shows some light upon this phase of the question.

Now, Mr. Chairman, if our population grows to 100,000,000 people, as it may by the next census, and we continue to grow in wealth and consuming power at the rate we have heretofore, does anyone believe for a moment that the admission of sugar from the Philippine Islands will have the slightest possible effect upon the growth of the beet-sugar industry of the United States?

A study of the history of the sugar industry in Hawaii will be interesting as bearing upon this question. We have had free sugar from Hawaii since 1875, either under reciprocity or since that Territory came under the flag of the United States. The natural market for the Hawaiian sugar is the Pacific coast, and notwithstanding the fact that this sugar enters the Pacific coast ports free of duty, still, in the face of this, the beet-sugar industry on the Pacific coast has grown and multiplied in direct competition with free cane sugar from Hawaii. An examination of statistics upon this point is most instructive and interesting, and it will be found that while prior to the growth of beets in California Hawaiian sugar held exclusively that market, to-day the sugars of Hawaii are seeking the markets of the Eastern States, either around the Horn or going across the continent by rail from San Francisco. Practically all the sugar from Hawaii which is put upon the market in San Francisco is sugar that is refined on the Pacific coast by individuals or corporations owning the sugar plantations in Hawaii and owning also the refineries on the Pacific coast. In other words, the great bulk of the Hawaiian sugar which remains in California and the Pacific Coast States is simply the sugar that is raised and refined by one and the same owner. When the present bill was under consideration before the Committee on Ways and Means the evidence shows that Philippine sugar, so far as it would come to the United States, would come to the Atlantic ports and seek the great market which is open to it in the eastern States of our country. In fact, Mr. Chairman, the difficulty in California in raising sugar is not because capital is not willing to go into the industry, but the great difficulty is in getting the farmers to contract and agree to grow beets.

The farmers of our State have experienced more or less difficulty with those managing the factories, and, besides, the land of the State of California which is suitable for growing beets is in many instances much more valuable for other purposes. At the present time I am reliably informed that capital is ready to establish beet-sugar factories in the State of California at several points, provided there can be obtained farmers who will enter into contracts to grow and raise beets for a sufficient length of time.

It is true that several of the beet-sugar factories in our State have created great prosperity and brought happiness and growth to many communities. We have a factory in my district, located at Spreckles, in Monterey County, which, so far as I know, has had satisfactory dealings with the farmers of that neighborhood. This factory has, according to my information, treated its patrons most satisfactorily. Last year this factory sliced 170,000 tons of beets, of which 126,000 tons were grown in Salinas Valley, 23,500 tons in the Pajaro Valley, 14,000 tons in the Santa Clara Valley, and 6,500 tons in the San Juan Valley, during a campaign which begun on September 20 and closed December 9 last. This factory has raised the price of beets to the farmer during the last year, and I understand that people are now entering in contracts at increased price for additional acreage. While this factory has been fair in its treatment and successful in its operation, another factory which was built in my district, at the town of Watsonville, has been dismantled because of the fact, as I am told, that farmers found it more profitable to grow other crops, and I also understand that their relations with the factory managers were not satisfactory.

I therefore take it, Mr. Chairman, that the beet-sugar industry of the Pacific coast has been inaugurated and has grown and prospered, notwithstanding and in spite of the competition of free sugar from the Hawaiian Islands. And, furthermore, because at the present time capital is seeking areas in our State where they can enter into contract with owners of the land for raising of beets in order to manufacture sugar, that the industry is fairly profitable, and that the introduction of the small amount of sugar which would naturally and probably come from the Philippine Islands, all of which, as I have shown, would seek the markets of the Eastern States, that in view of all of these facts the industry in the State which I have the honor to represent in part is in no sense menaced if this bill should become a law. I would certainly regret to cast any vote in this House which would in any way jeopardize or threaten a single industry of my district or State or country.

I dislike to repeat statistics and arguments which have been so frequently used upon this floor during the debate, and it is not my purpose to do so any more than is actually necessary to make clear my argument. There has been a great deal of loose talk and a great deal of speculation indulged in as to the possibilities of the Philippines as a producer of sugar, tobacco, and other tropical and semitropical products. When we originally acquired the Philippines, our people as a whole were so ignorant of them that very few knew where they were situated. The debates in Congress which followed their acquisition disclosed a lack of knowledge of their size, products, and possibilities that in the light of the Philippine census, which has been recently taken, is most remarkable, and even in this debate many of these exaggerated statements have been repeated. Mr. Chairman, even if we admit and accept as probable the most exaggerated prophecy which has been made, still these islands can not in any degree be a menace to our industries. Just consider for a moment the size of the islands, their total area being but 73,000,000 acres, or about 123,000 square miles, while the State of California has 99,950,000 acres, or 156,000 square miles. The Territory of New Mexico has 122,000 square miles and is nearer the size of the Philippine Islands than any other State or Territory of the Union. Suppose every acre of the Territory of New Mexico was capable of the most intensified cultivation, does any man upon this floor believe for one moment, even under favorable conditions, that the products of such an area could swamp or destroy or even remotely threaten the growth and prosperity of the forty-five States of the Union or any one of them. [Applause.]

Assuming that there is a high percentage of the land in the Philippines, if you please, for the sake of argument—admit that the percentage is higher of tillable land in that archipelago than the average throughout the world—still is it possible for anyone to seriously argue that under the most modern and up-to-date methods of cultivation it would be in any sense able to furnish serious competition to the products of any industry of our home country? And then, besides, Mr. Chairman, we must remember that land in the Philippine Islands will naturally be tilled in the most profitable lines, and it is shown most conclusively that hemp and cocoanuts are the most natural and most profitable crops to be grown on these islands—in fact, these islands have the monopoly on the production of hemp in the markets of the world.

Then there is the question of labor and capital, both of which must be present in any region to make profitable an industry, and both capital and labor are absent in the Philippine Islands, and, in my judgment, will be slow to enter there. As to the truth of this statement, the evidence is, to my mind, most conclusive. In fact, this would seem to be one of the great causes of the lack of prosperity in the Philippines. Our exclusion laws, as has been explained, are applicable to the Philippine Islands. Our contract-labor laws apply to these islands, and it is universally considered that without an abundant supply of labor there can be little, if any, development in the sugar industry there. What little labor there is available is inefficient and uncertain, and, because of this inefficiency and uncertainty, is dear and expensive even though the rate of wages when first stated seems to be very low, but when examined and understood as to results is very dear. Furthermore, it is well known that under the act which we passed at the last session of Congress and which provides for the building of railroads under the guaranty of income by the government of the Philippine Islands, the surplus labor of the islands will naturally and inevitably be used in railroad construction. The contractors for these railroads will be compelled to pay a comparatively high price for the labor of the Philippine Islands, and this will, for some years to come, make labor there scarce and, as compared with the present scale of wages, high. Therefore it would seem that the rapid development of the sugar industry in the Philippines, owing to adverse labor conditions, is extremely improbable and will necessarily be slow. Suppose, however, that within a comparatively short time the output of

Philippine sugar would reach as high a point as it did some years ago. The highest amount of Philippine sugar ever exported, so far as the records show, has never reached 300,000 tons. Last year the total amount of Philippine sugar exported to all countries was about 125,000 tons, and this was about 4 per cent of the amount consumed in the United States. Therefore, if we receive in our markets 300,000 tons of Philippine sugar, it would be ridiculously small as compared with the amount we consume. And when we furthermore consider that last year, the year 1905, we produced in the United States only 21 per cent of the sugar we consumed and we were obliged to buy abroad about 80 per cent of the sugar that we need, can anyone for a moment believe that even under the most favorable circumstances there is any possible danger to the industry in the United States?

Furthermore, Mr. Chairman, the raising of sugar in the Tropics, outside of Cuba and Hawaii, has not been upon the whole a most profitable undertaking. Take the island of Java, which is similarly situated to the Philippines, and in many respects similar, yet notwithstanding the fact that the home government of Java built the sugar factories and rented the lands to the farmers, and subsequently turned over to them under the most favorable terms the factories and gave long-term leases of the estates, yet records show that sugar production in Java has been anything but a profitable line of industry.

The fact of the matter is that people in the Temperate Zone have little to fear from the competition of the people of the Tropics. The energy, the thrift, and the power of initiation which resides with the people of the Temperate Zone have always enabled them in all stages of history to compete successfully in most all lines of industry with the people of all the other portions of the world. The fact of the matter is that at the present time the beet-sugar industry of the United States is confronted with a greater menace from the beet-sugar countries of Europe than from the cane-sugar industry of the Philippine Islands. If you will turn to the Daily Consular Report of January 10, 1906, page 4, you will find there an article upon beet-sugar increase in the countries of Europe, and it is estimated that these countries will increase the beet-sugar output during the next year by 50 per cent. I will insert this table as a part of my remarks.

Mr. Chairman, it seems to me that every Californian and every man from the Pacific coast and the West should support the present measure, if for no other reason than as a matter of gratitude. We all remember that for some years prior to the year 1898 the Pacific coast and ports of San Francisco, Portland, and Seattle had not enjoyed the prosperity which the resources of that section of the country would naturally justify. The city of San Francisco, magnificently situated upon one of the finest harbors of the world, in the midst of the region of the greatest natural resources, had been for some years prior to the Spanish war in a comparative state of stagnation, but with the acquisition of the Philippine Islands that city and the State which I have the honor to in part represent upon this floor, and the States of Oregon and Washington and their principal ports, awakened as if by magic, and the millions of dollars which were expended by the Government in our section of the country transferred those cities into prosperous, booming cities, lit up the fires of prosperity along the whole Pacific coast, and exhilarated to a degree the growth which has continued from that time to the present.

Therefore, I say, as a matter of gratitude alone we owe it to ourselves, we owe it to our country, to do everything possible in our power to promote the present welfare and prosperity of the Philippine people. Mr. Chairman, the growth in the Philippine trade from the United States since American occupation has been multiplied by four, and practically one-third of the trade of the Philippine Islands from the United States comes from the Pacific coast. Therefore, from the standpoint of self-interest and from the standpoint of the future of the section of the country which I have the honor to represent, I am glad to give my support to this measure.

Mr. Chairman, the State of California, which rejoices in the magnificent growth and development of the beet-sugar industry in our State and, while as I have heretofore said, capital is seeking investment in this line of industry at various points in our State where the farmers can be induced to subscribe to contracts for the growing of sufficient acreage to justify the expenditure of the necessary money to build beet-sugar factories, still we are glad to say that the State of California is not dependent upon any one industry. We are glad that our State is a State of diversified industries. I do not wish to say anything detrimental to any other portion of the Union, but we, in California, believe that we have great possibilities in diversified industries; that we have as great opportunities for growth and development as any other section of the Union. Facing, as we do, the broad Pacific, looking out toward the markets of the Orient, as a Representative upon this floor I would consider myself extremely foolish if I cast a vote which would imperil or jeopardize the trade in our insular possessions in the Pacific. [Loud applause.]

Mr. Chairman, much has been said here in this debate about pioneer spirit of the West. The gentleman from Colorado [Mr. BONYNGE] spoke most eloquently and effectively of the pioneers of the State of Colorado. His arguments in other forms have been repeated by his colleague and by the gentlemen representing the States of Wyoming and Montana upon this floor. Mr. Chairman, I find from examination of the Congressional Directory that those gentlemen, to whom I have just referred, went to their respective States at comparatively recent dates. None of them had the honor to be born in the West, and the gentleman from Wyoming, who has so strenuously opposed this measure, I find is a pioneer of 1887, and all of the other gentlemen went to their States at subsequent dates. They belong to that class which we term in the West the "tenderfoot class," and one of the leading characteristics of this class is the inclination to be stampeded. [Laughter.] It seems to me that in this bill these Representatives have permitted themselves to be stampeded and to have taken counsel of their fears.

I also find from examination that my friend from Wyoming, who has so strenuously opposed this bill, obtained his insight into the sugar question at a time when he was making a visit some years ago to the Hawaiian Islands. I have taken particular pains to investigate this matter, and find that I am correct. In fact, he refers to this matter in his speech delivered here upon this floor a few days ago, and he states in effect that he investigated the statistics of the sugar question while in the island and that he studied the question of capitalization of the various companies engaged there in sugar production. I also find upon further investigation that the gentleman from Wyoming upon that trip to the Hawaiian Islands, instead of primarily going to that delightful territory for the purpose of investigating the dry statistics of the sugar question, was in reality taking the trip as a part of his wedding journey. [Laughter.] Now, Mr. Chairman, I am willing to leave it to the majority of this House whether the evidence upon the question of sugar of any man who is taking his honeymoon trip is not exaggerated to that degree as to be entirely and wholly valueless for any purpose. [Laughter and applause.]

There has been a great deal of discussion both in the debate and in private conversation since this bill has been before the House as to the effect of this legislation. Some very able gentlemen have stated in my hearing that they were somewhat in doubt as to their votes, because they fear that this legislation would not result in benefits to the Philippine people, but whatever benefit accrued would go to the sugar trust. In the first place, it is significant that the sugar trust and their representatives are fighting the present measure—at least, some of their representatives are—and I therefore conclude that if the trust would get all of the benefit, or a good share of the benefit, under this bill that it would have no objections to its passing. I do not think anyone outside of the members of the trust will be able to state just what interest the sugar trust, so called, has in the sugar-beet industry of this country. That the sugar trust has an interest, and undoubtedly a very large one, in many of the beet-sugar factories of this country can not be doubted.

I am told that immediately after the passage of the Cuban reciprocity law representatives of the sugar trust, realizing that the beet-sugar industry of this country could not be crushed or destroyed, concluded it would be the wisest policy to purchase an interest in the sugar-beet industry, and so that institution has purchased, if I am correctly informed, an interest in many of the factories of the various States, and in each State it has a representative in whose name the stock of the American Sugar Refining Company, known as a trust, stands as trustee. I notice from the Wall Street Journal of a recent date, which, by the way, is undoubtedly a very reliable trade journal, a statement to the effect that it is unlikely that any official statement of the relations between the American Sugar Refining Company and the American Beet Sugar Company, and other beet-sugar concerns, will be volunteered. In other words, the Wall Street Journal admits the interest which the sugar trust has in the beet-sugar industry. That interest is unknown, but it has been stated that it approximates 50 per cent. There is evidence, therefore, that whatever the sugar trust or its representatives have done has been against the passage of this bill. We present this measure and ask for its enactment on the theory that it will benefit the industry. As to what exact proportion of the benefit will go to the Philippine planter, as to what exact proportion will go to the laborer upon the planta-

tions, as to what exact proportion will go to the refiner, no one can tell. When we pass a tariff schedule to protect an industry, the legislator who votes for the enactment of such schedule votes for it for the purpose, if he be a protectionist, of developing the industry which the tariff affects. But I take it that no legislator would presume to apportion the benefits which may accrue to the industry as between the laborer and the producer of the raw material or the manufacturer of the finished product. If the legislation benefits an industry, we must trust the laws of trade to apportion the benefits.

Others in this discussion have engaged in the speculation as to what market the Philippine sugar will likely seek in the event of the passage of this bill. It has been claimed that it will seek the near-by markets of Japan and China and that but a small proportion of it will come to the United States. Mr. Chairman, I am not enough of a trade expert to prophesy upon this question. I have an opinion, however, that it will increase in the markets of Japan and China, but so long as I am convinced that the whole of the production, if it comes into the United States, will harm no industry and serve to supply our demand, I can not see that it becomes of very great importance.

Now, Mr. Chairman, I want to come to the discussion of the principle involved in this bill, because to my mind there is a most important principle involved, and which can not in justice be disregarded. I am a protectionist, and a sincere protectionist. That policy is fundamental in our party, but the protection which I have always understood, and for which our party has always stood, is a policy coextensive with the authority which enacts protective laws and under which all classes and sections of the country under the flag share equally in its benefits. [Applause.] The glory of the protective policy is that it safeguards, protects, and encourages all industries and all peoples under our authority which are subject to the national legislative will, and in its most perfect exemplification treats all foreign people and nations upon equal terms, except only as modified in a few instances by special trade arrangements, known as "reciprocity." The protectionist who advocates, as a permanent policy of the Government, the erection of the discriminatory policy toward any of the territory under the control of Congress, in my judgment, does violence to the fundamental principles of the protective policy. The treaty of Paris, by express terms, left with the Congress of the United States the determination of the status of the territory acquired as a result of the war with Spain. We have already abolished all duties upon products from Porto Rico. We have never attempted for one moment, and no one ever suggested, so far as I know, to discriminate against the products of Hawaii or Alaska.

As bearing upon this question, I desire to read an editorial which appeared in the San Francisco Chronicle in a recent issue, entitled:

FREE TRADE WITH PHILIPPINES—THE AMERICAN PROTECTIVE LEAGUE TO OPPOSE IT.

The Chronicle has stood for the policies of the American Protective League so long and so sturdily that it can not escape feeling deep regret to see it violating every principle of national decency by opposing free trade between the United States and the Philippines. We have seized those islands and conquered their people by force of arms. If our troops were removed to-day, the islanders would rise and massacre every American in the islands, and we all know it. Whatever we may hope for the future, the present condition of the Philippines is that of a conquered province. We have taken upon ourselves the responsibility of the government of those islands, and if we do not do that which will most inure to the prosperity and happiness of their people we shall deserve and receive the execration of mankind for our infidelity to a great trust, and their scorn and contempt for double-dyed hypocrisy in professing such intentions. Nothing but the bonds of commerce will ever make the Filipinos loyal to America or patiently endure American rule. Nothing but free trade will ever induce that commerce. That which the Filipinos require as the first step toward good citizenship is markets for the products of industry. That we can give them. If we refuse to put them on a commercial equality with our own people, we shall deserve and receive the hatred with which all oppressed people regard their oppressors.

Whether it will be gainful or injurious to us to give the Filipinos free access to our markets is not to have the slightest consideration. It was a proper matter to be considered before we seized them. With the ratification of the treaty of Paris free trade ceased to be a debatable question. But there can be no doubt that free trade would be marvelously profitable to us. Considering the matter in its narrowest aspect, the value of free trade to our deep-sea shipping would vastly outweigh its injury to the tobacco trust. Our shipowners are howling for subsidies. The best subsidy which we can give them is valuable new business, restricted to American bottoms. But free trade with the Philippines will do far more than that. It will relieve the drain on our Treasury, caused by the maintenance of an army in the Philippines and a fleet to transport it back and forth. And it should be worth something to all of us to feel that the American people can be relied on to give everybody a square deal, and that no man may rightfully call us a nation of hypocrites and sneaks.

There is no journal in the world more stalwart and outspoken than the Chronicle in defense of protection. But the protection which we favor is protection coextensive with the authority which enacts protective laws and under which all classes share equally in the prosperity which it creates, whether their particular products are protected or not. If it should ever appear that protection is a system under which one class profits at the expense of another class subject to the same government, the whole system is doomed and will deserve to be doomed.

Now, Mr. Chairman, it is contended by some of those opposing this bill that because it does not in terms extend the Dingley tariff around the Philippine Islands we are not in any way bound to enact the measure under consideration. In my judgment, Mr. Chairman, the Dingley rates must inevitably and naturally be extended around the islands with the expiration of the treaty of Paris, and it is no argument for us to contend at this time that because we are prevented by the treaty from doing full justice that therefore we should make no attempt to do partial justice.

The only alternative suggested by those who oppose this bill is the argument presented by the leaders on the Democratic side, and, I regret to say, echoed by a few upon this side of the Chamber, that we should, because of the burden which their control brings upon us as a Government, abandon them, pull down the flag, and leave the government of those people to themselves. Mr. Chairman, I never expected to live to see the day when any man upon this side of the Chamber, in view of our party's policy from the very beginning, who would seriously advocate what seems to me, speaking most respectfully, a cowardly course. Personally I do not believe that we will be called upon to consider the final disposition of those islands for one or two generations. It may be pertinent here to recall the language of McKinley upon this subject in his message to the first session of the Fifty-sixth Congress, which was the first session I had the honor to be a Member of Congress. He states:

The future government of the Philippines rests with the Congress of the United States. Few graver responsibilities have ever been confided to us. If we accept them in a spirit worthy of our race and our traditions, a great opportunity comes with them. The islands lie under the shelter of our flag. They are ours by every title of law and equity. They can not be abandoned. If we desert them, we leave them at once to anarchy and finally to barbarism. We fling them, a golden apple of discord, among the rival powers, no one of which could permit another to seize them unquestioned. Their rich plains and valleys would be the scene of endless strife and bloodshed. The advent of Dewey's fleet in Manila Bay instead of being, as we hope, the dawn of a new day of freedom and progress, will have been the beginning of an era of misery and violence worse than any which has darkened their unhappy past. The suggestion has been made that we could renounce our authority over the islands and, giving them independence, could retain a protectorate over them. This proposition will not be found, I am sure, worthy of your serious attention. Such an arrangement would involve at the outset a cruel breach of faith. It would place the peaceable and loyal majority, who ask nothing better than to accept our authority, at the mercy of the minority of armed insurgents. It would make us responsible for the acts of the insurgent leaders and give us no power to control them. It would charge us with the task of protecting them against each other and defending them against any foreign power with which they chose to quarrel. In short, it would take from the Congress of the United States the power of declaring war and vest that tremendous prerogative in the Tagal leader of the hour.

Mr. Chairman, in the closing hours of this debate, which has now been prolonged for over a week, I do not believe it is necessary or profitable to further multiply arguments upon the question. My duty in the premises seems clear. The passage of this act is demanded by the Philippine Commission, whose unselfish work in upholding the authority of the United States in those islands has been most difficult, and anything and everything that we can do to lighten their labor should be cheerfully accorded. It will be a discharge of our "plain duty," as declared by the lamented McKinley; it will not harm or threaten a single American industry; it will promote our trade and commerce and benefit our shipping interests; it will be an evidence to the Philippine people that we are sincere in our professions toward them; it will stand out among the nations of the earth as an indication that we propose to sacredly discharge in honor the duty imposed upon us.

This Republic was founded upon the theory that taxation without representation is tyranny. We, the sons of the founders of this country, can not afford to give the lie to the very principle under which our Government was founded. For one I do not hesitate to cast my vote in favor of this measure. [Prolonged applause.]

APPENDIX.

[Extract from message of President Roosevelt to first session Fifty-ninth Congress.]

The agricultural conditions of the islands enforce more strongly than ever the argument in favor of reducing the tariff on the products of the Philippine Islands entering the United States. I earnestly recommend that the tariff now imposed by the Dingley bill upon the products of the Philippine Islands be entirely removed, except the tariff on sugar and tobacco, and that that tariff be reduced to 25 per cent of the present rates under the Dingley Act; that after July 1, 1909, the tariff upon tobacco and sugar produced in the Philippine Islands be entirely removed, and that free trade between the islands and the United States in the products of each country then be provided for by law.

* * * * * * *

I do not anticipate that free trade between the islands and the United States will produce a revolution in the sugar and tobacco

production of the Philippine Islands. So primitive are the methods of agriculture in the Philippine Islands, so slow is capital in going to the islands, so many difficulties surround a large agricultural enterprise in the islands, that it will be many, many years before the products of those islands will have any effect whatever upon the markets of the United States. The problem of labor is also a formidable one with the sugar and tobacco producers in the islands. The best friends of the Filipino people and the people themselves are utterly opposed to the admission of Chinese cooly labor. Hence the only solution is the training of Filipino labor, and this will take a long time. The enactment of a law by the Congress of the United States making provision for free trade between the islands and the United States, however, will be of great importance from a political and sentimental standpoint; and while its actual benefit has doubtless been exaggerated by the people of the islands, they will accept this measure of justice as an indication that the people of the United States are anxious to aid the people of the Philippine Islands in every way, and especially in the agricultural development of their archipelago. It will aid the Filipinos without injuring interests in America.

Imports of merchandise into the United States from Hawaii, by customs districts, for the fiscal years 1870, 1875, 1880, 1885, 1890, 1895, and 1900.

Customs districts.	1870.	1875.	1880.	1885.	1890.	1895.	1900.
Boston and Charlestown	$11,788					$7,933	$101
New York			$725			193,695	8,165,689
Philadelphia							1,424,955
San Francisco	934,080	$997,879	4,447,046	$3,847,836	$12,313,338	7,644,738	11,102,071
Oregon	140,645						
Puget Sound	8,083		3,728	4,124	270	9,805	11,881
Willamette		203,584	154,945	2,790		32,103	
All other	49,652	25,728		2,747	300	687	3,206
Total	1,144,248	1,227,191	4,606,444	8,857,497	12,313,908	7,888,961	20,707,903

O. P. AUSTIN, *Chief of Bureau.*

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF STATISTICS,
January 10, 1906.

Shipments of sugar to the United States from Hawaii for the fiscal years 1901 to 1905, inclusive.

Year.	Pounds.	Value.
1901	690,877,934	$27,093,863
1902	720,553,357	23,920,113
1903	774,825,420	25,310,684
1904	736,492,092	24,359,390
1905	832,721,387	35,112,127

O. P. AUSTIN, *Chief of Bureau.*

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF STATISTICS,
January 10, 1906.

BEET-SUGAR INCREASE—EUROPE ADDS NEARLY 50 PER CENT TO CROP.

The beet-sugar crop of Europe for 1905–6 is estimated at 6,855,000 tons by a Belgian journal, La Meuse, of Liege. This shows an increase over the previous year's crop of almost 50 per cent, according to the following table forwarded by Consul McNally:

Country.	Estimated, 1906.	Actual, 1905.
	Tons.	*Tons.*
France	1,050,000	633,000
Belgium	330,000	175,000
Holland	200,000	137,000
Germany	2,325,000	1,595,000
Austria-Hungary	1,480,000	889,000
Russia	1,075,000	940,000
Sweden	120,000	84,000
Denmark	65,000	48,000
Spain	90,000	98,000
Italy	85,000	75,000
Roumania	25,000	19,000
Switzerland, Servia, Bulgaria, and Greece	10,000	8,000
Total	6,855,000	4,701,000

It is estimated that the excess production of the current year will be about 2,150,000 tons of raw sugar as compared with the actual production of the preceding year. This excessive increase would make the present year the greatest known in the history of the industry. While the above estimate is given as probable, the stock of the preceding year on the 1st of September was greater than on that date of the present year. This increase will influence an enhanced consumption, of which the month of October is a forerunner. (Daily Consular and Trade Reports, January 10, 1906.)

	1902-3.	Consumption in United States.	1903-4.	Consumption in United States.	1904-5.	Consumption in United States.
Total consumption of sugar in United States	*Tons.* 3,163,456	*Per cent.* 100.0	*Tons.* 2,822,084	*Per cent.* 100.0	*Tons.* 2,830,603	*Per cent.* 100.0
Total production of sugar in United States	554,918	17.6	473,911	16.7	610,088	21.1
Total importation	2,608,538	82.4	2,348,173	83.3	2,280,515	78.9
Total Philippine export to all countries	123,076	−4.0	82,855	−3.0	125,271	+4.0

Total value of exports from San Francisco, other Pacific, and all other customs districts of the United States to Philippine Islands from 1897 to 1905, inclusive.

Fiscal year ending June 30—	From San Francisco.	From other Pacific ports.	All other ports.	Total exports to Philippine Islands.
1897	$6,739	$2,419	$85,439	$94,597
1898	3,955	238	123,611	127,804
1899	143,831	64,851	195,511	404,193
1900	599,392	1,132,878	908,179	2,640,449
1901	966,149	1,505,791	1,554,924	4,027,064
1902	980,442	1,210,733	3,067,295	5,258,470
1903	809,461	1,088,682	2,140,766	4,038,909
1904	893,954	1,694,340	2,244,606	4,832,900
1905	1,103,989	853,721	4,242,910	6,200,620

O. P. AUSTIN, *Chief of Bureau.*

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF STATISTICS,
January 8, 1906.

PHILIPPINE TRADE QUADRUPLED UNDER AMERICAN RULE.

Figures furnished by the Bureau of Statistics, Department of Commerce and Labor, show that the value of the commerce between the United States and the Philippine Islands for the present calendar year is likely to reach $20,000,000, against $15,000,000 for the preceding year. Our trade with the islands is now nearly four times as great as in the last year of Spanish control. For the ten months ending October 30 the value of imports from the islands to the United States was $12,650,000 and the exports from the United States to the islands nearly $5,000,000. The value of hemp received from the islands for the ten months ending October, 1905, was $10,376,528, and that of sugar $2,216,249. The exports to the islands include agricultural implements, cars and carriages, manufactures of cotton, iron and steel, leather, wood, etc.

The table which follows shows the value of imports from and exports to the Philippine Islands in each of the calendar years from 1895 to 1904, and in the ten months of the calendar year 1905.

Calendar year.	Imports.	Exports.
1895	$4,120,134	$140,455
1896	5,187,241	174,287
1897	4,352,181	69,459
1898	4,099,525	147,846
1899	4,903,467	1,693,213
1900	6,095,949	3,523,146
1901	3,737,071	4,173,387
1902	10,211,303	4,736,833
1903	12,489,500	4,808,742
1904	10,325,351	5,040,579
1905 (10 months)	12,652,262	4,860,252

From Daily Consular and Trade Reports, January 4, 1906.

Quantity of sugar consumed in the United States, 1867 to 1905, inclusive.

Calendar year.	Refined product of sugar imported.[a]	Domestic product.						Total product.	Consumption per capita.
		Manufactured from imported molasses.	Of cane.	Of maple.	Of beet.	Of sorghum and other.	Total.		
	Tons.	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Pounds.*
1867	430,843						22,750	453,593	28.1
1868	449,604						34,000	483,604	29.3
1869	497,225						45,900	543,125	32.2
1870	544,634						63,200	607,834	35.3
1871	588,474						74,700	663,174	37.6
1872	643,721						64,996	708,717	39.1
1873	694,212						54,346	748,558	40.2
1874	727,557						56,000	783,557	41.0
1875	721,350						70,250	791,600	40.3

Quantity of sugar consumed in the United States, 1867 to 1905, inclusive—Continued.

Calendar year.	Refined product of sugar imported.[a]	Domestic product.						Total product.	Consumption per capita.
		Manufactured from imported molasses.	Of cane.	Of maple.	Of beet.	Of sorghum and other.	Total.		
	Tons.	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Pounds.*
1876	692,565	----------	----------	----------	----------	----------	83,000	775,565	38.5
1877	606,750	35,500	89,000	12,000	446	1,554	138,500	745,250	46.1
1878	649,872	40,000	71,000	11,000	223	1,377	123,600	773,472	38.6
1879	663,196	44,900	112,000	10,000	357	1,443	168,700	831,896	38.1
1880	805,045	50,617	88,822	10,000	357	1,943	151,739	956,784	42.7
1881	835,261	39,949	127,367	9,000	629	----------	176,945	1,012,206	44.2
1882	973,720	64,456	76,372	20,000	446	----------	161,274	1,134,994	48.4
1883	1,021,956	40,722	142,297	18,500	536	----------	202,055	1,224,011	51.1
1884	1,098,090	50,000	135,243	25,000	737	313	211,293	1,309,383	53.4
1885	1,122,345	47,259	100,876	25,900	600	1,400	176,035	1,298,380	51.8
1886	1,232,755	72,613	135,158	18,000	754	----------	226,525	1,459,280	56.9
1887	1,213,791	62,274	85,394	20,000	255	----------	167,923	1,381,714	52.7
1888	1,270,629	58,840	167,814	20,000	1,640	360	248,654	1,519,283	56.7
1889	1,193,761	43,715	153,909	22,000	2,400	689	222,713	1,416,474	51.8
1890	1,257,222	53,282	136,503	25,000	2,800	1,500	219,085	1,476,377	52.8
1891	1,614,580	31,320	221,951	15,030	5,400	570	274,271	1,888,851	66.3
1892	1,597,306	30,000	204,064	9,500	12,000	500	256,074	1,853,370	63.8
1893	1,623,872	20,000	235,886	10,500	16,000	500	282,886	1,906,758	64.4
1894	1,700,635	15,000	271,336	5,000	20,443	300	312,079	2,012,714	66.7
1895	1,572,438	15,000	324,506	7,500	30,000	300	377,306	1,949,744	63.4
1896	1,670,963	603	243,220	5,000	40,000	300	289,123	1,960,086	62.5
1897	1,715,607	150	310,537	5,000	39,684	----------	355,371	2,070,978	64.8
1898	1,708,937	1,700	252,812	5,000	34,453	----------	293,965	2,002,902	61.5
1899	1,844,642	5,200	160,400	5,000	62,826	----------	233,426	2,078,038	62.6
1900	1,950,014	7,647	174,450	5,000	82,736	----------	269,833	2,219,847	65.2
1901	[b] 1,932,330	17,977	202,150	5,000	124,859	----------	439,986	2,372,316	68.7
1902	[c] 2,092,657	23,600	296,000	5,325	148,526	----------	473,451	2,566,108	72.8
1903	[d] 1,982,605	21,525	292,800	5,150	247,563	----------	567,038	2,549,643	71.1
1904	[e] 2,246,068	15,310	323,649	12,000	170,135	----------	521,094	2,767,162	75.3
1905	[f] 2,056,092	11,880	334,522	9,000	220,722	----------	576,124	2,632,216	70.5

[a] Leading refiners state that little or no sugar is manufactured from domestic molasses; also that in refining there is only about 2 per cent waste of original weight. Messrs. Willett & Gray, New York, state that of the sugar consumed in 1902 only about 44,749 tons were unrefined.

[b] Includes 309,070 tons Hawaiian, 66,279 tons Porto Rican, and 5,100 tons Philippine sugar.

[c] Includes 311,139 tons Hawaiian, 84,827 tons Porto Rican, and 2,550 tons Philippine sugar.

[d] Includes 357,850 tons Hawaiian, 85,989 tons Porto Rican, and 29,947 tons Philippine sugar.

[e] Includes 330,745 tons Hawaiian, 116,942 tons Porto Rican, and 22,100 tons Philippine sugar.

[f] Includes 376,497 tons Hawaiian, 124,928 tons Porto Rican, and 14,673 tons Philippine sugar.

NOTE.—The per cent share of domestic sugar (beet, cane, maple, and molasses) in the total consumption of the continental United States was: 1904 (calendar year), 18.8; 1905 (calendar year), 21.9.

Mr. MOUSER. Mr. Chairman, I thank this House for its time for a few minutes in which to present my protest against the passage of the pending measure.

The many able, logical, and earnest speeches upon all phases of the question by our distinguished leaders and by leaders of the opposing side of the House has brought to our attention the facts upon which we must soon register our votes and declare our judgments.

I have been peculiarly impressed and at the same time somewhat amused in seeing the champions of tariff for revenue only, or free trade, and ardent protectionists arm in arm, shoulder to shoulder, in enthusiastic support of a great measure, the correct settlement of which is of vital import to some of our great industries. The Democrats are naturally jubilant, because they see in the actions of many of the leading Republican Members the approval of their theories and the ultimate overthrow of protection and the triumph of their doctrines. I have not been slow to discern through the progress of this debate the smiles of Democracy on the other side of the House as they gleefully contemplate Republicans deserting their principles and worshiping at the shrine of their false gods. This smile is not one of approval; it is not the glad reflection of honest, reciprocal emotions; rather is it the laugh of derision at the unprecedented actions of those who hitherto have nobly and fearlessly championed the cause of protection.

It seems to bode evil; it seems to foreshadow the day when these same Democrats, through the press and on the stump, will proclaim, boastfully and triumphantly, that the great American doctrine of protection—the rallying cry of our party for years—has been abandoned in this case by its most loyal advocates. What will be our answer to the people then? What will we say to our friends who will demand an explanation? Can we say that our wards are better, indeed, than the members of our own household? Can we say that we owe a duty to the brown men of the East above our obligations to the farmers, laboring men, and manufacturers of our own country? Can we delude them into believing that charity for a different race, a different people, should be generously bestowed before considering the needs, comforts, and betterment of those of our own blood, our own citizenship, our own people? No. These answers will not suffice; they will not explain to thousands of Republicans, who will be led away by the more plausible, yet delusive story of our Democratic friends.

We should first do for, and legislate on behalf of, our own people for their good, their upbuilding, before even thinking of the wants, the claims, of another people, especially when the good we do others will sacrifice the industries of our own people. [Applause.]

The song of sacred duty, of solemn obligation to the Philippines has become discordant, dissonant, and almost a mockery. In five years we have done more for them than Spain did in hundreds of years. We have unfurled our flag over them, with all its salutary and inspiring influences; we have established schools for them and have expended millions for their education; we have awakened and fostered their industries, established for them a stable form of government, and led them to higher planes of education and Christianity. Our kindness and munificence, our very tenderness for them can only be applauded and redound to our honor and credit. So far humane treatment has won us laurels and will reward us richly. We have, indeed, helped to accomplish much for them without impinging upon or affecting the rights and duties we owe first to our own people.

It is now proposed, and I believe unwisely, to further assist and upbuild them by reducing present tariff rates on certain products coming into this country from their country—namely, rice, sugar, and tobacco—and allow them to ship us all products absolutely free of duty in 1909. If this can be accomplished without crippling or destroying our own American industries, then, for one, I can give my hearty approval of the course. But if this action will destroy one factory, rob one American farmer or laborer, then, in the name of my country and its citizenship, I protest. [Applause.] The failure of the pending measure will not retard progression, nor will it affect the present or future condition of the Philippines. In this I am borne out and supported by the ablest champions of the bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KEIFER. Mr. Chairman, I ask unanimous consent that the gentleman from Ohio be allowed ten minutes more.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that his colleague may be allowed ten minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. MOUSER. Its passage is sought mainly for the future good it may do them. If this bill enacted into law could at the same time accomplish their prosperity and advancement without affecting our material interests it would, indeed, be a safe, wise, and salutary policy to adopt. But consistently, logically, and from the standpoint of common sense it must ultimately have the very opposite effect; so my reason teaches me, so my judgment prompts me.

It is unfair, unjust, and indeed irrational to presume or believe that giving to others what rightfully belongs to us will assist or enrich us. But many argue that there should be free trade between this country and our possessions, because they, for the present at least, are under our protection. Some go so far as to make the unfair and illogical statement that the same rights and privileges existing between the several States of the Union should be maintained between this country and the Philippines. This peculiar doctrine is naturally upheld and defended by the free traders, but it is certainly an anomalous position to be taken by protectionists.

Free trade between the States is guaranteed by our Constitution and upheld by our beneficent laws. Our rights to impose tariff duties on the imports of our possessions is sustained by our highest court. In the first case, one fundamental law wisely establishes trade relations between sister States of a great Republic for the mutual upbuilding and benefit of each and all. In the other case, our law upholds a just policy which inures to the protection of these same States, this same Republic.

Above all, our own land, its people, its institutions, should be first protected. The Philippines are thousands of miles away. They came to us as the result of war, and their ownership was never dreamed of when the gallant Dewey won his matchless victory 'neath the burning skies of the Orient. These people are none of us by blood, by kindred ties, nor by any other reason except the decree of war. They are distinct from us in language, in race, manners, habits, and customs. They are foreigners in every sense. They are semibarbarous, unused to American ways and methods, and unlike our people in every particular. They live under a sun which renders men nerveless, trifling, easily satisfied with the commonest things of life. You can not create them anew. God first made them. Then, how can we in reason contend that we owe them the same rights, the same duties, the same protection that we owe our own citizenship? This argument is based on false premises, and can find no firm lodgment in reasoning minds. It may mislead and deceive for the present; yea, it may secure the passage of a bill, but a time will come when protectionists will regret their action. When the cheap, servile, dependent labor of these islands has driven the well-paid, well-fed, independent labor of this country from the fields of employment; when splendid industries owned by American capital have closed their doors; when the honest, hardy farmer loses the profits of his well-tilled fields—then, then will Republicans come to appreciate the wrong they have brought upon their own people through their permitting generous impulses and benevolent feelings to rule and misguide their judgment.

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. MOUSER. Now a few moments to the substantiation of these statements. It is proposed in this measure to reduce the tariff on raw sugar, etc., to 25 per cent of the Dingley law rate for the purpose of encouraging and development of the particular industry and others in the Philippines. I shall confine my argument to the sugar question, because a portion of the district I have the honor to represent is largely devoted to beet culture and the manufacture of beet sugar. This proposed action, in my judgment, is un-Republican and contrary to the express declarations of our party on this question. Our platform of 1896—the one upon which our lamented William McKinley, Ohio's noblest son, led our party to triumph—said:

> We condemn the present Administration for not keeping faith with the sugar producers of this country. The Republican party favors such protection as shall lead to the production on American soil of all the sugar which the American people use, and for which they pay other countries more than $100,000,000 annually.

This declaration has the true ring of protection, and, followed, it would tend to the growth and development of this particular industry until, indeed, it would lead to the production on American soil of all the sugar which we use.

On the other hand, the passage of this bill, in view of the number of acres in the Philippines which will produce sugar cane (the cheapness of labor in these islands representing practically the raw product), will eventually lead, as I believe, to the destruction of this industry.

The total area of this archipelago is 73,000,000 acres in round numbers, of which 68,000,000 are owned by our Government. Governor Taft, before the Philippine Committee, said:

> These Islands have very much more arable land, very much more rich soil, than have the Japanese islands, which support 48,000,000 people as compared with the 7,000,000 who live in these islands.

It is stated by reliable sources that 50,000,000 acres of these islands are richer than the lands of either Hawaii or the United States. It is said authoritatively that 150,000 acres of these lands will produce two tons of cane sugar to the acre. If this be true, then 1,500,000 acres, speaking conservatively and within the facts, would supply all the sugar we consume in this country.

That these islands offer rich fields for the development of this competing industry is proven by the statements of Governor Taft and others. In answer to this question by Mr. Moody, "So that is another place where the sugar of the world can be produced?" Governor Taft answered:

> Yes; I have no doubt that there is enough land there if the sugar was properly cultivated to raise—well, I do not know how much Cuba can raise, but if conditions favor us we are going to be a great sugar-producing archipelago, if I can use the word "we" in that editorial sense.

It seems to me that these statements are a complete refutation of arguments made on the floor of this House by eminent gentlemen that the sugar industry can not affect us, as the sugar raisers there would never raise a sufficient quantity to seriously come in competition with our sugar interests.

If the lands in these islands are as described, and the sugar industry will be fostered and encouraged, as reliably asserted, and the production of sugar greatly increased, the conclusion seems irresistible that the cheapness of this commodity will in time greatly injure and finally destroy one of our greatest industries. If the Philippines can raise, manufacture, and export this product to our country cheaper than we can produce it—and testimony seems to bear out this conclusion—it stands to reason that their production of raw sugar, being nearly equal in quality, will finally capture our markets and thereby drive the American beet-sugar industry in this country out of business.

Let us look briefly for a moment at the cost of labor there. From a summary of commerce of the Philippine Islands, July, 1901, I find the following:

> One of the advantages possessed by the Filipino sugar planter is that he can hire help very cheaply. The average farm hand will work for 10 cents per day and board himself; native boys may be hired still cheaper.

General Robert P. Hughes, February 26, 1902, Senate Committee on the Philippines, page 535, says on this question:

> The ordinary wages, if paid regularly and promptly, which seems to satisfy the native, was 1 peso a week, a peso being 50 cents of our money.

Could our laboring men live on this miserable stipend?

I could, in addition to the quotations already made on this important feature of this question, add others, which would only burden my remarks and serve no particular purpose.

But these authoritative statements, however, are sufficient to clearly demonstrate that cheap labor (mainly the cost of the production of sugar) would come into free competition with our own intelligent, well-paid labor engaged in this enterprise.

For one I shall stand forever against the underpaid labor of other countries if by any means it can come into competition with our own. This is a most important question, a serious one, that will affect hundreds and thousands of good, honest laboring men and farmers who are thriving on our beet-sugar factories.

To-day we have fifty-four American beet-sugar establishments in Ohio, New York, Illinois, Wisconsin, Minnesota, Kansas, Nebraska, Wyoming, Montana, Michigan, and other States.

In 1905 over 100,000 farmers in these States supplied these factories with about 2,800,000 tons of beets, for which they received about $15,000,000. Shall we forget the American farmer? Is it wise to endanger the prosperity of these men? The beet-sugar industry really commenced its march of progress after the passage of the Dingley bill. When it became a law there were only a few factories in the country, chiefly located in the far West. Then we only produced 40,000 tons of beet sugar; to-day we produce over 300,000 tons. A splendid industry has been developing within our own domains. The experimental stage has passed. Forty millions of American capital has bravely invested in this new enterprise, thousands of farmers and laboring men in our country are reaping rich rewards from it, and the promise of its further development shines bright indeed if it were not shadowed for the moment by the threatened destruction portended by the passage of this bill. Republicans, we are in control and our principles are to be put to the test. An American industry asks for protection. Will we as protectionists withhold it? [Loud applause.]

The CHAIRMAN. The gentleman from Nebraska [Mr. NORRIS] is recognized for forty-five minutes.

Mr. NORRIS. Mr. Chairman, we have heard much talk in this Chamber during this discussion of our duty to the Philip-

pines, and before entering upon the real question before us I want to refer briefly to some things that have been said along that line. I want to most earnestly protest against the proposition that those who are not in favor of this bill are not just as dilligent and as honest and conscientious in the full performance of their duty to the Philippines as any other class of people in our country. It has become common by those who have argued in favor of this bill to express a sentiment which virtually means that those who oppose the bill are not in favor of doing our duty to those people who are now under our charge.

I want to say, gentlemen, that if I believed we were in honor bound to give any particular legislation to the Philippines, and believed that legislation would injure us, I would still favor it if honor demanded and necessity required it. But, gentlemen, there is no intimation further from the truth than that those who are opposed to this bill do not want to do justice to the Filipino. An expression used by the gentleman from California just a few moments ago well illustrates this argument. He said "taxation without representation is tyranny," a sentiment that appeals to all Americans, and one that we do not deny, and which always brings forth applause from those who are favoring this bill. Well, sir, what is the proposition? If you carry it out to its full extent and continue to control the Philippine Islands, then, sir, you have no right to tax them in any way, but must tax ourselves here and send the money over there to run their government. Would this not follow? More than that, this bill does not relieve them of taxation, but it recognizes that the revenues now raised under the present law must be raised under some other law or some other method in the Philippine Islands, and nobody denies but what some other law providing for taxatio there must be passed. Then they will still have taxation without representation, and there is your tyranny the same as ever. Again, Mr. Chairman, if it is true that we have no moral right to tax the imports from that country, then what have we been doing all these years? Then what do the advocates of this bill propose to do within the next three years before the tariff is all taken off—continue this tyranny? If this tax is tyranny, then the advocates of this bill are condemned as guilty by their own argument.

Why, their argument answers itself. It falls flat and shows that when you consider it rightly there is no reason behind their argument, and all this fine talk and eloquence to the effect that we are not treating the Filipino right and that we do not propose to treat him right is for the purpose of creating sentiment for the passage of this bill. Why, sir, what have we done for the Filipinos? We found them bound down to the earth by three hundred years of Spanish tyranny. We have wrested them from the yoke. We have given them freedom. We have educated their children. We have built railroads. We found them ignorant, and we are educating them. We have made capital and life safe there. We have established courts of justice. We found them uninstructed in self-government, and we are now giving them instructions in self-government. We found their cities filthy and disease everywhere prevalent. We have driven away fevers and disease, inaugurated systems of sanitation that have made them clean and modern. Aye, sir, we have done more. Many of the lives of our brave boys have been blotted out and their blood spilled on Philippine soil in the fight we made for humanity and the liberation of the Filipino. In thousands of American homes to-day there are vacant chairs—silent emblems of American sacrifice for Filipino liberty. Moreover, Congress has permitted them to tax goods coming in there from our country the same as goods from the rest of the world, while we give them a preferential duty here on their goods and turn all the money over to them. Have we not done enough? Why, sir, if we did give them this legislation, as I will show later from the arguments of the advocates, it would give them no relief, if relief they must have.

Now, it is well to consider, to begin with, that under the present law all the revenue we collect from imports from the Philippine Islands is turned back into their treasury. If this law is passed, in three years money to run the Government there must be raised in some other way. Ever since we have held them we have never profited one penny, but have given out much of our money and many precious lives for their advancement. Thousands of American citizens are engaged there to-day teaching their children the lessons of liberty and the morality of an honest life. We are giving them an education and preparing them for self-government.

There are two propositions in this question. First, would this legislation benefit the Filipino? Second, would it injure any industry in the United States? If it would not benefit the Filipinos, then there is no use in its passage. If it would injure any industry in the United States, then it should not be passed unless we are bound on a question of honor to pass it. I want to consider those propositions in their order.

First. Would it benefit the Filipino? Now, we have heard on that proposition two leading speeches, one on the question of sugar and one on the question of tobacco, coming from two of the leading members of the Ways and Means Committee; and we listened with a great deal of interest to the arguments made by those two gentlemen. But I want to submit to you, gentlemen, now, taking up the speech of the gentleman from Connecticut [Mr. HILL] on tobacco, that if he established anything at all he certainly established the fact that under no consideration would there ever be a market for Philippine tobacco in America. Nobody, he said, would smoke these cigars if they came here, and nobody would try more than one. There would be no one here who would use their tobacco. If that be true, gentlemen, then I submit, what is the use of this law so far as tobacco is concerned?

And the gentleman from New York, the chairman of the Committee on Ways and Means, spent three hours, and he summed up his whole speech in a nutshell in answer to a question that was asked him, and that was to the effect that it would not do the Filipino any good on the sugar proposition. He said, "I am doubtful about the benefit to the Filipinos." That is an admission, as lawyers would say, of a party in interest as against his interest, and ought to be taken in the strongest of terms. "I am doubtful," says the chairman, "of any benefit to the Filipinos." And then, when pressed further by other questions, he said: "It will give them courage. There is some sentiment in it. They believe it will help them." These are the reasons given by the chairman of the committee for the passage of this measure.

Let us take them up. In the first place, it would do him no good. Start with that admission. It will not help the poor Filipino. But he says, "They want this legislation, and therefore we ought to vote for it."

Now, in answer to that we might say that the same Filipino wants independence. Why do you not give it to him? You want us to vote as he directs and yet you admit he is not of sufficient intelligence to govern himself. Is it a sentiment that ought to control us here? Why, if it is there is a sentiment in the Philippine Islands in favor of independence, and why do you not give it to them? There is a sentiment over here on the Democratic side to cut loose from them. Why do you not respect that? It ought to be entitled to as much weight as a sentiment concerning the Philippines, especially from men, leaders on this side, who are joining hands with the Democrats in advocating this measure. [Applause.] "It will give him courage." How long will he have it? Not much longer than the time when he finds out that he has been deceived. If it will not do the Filipino any good, why can we not as men stand up and tell him so, and refuse to follow the deception that must be contained in the legislation that gives him an erroneous idea as to what is coming to him as a benefit? Gentlemen, this sentiment—and I will admit there is a sentiment for it—but this sentiment should not control us, because when we examine it we will find it is a false sentiment—an artificial sentiment, a manufactured sentiment. Any sentiment that brings as a result of carrying it out deception to any people is a sentiment that should not control us in our legislation. Why, there are other sentiments that you same leaders do not pretend to respect. There is a sentiment among the beet-sugar people that we ought to have protection. Why do you not respect that? There is a sentiment of the Filipino against it. There is one sentiment against the other, one for the Filipino and one for the American. The Filipino wants this law and the beet-sugar men do not want it. So there you are even again, but on one side is an American sentiment and on the other side is the Filipino sentiment; and the American, according to the leaders on this side and the unanimous consent almost of the other side, must kick the beam in the unjust scale in which the advocates of this measure insist that the weighing shall be done.

I protest against it. It is not just; it is not fair; it is un-American. Why, sir, there is a sentiment down in Arizona and in New Mexico for single statehood; almost unanimously all the people down there are in favor of single statehood. Why do you throttle them in this Congress and refuse to follow their wishes and sentiments, and at the same time, when you find the Filipino has a sentiment and wish, that you carry out all he desires? [Applause.]

Why, sir, there is a sentiment all over this House that we ought to have a public-building bill. There is a sentiment all over the United States for it, and our people are anxious to have it. Why not heed this sentiment coming from your own flesh and blood? Can it be possible that American wishes and American sentiment do not have as much consideration as is given to the sentiment and wishes of the people of a foreign country? I presume in order for us to get any heed from our

leaders here we must first throw away our clothing, learn to talk Tagalog, dress ourselves in a tropical smile and the fig-leaf garment of the Filipino, and then we will be entitled to consideration. [Laughter and applause.]

I believe this sentiment will vanish into thin air when it is discovered that through this bill the Filipino can receive no benefit and an American industry will be injured. It will vanish into thin air when it is discovered that the beneficiary of this proposed legislation will be the sugar trust. A candid consideration of it can lead to no other conclusion and can lead to no other result.

Thus far I have considered this question upon the admissions that have been made by the advocates of the bill; and those admissions are sufficient to defeat the bill because they leave it without any reason or foundation on which to stand. But let us consider it further. In the first place, beet sugar is manufactured in a different way from cane sugar. The sugar coming from the Philippine Islands will be cane sugar. It will come here as raw sugar and will have to be refined before it is fit for consumption, and we all know that there is but one purchaser here, practically one purchaser of raw sugar in the United States, and that is the sugar trust. So that when the Filipino comes here with his sugar he will find but one purchaser in America for it. Now, the prices of sugar vary, and the duties vary according to the grade of the sugar. I want to give you an illustration, and for the purposes of this illustration I am going to use figures, dropping the fractions, because if I used the real figures it would run into fractions. Let us see; for the purpose of illustration we will say that sugar is worth 3 cents a pound in the world's market, that the American price here is 4, and that the tariff is 1 cent. Now, the little Filipino gets this bill passed, and in the delight of his glad heart he ships his sugar to America. He comes here expecting to sell it in our market and get 4 cents a pound; but when he lands he finds the sugar trust the only bidder. The beet-sugar men can not buy it for they have no means of refining it. The beet-sugar men can not use it in their factories and refine it. All refineries, as you know, are owned by the sugar trust. So that there is only one purchaser, the sugar trust, and it says: "Why, sir, you know that 3 cents a pound is the world's market; I will give you 3.1 cents for it;" and he can not get any other price, and must sell to him. The result is that the benefit will go to the sugar trust, and the Filipino, if he gets anything, will get a small fraction of a cent a hundred pounds above the world's market, so small that it will practically amount to nothing to the Filipino.

But I wonder what the poor little Filipino would think if he could be here in the American Congress and hear these philanthropic guardians of his explaining to the American Congress that really after all it would not give him any benefit. Do you suppose he will have a keener feeling for the people of the great American Government when he discovers that deception? He will discover eventually that we have used him, the Filipino, as a stool pigeon, and that while we are using him as a stool pigeon we are making a contribution to the sugar trusts. We are giving him a gold brick, and while he is innocently picking at the gilt on the outside and discovering the deception on the inside the sugar trust walks away with the swag and the Filipino is holding the sack. [Laughter and applause.]

Mr. CAMPBELL of Kansas. Will the gentleman from Nebraska yield to a question?

Mr. NORRIS. Certainly.

Mr. CAMPBELL of Kansas. The gentleman has no doubt listened to the applause on the Democratic side, applauding his statement that the sugar trust would be the beneficiary of this reduction in the tariff on sugar?

Mr. NORRIS. Yes; I heard the applause, but it did not come from the Democratic side.

Mr. CAMPBELL of Kansas. Now, I ask my friend if he does not believe that the Democratic party on the floor of this House would likewise applaud the opposite statement that the tariff builds up trusts in this country?

Mr. NORRIS. Is that all your question?

Mr. CAMPBELL of Kansas. Yes.

Mr. NORRIS. I am sure I can not answer for the Democratic party. My argument is that free trade provided for in this bill will build up the sugar trust.

Mr. CAMPBELL of Kansas. The Democrats have just applauded the sentiments of the gentleman from Nebraska that free trade in sugar with the Philippines will build up the sugar trust.

Mr. NORRIS. If the gentleman will remember, the applause came from the first section of seats on the left of the center aisle. He has forgotten that that is now a part of the Republican side. [Laughter.]

Mr. CLARK of Missouri. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Nebraska yield to the gentleman from Missouri?

Mr. NORRIS. Yes; with pleasure.

Mr. CLARK of Missouri. I wanted to ask the gentleman from Kansas a question.

Mr. NORRIS. I do not want to yield for that purpose. If the gentleman wanted to ask me a question, I would yield; but, I beg the gentleman's pardon, as my time is very limited, I do not want to yield for the purpose of allowing him to ask another gentleman a question in my time.

Mr. CLARK of Missouri. All right.

Mr. MONDELL. I want to ask the gentleman if it is not true and if it was not stated by men qualified to know of such things—and the statement has not been denied—that in the reduction of the duty to Cuba the Cuban has received in the markets of the United States about one-third of that reduction, the balance going to the sugar trust?

Mr. NORRIS. Yes; it is a historical fact. The sugar trust has reaped the largest share of benefit from that legislation, just as it will on sugar from the Philippines if this free-trade measure is passed. It is admitted, too, by the advocates of the bill—in fact, by everybody—that the bill will not result in reducing the price of sugar to the consumer.

Mr. SCOTT. I should like to ask the gentleman one question for information.

The CHAIRMAN. Does the gentleman from Nebraska yield to the gentleman from Kansas?

Mr. NORRIS. Yes.

Mr. SCOTT. If the effect of this bill is to give the sugar trust the profits on Philippine sugar, I should like to inquire how the gentleman argues that the passage of this bill will stimulate the production of Philippine sugar to such an extent as to make it a menace to the industry in this country?

Mr. NORRIS. I have not argued that as yet. I expect to do it, however, in the proper place, and probably when I do it the gentleman will be enlightened if he is now in darkness.

Now, Mr. Chairman, I want to say right here that in my judgment this bill is not properly named. It ought to be entitled "An act for the purpose of deceiving the Filipino, for menacing an American industry, and for the enrichment of the sugar trust." [Applause.]

We come now to my second proposition: Will this legislation injure any American industry?

What are the possibilities of the Philippine Islands in raising sugar? It has been repeatedly said that from the testimony before the committee we could prove anything. That may be true. I confess that I am rather led to that belief, and it strikes me that inasmuch as that is true, that makes a sufficient case why men with money would not want to put it into a sugar factory. Let us see what Governor Taft said in 1902, when he was before the committee. Mr. Moody asked this question, referring to the Philippine Islands:

Are the islands, in respect to soil and climate and labor conditions, capable of indefinite expansion along the lines of the production of sugar?

Governor TAFT. Yes, sir.

Mr. MOODY. So that it is another place where the sugar of the world can be produced?

Governor TAFT. Yes; I have no doubt that there is enough there, if the sugar were properly cultivated, to raise—well, I do not know how much Cuba can raise—but if conditions favor it we are going to be a great sugar-producing archipelago.

Mr. HITT asked him this question:

It is said by experts on the Hawaiian, Philippine, and Cuban lands that the Philippine lands are as good as the Cuban lands.

Governor TAFT. Yes, sir.

Now, there was Governor Wright, in the same year, testifying before another committee. Senator BURROWS asked him:

If that cheap labor were admitted—

Speaking of the admission of Chinese labor to the Philippine Islands—

to what extent might that industry be developed?

Governor Wright said:

Oh, indefinitely. The islands are very rich, and both climate and soil favor the production of sugar on a large scale. There is no doubt about that.

Senator DUBOIS. Do you know how much sugar they can produce per acre as compared, we will say, with Hawaii?

Governor WRIGHT. By the same methods of intensive farming as are used in Hawaii?

Senator DUBOIS. Yes.

Governor WRIGHT. I should say they would produce as much. I am inclined to think the soil in the Philippines is fully as good, and probably better.

And in Hawaii they produce 5 tons of sugar to the acre.

Now, gentlemen, let us look at this from the investor's standpoint. Suppose you were going to invest money in a beet-sugar factory. You would consider this testimony given by these

men who are there on that island and in control of it and who ought to know and who, perhaps, did know. It is true they tell a different story now, but there is a different proposition up now, and they have, perhaps, honestly changed their opinions in regard to the beet proposition. But still there is no man who tells it with any certainty. What would the investor find? He would find, in addition to this, that history shows that since we had free sugar from Hawaii the production in that country increased 350 per cent; he would find in the short time we have had reduced rates on sugar from Cuba the production has increased nearly 100 per cent; he would find in the few years we have had free trade in sugar from Porto Rico that the production has increased almost 100 per cent—an average increase in the three places of 1,200 per cent. And, my friends, the possibility of raising sugar in Cuba has not anywhere near been reached, and we all know it.

Now, I do not claim to have any personal knowledge, but I submit, gentlemen, the investor would take all this into consideration. What more would he do? He would refer to the Republican platform in 1896, which said:

The Republican party favors such protection as will lead to the production on American soil of all the sugar which the American people use, and for which they pay other countries more than $100,000,000 annually.

At the end of the next four years the Republican platform was again indorsed. The investor would look to them and say, "What has this party done to keep its pledge?" He would have heard Governor Taft testify and he would have heard Governor Wright testify, and he would have said in the face of that, "Why, there may be enough of that sugar to wipe me off from the face of the earth." He would have heard the argument of the gentleman from New York, the chairman of the Ways and Means Committee, when we were considering the Porto Rico bill, and he would have heard the gentleman from Pennsylvania on that occasion, when they both claimed that under no circumstances should we ever have free trade with the Philippine Islands. Then he would have seen them here on this bill turn a sommersault and explain away their former arguments and say that we must have free trade with the Philippine Islands. [Applause and laughter.]

After he had heard all that, what would he have said? He would have said, "It is a precarious proposition, and I will not invest my money in the beet-sugar industry." It is not necessary for us to show that it will absolutely ruin this business. It is necessary only to show that it is a reasonable proposition that it will menace it; that it will prevent men from putting their money into the business, and, because you or because I believe that it will not hurt the beet-sugar industry, a man who has the money, who believes it will, will not invest it, and as a result the industry will not be developed.

A man is just as dead who is scared to death as though he was killed with a revolver, and if you frighten the investor from going into the beet-sugar business you injure that business even though you might believe, as a matter of fact, that there would be no danger.

I am not one of those gentlemen who believe that this will necessarily absolutely ruin the sugar industry. I think it will have a tendency to prevent its development and will retard it, and the action already taken has retarded it. I was talking with a gentleman the other day, a Member of the House, and he told me that before he became a Member of the House, before the Cuban reciprocity measure was passed, he, with other gentlemen, formed a company and went over the Republican Valley in Nebraska and through Colorado with the view of establishing a series of beet-sugar factories in Nebraska and Colorado. But when Congress passed the law giving preferential duty to Cuban sugar, and it became evident that there was danger to this industry and that the American market was going to be destroyed they gave it up after they had spent a good deal of money and let it all go.

I happen to know that recently in my State there was a proposition to erect two beet-sugar factories, one at North Platte, Nebr., and another in the Republican Valley, and I am reliably informed that under present conditions those who were going to put money into it have, at least as far as one of them is concerned, given up the project. We can not expect men to put money into these things when they look over past history and see that Congress has taken away so much of the protection to this industry and is now threatening to take off more. Let the Republican party redeem its promise and protect this industry as it has others, and in ten years we will be producing all the sugar we consume. Improved methods in the cultivation of beets and their manufacture into sugar and competition between American factories will reduce the cost to the consumer. This has always been true of every industry that protection has built up. Our history affords many striking illustrations of it that I could mention if I had time. What we need is stability of policy. This wavering on our part will drive investors from the field.

Gentlemen, if we produced all the sugar we use, according to the way that the Republican platform proposed that we should, we would have invested more than $150,000,000 in machinery, there would be more than $100,000,000 invested in buildings, it would require more than 25,000,000 tons of beets, farmers would get more than $100,000,000 annually. Many millions would be spent for wages. There would be a million dollars spent for coal and for lime; and all this money would stay at home. There would be work for those who want to work on the farms, in the beet fields, and for those who work in the factories making machinery, and those who work in the beet factories. In my State there was one factory that spent last year $360,000 for beets; over $100,000 they paid for freight; more than $84,000 they paid for labor in the factory, besides the annual pay roll that they kept the year round. They used more than 20,000 tons of coal, 12,000 tons of lime, 175,000 tons of coke, 300,000 filter bags, besides a large amount of other material.

If this industry were properly nourished and established, the farmers would have a better market, the manufacturers would have a better business. The contractor, the carpenter, the coal miner, the weaver, the coke burner, the quarryman, thousands of boys and girls in the beet fields, and sewing girls in the factories would have employment on account of this industry. Gentlemen, as Republicans and protectionists, we owe it to the country. I was amused at the gentleman from Pennsylvania in his very able speech referring to the sugar lands in Louisiana and then to the sugar lands in some of the Western States, when he said there is enough sugar land to produce all the beets for sugar to supply all our needs. Why, yes, that is true. Let us turn the argument.

Why, there is enough iron ore in the bowels of the earth in the State of Pennsylvania to supply us with all the steel and all the iron and manufactured products, or both of them, that we will need. Shall we therefore ask for free trade? Why, he says, they are improving the method of cultivation of beets and extracting the sugar. That is true. Is that an argument for free trade? Why, I read the other day of a new invention that was made to improve the manufacture of nuts and screws in the home city of the gentleman from Pennsylvania. Why would not that be a good argument to say that we should have free trade in regard to those articles if it applies to this? The idea from a protectionist's standpoint has always been that where we have the facilities here for the manufacture of any product it is our duty to protect it against foreign importation until it can be built up to such an extent that it will supply all our demands, and it has always been the history of protection that eventually it cheapens the product to the consumer. In other words, it sets to work the ingenious Yankee mind, and new inventions are made to cheapen the process. It would be that way with sugar. It would not be long until the method of cultivation would be improved, until the method of manufacture would be improved; but you can not expect the American mind to work on these propositions unless you establish the industry and give occasion and opportunity for the mind to work.

Mr. Chairman, I want to refer now to a report here containing the views of the minority of the Ways and Means Committee. The Democratic minority say, in their report, this:

So long as we retain them—

Referring to the Philippine Islands—

we favor the establishment and maintenance of free trade betwixt them and the United States.

Then they offer a substitute to give that free trade immediately. You know this measure that is introduced does not give that for three years, and the Democrats want to make the thrust all at once and the Republican leaders want to kill the industry by degrees. That is the difference in the two reports. Then the Democrats say, in conclusion:

If the substitute herein proposed is voted down, we will support House bill 3—

That is, this bill—

being reported by the majority on the principle that it is a long step in the logical and right direction.

That is, a long step and right step for free trade. That is what they mean, that is what they say. Is not that a sweet morsel for the Republicans to swallow? Is not it a peculiar situation here to-day that we find the leaders of the Republican side united with the leaders of the Democratic side in one grand rush toward free trade? Why, I can not understand that except on that condition the Republican leaders, having studied this Filipino question somewhat, have become so imbued with this sentiment in favor of the Filipino and having come back

from the Philippine Islands on that trip with hearts bleeding with mercy and having seen the Democratic host here scattered to the four winds of heaven, running in all directions without a home and without a place to stay, in their philanthropy for the Filipino they thought they would do a little philanthropic work among the Democrats and went over there with them. Why, sir, the gentleman from Pennsylvania said something about Chinese labor. I want to speak of that for a moment. The Chinese labor they say now will never be allowed in the Philippine Islands, but the investors will say, "You told us once you would never give free trade; you misled us once in your platform saying we should have protection; you said on the floor of the House we should never have free trade; now you say that because a Filipino wants it and there is a sentiment in favor of it you want them to have it."

In the face of this past history the investor would say: "We do not believe you when you say you will not let John Chinaman in." Everybody agrees that if the Chinaman is admitted into the Philippine Islands that then it will be a menace, that then it will interfere with our industry here at home. Governor Wright's testimony on that point in undisputed. Why, gentlemen, what would be necessary to change these leaders over and have them at the next Congress ask that the exclusion law be amended and the Chinaman let into the Philippine Islands? Only this: In the first place, we would have to have the Filipino ask for it, and in the next place, we would have to have the sugar trust create in some way a sentiment in favor of it as they have done for this bill. Gentlemen, I believe that John Chinaman is going to be the next beneficiary of the tender-hearted philanthropists who are advocating the passage of this bill. Now, as to that sentiment. I recognize the fact that there is some sentiment in favor of it, but I believe, even if it meant the end of political life, it would not pay us to follow sentiment that leads us to no other conclusion than that the legislation will not only injure America, but it will deceive the Filipinos and enrich the sugar trust. Official life is not so sweet that it must be purchased at the sacrifice of principle. As for me, I had rather go to my political grave here and now, wrapped in the cloak of a satisfied conscience, than to live forever in public life knowing and feeling I had violated a principle that in my heart I believed was righteous. [Applause.]

Gentlemen, all this will come home some day. The time will come, in my judgment, when we will regret taking this action. I am opposed to it because it is contrary to the teachings of the Republican party since its foundation. Democrats favor this bill because it is a free-trade measure. I am opposed to it because it violates the fundamental principle of protection, the very cornerstone of Republicanism. Protection has made our nation great, our people prosperous, and our children happy. It has built up our manufactures, established a market for all the products of the farm, and given an honest wage to those who toil. Under its benign influence the Republican party has led the country onward and forward until it stands among the nations of the earth without an equal, without a peer, and it is a satisfaction to every Republican that for the last forty years the history of our party has been the history of our country. Under that banner, sacred to the heart of every Republican, we have marched to many a victory and brought comfort and happiness to millions of humble homes. Strike it down now, and we turn our backs upon the policy that has made our country great and face a wilderness of desolation, ruin, and broken promises. Rally to its support. Redeem in good faith the pledges made in its name, and we will plant our banner, our country's flag, upon heights yet unscaled, there to forever wave as an emblem to all the world, of peace, prosperity, and honor. [Applause.]

Mr. GARRETT. Mr. Chairman, the matter which has given me the greatest concern in determining how I should vote upon the legislation now in issue is not the economic phase. The gentleman from Nebraska [Mr. NORRIS] has just asserted that the Democratic side of the House favors the proposed bill because it is a free-trade measure. I do not profess to be able to declare the reasons pursuading my colleagues on this side the Chamber, but, speaking for myself, I beg to say that that is not the reason which induces me to support it. The controlling, the important reason operating upon me is what I conceive to be the legal obligation which we owe the Philippine Islands, growing out of our legal relations with them. The question which has given me most concern is this, What effect will this legislation have upon our constitutional or governmental connection with them? How will this legislation be construed as applied to the question, "What shall we do with them?" The legal status of our relations with those lands and that people has been from the beginning, and remains, exceedingly chaotic. The adjudications of the Supreme Court have by no means clarified all the legal issues growing out of our acquisition and control of those lands. There are those (and they are not a few) who declare their belief that our stay there is to be permanent. There are others (and if a vote could be had upon that question alone, it is believed that they would prove to be the majority) who think that the day will come when our own interests, the interests of that people, and all circumstances and conditions combined will present a demand which can not go unheeded, that we in some honorable way give over such sovereign powers and rights as we now possess and exercise there. I belong, Mr. Chairman, to the latter class. This is no time to present the reasons for that belief. I may be mistaken, but whether I am or not I do concede that when the time comes for that question to be acted upon by the legislative power of the United States the discussion of it will consist of legal arguments as profound and luminous as any arguments that have been occasioned by any question in the history of this country or in the history of the whole world.

The question of whether this Government can voluntarily surrender sovereignty over lands possession of which has been acquired as was the possession of the Philippine Islands will present an issue which will strike from the genius of the future flames that will illumine American intellectual skies. I shall certainly not try to go into the refinements of that question now, for it is replete with refinements and ramifications, and one, without making fuller preparation than I have had opportunity to make, would soon be floundering did he endeavor to discuss it. But if I believed, Mr. Chairman, that the passage of the legislation proposed in the minority and majority bills now in issue here would, when added to the previous legislation in connection with the Philippines, constitute such an admission in law and such an assumption of authority or responsibility as that it would add to the legal or constitutional difficulties of disposing of or dispensing with those islands in the future, as justice and safety and security for them and us shall dictate, I would not support it. Being convinced, however, that such will not be the result, after considering it as carefully as I could, I shall support the minority bill and, if that be defeated, shall then vote for the majority measure, provided, of course, it remains as it now is. I reserve the right, should it be amended, to vote upon it as may then appear proper and just.

It has been suggested, however, that those who believe this Government has no constitutional right to levy a tariff on the products of the Philippine Islands can not consistently support the majority bill, for the reason, as they insist, it does impose a tariff. Let us consider that phase for a moment. But first let me say that while I have had no legislative experience I have long known that the practical legislator must frequently be content with less than he would like to have; that he is constantly put to the choice between two courses, both of which are unsatisfactory.

I have yet to learn that under such circumstances he ought to choose the greater of the two evils. If I should concede, which I do not concede, that in voting for the majority bill I asquiesce in levying a tariff between the Philippines and the United States, what, it may be asked, do those who vote against the measure accept? We must look to the parliamentary situation in which we are placed and the results which our votes will accomplish or are intended to accomplish. What is to be our parliamentary situation? With the minority bill voted down the question will recur upon the bill presented by the majority. The majority bill repeals all tariff duties except upon two articles, sugar and tobacco, immediately. It lowers the rate on these two articles to 25 per cent of the rates now fixed by what is known as the "Dingley law," provides that this 25 per cent shall be collected until April 11, 1909, and that then these two articles shall go upon the free list and absolute free trade be established. To pass that bill enacts that very status of affairs. To vote for it is to help pass it. To defeat that bill leaves the present rates in full force, with no provision for them to ever change or cease. To vote against the bill is, of course, to help in its defeat and bring about the continuation of the rates now levied. For my own part, even on the basis of consenting to the principle of levying the tariff, I could still, in the parliamentary situation in which we shall be placed, support the bill and justify it, at least to myself, on the ground of its being the choice of the lesser evil.

But to revert to the main question, I do not concede, as I have stated, that to vote for the majority bill is to accept or acquiesce in the principle. The majority bill is not initiative legislation. It is a repeal of existing law. The minority measure proposes immediate free trade as to all articles passing between the respective countries. The majority measure proposes immediate free trade as to all except two of these articles and ultimate free trade as to these. The only difference between them is in point of time as to when the law shall take effect as to

tobacco and sugar. There is no difference in principle. It is not infrequent in legislation to provide that certain acts passed shall take effect, not from and after their passage, but at the expiration of certain periods, months, or even years, ahead, and I have yet to hear of any gentleman successfully demonstrating that such violate organic law simply and solely on account of the fact that the beginning of their operation is postponed.

A great deal has been said here of a partisan character during the discussion of this bill. If the principle involved in it, Mr. Chairman, is to be tested by party declarations and practices it would hardly be disputed—could not be successfully challenged—that it is fundamentally a Democratic principle; that the majority bill is a recognition in express terms of one of the elemental, academic principles which Democracy declares and has declared from the beginning must be recognized in our relations with those distant and burdensome lands.

We are frequently told, Mr. Chairman, that we will never again see the Democratic party triumphant at the elections. That is speculation to which I do not agree, of course, but it may be true. I may not live to see Democratic principles written into law by the Democratic party, but I do now see, and expect to see again during the life of this Congress, that which is next best—Democratic principles being written into law by the Republican party. [Applause.]

Mr. Chairman, whether admitted or not, the reasons which lead the Republican President and his party to the support of this measure is the realization, the decision of the Supreme Court to the contrary notwithstanding, that the Democratic position is right when it declares that any policy of levying a tariff on the products of those islands violates the spirit of the organic law. It is the realization that the anomalous condition presented by our present legal relations is a legal monstrosity and can not be continued without serious menace to the fundamental tenets of this Republic's life.

From the economic standpoint their only logical position is to oppose the bill. Every dictate of that selfishness which is the web and woof of the protective principle cries out against it. There is no argument offered against it by the Republicans opposing it which is not based upon the insistence that it is the duty of the Government to prostitute its powerful taxing function to selfish ends. Even those Republicans who support it have, with one or two conspicuous exceptions, devoted the greater portion of their time to the effort to show that its passage will not injure the special interests which they have pampered by legislative manipulation and taught to rely upon governmental favoritism.

But, as I have said, Mr. Chairman, the economic principle involved has not been the controlling one with me. I have looked to the other, the essentially and fundamentally Democratic principle which lies beneath the measure and which constitutes the foundation upon which it is grounded. I shall not withhold my support from that principle simply because its application happens to be proposed from the side of the opposite party. We will not desert our children because we find them kidnaped and in the hands of strangers. Rather will we love them and cherish them the more and seek to contribute to their growth and health and comfort.

Considering it from the economic standpoint, there is this to be said: If it shall destroy or injure the beet-sugar interests, those splendid American farmers, heroic and self-reliant, as American farmers are and ought to be, will sow their lands to wheat, or corn, or rye, or oats, or alfalfa, or some other crop to which the soil is adapted, and continue to live just the same and just as well. Why, sir, if men go out of one business, they who are worth the while will go into another. In the great scheme of nature nothing is lost and all things balance in the end. Production in its general phases is modified and affected only by the units of labor that are engaged all over the world. We talk a great deal and we hear a great deal about labor-saving machinery; but that, after all, is but a relative term. Generally speaking, we have no labor-saving machinery. On a trip to Mount Vernon a few days ago I observed a steam shovel at work. It dug great masses of dirt at a single plunge and flung it from side to side at a single turn. Quite naturally one thinks of the labor it saves; and yet, when you come to look back of that machine to its constituent parts, when you come to sum up the energy which was exerted to construct it, the forces that were exercised in bringing the timber from the forest and the metal from the mines—when you trace the implements by which its parts were formed and fashioned to the almost infinite ends—you find that the units of labor engaged in its construction added to the units of labor engaged in its operation balance exactly with the units of labor that would have had to be exercised to remove that dirt had the steam shovel never been invented.

I do not seek to decry labor-saving machinery, of course. I seek only to illustrate the principle that units of labor constitute the basis and measure of production. If left to move along natural lines without let or hindrance, legislative or otherwise, this natural law will itself work out a full, fair, and permanent development. When by artificial means you disturb the natural operations of this law, when by artificial means you interfere with its action and natural function and build up an industry or an enterprise despite it, you have but diverted units of labor from a natural to an unnatural field, and you have contributed nothing to human happiness, the chief aim of man, nor have you contributed, on the whole, to the production of a greater amount of wealth than would have followed the silent, steady movement of this great economic law. More than that, when you have created industries by buttressing them with legislation you have placed them upon an artificial basis. Their growth is artificial, their strength is abnormal, they are sensitive to every breeze that blows, and all the while you have performed the work at the expense of some industry which would have been naturally strong and powerful and grounded upon a sure, safe, sound basis. [Applause on the Democratic side.]

Mr. Chairman, the discussion of the economic phase of the measure before the House leads naturally into a larger field than the measure itself occupies. If, therefore, I seem to be taking a wider range than the exact issue before us involves, it can hardly be deemed improper, and I might plead the precedents set during the discussion of the measure during the last few days as justifying the action. Of course, my time is nearly exhausted and I can not continue much longer, but I should like to state, without elaboration, some conditions that seem to be worthy of attention by legislators of this country just now, certain circumstances which elicit consideration and which are challenging action in the way of general tariff revision, at least, if not pointing ultimately to a purely revenue tariff law. I am seeking to avoid as much as possible the restatement of propositions purely academic.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CLARK of Missouri. Mr. Chairman, I ask unanimous consent that the gentleman be allowed to conclude his remarks.

Mr. GARRETT. I think five mintues will be sufficient.

The CHAIRMAN. The Chair ought, perhaps, to say, in justice to other gentlemen that the time from now until 5 o'clock Monday afternoon, when debate must close, has all been spoken for, and two other gentlemen desire to make short speeches this evening.

Mr. CLARK of Missouri. We can run over five minutes. I ask unanimous consent for five minutes.

The CHAIRMAN. The gentleman from Missouri asks that the time of the gentleman from Tennessee [Mr. GARRETT] be extended for five minutes. Is there objection?

There was no objection.

Mr. GARRETT. I thank the gentleman from Missouri [Mr. CLARK] for his courtesy and the committee for its kindness.

These conditions are at least four in number. Dividing them thus, the first is the conviction, growing steadily in the public mind, that the time has come to make good the promises and pledges of those who advocated a protective tariff as a shelter for industries during the early stages of their existence—"protection to infant industries"—with the promise expressed in many instances and implied in all that after the infancy stage had been passed the rights of the consumers of the country would receive attention and consideration. With the greater manufacturing industries developed to the point where their accumulations are almost infinitely more than the aggregate accumulations of the laborers who toil in their employ, the laborers themselves, being consumers, are beginning to feel that the Government ought to realize that the swaddling clothes have been taken off and that the industries no longer need governmental aid for subsistence or even to insure reasonable profits.

The second condition is that which has resulted from the development and growth of the organizations and combinations commonly called the trusts, so many of which have confessedly grown almost wholly by reason of the tariff schedules based upon the protective idea.

The third condition grows out of the second. It is that of the lack of competition to lower prices. No more forcible argument will be found interwoven in the speeches of those advocating protection in the early days of its development than the answer they endeavored to make to the assertions of those opposing it that the adoption of the policy would increase prices to the consumers. Their answer was that when home manufactories and enterprises had been developed competition between them would ensue, which would result in lowering prices to the consumer. The exact opposite has proven to be the case. Instead of com-

peting there has been combination and, with foreign competition shut out by the high-tariff duties, they have been enabled by this combination to hold up prices of commodities, charging for them the cost of manufacture plus the tariff duty, no matter how much above a reasonable profit this duty might enable them to secure. The law of supply and demand has not been entirely repealed by them perhaps, but its operations have been greatly modified, so the consumer is left wholly without that relief so vociferously and with such apparent sincerity promised or predicted through internal competition.

Another circumstance, and probably for practical results the most important of all, is the realization that we must very, very soon begin to search for new markets, or else many of the developed industries of this country will become antiquated and useless, and it will be necessary to abandon such entirely or greatly curtail their output. Each generation develops the enterprises made peculiarly necessary by the stage of that generation's growth, such as will contribute to the demands and necessities of it. So many of the industries developed in one generation are not required by the succeeding generation in the particular country where they are developed. It results, accordingly, that such enterprises, if they would continue, must look to another people who are in just that stage of growth where their productions are needed. This law is, generally speaking, true as to many enterprises. Proof of it may be found in the growing demands by many industries of our country, whose output of products has not been increased, for foreign markets. Reciprocal trade relations with various countries would contribute tremendously to the prosperity of very many of our leading enterprises.

Perhaps, taking it all in all, there is no nation with whom it is so important that we establish reciprocal commercial understandings and intercourse as with the Dominion of Canada. It was a shortsighted policy which did not look there and work there years and years ago. That land affords the most fruitful field for us of any section of the earth to-day, and they would give us in return benefits as great as we would give them. It is not necessary to surrender the protectionist theory even to favor this. Both protectionists and those who believe in a tariff for revenue only alike declare that the circumstance which has contributed most to our growth and prosperity has been the immense internal territory of the United States, peopled by an active, industrious, virile folk, among all of whom and all of whose industries and enterprises there has been absolute freedom of intercourse and exchange. The free-trade home market has confessedly been the source of our commercial strength and development. Would it not be rendered greater still by increasing that free-trade zone? Is this not particularly true if the increase is to be had by establishing such relations with Canada as will include her in the extension? Consider that splendid domain, its resources, its almost untapped fertility, its magnificent forests, its broad expanse of agricultural lands, its mineral wealth, its fisheries. Why, sir, it has possibilities almost as prodigious as our realties. It is just now getting really started in its development. It is to pass within the next quarter of a century through that growth that has been ours for the last twenty-five years. The very industries developed here to supply the demands of our people during that time and many of which have now been, or will soon be, outgrown by us could, had a wise policy been instituted, have turned to Canada and found a market there for those very things. Above all matters, too, sir, consider the people of Canada, a magnificent people, like us in lineage and blood, cosmopolitan, virile, vigorous, brave, intelligent, living in a climate favorable to the highest development of physical and mental powers. It is a people capable of daring and doing all the bold and masterful things that humanity can accomplish. Think of what we could be to one another, of what we could give them that they need, and of what they could return for our foods and fruits and wheels. We may have waited too long already, but at least, sir, it is not too late to try to undo the wrong which inattention has brought about.

It has been insisted that we must hold the Philippines in order to develop an oriental trade. I have never believed that and do not now. At the same time I do not think the possibilities of an oriental or eastern trade are to be passed over lightly. I have thought it was not an idle dream that out of the development which is to come in Siberia there might accrue new opportunities to American markets, but, sir, those possibilities are infinitesimal when compared with what might have been ours in Canada, with what possibly might, by a wise policy, still be ours there. Those of us who represent cotton-growing sections would be glad indeed to see such relations established with China as that her markets could be opened to cotton as well as all other products from this country. Cotton is specifically mentioned because it is probably that product of which we might hope to sell most to China. We need expect but little trade with Japan. Japan will buy one of our machines for a model and will proceed rapidly to duplicate it as often as they desire in their own factories. The development of Japan will hinder all other nations in trading with the Orient. We may hope for something there, but not for much. All the trade of the Orient that we may reasonably hope for during the next fifty years would not aggregate a sum worthy hardly of comparison with the trade which might have been, and perhaps might still be, ours right here at our home, with people whose blood is our blood and whose spirit is our spirit, who understand our business methods, and who work along the same general lines of business procedure, who do not have to be educated either to use our articles or to learn how to buy them—trade, I say, which might have been, and which might still be, opened to us by a liberal and sensible trade policy entered upon between this nation and that. [Applause.]

Mr. GARDNER of Massachusetts. Mr. Chairman, I am a good deal of a stalwart protectionist myself, but I say to you gentlemen of my own party that in Massachusetts there is a growing sentiment for the immediate revision of the tariff. Personally I do not find myself in sympathy with this declaration for immediate revision in the Massachusetts Republican State platform last year, as I am far from being convinced that under a general revision of the tariff Massachusetts would be likely to fare as well as she does under the Dingley Act. Likewise I am well aware that the country has never been more prosperous than under the present law.. Other of my delegation, including both Senators, are convinced that it is time for a general revision. The dean of our delegation [Mr. GILLETT] has done his very best in that direction against the sentiment of you gentlemen on the Republican side, only to be met with the reward of a venemous screech from the mugwump press of Boston. [Laughter.]

Mr. Chairman, while I do not agree with the declaration of my State platform that the time has come for general revision, and while I have the right to differ, because I was elected on the Republican national platform of 1904 and not on the State platform of 1905; nevertheless, my stand is not popular at home, and I realize that the sentiment for tariff revision in Massachusetts is strong. Roughly speaking, the economic lines which divided the Republican party from the Democratic party in Massachusetts down to 1896 were the lines between the producer on the one hand and the consumer and the mercantile interests of greater Boston on the other.

In 1896, to a large extent, those mercantile interests came over to the Republican side from apprehension at the attitude of the Democratic party. They have remained with us more or less ever since from the same cause. But whenever the tariff is the issue I believe that we shall find them tending to the Democracy. If the Republican party stands pat and the Democratic party is for tariff revision, they will be for tariff revision. If tariff revision is advocated by the Republican party and tariff for revenue only by the Democracy, they will favor tariff for revenue only. If tariff for revenue only is advocated by the Republican party and free trade by the Democracy, they will favor free trade. I expect them in the long run to align themselves with the party most opposed to protection. But now the opponents of the tariff have new allies in Massachusetts. That is what this House does not seem to realize, or, at all events, my side of the House.

They have been joined by a formidable following from the shoe industry, our largest interest with the exception of the combined textiles. Shoemakers think, I believe rightly, that they have a grievance. The average shoe manufacturers—and when I say the average I mean about 80 per cent of the manufacturers in Mr. ROBERTS's district, 80 per cent of the manufacturers in Mr. LOVERING's district, and 65 per cent of the manufacturers in my district, the three biggest shoe districts in the United States——

Mr. GROSVENOR. Or the world.

Mr. GARDNER of Massachusetts (continuing). Take this position: They say, We are Republicans. We have always been Republicans. We are protectionists; but to the dickens with your hide and leather schedule. [Laughter and applause.] They say, very properly and very truly—I am speaking of the large majority of them—that they do not care two snaps for the 25 per cent duty on their finished product because they are not afraid of external competition, whereas at the other end of the line they must pay considerably more for their sole leather in consequence of the existing schedule. You can argue with them until you are black in the face as to whether it is the farmer or the Chicago packer who gets the benefit of the 15 per cent duty on hides and the 20 per cent duty on sole leather, but you can

not convince one of them that this tariff schedule is in his favor. He knows that it does not do him any good at one end and does him harm at the other. On the other hand there are in my district probably 35 per cent of the shoe manufacturers who make such a grade of shoes that they need protection from foreign competition. They are by no means wedded to the proposition for the exchange of free hides and free sole leather on one side and free boots and free shoes on the other, but I think a measure may be devised by which they can be satisfied.

I advocate the introduction of a rule for the consideration of the hide and leather schedule alone, amendments forbidden. If I thought that such a rule could be brought in, and I am not enough of a humbug to pretend that I think it likely, I should go before the Ways and Means Committee with a bill for free hides, free sole leather, and a duty of 10 cents per pair and 10 per cent ad valorem on boots and shoes. Shoemakers are not so unfair as to demand their raw material free without being prepared to make concessions on their finished product.

You gentlemen may very well object that the Republican caucus would hardly support such a rule. I grant that, and I know as well as you do that no such rule could be brought in without Republican caucus instruction. Nevertheless I also know as well as you do that such a rule would arouse far less opposition in the caucus than a rule for the consideration of a general tariff-revision bill.

Of course it is a very difficult problem, but it is well worth our serious consideration as a party. If I am correct, as I believe I am, in saying that dissatisfaction in the shoe industry is not to be denied, it is well worth our while to amend the hide and leather schedule independently of any general tariff revision. As I said before, I do not believe that under general revision Massachusetts would come out as well off as she is at present, but I admit that I differ from my delegation on that question. You may have observed that in this statement I couple free hides with free sole leather.

Free hides without free sole leather would probably not do us a particle of good. Possibly a small duty on sole leather would be tolerable, but 20 per cent would not be. Even if we have free hides, so long as we leave the sole-leather schedule where it is we probably benefit the shoe industry but little, if at all. This is not generally understood. The daily papers at home do not understand it, although the trade journals understand it perfectly well. The politicians on both sides are confused about it, but it is plain as daylight that the situation has changed within a year. Hitherto a manufacturer bought his sole leather where he chose. He could buy it from the American Hide and Leather Company, the so-called "sole-leather trust," or he could buy it from any one of the independent producers. Nobody cared whether the 20 per cent import duty was provided by law or not, because we were exporting sole leather, and there was plenty of internal competition. This year the Central Leather Company was formed, and I think I am correct in saying that the two gentlemen most instrumental in its formation were Mr. Armour and his brother-in-law, Mr. Valentine. You will observe that these gentlemen represent the very same interests that are supposed to control the so-called "beef trust," which, we claim, gets the benefit of the hide duty.

The packer hides for the most part, you understand, are the only hides that go into the soles of first-class shoes. Imported hides usually are made into red leather.

It looks to-day as if the Central Leather Company, by securing control of competitors, were likely in the future completely to master the whole sole-leather industry under the ægis of 20 per cent protection. If such proves to be the case, it is very easy to see that they will not care whether hides are free or not, because they manufacture their own hides into sole leather. Perhaps they may even prefer free hides. When they see fit they can import Argentine hides or any other kind that may be suitable for inferior classes of shoes, meanwhile keeping the price of sole leather where it is to-day. Whatever you may think about the hide duty, you must admit that a duty of 20 per cent on sole leather is indefensible. Not more than 5 or 6 per cent of the cost of a side of sole leather is labor cost. Our theory of protection to the American laborer is that the duty charged at our ports shall be the measure of the difference of wages paid in a given industry in the United States and the wages paid in the same industry abroad. I believe that a 5 per cent duty on sole leather would more than measure this difference and would cover the utmost possible protection needed by the American workmen engaged in the industry. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I would like to ask unanimous consent that the gentleman be allowed to proceed with his speech. He is making a very interesting statement.

Mr. GARDNER of Massachusetts. In view of the fact that the additional time could only be granted at the expense of the time of the gentleman from Kansas [Mr. SCOTT], and considering that this request for unanimous consent comes from the Democratic side, I have an idea that perhaps I had better not acquiesce. [Laughter.]

Mr. SCOTT. Mr. Chairman, I recognize that it is a good deal of an imposition upon the good nature of the House to address it so late in the last hour of the last day of the week, but I beg to assure you that if you do me the honor to remain my gratitude shall be in proportion to your sacrifice. As a matter of fact, when this debate began I had no expectation of asking the privilege of participating in it. Although I was a member of the Congressional party which visited the Philippines last summer and spent several weeks in rather careful study of the questions involved in the bill we are now considering, I felt that the discussion properly belonged with the members of that great committee which has been studying these questions in one phase or another for more than four years. And I do not rise now because I feel that the distinguished and able members of this committee have fallen short in any degree of the high expectations which we all entertain respecting them. I am not vain enough to presume that I can add any important detail to the mass of information which was presented by the illustrious chairman of that committee in his opening address, or that I can add any light to the very illuminating speech of the gentleman from Connecticut, or strengthen by so much as a hair the iron logic of the gentleman from Pennsylvania.

But, Mr. Chairman, as I have listened day after day to the speeches that have been made upon this question, as I have reflected more deeply and analyzed more closely the arguments that have gone to the forming of the conclusions which my own mind has reached, I find that my support of this measure is based fundamentally not alone upon the reasons that have been emphasized in this discussion, but on some reasons that have been but barely touched upon and upon some others that have as yet received no mention at all. It is because of this that I venture to ask the attention of the House to some brief observations which I hope may be deemed worthy of consideration.

In order that the main point which I wish to bring before the House may be clear when it is reached, let me submit a few preliminary remarks.

I agree at once with those who base their support of this bill upon the proposition that no American industry will be injured by its passage. It is a fundamental economic law that when a given market is to be supplied with a given article that portion of the supply of the article which is the dearest will govern the price of the whole. It is in obedience to this law that the price of sugar in the United States is fixed not by the million tons that are produced in Hawaii, Porto Rico, and the United States proper, or by the 1,200,000 tons that come from Cuba and pay 80 per cent of the Dingley rates, but by the 600,000 tons which are imported from the world at large and pay 100 per cent of the Dingley duty. It follows, therefore, that no supply to the markets of the United States at any cost or at any duty however low from the Philippines can affect the price of sugar in the United States until both Cuban and foriegn importations cease.

To put it another way, the domestic production and the Philippine importations combined must first be sufficient to supply our entire demand before the price can be affected by either Philippine or domestic production.

Up to this time the increase in consumption in this country has grown faster than the increase in domestic production, and there is no reason to hope that this condition will be changed at any very early date in the future. It follows, therefore, that Philippine importation must increase to at least 1,800,000 tons annually before any effect will be felt in the price. The Philippines produced last year 110,000 tons. The consumption of the islands themselves calls for about 80,000 tons, leaving 30,000 tons for export. Until this 30,000 tons become 1,800,000 tons the American producer need have no fear. How long is that going to be? It has taken Cuba fifty years to increase her production 200 per cent. It has taken Louisiana twenty-five years to increase her production 300 per cent. How long will it take the Philippines to increase their production 6,000 per cent? Can anybody believe that this increase will be so rapid as to overtake the marvelous growth in the demand which in twenty years has doubled the amount of sugar necessary to supply the markets of the United States?

It is a matter of record that whenever in the past the output of Philippine plantations has exceeded 200,000 tons of sugar part of the cane crop has rotted in the field for lack of labor to harvest it, and that, too, at a time when the laws laid no restriction upon the importation of Chinese.

Where can we expect to find the labor that would be required to take care of a crop of 2,000,000 tons? Experts tell us that the machinery alone required to handle 2,000,000 tons of sugar annually would cost $110,000,000, not taking into account the cost of acquiring and clearing the land and the working capital necessary to carry on the business, which would be at least $25,000,000 more. Where is that enormous capital to come from; and when it has been found, how long will it take to install the plants and bring the plantations into cultivation? The opponents of this bill would have us believe that if it becomes a law some magician's wand will wave over the Philippine Islands, calling into being thousands of workmen, transforming in a night the tropical jungle into mellow plantation ground, and erecting enormous mills crowded with expensive machinery, "while you wait." And surely nothing less than such an enchantment could bring about the conditions which they predict.

I do not question for a moment the sincerity of the gentlemen who oppose this bill, and I honor the fidelity to the supposed interests of their constituents which prompts this opposition. I can not but wonder, however, at the peculiar construction of a mind which apparently fails to recognize the fatal flaw in the reasoning by which they seek to justify their position.

The gentleman from Michigan [Mr. YOUNG], for example, agrees with the chairman of the committee that in point of intellectual development and in labor effectiveness the Filipinos are but boys 12 years of age; and yet he would have us believe that these feeble and ineffectual boys could drive the American sugar grower out of his own market. The other gentleman from Michigan [Mr. LOUD] painted a pitiful—and as true as pitiful, alas—picture of the poverty of the Philippine planter, and told us of the usurious interest—from 36 to 100 per cent—he was obliged to pay for the capital to work his plantation, and then he asks us to believe that this same impoverished and debt-ridden planter could multiply his business a thousandfold in a few short years. The gentleman from Nebraska [Mr. NORRIS] declared with great vehemence that if this bill were passed the sugar trust and not the Filipino producer would reap the profit, and he insists that this same Filipino producer, in a spirit of altruism, I presume, would at once go to work with energy miraculously multiplied to pile up a product in the profit of which he could have no share. And the distinguished gentleman from Colorado, in a speech whose rhetoric and eloquence we all admired, declared in a single sentence, the two statements being separated by only a comma, that the passage of this bill would do the Filipino no good and yet would stimulate the production of sugar in the Philippines to such an extent as to utterly ruin the American industry. Must it not be conceded, I ask with all respect, that a position is utterly untenable which can only be sustained through such palpable contradictions? No, Mr. Chairman, knowing, as I do, the prostrate condition of the sugar industry at this moment in the Philippines, knowing the difficulty and expense involved in subduing the tropical jungle, and knowing the utter impossibility of multiplying with great rapidity either the supply or the efficiency of Philippine labor, I am not disturbed by the charge that the passage of this bill will bring disaster to any American industry.

Neither am I disturbed, Mr. Chairman, by the declaration, brought as a reproach on this side of the Chamber and claimed as a merit on the other side, that this is a Democratic measure. To my way of thinking, it is not a tariff measure at all—I mean in the old controversial free trade and protection sense. It is a revenue measure. We have inaugurated a tremendously expensive system of government in the Philippine Islands. I do not know of any other country where the annual budget is equal to the entire volume of money in circulation. I do not mean to charge that we have spent, or are spending, any money there for which we have not had a full equivalent. On the contrary, I believe that the finances of the islands under American administration have been managed with almost absolute probity. I do believe, however, that we have gone too fast. We have done things in five years which the leisurely oriental would have felt himself hurried to be asked to do in twenty-five. We have tried to "hustle the East," and it has cost money. In the present impoverished condition of the islands it would be a hardship, nay, an impossibility, to collect from the Filipinos themselves the money required. It would be a bad precedent, to say the least, to appropriate an amount sufficient to make up the deficit directly from our own Treasury. There is precedent, however, for returning to the island treasury the sums collected in our custom-houses as tariff upon Philippine products coming into our ports, and it is that precedent which this bill follows. If the Philippine treasury did not need this relief the measure before us, we are assured by the chairman of the Ways and Means Committee, would provide for absolute free trade. It is a revenue measure, therefore, pure and simple, and I do not consider that I am abating one jot or tittle in my loyalty to the doctrine of protection in supporting it. I do not know of a declaration in any Republican platform calling upon me to vote for a tariff upon products passing from one port in the United States to another.

I favor this bill, therefore, because I believe its passage will not harm or menace any American industry, because I believe it will, in some degree at least, improve the very distressing economic conditions now existing in the Philippines, and because it will contribute a substantal sum to a depleted treasury.

But fundamentally—and I come now to the point which I regard as the most vitally important involved in this whole controversy—fundamentally I am for this bill, because the Philippine Islands are ours, they always should be ours, and they always will be ours.

They are ours now. Nobody denies that. By the triple right of conquest, purchase, and treaty stipulation the United States is sovereign in the Philippine Islands, and nobody any longer questions either our moral or our legal right to be there.

They always should be ours. I do not expect that sentiment to be applauded in this House. We are striking out upon a new road. For the first time in our history we are attempting to govern a foreign colony. For the first time in all history we are undertaking to govern an alien people primarily for their own benefit and not for our profit. It is a new and hard task, and the burden of it lies heavy on us. As a matter merely of our own ease and comfort we would fain be free of it. But I can not help believing that it is a short-range view which inspires that feeling. If I thought this great Republic were to endure but another generation, or maybe two, I also should take that view. But I believe with all my heart, and I try to remember always, that this nation is but in its infancy. The Republic of Rome, inchoate, unorganized, corrupt as it was, lasted five hundred years. Why should not this magnificent political organism, the United States of America, resting upon the free will of the most homogeneous, the best organized, the most intelligent people ever before assembled under one flag in all the tide of times, endure for five thousand years? And why should not those whose high privilege it is to legislate for such a country remember, in shaping that legislation, that others are to come after them, and that their duty is not to finish the structure, but to see to it that the one block which they lay in the mighty wall which is to support the labor of future generations is laid solid and true?

And looking at the question from that point of view, why should we not keep the Philippines? That they are remote from our shores is true. That they are unproductive now I admit. That for many years to come—possibly as long as any of us shall live—they will cost us more than we will get out of them, I am willing to concede. That their present population is made up largely of an alien race I can not deny. But I remember that every one of these objections, and many more besides, were urged against every addition to our territory that has yet been made. I remember that the purchase of Louisiana was bitterly antagonized, particularly by the statesmen of New England—who could see as far into the future, perhaps, as those of a later generation—on the ground that 3 cents an acre was a monstrous price to pay for an empty and unproductive wilderness. I remember that the annexation of Texas was derided as an act of stupendous folly. I remember that when the treaty with Mexico, which brought to us the vast domain which stretches from the Rio Grande to the Pacific, was under consideration, Daniel Webster—"the godlike Daniel"—speaking from his place in the Senate, said:

> There are some things one can argue against with temper, and submit to, if overruled, without mortification. There are other things that seem to affect one's consciousness of being a sensible man, and to imply a disposition to impose upon his common sense. And of this class of topics, or pretensions, I have never heard of anything more ridiculous in itself, more absurd, and more affrontive to all sober judgment than the cry that we are getting indemnity by the acquisition of New Mexico and California. I hold they are not worth a dollar, and we pay for them vast sums of money!

I remember that when the nation's claims to the Oregon country were under consideration a distinguished United States Senator [Mr. McDuffie] said:

> What is the nature of the country? Why, as I understand it, 700 miles this side of the Rocky Mountains is uninhabitable; a region where rain seldom falls; a barren, sandy soil; mountainous, totally impassable. Well, now, what are we going to do in this case? How are you going to employ steam? Have you made anything like an estimate of the cost of a railroad from here to the Columbia? Why, the wealth of the Indies would be insufficient. Of what use will this be for agricultural purposes? Why, I would not for that purpose give a pinch of snuff for the whole territory. I thank God for His mercy in placing the Rocky Mountains there.

I remember that when the purchase of Alaska was contemplated Benjamin F. Butler, a Representative from Massachusetts, declared:

If we are to pay for Russia's friendship this amount I desire to give her the $7,200,000 and let her keep Alaska. * * * I have no doubt that any time within the last twenty years we could have had Alaska for the asking. I have heard it was so stated in the Cabinets of two Presidents, provided we would have taken it as a gift. But no man, except one insane enough to buy the earthquakes in St. Thomas and the ice fields in Greenland, could be found to agree to any other terms for its acquisition to the country.

I remember—and I am speaking now of my personal and not of my historical recollection—when a President of the United States rejected the petition of the people of the Hawaiian Islands for annexation to the American Union.

The men who opposed these mighty movements of national expansion were among those who were accounted wise in their day, as wise possibly as are the statesmen of this day who exhaust the vocabulary of protest and pessimism in their denunciation of the tendency of their countrymen to go "a world powering." The policy of "world powering" did not begin, Mr. Chairman, with the acquisition of the Philippines. It began when Monroe and Livingston—not Jefferson; he was scared to death when he learned that instead of buying New Orleans and West Florida, as he had instructed them to do, his commissioners had made a contract for the whole of Louisiana—the policy of world powering, I say, began when Monroe and Livingston determined that their country should not be bounded on the west henceforth and forever by the Mississippi River. From the day when it became certain that the United States of America was to be a continental Republic, from that day the policy of world powering began; and it will not end until energy and enterprise and ambition have ceased to be the dominating characteristics of American citizenship. [Applause.] I do not pretend to be wiser than my compeers, or to be able to see farther into the future than they, but I know that history has a way of repeating itself. I know that the timorous and fearful statesmen who predicted disaster at every one of the successive accessions of territory which carried our flag from the Alleghenies to the western sea were mistaken, and it is not hard for me to conceive that the statesmen of our day who invoke the same arguments to support their protest against our permanent retention of the Philippines may be equally mistaken. When I remember that there are 50,000,000 acres of magnificent hard-wood forests in these islands that have not heard the sound of ax or saw, when I remember that there are vast deposits of coal and iron and other minerals as yet untouched, when I remember that only 3 per cent of the available agricultural land of the archipelago is now occupied, and when I remember that the great harbor of Manila lies but a two days' voyage from the coast of Asia, it is not hard for me to see a day in the future when the population of the Philippines will be quadrupled, when their products will be multiplied in value a thousandfold, when Manila will be the distributing point for a commerce rivaling that which now makes Hongkong the busiest port in the Orient. All this is but a dream, you say. What would the pessimists, nay, what would the optimists of 1803 have said if some one had told them even a thousandth part of the truth about the Louisiana of 1903?

But even if I were less sure than I am that the Philippines should be ours, there is one thing concerning which I have no shadow of doubt, and that is that they always will be ours. [Applause.] Do you want to know why? Read the record of the Anglo-Saxon race. In all its history has it ever failed to take any acre of land it could get, and has it ever let go of any foot of land upon which it had once laid its hand? What has been the record of the race on this continent? Let Louisiana and Florida and New Mexico and California and Oregon and Alaska answer. I have already called your attention to the protests that rose in angry chorus against each and every one of these additions to our national domain, and if I cared to take your time I could fill a hundred pages of the RECORD with them.

But you all know the history. There has not been an argument used against the acquisition of the Philippines that was not hurled against the Louisiana purchase and each and every subsequent addition to our territory. It is old, old straw that we have been thrashing over these past eight years. And there has not been a prediction of dire disaster to come from that acquisition that can not find a parallel in the prophecies of a hundred years ago. We read those prophecies now and smile at the short vision of the men who were accounted wise in their day, even as our children's children will smile at the blindness of those in our day who can not see beyond the horizon of their own short hour.

We will keep the Philippines, not only under the compulsion of our race instinct for the possession of land, but also because of the compulsion of our race sense of duty. [Applause.] I can not agree with the distinguished gentleman from Mississippi that we might have left the islands when Dewey fired his last gun and violated no obligation. We had destroyed the only power capable of maintaining order in the archipelago. To have done this and then sailed away, leaving anarchy and chaos, rapine, plunder, and murder behind us, would have been an act of heartlessness and pusillanimity that would have called down upon us, and justly so, the execration of the civilized world.

From that day to this, in my deliberate judgment, there has never been an hour when we could have abandoned the Philippines without dishonor. And that hour will not come in the lifetime of any man now living. Even those who insist most strongly that we must some time leave the islands admit that we can not do it until we have established a stable government to leave behind us. How long will that be, Mr. Chairman? Remember that there is no such thing as a Filipino people, with a common language, common interests, common aspirations and ambitions. Remember that even such as they are they are Malays, a race which never in all history has developed a self-governing community. Remember that for three hundred years they have had before them only the bad example of Spanish despotism, misrule, and corruption. Is it reasonable to believe that such a people, thus descended and thus environed, should develop overnight the delicate and difficult art of self-government? Why, Mr. Chairman, our own race, with an executive and organizing faculty unequaled by any race in history, was a thousand years learning to govern itself. Is it conceivable that these Malays should accomplish in a single generation that which it has taken our own race twenty generations to achieve? They must be taught honesty; they must be taught justice; they must be taught truth telling; they must be taught industry; they must be taught that labor is honorable and not degrading. Above all, they must be taught what their own rights are under the law, and they must be taught the courage to demand those rights. All these things, which are the Anglo-Saxon birthright, these Malays must be taught. If they learn them in three generations they will have surpassed any other race in history.

But during these three generations what will be happening in the Philippine Islands? Why, American citizens will be going there, opening plantations, establishing commercial and manufacturing industries, building railroads, investing their capital in a thousand ways, binding the islands to the mainland by a thousand different ties. What will that mean? It will mean that by the time the Filipinos are capable of maintaining that "stable government" which we are pledged to give them before we leave, the Philippine Islands will be American territory in just as real and true a sense as Alaska or California are American territory, and the proposition to sever the ties that bind them to us would receive as little consideration as would the proposition to recede to Mexico to-day the territory which came to us through the treaty of Guadalupe Hidalgo. And it will mean another thing, Mr. Chairman. It will mean that when the time has come, whether it be in one generation or in three or in ten generations, when the Filipino people are capable of maintaining a government which shall be in fact a government of the people, for the people, and by the people they will have seen so clearly the advantage of American sovereignty, they will have developed so true a love for the great and generous nation which took them by the hand in the hour of their greatest need and led them out of the mire of ignorance, oppression, and poverty up onto the solid ground of education, freedom, and prosperity that they will no more wish to separate themselves from the home land than Kansas wishes to-day to secede from the Union. [Applause.]

I shall vote for this bill, Mr. Chairman, because it will harm no American industry, because it will hasten the return of prosperity in the Philippines, because it will raise much-needed revenue, but most of all because it assures to the people of the Philippine Islands that measure of justice which should be accorded to a people who are under the flag of this great Republic, who will always remain under it, and who will find beneath its starry folds, even as we have found there, freedom and justice, prosperity and peace. [Loud applause.]

Mr. PAYNE. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had further considered House bill No. 3—the Philippine tariff bill—and had come to no resolution thereon.

BRIDGE ACROSS THE COLUMBIA RIVER, WASHINGTON.

Mr. JONES of Washington. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2558) au-

thorizing the Washington Bridge Company to construct a bridge across the Columbia River near the city of Wenatchee, Wash.

The SPEAKER. The gentleman from Washington asks unanimous consent for the present consideration of the bill S. 2558, of which the Clerk will read the title.

The Clerk read as follows:

Authorizing the Washington Bridge Company to construct a bridge across the Columbia River near the city of Wenatchee, Wash.

Mr. PAYNE. Mr. Speaker, I would like to ask the gentleman if a similar bill has been reported by the House committee?

Mr. JONES of Washington. The House committee has reported a bill, and this is the bill.

Mr. CLARK of Missouri. Was it the unanimous report of the committee?

Mr. JONES of Washington. It was the unanimous report.

The Clerk read the bill and amendment at length.

The committee amendment was considered, and agreed to.

The bill was read a third time, and passed.

On motion of Mr. JONES of Washington, a motion to reconsider the last vote was laid on the table.

And then, on motion of Mr. PAYNE (at 5 o'clock and 20 minutes p. m.), the House adjourned until Monday, January 15, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John T. Sifford, executor of estate of William Stone, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Andrew A. Colter, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Annis Lawrence, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Whim*, John Boyd, master—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, in reference to appropriation for electric burglar-alarm devices in public buildings—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior, submitting an estimate of appropriation for the Government Hospital for the Insane—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of Commerce and Labor, transmitting, with favorable recommendation, a draft of a bill to prevent the anchoring of vessels so as obscure range lights—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Secretary of Commerce and Labor, transmitting, with a favorable recommendation, a draft of a bill to permit a lease of a building for his Department—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of State, requesting that Capt. D. E. Nolan be authorized to accept a decoration from the French Government—to the Committee on Foreign Affairs, and ordered to be printed.

A letter from the Secretary of State, requesting that certain officers of the Navy and Marine Corps be permitted to accept certain photographs from the Mexican Government—to the Committee on Foreign Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Interior, transmitting, with a copy of a communication from the governor of Hawaii, a draft of a bill relating to the sale of certain public property—to the Committee on the Territories, and ordered to be printed.

A letter from the Acting Secretary of the Interior, transmitting, with a copy of a communication from the Director of the Geological Survey, a recommendation for legislation affecting certain credits to the appropriation for engraving and printing—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Interior, transmitting, with a copy of a communication from the Commissioner of Education, a recommendation for legislation relating to schools in Alaska—to the Committee on the Territories, and ordered to be printed.

A letter from the president of the Chesapeake and Potomac Telephone Company, submitting the report of the company for the year 1905—to the Committee on the District of Columbia, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. LITTLEFIELD, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 2) requiring all corporations engaged in interstate commerce to make returns, and for other purposes, reported the same without amendment, accompanied by a report (No. 234); which said bill and report were referred to the House Calendar.

Mr. FORDNEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 8970) authorizing the Commissioner of the General Land Office to quitclaim the title conveyed to the United States for land in forest reservations under certain conditions, reported the same with amendment, accompanied by a report (No. 235); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHACKLEFORD, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 120) to amend section 7 of the Code of Law for the District of Columbia, reported the same with amendment, accompanied by a report (No. 236); which said bill and report were referred to the House Calendar.

Mr. TAYLOR of Ohio, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 125) regulating the retent on contracts with the District of Columbia, reported the same without amendment, accompanied by a report (No. 237); which said bill and report were referred to the House Calendar.

Mr. CAMPBELL of Kansas, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 4469) authorizing the Commissioners of the District of Columbia to make regulations respecting the public hay scales, reported the same without amendment, accompanied by a report (No. 238); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HOLLIDAY, from the committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5027) granting an increase of pension to Charles W. Knight, reported the same without amendment, accompanied by a report (No. 187); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5643) granting an increase of pension to Wells Briggs, reported the same without amendment, accompanied by a report (No. 188); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4867) granting a pension to Louisa Gregg, reported the same with amendment, accompanied by a report (No. 189); which said bill and report were referred to the Private Calendar.

Mr. GUDGER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5642) granting an increase of pension to John W. Bancroft, reported the same with amendment, accompanied by a report (No. 190); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4733) granting an increase of pension to John L. Files, reported the same with amendment, accompanied by a report (No. 191); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5182) granting an increase of pension to Robert S. Williams, reported the same with amendment, accompanied by a report (No. 192); which said bill and report were referred to the Private Calendar.

Mr. GUDGER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7755) granting an increase of pension to Adam Wenzel, reported the same with amendment, accompanied by a report (No. 193); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10225) granting an increase of pension to Nathan B. Richardson, reported the same with amendment, accompanied by a report (No. 194); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8532) granting an increase of pension to Retta M. Fairbanks, reported the same with amendment, accompanied by a report (No. 195); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8713) granting an increase of pension to P. S. Lynn, reported the same with amendment, accompanied by a report (No. 196); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8773) granting an increase of pension to William H. Joslin, reported the same with amendment, accompanied by a report (No. 197); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8374) granting an increase of pension to Ellen R. Graham, reported the same with amendment, accompanied by a report (No. 198); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7572) granting an increase of pension to Gilbert F. Capron, reported the same with amendment, accompanied by a report (No. 199); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8307) granting a pension to William C. Estill, reported the same with amendment, accompanied by a report (No. 200); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10218) granting a pension to Melissa Chase, reported the same with amendment, accompanied by a report (No. 201); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9092) granting a pension to Lucy Walke, reported the same with amendment, accompanied by a report (No. 202); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9984) granting an increase of pension to Samuel McKinney, reported the same with amendment, accompanied by a report (No. 203); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10142) granting an increase of pension to Thomas Bush, reported the same with amendment, accompanied by a report (No. 204); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3427) granting an increase of pension to William B. Kimball, reported the same with amendment, accompanied by a report (No. 205); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3405) granting an increase of pension to David Palmer, reported the same with amendment, accompanied by a report (No. 206); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3283) granting an increase of pension to Bruno Tiesler, reported the same with amendment, accompanied by a report (No. 207); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2959) granting an increase of pension to Amos H. Tennant, reported the same with amendment, accompanied by a report (No. 208); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2718) granting an increase of pension to James F. Hare, reported the same with amendment, accompanied by a report (No. 209); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2089) granting an increase of pension to Laura J. Forbes, reported the same with amendment, accompanied by a report (No. 210); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10573) granting a pension to Maria Baughman, reported the same with amendment, accompanied by a report (No. 211); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1908) granting a pension to Guy W. Rowe, reported the same with amendment, accompanied by a report (No. 212); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1686) granting an increase of pension to George S. McGregor, reported the same with amendment, accompanied by a report (No. 213); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1675) granting an increase of pension to Melissa S. Lee, reported the same with amendment, accompanied by a report (No. 214); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1435) granting an increase of pension to Jason Robbins, reported the same without amendment, accompanied by a report (No. 215); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 519) granting an increase of pension to William C. Stewart, reported the same with amendment, accompanied by a report (No. 216); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5023) granting an increase of pension to August Westfield, reported the same with amendment, accompanied by a report (No. 217); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10625) granting a pension to John M. Hyden, reported the same without amendment, accompanied by a report (No. 218); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3606) granting an increase of pension to John S. Hoover, reported the same with amendment, accompanied by a report (No. 219); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10572) granting an increase of pension to Mary A. Hackley, reported the same with amendment, accompanied by a report (No. 220); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3716) granting a pension to A. Foss, reported the same with amendment, accompanied by a report (No. 221); which said bill and report were referred to the Private Caelndar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5236) granting an increase of pension to Mary Greene, reported the same with amendment, accompanied by a report (No. 222); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4742) granting an increase of pension to Edward Coy, reported the same with amendment, accompanied by a report (No. 223); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5845) granting a pension to Robert T. Knox, reported the same with amendment, accompanied by a report (No. 224); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6544) granting an increase of pension to Buford P. Moss, reported the same with amendment, accompanied by a report (No. 225); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R.

6916) granting an increase of pension to Jacob Meier, reported the same with amendment, accompanied by a report (No. 226); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4165) granting an increase of pension to Henry G. Sternberg, reported the same with amendment, accompanied by a report (No. 227); which said bill and report were referred to the Private Calendar.

Mr. GUDGER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5237) granting an increase of pension to Rebecca Garland, reported the same with amendment, accompanied by a report (No. 228); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4393) granting an increase of pension to Henry Allen, reported the same with amendment, accompanied by a report (No. 229); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4701) granting a pension to Elijah T. Hurst, reported the same with amendment, accompanied by a report (No. 230); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6983) granting an increase of pension to Chalkley Petitt, reported the same with amendment, accompanied by a report (No. 231); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5939) granting an increase of pension to James Brody, reported the same with amendment, accompanied by a report (No. 232); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5158) granting an increase of pension to Ephriam N. R. Ahl, reported the same with amendment, accompanied by a report (No. 233); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LACEY: A bill (H. R. 11782) to amend chapter 786, Statutes at Large, approved June 6, 1900, entitled "An act making further provision for the civil government for Alaska, and for other purposes"—to the Committee on the Judiciary.

By Mr. SHERMAN: A bill (H. R. 11783) for the establishment of town sites, and for the sale of lots within the common lands of the Kiowa, Comanche, and Apache Indians in Oklahoma—to the Committee on Indian Affairs.

By Mr. PARKER: A bill (H. R. 11784) to authorize the recovery of the value of unlawful rebates and discriminations, and penalty therefor, and for other purposes—to the Committee on the Judiciary.

By Mr. HULL: A bill (H. R. 11785) making the libraries of land-grant colleges depositories of Government publications—to the Committee on Printing.

By Mr. ANDREWS: A bill (H. R. 11786) authorizing the exploration and purchase of mines within the boundaries of private land claims—to the Committee on Private Land Claims.

By Mr. McGUIRE: A bill (H. R. 11787) ratifying and approving an act to appropriate money for the purpose of building additional buildings for the Northwestern Normal School, at Alva, in Oklahoma Territory, passed by the legislative assembly of Oklahoma Territory, and approved the 15th day of March, 1905—to the Committee on the Territories.

Also, a bill (H. R. 11788) to provide for seven district judges for the Territory of Oklahoma—to the Committee on the Judiciary.

Also, a bill (H. R. 11789) creating and establishing a Territorial park in the county of Woods, Territory of Oklahoma, and for other purposes—to the Committee on the Public Lands.

By Mr. SHARTEL: A bill (H. R. 11790) for the erection of a public building at Neosho, Mo.—to the Committee on Public Buildings and Grounds.

By Mr. STEPHENS of Texas: A bill (H. R. 11791) authorizing the members of the tribes of Choctaw and Chickasaw Indians to grant mineral leases, and for other purposes—to the Committee on Indian Affairs.

By Mr. LE FEVRE: A bill (H. R. 11792) to increase the limit of cost of the United States post-office at Kingston, N. Y.—to the Committee on Public Buildings and Grounds.

By Mr. ROBINSON of Arkansas: A bill (H. R. 11793) to authorize the construction of a bridge across the Arkansas River at Pine Bluff—to the Committee on Interstate and Foreign Commerce.

By Mr. ZENOR: A bill (H. R. 11794) to place basic slag upon the free list—to the Committee on Ways and Means.

By Mr. BEALL of Texas: A bill (H. R. 11795) providing for the erection of an addition or extension to the post-office and court-house at Dallas, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. McKINLEY of California: A bill (H. R. 11796) for the diversion of water from the Sacramento River, in the State of California, for irrigation purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. TRIMBLE: A bill (H. R. 11797) to establish a fish-hatching and fish-culture station in north central Kentucky, (Seventh Congressional district)—to the Committee on the Merchant Marine and Fisheries.

By Mr. SMITH of Pennsylvania: A bill (H. R. 11798) to amend an act entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," approved June 27, 1890—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11799) granting pensions to widows who were the lawful wives of soldiers or sailors prior to July 1, 1865, during widowhood, notwithstanding remarriage—to the Committee on Invalid Pensions.

By Mr. RIVES: A bill (H. R. 11800) for the erection of a public building at Litchfield, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. SMALL: A bill (H. R. 11801) to amend the navigation laws and to secure the safety of vessels—to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 11802) to amend section 2513, Revised Statutes of the United States—to the Committee on Ways and Means.

By Mr. BROOKS of Colorado: A bill (H. R. 11933) leasing and demising certain lands in La Plata County, Colo., to the P. F. U. Rubber Company—to the Committee on the Public Lands.

By Mr. PARKER: A joint resolution (H. J. Res. 72) relating to the wearing of badges by military societies—to the Committee on Military Affairs.

By Mr. FULLER: A joint resolution (H. J. Res. 73) appropriating money for paving Clinton street, in the city of Ottawa, in the State of Illinois, adjoining property owned by the Government on which is located a Government building—to the Committee on Appropriations.

Also, a joint resolution (H. J. Res. 74) appropriating money for repairs and addition to the Federal building at Rockford, in the State of Illinois—to the Committee on Appropriations.

By Mr. LAMB: A joint resolution (H. J. Res. 75) authorizing the library board of the Virginia State library to copy certain official records—to the Committee on the Library.

By Mr. GREENE: A joint resolution (H. J. Res. 76) providing for an examination and survey in the vicinity of Great Point, at Nantucket, Mass.—to the Committee on Rivers and Harbors.

By Mr. MUDD: A resolution (H. Res. 149) requesting the Secretary of the Navy to transmit to the House complete record of the proceedings in the recent trials by court-martial at the United States Naval Academy at Annapolis—to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMS of Pennsylvania: A bill (H. R. 11803) granting an increase of pension to George Fusselman—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 11804) granting an increase of pension to Patrick McDermott—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 11805) granting a pension to Adelia Converse—to the Committee on Invalid Pensions.

By Mr. BUTLER of Tennessee: A bill (H. R. 11806) for the relief of Jackson Pryor—to the Committee on Military Affairs.

Also, a bill (H. R. 11807) granting a pension to Eliza J. Howard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11808) granting an increase of pension to Webster Thomas—to the Committee on Invalid Pensions.

By Mr. BOWERSOCK: A bill (H. R. 11809) for the relief of Benjamin Head—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11810) granting a pension to Timothy Lawhead—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11811) granting an increase of pension to John Kamerer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11812) granting an increase of pension to Holmes Clayton—to the Committee on Invalid Pensions.

By Mr. BYRD: A bill (H. R. 11813) for the relief of Charles A. Kincaid—to the Committee on War Claims.

Also, a bill (H. R. 11814) for the relief of the estate of D. U. Ford, deceased—to the Committee on War Claims.

Also, a bill (H. R. 11815) for the relief of the estates of L. B. Wilkins and Mary Wilkins, deceased—to the Committee on War Claims.

Also, a bill (H. R. 11816) for the relief of the estate of Alexander Russell, deceased—to the Committee on War Claims.

Also, a bill (H. R. 11817) for the relief of the estate of Purify Tingle, deceased—to the Committee on War Claims.

Also, a bill (H. R. 11818) for the relief of M. T. Sigrest—to the Committee on War Claims.

Also, a bill (H. R. 11819) for the relief of the estate of William R. Morris, deceased—to the Committee on War Claims.

Also, a bill (H. R. 11820) for the relief of the estate of Mary E. Spence, deceased—to the Committee on War Claims.

Also, a bill (H. R. 11821) for the relief of John E. Pearson—to the Committee on War Claims.

By Mr. CHANEY: A bill (H. R. 11822) granting a pension to Lawyer Sugs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11823) granting a pension to John A. Robertson—to the Committee on Invalid Pensions.

By Mr. COCKS: A bill (H. R. 11824) granting an increase of pension to Jennie P. Starkins—to the Committee on Invalid Pensions.

By Mr. DAVIS of West Virginia: A bill (H. R. 11825) for the relief of Isaac W. Busey—to the Committee on Claims.

Also, a bill (H. R. 11826) for the relief of Joseph Duncan—to the Committee on War Claims.

Also, a bill (H. R. 11827) for the relief of the heirs of Charles A. Dinkle, heirs of John F. Dinkle and J. Daniel Dinkle—to the Committee on War Claims.

Also, a bill (H. R. 11828) for the relief of the estate of Henry Gannon, deceased—to the Committee on War Claims.

Also, a bill (H. R. 11829) for the relief of the estate of Jacob Custer, deceased—to the Committee on War Claims.

Also, a bill (H. R. 11830) for the relief of the estate of Oliver Milburn, deceased—to the Committee on War Claims.

Also, a bill (H. R. 11831) for the relief of John Whittington—to the Committee on War Claims.

Also, a bill (H. R. 11832) for the relief of Edward Tearney, administrator of Samuel Ridenour, deceased—to the Committee on War Claims.

Also, a bill (H. R. 11833) for the relief of Joseph R. Brown—to the Committee on Military Affairs.

Also, a bill (H. R. 11834) for the relief of the heirs of Thomas G. Flagg, deceased—to the Committee on War Claims.

Also, a bill (H. R. 11835) granting an increase of pension to William I. Hilkey—to the Committee on Invalid Pensions.

By Mr. DICKSON of Illinois: A bill (H. R. 11836) to remove the charge of desertion from the record of Robert G. Waud—to the Committee on Military Affairs.

Also, a bill (H. R. 11837) granting an increase of pension to Benoni F. Pence—to the Committee on Inavlid Pensions.

By Mr. ELLIS: A bill (H. R. 11838) granting a pension to Martha E. Read—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11839) granting a pension to John N. Myers—to the Committee on Invalid Pensions.

By Mr. GAINES of West Virginia: A bill (H. R. 11840) for the relief of America Lawrence—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 11841) granting an increase of pension to I. A. McCulley—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 11842) granting an increase of pension to James M. Noble—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 11843) for the relief of James H. Hottel, of Frederick County, Va.—to the Committee on War Claims.

By Mr. HEDGE: A bill (H. R. 11844) granting a pension to Margaret Sullivan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11845) granting an increase of pension to William J. Clark—to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 11846) granting a pension to Clara M. Thompson—to the Committee on Invalid Pensions.

By Mr. KLEPPER: A bill (H. R. 11847) granting a pension to George W. Drake—to the Committee on Invalid Pensions.

By Mr. LACEY: A bill (H. R. 11848) granting a pension to George E. York—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11849) granting a pension to Robert M. Young—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11850) granting a pension to Robert E. Meeker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11851) granting a pension to Alexander E. Fine—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11852) granting a pension to John W. Pugh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11853) granting a pension to James D. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11854) granting an increase of pension to Barney Whitney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11855) granting an increase of pension to Mary A. Shelly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11856) granting an increase of pension to Luke McLoney—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 11857) for the relief of the estate of James Johnson, deceased—to the Committee on War Claims.

By Mr. LILLEY of Pennsylvania: A bill (H. R. 11858) granting an increase of pension to Lewis E. Decker, alias Lewis E. Kelly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11859) granting a pension to Rebecca Haflett—to the Committee on Invalid Pensions.

By Mr. LITTAUER: A bill (H. R. 11860) granting a pension to Corinne E. Call—to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: A bill (H. R. 11861) granting an increase of pension to Anna R. Porter—to the Committee on Invalid Pensions.

By Mr. McGUIRE: A bill (H. R. 11862) authorizing the Secretary of the Interior to issue patents in fee to various missionary institutions in the Territory of Oklahoma—to the Committee on the Public Lands.

By Mr. McKINLAY of California: A bill (H. R. 11863) granting a pension to Charles Southwick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11864) granting an increase of pension to William C. Beachey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11865) granting an increase of pension to A. A. French—to the Committee on Pensions.

Also, a bill (H. R. 11866) granting an increase of pension to David A. Allen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11867) authorizing and directing the Secretary of War to grant an honorable discharge to Almon Butler—to the Committee on Military Affairs.

By Mr. MACON: A bill (H. R. 11868) granting an increase of pension to Joseph Dougal—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11869) granting an increase of pension to Henry A. Geduldig—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 11870) for the relief of the heirs of Sophia Van Lear Findlay—to the Committee on War Claims.

By Mr. REYNOLDS: A bill (H. R. 11871) granting a pension to John Lee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11872) granting a pension to Ambrose Lindsey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11873) granting a pension to Joseph B. Fonner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11874) granting a pension to Christian Wagner—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 11875) for the relief of Mrs. Nancy Coffey—to the Committee on War Claims.

Also, a bill (H. R. 11876) for the relief of John Thomas Owen—to the Committee on Military Affairs.

Also, a bill (H. R. 11877) for the relief of John W. McAfee—to the Committee on War Claims.

Also, a bill (H. R. 11878) for the relief of Anderson Malon—to the Committee on Military Affairs.

Also, a bill (H. R. 11879) granting a pension to Mary E. Moore—to the Committee on Pensions.

Also, a bill (H. R. 11880) granting an increase of pension to Elizabeth A. Gold—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11881) for the relief of John Smaw—to the Committee on War Claims.

Also, a bill (H. R. 11882) for the relief of Francis Wilkes—to the Committee on War Claims.

Also, a bill (H. R. 11883) for the relief of the estate of Joseph Logan, deceased—to the Committee on War Claims.

Also, a bill (H. R. 11884) for the relief of John T. Graves—to the Committee on War Claims.

Also, a bill (H. R. 11885) for the relief of the estate of Thomas V. Provence, deceased—to the Committee on War Claims.

By Mr. RIVES: A bill (H. R. 11886) granting an increase of pension to Solomon R. Trueblood—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 11887) to authorize the Secretary of the Interior to purchase 80 acres of land, more or less, from Karl A. Torgerson and Charles E. Heyn, for the benefit of certain allottees of the Grande Ronde Indian Reservation—to the Committee on Indian Affairs.

Also, a bill (H. R. 11888) granting an increase of pension to Heman A. Harris—to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 11889) for the relief of Hannah B. Sabiston—to the Committee on Claims.

Also, a bill (H. R. 11890) for the relief of Sylvester Dibble—to the Committee on War Claims.

Also, a bill (H. R. 11891) for the relief of John L. Brown and the estates of A. T. Redditt and William G. Judkins—to the Committee on War Claims.

Also, a bill (H. R. 11892) for the relief of George A. Russell, administrator of Stephen Chadwick, deceased—to the Committee on War Claims.

Also, a bill (H. R. 11893) for the relief of T. H. B. Myers, surviving partner of John Myers & Son—to the Committee on War Claims.

Also, a bill (H. R. 11894) for the relief of Walter T. Dough—to the Committee on War Claims.

Also, a bill (H. R. 11895) for the relief of Spencer Etheredge, J. E. Berry, and Charles Meekins, trustees of Roanoke Island Baptist Church, of Roanoke Island, North Carolina—to the Committee on War Claims.

Also, a bill (H. R. 11896) granting a pension to Emma Swanner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11897) granting a pension to Greenwood Griffin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11898) granting a pension to Lars F. Wadsten—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11899) to correct the military record of Wiley W. Woolard—to the Committee on Military Affairs.

Also, a bill (H. R. 11900) for the relief of the estate of W. F. Sanderson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 11901) for the relief of the estate of D. L. Pritchard, deceased—to the Committee on War Claims.

Also, a bill (H. R. 11902) for the relief of the estate of Esau Berry, deceased—to the Committee on War Claims.

Also, a bill (H. R. 11903) for the relief of the estate of Thomas A. Dough, deceased—to the Committee on War Claims.

Also, a bill (H. R. 11904) for the relief of the estate of D. L. Pritchard, deceased—to the Committee on War Claims.

By Mr. SMITH of Maryland: A bill (H. R. 11905) granting an increase of pension to Elizabeth E. Atkinson—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 11906) granting a pension to Mary Marstiner—to the Committee on Pensions.

By Mr. SNAPP: A bill (H. R. 11907) granting an increase of pension to August Danieldson—to the Committee on Invalid Pensions.

By Mr. SOUTHWICK: A bill (H. R. 11908) granting an increase of pension to Stephen V. Sturtevant—to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 11909) granting a pension to Julia A. Trow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11910) granting a pension to Laura W. Noble—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11911) granting a pension to Elizabeth De Bord—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11912) granting an increase of pension to William Gouge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11913) granting an increase of pension to Thomas Pinneo—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11914) to correct the military record of Albert Sidney Coomer—to the Committee on Military Affairs.

By Mr. STEPHENS of Texas: A bill (H. R. 11915) for the relief of W. R. McGuire—to the Committee on War Claims.

By Mr. SULLOWAY: A bill (H. R. 11916) granting an increase of pension to Edward L. Kimball—to the Committee on Invalid Pensions.

By Mr. TRIMBLE: A bill (H. R. 11917) granting an increase of pension to Davis Preston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11918) granting a pension to Mary A. Weigand—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11919) granting a pension to Samuel McMannus—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11920) authorizing and directing the repayment to George W. Jordon, of Skinnersburg, Scott County, Ky., the sum of $1,000 that he paid to avoid the draft in 1864—to the Committee on Claims.

Also, a bill (H. R. 11921) for the relief of the estate of R. M. McClelland, deceased—to the Committee on War Claims.

Also, a bill (H. R 11922) for the relief of the African Methodist Episcopal Zion Church—to the Committee on War Claims.

Also, bill (H. R. 11923) for the relief of the Colored Baptist Church, of Newcastle, Ky.—to the Committee on War Claims.

Also, a bill (H. R. 11924) for the relief of the African Methodist Episcopal Zion Church—to the Committee on War Claims.

Also, a bill (H. R. 11925) for the relief of Elijah D. Robertson—to the Committee on Claims.

By Mr. TYNDALL: A bill (H. R. 11926) granting an increase of pension to John Hornbeak—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11927) granting an increase of pension to Calvin D. Weatherman—to the Committee on Invalid Pensions.

By Mr. WEEKS: A bill (H. R. 11928) granting an increase of pension to Eva D. Kellogg—to the Committee on Invalid Pensions.

By Mr. WILEY of Alabama: A bill (H. R. 11929) for the relief of Sarah Autrey—to the Committee on War Claims.

By Mr. FOSS: A bill (H. R. 11930) granting an increase of pension to Laura C. R. Harris—to the Committee on Pensions.

By Mr. KAHN: A bill (H. R. 11931) to reimburse the city and county of San Francisco, State of California, for moneys paid by said city and county to various persons upon judgment claims recovered by them against said city and county for damages inflicted to their property by soldiers of the United States Army—to the Committee on War Claims.

Also, a bill (H. R. 11932) to grant American registry to the bark *Homeward Bound*—to the Committee on the Merchant Marine and Fisheries.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 9147) granting an increase of pension to Jorden H. Saylors—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 1263) authorizing rehearing in the case of William Donnelly and Patrick Egan in the United States Court of Claims—Committee on Military Affairs discharged, and referred to the Committee on War Claims.

A bill (H. R. 2997) for the relief of Capt. Sidney F. Shaw—Committee on Claims discharged, and referred to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of W. N. Rounds and others, to remove tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. ADAMS of Pennsylvania: Petition of the National Woman's Christian Temperance Union, asking sundry reform legislation—to the Committee on the Judiciary.

Also, protest of Cigar Makers' International Union, against bill H. R. 3—to the Committee on Ways and Means.

By Mr. BARCHFELD: Petition for the relief of the victims of the *General Slocum* disaster—to the Committee on Claims.

By Mr. BARTHOLDT: Petition of St. Louis Manufacturers' Association, asking an appropriation for a deep waterway from St. Louis to the Gulf of Mexico—to the Committee on Rivers and Harbors.

Also, petition of citizens of St. Louis, for a new post-office for the city of St. Louis—to the Committee on Public Buildings and Grounds.

By Mr. BATES: Petition of Picking Naval Garrison, protesting against the destruction of the frigate *Constitution*, "Old Ironsides"—to the Committee on Naval Affairs.

Also, petition of the Pennsylvania Tobacco Growers' Association, of Lancaster, Pa., protesting against a reduction of the tariff on tobacco in the Philippine Islands—to the Committee on Ways and Means.

Also, petition of the Shakespeare Club of Conneautville, Pa., and the Chamber of Commerce of Pittsburg, Pa., in favor of preservation of Niagara Falls—to the Committee on Rivers and Harbors.

By Mr. BELL of Georgia: Papers to accompany bill for the relief of James B. Fowler—to the Committee on Military Affairs.

By Mr. BINGHAM: Paper to accompany bill for relief of Joseph B. Fauner—to the Committee on Military Affairs.

By Mr. BOWERSOCK: Petition of citizens of Oklahoma, asking repeal of the duty on hides—to the Committee on Ways and Means.

By Mr. BRADLEY: Resolution of Delaware Council, Order United American Mechanics, of Port Jervis, N. Y., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BURKE of Pennsylvania: Petition for the relief of the victims of the *General Slocum* disaster—to the Committee on Claims.

Also, petition of Local Union No. 95, Steam Engineers, of Pittsburg, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Aspinwall and Laurel councils, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BURLEIGH: Papers to accompany bill granting an increase of pension to Mary Bagley—to the Committee on Invalid Pensions.

Also, petition for the relief of the victims of the *General Slocum* disaster—to the Committee on Claims.

By Mr. BURNETT: Paper to accompany bill for relief of Mary B. Minton—to the Committee on Invalid Pensions.

By Mr. BUTLER of Pennsylvania (by request): Petition of Media and Rockdale councils, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. CASSEL: Petition of Piqua Council, No. 373, and Akron Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. CHANEY: Petition of John A. Robertson, for an increase of pension—to the Committee on Invalid Pensions.

By Mr. DAVIDSON: Papers to accompany bill (H. R. 11323) for relief of Julius A. Nemitz—to the Committee on Pensions.

Also, petition of citizens of Wisconsin, to prevent further devastation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of cigar makers of Superior, Wis., against bill H. R. 3—to the Committee on Ways and Means.

By Mr. DAVIS of West Virginia: Paper to accompany bill for relief of William Hurst—to the Committee on War Claims.

By Mr. DE ARMOND: Paper to accompany bill for relief of Alanson B. Thomas—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: Petition of W. L. Sanderson Post, Grand Army of the Republic, of Indiana, for an appropriation to help decorate soldiers' graves in the cemetery at New Albany, Ind.—to the Committee on Military Affairs.

Also, petition of the Arizona Cattle Growers' Association, against joint statehood—to the Committee on the Territories.

By Mr. FLACK: Papers to accompany bill (H. R. 10213) granting a pension to William F. Walker—to the Committee on Invalid Pensions.

By Mr. FLETCHER: Resolutions of the Northern Methodist Episcopal Church and the Bloomington Avenue Methodist Episcopal Church, of Minneapolis, Minn., against restoration of Army canteen—to the Committee on Military Affairs.

By Mr. FULLER: Resolution of the American Bar Association, favoring a permanent national bankruptcy act—to the Committee on the Judiciary.

Also, petition of the National United Gold Beaters' Union, for an increase of the tariff on gold leaf—to the Committee on Ways and Means.

By Mr. GAINES of West Virginia: Petition of the United Mine Workers of America, No. 2075, of Chilton, W. Va., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of citizens of Kanawha County, of Charleston, of Crown Hill, of Upshur County, and of Garfield Council, Junior Order United American Mechanics, of Rock Cove, W. Va., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. GRAHAM: Petition for the relief of the victims of the *General Slocum* disaster—to the Committee on Claims.

By Mr. GRANGER: Petition of Davisville Grange, Patrons of Husbandry, asking increased appropriation for agricultural experiment stations—to the Committee on Agriculture.

By Mr. GREENE: Petition of the New York Captains and Owners' Association, for the establishment of a breakwater on the island of Nantucket, accompanied by a map of Nantucket—to the Committee on Rivers and Harbors.

By Mr. HENRY of Connecticut: Petition of Piquot Council, No. 24, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. HILL of Connecticut: Petition of citizens of Torrington, Conn.; Pahquioque Council, No. 9; Waldemere Council, No. 6, and Harmony Council, No. 2, of Bridgeport, Conn., Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. HITT: Petition of the Commercial Club of St. Joseph, Mo., for consular reform—to the Committee on Foreign Affairs.

Also, petition of the Organization of the *General Slocum* Survivors, for legislation for relief of victims of the disaster—to the Committee on Claims.

By Mr. KELIHER: Petition of the Coal Club of Boston and vicinity, for a breakwater at Point Judith—to the Committee on Rivers and Harbors.

By Mr. KENNEDY of Nebraska: Petition of R. B. Hasker and 25 others, asking for repeal of the tax on imported hides—to the Committee on Ways and Means.

By Mr. KLINE: Resolution of Jordon Council, No. 746, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. KNOWLAND: Resolution of Cigar Makers' International Union No. 332, of San Diego, Cal., protesting against passage of bill H. R. 3—to the Committee on Ways and Means.

Also, papers to accompany bill (H. R. 5733) to correct the military record of Charles H. Mayberry—to the Committee on Military Affairs.

By Mr. LILLEY of Connecticut: Paper to accompany bill for relief of Lewis E. Dicker—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Rebecca Foster, now Hafflett—to the Committee on Invalid Pensions.

Also, petition of the New Haven and Coastwise Lumber Dealers' Association, for a national park in the White Mountains—to the Committee on Agriculture.

By Mr. LITTAUER: Papers to accompany bill granting a pension to Corrine E. Call—to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: Petitions of citizens of Millville, Salem, and Penngrove, N. J.; Millville Lodge, No. 59, Knights of Pythias; Salem Council, No. 203, Junior Order United American Mechanics; Washington Camp, No. 57, Patriotic Order Sons of America, of Newfield, N. J., and Rescue Council, No. 151, Junior Order United American Mechanics, of Camden, N. J., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of J. H. Fenton, against the tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Westville Council, No. 291, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. MADDEN: Petition of John L. Beveridge et al., favoring a volunteer retired list for volunteer generals of the civil war—to the Committee on Military Affairs.

Also, petition of John T. Hassett and others, to repeal the tax of 15 per cent ad valorem on imported hides—to the Committee on Ways and Means.

Also, petition for the relief of the victims of the *General Slocum* disaster—to the Committee on Claims.

By Mr. OLMSTED: Resolutions of Council No. 858, Council No. 35, Council No. 174, and citizens of Harrisburg, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. OVERSTREET: Petitions of B. H. Herman, A. Burdsel & Co., and the Pope Manufacturing Company, favoring bill H. R. 7079—to the Committee on Ways and Means.

By Mr. OTJEN: Petition of Wood Finishers' Union, No. 1066, of Milwaukee, Wis., favoring a reduction of the tax on grain alcohol—to the Committee on Ways and Means.

By Mr. PADGETT: Paper to accompany bill for relief of G. W. Outlaw—to the Committee on War Claims.

Also, paper to accompany bill for relief of heir of J. M. Wagstaff—to the Committee on War Claims.

By Mr. PATTERSON: Petitions of W. L. Sanderson Post, Grand Army of the Republic, and the legislature of Indiana, for an appropriation to assist in the decoration of soldiers' graves in the cemetery at New Albany, Ind.—to the Committee on Military Affairs.

By Mr. REYNOLDS: Paper to accompany bill for relief of Joseph B. Tauner—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: Papers to accompany bill for the relief of John Smaw—to the Committee on War Claims.

Also, papers to accompany bill for the relief of John T. Graves, of Madison County, Ala.—to the Committee on War Claims.

By Mr. RIVES: Paper to accompany bill for relief of Solomon Trablood—to the Committee on Invalid Pensions.

By Mr. SHARTEL: Petition of citizens of the Fifteenth Congressional district of Missouri, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SHERMAN: Papers to accompany bill granting a pension to Herman A. Harris—to the Committee on Invalid Pensions.

By Mr. WM. ALDEN SMITH: Protest of the Farmers' Institute of Saginaw County, Mich., against reduction of tariff on sugar from the Philippine Islands—to the Committee on Ways and Means.

By Mr. STERLING: Affidavit of Scott Arnold, to accompany bill (H. R. 2721) for an increase of pension—to the Committee on Invalid Pensions.

By Mr. THOMAS of Ohio: Resolution of the Board of Trade, in favor of railway rate legislation—to the Committee on Interstate and Foreign Commerce.

Also, petition of Edenburg and Tippecanoe councils, Junior Order United American Mechanics, in favor of restricting immigration—to the Committee on Immigration and Naturalization.

By Mr. WILEY of Alabama: Petition of the Findlay Mercantile Company, of Pollard, Ala., urging repeal of the 15 per cent ad valorem tax on imported hides—to the Committee on Ways and Means.

By Mr. WEISSE: Resolution of the National Woman's Christian Temperance Union, urging reform on sundry subjects—to the Committee on the Judiciary.

Also, petition for the relief of the victims of the *General Slocum* disaster—to the Committee on Claims.

SENATE.

MONDAY, *January 15, 1906.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of the proceedings of Thursday last, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

REFORM SCHOOL OF THE DISTRICT OF COLUMBIA.

The VICE-PRESIDENT appointed Mr. DILLINGHAM a consulting trustee, on the part of the Senate, of the Reform School of the District of Columbia in accordance with the act of Congress approved May 3, 1876.

ACCEPTANCE OF DECORATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, requesting that Capt. D. E. Nolan, General Staff, United States Army, be authorized to accept the decoration of Chevalier of the Legion of Honor recently conferred upon him by the French Government; which was referred to the Committee on Foreign Relations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of State, requesting that Capt. Thomas M. Miller, United States Navy; Commander Herbert O. Dunn, United States Navy; Chaplain William H. I. Reany, United States Navy; Lieut. Victor A. Kimberly, United States Navy; Lieut. Harry L. Brinser, United States Navy; Asst. Surg. Theodore N. Rees, United States Navy; Paymaster Charles R. O'Leary, United States Navy, and First Lieut. Frank C. Lander, United States Marine Corps, be authorized to accept certain photographs presented to them by the Mexican Government as a memorial of their services on board the U. S. S. *Columbia*, when she carried the remains of Mr. Azpiroz, the late ambassador from Mexico to the United States, from this country to his native land; which was referred to the Committee on Foreign Relations, and ordered to be printed.

PRINTING OF GEOLOGICAL SURVEY MAPS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Director of the Geological Survey requesting that there be inserted in the urgent deficiency appropriation bill a provision providing that any money arising in payment for the furnishing of engraved and lithographic data in the possession of the Survey be deposited in the Treasury and placed to the credit of the appropriation for engraving and printing the Geological Survey maps of the United States, etc.; which, with the accompanying paper, was referred to the Committee on the Geological Survey, and ordered to be printed.

BUILDING FOR DEPARTMENT OF COMMERCE AND LABOR.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting the draft of a bill authorizing the Secretary of Commerce and Labor to lease for the term of ten years a suitable building in the District of Columbia large enough to accommodate the various bureaus and offices of that Department, now occupying rented buildings; which, with the accompanying paper, was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ANCHORAGE OF VESSELS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting the draft of a bill to prohibit any vessel from anchoring in such a manner as to obstruct or interfere with the range lights established in any navigable waters of the United States by the United States Light-House Board; which, with the accompanying paper, was referred to the Committee on Commerce, and ordered to be printed.

SCHOOLS IN ALASKA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Education relative to the employees of the school service in Alaska in regard to assignments of pay and reimbursement for expenses, etc., together with a prepared form of such remedial legislation as is necessary in the premises; which, with the accompanying papers, was referred to the Committee on Territories, and ordered to be printed.

DISPOSITION OF PROPERTY IN HAWAII.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the governor of Hawaii relative to the enactment of further legislation providing for the disposition of personal property belonging to the United States and now in the possession of the Territorial government, etc., together with the draft of a bill to provide for the disposition of certain property in the Territory of Hawaii; which, with the accompanying papers, was referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed.

CHESAPEAKE AND POTOMAC TELEPHONE COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Chesapeake and Potomac Telephone Company for the year 1905; which was referred to the Committee on the District of Columbia, and ordered to be printed.

FRENCH SPOLIATION CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusion of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings of the court relative to the vessel schooner *Whim*, John Boyd, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

FINDINGS OF COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the Mount Zion Society, of Fairfield County, S. C., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Odile Deslonde, sole heir of Eloise Deslonde, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the trustees of Hiram Lodge, No. 7, Ancient Free and Accepted Masons, of Franklin, Tenn., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the Trustees of the Presbyterian Church of Lumber Bridge, N. C., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of The Trustees of the Methodist Episcopal Church South, of Moorhead, N. C., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

ATCHISON, TOPEKA AND SANTE FE RAILWAY COMPANY.

The VICE-PRESIDENT laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 8th instant, copies of correspondence between the President and the Attorney-General and others relating to a departure from the published rates of the Atchison, Topeka and Sante Fe Railway Company in the transportation of coal for the Colorado Fuel and Iron Company, together with a copy of the opinion of Judge Philips in the contempt proceedings begun on account of the departure from published rates; which, with the accompanying papers, was referred to the Committee on the Judiciary, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a joint resolution (H. J. Res. 68) relating to the contingent expenses of the House of Representatives; in which it requested the concurrence of the Senate.

The message also announced that the House had passed, with an amendment, the bill (S. 2558) authorizing the Washington Bridge Company to construct a bridge across the Columbia River near the city of Wenatchee, Wash.; in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Board of Trade of St. Paul, Minn., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the American Association for the Advancement of Science, praying for the enactment of legislation to prevent the impending destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. GALLINGER presented a petition of the Board of Trade of Peterboro, N. H., praying that an appropriation be made providing for the erection of a statue in that city to the memory of Gen. James Miller, the hero of Lundys Lane; which was referred to the Committee on the Library.

He also presented the petition of Woodward & Lothrop, of Washington, D. C., praying for the enactment of legislation to restore the names of streets, avenues, alleys, highways, and reservations in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented petitions of Lida J. Hart, president of the Woman's Relief Corps, Department of the Potomac, Grand Army of the Republic; of Byron W. Bonney, commander Phil Sheridan Post, No. 14, Department of the Potomac, Grand Army of the Republic; of Mrs. Sarah E. Pittman, president of the Ladies' Union Veteran Legion, Department of the Potomac, Grand Army of the Republic, and of Frank Hume and sundry citizens, all of Washington, D. C.; of Bishop Earl Cranston and sundry other ministers and clergymen of the United States; of 379 leading merchants and 2,180 citizens of the United States, and of John C. Smith, department commander, Grand Army of the Republic, of Chicago, Ill., praying for the enactment of legislation to establish a temporary home in the District of Columbia for ex soldiers and sailors of the late wars; which were referred to the Committee on the District of Columbia.

Mr. SMOOT presented a petition of the Utah Medical Society, of Provo, Utah, praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

Mr. FRYE presented the petition of J. G. Harvey and sundry other citizens of Old Orchard, Me., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the Board of Trade of Bangor, Me., praying for the enactment of legislation providing for the reorganization of the consular service; which was ordered to lie on the table.

He also presented a memorial of Local Lodge No. 82, Brotherhood of Railroad Trainmen, of Portland, Me., remonstrating against the passage of the so-called "Esch-Townsend railroad-rate bill;" which was referred to the Committee on Interstate Commerce.

He also presented petitions of Regal Council, No. 21, of Mexico; of Mount Blue Council, No. 22, of East Wilton; of Pine Tree Council, No. 41, of Cape Porpoise, and of Crystal Lake Council, No. 19, of Weld, all of the Junior Order of United American Mechanics, in the State of Maine, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented memorials of Local Union No. 376, of Waterville; of Local Union No. 40, of Biddeford, and of Joe Hedrick, of Presque Isle, all in the State of Maine, remonstrating against the passage of the so-called "Philippine tariff bill;" which were referred to the Committee on the Philippines.

Mr. ALLISON presented the petition of Orin Parker, of Dubuque, Iowa, praying that he be retired as a second lieutenant in the Signal Corps of the United States Army; which was referred to the Committee on Military Affairs.

He also presented a memorial of the Federation of Labor of Cedar Rapids, Iowa, remonstrating against a reduction of duty on cigars imported from the Philippine Islands; which was referred to the Committee on the Philippines.

He also presented a petition of the Medical Society of Winnebago County, Iowa, praying for the enactment of legislation to provide for the control of the spread of tuberculosis; which was referred to the Committee on Public Health and National Quarantine.

He also present a memorial of G. E. Boynton Lodge, No. 138, Brotherhood of Railroad Trainmen, of Eagle Grove, Iowa, remonstrating against the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

Mr. HOPKINS presented a petition of the Chicago Historical Society, of Chicago, Ill., praying for the appointment of a national historical commission and that an appropriation be made for the erection of a building for the use of the commission; which was referred to the Committee on the Library.

Mr. SCOTT presented petitions of Tanner Council, No. 87, of Tanner; of Valley Star Council, No. 60, of Limestone; of Chester Council No. 81, of Chester; of the Island Council, No. 4, of Wheeling, and of Local Council No. 1, of Wheeling, all of the Junior Order United American Mechanics, in the State of West Virginia, praying for the enactment of legislation to restrict immigration, and also for the revision of the laws governing naturalization; which were referred to the Committee on the Judiciary.

Mr. BURNHAM presented the petition of H. A. Lesure and 13 other citizens of Keene, N. H., praying for the adoption of an amendment to the postal laws relative to fraud orders; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Edward S. Miller, of Woodsville, N. H., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented the petition of Jesse P. Marshall, of Kingston, N. H., praying for the enactment of legislation to prevent the destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. DRYDEN presented petitions of the Orange Political Study Club, of Orange; of the Village Improvement Association, of Cranford, and of the Wednesday Morning Club, of Cranford, all in the State of New Jersey, praying for the passage of the so-called "pure-food bill;" which were ordered to lie on the table.

He also presented a petition of sundry citizens of Bloomfield, N. J., praying for the enactment of legislation to create in the War Department a special roll, to be known as the "Volunteer retired list;" which was referred to the Committee on Military Affairs.

He also presented a petition of the Organization of the *General Slocum* Survivors, of New York City, N. Y., praying for the enactment of legislation granting relief to the victims of the *General Slocum* disaster; which was referred to the Committee on Claims.

He also presented petitions of the Orange Political Club, of Orange; of the Woman's Club of Glen Ridge, and of the Equal Suffrage League of Plainfield, all in the State of New Jersey, praying for the enactment of legislation to regulate child labor in the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented petitions of the Woman's Christian Temperance Union of Collingswood; of the Pyne Poynt Library Company, of Camden; of the New Jersey Congress of Mothers, of Atlantic City, and of sundry citizens of Beverley and East Orange,

all in the State of New Jersey, and of Dr. William C. Stokes, of Philadelphia, Pa., praying for an investigation of the charges made and filed against Hon REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented a memorial of Local Union No. 138, Cigar Makers' International Union, of Newark, N. J., remonstrating against the passage of the so-called "Philippine tariff bill;" which was referred to the Committee on the Philippines.

He also presented petitions of sundry citizens of Elberon, Newark, Englewood, and Moorestown, of the Improvement Association of Moorestown, and of the Municipal Art League of East Orange, all in the State of New Jersey, praying for the enactment of legislation to prevent the impending destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented petitions of Local Division No. 22, Brotherhood of Locomotive Engineers, of Camden; of Local Union No. 305, of Millville, and of Local Union No. 121, of Bridgeton, all of the Brotherhood of Carpenters and Joiners of America; of Fieldsboro Council, No. 52, of Bordentown, and of Anthony Wayne Council, No. 159, of Newark, all of the Junior Order of United American Mechanics; of Camp No. 14, of Trenton; of Washington Camp, No. 33, of New Egypt; of Washington Camp, No. 7, of Trenton; of Washington Camp, No. 23, of Palmyra, and of Washington Camp, No. 27, of Trenton, all of the Patriotic Order Sons of America, in the State of New Jersey, praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

Mr. TALIAFERRO presented a petition of sundry citizens of Orlando, Fla., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

Mr. WETMORE presented a petition of Local Grange No. 8, Patrons of Husbandry, of Davisville, R. I., praying that increased appropriations be made for the maintenance of agricultural experiment stations; which was referred to the Committee on Agriculture and Forestry.

Mr. ANKENY presented a petition of the Chamber of Commerce of Spokane, Wash., praying that an appropriation be made for the completion of the report on the mineral resources of the United States and the investigation of the black sands on the Pacific slope; which was referred to the Committee on Mines and Mining.

He also presented a memorial of sundry citizens of Tacoma, Wash., remonstrating against the ratification of the Isle of Pines treaty; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Chamber of Commerce of Spokane, Wash., praying for the enactment of legislation to reorganize the consular service of the United States; which was referred to the Committee on Foreign Relations.

He also presented memorials of sundry citizens of Elma, Hoquiam, and Aberdeen, all in the State of Washington, remonstrating against any reduction of the duty on cigars imported from the Philippine Islands; which were referred to the Committee on the Philippines.

Mr. NELSON presented a memorial of sundry citizens of Minnesota, remonstrating against the ratification of the Isle of Pines treaty; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Board of Trade of St. Paul, Minn., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented the petition of John L. Beveridge and 100 other generals of the Volunteer Army of the United States of the civil war, praying for the enactment of legislation creating a volunteer retired list for surviving generals; which was referred to the Committee on Military Affairs.

Mr. HEYBURN presented a petition of the clergy of the Diocese of Pennsylvania, praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

Mr. ALDRICH presented a petition of the Agricultural Federation of Rhode Island, praying that increased appropriations be made for the maintenance of agricultural experiment stations; which was referred to the Committee on Agriculture and Forestry.

Mr. SPOONER presented a memorial of sundry citizens of Hanover, Wis., remonstrating against the ratification of the Isle of Pines treaty; which was referred to the Committee on Foreign Relations.

He also presented the memorial of John Kessler and sundry other citizens of Watertown, Wis., and the memorial of Fred C. Marl and sundry other citizens of Superior, Wis., remonstrating against any reduction of the duty on cigars imported from the Philippine Islands; which were referred to the Committee on the Philippines.

Mr. PENROSE presented a petition of sundry citizens of Philadelphia, Pa., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the Trades League, of Philadelphia, Pa., praying for the enactment of legislation to permit the admission to this country of Chinese visitors and travelers not of the cooly class, on the same terms and conditions as now apply to travelers from any other country; which was referred to the Committee on Immigration.

He also presented petitions of sundry citizens of Johnsonburg; of Washington Camp, No. 404, of Philadelphia; Local Council No. 591, of Saxton; Local Camp No. 606, of Lloydell; of sundry citizens of Fredericksburg; of Washington Camp, No. 258, of Fredericksburg; of Brotherhood of Carpenters No. 227, of Philadelphia; of Local Union No. 462, Carpenters and Joiners, of Greensburg; Local Lodge No. 24, Knights of Pythias, of Dunlo; of George Washington Council, No. 423, of Sharpsburg; Old Monongahela Lodge, No. 209, of Elizabeth; Saratoga Council, No. 262, of Pittsburg; Local Union No. 1693, Carpenters and Joiners, of Harrisburg; Local Union No. 947, United Brotherhood of Carpenters and Joiners, of Ridgway; Stroh Council, No. 731, of Weissport; of Camp No. 215, of Ambler; of Oak Grove Council, No. 307, of Pleasant Corner; Jordan Council, No. 746, of Allentown; Blue Mountain Lodge, No. 694, Brotherhood of Railway Trainmen, of Marysville; of sundry citizens of Bridesburg; of Nicetown Division, No. 171, of Philadelphia; of sundry citizens of Danville; Local Union No. 847, of Harrisville; Good Will Council, No. 42, of Tyrone; of Falls City Council, No. 385, of Beaver Falls; of Camp No. 98, of Philadelphia; of Washington Camp, No. 77, of Philadelphia; of William Boyd Council, No. 964, of Pond Hill; of sundry citizens of Philadelphia; of Steelton Council, of Steelton; Reliable Council, No. 90, of Allegheny City; Western Council, of Belle Vernon; Mahoning Council, of Punxsutawney; Charles A. Gerasch Council, of Kutztown; Lewisburg Council, of Lewisburg; Columbia Council, of Wilkes-Barre; Mount Pisgah Council, of Mauchchunk; Tunkhannock Council, of Tunkhannock; New Tripoli Grand Council, of New Tripoli; Cohocksink Tribe and Council, No. 126 and No. 150, of Philadelphia, all in the State of Pennsylvania, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. CLAPP presented a memorial of Local Union No. 98, Cigar Makers' International Union, of St. Paul, Minn., remonstrating against any reduction of the duty on cigars imported from the Philippine Islands; which was referred to the Committee on the Philippines.

He also presented a petition of the Board of Trade of St. Paul, Minn., praying for the enactment of legislation to require common carriers engaged in interstate commerce to furnish all rolling stock for the safe carriage of freight originating on their several lines; which was referred to the Committee on Interstate Commerce.

Mr. HANSBROUGH presented a petition of sundry citizens of Cass County, N. Dak., and a petition of sundry citizens of Grandin, N. Dak., praying for the enactment of legislation providing for the drainage of lands in the counties lying along the Red River Valley of the North, in that State; which were referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented a petition of the Woman's Christian Temperance Union of North Dakota, and a petition of sundry citizens of Thompson, N. Dak., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. FRAZIER presented a petition of Wartburg Council, No. 15, Junior Order United American Mechanics, of Wartburg, Tenn., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

Mr. CARTER presented sundry papers to accompany the bill (S. 2663) for the relief of James A. Fitzgerald; which were referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (S. 1702) granting a pension to Adolphus N. Pacetty, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the

bill (S. 1709) granting a pension to Florence Greeley De Veaux, reported it with amendments, and submitted a report thereon.

Mr. GEARIN, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2112) granting an increase of pension to John Heck;

A bill (S. 2113) granting an increase of pension to Agnes Zentz;

A bill (S. 622) granting an increase of pension to Hiram Swain; and

A bill (S. 238) granting an increase of pension to John Savage.

Mr. GEARIN, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 625) granting an increase of pension to Phebe J. Bennett;

A bill (S. 1042) granting an increase of pension to Francis Piccard; and

A bill (S. 1456) granting a pension to Joann Morris.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1841) granting a pension to Robert Catlin;

A bill (S. 950) granting a pension to Emma M. Rea; and

A bill (S. 493) granting an increase of pension to Charles M. Wittig.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 142) granting an increase of pension to William Furlong;

A bill (S. 138) granting an increase of pension to Michael Linehan;

A bill (S. 943) granting an increase of pension to Oscar R. Arnold;

A bill (S. 206) granting an increase of pension to Gordon H. Shepard;

A bill (S. 209) granting an increase of pension to George F. Ross; and

A bill (S. 210) granting an increase of pension to Silas P. Hall.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 1163) granting an increase of pension to Martha G. Cushing;

A bill (S. 314) granting a pension to Aletha E. Reynolds;

A bill (S. 315) granting an increase of pension to George Pike; and

A bill (S. 472) granting an increase of pension to David F. Magee.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 575) granting an increase of pension to John Flynn;

A bill (S. 576) granting an increase of pension to Frederick J. Shelley;

A bill (S. 1466) granting an increase of pension to Philena Davis;

A bill (S. 715) granting a pension to Georgia A. Rollins;

A bill (S. 851) granting an increase of pension to Frederick Houser;

A bill (S. 74) granting an increase of pension to Aaron T. Currier;

A bill (S. 2481) granting an increase of pension to Elijah R. Wilkins; and

A bill (S. 1828) granting an increase of pension to Alvin Abbott.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1467) granting an increase of pension to Laura A. Blodgett;

A bill (S. 16) granting a pension to Susan H. Cutler;

A bill (S. 183) granting an increase of pension to Henry F. Hunt;

A bill (S. 837) granting an increase of pension to Elizabeth C. Dunton; and

A bill (S. 707) granting a pension to Alice E. Gilley.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 1258) granting an increase of pension to Charles W. Paige;

A bill (S. 178) granting an increase of pension to Irene A. Cochrane;

A bill (S. 785) granting an increase of pension to Franklin C. Pierce; and

A bill (S. 9) granting an increase of pension to David P. Bolster.

Mr. PILES, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 534) granting an increase of pension to Dennis A. Davis;

A bill (S. 531) granting an increase of pension to William H. Satterthwait; and

A bill (S. 923) granting an increase of pension to Nathaniel L. Badger.

Mr. PILES, from the Committee on Pensions, to whom was referred the bill (S. 991) granting a pension to Jane McMahon, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 96) granting an increase of pension to George A. Francis;

A bill (S. 193) granting an increase of pension to John C. Eberly; and

A bill (S. 1035) granting an increase of pension to Andrew McClory.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 122) granting an increase of pension to Michael Stump;

A bill (S. 2825) granting an increase of pension to John M. Scott;

A bill (S. 2071) granting an increase of pension to Henry T. Anshutz; and

A bill (S. 1200) granting a pension to Esther G. Wharton.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (S. 515) granting an increase of pension to Dennis Buckley McCready, alias Dennis McCready, alias Thomas Buckley, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 509) granting a pension to Annie L. Tredick, reported it with an amendment, and submitted a report thereon.

Mr. BURKETT, from the Committee on Pensions, to whom was referred the bill (S. 564) granting an increase of pension to Wilson Hyatt, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 565) granting an increase of pension to Lumbard D. Aldrich, reported it with amendments, and submitted a report thereon.

Mr. OVERMAN, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 385) granting an increase of pension to George W. Gearey; and

A bill (S. 1474) granting an increase of pension to Joseph Davis.

Mr. TELLER, from the Committee on Indian Affairs, to whom was referred the bill (S. 1794) to ratify an agreement with the Indians of the Klamath Indian Reservation, in Oregon, and making appropriations to carry the same into effect, reported it without amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was referred the bill (S. 1266) for the relief of John M. Hill, reported it without amendment, and submitted a report thereon.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1368) granting an increase of pension to William H. Hicks;

A bill (S. 1525) granting an increase of pension to Zachariah Bradfield; and

A bill (S. 407) granting an increase of pension to George W. Purvis.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 596) granting an increase of pension to Eliza J. Harding;

A bill (S. 603) granting an increase of pension to Lide S. Leonard;

A bill (S. 1098) granting an increase of pension to William J. Grow;

A bill (S. 647) granting an increase of pension to Leonard Harmony;

A bill (S. 1524) granting an increase of pension to John M. Berkey; and

A bill (S. 1517) granting an increase of pension to John C. Kennedy.

Mr. CLAPP, from the Committee on Indian Affairs, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2783) to repeal section 11 of the act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1890, and for other purposes;" and

A bill (S. 2786) to authorize the Secretary of the Treasury to refund to purchasers of pine timber on ceded Indian lands sums paid in excess of the correct amounts due for timber cut.

Mr. GORMAN, from the Committee on the District of Columbia, to whom was referred the bill (S. 2138) for the relief of the estate of William B. Todd, deceased, reported it without amendment, and submitted a report thereon.

Mr. CLARK of Wyoming, from the Committee on the Judiciary, to whom was referred the bill (S. 2286) to confer jurisdiction upon the circuit court of the United States for the ninth circuit to determine in equity the rights of American citizens under the award of the Bering Sea arbitration at Paris and to render judgment thereon, asked to be discharged from its further consideration, and that it be referred to the Committee on Foreign Relations; which was agreed to.

Mr. SMOOT, from the Committee on Pensions, to whom was referred the bill (S. 328) granting an increase of pension to John W. Warner, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 322) granting an increase of pension to Isabella Workman, reported it with amendments, and submitted a report thereon.

SETTLERS ON UINTA INDIAN RESERVATION LANDS.

Mr. SMOOT. I am directed by the Committee on Public Lands to report back favorably with an amendment the bill (S. 321) to provide for the extension of time within which homestead settlers may establish their residence upon certain lands which were heretofore a part of the Uinta Indian Reservation, within the counties of Uinta and Wasatch, in the State of Utah, and I ask for its present consideration.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the committee was, in line 12, page 1, to strike out the word "matter" and insert the word "manner;" so as to make the bill read:

Be it enacted, etc., That the homestead settlers on lands which were heretofore a part of the Uinta Indian Reservation, within the counties of Uinta and Wasatch, in the State of Utah, opened under the acts of May 27, 1902, and March 3, 1903, and March 3, 1905, be, and they are hereby, granted an extension of time in which to establish their residence upon the lands so opened and filed upon until the 15th day of May, A. D. 1906: *Provided, however*, That this act shall in no manner affect the regularity or validity of such filings, or any of them, so made by the said settlers on the lands aforesaid; and it is only intended hereby to extend the time for the establishment of such residence as herein provided, and the provisions of said acts are in no other manner to be affected or modified.

Mr. ALLISON. I ask the Senator from Utah to make a brief statement of the bill.

Mr. SMOOT. Mr. President, the object in asking the extension of time for the settlers to establish their residence within the Uinta Reservation is owing to the fact that it is impossible for people to go there in February and March.

Last July the President issued his proclamation opening the reservation, and in August the drawing took place, proceeding from the 1st to the 12th of August last year. August 28 was the day set for the first filings on those lands and they were to extend for sixty days from that time, so many filings each day; and that would throw the time of settlement into the dead of winter, as the law requires it must be done within six months.

It is absolutely impossible for people to get in there in the months of January, February, or March. The bill proposes that the time shall be extended until May 15 of the present year for the homesteaders to establish their residence on the land filed on. The people had no chance to say when they could file upon the land, for that was done by the regulation of the General Land Office, and it was at a time when, as I said, it was absolutely impossible to establish their residence within six months on the lands filed on.

Therefore I ask that the bill be passed now, because February 28 is in the dead of winter, and if the time is not extended the settlers will have to go there and attempt to make their homes at that time, which would be impossible. The bill proposes to extend the time until May 15.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. TILLMAN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3007) for the relief of the wardens and vestry of Grace Church, of Charleston, S. C.;

A bill (S. 3008) for the relief of the Church of the Cross, of St. Lukes Parish, of Bluffton, S. C.;

A bill (S. 3009) for the relief of Trinity Church, on Edisto Island, S. C.;

A bill (S. 3010) for the relief of the Church of the Holy Trinity, of Grahamville, S. C.;

A bill (S. 3011) for the relief of the trustees of Enhan Baptist Church, of Grahamville, S. C.;

A bill (S. 3012) for the relief of the Protestant Episcopal Church of the Parish of St. Philip, in Charleston, in the State of South Carolina;

A bill (S. 3013) for the relief of Stony Creek Presbyterian Church, of McPhersonville, S. C.;

A bill (S. 3014) for the relief of the trustees of Black Swamp Baptist Church, of Robertville, S. C.;

A bill (S. 3015) for the relief of the French Protestant Church, in Charleston, S. C.;

A bill (S. 3016) for the relief of Winyah Lodge, No. 40, A. F. and A. M., of South Carolina;

A bill (S. 3017) for the relief of the wardens and vestry of St. Helena Episcopal Church, of Beaufort, S. C.;

A bill (S. 3018) for the relief of the trustees of the Baptist Church of Beaufort, S. C.;

A bill (S. 3019) for the relief of W. R. Parks and C. H. Stone (with accompanying papers);

A bill (S. 3020) for the relief of John P. Hunter (with accompanying papers); and

A bill (S. 3021) for the relief of Sheldon Episcopal Church, of Prince William Parish, South Carolina.

Mr. BLACKBURN introduced a bill (S. 3022) to provide for the distribution of the Annotated Statutes and Constitution of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 3023) raising the rank of Chief Engineer Robert Potts on the retired list of the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3024) granting an increase of pension to David S. Trumbo; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLARK of Montana introduced a bill (S. 3025) for the survey and allotment of lands now embraced within the limits of the Fort Peck Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. DRYDEN introduced a bill (S. 3026) to amend an act entitled "An act to establish the Department of Commerce and Labor," approved February 14, 1903, being chapter 552 of the United States Statutes enacted by the Fifty-seventh Congress; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 3027) to remove the charge of desertion standing against the name of Charles H. Collver; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3028) granting an increase of pension to Helen C. Sanderson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CARTER introduced a bill (S. 3029) granting an increase of pension to Delia A. Hooker; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3030) granting an increase of pension to William H. H. Scott; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALLEE introduced a bill (S. 3031) granting an increase of pension to Frank Westervelt; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HEYBURN introduced a bill (S. 3032) for the ascertainment, survey, marking, and permanent establishment of the boundary line between the State of Idaho and the State of Washington; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. BURNHAM introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3033) granting an increase of pension to Aaron F. Patten;

A bill (S. 3034) granting an increase of pension to Hollis W. Tinker;

A bill (S. 3035) granting an increase of pension to Charles W. Shedd (with an accompanying paper);

A bill (S. 3036) granting an increase of pension to John O. Thorn (with an accompanying paper); and

A bill (S. 3037) granting a pension to Elmira S. Tupper.

Mr. ANKENY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3038) granting a pension to Tennessee England; and

A bill (S. 3039) granting an increase of penison to Joseph Smith.

Mr. HOPKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3040) granting a pension to Mary C. Wilsey; and

A bill (S. 3041) granting a pension to Mertilla Crawford.

Mr. FRYE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions;

A bill (S. 3042) granting an increase of pension to Abraham B. Morton; and

A bill (S. 3043) granting an increase of pension to Henry D. Hall (with accompanying papers).

Mr. FRYE introduced a bill (S. 3044) to promote the efficiency of the Revenue-Cutter Service; which was read twice by its title, and referred to the Committee on Commerce.

Mr. PETTUS introduced a bill (S. 3045) to incorporate The American Cross of Honor within the District of Columbia; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Corporations Organized in the District of Columbia.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3046) for the relief of Aaron Turner (with accompanying papers);

A bill (S. 3047) for the relief of the estate of Matthew N. Grimmett, deceased (with accompanying papers);

A bill (S. 3048) for the relief of John T. Graves (with an accompanying paper);

A bill (S. 3049) for the relief of the estate of William Curtis, deceased;

A bill (S. 3050) for the relief of the estate of Peter H. Gold, deceased;

A bill (S. 3051) for the relief of the estate of Green Guest, deceased;

A bill (S. 3052) for the relief of the estate of Elizabeth Thompson, deceased;

A bill (S. 3053) for the relief of the estate of H. S. Simmons, deceased;

A bill (S. 3054) for the relief of J. W. Smart;

A bill (S. 3055) for the relief of Mrs. Ann E. Sanders;

A bill (S. 3056) for the relief of heirs of George Orville Ragland, deceased;

A bill (S. 3057) for the relief of the estate of Dr. J. E. Prestridge, deceased;

A bill (S. 3058) for the relief of James R. Nance;

A bill (S. 3059) for the relief of the estate of Mary McCaa, deceased;

A bill (S. 3060) for the relief of the Masonic lodge of Bexar, Marion County, Ala.;

A bill (S. 3061) for the relief of Joseph Lightfoot;

A bill (S. 3062) for the relief of William M. Hilliard;

A bill (S. 3063) for the relief of the estate of Bradford Hambrick, deceased;

A bill (S. 3064) for the relief of the estate of Caswell B. Derrick, deceased;

A bill (S. 3065) for the relief of Ransom Day;

A bill (S. 3066) for the relief of the Methodist Episcopal Church of Bellefonte, Jackson County, Ala.;

A bill (S. 3067) for the relief of the estate of Sidney F. Tate, deceased;

A bill (S. 3068) for the relief of the estate of Preston Smith, deceased;

A bill (S. 3069) for the relief of the estate of Solomon Smith, deceased;

A bill S. 3070) for the relief of the estate of Benjamin B. Coffey, deceased;

A bill (S. 3071) for the relief of William Cunningham;

A bill (S. 3072) for the relief of the estate of B. G. Chandler, deceased;

A bill (S. 3073) for the relief of Griffin Callahan;

A bill (S. 3074) for the relief of the estate of John Black, deceased;

A bill (S. 3075) for the relief of William C. Bragg;

A bill (S. 3076) for the relief of William M. Underwood;

A bill (S. 3077) for the relief of Amanda M. Warren;

A bill (S. 3078) for the relief of the estate of Joseph M. Witt, deceased;

A bill (S. 3079) for the relief of the estate of J. C. West, deceased;

A bill (S. 3080) for the relief of Dr. Ira G. Wood;

A bill (S. 3081) for the relief of Philip D. Wright;

A bill (S. 3082) for the relief of the estate of James Woosley, deceased;

A bill (S. 3083) for the relief of James H. Young, Benjamin F. Young, and F. A. Young;

A bill (S. 3084) for the relief of the estate of Thomas V. Provence, deceased;

A bill (S. 3085) for the relief of the estate of James H. Ware, deceased;

A bill (S. 3086) for the relief of the estate of Jonathan Paulk, deceased;

A bill (S. 3087) for the relief of the estate of Joseph Logan, deceased;

A bill (S. 3088) for the relief of Francis Wilkes;

A bill (S. 3089) for the relief of Sarah Autrey;

A bill (S. 3090) for the relief of the estate of Mirah Ballard, deceased;

A bill (S. 3091) for the relief of the estate of Elizabeth Blakemore, deceased;

A bill (S. 3092) for the relief of the estate of David Crowell, deceased;

A bill (S. 3093) for the relief of the estate of Levi Jones, deceased;

A bill (S. 3094) for the relief of the estate of M. Light, deceased;

A bill (S. 3095) for the relief of Jonathan Lewis;

A bill (S. 3096) for the relief of M. V. Stearnes;

A bill (S. 3097) for the relief of the estate of Annie Dunn, deceased;

A bill (S. 3098) for the relief of the estate of Minor Gwinn, deceased;

A bill (S. 3099) for the relief of the estate of Samuel H. Gilbert, deceased;

A bill (S. 3100) for the relief of the St. Louis, Iron Mountain and Southern Railway Company;

A bill (S. 3101) for the relief of the Northern Pacific Railway Company; and

A bill (S. 3102) for the relief of the estate of Dedrick Stokein.

Mr. WARNER introduced a bill (S. 3103) for the erection of a statue to the memory of Maj. Gen. Franz Sigel at Washington, D. C.; which was read twice by its title, and referred to the Committee on the Library.

He also introduced a bill (S. 3104) to establish a national military park to commemorate the battle of Pilot Knob; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3105) granting a pension to Elias R. Meliken;

A bill (S. 3106) granting a pension to David Silversmith;

A bill (S. 3107) granting a pension to Hugh L. Jones; and

A bill (S. 3108) granting an increase of pension to Mary M. Stark.

Mr. WARNER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3109) for the relief of W. W. Wright;

A bill (S. 3110) for the relief of the estate of Abraham Cassell, deceased; and

A bill (S. 3111) for the relief of Jesse Chilton.

Mr. TALIAFERRO introduced a bill (S. 3112) granting an increase of pension to James H. Gardner; which was read twice

by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. McCREARY introduced a bill (S. 3113) for the relief of Louis Landram, administrator of William J. Landram, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3114) granting a pension to Amanda Harris; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3115) to correct the military record of Joseph H. Stroebel; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. OVERMAN introduced a bill (S. 3116) for the relief of John F. Foard; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3117) for the relief of John H. Gray, administrator of J. W. Gray, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. ALLISON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3118) granting a pension to Frances Biglow;

A bill (S. 3119) granting an increase of pension to F. A. Beranek;

A bill (S. 3120) granting an increase of pension to Mary Driscoll;

A bill (S. 3121) granting an increase of pension to John G. Blessing;

A bill (S. 3122) granting an increase of pension to E. C. Clark; and

A bill (S. 3123) granting an increase of pension to W. H. Alban.

Mr. FULTON introduced a bill (S. 3124) to establish an assay office at Portland, Oreg.; which was read twice by its title, and referred to the Committee on Finance.

Mr. GALLINGER introduced a bill (S. 3125) granting a pension to Parthenia W. Baker; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3126) granting an increase of pension to Stephen B. Tarlton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRAZIER introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 3127) for the relief of Yandell Wood and the legal representatives of the estate of J. L. Wood, deceased;

A bill (S. 3128) for the relief of Charles R. Greene; and

A bill (S. 3129) for the relief of the estate of Dr. Alfred Martin, deceased.

Mr. HANSBROUGH introduced a bill (S. 3130) granting an increase of pension to George B. Vallandigham; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HALE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3131) granting an increase of pension to Ann E. Gridley;

A bill (S. 3132) granting an increase of pension to Georgia D. Brown; and

A bill (S. 3133) granting an increase of pension to Ambrose P. Phillips.

Mr. HALE introduced a bill (S. 3134) providing for the erection of a monument in Arlington Cemetery to the memory of Charles Vernon Gridley, late captain, United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. GORMAN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3135) for the relief of the heirs of Nicholas Stonestreet, deceased;

A bill (S. 3136) to reimburse and indemnify the town of Frederick, in the State of Maryland;

A bill (S. 3137) for the relief of Richard H. Marshall; and

A bill (S. 3138) for the relief of Caroline Murtagh.

Mr. GORMAN introduced a bill (S. 3139) for the relief of Lorenzo A. Bailey; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 3140) for the relief of the estate of Samuel Kirby, deceased; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3141) granting an increase of pension to Amanda A. Birch; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 3142) establishing a retirement or pension fund for railway postal clerks; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 3143) to provide for the extension and enlargement of the public building at Lancaster, Pa.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 3144) to provide for the casting in bronze and erection in the city of Washington of the colossal equestrian group known as "The Indian Buffalo Hunt;" which was read twice by its title, and referred to the Committee on the Library.

He also introduced a bill (S. 3145) for repayment of duty on refined sugar, and for other purposes; which was read twice by its title, and referred to the Committee on Finance.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Naval Affairs:

A bill (S. 3146) to authorize the President to place the name of Adam K. Baylor on the retired list of the United States Navy with the rank of mate, United States Navy;

A bill (S. 3147) to correct the naval record of John Clark, alias Daniel Andrews;

A bill (S. 3148) to appoint Wilbur F. Cogswell a chief engineer in the Navy and place him on the retired list;

A bill (S. 3149) for the relief of the estate of Henry C. Nields, deceased; and

A bill (S. 3150) to add a corps of dental surgeons to the Bureau of Medicine and Surgery of the Navy.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3151) for the relief of George Rushberger;

A bill (S. 3152) to refer to the Court of Claims the claim of Reaney, Son & Archbold for the *Tunxis*;

A bill (S. 3153) for the relief of Louisa Weaver (with accompanying papers); and

A bill (S. 3154) for the relief of Lena Foster (with accompanying papers).

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 3155) fixing the status of the Porto Rico Provisional Regiment of Infantry (with an accompanying paper);

A bill (S. 3156) to grant an honorable discharge from the military service to Robert C. Gregg;

A bill (S. 3157) restoring the name of Henry L. Beck to the Army rolls as captain and providing that he then be placed on the retired list (with an accompanying paper);

A bill (S. 3158) to correct the military record of Edward A. Smith (with an accompanying paper);

A bill (S. 3159) to correct the military record of Philip Graham;

A bill (S. 3160) to authorize and direct the Secretary of War to purchase certain lands on the battlefield of Gettysburg, and making an appropriation therefor;

A bill (S. 3161) to correct the military record of Edward Means;

A bill (S. 3162) to correct the military record of Joseph Beck;

A bill (S. 3163) to correct the military record of Edward T. Lewis;

A bill (S. 3164) to correct the military record of Patrick F. McDermott;

A bill (S. 3165) for the relief of Charles Mummey; and

A bill (S. 3166) for the relief of Aaron Everly (with accompanying papers).

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3167) granting a pension to Theresa Fox;

A bill (S. 3168) granting an increase of pension to Obadiah Derr;

A bill (S. 3169) granting an increase of pension to William Major;

A bill (S. 3170) granting an increase of pension to Gilbert L. Eberhart;

A bill (S. 3171) granting an increase of pension to John F. Buttner;

A bill (S. 3172) granting an increase of pension to John W. Gummo;

A bill (S. 3173) granting an increase of pension to Albert F. Rightmyer;

A bill (S. 3174) granting an increase of pension to Condy Manelius;
A bill (S. 3175) granting a pension to Allison F. Kohler;
A bill (S. 3176) granting an increase of pension to W. H. H. Taylor;
A bill (S. 3177) granting a service pension to all officers and enlisted men of the United States Army, Navy, and Marine Corps, both Regular and Volunteer, who have been awarded medals of honor, or who may hereafter be awarded such medals, under acts of Congress approved December 21, 1861; July 12 and 16, 1862, and March 3, 1863, and any other act or acts amendatory thereof or supplemental thereto;
A bill (S. 3178) granting an increase of pension to Daniel Shelley;
A bill (S. 3179) granting a pension to Mary Irvin;
A bill (S. 3180) granting an increase of pension to Jacob A. Geiger;
A bill (S. 3181) granting an increase of pension to James Searles Mann;
A bill (S. 3182) granting an increase of pension to Walter Lynn;
A bill (S. 3183) granting a pension to Emma A. Davis (with an accompanying paper);
A bill (S. 3184) granting an increase of pension to Alfred T. Hawk (with an accompanying paper);
A bill (S. 3185) granting a pension to Frederic H. Milton;
A bill (S. 3186) granting an increase of pension to Charles L. Atwater (with accompanying papers);
A bill (S. 3187) granting a pension to John Harper (with an accompanying paper);
A bill (S. 3188) granting a pension to Isabella Britton;
A bill (S. 3189) granting an increase of pension to Elizabeth Rutherford;
A bill (S. 3190) granting a pension to W. V. Feltwell;
A bill (S. 3191) granting an increase of pension to Henry B. Arnold;
A bill (S. 3192) granting an increase of pension to Levi R. Fox;
A bill (S. 3193) granting a pension to Moses E. Osborn;
A bill (S. 3194) granting an increase of pension to James E. Howard;
A bill (S. 3195) granting pensions to soldiers and sailors confined in so-called Confederate prisons;
A bill (S. 3196) to pension certain soldiers and nonenlisted men who served in the war of the rebellion;
A bill (S. 3197) granting an increase of pension to Hiram Focht (with accompanying papers);
A bill (S. 3198) granting a pension to Arthur Kennedy (with accompanying papers);
A bill (S. 3199) granting an increase of pension to Andrew J. Coulton;
A bill (S. 3200) granting an increase of pension to Solomon McMaster (with accompanying papers);
A bill (S. 3201) granting an increase of pension to Robert L. Keith (with an accompanying paper);
A bill (S. 3202) granting an increase of pension to William Johnston (with accompanying papers);
A bill (S. 3203) granting an increase of pension to Arthur T. Duncan (with accompanying papers);
A bill (S. 3204) granting an increase of pension to Josiah H. Weakly (with an accompanying paper);
A bill (S. 3205) granting a pension to Sarah Haviland (with accompanying papers);
A bill (S. 3206) granting an increase of pension to Carrie Diefenbach;
A bill (S. 3207) granting a pension to G. D. Cowen;
A bill (S. 3208) granting a pension to F. Max Gress;
A bill (S. 3209) granting a pension to Silas R. Anderson;
A bill (S. 3210) granting a pension to Annie S. Jones (with an accompanying paper);
A bill (S. 3211) granting a pension to Fayette Sykes (with accompanying papers);
A bill (S. 3212) granting an increase of pension to Joseph Umsted;
A bill (S. 3213) granting an increase of pension to George Fusselman (with an accompanying paper);
A bill (S. 3214) granting a pension to William H. Richardson;
A bill (S. 3215) granting an increase of pension to Jacob Bickart (with an accompanying paper);
A bill (S. 3216) granting a pension to Robert J. Campbell;
A bill (S. 3217) granting a pension to M. Kate Monteith;
A bill (S. 3218) granting an increase of pension to Emanuel M. Leib;
A bill (S. 3219) granting an increase of pension to Joseph M. Allison;
A bill (S. 3220) granting an increase of pension to Wilbur H. Clark;
A bill (S. 3221) granting an increase of pension to Robert Mills;
A bill (S. 3222) granting an increase of pension to Henry Golder;
A bill (S. 3223) granting an increase of pension to Elizabeth M. Muller;
A bill (S. 3224) granting a pension to Nancy A. Teeters (with an accompanying paper);
A bill (S. 3225) granting a pension to Robert W. Shaffer (with an accompanying paper);
A bill (S. 3226) granting a pension to Henry Coleman (with an accompanying paper);
A bill (S. 3227) granting a pension to Mary A. Dunkle;
A bill (S. 3228) granting a pension to Katherine E. Kemble (with an accompanying paper);
A bill (S. 3229) granting an increase of pension to Jacob B. De Hart (with an accompanying paper);
A bill (S. 3230) granting an increase of pension to William C. Bourke (with accompanying papers);
A bill (S. 3231) granting an increase of pension to W. H. Brady;
A bill (S. 3232) granting an increase of pension to Mary Jane Schnure;
A bill (S. 3233) granting an increase of pension to William S. Hosack;
A bill (S. 3234) granting an increase of pension to Henry Reynolds (with accompanying papers);
A bill (S. 3235) granting a pension to Philip S. Dale; and
A bill (S. 3236) granting a pension to Charles Hughes (with accompanying papers).

Mr. CLAPP introduced a bill (S. 3237) providing for public administrators in Indian Territory, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 3238) for the relief of James Davidson; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3239) granting a pension to Rebecca Dapron; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FORAKER introduced a bill (S. 3240) granting an increase of pension to John T. Jones; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LONG introduced a bill (S. 3241) to reimburse Ulysses G. Winn for money erroneously paid into the Treasury of the United States; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3242) granting an increase of pension to Daniel Woolley; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 3243) granting an increase of pension to Akey C. Johnson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. NIXON introduced a bill (S. 3244) granting an increase of pension to Anna F. Keith; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PATTERSON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Public Lands:
A bill (S. 3245) creating the Mesa Verde National Park;
A bill (S. 3246) ceding to the city of Canyon City, Colo., certain lands for park purposes;
A bill (S. 3247) creating the Royal Gorge National Park;
A bill (S. 3248) to set aside portions of the public domain for experiment in rubber culture; and
A bill (S. 3249) for the relief of Leann S. King, assign of Thomas Leitensdorfer.

Mr. PATTERSON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on the Judiciary:
A bill (S. 3250) to establish a laboratory for the study of the criminal, pauper, and defective classes; and
A bill (S. 3251) providing that all contributions hereafter made to political committees engaged in promoting the election of Representatives or Delegates to the Congress of the United States or of Presidential electors at any election at which such Representatives or Delegates shall be voted for shall be reported by such committees to the Clerk of the House of Representatives of the Congress of the United States, and for other purposes.

Mr. PATTERSON introduced a bill (S. 3252) granting an in-

crease of pension to David F. Crampton; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3253) to apply a portion of the proceeds of the sales of public lands to the endowment of schools or departments of mines and mining in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," and for similar purposes, being a further supplement to said act; which was read twice by its title, and referred to the Committee on Mines and Mining.

Mr. ALDRICH introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 3254) granting an increase of pension to Anna Frances Hall; and

A bill (S. 3255) granting an increase of pension to Joseph Cook.

Mr. SPOONER introduced a bill (S. 3256) for the relief of William Persons; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3257) granting an increase of pension to Walter Green; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. SCOTT introduced a bill (S. 3258) to extend School street to Columbia road and connecting School street thus extended with Fourteenth street, and to establish a park at Fourteenth street and Columbia road; which was read twice by its title, and referred to the Committee on the District of Columbia.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. PENROSE submitted an amendment proposing to appropriate $435 to pay the widow of Fergus G. Malone, late inspector of customs, for expense incurred in preserving and transporting his remains from Seattle, Wash., to Philadelphia, Pa., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

TRADE IN AMERICAN COTTON GOODS.

Mr. CLAY. I submit an amendment proposing to appropriate $250,000, and providing for the appointment of a commission for the purpose of studying the conditions of the markets of the Far East and Central and South America with a view to opening new avenues to the trade in American cotton goods, which I intend to propose to the agricultural appropriation bill. I move that it be printed and referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. CLAY. In connection with the amendment which I have just offered, I present a joint resolution of the general assembly of the State of Georgia, which I ask to have read and referred to the Committee on Agriculture and Forestry.

There being no objection, the joint resolution was read, and referred to the Committee on Agriculture and Forestry, as follows:

A joint resolution.

Whereas it is of the highest importance that new and wider markets should be found for American cotton goods; and

Whereas, while authentic reports show an encouraging increase in the volume of trade in American cotton goods in north China and in the Orient generally, there is an immense territory, both in the Far East and in Central and South America, whose people know practically nothing of cotton goods of American or other manufacture; and

Whereas the New Orleans convention of January, 1905, composed of cotton producers, southern cotton manufacturers, bankers, et al., suggested the creation of a national commission to inquire into and report in detail on the subject of additional markets for American cotton goods; and

Whereas the general assembly of Georgia is in hearty sympathy with the Southern Cotton Association in its great work: Therefore, be it

Resolved by the house of representatives (the senate concurring), That our Senators in Congress be instructed, and our Representatives in Congress be requested, to use their best and most persistent efforts to have Congress authorize His Excellency the President, without unnecessary delay, to appoint a commission of capable gentlemen, representatives not only of the South, but of the entire country, charged with the duty of visiting the territory referred to and studying its people and their condition with a view to opening up new avenues to the trade in American cotton goods.

Resolved further, That such commission should not only be composed of men qualified for the duties assigned them, but should be liberally provided for by the General Government, to the end that they may devote themselves enthusiastically to the important work and mission committed to their hands.

Resolved further, That a certified copy of the foregoing preamble and resolution, duly attested, as soon as approved by his excellency the governor, be transmitted by the secretary of the senate and the clerk of the house of representatives to each of our Senators and Representatives in Congress.

Resolved further, That as soon as the foregoing preamble and resolution have been approved by his excellency the governor it shall be the duty of the secretary of state to prepare a certified copy and transmit the same, under the great seal of the State, to His Excellency the President of the United States.

JOHN M. SLATON, *Speaker of House.*
JOHN T. BOIFEUILLET, *Clerk of House.*
C. S. NORTHEN, *Secretary of Senate.*

ACTS AND TREATIES RELATIVE TO ALASKA.

Mr. NELSON. I present a compilation of the acts and treaties relating to the district of Alaska, which has been prepared by the Bureau of Insular Affairs, War Department, together with indexes and references to decisions of the Supreme Court and the opinions of the Attorney-General, which I ask to have printed as a Senate document. In connection therewith I have a short letter from the Secretary of War, calling my attention to this matter, which is as follows:

WAR DEPARTMENT,
Washington, January 11, 1906.

MY DEAR SENATOR NELSON: I have written Senator BEVERIDGE, as chairman of the Committee on Territories, inviting his attention to the fact that some time ago I directed the law adviser of the Insular Bureau to have prepared a compilation of the statutes affecting Alaska. A very competent law clerk named Barker has made the compilation, and has introduced references to Supreme Court and other decisions affecting the Territory, and has made a very complete index. It is ready now for publication. I doubt my authority as Secretary of War to order its publication out of the War Department appropriation, and I write to see whether you could not possibly obtain its publication as a Congressional or Senate or House document. Will you kindly confer with Senator BEVERIDGE in regard to the matter, and also, if possible, with Mr. HAMILTON, of the House committee.

Very sincerely, yours, WM. H. TAFT.

Hon. KNUTE NELSON,
United States Senate.

I will say further, Mr. President, that I have made a brief examination of the compilation. I think it is a very good piece of work, which has cost the Government nothing, and, therefore, I ask that it may be printed as a Senate document.

The VICE-PRESIDENT. The Senator from Minnesota asks that the compilation referred to by him may be printed as a Senate document. Is there objection to the request?

Mr. CULBERSON. Mr. President, I should like to inquire of the Senator from Minnesota what sized volume that would make, and what would be the cost of it?

Mr. NELSON. I do not think it will be a very large volume. Part of it is in manuscript. I am not able to say just how large a volume it will make, but I have looked it through. Including the index, it would not be a very large volume—not over 200 or 300 pages, I think.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Minnesota? The Chair hears none, and the order to print is made.

WITHDRAWAL OF PAPERS—JOHN W. DAMPMAN.

On motion of Mr. PENROSE, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the case of John W. Dampman, accompanying Senate bill 2571, Fifty-seventh Congress, first session, copies of the same to be left in the files, as provided by clause 2 of Rule XXX.

REORGANIZATION OF CONSULAR SERVICE.

Mr. LODGE. Copies of the bill (S. 1345) to provide for the reorganization of the consular service of the United States are entirely exhausted. I ask for a reprint of the bill, and that 1,000 additional copies be printed for the use of the State Department.

There being no objection, the order was agreed to, as follows:

Ordered, That Senate bill (S. 1345) to provide for the reorganization of the consular service of the United States be reprinted, and that 1,000 additional copies be printed for the use of the State Department.

NATIONAL BOARD OF CORPORATIONS.

Mr. HEYBURN. I am advised at the document room that the number of copies of the bill (S. 2398) to create the National Board of Corporations and to provide for the regulation thereby of corporations engaged in interstate, Territorial, district, or insular-possession business is reduced down to about thirty. There is call for the bill, and I ask that 500 additional copies be printed.

There being no objection, the order was agreed to, as follows:

Ordered, That 500 additional copies of Senate bill (S. 2398) to create the National Board of Corporations and to provide for the regulation thereby of corporations engaged in interstate, Territorial, district, or insular-possession business be printed for the use of the Senate document room.

AMENDMENT TO RULES.

Mr. GALLINGER. Mr. President, I offer a proposed amendment to the rules, which I ask to have read, printed, and referred to the Committee on Rules.

The proposed amendment was read, ordered to be printed, and referred to the Committee on Rules, as follows:

Amend paragraph 5 of Rule XIV by substituting for said paragraph the following:

"All resolutions shall lie over one day for consideration unless by unanimous consent the Senate shall otherwise direct. After a resolu-

tion has had consideration on one day it shall go to the Calendar unless otherwise ordered, and while it remains on the Calendar no other resolution covering the same subject-matter shall be received except by unanimous consent."

HEARINGS BEFORE COMMITTEE ON MILITARY AFFAIRS.

Mr. PETTUS submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Military Affairs is authorized to employ a stenographer, when necessary, for hearings before said committee, to be paid out of the contingent fund of the Senate.

HEARINGS BEFORE COMMITTEE ON POST-OFFICES AND POST-ROADS.

Mr PENROSE submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Post-Offices and Post-Roads be, and the same is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee, and to have the same printed for the use of the committee, and that such stenographer be paid out of the contingent fund of the Senate.

GEORGE A. RAHN.

Mr. HEYBURN submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the "miscellaneous items" of the contingent fund of the Senate the funeral expenses and physician's bill of George A. Rahn, late a policeman of the Senate, not to exceed $200, in full of all other allowances.

POTOMAC RIVER MEMORIAL BRIDGE.

Mr. DANIEL. Mr. President, I ask unanimous consent that Order of Business No. 10, being the bill (S. 1373) to provide for the construction of a memorial bridge across the Potomac River from Washington to the Arlington estate property, be now considered.

The VICE-PRESIDENT. If the Senator will withhold his motion until after the morning business has been closed, the Chair will then recognize him.

Mr. DANIEL. I beg pardon; I thought the morning business had been concluded.

THE PANAMA CANAL.

Mr. KITTREDGE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed 1,500 copies of Senate Document No. 127, Fifty-ninth Congress, parts 1 and 2, in one volume, with paper cover, of which 1,000 shall be for the use of the Senate and 500 for the use of the Isthmian Canal Commission.

THE MERCHANT MARINE.

Mr. GALLINGER. Mr. President, I have some valuable memoranda in reference to the shipping question, which were very carefully compiled for the late Merchant Marine Commission; which I ask to have printed as a Senate document.

The VICE-PRESIDENT. The Senator from New Hampshire asks that the matter referred to by him may be printed as a Senate document. Is there objection? The Chair hears none, and that order is made.

EXISTING STATUS IN SANTO DOMINGO.

Mr. TILLMAN. Mr. President, I desire to give notice that on Wednesday next, immediately after the conclusion of the morning business, I shall ask the Senate to consider Senate resolution No. 39, in order that I may submit what few ideas I have got on the Santo Domingo status, which is the subject of the resolution. Since I submitted the resolution we have found out where Morales is, but I want to submit some remarks on the subject-matter.

The VICE-PRESIDENT. The notice given by the Senator will be entered.

PARTICIPATION IN EUROPEAN INTERNATIONAL QUESTIONS.

Mr. BACON. Mr. President, I offer the resolution which I send to the desk, which I shall move to have referred to the Committee on Foreign Relations. Before that order is taken, however, I desire to submit some remarks on the matter of reference.

The VICE-PRESIDENT. The resolution submitted by the Senator from Georgia will be read.

The Secretary read the resolution, as follows:

Resolved by the Senate, That interference with or participation in any controversy between European governments relating to European international questions is a violation of the well-settled, well-defined policy of this Government, which has been recognized and observed for more than a century past.

Mr. BACON addressed the Senate. After having spoken one hour—

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 529) to promote the national defense, to create a force of naval volunteers, to establish American ocean mail lines to foreign markets, to promote commerce, and to provide revenue from tonnage.

Mr. GALLINGER. I will ask the Senator from Georgia if he desires to continue?

Mr. BACON. If the Senator will kindly indulge me, I promise to be very short.

Mr. GALLINGER. I will state to the Senate that I have some amendments which I desire to offer to this bill, after which, if they are adopted, as I presume they will be, I shall ask that a reprint of the bill be ordered.

The Senator from Florida [Mr. MALLORY] gave notice that he would speak to-day, but he has not been in the Chamber, so I presume he will not occupy any time. The Senator from West Virginia [Mr. SCOTT] desires to speak very briefly, but there will be opportunity for that after the Senator from Georgia concludes. I ask unanimous consent that the unfinished business be temporarily laid aside until the matter now under discussion shall be disposed of.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered. The Senator from Georgia will proceed.

Mr. BACON. Mr. President, on last Monday I introduced a resolution requesting of the President of the United States, if not incompatible with the public interest, that certain information be given to the Senate relative to the appointment of, or the alleged appointment of, delegates to a European conference in reference to the Moroccan matter. The question of the consideration of that resolution in public was by order of the Senate considered in secret session. What I shall have to say to-day will not in any manner contravene the order of the Senate in that regard. The particular scope of the resolution was one calling upon the Senate to ask certain information from the President. I shall not discuss the question of asking information from the President, nor shall I discuss any information received from the President, because it so happens that we have not received from the President any information with reference to the Moroccan matter. What I shall have to say will relate exclusively to a great public question of vital importance and with reference to the information we have upon that subject from the press of this country and of the world, which has not been communicated to us in confidence, which is not enjoyed by us alone, but which we have learned in this public manner and which is known to all the world.

I presume, Mr. President, whatever may be true in the future, at present, at least, the right to publicly discuss such matters upon information thus obtained in public, still remains to the American Senate.

Before discussing directly the question involved in the resolution, I desire to read to the Senate part of a news article which appeared on yesterday in the Washington Post under the head, "Data on Morocco." That article, in part, is as follows:

Secretary Root yesterday permitted without hesitation a representative of the Post to see all the papers bearing on the Moroccan question. This is the subject that excited so much interest in the Senate last week by reason of the introduction of a resolution by Mr. BACON calling upon the President to send to the Senate a copy of the instructions he has given to the two delegates he appointed to represent the United States at the international conference at Algeciras, Spain, beginning January 17.

As previously announced by the Post, any member of the Senate is at liberty to call at the State Department and examine the documents in the case and study minutely every phase of the issues involved as revealed by the correspondence which resulted in President Roosevelt appointing the delegates and the instructions sent to them. The instructions were conceived and written by Elihu Root. Those who know John Hay's successor at the head of the Department of State will understand from this that the instructions do not contain anything that savors of impingement by the Executive upon the legislative functions or that in any way is calculated to commit this Government to a policy that will embroil the United States in the politics of Europe.

Both President Roosevelt and Secretary Root are known to regret the fuss and fume created in the Senate last week by the Bacon resolution. It is also known that neither of them requested Senator LODGE or anybody else to oppose the adoption of the Bacon resolution, though they heartily approved the action of Messrs. LODGE, SPOONER, and other Senators, who in the secret sessions contested the position of Mr. BACON.

PUBLICITY MIGHT INTERFERE.

It is asserted by the President and Mr. Root that the only objection to a copy of the instructions being sent to the Senate as requested by Mr. BACON is based upon the fear that some of the correspondence of the State Department with its confidential agents in Morocco and in Europe touching upon the issues involved might gain publicity and thereby cause embarrassment to two or three European nations that will participate in the Algeciras conference.

All of this correspondence is included in the pamphlet containing the instructions to the United States delegates.

Mr. President, I think I may safely assume that that publication is by authority of the State Department—at least I think I may safely assume that every allegation in it is in consequence of a communication which this newspaper reporter has had with

the Secretary of State and that the allegations are in accordance with those statements thus made to him.

Mr. LODGE. Why does the Senator think he has the right to make that assumption?

The PRESIDING OFFICER (Mr. PERKINS in the chair). Does the Senator from Georgia yield to the Senator from Massachusetts?

Mr. BACON. I have yielded, Mr. President.

I make the statement because all of the allegations in this article are of a nature which import that they could not possibly have been learned except through the Secretary of State, and the article contains the indicia of authenticity, unless we are prepared to believe that so reputable a newspaper as the Washington Post, with its well-known writers of high character, integrity, and credibility, has deliberately falsified when it represents that this information has been received by it from the executive department. That is the ground upon which I base the statement that I think we may safely assume that this statement is issued by the authority and upon the representations of the Department of State.

Mr. LODGE. Is it stated there that the information was received directly from the Secretary of State?

Mr. BACON. I would call attention to several things; but the article begins by stating:

Secretary Root—

Calling him by name—

Secretary Root yesterday permitted without hesitation a representative of the Post to see all the papers bearing on the Moroccan question.

That is the way the narration begins.

Mr. LODGE. Does the Senator think that that makes the State Department responsible for that article?

Mr. BACON. I am going on to tell the Senate why I think the State Department is responsible. I do not have any pleasure in bringing this matter to the attention of the Senate, and I shall be more than delighted if the Senator, with his close relations to the State Department, can at any time be able to rise in his seat and say that that is not the correct representation of the information imparted by the Secretary of State to this newspaper writer. I will feel a personal obligation to the Senator if he can give that assurance, and this Senate—if I may be permitted to presume so far as to speak for it—will be under obligations to the Senator if he can secure from the Secretary of State a disavowal of the things which are stated in this article.

Mr. ALDRICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Rhode Island?

Mr. BACON. With great pleasure.

Mr. ALDRICH. From my knowledge of the personal characteristics of the Secretary of State, I should think it very unlikely, if he decided to communicate to the Senate or to Senators in reference to a matter of this kind, that he should do so through a newspaper correspondent.

Mr. BACON. Very well. I shall also be under equal obligations to the Senator from Rhode Island if he can bring to this Senate that assurance. But, Mr. President——

Mr. LODGE. The Senator misunderstood my question. I do not care to discuss the statements contained in that article or any other article, for I think that would be contravening the decision of the Senate. I merely wish to find out whether the Senator is prepared to state that that article was inspired or authorized by the Secretary of State.

Mr. BACON. Does the Senator mean that I can state it as a fact?

Mr. LODGE. I should like to have it stated as a fact.

Mr. BACON. The Senator very well knows that I have no opportunity to know that as a fact. I am judging simply by surface indications—by that which appears on the paper itself—not even by any information which I have received from the newspaper reporter or the slightest communication which I have had with him on the subject, but I judge of it just as a court would judge when a paper is presented as to the authenticity of it or as to the relation which it may bear to the question.

Mr. LODGE. The Senator said we were to assume it.

Mr. BACON. I said I think it is fair to assume it, and I still think so.

Mr. LODGE. The Senator has a right to assume anything he pleases, but I think he can hardly commit the entire Senate to that assumption.

Mr. BACON. Very well. I will say for myself, as I did say for myself, I can fairly assume it. I did not presume in that to speak for the Senate; but I do presume to speak for the Senate when I say that is not respectful to the Senate, and that if the Senator can secure the disavowal of the Secretary of State he will confer not only an obligation upon the Secretary of State, but also upon the Senate.

Mr. LODGE. It seems to me that is the very best reason for assuming that the Secretary of State is not responsible for it if it is disrespectful to the Senate.

Mr. BACON. That may be true; that is one argument. But if there are other evidences which bear out in a still greater degree the fact that it is not, we must strike the balance.

Mr. LODGE. The Senator has no right to charge disrespect or any intention or desire of being disrespectful to the Senate on the faith of a newspaper article of which he knows nothing.

Mr. BACON. Mr. President, throughout this article there are statements made by the newspaper reporter which represent as speaking the sentiments, if not the very words, of the President and of the Secretary of State.

Mr. LODGE. Well, Mr. President, last week the same newspaper stated that my motion to go into secret session was made after consulting with the President in view of shutting off public information, and the Senator from New Jersey and myself had made a careful canvass of the Senate to see that it was done. If this statement is as accurate as those statements, I think it is a rather doubtful form of assumption.

Mr. BACON. I will call the honorable Senator's attention to the fact that this particular paper which I now hold in my hand represents that the President and Secretary of State denied the authenticity of that statement.

Mr. LODGE. Well, Mr. President, what the same paper said last week, which I presume the Senator will now recognize is not correct, seems to me to impair its absolute certainty as a foundation for an assumption.

Mr. BACON. I had not assumed it as an absolute certainty.

Mr. LODGE. The Senator is assuming that the Secretary of State has been disrespectful to the Senate. I say that is an assumption no one has a right to make.

Mr. BACON. There might be a difference between the honorable Senator and myself as to whether what is contained here is disrespectful. I did not assume that. I said I would assume, and I thought I could fairly assume, that this publication was by his authority and under the statement made by him. Then, as to whether or not it is disrespectful is a matter for each Senator to determine for himself.

But I did not rise for the purpose of making specifically a charge against the Secretary of State with a view of bringing him to judgment in this tribunal as to whether or not he has been disrespectful. I think, however, if the Secretary of State is responsible for what appears in this article, it could properly be suggested in the most respectful language that it is not respectful to the Senate.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from South Carolina?

Mr. BACON. I do.

Mr. TILLMAN. I wish to suggest that we could very easily settle this whole question in five minutes. When I introduced here a couple of weeks ago, or something like that, an article from the New York Herald which contained very serious imputations upon certain transactions in Panama, the Senator from Massachusetts felt so much concern that he went to the telephone and in a moment came in and in the most emphatic manner said upon the authority of the Secretary of War he pronounced the statement a lie. The same course is now open to him; the telephone is working, and with all due deference to the Senator, I think it would be entirely apropos that the Secretary of State, for whom I have the most profound admiration and respect, should be permitted now and instantly to clear himself from the supposition that in the slightest way he has done anything or permitted anything disrespectful to the Senate, because I do not believe he has done it.

Mr. LODGE. Mr. President——

Mr. TILLMAN. But, if the Senator from Massachusetts will pardon me, we have fallen into such a condition in the relationship between the Executive and the Senate that I am prepared for almost any exhibition of disrespect as well as usurpation in that quarter.

Mr. LODGE. Will the Senator from Georgia allow me, as the Senator from South Carolina addressed me?

Mr. BACON. Certainly.

Mr. LODGE. I should certainly not show so little respect either for myself or for the Secretary of State as to invite him to enter on the office of publicly denying every unauthorized statement that appears in any newspaper. In the second place, Mr. President, I should be debarred from doing so in public, because the Senate has ordered that this subject should not be discussed in public, and I desire to conform to the rules of the Senate.

Mr. BACON. Mr. President, the Senate has not so ordered. There was but one thing in the resolution which I introduced and which the Senate has committed to its secret deliberations

and consideration and determination, and that was the question whether or not we should ask of the Executive certain information. That resolution, Mr. President, did not express any opinion as to the Moroccan question. It expressed no opinion as to the propriety of the appointment of delegates. It expressed no opinion as to the propriety of our being represented at that conference. It simply asked for certain information from the President.

I am not here pressing that we shall ask for information from the President. I am not discussing the question as to the propriety of asking information of the President, and I do not propose to do that. I may not either now or hereafter revive that question, because it is a matter entirely within the control of the majority of the Senate, and it is fruitless when a majority oppose a thing of that kind, or if it should be opposed to it, for the minorty to continue to press it.

But, Mr. President, there is nothing in that resolution, there is nothing in the order of the Senate with reference to it, which debars the Senate from the consideration, in the first place, of a great abstract proposition, as expressed in the resolution which I have introduced to-day, or which will debar the Senate from a proper consideration of the question whether the particular instance now being developed in the history of this country is one which is applicable to that particular policy of this Government, and whether that particular instance is or is not in contravention of that policy.

So, Mr. President, with all due respect to the honorable Senator from Massachusetts, I must differ from him in the suggestion that there is anything in the resolution which I have submitted, or in the remarks which I propose to submit thereon, which contravenes the order of the Senate. There has been no decision on the part of the Senate that it would consider this subject in secret. As I have said before, I am not discussing any communication from the Executive. I am not discussing any subject upon which the Executive has communicated to us directly or indirectly. There was nothing in the annual message of the President on the subject, nor has there been any special communication to us on the subject. We are as free as we are upon any other question which relates to the interests of this Government. In discussing it there is nothing confidential in our possession.

Mr. President, I was proceeding to say, when I was interrupted by the Senator from Massachusetts, that I thought I might safely assume that this article was published by the authority of the Secretary of State and upon the basis of information received from the Secretary of State. Not only does the article set out the statement that in the interview, which was evidently for the purpose of conveying information to the newspaper reporter, the Secretary of State unhesitatingly showed him all these papers which have been withheld from the Senate, but there is also a general discussion of the subject of the Moroccan conference, and in that general discussion there is a statement and a repetition of the statement in more than one instance of what is said by the Secretary of State and also by the President, as well as a general statement of their views, as definitely ascertained, and not as in any manner surmised or guessed at.

Unless, sir, we are prepared to believe, which I do not, that the reporter of the Washington Post has falsified or misrepresented what occurred, we have every reason to believe from the statement made by him that these statements were made upon the authority of the Secretary of State. For this reason, while I do not assert it as a fact, I feel justified in assuming that what is published in this article has been written and published by the authority of the Secretary of State.

Now, what is the information conveyed to us in this newspaper excerpt from which I have read? It professes to give a statement of a part of what is the history of the appointment of delegates to the Algeciras conference, and then that part that it does not give it informs us each and any Senator can get if he will respectfully go to the State Department and ask permission to be allowed to see the papers.

As the Senator is talking about respect, I will not say that is an affront to the Senate or that it is an indignity to the Senate, but I will venture in all respect to the Secretary of State, for whom, like the Senator from South Carolina, I have a very profound respect and admiration—I will in that deferential and respectful manner, suggest that withholding the papers from the Senate, even though desired by a minority of Senators, and a display of them to newspaper reporters, and the information conveyed to the Senate, not in the ordinary official channel, but through the newspaper press, that if any Senator will go to the State Department and there humbly, hat in hand, ask permission to see these papers, he will be allowed to do so, is not respectful to the Senate. I shall be very much gratified to be authoritatively informed that the reporter misunderstood the Secretary of State.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from South Carolina?

Mr. BACON. I do.

Mr. TILLMAN. I am sure the Senator from Georgia does not wish to do Mr. Root an injustice, and although it is none of my business, as the Senator from Massachusetts is here as the representative and defender of Cabinet officers, and I would not by any means be suspected of interfering with his pleasant work, I feel constrained to say the Senator is doing Secretary Root an injustice, because the resolution has never been passed by the Senate—at least that is my understanding. Probably the Secretary, feeling that a tempest in a teapot had been stirred up in the Senate by his overzealous friends, has taken this means of showing how harmless would have been the passage of the resolution of the Senator from Georgia and how little would have come out of it. That seems to be a commonsense view. I may be in error.

Mr. BACON. That may be true, Mr. President, and I am very glad to accept the suggestion that possibly the Secretary of State designed it as a rebuke to his officious friends on the other side of the Chamber. I understand that to be the suggestion of the Senator from South Carolina.

Mr. TILLMAN. It seems to me that that is the only logical and reasonable explanation of the action of the Secretary of State if he did give this information to the Post newspaper; and I have no doubt that he did.

Mr. BACON. I am very much obliged to the Senator from South Carolina for the suggestion, because there is another road out of the dilemma. Not only will we be relieved if the Senator from Massachusetts will have the information conveyed to us that this report is not the representation of what occurred between the reporter and the Secretary of State, but if it did occur that it was not regarded as a reflection upon the Senate, but as a rebuke to his friends on the other side of the Chamber who had put him in this awkward dilemma. In either case we shall be relieved, and I have no doubt that the Secretary of State will be very much gratified that he shall be relieved of such an imputation.

But, Mr. President, I did not rise for the purpose of making any special animadversion upon the Secretary of State. I rose for something of more grave importance I think; that is, to bring to the attention of the Senate, and through the Senate of the country, a consideration of the question whether or not this proposed conference at Algeciras (under the information which we have in common with the rest of the world, and which we do not enjoy from any confidential communication or any exclusive information) comports with the interest of this country, whether or not it is in accordance with the traditional time-honored policy of this Government, or whether in truth it is a most pronounced violation of the policy well defined and thoroughly established and of uninterrupted observance for more than a century. That is the question I wanted to bring to the consideration of the Senate and of the public, because I think it is a most vital one.

Mr. President, for a hundred years and more, for one hundred and ten years and more, it has been the announced and universally observed policy of this Government not to commit ourselves to any entanglements in European political or international affairs. Unless I am very much mistaken in my view as to what will be the necessary result of our participation in this conference, if this is recognized as a proper thing and becomes a precedent, then for all time in the future there can no possible international question come up in Europe when it will not be considered proper for us to participate in it and become entangled in it and be affected by its result and by the general policy which will therefrom result.

The resolution recites that this is a time-honored policy of more than a century. It had its origin in the Administration of Washington. The first treaty ever made by the United States with a foreign government was the treaty made in 1778, if I recollect correctly, between the United States and France. That treaty contained a provision of alliance, offensive and defensive, between the United States and France, the only one we ever did make, and I hope the only one we ever will make. In 1793, either in the closing of Washington's first Administration or in the beginning of his second, I am not sure which, France called upon the United States to make good its pledge, and there was a great controversy in this country as to whether or not in compliance with that pledge we should go to war with England, with which power France was then at war. There was great diversity of opinion. Washington's Cabinet was divided upon it. Finally Washington sided with Hamilton and

Randolph and himself took the position that we should not engage in foreign wars at the behest and will and in the interest of a foreign country. In consequence of that decision the obligation of that treaty was directly repudiated by the Government of the United States and we refused to take part in the war between France and Great Britain.

That policy had never theretofore been announced in any State paper, it had never been announced as the policy of this Government, and the first time, so far as I know, that it was ever formally presented is in Washington's Farewell Address.

Mr. President, I could get a great number of utterances by public men upon this subject, but I have not had time this morning to collect them. The article which has called this matter to my attention and made me feel the importance of bringing it more directly to the attention of the Senate appeared only yesterday morning, Sunday, when I had no opportunity to have access to libraries. But in Washington's Farewell Address, which we read here on the 22d of every February, occurs this, directly in accord with the position taken by him with reference to the French treaty:

> Europe has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, is must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.
>
> Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not legally hazard the giving us provocation; when we may choose peace or war, as our interests, guided by justice, shall counsel.
>
> Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

That is from Washington's Farewell Address. In the message of President Monroe, in which he announced what is now known as the "Monroe doctrine," Mr. Monroe also used similar language, a part of which I will read. Said he:

> In the wars of the European powers in matters relating to themselves we have never taken any part, nor does it comport with our policy so to do. Our policy in regard to Europe, which was adopted at an early stage of the wars which have so long agitated that quarter of the globe, nevertheless remains the same, which is, not to interfere in the internal concerns of any of its powers; to consider the government de facto as the legitimate government for us; to cultivate friendly relations with it, and to preserve those relations by a frank, firm, and manly policy, meeting in all instances the just claims of every power, submitting to injuries from none.

In the succeeding annual message by Monroe the same doctrine is as emphatically stated by him, as follows:

> Separated as we are from Europe by the great Atlantic Ocean, we can have no concern in the wars of the European governments nor in the causes which produce them. The balance of power between them, into whichever scale it may turn in its various vibration, can not affect us. It is the interest of the United States to preserve the most friendly relations with every power, and on conditions fair, equal, and applicable to all.

Mr. President, I might not only give these utterances, but in unnumbered instances could I call to the attention of the Senate the utterances of our Presidents and of our Secretaries of State, of our publicists, and of our great men of all parties, enunciating the same doctrine and advocating adherence to the same policy. But it is scarcely necessary that I should take up the time of the Senate to do so, when in a general way they are so well known to all. From the day of Washington to the present time the doctrine of noninterference and nonentanglement in the international political controversies of Europe has been uniformly and continuously held by all Administrations and by all political parties in the United States, and it has become the fixed policy, the unwritten law as it were, of this country, recognized, advocated, respected, and obeyed by all.

While not taking the time to read these many utterances, I will read something which is extremely pertinent to the suggestion which I am just making as to the continuity and uninterrupted observance of this policy. I will read an extract from the proceedings of The Hague conference, showing the attitude of the United States as announced most formally there. When we so recently met with the nations of the world in that great conference, in the interest of peace and to discourage war and rob war of its atrocities, fearing that indirectly even our adherence to an agreement of such a character might be construed into an abandonment of this time-honored policy, this provision was inserted:

> And whereas the said convention was signed by the plenipotentiaries of the United States of America under reservation of the following declaration.

That is a part of the proclamation of the President announcing the making of this treaty, and this is the language of the reservation made by the delegates of the United States when they signed the peace treaty at The Hague:

> Nothing contained in this convention—

This is The Hague convention—

> Nothing contained in this convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions of policy or internal administration of any foreign state; nor shall anything contained in the said convention be construed to imply a relinquishment by the United States of America of its traditional attitude toward purely American questions.

This is as strong and distinct an enunciation of the position and policy of the United States on this subject as has been uttered by any one of our Presidents, or in any State paper which ever has been issued, or in any speech that has ever been made in Congress on the subject. I will read it again that we may weigh the words.

> Nothing contained in this convention shall be so construed as to require the United States of America to depart from its traditional policy—

What is its traditional policy?

> of not intruding upon, interfering with, or entangling itself in the political questions of policy or internal administration of any foreign state.

Mr. President, if the question whether or not the United States should take part in the Algeciras conference had then been before any body charged with its consideration, could the language descriptive of what should be done in observance of this policy be more accurate than that language is? Although intended as general language, could it be applied more specifically to any case than it can be and must be applied to the particular case before us? "Intruding upon, interfering with, or entangling itself in the political questions of policy or internal administration of any foreign state." That is the specific reservation we made in the adherence to the Hague treaty.

Now, is this participation in the Algeciras conference, in this language, "intruding upon, interfering with, or entangling" the United States "in the political questions of policy or internal administration of any foreign state?" What words more apt than these could be found to describe our action when we meet in conference the delegates of the nations of Europe to determine what shall be the European power which by virtue and authority of that conference shall hereafter dominate and control the political future of Morocco!

Mr. President, what gives rise to this Algeciras conference? The history of it is known to us all. France, having a contiguous territory, feeling that she has peculiar interests in Morocco, entered into an agreeement with Great Britain and with other powers particularly interested in the Mediterranean—those contiguous to and bordering on its shores—by which she should have thereafter a controlling influence, a political influence and domination, in Morocco. Germany took offense; but I will not go through the details, which are known to us. I will state that the issue raised between Germany and France made such a tension as to threaten war. It drove the prime minister of France out of office, and it was only by so doing that war was averted. It is a question of that magnitude and of that menace to the peace of Europe—one which, if it caused war, would embroil, in all probability, all the great powers of Europe.

Then, in order that the matter might be settled amicably, if possible, it was arranged that this conference should be had. While there are minor questions in it, as the whole world knows, the great question to come before the conference at Algeciras is as to whether France shall have a political control and domination in Morocco or whether, as contended by Germany, that political control shall be shared by her with Germany and other European powers. When we needlessly participate in the consideration of this question between these irritated and rival nations we enter into a dynamite storehouse.

Mr. President, I say that is a question particularly and exclusively a European question. That is a controversy exclusively relative to European politics. That is a question which does not concern us. It is a question which may be settled in a way to bring peace. It is a question which may be determined in a way to result in war. All Europe recognizes the fact. All the press of Europe to-day is teeming with the question whether the result of the Algeciras conference will bring peace or bring war. The European governments are marshaling their forces and concentrating their fleets with reference to the fact that it may bring war.

Mr. President, I hope and believe that war will not result; I hope and believe that peace will come out of it; but I think that while of course we desire that there should be peace and

hope that there shall be peace, so far as the United States Government is concerned, if it shall participate in that conference and if there shall be peace as the result of it, our participation will be more disastrous to us in the long run than if war should come out of it. Why? Because if war results from it, it will be taken as a lesson. It will be said, "We should not have participated in this conference, and here is the result of it." It will be a warning as to the future. On the contrary, if peace results, especially if we ourselves should be instrumental in securing so desirable a result, then it will be said, "Behold the benefit of our entangling ourselves in foreign matters, of our participating in the settlement of foreign controversies," and thereafter for all time, whenever a complication arises in Europe growing out of controversies of an international character between European powers, we will be expected to take part in it, forsooth, to assist in arriving at a conclusion one way or the other.

Mr. President, I am reluctant to detain the Senate; but there are one or two things that I wish to suggest it is proper that we should consider and that the public should consider. It is suggested that this is premature; that the President of the United States has the right to enter upon negotiations for the purpose of making a treaty, and that until such treaty is made and submitted to the Senate there can be no possible propriety in the Senate or the House asking any question of the President relative thereto; that it is an encroachment upon his prerogatives, that it is an intrustion upon his domain, that it is not entirely respectful to the President.

I grant that is in a measure true, or at least that there is room for such contention, as to any matter where the negotiation is looking to the making of a treaty, as to a matter which is within treaty jurisdiction, but I respectfully submit and urge that the main question to which I have alluded which will be before the Algeciras conference is not a question within the treaty jurisdiction of the United States.

Of course I know, as every other one knows, that there is no limit in the Constitution of the United States upon the treaty-making power of the President and of the Senate. There is no limitation whatever. There could be, so far as the Constitution of the United States goes, a treaty between the United States and Germany by which it should be guaranteed that we would see to it that France should not have a controlling influence in Morocco. But while that would not be a violation of the Constitution of the United States, it would be a violation of a policy of this Government which has become as binding in its operation as if it were in the Constitution of the United States until the people of the United States themselves shall see fit to decree to the contrary.

There are two policies known to our Government which are not found in the Constitution of the United States, but which have practically become law. Of course such laws can not be enforced in the courts, but they are obligatory upon the political departments of the Government. The constitution of Great Britain is not a written constitution, and yet there are certain principles, certain policies, known to that constitution in Great Britain which are as binding upon the Parliament of Great Britain as if there were a written constitution expressly providing for such principles and such policies, and it is only when the question has been submitted to the people and decided upon by them in a general election that Parliament feels at liberty to change what is the recognized constitution of Great Britain.

We have a written Constitution, but we have, in addition to the written Constitution, these two principles of public policy, which have become ingrafted as a part of the unwritten constitution of this country, two policies which have become recognized as of authority, two policies so long and so well established that no Executive and no Congress has the right to depart therefrom except the authority so to do is received from the people in an election where that is the issue. I do not recognize that any unwritten law can amend or repeal any provision of the written Constitution; but when, by all Administrations, by all parties, by all the people, a policy not inconsistent with the written Constitution has been upheld and recognized for a century, that policy may be considered as a part of our unwritten constitution and binding as such.

Now, what are those two policies? One is the Monroe doctrine. The Monroe doctrine, until it shall have been decreed otherwise by the people themselves when they have an opportunity to so decide in elections when that question shall be in issue, is just as much the law of this land as the written Constitution of the United States.

Mr. ALDRICH. Will the Senator allow me to ask him a question right there?

Mr. BACON. With much pleasure.

Mr. ALDRICH. Whose understanding of the Monroe doctrine is to obtain as a law?

Mr. BACON. That is a political question, and of course it must be decided by the political department of the Government. When I say that Congress has no right to change it, I am not speaking of the decision as to how it should be properly interpreted. That rests in a man's conscience. I am speaking of a deliberate and an intentional setting aside of any provision of the Monroe doctrine as the Congress that sets it aside may understand it. I speak of it as Congress understands it, and within the conscience of each Senator and Representative making up that Congress it is the law to him, because it is the well-settled and well-understood policy of this Government. While it does not require that it should be changed in the manner that is prescribed in the Constitution for a constitutional change, there is none the less the great moral obligation upon every department of the Government to observe it until the people, in the method which they are authorized to pursue to change it, shall indicate to the Executive and to Congress their will that it shall be so changed.

Again, Mr. President, we have another great policy which belongs to the unwritten constitution of the United States, and that great policy is the one we are discussing to-day, the one first announced by Washington, a policy recognized by every Administration from that day to this, a policy advocated by every public man of prominence—if there is an exception, I do not now recall it—that we should avoid entangling alliances and that we should not be committed to controversies of an international character between European powers.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Massachusetts?

Mr. BACON. Certainly.

Mr. LODGE. I have listened with great interest to the Senator's eloquent defense of the Farewell Address of Washington.

Mr. BACON. That is very kind.

Mr. LODGE. Who is departing from it?

Mr. BACON. I hope the Senator will permit me a word to thank him for the compliment.

Mr. LODGE. Who has departed from it?

Mr. BACON. I say this will be a departure from it.

Mr. LODGE. What will be?

Mr. BACON. What I am arguing.

Mr. LODGE. Who has departed from it? That is what I want to get at.

Mr. BACON. We have not departed from it yet.

Mr. LODGE. Then what is the purpose?

Mr. BACON. But if we go into the Algeciras conference——

Mr. LODGE. Is this merely a warning?

Mr. BACON. No; it is not merely a warning.

Mr. LODGE. This is to keep us from violating it?

Mr. BACON. If possible.

Mr. LODGE. The point of the Senator's remarks is to keep us from violating it?

Mr. BACON. If possible.

Mr. LODGE. I am glad to know the object of it.

Mr. BACON. I am very unfortunate. I know that I am not very happy in the ability to express clearly my ideas, and with the Senator's well-known great and acute intellect of course when he does not understand it it must be the fault of the speaker. It could not possibly be suggested otherwise, and it is extremely mortifying to a speaker when he happens to fall under the very great misfortune of not being understood by the learned and distinguished and honorable Senator from Massachusetts.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Massachusetts?

Mr. BACON. With pleasure.

Mr. LODGE. I merely want to say that I knew, of course, the Senator had some great object in what he was saying, and that the fault was undoubtedly mine. I wanted only to know what the object was. Now I have found out that the object is to save the country from violating Washington's Farewell Address.

Mr. BACON. Mr. President, it is not simply Washington's Farewell Address. It is to save the country from the violation of the policy announced in Washington's Farewell Address, which has been the universally observed and recognized policy from that day to this. I will take the privilege of saying that the repeated assertion of the honorable Senator that he has not so far understood me adds to the mortification which I feel and the consciousness that I have not properly expressed myself. But, sir, the character of this colloquy does not comport with the gravity of the subject I am discussing.

Mr. LODGE. I understood what the Senator was saying. I did not understand before why he was saying it. Now I understand he is trying to preserve the great policy of the Government, which nobody has violated.

Mr. BACON. Possibly, then, I should be relieved somewhat of the humiliation and the mortification when the Senator kindly observed that he had not understood me, that so far he has not made application of what I said.

Mr. LODGE. That was it.

Mr. BACON. I was endeavoring to make the application, and I shall proceed to do it in the very great hope that I may have the ability to state it in a way in which the Senator may properly understand it.

Mr. LODGE. I hope so.

Mr. BACON. And if he fails to understand it I know it will be due to my imperfection and not to his want of ability to thoroughly understand it.

Mr. President, to resume after the somewhat lengthy digression which has been occasioned by the facetious remarks of my honorable friend, I was endeavoring to make the application. The principle is that we shall not engage in any entanglements by participating in any conference which relates exclusively to a European controversy or a European issue or question. I was illustrating it. I had passed that by, however; but in view of the suggestion of the honorable Senator I shall return to it to the extent of stating it, in order that I may if possible escape the calamity of being misunderstood. I may possibly have been misunderstood by some other Senator. I have endeavored to show (and I only return to it because of the very serious suggestion of the Senator from Massachusetts that I had not expressed myself intelligibly) that this question is exclusively a European question. It matters not to us whether France has a controlling power in Morocco or whether she shares it with Germany.

[At this point Mr. BACON was interrupted by the expiration of the morning hour, and the unfinished business was informally laid aside that he might conclude.]

Mr. BACON. Mr. President, I will endeavor not to intrude upon the courtesy of the Senate at any great length. I simply desire to continue the direct line of thought upon which I was in the attempt at least to express, and when I have finished that I shall leave the subject, although it is a very broad one and I think is a very vital one, one which is to affect us unfortunately in the next hundred years or for all future time through a departure from the policy, as we have been affected advantageously in the past hundred years by an observance of it.

I was saying, Mr. President, that the question which relates to the political control of Morocco is necessarily a European question with which we have no right to interfere and with which it is not our interest to interfere.

Resuming the thread of my remarks where they were interrupted, I repeat that it is within the authority, of course, of the treaty-making power to make a treaty with all the other powers of Europe, or with any one power of Europe, relative to the political control of any particular part of Europe by any other part or any other government of Europe, but that while it is thus within the written Constitution, it would be in violation of that which I have denominated a part of the unwritten Constitution of the United States, which prohibits us from entering upon entangling alliances or participating in controversies purely political between European governments.

I had said that if there will result peace from this conference, as I think there will, while of course it would be gratifying to all lovers of humanity that there should be such a result, and while we desire such a result, it would have an unfortunate effect for the United States, because in a case where war resulted it would be an object lesson which would deter us in the future, and if peace resulted it will be pointed to as a reason why there is no danger in such political entanglements and we should engage in them in the future.

Mr. President, there is but one single ground upon which there can be, in my opinion, any defense made of our participation in the Algeciras conference; that is, as to its relation to our commercial interests and to the protection of our citizens there or those in whom we may be interested. As to that I desire to make two remarks. First, if it is the fact that our commercial interests are involved, and that be the ground of our interference, then there can be no possible conference between political powers in Europe relating to the political control of any part of Europe in which there will not be found the same warrant for our interference. The political control of a country necessarily exercises an influence on the business of such country, and in every instance of such a political conference it will be found for the same reasons and in the same way that we have commercial interests which are involved, because we have commercial interests in every country in Europe, and with every one of them, even the least of them, in larger degree than we have with the semibarbaric country of Morocco.

If that were the principle or the test by which we should be guided, then the policy of noninterference, of nonentanglement, would have been destroyed a hundred years ago; and the policy of noninterference and nonentanglement was made in view and in full recognition of the fact that we had such commercial relations with every other country, and the principle was adopted and has been adhered to by the United States for more than a hundred years in full knowledge of the fact and of the consequences involved in such fact.

The policy, Mr. President, is not a limited one. It is not a conditional one. It is an absolute policy as it has existed heretofore. It was not a policy that we should not become entangled in European controversies of a political character except in cases where we might have commercial interests in the country. It was a policy that we should not thus become entangled in any country of Europe, whether we had commercial interests there or not. It was not a policy that recognized as an exception that we should become entangled in political controversies in Europe in a case where by our assistance we might prevent a European war. If such were the policy, then there could be no conference called in Europe for the settlement of political controversies but what the exception would prevail, because there is no conference called with reference to a political question but what it is a conference called in the interest of peace and for the purpose of avoiding war. Therefore in every such we would be called upon to interfere on the ground that by so doing we could avert war and accomplish good.

It is an absolute unconditioned policy, for the highest and best of reasons that even though we may accomplish good, even though we may secure peace and avert war, nevertheless we shall refrain from entanglements in these conventions, because our highest and first duty is to guard the interests of our own country.

So I might go on and illustrate as to all other matters. It is not a policy that we shall refrain when we can not accomplish good and that we shall participate when we can accomplish good. It is a policy that we shall refrain at all times, whether we can accomplish good or not.

Now, Mr. President, to hasten to a conclusion so as not to impose upon the courtesy of the Senate, in what particular does the commercial interest of the United States in Morocco differentiate the present situation from any other situation where there shall be called a European conference with a view to the settlement of political disputes, and where the country out of which the questions arise has commercial relations with us? In what particular does the Moroccan commercial interest or the interest of the United States in Morocco differ from any other interest which will arise and which must necessarily exist in all cases where European countries meet together for the purpose of settling their peculiar international political differences? The only difference is one that accentuates the utter want of necessity of any participation by us in this matter.

Mr. SPOONER. Will the Senator allow me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Wisconsin?

Mr. BACON. I always do, with pleasure.

Mr. SPOONER. What conferences abroad, if any, would the Senator consider it proper for the United States to send representatives to, on his theory?

Mr. BACON. Mr. President, the question is an extremely pertinent one, and in response I will say to the Senator I think there are conferences in which the United States should be a party. I think, for instance, The Hague conference was one occasion when it was entirely proper for the United States to participate with the other civilized nations of the world, and I think that the United States were extremely prudent and guided by a proper action when they put in the proviso that nothing therein contained should be construed as committing this Government to the policy of intruding upon or interfering with any matter connected with a European international controversy.

I will say to the Senator, in order that I may give concrete instances and not have to confine myself to an abstract reply, that the conference of 1880 between the European powers and Morocco was an eminently proper one, because that did not relate to the question of the political control of Morocco. That had nothing to do with any international European controversy. It related solely to the question of the rights and privileges which should be granted to the subjects or citizens of other countries resident in Morocco, as to the privileges of ministers and consuls and their retinues, and as to the right of persons engaged in certain commercial pursuits there, and particularly as to the

right or privilege of each one of those nations to the most favored treatment that any nation received in commercial matters at the hands of Morocco. That was an eminently proper occasion for the United States to meet with the European nations and agree upon what treaty should be made with this semibarbaric country. There was there no question of international politics. There was no controversy between European nations which might lead to war. There was no question as to the control of Morocco politically by any other country commercially or in any other way.

If the Senator will consider that as a sufficient answer I will not detain the Senate by giving other concrete examples or abstract examples. I think that my reply so far made sufficiently illustrates not only those two concrete cases, but the classes of cases where it was proper for the United States to interfere.

But I will pause long enough to say in a general way that I think it entirely proper for the United States to join in a conference which relates to the regulation of commercial matters, which relates to anything outside of politics, which has no connection with controversies for dominion and power relatively between two great countries as in this case, or in a conference which has no relation to the great question of the balance of power in Europe, the great question which to-day keeps the great countries of Europe each an armed camp with its three hundred thousand and five hundred thousand armed men, a question with which, if we become connected, the time is only too short in our future when we also must be prepared to face the world in arms, in the maintenance of questions which now do not concern us but in the settlement of which we will then have the same obligation as the European nations now have.

But, Mr. President, to return, at the time the Senator interrogated me very properly, I was asking the question what differentiates this particular conference from any other conference which might be called in Europe for the settlement of European or international questions or controversies, when the fact exists that in each one of them there are and always will be commercial interests of the United States to be guarded, and which might rightfully and properly be said to be necessarily affected by whatever might be decided by such conference.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from North Dakota?

Mr. BACON. I will yield with pleasure, although I shall have to return again to the same point.

Mr. McCUMBER. May I ask a question or two of the Senator that I do not think have yet been answered? If they were answered, it was when I was not present.

Mr. BACON. Very well.

Mr. McCUMBER. I should like to ask the Senator whether he has any information that would justify the inference that the delegates selected to attend the Moroccan convention will go outside of what he declares is the settled policy of the country—that is, that they will take any part whatever in the discussion of the policing of that country or as to which power shall be the dominant power; and if there is no information to justify that inference, then I should like to ask the Senator another question.

Mr. BACON. Will the Senator permit me to answer one at a time?

Mr. McCUMBER. Very well; but this is connected with it, and the Senator can answer them both together. If there is nothing to justify that inference, then the next question is this: Suppose that we have treaty obligations with Morocco——

Mr. BACON. Now, I submit to the Senator that those are two questions, and must necessarily be answered separately. But the Senator may go ahead.

Mr. McCUMBER. Suppose we had, as it is assumed we have, a commercial treaty with Morocco, and suppose that in the settlement of this other matter the question of keeping the open door in Morocco should be discussed as between the powers, would not we be justified in sending delegates there for the very purpose of discussing that subject, and to prevent, if possible, any interference with our treaty rights or with our commercial interests?

Mr. BACON. If the Senator will permit me, I will endeavor to answer what I think are practically three questions propounded by him; and if I do not answer them, I hope he will do me the kindness to call my attention to anything I may omit, as I must bear his several questions in mind while I am endeavoring to answer one.

The Senator, as I understand, asks the question, What evidence there is that these delegates are to engage in any part of this conference relative to the political control of Morocco, or as to any of the political questions which are dividing some countries of Europe and about which they are in controversy? That is the question of the Senator?

Mr. McCUMBER. Yes.

Mr. BACON. Mr. President, unfortunately we have no evidence of that fact, because we have received no information from the executive department as to what are the instructions of these delegates. Even, however, if the suggestion contained in the question of the Senator is correct, that our delegates are limited to questions of a commercial character, or rather that their instructions do not extend to participation in any conference relative to political questions, nevertheless there are several reasons why we should not be in this conference.

As I have previously said, there can be no conference in Europe as to international European political questions which concern any country in Europe which will not relate to a country with which we have commercial relations. Therefore, if the rule is to be laid down that wherever we have commercial relations with the countries in Europe and a political controversy grows up in Europe as to the political control of that country between the nations of Europe, and war is threatened on account of that political controversy and a conference is to be called for the purpose of settling the controversy, and, if possible, of avoiding war—if that rule is to be laid down then a conference can not at any time be called in Europe upon any political international European question which will not call for our participation also, because we will always have these commercial questions there which can be affected by the result of such a conference; and in consequence, as I have already endeavored to show, if this were recognized as a sufficient reason for participating in such conferences the precedent would be established which would require us to participate in all future European conferences called for the settlement of European political questions.

Mr. SPOONER. Let me ask the Senator a question.

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Wisconsin?

Mr. BACON. With pleasure.

Mr. SPOONER. Suppose that be true, and our delegates to such a conference are limited absolutely to the questions or subjects of interest to the United States, what is the objection to that? Let me put another question.

Mr. BACON. Which one shall I answer first?

Mr. SPOONER. Answer them together. Does the Senator conceive it to be impossible, or at all difficult, where a conference is to be held that involves questions of interest to the United States and also questions of purely European interests, that the representatives of the United States may attend, and properly attend, that conference, and after having looked to the interests of the United States withdraw from it? Is that inconceivable?

Mr. BACON. I will take the first question, or answer both together.

Mr. SPOONER. Does the Senator conceive it impossible that the representatives of the United States may properly attend a foreign conference which deals with questions affecting the interests of the United States and also with European interests, limited in their powers to a consideration only of American interests, and instructed that when that is concluded they shall withdraw?

Mr. BACON. Mr. President——

Mr. SPOONER. If the Senator will pardon me one observation, on his doctrine, or his argument, in all cases and with all countries with which we have commercial interests and concern we would keep away from all conferences.

Mr. BACON. No; all political conferences.

Mr. SPOONER. Oh! But suppose it is both commercial and political. Is the Senator's argument that where both are combined we should keep entirely away?

Mr. BACON. Yes.

Mr. SPOONER. And that we should attend only those conferences across the sea where there is involved nothing but our commercial interests?

It will often happen, as it has happened before and happens now, perhaps, that a conference is called, which involves directly the commercial interests or treaty interests of the United States and also involves European political questions with which we have no concern. On the Senator's theory we should stay away from such a conference and leave American interests to go uncared for, rather than act on the theory, which seems to be a sound one, that we may attend it with perfect propriety, and when American interests are disposed of withdraw from it, taking no part whatever in the controversy as to European policies. Now, is not that a fair statement of the situation in this transaction so far as the Senator knows it?

Mr. BACON. Mr. President, the Senator has asked such a

number of questions, and has made comments upon them, that I can only answer in a general way, because it is not possible to answer specifically questions put with such complement of argument—sound argument, or, rather, plausible argument, if he will pardon my so denominating it.

Mr. SPOONER. The Senator will pardon me——

Mr. BACON. I always enjoy the interruptions of the Senator, even if the Senator prevails in the argument. I then have consolation in the consciousness of having been overthrown by an Ajax and not by one of small prowess.

Mr. SPOONER. I have rather a poor memory, Mr. President, and I fail to recall any time when the Senator admitted I had prevailed when there was a controversy with him. [Laughter.]

Mr. BACON. Probably that excuses the generous indisposition of the Senator to recognize that fact himself in my case, but in my struggles with him it might have been so recognized by others less magnanimous than he.

But, Mr. President, that brings me back really to what I was saying in response to the inquiries of the Senator from North Dakota [Mr. MCCUMBER]. Here is a proposition, that if the controversy is a political controversy and relates to a country with which we have commercial interests and if the fact of the existence of such commercial interests is to determine the question whether we are to be parties to a conference, then there can be no conference in Europe with reference to a political controversy that will not call for our participation, at least in part, because there is no country about which a controversy can arise in Europe with which we have no commercial relations.

Mr. SPOONER. Mr. President——

Mr. BACON. If the Senator will pardon me, I will yield to him later in the fullest degree. I assure him of that. I wish him to allow me to state my proposition before I am compelled to break it in two.

The conclusion from that proposition is this: The avoidance of entanglement in European political controversies is so important, and the evils of participation in a conference over political controversies of an international European character are so great, and in consequence the necessity for the observance of the rule of nonentanglement is so imperative, that unless it can be shown to be utterly impossible to accomplish that result in any other way it would be unwise for us to participate in any European conferences which will endanger our being entangled in those controversies.

We have before had conferences in Europe, but they have always related to countries with which we had commercial interests; they have always related to countries with which we had tenfold more interest than we have or ever will have in Morocco; and yet the proposition has never before been advanced in the Congress of the United States, or in this branch of it, that because of that fact when European governments met together in conference for the purpose of settling the question of the political control of any part of Europe we should be there as a part of that conference for the purpose of protecting our commercial interests—never. If the suggestion of the Senator from North Dakota [Mr. MCCUMBER] and the contention of the Senator from Wisconsin [Mr. SPOONER] are to be adopted as the proper policy of the Government hereafter, the result of it must be that hereafter we must be parties to all political conferences in Europe, because they will always relate to countries in which we have commercial interests.

Mr. MORGAN. Mr. President——

Mr. BACON. If the Senator will pardon me until I finish my answer, then I will yield with pleasure. I will recall it to him if he does not remember it, and if he does not interrupt me for the purpose I will ask him to do so.

Mr. MORGAN. Very well.

Mr. BACON. In this particular instance there is absolutely no excuse for our going there for the protection of our commercial interests—that is, so far as we have information through the public press of the country, through dispatches from Europe, and the different statements as to what are the subjects-matter for consideration in this conference. We have every reason to rely upon what statements are made in the press as to these matters—these dispatches are from the great capitals of Europe—for the reason that these countries have not acted in secret as to what they proposed to do and as to what questions are to be under consideration at this conference.

France has issued a book (called the "Yellow Book") in which she has given the whole history of this matter from her standpoint, giving, as I am informed, all that she has done and all that she contends for. Germany has also issued a book (called there the "White Book") in which she has made public to the world every step that she has taken and every contention that she has made. Therefore, when the papers state that such and such are the provisions of the agreement of conference we have every reason to believe that these statements are reliable from the fact that they are not based on rumor, but are based upon the published reports of the Governments, which, unlike the Government of the United States, have made public to the world what they propose to do and what are the issues they propose to have settled. It is stated emphatically and not denied, and I have no doubt it is absolutely true, that the agreement to be submitted in this matter to the conference especially excepts from all power of consideration by that conference the question of any change in the commercial relations as settled by the treaty of 1880.

The treaty of 1880 between Morocco and almost all the civilized countries on the globe, all the leading powers of Europe and the United States included, expressly provides that each nation shall have in its commercial intercourse in Morocco the benefit of the most favored terms which shall be given to any other nation. There is a permanent treaty containing that guaranty; and this submission to that conference expressly provides that while the delegates sent to that conference may settle the question as to whether France shall have the predominant control in Morocco or whether Germany shall share in it, and while it may settle other questions of a political character, it shall not touch the consideration of the question of the commercial relations of any country with that Government as settled by the treaty of 1880. Now, what possible excuse can there be, in view of that, for our participation in this conference? If that were not there, there would be every opportunity for us to have acted as we did in 1880 in a conference which related exclusively to these personal and commercial matters, and not be mingled and mixed up and take part in these great European questions which threaten war. It is because it is known that this controversy threatens war that the powers are ostentatiously parading their military and naval strength, that armies are being concentrated on the frontier, and that all these nations, and, I am sorry to say, including the United States, are concentrating their fleets to-day at Gibraltar. There is a warlike pageant there to-day that has no part in the assembling of a peaceful conference to determine on matters of friendly commerce and trade.

Mr. HALE. Mr. President——

Mr. BACON. I promised I would yield in a moment to the Senator from Alabama [Mr. MORGAN] and that I would call his attention to an interruption he desired to make, so I hope the Senator from Maine will excuse me for a moment.

Mr. MORGAN. I desire merely to make an inquiry of the Senator from Georgia or any other Senator. I want to know whether we have any authentic or official statement of any invitation for the Government of the United States to participate in this serious conference? Has that been brought to the attention of the Senate? I suppose, Mr. President, that the character of the invitation would, in a large measure, if not entirely, determine the character in which we accepted it, in which we are to be represented, and the purpose for which we are to be represented in that conference, if you call it such. Therefore I think the Senate ought to be informed of the nature of the invitation, so as to see whether it is proper for the President of the United States to accept it in full or to accept it in part, or whether the acceptance of it would create that state of entangling alliance with foreign European governments in respect particularly of political questions that we have always denounced in every action heretofore taken, more particularly in sending our delegates to the Panama conference.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Maine?

Mr. BACON. Will the Senator from Maine allow me to answer the question of the Senator from Alabama?

Mr. HALE. I am called from the Chamber, and desire to say only a few words.

Mr. BACON. I will yield to the Senator from Maine [Mr. HALE] now, and will reply to the Senator from Alabama [Mr. MORGAN] later.

Mr. HALE. I only desire to say, Mr. President, that I do not in the least regret this discussion. I think in all matters relating to not only action upon treaties submitted to the Senate, but upon grave considerations involving the negotiation of treaties, that the participation of the Senate was never by the framers of the Constitution intended to be shut out. I do not go so far as some Senators have gone in saying that until a treaty negotiated by the President is submitted to the Senate in terms the Senate shall stand dumb.

Mr. President, in that storehouse of information upon this subject, the Madison Papers—and the best form of those papers is the edition that was authorized by a resolution of Congress, edited by an eminent master of jurisprudence—whoever will go

back to that fountain head of discussion and of consideration of all these great subjects, including the treaty-making power, will find that the participation of the Senate in all matters relating to treaties was most jealously guarded. Both Mr. Rutledge and Mr. Pinckney submitted the grave proposition that the entire treaty-making power should be left with the Senate. Mr. Dickinson and Doctor Franklin believed that it should be left to an Executive, with an executive council. Whoever examines that record and goes to the fountain head of information will find that the compromise, that was at last agreed upon by one vote of all the States, only came after a determined resistance on the part of the advocates of the power of the Senate, that the Senate should still be in sympathy with all subjects-matter attending foreign relations either before or after a treaty should be submitted.

It is said that we may trust the Executive. I think we may; but what would happen if at some time there was an Executive that we could not trust? What would happen if an Executive should desire to rehabilitate his own fortunes or build up the waning strength of his party by a war issue, and the Senate believed and was convinced that there was danger of that? Must the Senate wait until the mischief is done?

Mr. SPOONER. Will the Senator allow me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Wisconsin?

Mr. HALE. I do.

Mr. SPOONER. The Senator speaks outside of treaties. The Senator is not referring to treaties?

Mr. HALE. I am referring to steps that lead to treaties.

Mr. SPOONER. I should like to ask the Senator what would the Senate do in such a case?

Mr. HALE. I have no doubt, Mr. President, that if such a condition as that I have touched upon arose, and it was believed that an Executive for such reasons—they do not apply now, as I have indicated—was taking advantage of his power to commit the country to a war policy, I have no doubt that the Senate, in connection with the House of Representatives, could and would interfere by joint resolution and would not let that danger be presented to the lips of the Republic.

So, as I say, I do not go so far as some Senators do in believing that the Senate can do absolutely nothing until a treaty in form is launched before the Senate. But I am not troubled upon this matter now by any consideration of that kind. Under the administration of this Government as now conducted I do not believe that the Secretary of State, who has immediate charge of all these matters, will in any way involve this country, or let it be involved, in any of the controversies that will arise out of this conference between European powers. I think we may safely assume that the conservative interests of the country will be guarded in that respect, and that the Senator need have no alarm.

I wish—I am not hesitant in saying that I wish—that the Secretary of State and the President acting together had determined not to send delegates to this conference. The conference is, as the Senator from Georgia [Mr. BACON] says, not a conference called to meet commercial questions. It is a simon-pure outright political conference. It has given rise to great excitement; the European press has all been full of it, and, I am sorry to say, Mr. President, that our press has been full of it—a thing with which we have little or no concern, and the less concern that we have with it the better.

I do not find fault. I can see that the Secretary of State and the President, being called upon, as I think they were, by this little fought-over country of Morocco to send delegates, determined to send them. I can not speak for the President or the Secretary of State, but I should, if I made a guess, think that if the matter were to come up now, in view of the discussions, in view of all the conditions, the President and the Secretary of State would hesitate to send delegates to this conference. But they have gone there.

The danger, Mr. President, is not from the President nor from the Secretary of State. The danger of this whole business is the still ascending prominence of the war sentiment in the country. The President is not accountable for that; the Secretary of State is not accountable for that; we are not accountable for that.

I picked up a copy of this morning's Post, Mr. President, and I have it here. It is a newspaper which deserves all that has been said of it by the Senator from Georgia. It means to be a careful paper, and it is mainly a conservative paper; but the Washington Post this morning has more than a whole column showing that our danger of getting into these complications and getting into entangling alliances is not from the President nor from the Secretary of State nor from us, but from outside sentiment. More than a whole column is given to this Moroccan question, to what will come out of it, to the presence of our fleet at Gibraltar, and to the complications that will result. In the same paper, in a little inconspicuous place, is a notice of a common mine conference between all the operators of coal, all the representatives of the transportation of coal, and all the organizations that represent labor in the mining of coal and its transportation, but it is given no conspicuousness. Nobody thinks of that. The trouble is, Mr. President, that, under the incitement that the military sentiment is constantly pushing us forward to, with every officer of the Army and of the Navy eager and anxious for a complication that will bring us into war, the public attention is drifting away from the tremendous problems that at home are clutching at the foundation of our entire social and business and political fabric.

I hope to live long enough, it may be I shall not, when the obscure item which is given in the Post of this great meeting, involving all these great questions of coal transportation, of coal mining, and the interests of coal operators, the interests that labor has, will excite some attention, and that we will cease to give the best of our thought and our agitation to these foreign problems.

We have very little to do with Morocco. We could negotiate, if need be, another treaty with her in sixty days by sending commissioners for that purpose. In this conference between the European powers, who stand with hands at each other's throats, making an excuse for innovation and a policy that may mean war, the question of commerce will never have an ounce of consideration. The subject of commerce and of our commerce will never have the consideration of a moment in that conference. It is called for another purpose; the interest in it is in another purpose, and it would be much better if we kept our hands off of all such things.

I wanted to say this, and I want to say that I do not agree with the Senator in his apprehension that either the President or the Secretary of State is going to lead us into any trouble in this matter. The conservative instinct will take care of that. We shall get out of it without being entangled in the jealousies and strifes of the European powers. But I think this discussion itself is valuable, and I am very glad it has taken place.

Mr. BACON. Mr. President, I have listened with great pleasure and interest to what the distinguished Senator from Maine has said. I agree with him in almost everything he has said, and I will indicate a little later wherein I unfortunately differ from him, as slight as that difference may be. I certainly agree with him decidedly as to the principles announced on all matters.

First, however, before responding to what was said by the distinguished Senator from Maine, I will reply to the inquiry of the learned Senator from Alabama [Mr. MORGAN]. The Senator inquires whether we have any evidence of the nature of the invitation which has come to us for participation in this conference. I think it is extremely unfortunate, Mr. President—and I believe that every Senator who hears me thinks it is unfortunate—that the President had not taken us into his confidence when he sent his most elaborate message to the Senate at the beginning of this session, in which he treated of so vast a number of subjects.

It was extremely unfortunate that this most vital of all subjects, in my opinion, was not touched upon by him in his message, and I can only attribute his failure to do so to the fact that in the multitude of other matters he was not impressed with the importance of this step which he was about to take or had taken. I attribute it to no desire to withhold from the Congress of the United States information which it is proper to have and which the public should have. I say I think it is extremely unfortunate. I do not believe there is a Senator in the sound of my voice who does not agree with me now in that proposition, especially in view of the fact that the governments of Europe interested in this matter have without hesitation published to their countries and to the world everything that relates to the connection of each of their governments with this most important problem.

We are left to the information which we gather from other countries, and to the statement of newspaper correspondents of what has been given to them by the State Department. All I can state in answer definitely to the learned Senator from Alabama is in reading still further from the excerpt from which I read this morning from the Post, in which it is stated what is the character of the invitation which has been sent to this Government. The Senator will perceive that there is no invitation here to participate in any partial consideration. There is no invitation here to limit the action of the delegates of the United States to the consideration of commercial or per-

sonal questions; but it is a broad invitation to go into that conference on the same footing, and with the same powers, and with the same scope of duty as the delegates from the European countries thus vitally interested in the maintenance of the balance of power in Europe, and sensitive and alert even to the point of war in the prevention of undue advantage of any one country at the expense of the powers exercised by another.

I read further from the article from which I read this morning, beginning at the point where I left off. This article from the Washington Post appeared in yesterday's paper:

Examination of the correspondence shows that this Government was invited to participate in the conference by the Sultan of Morocco. The Mohammedan monarch was constrained to extend an invitation to the United States along with exactly worded invitations to all of the European nations of the first class, because this country was one of the signatories to the international agreement with Morocco in July, 1880, as the result of an international conference at Madrid, Spain, called at the request of the ruler of the Shereefian empire to bring his country within the pale of Christian civilization.

It is true that that statement is made as giving a reason why the invitation was the same to the United States as it was to the other countries, but that does not change the fact that the invitation is the same to this country as it is to the other countries. We all know, as stated by the distinguished Senator from Maine, that while there may be minute reference or attention paid to commercial matters, this conference is called for the settlement of questions on account of differences as to which France and Germany to-day have their hands ready to lay upon each other's throats.

Mr. President, there is a further fact that we learn from the European press, informed as it has been by its own governments. The very agreement upon which this conference is based specifies that the conference shall not have power to interfere with the commercial relations now settled by treaty as between Morocco and these other countries. So if such were the reason it is not a good reason.

There is no reason why the fact that the United States was a party to the Morocco treaty should require that it should be a party to this treaty, because the main thing in the Moroccan treaty, the treaty of 1880, it is stipulated shall not be interfered with by this conference.

Mr. President, in relation to the very interesting remarks of the distinguished Senator from Maine [Mr. HALE], I thoroughly agree with him, and not only so but I believe that nine out of ten men who have heard him to-day agree with him as to the principles which he has announced, and as to the policy which we should observe and of which we should be regardful. I do not expect to hear any Senator rise in his place to-day and take issue with him as to these principles and policies. There is but one point upon which I differ from the learned Senator. As I understand the position of the Senator, he very frankly says that he would have preferred if we had not been parties to this conference, and he gives the soundest and the best and most unanswerable reasons why his preference in that matter is well founded. But he says that in this particular case we have no particular reason to fear.

Well, Mr. President, I do not believe that any great injury is going to come to us out of this particular case, because I believe, as I hope, that it is going to be settled peaceably; but the question as to whether it is a prudent thing to do is not to be settled by the question of what is most likely to happen; it is to be considered in the light of what may possibly happen. I put to the Senator a question upon the result of this conference as to Germany, for instance, and I only speak of these countries because of the facts involved, and what I am saying does not relate in any manner to any relation between us and these countries, and consequently there is no indelicacy in speaking of it. If the result of this conference should be one which Germany would refuse to abide by, what would result? Where would stand the United States? Suppose, for instance, as is given out in the papers—and who will doubt it?—the European governments are looking to the United States as one power which is to exercise a great influence in determining what shall be the order and decree of that conference. It may be that there is a tie vote except the vote of the United States, which may be the one to decide upon the judgment and order of the conference. It may be that the deciding vote of the United States shall determine a policy to which Germany will object and on account of which she will go to war.

Mr. HALE. Now, I should hope——

Mr. BACON. I hope the Senator will pardon me and let me finish. I always listen to him with the greatest pleasure, but it is better that I should finish the proposition——

Mr. HALE. Very well.

Mr. BACON. Because there is another alternative that I wish to put, and I shall then be more than glad to hear the Senator, as he always enlightens every question which he touches.

Suppose that in the vote, as I was saying, it should turn out as the result that the determination was reached in consequence of the casting vote of the United States Government, and that on account of the decree and order of that conference Germany should refuse to abide by what it should thus determine and should go to war, where would stand the Government of the United States? I understand the Senator, and I hope he will reply afterwards, because I will be more than glad to have him do so.

Mr. President, when European nations get together in a conference for the purpose of settling a question on account of which war is threatened, there is an implied and moral obligation, in the first place, that they will abide by the judgment and decree of the conference; and there is an implied and a moral obligation, in the second place, that if any power refuses to abide by the decree of that conference those who thus agree to it will compel its obedience. They are not there for idle play. They are not there for the solution of abstract conundrums. They are there for the practical and, if need be, the forcible settlement of great questions upon which will depend the powers of the world and who shall exercise them.

When they agree to get together in the conference the country which consents to that conference and then refuses to abide by it is at war with all the others, and all the others are under a moral obligation to enforce it. To-day a large part of Europe, an important part of it, is regulated and controlled by the decree of the Berlin conference. If there should be on the part of any one of the signatory powers an infraction of that decree, every government a party to that decree is under a moral obligation to support every other power in the enforcement of that decree. The United States can not take part in that conference, it can not be one to decide by its vote what shall be the decree, and then refuse to assist in the enforcement of the decree.

Now, I have one more suggestion to make, if the Senator will pardon me. It will be very short, and he can answer them both together, because they are cognate. Suppose, as in the European press it is suggested, that possibly the American delegates will not vote, but that they will simply counsel and advise, and suppose, in consequence of that counsel and advice there is a result reached which otherwise would not be reached, because sometimes a man's counsel and advice is worth very much more than his vote, as is the case with the learned and honorable Senator from Maine. Yet the moral obligation upon the United States, which would thus be imposed by its action would be no less great than the moral obligation in case it had itself voted. In either case to shirk the responsibility of the result brought about by its own act would be a pusillanimity.

Now I will hear from the Senator, although I have not quite completed what I had to say in response to his valuable suggestions.

Mr. HALE. The point on which the Senator arrested my attention was the proposition that it might happen, not upon some matter touching commerce, not upon some matter affecting our trade, but upon some matter vitally affecting the peace of Europe, that there might be a drawn condition among them, and that the vote of the delegates from the United States would decide the result.

My mind, Mr. President, is as clear as crystal upon what should be done and what I believe would be done in such a grave emergency. Conferences to-day are not like the old-fashioned world conferences, where the world learns the result after weeks and weeks have passed, where battles are fought after treaties have been concluded, but every nation is in hourly and momentary touch with its representative in any great conference.

I should have no doubt that in such a condition, in such a grave emergency as the Senator has arrayed before us, the Secretary of State would telegraph the approval of the President that the United States delegation should decline absolutely participation in that vote.

Mr. BACON. But, if the Senator will pardon me, would it not be better that they should be kept away from there altogether?

Mr. HALE. They are there. I wish they were not, but they are there; and when it comes to a critical condition, if it ever does, I should have no doubt that Secretary Root, backed up by the President, would send a swift dispatch over the wires that in these conditions the American delegation is instructed not to vote, and, if need be, to emphasize its absolute declination to participate in the grave problems that are confronting the powers of Europe, to withdraw from the conference and return home.

Mr. BACON. Exactly.

Mr. HALE. But I do not agree with the Senator in his intimation that that would involve any pusillanimity on our part. That is, we do not go into the conference in the way European powers do. The reason that is given is a slight one—the commercial relations; and if the other things, which mean war, horrid war, between European powers, jealous of each other, confront that conference and our deciding vote shall settle it either way, I have no more doubt than I doubt that I stand here before the Senate, the Administration would withdraw our delegates absolutely, if necessary, and that Europe would go on and fight its own fights out and take the dread arbitrament of war, in which we have no part and ought to have no part. I would not be troubled in the least by the situation that the Senator has pictured.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Indiana?

Mr. BACON. I hope the Senator will allow me to reply to the Senator from Maine.

Mr. BEVERIDGE. I wish to ask only a question for information. How many European powers are requested to attend this conference? Senators have been talking about a deciding vote. I think there are seven.

Mr. BACON. So far as I can gather from the public press, France, Germany, Great Britain, Austria, Italy, Spain, and Russia.

Mr. BEVERIDGE. Seven. So there can not be a tie vote of seven.

Mr. BACON. Oh, well.

Mr. BEVERIDGE. But the Senator talks about a deciding vote.

Mr. BACON. Possibly one of them might withdraw. We can not tell. But that is not material.

Mr. President, replying to the Senator from Maine, as I catch the meaning, the kernel of the Senator's suggestion, when reduced to its last analysis, it at last comes back to what the Senator has substantially stated, although with very much more point than my words, to wit, that we really have no business there. What the Senator has last said, when reduced to its last analysis, means that we have no business there, because, according to the suggestion of the Senator, if the time ever comes when what we are to do is to influence the action of that convention our delegates should be telegraphed to withdraw from it. As the Senator says, we have no business there; it is a mere matter of tinsel, so far as that goes, a mere parade, so that we may hereafter be classed with the great war powers, a mere sending of delegates to cooperate with delegates from European powers as a matter of pompous show and display, with the simple understanding that they are there merely as a matter of ornament and not to accomplish anything, not to attend to anything; but that if it reaches a point where their participation will determine the result they will be telegraphed to withdraw. If so, why are they there at all?

This construction of his last utterance is all consistent with what the Senator from Maine says. The Senator from Maine said in his previous remarks that he not only wishes that they were not there, but he has practically said that they have no business there; that we have nothing to accomplish there for the good of this Government, but that we have great dangers to incur to this Government on account of our participation.

Then he goes further to express his confidence in the President and Secretary of State, and says if it should turn out that our presence there would be a matter which would exercise an influence on the determination of these grave questions by the conference, his mind is clear as crystal that they would be instructed to withdraw from it.

But I want to follow still further the suggestion of the Senator in the first part of his interesting remarks as to whether or not he would agree with me in my present contention so far as regards the present instance. Mr. President, if we concede all that the Senator says, if we recognize the propriety and correctness of his want of concurrence in the propriety of mingling in such matters, is the question as to such propriety met by the suggestion that in the present case there is such confidence in the President and in the Secretary of State that no harm will come, that no harm will come in this instance because of the confidence of the Senator that we now have a good President and a wise President and a good and wise Secretary of State?

Conceding that no harm will come, and conceding the soundness of all the confidence which he expresses in these high and distinguished officers, does the Senator shut his eyes to the fact that we are establishing a precedent? If a good President and a wise President and a good Secretary of State and a wise Secretary of State and a patriotic President and a patriotic Secretary of State can send delegates to a European conference relative to European international controversies, can not an unwise President do it? Can not an unwise Secretary of State advise it? Can not a President not so good and not so patriotic and a Secretary of State not so good and so learned and so patriotic as the Senator believes these officers to be also do these things.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Maine?

Mr. BACON. Certainly.

Mr. HALE. I have already stated that such a condition might happen. There might be an Executive and an Administration that believed a policy which embroiled us in war would be to the advantage of the President or the Administration in precipitating a war. I have felt that we have a safe standing with the present President and Secretary of State, and that can not result.

And I do not believe that in such a condition the Senate and House of Representatives are robbed of all power and must wait until the mischief is done. The Senate is not an eleventh-hour body. It has not got to wait until the horse is stolen. There would be under such condition the right in Congress to arrest and prevent the great calamity which would fall upon the country from such an Administration.

Mr. BACON. I quite agree with the Senator in that opinion as to the powers and duties of the Senate.

Mr. NEWLANDS. May I ask the Senator a question?

Mr. BACON. If the Senator from Nevada will permit me to reply to the Senator from Maine first, I will then yield with pleasure.

I quite agree with the Senator from Maine in that regard, Mr. President, and I am only replying to so much of what he said as might be construed into a consent on his part to the propriety of such interference and such entanglement in a case where there happened to be a good President and a good Secretary of State. I said in the earlier part of my remarks that this rule is an absolute rule. It is not a rule with qualifications. It is not a rule with exceptions. It is a rule absolute and without exceptions that not only when we have a good President or when we have a good purpose are we to abstain from these entanglements, and not only when we fail to have them are we going to abstain from such entanglements, but also whether we have a good President or a bad President, or a good purpose or a bad purpose, we are to abstain, because the rule must apply equally in each case.

I was simply endeavoring to point out that while the Senator might be free from apprehensions on account of the particular facts in this case and the particular officials involved, still we are engaged in a matter which establishes a precedent, a precedent which may be followed in the future, and followed by one not good and not wise who may sit in the Executive chair, because it is altogether possible that there may be such a fate in store for this country. The time was when a man who was not a good man had in the electoral college a tie vote for the Presidency of the United States, a man who afterwards was tried for treason to the United States. Now, I will hear the Senator from Nevada.

Mr. NEWLANDS. Mr. President, on this very question of precedent I should like to ask the Senator from Georgia a question. I understand him to say that the question in this matter will be a question for the future, even though the action may be attended with no ill results. I wish to inquire whether there are any instances in the history of the country in which similar action has been taken by the Government. In this connection I would ask the Senator to differentiate between the action taken by the President in this case and the action taken by Mr. Hay at the time of the breaking out of the war between Russia and Japan when he addressed a letter to the great powers, including Russia and Japan, intended to secure the integrity of China and to confine the war entirely to Manchuria.

As I understand it, that was a political complication, not merely a commercial complication. I do not understand that the action was taken upon the ground that we had commercial interests there in jeopardy. It was just as much political action then as this action is to-day. How would the Senator differentiate between those two cases?

Mr. BACON. Mr. President, I may be very unfortunate in my view of the two cases, but it seems to me that they bear no similarity whatever. In the first place, there was no conference. There was no delegation of power to anybody.

Mr. NEWLANDS. Yes; if the Senator will permit me, there was an interference upon the part of the United States with a political complication existing upon the continent of Asia. How did the United States have anything more to do with that polit-

ical complication than it can have with a political complication in Europe? If we have no business in the political complications of Europe, have we any business in the political complications of Asia? Let me say to the Senator that I am not taking any position hostile to that which he assumes. On the contrary, I am quite sympathetic with the view that he expresses. I simply wish to inquire whether we have not gone already a considerable degree in the line of this policy of interfering with matters that are no concern of ours?

Mr. BACON. Mr. President, it is possibly true that we have, but that would be no reason why we should go still further. It would be rather a warning to us why we should be on our guard not to proceed still further.

Now as to whether or not the Senator's suggestion is entirely accurate, that in the matter of the suggestion of Secretary Hay we violated this rule which has been laid down and observed by our Government for more than a century, it would take, of course, a good deal of time to analyze all that and to discuss the relation of it and the question as to whether it was such a policy.

But there is this great distinguishing difference between the two, that in the one case there was no conference of the powers, no delegation of authority of the powers of Europe and of America, but there was simply a note, if I recollect correctly, sent by Mr. Hay to each of the representatives of this Government at the courts of the leading powers intimating that there should be a suggestion to the two great powers then engaged in war that they would limit the theater of war to the country in which it legitimately belonged, and that there would not be an intrusion by the armies of those countries into the adjacent country and territory of China. The question as to whether or not that was entirely proper I can not now stop to discuss, and if it did infringe upon the well-established principle I would deprecate it to that extent.

Mr. BEVERIDGE. I understand from the Senator that we were invited because we happened to be one of the signatory powers, of whom there were eight, seven of whom were European and the eighth ourselves. Does not the Senator think that it would have been extremely discourteous, being one of the signatory powers, if Morocco had asked all the others and had not asked us, when its action might modify the treaty or arrangement to which we were signatories?

Mr. BACON. Well, Mr. President, I will respond to the learned Senator that according to my understanding and according to the statements which I have seen in the published dispatches from Europe, this conference is based upon an agreement in which it is expressly stipulated that the commercial arrangements which are now secured by treaty shall not be called in question, and therefore I do not see that it would have been a matter of discourtesy on the part of Morocco to have failed to invite us to that conference.

Mr. BEVERIDGE. At all events the Senator will admit it was proper, since Morocco was inviting those powers who were signatory, to invite us?

Mr. BACON. No; I do not think so.

Mr. BEVERIDGE. And if we had not been invited it would be a matter of which we might make complaint, providing we wanted to make any complaint, all the other signatory powers having been invited. Now, if it was proper to invite us, it is certainly not improper to respond when all our sister signatory powers go there.

Mr. BACON. In the first place, I do not think it was at all important to invite us, or that we should have been slighted if we had not been invited, in view of our well-known policy of noninterference in European political questions, and of the fact that the powers which called this conference expressly stipulated that commercial matters shall not be interfered with, and that the conference shall have no power to discuss them or make any order or decree about them. In the second place, I do not think it would be discourteous on the part of this Government whenever it receives an invitation of that kind to reply that, there being questions of this grave character of European international politics, it is contrary to the traditional and well-recognized and thoroughly settled and defined policy of this Government to participate in such controversies, and, therefore, with utmost thanks and courtesy, to decline.

Now, Mr. President, if it were true that there were important commercial interests, or even vital commercial interests, whether large or small, involved which might be considered, it would certainly be perfectly practical for this Government to reply, "This is a question in which the commercial question is insignificant compared with the political questions involved; it is to have little or no attention. The great question which is to concern you is one on account of which one government is ordering 20,000 cars to transport troops, and another government is concentrating troops on the border, and, on account of which, each of these governments is concentrating its fleets at Gibraltar, and on account of which the European press is teeming with apprehension as to war. It is a matter that we are not to be connected with, and therefore we respectfully decline. When you get through, if you have commercial matters to consider we will be glad to join with you in the consideration of them." But there is no room for that in this case, for, as I have said a dozen times, the commercial matters are expressly excepted from the jurisdiction of this conference.

Mr. President, I have detained the Senate very much longer than I intended, and very much longer than I would have done had it not been, I think, for the very proper and pertinent and interesting interruptions of Senators, and I shall not longer do so.

Now, Mr. President, I want to say one word in conclusion in order that I may not be misunderstood. There have at times been suggestions that this is an assault on the President. I have been influenced in this matter by no partisanship. I believe I am capable of supporting a principle for reasons higher than partisan reasons. If this were the act of a Democratic President I would be all the more earnest and emphatic in my dissent from its propriety. There is no basis for the suggestion that anything I have said or done can be construed as an assault on the President, or that any word I have uttered can be considered as personally or officially disrespectful to him. I have made it my rule in the Senate never to speak disrespectfully of the President of the United States. I have been in the Senate under three different Presidents, and it has always happened that with no one of the three have I been in entire accord on all matters. It has fallen to me to differ with each of them on particular matters and to express those differences plainly and earnestly in debate in the Senate, but I can challenge the record that no word has ever fallen from my lips in the Senate in disrespect to either President, whether he be Republican or Democrat, and so long as I can guard my utterances none ever shall.

Nor, sir, do I desire in any manner to reflect upon the President or to depreciate his services. For instance, coming back to this matter of international conferences, I recognize that he performed a great public service, a great service for humanity, one on account of which his name will go down to posterity in great honor, in bringing about peace between Japan and Russia. I think that he not only honored himself, but all the American people, when he did so, and I do not think that in so doing he in any manner contravened this great principle. It is always in order for the United States Government to interpose its good offices to stop the shedding of blood.

But, Mr. President, the corollary of that is not true. It is not in order for the Government of the United States to interpose in a conference called in Europe for the purpose of avoiding war, for if it is, then the doctrine is gone, and there is none of it left, because every conference of that kind that is called in Europe is called for the purpose of preventing war. I also recognize the character and ability of the Secretary of State. I know him to be a man of great ability, entitled to esteem and respect. He is a man with whom my personal relations are entirely pleasant and against whom I would not say a word that is disrespectful.

I believe the President of the United States is a patriotic man, but I believe he is also a strong-willed and an impulsive man, and I think it is the duty of the Senate of the United States, as well as of the House, but more particularly of the Senate, to endeavor in a respectful way to guard the institutions of this country and the policies of this country, not in antagonism, but in harmony with the President of the United States, whether he belongs to one party or the other party.

I have no reason, Mr. President, to have any other feeling toward the President of the United States than that which I have expressed. While he is a man of a different political party from myself, while he is a native of a different State, a part of his ancestry is from my own State, and not only from my own State, but from the immediate little community in which I myself was reared; and, in the cemetery of historic Midway there sleep some of his ancestors by the side of those who gave me life and being. I would say no word which would be disrespectful to him. But when I differ from him upon a grave public question, one in my opinion of vital importance to the safety of this country, I violate no propriety, on the contrary, I perform a public duty, in giving utterance to the reasons for my difference.

The President of the United States is not a lawyer, and according to him the utmost good faith, one who is not a lawyer will sometimes do things which are not in accordance with what would be done by one versed in the law. For instance, Senators who hear me know the fact that there is now included and

published among the treaties of the United States an agreement made with Cuba as to the extradition of criminals from the part of the country leased to us for naval stations which has never been submitted to the Senate, but which has been marked "approved" by the President of the United States and put in the files, and it is to-day printed in the volume entitled "Treaties in Force." Of course it is utterly without force and effect, because it has never been ratified by the Senate or submitted to this body for ratification.

I do not believe that the President of the United States did that advisedly. Who would believe it? But I give that simply as an illustration of the fact that in this great Government, with its vast interests, with its tremendous labors, with its multiplied duties of all kinds, one not a lawyer, one necessarily with his attention divided with myriads of uncounted things, will sometimes do things which otherwise he would not have done, and which more particularly one trained in the law would not have done.

Now, I do not believe that any harm is going to come to us out of this Algeciras conference except in the matter of precedent. I think it very possible if this matter had not been brought to the attention of the country, if it had not been discussed in the Senate, if it had not been most intelligently and widely discussed, as it has been, by the press from one end of this country to the other, possibly there might have been done there things which would not have been to our interest, and which would have contravened our vital policy of nonintervention in European political disputes. But I believe the effect of this discussion in the Senate, and I believe the effect of the very elaborate and able discusion which it has had in the public press, have awakened the whole country to the danger and will safeguard our interests there.

The great evil is the precedent, and to avoid that evil, Mr. President, it should be known in no uncertain words that it is not hereafter to be considered as a precedent, and that when the nations of Europe gather together in conference for the purpose of settling great international questions involving peace and war and involving questions of domination of this foreign country, or that, or the other, or of the balance of power, the United States Government will severely let it alone and confine itself to the consideration of its own affairs.

The VICE-PRESIDENT. The Chair will ask the Senator from Georgia what disposition he wishes to have made of his resolution?

Mr. BACON. I will ask that it be referred to the Committee on Foreign Relations, unless some other Senator desires to speak on it.

The VICE-PRESIDENT. In the absence of objection, it is so referred.

PONCE RAILWAY AND LIGHT COMPANY OF PORTO RICO.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying paper, referred to the Committee on Pacific Islands and Porto Rico.

The Senate and House of Representatives:

Referring to section 32 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith an ordinance enacted by the executive council of Porto Rico granting to the Ponce Railway and Light Company, its successors and assigns, the right to pass its cars over a certain piece of track on Real street, Ponce Playa, Porto Rico, owned and operated by the American Railroad Company of Porto Rico.

This ordinance has been approved by the President.

Attention is invited to the accompanying report of the Secretary of State.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 15, 1906.*

HOUSE BILL REFERRED.

The joint resolution (H. J. Res. 68) relating to the contingent expenses of the House of Representatives was read twice by its title, and referred to the Committee on Appropriations.

COLUMBIA RIVER BRIDGE.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2558) authorizing W. T. Clark to construct a bridge across the Columbia River near the city of Wenatchee, Wash., which was, on page 3, line 23, to strike out the words "two years" and insert "one year."

Mr. ANKENY. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

THE MERCHANT MARINE.

Mr. GALLINGER. I ask that the unfinished business may now be laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 529) to promote the national defense, to create a force of naval volunteers, to establish American ocean-mail lines to foreign markets, to promote commerce, and to provide revenue from tonnage.

Mr. GALLINGER. Mr. President, it will be remembered that during the Fifty-eighth Congress there was before the Senate a bill, sent here, I think, by the Navy Department, for the creation of a so-called "naval reserve." The Navy Department thinks it is a very important matter, as does the Committee on Commerce of this body. The first section of the bill now under consideration provides for a force of naval volunteers, traversing substantially the same ground the Navy Department did in the bill we formerly had under consideration.

Upon consultation with the Navy Department the General Board of that Department drafted a provision which they desire shall be inserted in lieu of section 1 of the pending bill. It does not materially change the bill; it changes the phraseology somewhat, and there are more naval terms in it than there were in our bill. We are assured, if this provision shall go in the bill, we will not be troubled with a bill from the Department in reference to this matter.

I brought the matter to the attention of the Committee on Commerce at its last meeting and I was instructed by that committee to offer it as an amendment to the bill, which I now do.

The VICE-PRESIDENT. The amendment proposed by the Senator from New Hampshire will be read.

The SECRETARY. Strike out section 1 of the bill and insert:

That there shall be enrolled in such manner and under such requirements as the Secretary of the Navy may prescribe, from the officers and men now and hereafter employed in the merchant marine and deep-sea fisheries of the United States, such officers, petty officers, and men as may be capable of rendering service as members of a naval reserve, for duty in time of war, and who are willing to undertake such service, to be classified in grades and ratings according to their capacity as shown at time of enrollment. No man shall be thus enrolled who is not a citizens of the United States, either by birth or naturalization. These members of the Naval Reserve shall be enrolled for a period of four years, during which period they shall be subject to render service on call of the President in time of war. They shall also possess such qualifications, receive such instruction, and be subject to such regulations as the Secretary of the Navy may prescribe. The Secretary of the Treasury is hereby authorized and directed, upon proper audit, to pay, out of any money in the Treasury not otherwise appropriated, to each officer, petty officer, or man thus enrolled and employed in the merchant marine or deep-sea fisheries, as hereinafter provided, an annual retainer, as follows: For each officer of the line or Engineer Corps having the rank of lieutenant of the Naval Reserve, $110; for each officer of the line or Engineer Corps having the rank of lieutenant (junior grade) in the Naval Reserve, $90; for each officer of the line or Engineer Corps having the rank of ensign in the Naval Reserve, $80; for each man with a rating of chief petty officer, $70; for each man with a rating of petty officer, first class, $60; for each man with a rating of petty officer, second class, $48; for each man with a rating of petty officer, third class, $40; for each seaman, first class, $36; for each seaman, second class, $30; for each seaman, third class, $24. Such retainer shall be paid at the end of each year of service on certificate by an officer, to be designated by the Secretary of the Navy, that the member of the Naval Reserve has satisfactorily complied with the regulations, and on certificate by the Commissioner of Navigation that such member has served satisfactorily for at least six months of the preceding twelve months on vessels of the United States in the merchant marine or in the deep-sea fisheries. Each officer, petty officer, or man of the Naval Reserve thus enrolled who has not served for six months of the preceding year on vessels of the United States in the merchant marine or in the deep-sea fisheries, but has complied with the other prescribed requirements for enrollment in the Naval Reserve, shall receive one-half the annual retainer as enumerated above.

The VICE-PRESIDENT. Without objection, the amendment will be agreed to.

Mr. CLAY. I wish to call the attention of the Senator from New Hampshire to the fact that the senior Senator from Florida [Mr. MALLORY] intended to address the Senate to-day on the bill. I do not think he is opposed to this amendment, but I understood him to say that he expected to address the Senate to-day on the general features of the bill after this amendment was presented to the Senate. I should be glad if the Senator would allow the amendment to go over until the Senator from Florida reaches the Senate. I do not know why he is not here.

Mr. GALLINGER. I can assure the Senator from Georgia that the Senator from New Hampshire has no desire to take advantage of the absence of the Senator from Florida.

Mr. CLAY. I am sure of that.

Mr. GALLINGER. I will say to the Senator from Georgia that this amendment was submitted to the Senator from Florida. He examined it very critically and made some changes in it, which we agreed to, and it is entirely agreeable to that Senator.

Mr. CLAY. I think the Senator from New Hampshire is correct in that statement, but I also think he will find the Senator from Florida desires to address the Senate on the general features of the bill, and he expects to point out that the bill will be improved by the adoption of this amendment. I understood the Senator from Florida to say that he would desire to address the Senate when this amendment was presented.

Mr. GALLINGER. All the Senator from Florida, then, will have to do will be to call attention to the fact that the bill has been improved upon his suggestion by the adoption of this amendment. The only one change, I will say to the Senator, that is material in this amendment is that in the bill it was provided that the naval volunteers or naval reserves should be citizens of the United States, or men who had declared their intention to become citizens. The Senator from Florida made serious objection to that provision, and it has been eliminated in this amendment. The Senator from Florida, in the minority report, criticises that feature of the bill.

Mr. CLAY. Yes; I think that is true.

Mr. GALLINGER. That is true. I think I can safely say to the Senator from Georgia that the Senator from Florida will not object to the adoption of this amendment. My purpose is to get the bill reprinted with the amendments. Of course it will go over if the Senator from Georgia wishes it.

Mr. CLAY. With that understanding I will withdraw any further objection.

The VICE-PRESIDENT. Without objection, the amendment is agreed to.

Mr. GALLINGER. I am instructed by the Committee on Commerce to offer a few other verbal amendments. I move, in section 2, page 4, line 5, after the word "or," where it occurs the second time, to insert the words "not to exceed two months;" on the same page, line 11, after the word "or," where it occurs the second time, to insert "not to exceed one month;" and on the same page, line 18, after the word "or," to insert "not to exceed one month;" so as to read:

SEC. 2. That in the interest of the national defense and for the performance of the public services hereinafter specified, after July 1, 1907, the Secretary of the Treasury is hereby authorized and directed to pay, subject to the provisions of this act, out of any money in the Treasury not otherwise appropriated, to the owner or owners of any vessel hereafter built and registered in the United States or now duly registered by a citizen or citizens of the United States (including as such citizens any corporation created under the laws of the United States or any of the States thereof), subventions as hereinafter provided; that is to say, (a) the sum of $5 per gross registered ton for each vessel which has been engaged in the foreign trade by sea or the deep-sea fisheries for a period of twelve months, including time necessarily consumed in receiving or discharging cargo, or not to exceed two months in making annual or extraordinary repairs; (b) the sum of $4 per gross registered ton for each vessel which, during any twelve consecutive months, has been engaged in the foreign trade by sea or the deep-sea fisheries for a period of nine months or over, but less than twelve months, including time necessarily consumed in receiving or discharging cargo, or not to exceed one month in making extraordinary repairs; (c) the sum of $2.50 per gross registered ton for each vessel which, during any twelve consecutive months, has been engaged in the foreign trade by sea or the deep-sea fisheries for a period of six months or over, but less than nine months, including time necessarily consumed in receiving or discharging cargo, or not to exceed one month in making extraordinary repairs.

The amendment was agreed to.

Mr. GALLINGER. In section 3, page 7, line 7, at the end of the line, I move to strike out the word "desired" and insert the word "needed;" so as to read:

Fifth. That all ordinary repair or overhauling of said vessel shall be made in the United States, except in cases where dry docking is necessary and no dry dock of sufficient capacity shall be within a distance of 500 miles of the location of the ship when the repairs shall be needed.

The amendment was agreed to.

Mr. GALLINGER. In section 3, page 7, line 12, after the word "naval," I move to strike out the word "volunteers" and insert the word "reserve;" and on the same page, line 16, after the word "naval," to strike out the word "volunteers" and insert the word "reserves;" so as to read:

Sixth. A vessel shall not be entitled to the subvention above provided for unless during the period of employment in the foreign trade or deep-sea fisheries the following proportions of the crew of the vessel after the dates specified shall have been enrolled in the naval reserve: After July 1, 1908, one-eighth; after July 1, 1912, one-sixth; after July 1, 1917, one-fourth: *Provided*, That if the foregoing stated proportions of naval reserves can not be obtained at a foreign port with reasonable effort, as certified by the consul, other persons may be substituted until the first return of said vessel to the United States, without forfeiture of the subvention.

The amendment was agreed to.

Mr. GALLINGER. In section 7, page 13, line 15, after the word "enrolled," I move to insert the words "in the;" in the same line, after the word "naval," to strike out "volunteers" and insert "reserve;" and in line 19, after the word "naval," to strike out "volunteers" and insert "reserves;" so as to make the section read:

SEC. 7. That all contracts hereafter made pursuant to the act of March 3, 1891, before mentioned, or pursuant to sections 5 and 6 of this act, shall provide that on each voyage the following proportion of the crew shall be enrolled in the naval reserve: After July 1, 1908, one-eighth; after July 1, 1912, one-sixth, and after July 1, 1917, one-fourth: *Provided*, That if the foregoing stated proportions of naval reserves can not be obtained at a foreign port with reasonable effort, as certified by the consul, other persons may be substituted until the first return of said vessel to the United States, without forfeiture of the compensation.

The amendment was agreed to.

Mr. GALLINGER. In section 9, page 15, line 1, after the word "enrolled," I move to insert the words "as seaman, third class;" and in the same line, after the word "naval," to strike out "volunteers" and insert "reserve;" so as to make the section read:

SEC. 9. That on proof to the satisfaction of the Commissioner of Navigation that a vessel of the United States has on any foreign voyage carried a boy or boys, a citizen or citizens of the United States, under 21 years of age, suitably trained during that voyage in seamanship or engineering, in the proportion of one for such vessel, and in addition one for each 1,000 tons of her net registered tonnage, there shall be paid to the owner or owners of the vessel, out of any money in the Treasury not otherwise appropriated, an allowance equivalent to 80 per cent of the tonnage duties paid in respect of the entry in the United States of that vessel from that voyage: *Provided*, That such payment shall not be made after July 1, 1908, except in respect of any boy who is enrolled as seaman, third class, in the naval reserve, or is an apprentice indentured in accordance with law.

The amendment was agreed to.

Mr. GALLINGER. I move to amend the title of the bill by striking out the words "force of," before the word "naval," and after the word "naval" by striking out the word "volunteers" and inserting the word "reserve;" so that the title will read: "A bill to promote the national defense, to create a naval reserve, to establish American ocean mail lines to foreign markets, to promote commerce, and to provide revenue from tonnage."

The amendment to the title was agreed to.

Mr. GALLINGER. Now, I ask that the bill may be reprinted showing the amendments adopted, such amendments to be printed in italics.

The VICE-PRESIDENT. Without objection, the bill will be reprinted showing the amendments in italics, as requested by the Senator from New Hampshire.

Mr. GALLINGER. I do not know that any Senator is prepared to go on now with the discussion of the bill. The Senator from West Virginia [Mr. SCOTT] had intended to speak briefly, but he is not present, and I will yield for a motion to go into executive session.

EXECUTIVE SESSION.

Mr. KEAN. If the Senator yields, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After nineteen minutes spent in executive session the doors were reopened, and (at 4 o'clock and 2 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 16, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 15, 1906.

CHIEF JUSTICE OF SUPREME COURT.

John H. Burford, of Oklahoma, to be chief justice of the supreme court of the Territory of Oklahoma. A reappointment, his term expiring February 15, 1906.

ASSOCIATE JUSTICES OF SUPREME COURT.

Bayard T. Hainer, of Oklahoma, to be associate justice of the supreme court of the Territory of Oklahoma. A reappointment, his term expiring February 15, 1906.

Benjamin F. Burwell, of Oklahoma, to be associate justice of the supreme court of the Territory of Oklahoma. A reappointment, his term expiring March 21, 1906.

CHIEF OF BUREAU OF EQUIPMENT, NAVY DEPARTMENT.

Capt. William S. Cowles, United States Navy, to be chief of the Bureau of Equipment in the Department of the Navy, with the rank of rear-admiral, for a term of four years from January 22, 1906.

CONSUL-GENERAL.

Elmer E. E. McJimsey, of Missouri, to be consul-general of the United States at Callao, Peru, vice Alfred L. M. Gottschalk, appointed consul-general at Mexico.

COLLECTORS OF CUSTOMS.

James H. Cooper, of New York, to be collector of customs for the district of Oswego, in the State of New York. (Reappointment.)

Robert Carson, of New Jersey, to be collector of customs for the district of Perth Amboy, in the State of New Jersey. (Reappointment.)

Fred Enos, of Connecticut, to be collector of customs for the district of Fairfield, in the State of Connecticut, to succeed Frank J. Naramore, whose term of office will expire by limitation January 28, 1906. This nomination is made to take the place of the one made on the 18th day of December, 1905, wherein Mr. Enos was nominated as Frederick instead of Fred, and subsequently confirmed by the Senate as Frederick.

SURVEYOR OF CUSTOMS.

Julius S. Starr, of Illinois, to be surveyor of customs for the port of Peoria, in the State of Illinois, to succeed Richard W. Burt, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 15, 1906.

SECRETARY OF OKLAHOMA.

Charles H. Filson, of Oklahoma, to be secretary of Oklahoma.

SURVEYOR OF CUSTOMS.

Charles F. Gallenkamp, of Missouri, to be surveyor of customs for the port of St. Louis, in the State of Missouri.

COLLECTOR OF CUSTOMS.

Thacher T. Hallet, of Massachusetts, to be collector of customs for the district of Barnstable, in the State of Massachusetts.

RECEIVER OF PUBLIC MONEYS.

James M. Lawrence, of Bend, Oreg., to be receiver of public moneys at Roseburg, Oreg.

REGISTER OF THE LAND OFFICE.

Luther D. McGahan, of Minot, N. Dak., to be register of the land office at Minot, N. Dak.

DISTRICT ATTORNEY.

Abram M. Tillman, of Tennessee, to be United States attorney for the middle district of Tennessee.

TERRITORIAL DISTRICT JUDGE.

Luman F. Parker, jr., of Indian Territory, to be judge of the United States court of the northern district of Indian Territory.

PROMOTIONS IN THE ARMY.

Signal Corps.

First Lieut. Alfred T. Clifton, Signal Corps, to be captain from January 2, 1906.

Artillery Corps.

Maj. Henry A. Reed, Artillery Corps, to be lieutenant-colonel from September 16, 1905.

First Lieut. Frederick W. Stopford, Artillery Corps, to be captain from December 20, 1905.

Second Lieut. Alden F. Brewster, Artillery Corps, to be first lieutenant from November 6, 1905.

Second Lieut. John A. Berry, Artillery Corps, to be first lieutenant from December 20, 1905.

Cavalry Arm.

First Lieut. James C. Rhea, Seventh Cavalry, to be captain from December 28, 1905.

Infantry Arm.

Lieut. Col. Cornelius Gardener, Twenty-first Infantry, to be colonel from December 26, 1905.

Maj. John J. Crittenden, Twenty-second Infantry, to be lieutenant-colonel from December 26, 1905.

Medical Department.

Capt. George J. Newgarden, assistant surgeon, to be surgeon with the rank of major from November 23, 1905.

APPOINTMENTS IN THE ARMY.

CAVALRY ARM.

To be second lieutenants, to rank from January 2, 1906.

Sergt. Edgar J. Treacy, Troop H, Fourteenth Cavalry.
Sergt. Reynold F. Migdalski, Troop H, Thirteenth Cavalry.
Lance Corp. Henry R. Smalley, Troop K, Third Cavalry.
Sergt. James P. Wayland, Troop A, First Cavalry.
First Sergt. Robert Blaine, Troop H, Eleventh Cavalry.
Sergt. Luther Felker, Troop E, Eleventh Cavalry.
Squadron Sergt. Maj. Murray Blight Rush, First Cavalry.

INFANTRY ARM.

To be second lieutenants, to rank from January 2, 1906.

Sergt. Edward J. Cullen, One hundred and eighteenth Company, Coast Artillery.
Sergt. (First Class) John P. Adams, Hospital Corps.
Corp. Ira Longanecker, Company H, Eighteenth Infantry.
Sergt. Philip J. Golden, Company B, Signal Corps.
Sergt. William C. Whitener, Thirty-seventh Company, Coast Artillery.
Corp. William R. McCleary, Fifty-fifth Company, Coast Artillery.
Sergt. Frederick J. Ostermann, Third Company, Coast Artillery.
Q. M. Sergt. William J. Connolly, Thirtieth Company, Coast Artillery.

To be second lieutenants, to rank from January 3, 1906.

Sergt. Everett D. Barlow, jr., Company B, Twenty-sixth Infantry.
Corp. Lawrence E. Hohl, Company K, Sixth Infantry.
Sergt. James G. Boswell, One hundred and eighteenth Company, Coast Artillery.
Sergt. Robert E. Clarke, Company I, Eighth Infantry.

POSTMASTERS.

ARKANSAS.

William D. Foster to be postmaster at Gravette, in the county of Benton and State of Arkansas.

CALIFORNIA.

Edward H. Bautzer to be postmaster at San Pedro, in the county of Los Angeles and State of California.
John C. Boggs to be postmaster at Newcastle, in the county of Placer and State of California.
Harvey S. Clark, jr., to be postmaster at Lodi, in the county of San Joaquin and State of California.
Eugene Don to be postmaster at Santa Clara, in the county of Santa Clara and State of California.
Walter J. Ford to be postmaster at Quincy, in the county of Plumas and State of California.
William W. James to be postmaster at Monterey, in the county of Monterey and State of California.
Archie G. Madson to be postmaster at Angels Camp, in the county of Calaveras and State of California.
William Mullen to be postmaster at Mendocino, in the county of Mendocino and State of California.
Samuel L. Smith to be postmaster at Nordhoff, in the county of Ventura and State of California.
James H. Wamsley to be postmaster at Glendora, in the county of Los Angeles and State of California.

COLORADO.

Frederick S. Bruner to be postmaster at Fruita, in the county of Mesa and State of Colorado.
William Knearl to be postmaster at Brush, in the county of Morgan and State of Colorado.
William H. Wallace to be postmaster at Julesburg, in the county of Sedgwick and State of Colorado.

CONNECTICUT.

Thomas W. Beaumont to be postmaster at Cromwell, in the county of Middlesex and State of Connecticut.
Joshua A. Fessenden to be postmaster at Stamford, in the county of Fairfield and State of Connecticut.
Charles S. Hall to be postmaster at Wallingford, in the county of New Haven and State of Connecticut.
George H. Jackson to be postmaster at New Milford, in the county of Litchfield and State of Connecticut.

INDIAN TERRITORY.

Absalum B. Allen to be postmaster at Okemah, in District No. 9, Indian Territory.
L. W. Smith to be postmaster at Wewoka, in District No. 13, Indian Territory.
Alva A. Taylor to be postmaster at Wapanucka, in District No. 23, Indian Territory.

IOWA.

George R. Lochrie to be postmaster at Lorimor, in the county of Union and State of Iowa.
John M. Lytle to be postmaster at Washington, in the county of Washington and State of Iowa.
Ellsworth E. Secor to be postmaster at Buffalo Center, in the county of Winnebago and State of Iowa.

KANSAS.

Patrick H. Campbell to be postmaster at Alton, in the county of Osborne and State of Kansas.

MASSACHUSETTS.

Fred L. Atkinson to be postmaster at Newburyport, in the county of Essex and State of Massachusetts.

MICHIGAN.

Thomas H. Barnum to be postmaster at Iron River, in the county of Iron and State of Michigan.
Henry W. Coburn to be postmaster at Escanaba, in the county of Delta and State of Michigan.
Ross Leighton to be postmaster at Newberry, in the county of Luce and State of Michigan.
Homer Warren to be postmaster at Detroit, in the county of Wayne and State of Michigan.

MONTANA.

Alonzo H. Foster to be postmaster at Boulder, in the county of Jefferson and State of Montana.

NEBRASKA.

Mons Johnson to be postmaster at Valley, in the county of Douglas and State of Nebraska.

NEVADA.

L. L. Mushett to be postmaster at Tonopah (late Butler), in the county of Nye and State of Nevada.

OREGON.

Ephraim Miller to be postmaster at Lakeview, in the county of Lake and State of Oregon.

W. P. Pennebaker to be postmaster at Woodburn, in the county of Marion and State of Oregon.

HOUSE OF REPRESENTATIVES.

MONDAY, *January 15, 1906.*

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of Saturday's proceedings was read and approved.

PERSONAL PRIVILEGE.

Mr. BABCOCK. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. BABCOCK. I send a clipping to the Clerk's desk and ask that it be read.

The Clerk read as follows:

HOW CAME BABCOCK TO REBEL.

A story was circulated yesterday, apparently from the stalwart faction in the House, to show how Mr. BABCOCK happened to become an insurgent. According to this story, Mr. BABCOCK has assumed the leadership of the rebel forces because he is disgruntled over having been turned down when he applied for the chairmanship of the Committee on Appropriations. It is stated that when Mr. HEMENWAY, who was chairman of the committee in the Fifty-eighth Congress, was elected to the Senate Mr. BABCOCK presented to the Speaker his claims for recognition by an assignment to the head of this important committee.

He represented that for ten years he had been chairman of the Republican Congressional committee, and that under his leadership large Republican majorities had been invariably returned to the House; that he had conducted these campaigns at no small amount of personal sacrifice, so much so, in fact, that at the last election he came near losing his seat in the House. Furthermore, that he had always been in line with the party organization, and had even surrendered his views on the question of tariff revision to party expediency, and that therefore his services should be recognized. Instead of getting the coveted place, he was turned down and Representative TAWNEY, of Minnesota, one of the chief among insurgents, was selected for the place. This action on the part of the Speaker, it was said, has caused Mr. BABCOCK to join the ranks of the insurgents, he having seen that rebels are rewarded and faithful services disregarded.

POSITION ON HAMILTON MEASURE.

It was also pointed out by the stalwarts in this connection that Mr. BABCOCK, in the last Congress, supported the same principle involved in the statehood bill which is embodied in the Hamilton measure.

There has been much discussion of Mr. BABCOCK's determined attitude as an insurgent in the present Congress, and this reason is assigned by the stalwarts for the position he has taken.

Mr. BABCOCK. Now, Mr. Speaker——

Mr. PAYNE. Mr. Speaker, I have no objection, of course, to the gentleman making his statement; but I do not want this to go as a precedent in the matter of personal privilege. I do not think there is any, but I will not raise any question of that kind, as I do not desire to interfere with the gentleman's statement.

Mr. BABCOCK. Now, Mr. Speaker, if I am not entitled to consideration as a matter of personal privilege, I do not want the floor. When a Member is totally misrepresented in his attitude toward official matters before the House, if that is not personal privilege, I do not know what is.

The SPEAKER. The Chair will say to the gentleman that as there is no objection the Chair is not called upon to rule as to whether it presents a matter of personal privilege or not, and the gentleman will proceed.

Mr. BABCOCK. Mr. Speaker, I desire to say that this statement totally misrepresents me and misrepresents my position, as I believe it does the so-called "stalwarts," which evidently refers to the House organization. In the first place, Mr. Speaker, I have never been an applicant for the position of chairman of the Committee on Appropriations. I have never made a suggestion and never have applied for the place. I did not want it, Mr. Speaker, and had it been tendered to me I should have respectfully declined it, as I do not feel that under the circumstances and conditions of my health that I could fill it to the satisfaction of the House. Now, this article, Mr. Speaker, claims that on account of my disappointment it brought about my opposition to certain legislation. Mr. Speaker, ever since I have been a Member of this body I have been a consistent and earnest opponent of either single or joint statehood for Arizona and New Mexico. During the last session of Congress I declined to vote for the proposition. But I did support the Committee on Rules in the various propositions which were brought before the House. The proposition of joint statehood was brought about, not for the purpose of creating a single State out of the two Territories, but as the lesser of two evils and for the purpose of defeating the whole proposition. This is well known to every Member of the House who had anything to do with that legislation. Mr. Speaker, I do not want to take the time of the House except to refer to one other matter in the statement which has been read by the Clerk, and that is "that Mr. BABCOCK had even surrendered his views on the question of tariff revision to party expediency." Well, Mr. Speaker, that may be intended as a compliment. I have always been an organization man. I have endeavored to act with the organization and with the party, but I want to say here now that I hold the same opinion on the question of tariff revision that I did three years ago; I never have experienced any change, but I have simply bowed to the will of the majority, and to explain my position, Mr. Speaker, I send this short resolution to be read by the Clerk, which expresses the position of the Wisconsin delegation, and with which I am in entire harmony.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Resolved, That the Republican Members of the Wisconsin delegation in the House of Representatives favor an early revision of those schedules in the Dingley Act which are higher than is necessary to afford adequate protection.

January 14, 1905.

Mr. BABCOCK. That is the position, Mr. Speaker, that has been occupied by the Wisconsin delegation. There has been no division, and in a modest way I have given it my hearty support. I thank the gentlemen of the House for their kindness. [Applause.]

INFORMATION FROM SECRETARY OF THE NAVY.

Mr. PAYNE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H. R. 3—the Philippine tariff bill.

Mr. FOSS. Will the gentleman yield a moment?

Mr. PAYNE. I yield for a moment.

Mr. FOSS. Mr. Speaker, I desire to submit two privileged reports on House joint resolutions calling for information from the Secretary of the Navy. I call for the reading of the resolutions and the reading of the reports.

The Clerk read as follows:

House resolution 132.

Resolved, That the Secretary of the Navy be requested, if not incompatible with the public interests, to inform the House of Representatives whether since February 1, 1905, there has been any delay in the delivery of materials and armor for use in the construction of the United States ship Connecticut, building at the navy-yard at Brooklyn, N. Y., and what action, if any, has been taken by the Navy Department to obviate any such delay in the delivery of such materials and armor.

The Clerk read the report, as follows:

The Committee on Naval Affairs, to whom was referred House resolution No. 132, after careful consideration of the same, report it back and recommend its passage with the following amendments:

In lines 3 and 4 strike out the words "since February 1, 1905."

In line 6 strike out the word "ship" and insert in lieu thereof the word "ships;" and after the word "Connecticut" insert the words "and Louisiana."

In lines 6 and 7 strike out the words "building at the navy-yard at Brooklyn, N. Y."

Mr. FOSS. Mr. Speaker, I move the adoption of the resolution as amended.

The SPEAKER. The question is on agreeing to the resolution as amended.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question is on agreeing to the resolution as amended.

The question was taken, and the resolution as amended was agreed to.

U. S. STEAMSHIPS CONNECTICUT AND LOUISIANA.

Mr. FOSS. Mr. Speaker, I call for the reading of House resolution No. 133.

The Clerk read the following resolution:

Resolved, That the Secretary of the Navy be requested, if not incompatible with the public interests, to inform the House of Representatives whether there have been any changes, modifications, or alterations in the plans and specifications for the U. S. S. Louisiana since the awarding of the contract for its construction; what changes, modifications, or alterations, if any, have been made, and the estimated cost thereof in addition to the contract price of said Louisiana.

Also the following amendments:

In line 5 strike out the word "ship" and in lieu thereof insert the word "ships," and insert thereafter "Connecticut and."

In lines 5, 6, and 7 strike out the words "since the awarding of the contract for its construction, what changes, modifications, or alterations, if any, have been made."

In line 7, after the word "cost," insert the words "if any."

In line 8, after the word "thereof," strike out the words "in addition to the contract price of said Louisiana" and insert in lieu thereof the words "for each ship."

The SPEAKER. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question is on agreeing to the resolution as amended.

The question was taken, and the resolution as amended was agreed to.

THE PHILIPPINE TARIFF.

Mr. PAYNE. Mr. Speaker, I renew my motion that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 3—the Philippine tariff bill.

The motion was agreed to; and accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 3—the Philippine tariff bill—Mr. OLMSTED in the chair.

Mr. PARKER. Mr. Chairman, I speak for the principle of this bill—though I think it could be bettered in some respects by amendment—because it is for the welfare of the Philippine Islands and because the welfare of those islands is our welfare. Their prosperity means not only openings to our trade, but far more; it means happiness and contentment and peace and loyalty. One war, yes, not merely war, but brigandage, bankruptcy, trouble in raising Government funds, and deficiency in revenues, means more cost to us than all we could lose by every favor that we could show. It is not merely as our duty but as our interest that we seek their welfare. East Indian rebellions have cost England far more than she has gained from her narrow lords of trade policy of destroying their manufactures by her shop-made goods. The Boer war has cost her far more than she has gained by her aggressive commercial policy in the Rand. She lost the American colonies by interference here. On the other hand, she has bound to her Canada and Australia in a loyalty that is almost more than English by giving them the right to manage their own affairs, to settle their own business policy, to tax even her products for the protection of their manufactures, and to possess a substantial business independence with their own revenues and a prosperity of their own. May it be granted that we profit by that experience as to what we have to do.

The Philippines are not prosperous. It is not wholly our fault. When they came to us as sheep without a shepherd it was not our fault that the wolf-like ambitions of the dictator Aguinaldo brought war upon those islands. It was not our fault that business became impossible because of brigandage. It was not our fault that the plague struck the people or that the cattle plague destroyed all their farm animals and so ruined their agriculture. But it was our fault that when we had taken them away from Spain and from their market for their products there we gave them no other market. Those products, except hemp, are chiefly sugar and tobacco, and it is peculiar to sugar and tobacco that, unlike rice, wheat, or even lumber, they are under high tariffs by the laws of every country in the world. England taxes them for revenue, because she does not produce them. Germany taxes sugar for protection. Many countries tax tobacco as a government monopoly. It is idle to talk of the Philippines having the markets of the world in the face of tariffs which have broken down the sugar and tobacco production of the Tropics everywhere. The islands had a market in Spain. It was taken from them by the war that followed the destruction of the *Maine*. It was our duty as her trustee to give her a market at least as good, and we failed so to do. When our relations with the Philippines were adjusted in 1902 it was proposed that she should pay, as Porto Rico had done, only 25 per cent of the Dingley tariff, which tariff should be thrown around those islands; but Congress raised the percentage to 75 per cent of the Dingley tariff, which was practically prohibitory.

Their sugar and tobacco do not come here, but go to China, to the East Indies, and to Japan. Some little tobacco goes to Spain, where they know and like it. As a whole the insular exports have fallen off, and they are therefore not able to import. Customs receipts in two years have fallen a million dollars a year, or, in all, 4,000,000 pesos. Revenue has diminished just when more revenue is needed to open neglected roads, to restore order, to improve harbors, to introduce schools and sustain education, to introduce new productions and trades, and to open the minds of the people to the civilization of the modern world. There seems to be a deficit in the last two years, and revenues have not equaled expenditures. The attempt to give them a preference in our market by only 25 per cent rebate on the tariff absolutely failed. Out of their customs of some eight millions of dollars, only $549,161.81—say, half a million dollars—comes from the return duties of the United States. Duties on hemp going to the United States have to be returned to the exporter.

Under these circumstances the Philippine government was confronted with a deficit, and to meet it they were forced to reestablish the Spanish system of taxation by an internal-revenue law in 1904 which is as strong as our revenue law in the worst part of the civil war.

Probably their peso, or 50-cent dollar, is as much to them as our whole dollar to us.

Distillers, rectifiers, wholesale liquor dealers, and brewers pay 200 pesos annually; retail liquor dealers, 48. A liter, or quart, of spirits pays 20 centavos, and beer 4 centavos, or Philippine cents; cigars pay a tax of over 10 per cent of their selling price; cigarettes, 1 and 2 pesos a thousand, and matches, 40 cents a gross. Banks pay half of 1 per cent on their capital stock, 1 per cent on their circulation, and two-thirds of 1 per cent on their deposits, paying monthly one-twelfth of these sums. There are stamp taxes on certificates of stock and bills of exchange, on insurance policies of life and fire, and on other written instruments of every kind, and then there is a tax on every occupation—doctors, lawyers, and all other employments pay a heavy tax.

Then we come to a singular arrangement. The cedula is a compulsory registration certificate. Every man must register annually and pay his poll tax, or else he can not go into court or be sworn as a witness or be examined or go before a notary. Nearly one and a half millions is collected by this register. It costs 1 peso in the first three months, and 2 pesos after April. Its payment is enforced by fines and by ten days' imprisonment if the man's property is not sufficient to pay the tax.

Merchants and manufacturers pay to the government a tax of one-third of 1 per cent on the gross value of all goods sold, and tax collectors inquire into that value. Common carriers, except cartmen who receive less than two thousand a year, pay 1 per cent of their receipts; brokers, 80 pesos; pawnbrokers, 200. Then there is a tax upon every trade or profession. The lawyer, doctor, surveyor, engineer, or auctioneer pays annually 50 pesos; dentist, chiropodist, manicurist, photographer, lithographer, engraver, or appraiser of tobacco or other product pays 40, and every veterinarian, farrier, repairer of bicycles and wagons, 20 pesos. Then there are taxes on lumber, perhaps more justifiable than some others. The government is expected to maintain most of the provincial and the municipal governments. They get the tax on amusements and half of the poll tax, but the government gives 10 per cent of all the other taxes to the provincial governments and 15 per cent to the municipal governments, according to population.

I append schedules embodying an abstract of these taxes and of the revenues of the fiscal year 1905 from customs and internal revenue.

The Philippine Commission assure us that this revenue law has become necessary in the Philippines. What a text this is! Necessary! It could only be necessary because there are no other sources of revenue, because exports and imports have been insufficient therefor, because this great country has not given them a market for their products, and because agriculture has become so unproductive that we dare not tax either their lands or their stock. This law tells us that in refusing them a market we have taken away the ordinary sources of revenue and have had to adopt permanently a system of taxation which is abhorrent to the American people and which cost England her colonies; a system which inquires into the particulars of every man's sales and manufactures, which supports an army of taxgatherers, which clogs enterprise, and which irritates the whole community.

I have here and append a statement from the Bureau of Insular Affairs showing the burden of these taxes. We wronged the islands when we gave them no market and refused them fair and reasonable access to our markets, which, if they had it, would give them revenue as well as prosperity. This wrong is endeavored to be corrected by this bill. It will help both prosperity and revenue. It will give them a market for their sugar, which will have a preference in our market over all other foreign sugar. Their imports are but a drop in the bucket and will not affect prices; but those prices will go to them. The bill, I think, will do something for their tobacco. It asks them not only to pay one-quarter of the Dingley rates, but also to pay the whole of our internal-revenue taxes, and this makes a total somewhat less than the total Dingley tariff on tobacco. But, on the other hand, the bill asks that all Americans and English who prefer American tobacco and cigars shall be allowed to have them in the Philippines free, except for the Philippine internal-revenue tax, and without any duty at all. It seems that what is fair for one might have been made fair for the other, but I do not know enough about this business to go into details.

I support this bill. It is a step in the right direction. I do

not support it, however, in allowing all other products of the Philippines to come in free, for I think it would be better to have 25 per cent of the Dingley duty put upon those goods, whether cloths, in which they make wonderful fabrics, or lumber, or whatever it may be. That money could be sent back to them, for they needed revenue, and taxes, whether on exports or imports, are far less oppressive than the odious taxes upon production which now take their place. Perhaps it would be better to allow them to tax exports up to 25 per cent of the Dingley rate, but that taxation is forbidden by that bill. The bill should do more than it does for us. I think it should give us a preference on our exports to the Philippines, so as to induce Americans to go there and take their goods there. I do not think that the Spanish treaty prevents our giving such preferential tariff when article four provides that the ships and merchandise of Spain shall be admitted to the ports of the Philippines upon the same terms (the Spanish word is "conditions") as the ships and merchandise of the United States.

Mr. Chairman, there is a great deal to be said in favor of the view that this provision only means that Spain shall be admitted to do business in the Philippine ports and that it has nothing to do with the tariff; but even if it does compel an equality of tariff rates we need not fear the rivalry of Spain. We could safely enact a law that all merchandise wholly the product of the United States and wholly the product of Spain should be admitted into the Philippines at a reduced rate of half or a quarter of the tariff rate to others. We could say it without endangering ourselves. We certainly could say it as to certain special products like steel rails, cotton goods, and machinery of all kinds. We could give the business which now goes to foreign countries almost altogether to the United States, and thus enter upon the great work of binding together these islands and ourselves in real sentiments of loyalty and fellowship because of our mutual interests.

Even if some trade went to Spain it would be well repaid if we thereby obtained the friendship of the Spanish merchants, who still form so large a part of the Philippine business world. Such a provision would improve the bill. Probably it would be still better if we did not attempt to legislate for the future. The bill provides that after 1909 we will have free trade, and the report says "that if the revenues are otherwise sufficient there will no longer exist any reason for a duty on imports either way," and we may have free trade. How are they to be made sufficient? I hope the tariff revenue from other countries will grow. But if free trade be established between us and the Philippines at that time there will be really no tariff revenues of any sort if we can supply their wants. Then where are revenues to come from? If there be not enough, they must continue this odious business of taxation upon production, the destruction of production for the sake of revenue.

It is dangerous to found legislation on an "if" and a possibility that those revenues will then be sufficiently increased. If they are to be derived from a tariff, that tariff must be maintained to such an extent at least as is requisite for revenue. It can not be possible that anyone who cares for these people can contemplate maintaining the internal-revenue act already referred to for any length of time.

Legislation is only safe as it is based on present facts. This tariff is now essential to Philippine revenue. I will go further, and say that while any Philippine tariff should prefer the United States, that tariff should be maintained against the United States not only for the revenue of those islands, but to protect their industries. We want to build them up—to build up their spinning and dyeing and cloth making, to build up their tobacco and sugar factories, to introduce the arts as now practiced, to utilize their water power, and to make of them a thriving nation, imitating the example set them by Japan. If we do not wish for them the prosperity that comes from diversified industries and progress in the mechanical arts that build up a nation, we are unfit to be their protectors and guardians. Each should ask a preference in the other's markets by preferential tariff, but both want that tariff not only for revenue, but to protect the necessarily independent and self-supporting progress of the one against the other.

In 1900 we passed a law for a tariff between the United States and Porto Rico of 25 per cent of the Dingley rates. What I said of Porto Rico then, on February 22, 1900, is equally applicable to the Philippines now:

> It is our ward. It is for the people that we are legislating. * * * To my mind the alternative proposed of giving free trade to Porto Rico would be an unspeakable wrong to them. I say this with the less hesitation because my first impressions were in that very direction of free trade. The extension, through annexation of Porto Rico as part of the United States, to it of the Dingley tariff means, necessarily, that we also extend to them our internal revenue. No man can deny that. Otherwise they could distill liquor or make cigars, and make the things which are under our internal revenue, and could send their products free of duty into the United States.

But to extend the excise law to them means that all small manufactories should be closed and that hundreds of people should be put out of business. It means that these poor people, for they are poor, could no longer smoke cigars, because the price would be so much increased. There is not a witness who does not say that the imposition of these excise taxes would be absolutely impossible in Porto Rico, and for that reason this bill does not impose them. Free trade means more to this island. Its people have lived without machinery, without organized manufactories.

Small trades, like those of the shoemaker, the tailor, and the furniture maker, such as used to prevail with us, are there still supplying the wants of the people. All at once they would be subjected to the competition of great manufacturing industries which have almost driven these trades from without our midst and would drive them out from their island. We have welcomed the development of manufacturing in spite of that result. Our tradesmen have done better; the shoemaker became the shoe manufacturer, the tailor becomes a merchant tailor or engages in large manufactories. Our eastern farmer, who finds that the railroads have made his farm unprofitable, moves to the West, where farming pays.

Our eastern manufacturer, if his materials become too expensive, goes where those materials are cheaper. The American can move everywhere, but the Porto Rican is not an American. He speaks Spanish; he is partly of Indian blood. He can not or will not come to this country, and any measure which would put that little island immediately under the unrestricted competition of our great manufactories and drive out its small tradesmen would be an injury that we have no right to inflict.

There is one parallel case. It is Ireland. Let me ask what free trade has done for Ireland? Free trade for Ireland meant that England, the country which had the coal, the brains, and the organization, took the profits of an island that was turned into a poor farming country, on which its sister island held the title or the mortgage and from which it drew the rents. We do not mean to create this result in Porto Rico.

With free trade between Porto Rico and this country, whence is revenue to be got? Revenue is needed for roads and schools, such revenue as we always need for good government, for courts, and the administration of the laws. We can appropriate from the United States Treasury, but no one thinks that is a proper measure; or we can tax property there as we do here. Are we to increase the land taxes there upon a people whose plantations have been ruined by tornadoes? Or are we to increase a tax which they have already—the tax upon production? There every farm pays a certain proportion of its production to the government. But this produce tax is the worst kind of tax in the world, because it makes an army of assessors all over the country; because it is the most susceptible to fraud; because it is the most susceptible to oppression; because it seeks for money when there is nothing but the crop upon the ground. If that crop be taken away, the expense of its being taken away is to come out, as well as the expense of the tax collector.

We will adopt no such measure. This bill says that Porto Rico shall have what no State in this Union has ever had. It says, first, that these poor people shall have absolute freedom from the excise taxes of the United States, and from the tariff of the United States, so far as paying a single dollar into our Treasury. It says that they shall be treated as our friends. We do not ask them to contribute to our support or even to the repayment of what we have spent in the war which gave them good government. We reduce the Dingley tariff as against them by three-quarters.

We ask them only to do the same to us, and then we declare that the payments under the tariff shall not go into the Treasury of the United States, but go to the President for the benefit of the people of that island. Was ever so much generosity shown to any people? We give them just enough protection to maintain their own industries during the period of change, and we relieve them as far as we can from land tax or produce tax.

If the tariff that we lay on their goods is a tariff on their production, it is only when the goods have come here and are able to pay the tariff because at the market and the money is ready to pay for them.

And then we enact that the duties not only on goods that go to them but on goods that come here shall all go to the benefit of the island. This is what we have been told is tyranny!

What are we going to give the islands if we do not pass this bill? What are we to do for those people? How is the expense of their government to be paid?

In conclusion, only one word. It is idle to talk of law only. This is an intensely practical question. We must give some relief to these people. We must give them revenue; we must give them a reduction of the tariff; we must give them the means of getting a chance in the progress among nations. Unless that happens we might have revolution, and we shall certainly have poverty and discontent. This bill gives that relief.

On April 11, 1902, when Cuban reciprocity was under consideration, the Porto Rico tariff had been abolished. I was then sorry for it, and said so in the House, as follows:

> At the time when the Porto Rican tariff was under consideration I opposed very strongly the abolition of that tariff. I believe time will bear out my view on that subject. I believe that through a succession of good crops Porto Rico has been more prosperous than might have been expected, but, on the other hand, she has had to substitute a land tax for the old-fashioned system of taxing the products when they reach the markets; and I am very fearful that if there should be at any time any failure of the crops she will suffer the fate of all agricultural communities similarly situated—the fate that has fallen especially upon the Indian ryot—that is to say, most of her landholders will be sold out.
>
> I am glad the gentleman called my attention to this point. I believe that the continuation of the Porto Rican tariff would have been to the advantage of Porto Rico. For a similar reason I believe that the Philippines are rightly preserving their right to a protective tariff for their own benefit, and are taxing even our own goods that are sent there.

Mr. Chairman, these considerations as to the effects of free trade upon Porto Rico have, alas, been verified. At the request of her large planters, and with the supposition that we were benefiting that country, we have taken away from her the revenue and protection which was afforded by the small tariff between her and the United States. We have introduced our internal-revenue law, a law which is suitable to a wealthy nation, but utterly unsuitable to a poor one because of the sever-

ity of its taxation. We have driven its poor tradesmen out of business by the competition of our factory-made goods. And, remember, they can not go into our factories, but are left with no support but that of farm labor.

We have had to introduce oppressive taxes to take the place of those afforded by the tariff, and now that the wail of despair comes to us from Porto Rico let us beware of placing other communities who have made a little progress in civilization in direct rivalry with the tremendous forces of our own. Let us learn the lesson of experience. Compare the colonies of England. In India the old manufactures have been crowded out by England's cheap-made goods. The people have been impoverished. Land taxes oppress their farms and discontent prevails. Turn, then, to Canada and Australia—colonies permitted to legislate for themselves and to protect their own manufactures by tariffs, even against the home country. These colonies grow, and they are the more loyal because they are the more prosperous.

It is idle to compare the conditions in these distant territories with those in any one of the United States. Free trade is well where there is free trade in men. If western competition oppresses the New England farmer, he moves West. If factory shoes drive out the shoemaker, he goes into the factory. But the Filipinos, people of another race, can not come here and are not wanted here. We must help them to build up their own industries and to march in the progress of civilization in their own way on their own soil.

Mr. Chairman, I welcome this bill as a great step in advance. It gives to these poor people a market, and their welfare is ours. But it should also provide that articles that are wholly the product of the United States should enter the Philippines at reduced duty, even if articles wholly the product of Spain have the same privilege.

In my opinion this preferential tariff is all that is required, and absolute free trade with the islands would be an injury to them and therefore to ourselves.

APPENDIX.

Abstract of the Philippine internal-revenue law of 1904, No. 1189.

[License taxes in pesos.]

Distillers, rectifiers, and wholesale liquor dealers must pay annually	₱200.00
For a brewer the same	200.00
Retail liquor dealers pay	48.00
Retail vino	8.00
Retail beer	40.00
Wholesale beer seller	60.00
Manufacturers of tobacco or cigars	20.00
Dealer in tobacco	8.00
Beer by the liter or quart pays	.04
Spirits by the liter or quart pays	.20
Snuff, by the kilogram	.32
Chewing and smoking tobacco	.48
Cigars, per thousand, selling for less than ₱20	2.00
Cigars selling between ₱20 and ₱50 pay	4.00
Cigarettes weighing under 1 kilo per thousand pay	1.00
Cigarettes weighing over 1 kilo per thousand pay	2.00

Matches, per gross, pay 40 centavos.

Banks pay on their deposits, monthly, one-eighteenth per cent, or, by the year, two-thirds per cent.

Banks pay annually on their capital one-half per cent.

On their circulation, monthly, one-twelfth per cent, or, yearly, 1 per cent.

The stamp taxes are heavy.

	Centavos.
Corporate stocks and bonds, for ₱200 or fraction	20
Stock transfers	4
Certificate of profits	2
Bills of exchange for over ₱200	2
Foreign bills	4
Life policies or annuities, on every ₱200	10
Fire and other accident policies, on every ₱200	4
Notarial certificates	2
Receipts for over ₱30, including railroad tickets	4
Warehouse receipts	2
Bills of lading of over ₱5,000	20
Foreign passage tickets, for every ₱60 or a fraction	100
Leases under one year	20
Leases under three years	50
Leases over three years	100
Mortgages, for every ₱3,000 or a fraction	50
Conveyances, for every ₱1,000	50

The cedula, or poll tax and registry, is most interesting. Every male inhabitant must yearly pay for a certificate of registration—if between January and April, ₱1; if after April, ₱2. If he does not make this purchase he is subject to imprisonment for ten days unless he has property from which the money can be made. But without this certificate of registration he is practically an outlaw and can not vote, appear in court, convey his property, pay or receive taxes, or hold office. In the words of the statute (section 125):

"The certificate of registration provided for in this article may be used for purposes of identification, admitted in evidence, and used for all the purposes to which the 'cedulas personales' were put under the Spanish laws. Any person required by law to possess a certificate of registration who does not possess one for the proper year shall not be allowed to vote in any election for public officers in the Philippine Islands. The certificates of registration shall be presented by the holder thereof whenever he or she (a) appears in any court in any capacity whatever, (b) transacts any business with any public office or officer, (c) pays any taxes or receives money from any public funds, (d) acknowledges any document before a notary public, (e) assumes any public office whether by appointment or by election, (f) receives any license, certificate, or permit from any public authority. No contract, deed, or other document acknowledged before a notary public shall be valid or recognized by any court unless the notary shall have certified thereon that the certificates of registration of all the parties thereto have been presented and shall have entered in such certificate the number, place of issue, and date of each such certificate."

Merchants and manufacturers, except farmers, exporters, and the tobacco and liquor businesses, and very small dealers, pay to the government one-third of 1 per cent of the gross value of all the goods sold. Common carriers, except carriers receiving less than ₱2,000, pay 1 per cent of their receipts. Brokers in stocks, real estate, and merchandise, and at the custom-house, pay every year a license tax of ₱80; pawnbrokers pay ₱200; theaters, museums, cockpits, or concert halls, or a circus, ₱200; every billiard table pays ₱10; every lawyer, doctor, engineer, surveyor, or auctioneer pays ₱50; every dentist, chiropodist, manicurist, photographer, lithographer, engraver, appraiser of tobacco or products pays ₱40; every veterinarian, farrier, and bicycle or wagon repairer pays ₱20; but officials are exempt. Every race track for each racing day pays ₱60. Ten days' delinquency in paying the occupation tax adds a penalty of one quarter, and refusal to pay adds a penalty of a year.

RECEIPTS AND EXPENDITURES OF THE PHILIPPINE GOVERNMENT.

[See Report Bureau of Insular Affairs, 1905, p. 16.]

	1904.	1905.
REVENUES.		
Customs	$8,790,016.97	$7,997,489.21
Refundable export duties	453,563.32	485,701.03
Postal	133,784.72	136,670.80
Internal	272,404.49	1,499,408.25
Internal revenue refundable to provinces and municipalities		1,232,385.93
Provincial	3,295,839.47	3,107,912.91
City of Manila	1,931,129.97	1,441,192.81
Miscellaneous	1,053,057.80	a1,703,610.08
Total	15,929,796.74	17,585,371.02
EXPENDITURES.		
Customs	680,173.28	579,667.79
Refundable export duties refunded	502,174.00	421,683.14
Postal	248,244.55	301,058.28
Provincial	1,587,458.33	1,474,320.43
Internal revenue refunded		1,008,714.66
Proportion of provincial revenues turned over to municipalities	2,020,546.97	2,370,172.24
City of Manila	2,530,027.01	2,586,729.33
Other expenditures	9,994,788.81	a11,157,720.95
Total	17,563,412.95	19,900,066.82

a These figures are based upon deposits with and withdrawals by warrants from the Philippine insular treasury.

STATEMENT OF CUSTOMS-REVENUE COLLECTIONS DURING THE FISCAL YEAR 1905.

[Expressed in United States currency.]

Duties on merchandise imported for immediate consumption		$6,311,986.75
Duties on merchandise withdrawn from warehouse		350,080.40
Duties on merchandise exported		596,744.84
Wharfage on merchandise exported		217,026.66
Duties on merchandise sold under chapter 21, act 355		2,389.82
Surplus on same		2,141.44
Tonnage		62,337.36
Storage, labor, and drayage		7,934.43
Fines, penalties, and forfeitures		9,975.51
License issued under section 135, act 355		113,952.83
Sale of customs stamps		68,815.80
Sale of rolls		2,966.40
Immigration tax		23,429.98
Chinese registration fees		453.00
Sale of blank forms		2,904.58
Consular fees		32.00
Miscellaneous fees		46,576.10
Arrastre charges, section 2, act 897		59,644.08
Customs revenues collected in United States under act of Congress of March 18, 1902		548,269.64
		8,427,661.62
Refundable collections:		
Refundable export duties, act of Congress of March 8, 1902	$486,701.03	
Extra services of employees (refundable)	14,745.60	
Salaries of officers in private bonded warehouses (refundable)	3,493.72	
Salaries of officers discharging vessels out of port	716.26	
		505,656.61
Total		8,933,318.23

STATEMENT OF INTERNAL-REVENUE TAXES REPORTED COLLECTED UNDER ACT NO. 1189, IN THE PHILIPPINE ISLANDS, FROM AUGUST 1, 1904, TO DECEMBER 31, 1904.

[Expressed in Philippine currency.]

Distilled spirits	₱245,947.80
Fermented liquors	47,683.84
Manufactured tobacco	30,555.73
Cigars	53,481.67
Cigarettes	666,444.97
Matches, domestic	39,733.32
Matches, imported	17,726.67
Total	1,101,574.00

STATEMENT OF INTERNAL-REVENUE TAXES REPORTED COLLECTED UNDER ACT NO. 1189, IN THE PHILIPPINE ISLANDS, FROM JANUARY 1, 1905, TO JULY 31, 1905.

Distilled spirits	₱609,758.42
Fermented liquors	84,612.20
Manufactured tobacco	62,319.46
Cigars	107,255.67
Cigarettes	1,329,686.60
Matches, domestic	69,228.00
Matches, imported	48,365.40
Brewers	350.00
Distillers	11,754.60
Rectifiers	5,700.00
Retail dealers in liquors	25,700.50
Retail vino dealers	36,677.44
Wholesale liquor dealers	36,886.34
Retail dealers in fermented liquors	19,025.00
Wholesale dealers in fermented liquors	6,960.00
Retail dealers in manufactured tobacco	59,332.90
Manufacturers of tobacco	1,582.00
Manufacturers of cigars and cigarettes	3,817.00
Total liquors and cigars	2,519,011.53
Peddlers, taxable articles	3,531.00
Merchants	474,578.13
Manufacturers	30,618.41
Common carriers	8,825.33
Stock brokers	1,894.00
Real-estate brokers	3,260.00
Custom-house brokers	1,665.00
Pawnbrokers	3,177.33
Proprietors of theaters, etc	67,962.91
Proprietors of circuses, etc	100.00
Proprietors of billiard rooms	3,846.54
Lawyers, doctors, etc	20,071.67
Photographers, etc	2,250.00
Veterinarians, etc	2,683.00
Owners of race tracks	3,795.00
Mines and mining construction	4,230.99
Banks and bankers	106,353.87
Insurance companies	7,653.13
Forest products	190,285.73
Miscellaneous	50.28
Documentary stamps	96,564.85
Cedulas, class A	1,237,671.00
Cedulas, class B	101,669.00
Cedulas, class D	1,682.00
Total	4,893,430.70

RÉSUMÉ.

	Philippine currency.	Equivalent in United States currency.
Aug. 1 to Dec. 31, 1904	₱1,101,574.00	$550,787.00
Jan. 1 to July 31, 1905	4,893,430.70	2,446,715.35
Total	5,995,004.70	2,997,502.35

One dollar in United States currency equals 2 pesos Philippine currency.

Mr. GOEBEL. Mr. Chairman, the time allotted to me will not permit any extended remarks, and I shall attempt in a brief way to state my reasons for opposing this measure. The purpose of this measure is to establish after April 11, 1909, absolute free trade between the Philippine Islands and the United States. That seems to me to be an extraordinary measure urged by a Republican Administration. Its justification, however, is maintained on the ground that we owe to the Filipinos, by reason of our relation to them, a duty, quoting the language of the distinguished Secretary of War. He said:

If we are sincere, if we are conscientious, if we desire to be really altruistic in our position to the Philippines and the Filipinos, then we have no right to deny them the benefit which commercial association and freedom of trade as a part of our civilization will give them. A Filipino will question the good faith of our declaration that we are there for their good when we decline to open our ports to their products and refuse to give them the benefits of the markets of this great country for the things which they have to sell.

I have, Mr. Chairman, listened with care to many of the speeches which have been made on the floor of this House, and I have read with care the speech of the chairman of the Committee on Ways and Means in the hope that some other reason may be urged for the support of this measure. But, summing it all up, the paramount reason remains that we must be sincere in our love and affection for the "little brown fellow" and his savage brothers. For their welfare and prosperity we must put into jeopardy the industries of our great Commonwealth, and we must bring into active competition with our American labor the cheap labor of these islands, and from a Republican standpoint, we must sacrifice the great underlying principles of protection which have so long been maintained by that great party, and which have contributed so much to the uplifting and building up of this great nation. [Applause.] I wish I could bring myself to the belief that in my desire to aid the Filipinos at this time I am discharging my whole duty to the people of our country. I commend the Administration for the great work which it has performed in the Philippine Islands. Much more is to be done. I would protect them, I would uplift them, and aid them to civilization and self-government. Our position as to the islands is an anomalous one. The relation of guardian and ward exists, and while that simply means that they have a right to insist upon such obligations as that relation calls for, they have no right to insist upon a higher or greater duty. [Applause.]

For purposes of tariff and revenue the islands have been treated by us as foreign country, and our relations applicable and incident in that regard as to any other foreign country have been adhered to and maintained as to these islands, and justly so. But it is now sought to wipe out that relation and place the islands upon the same footing of the several States of the Union. If conditions were such that these islands were more contiguous to our shores, that the people were our kind of people, that they were a class desired, there might be reason for this action; but when we consider their condition, contributing nothing to the welfare of our people, a people wholly unfit for self-government, with no possibility in the near future that they will be able to control their own domestic affairs, and when we are still in doubt as to what disposition shall be made of these islands, then it does seem to me that we are going a great length in giving them this relief. I know it has been urged that the relief granted by this measure, "free trade," is but little, and that we could afford in that regard to be generous. It either will be a great benefit or it will not. Why try the experiment? If it will be a benefit, so much greater is the danger to our people. It may be that the Filipino will not be able to take advantage of the situation, and will not grow and prosper so as to actively come with his products and his labor into competition with our American products and our American labor. That necessarily would be his fault, yet there is the soil, the cheap labor, the opportunity. It would open the door for others to benefit and to take advantage of the situation. The danger lies in permitting a wedge to be driven into that door with a possibility that at some other time another wedge, and still another wedge might be driven in, and by and by you will have broken down all the safeguards of protection and made it possible for different conditions.

I have been taught that a tariff high enough to prevent foreign products and foreign labor to come into competition with our own products and labor is the kind of protection which the Republican party stands for. [Applause.] I hope the time has not come when it is necessary in order to show our good faith to the Filipinos to violate those principles. Mr. Chairman, it will be observed that the tariff on sugar and tobacco is to be reduced 25 per cent of the present rate, and after April 11, 1909, to be entirely wiped out. Those are two of the most staple articles this country produces. I have no familiarity with the sugar industries, for little or no sugar beets and no cane sugar is raised in my district, but the State of Ohio is fourth in order of the greatest tobacco-producing States in the Union. In the year 1904 she produced in leaf tobacco 50,793,123 pounds. The average acreage was 59,827 and the yield was 849 pounds per acre. The total farm value was $4,063,450. The total number of cigars manufactured in the State of Ohio was 699,995,998, there being but two other States in the Union which exceed Ohio in the manufacture of cigars. Statistics also show that the total import duties paid in the United States during the fiscal year 1904 on tobacco and manufactures thereof was $21,176,293.09, and the total internal revenue from tobacco for the fiscal year 1904 was $44,655,808.75, making a total of $65,832,101.84. The internal-revenue receipts of the United States for the fiscal year 1905 were $45,659,910. This amount was paid on cigars, cigarettes, snuff, chewing and smoking tobacco. Now, Mr. Chairman, this is a great industry; the revenues to the Government have been enormous and essential to its operation. Involved in that enterprise is the capital, the earnings, and labor of thousands upon thousands of our people. Let us be generous to our wards, but let us be just to our people. [Loud applause.]

Mr. LAMB. Mr. Chairman, the discussion on this measure has taken a wide range and embraced about as many subjects as the President's message sent us at the beginning of the session. The arguments have been able and suggestive. I can not hope to add anything, and would not say a word save that, in my judgment, Virginia's views should be heard here. I have been waiting for the older Members in years and experience to speak. Since they leave this to the most modest and youthful of the delegation I desire to say that Virginia has always opposed taxation without representation. Her sons fought against this in 1776 and her record is emblazoned on the monument at Yorktown. She believes that the Philippines are a part of this country and should not be treated as foreign territory. As one of her Representatives I shall vote for a free exchange of products between those islands and the States of this Union.

If the beet-sugar men on the other side of this Chamber will vote with us we can defeat the pending measure. So far from injuring them it will help us all by hastening the day when we shall be rid of these islands.

I take it that every Representative here, regardless of party, would be glad to dispose of the Philippines. For my part I would give them away to-morrow. If we will treat these people as we do Hawaii and Porto Rico, and develop their resources, we can soon dispose of them, either by granting them independence or transferring them to Japan. Why not do this at the earliest possible time?

With one-fourth of our own territory unoccupied and our resources as yet undeveloped, and problems of race and government staring us in the face demanding solution, why exhaust our energies in the Orient?

This road has been traveled by nations who preceded us to their undoing. Wouldn't it be well to profit by their experiences?

When the people of the United States learn the facts touching these islands, as they will in great part from the discussions had here during the progress of this debate, they will demand that we get rid of them, and the sooner they do this the better it will be for this Republic.

This debate has demonstrated one thing, that we need not fear any competition from tobacco and sugar made in the Philippines. The beet-sugar men are only scared; they will not be hurt. I represent tobacco raisers and tobacco manufacturers; they are shedding no tears save over the tyranny of the American Tobacco Company. If any of you gentlemen will devise some measure for destroying the American Tobacco Company you will go down to posterity as a benefactor. [Applause.] The people of several States in this Union will rise up and call you blessed. [Applause.] When the grand old party has revised the tariff and fixed the railroad rates we hope they will turn their batteries on the trusts.

We see around us evidences that the Republican party are hopelessly divided on this tariff question. They can no longer hold their people by declaring that the Democratic party is a free-trade party, for it never was and never can be.

When Democrats cease, as they are fast doing, the cry of "robber tariff" and declare for a tariff for revenue, with incidental protection, they will sweep this country. I look for this House to be carried in part by this issue next November. The Senate will follow in four years, and the Presidency as a natural consequence. Then we will dispose of the Philippines and not be responsible for slavery there or anywhere. Then we will free the beet-sugar men and have many of them for our allies.

The Republican party, hoary with age, intoxicated with power, and reckless of consequences, must reform or die. Can it reform without dying? This question, no doubt, its leaders are asking. Nature, science, religion all teach that corruption can not produce incorruption save it die. And die it will. We young men will be here to preach its funeral. [Applause.]

It came into being amidst the throes of a revolution. God grant it may go out in peace. The claims made for it on the floor of this House in the past four days are extravagant and amusing. The distinguished gentleman from Connecticut [Mr. HILL] claims that this party freed the negroes. Was it a constitutional or a revolutionary party when it did this thing? Did the whole of the Federal Army belong to the Republican party? The border States furnished 330,000 men for that conflict. Does any man believe that 20 per cent of them were Republicans? Do you recall the popular vote for McClellan in 1864?

If the border-State men had been on the other side in that conflict, who could have freed the negroes? I will tell you. The respective States of this Union. Virginia came within one vote of freeing hers in 1832. I happened to mention this to a gentleman on the other side of this Chamber a few days ago, one of the many over there whom I appreciate highly, and he was astonished. I could tell him a good deal more of Virginia history that would delight him, and hope he will come to Richmond, where I can entertain him and show him some of the best specimens of men and women on this continent. He must stay longer and learn more, however, than my friend from Wisconsin [Mr. ADAMS], who said in a speech on this floor on the 11th of this month:

> A few months ago I had occasion to go down to Virginia to the beautiful city of Richmond and address a large gathering of farmers from every State in the Union. I came in personal contact with many ex-Confederate officers, dyed in the wool Democrats—good fellows, as we know them to be—and three out of four told me they were glad Theodore Roosevelt was elected, because the election of a Republican President meant the continuation of the protective tariff policy and greater prosperity, not only for the North, but prosperity for the South.

I happened to be over in the library when this remarkable statement was made or I would have at the time called attention to the fact that the election returns of 1904 for President showed that Parker received 3,749 votes and Roosevelt received 569 votes in Richmond. The negroes and a few white Republicans furnished the 569 votes. Perhaps there are a dozen ex-Confederate soldiers in Richmond who vote the Republican ticket. I do not know as many, while I do know a good number of white men who are Republicans.

A lady in my district was trying on one occasion to impress her little child with the importance of always telling the truth. She cited, as is always the habit, I think, in Virginia, the incident of Washington and his hatchet. Then it came the time for the child to interrogate. She said: "Ma, did you ever tell a story?" After some hesitation the lady had to admit that she had offended in this way. Then the child asked, "Ma, did papa ever tell a story?" This was likely easier to answer, and the wife had to say, "Papa may have told little stories when he was courting." Sadly the little girl remarked, "Oh, ma, I will be so lonesome in heaven. There will be no one there but George Washington and myself." [Laughter.] I just want to say that those ex-Confederate officers who "three out of every four" sung that song to my good friend from Wisconsin will stand slim chance for sitting down with George Washington and that dear Virginia child in the kingdom of heaven. [Laughter.]

The fact is that my friend was so enraptured with the city of Richmond and so delighted with the reception he and the distinguished gentleman from Georgia [Mr. LIVINGSTON] received that he thought every man he met must be a Republican. He saw such evidences of growth and prosperity that he was bewildered when some man said to him, "We are for a tariff for revenue and this gives incidental protection." He multiplied them by three and assumed that he must be a Confederate officer. He told me that he thought the beat biscuit that a farmer's wife gave him "Massachusetts crackers," and that something they had called "batter bread" beat anything he had ever eaten. If he had remained there two weeks he would have gotten some flesh on his bones and learned not to take ex-Confederate soldiers too seriously when they are entertaining angels unawares. [Laughter.]

Then I must remind my friend and inform this House that the farmers' convention, with the citizens of Richmond, applauded to the echo the splendid speech of the gentleman from Georgia [Mr. LIVINGSTON], who made a plea for a freer trade, not free trade. The western men predominated largely in that convention. They gave the gentleman from Wisconsin a good send off, and we enjoyed his speech. I also enjoyed some sentences in the one from which I have quoted. See where he places you "stand-patters:"

> The Republic will see the friends of this bill joining with the free-trade Democracy to diminish the protection which is to-day received by the men upon the farms of this country.

I reached the House as the gentleman from Wisconsin was closing. I asked him to continue. He said he was too tired. He has hurt himself smoking those cigars from Manila. They are too strong for fatter men than he. [Laughter.]

I wished to ask him some questions that would arouse him to tell this House something about Richmond. I would have told this long ago but for my extreme modesty, that oppresses me fearfully. [Laughter.] He might have told you that a city of 36,000 souls in 1865, with one-third of its territory destroyed by fire, numbered now nearly 100,000, and was the fourth richest per capita in the United States, notwithstanding the fact that over 30,000 of the inhabitants are negroes; that these negroes are the most thrifty, perhaps, in the country and the best behaved; that they vote upon a property and educational qualification just as the white man votes.

This prosperity has come not by reason of but in spite of your high protective tariff. Three years ago we had sixty-four independent manufacturers of tobacco in Virginia, to-day we have twenty-four. The American Tobacco Company has absorbed the forty.

Session before last we passed a bill through this House forbidding the use of coupons and the gift-giving feature on manufactured tobacco and cigarettes. The trusts were able to defeat this bill. They seem to be strong enough to defeat any reform measure offered here.

THE DEMOCRATIC PARTY NOT A FREE-TRADE PARTY.

The claim that the Democratic party is a free-trade party can not be maintained.

This claptrap argument will be heard on every stump in the country next fall. The history of eight Administrations under

Democratic rule gives contradiction to this false and misleading statement.

The advocates of a high tariff claim that the great prosperity for the past few years is the result of tariff legislation. This argument is almost too weak to deserve an answer. The facts are that this prosperity has come in spite of and not by reason of the tariff.

It has come from the immense exports of agricultural products; from a demand created by war; from the skill and enterprise of our citizens; from the unexpected and wonderful discoveries of gold, that have made good beyond dispute the Democratic contentions of 1896 and 1900.

The weak, not to say wicked, charge that business depression follows Democratic success is without foundation in fact. Our opponents ofter refer to the Wilson tariff bill as proof of this, thus exposing their ignorance. The Wilson tariff enacted in 1894 could not have produced the crisis that came in May, 1893, seventeen months before any tariff change.

The Democratic contention for a tariff for revenue with incidental protection is proved correct under the workings of the Walker tariff. The greatest era of prosperity this country has ever enjoyed was during the operation of this tariff of 1846. Our commerce went forward by leaps and bounds. Our American clippers became famous in song and story; the great era of railroad building began. Then all our people, including the manufacturers, enjoyed a prosperity the like of which had never been known before.

Since the Republican party stands on its record in the past and boasts of its age and experience, it may be well to glance at its history. An evil genius presided at its natal hour and smote it with the spirit of jealousy and envy and all uncharitableness. A sectional party in every sense of the word, it began its career by setting at defiance the supreme law of this land and through its chosen orators declared that our glorious Constitution was a covenant with death and a league with hell.

The contempt it felt for this noble instrument was clearly shown when in defiance of the famous Senate resolution of 1861, as well as that of 1865, instructing General Grant to make his southern tour, it disregarded his report, deliberately overthrew the policy of President Johnson, and established an oppressive, undemocratic, and unconstitutional rule in the Southern States. It divided these States into five military districts and appointed a brigadier-general of the Army to govern them. It overlooked section 4, Article IV, of the Constitution, which declares:

> The United States shall guarantee to every State in this Union a republican form of government.

A fitting sequel to this cruel and inhuman work was the forcing of the fourteenth and fifteenth amendments upon the South. The pagan world in all its darkness never conceived such political iniquity. A Roman province revolted and was put down by armed force. The question arose in the Roman Senate, "What shall be done with these people?" The radical element cried out, "Disfranchise them; confiscate their property;" but nowhere was it said, "Make them vassals to their slaves." This crime against civilization and humanity was reserved through the dark ages to be inaugurated for the first time under the light of the nineteenth century and by the representatives of this grand old party of moral ideas.

Its infamous and futile attempt to impeach a President who stood with one hand on the Constitution and the other stretched over the shattered Commonwealths of this Southland furnishes another example of its high-handed and outrageous conduct.

Owing to the hurried march of events and the strenuous life of Americans, they have almost forgotten the attack the Republican party made on the Supreme Court in the Legal Tender cases.

Examine the history of the Republican party from the end of the civil war to the present time and you will find it step by step disregarding the mandates of the Constitution and violating its spirit.

On the morning of the 8th of November, 1876, it was proclaimed that Samuel J. Tilden had been elected President. It was true. He had over 250,000 majority and 196 electoral votes.

The crime by which he was robbed of his well-earned victory is a lasting shame and disgrace upon this party that appeals with pride to its record. On that trying day only two courses were left, war or compromise. The memories of the civil war prevented another at that time.

But you say these things are in the past. The party is not what it was. We have reformed, so to speak. Your sins of omission nearly equal your sins of commission. You boast of establishing the gold standard. Have you done this? Let the four hundred and forty-six million of silver dollars and the three hundred and thirty-six million of greenback currency unredeemed and unprovided for save in small part bear witness. What of your currency reform? The bankers all over this mighty land are now calling your attention to this practical legislation. What about the immigration laws so urgent, so absolutely necessary, if you are in earnest when you say, "We must protect our American laborers from the pauper labor of Europe?"

These questions were all postponed in the last Congress that your party might once more deceive and mislead a too credulous constituency. You represent the principles of force and centralized power in the Federal head. We stand for the imperishable rights of local self-government. You advocate tariff duties that are prohibitory and likely to bring us into serious complications with foreign powers, while they shelter the trusts and retard, if they do not destroy, our shipbuilding interests. We stand for a tariff for revenue, with incidental protection, that will produce revenue sufficient to carry on the Government and at the same time safeguard every American interest.

When the American voters once consider calmly and dispassionately the issues between the two contending parties they will decide against you. Then will begin a brighter and better era in this country, and our grand Republic, the exemplar of freedom and the hope of humanity, will have fair promise of accomplishing its manifest destiny. When under the providence of God, in the fullness of time, this boon shall come the historian shall make record that Virginia gave the statesman to America whose political philosophy shaped the course of events and laid solid and deep the foundations upon which rests the grandest structure of human government that ever arose to bless mankind. [Loud applause.]

Mr. DAVIS of Minnesota. Mr. Chairman, I presume that a sigh of relief will arise, not only from the Members of this House, but from the country at large, when the hour of 5 o'clock arrives, because at that time general debate upon the pending bill will close, the Members will be relieved from further listening and the country from reading a discussion which has continued for more than a week, and which in many instances contains a confusion of ideas, in some is tinctured with apparent logic, and in others with extreme sophistry. The fact has been disclosed that the stand-patters who believe that the Dingley tariff schedules are sacred for some other unaccountable reason assert that they will vote with the most pronounced free trader, largely from a sentimental standpoint, in matters pertaining to the Filipino, so-called "our little Brown Brother." In the brief time which I am permitted to occupy the attention of the House I must of necessity confine my statements to a few general remarks, almost wholly devoid of statistics, and shall define my position upon the pending bill as succinctly as possible.

First, I am a protectionist along Republican lines, as enunciated by our party since its formation, namely, that in conjunction with the raising of revenue with which to sustain our Government a tariff duty should be laid upon certain imports to encourage American industries, and in order that the American laborer may receive just compensation for his services. To this principle I attribute, in a large measure, the past and present prosperous condition of our country. A protective tariff such as this had its origin when the manufacturing industries of this land were in their extreme infancy, in fact, and the result of this policy produced many new industries, some of which still remain small in stature, but has also produced others of prodigious size, greater than any ever before known in the annals of the world. When, however, an industry, which has been fostered by this system, has grown so large, so wealthy, and so powerful that it can produce the articles in its line cheaper in price and better in quality than can be produced in the older nations of the world, even with their cheap labor, then in my judgment this policy of protection has fully accomplished its purpose and from thenceforth should be withheld. I believe that certain of our industries, and especially the one which now monopolizes and controls our oil industry, need no further protection; that the steel and iron industry, which is dominated by what is known as the "United Steel Corporation" to such an extent that it monopolizes and controls the production and output of this country and arbitrarily fixes the price therefor, is able to stand alone without further governmental aid; also that the lumber, coal, glass, and tin industries can be classed in this same category, with many others which I will not stop to mention. Again, when any particular industry becomes so powerful that it can or does control the output and regulate the price of any commodity, it is the duty of the American Congress to see to it at once that legislation be passed removing such protection. Also that the American consumer should be protected against this monopolist. True protection means protecting the whole people, and very often a downward revision is not only imperatively demanded, and is as

much in the line of protection, as revising the tariff upward. Being a Republican and a friend of the protective policy, properly adjusted and administered, my desire is that when revision comes it should be brought about by the Republican party, and it is quite apparent that this time has now arrived, and that the American people, by a vast majority in number of all political parties, demand revision at this time and of the downward kind.

The Republican doctrine, as strenuously taught heretofore, and is good to-day, was and is, that protection properly adjusted and administered in these United States would so rapidly increase any commodity that within a very few years the price to the consumer would be greatly decreased. True it was, that temporarily, or shortly after the Old World was excluded from our market, the price of the finished product to the consumer was necessarily enhanced; yet ultimately and as soon as the industry was thoroughly established, that, together with the resultant competition among our own people, caused the reduction in price. Instances of this character have been very numerous, and certainly the Republicans in this House are aware of them, because that was the burden of their campaign speeches, and history proves the truth of the claim. As an instance I cite that when the tariff was put upon lead a few years ago, shortly thereafter the price of lead was actually lower than the tariff. Many kinds of cotton goods could be instanced in which the same result was accomplished. When the Republican party through a protective tariff induced the manufacture of tin in this country, scoffers were numerous, claiming that it was folly to attempt to compete with this industry in Wales. But that is all dissipated now, for to-day the American tin can readily compete with all the world and needs no further protection. Mr. Chairman, party lines on the subject under discussion are badly mixed. Apparently each individual, whether Republican or Democrat, expresses his views based upon some particular principle which he champions; free trade being the principle of some, stand-pat protection of others. Our plain duty and justice to the Filipino is the guiding principle of a few; but it remains for the eminent chairman of the Ways and Means Committee [Mr. PAYNE] to first introduce in this discussion the idea or principle called "sentiment" in behalf of the half-civilized Filipino.

I wish, Mr. Chairman, to introduce another idea which I think is material in the consideration of the main question involved in the bill under discussion. It is the word "confidence," and it is not unfamiliar in Republican parlance. Before doing so, however, I quote the Republican platform of 1896, which was as follows: "We condemn the present Administration for not keeping faith with the sugar producers of this country. The Republican party favors such protection as will lead to the production on American soil of all the sugar which the American people use, and for which they pay other countries more than $100,000,000 annually." Mr. Chairman, during the great and memorable campaign of 1896 the word "confidence" was the battle cry to rally to our standard the voters of the United States in order to secure what we then declared to be of the greatest importance, namely, the gold standard, and thus secure the stability of our currency. In my opinion this word "confidence" was then properly used, and this principle had a material effect in deciding that election, and in fact all others subsequent. Every platform orator loudly proclaimed the necessity for confidence in the stability of our currency in order to encourage the investment of capital in our industries; that sound money and a protective tariff would breed such confidence that renewed vigor would be inspired and prosperity to all would surely follow, and it did. Without confidence man is generally without hope, but with confidence hope and success follow. Without confidence the capitalist will not invest his means in any enterprise. The Dingley law was passed by the Republican party in 1897. At that time there were only six beet-sugar factories in the United States. At once, after the passage of this law and relying implicitly upon the Republican platform of 1896, men of capital, brains, and energy began constructing numerous other beet-sugar factories, and such was the remarkable growth of this industry that during the succeeding six years the number of these factories in more than one-third of the States of the Union had increased to fifty-two, and all doing a thriving and successful business, furnishing employment to thousands of laborers at good wage and making glad the hearts of the farmer in the raising of hundreds of thousands of tons of sugar beets.

Also at this time there were in contemplation of construction fifty-one other factories, and the business had gained such an impetus that only a few more years were required until a sufficient quantity of refined sugar would have been produced to have supplied the entire consumption of the United States. But, alas, during the year 1903 a law was enacted known as the "Cuban reciprocity law," similar in effect and on all fours with the proposed legislation now under discussion. It permitted the introduction into this country of all raw sugar grown in Cuba at the reduced tariff of 20 per cent of the Dingley law. Stimulated by this law the sugar production of Cuba was increased many fold. Without stopping to attempt to analyze whether that law is in fact detrimental to our beet-sugar industry, yet there can be no doubt that lack of confidence is what called the halt in the construction of any more factories in this country, and to-day the number of factories in existence is about the same as in 1903.

Mr. Chairman, however, recently in some parts of the United States the spirit of progress in this line has again been awakened, and in the district which I represent in Minnesota a new factory, costing the sum of $750,000, is now being erected with a capacity of manufacturing 750 tons of beets daily into refined sugar. The location of this factory is propitious, the quality and character of the soil of the very best for the purpose of raising sugar beets, and the territory ample. A sufficient quantity of beets are now already contracted for, to be grown and delivered by the farmers in that vicinity. They are confident and hopeful, that this industry, being started in their midst by the capital of their friends and neighbors will not only be a success, but that this Government will not for any reason, sentimental or otherwise, toward the millions of the semi-civilized tribes that inhabit the Philippine Islands, pass any law detrimental to their interests or bring their labor to the level of these inferior tribes. Therefore I beseech you, in the name of the American farmer and investors of capital in beet-sugar factories, not to pass this bill, for if you do, and it becomes a law, you will shake the confidence of every American sugar-beet and sugar-cane producer in the United States.

I am not going to discuss or attempt to point out the exact amount of damage or benefit which will result from the passage of this bill. Neither do I believe that this Congress can at this time assert with any definiteness what the result will be, and I call the attention of the House and of the country to the various discussions had thus far in support of my contention, that all is but conjecture. The chief supporters of the bill at times strenuously contend, that the Filipino has neither the stamnia, intelligence, vigor, nor land wherewith to produce sugar in any quantity, at any time, to materially affect the American sugar producer. They argue that the Filipino is shiftless and lazy and will only work sufficient to maintain his existence. They further argue that the quantity of land in the Philippine Islands adapted to and upon which sugar can be grown is so small in area as to be immaterial, and in support of this last contention they present charts and maps, highly colored and entertaining to look at, and explain the same with volubility. Their figures and other data in this connection are so voluminous as to incite dizziness. Again, some of these supporters have, perhaps unguardedly, shown that the Filipino is capable of doing a vast amount of labor, equal or greater than that of any other nationality in or transported to their islands, and that vast areas of lands of the choicest and richest variety are now under cultivation in sugar cane, and much more is susceptible thereof. I shall not attempt to reconcile these various claims, but will stand upon the record evidence of such great and eminent statesmen as our present Secretary of War, Hon. William H. Taft, formerly Governor Taft of the islands, and General Wright, the present governor.

Each of these honorable gentlemen have extensive knowledge on the subject; their opportunities have been such that statements coming from them should carry great weight and, to my mind, are conclusive. Governor Wright, in his testimony before the Philippine Committee, in December, 1902, says that the soil of the Philippines is as good or better than that of Hawaii and will produce as much or more sugar per acre. Secretary Taft, in his testimony before the Insular Committee, states, in substance and as a fact, that these islands are, in respect to soil, climate, and labor conditions, capable of indefinite extension along the line of the production of sugar; and when asked by Mr. Moody if, in his judgment, the sugar of the world could not be produced there, he answered, "Yes;" and from this same authority we are given to know that these islands have very much more arable land and very much richer soil than have the Japanese islands, which support 48,000,000 people. Mr. Buencamino, who is certainly authority on this subject, testified before the Insular Committee that in the Philippine Islands there are 50,000,000 acres of land richer than the lands of either Hawaii or the United States. This, Mr. Chairman, is sufficient testimony for me to conclude, in the language of Governor Taft, that these islands can and probably will in the near future produce almost sugar enough to supply the whole world.

But the proponents and advocates of this bill urge that the

Filipino will not produce large quantities of raw material (and certainly they will never produce the finished product). In this contention I heartily agree. This fact, however, will not prevent the sugar lands in the islands from being exploited by outside sources. The area of the islands consists of 73,000,000 acres, in round numbers, of which a little over 68,000,000 are public lands owned by the government. Fifty million acres are very rich, and, according to the best estimates that I can obtain, about one million and a half acres of this land would grow sufficient sugar cane, properly managed, to supply the entire sugar consumption of the United States. I do not expect that the Filipino within himself will ever produce this quantity of sugar, but recent events in Cuba have demonstrated that outside capital has been the means of very rapidly increasing the acreage and production of raw sugar in Cuba about a million tons in the last six years. Is there any reason to suppose that this same procedure will not be had shortly after the passage of this bill in the Philippine Islands? Existing law, as I am informed, limits the quantity of land that may be purchased or held by any prospective sugar corporation in the islands to 2,500 acres. But Governor Taft, in his testimony before the Philippine Committee, says that that quantity of land is insufficient; that even 5,000 acres is too small a quantity to be thus owned, and suggests and recommends that the area be increased to 20,000 acres, and this recommendation has again been made in the year 1904, thus showing that the idea is prevalent, and it is in contemplation, that there are prospective sugar corporations contemplating the exploitation in the near future of large areas of this land, in case the duty on raw sugar is reduced by the passage of this bill and ultimately abrogated altogether in the year 1909, and to my mind this conclusion is irresistible.

Mr. Chairman, legislation is obtained not only for the present but for the future, and certainly this bill makes it not only possible, but it is apparently quite probable that these large sugar corporations will ultimately exploit these lands in the manner I have suggested. Can this result be other than detrimental to the cane and beet sugar industries of the United States?

Mr. MONDELL. Will the gentleman yield to me for a question?

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from Wyoming?

Mr. DAVIS of Minnesota. I do.

Mr. MONDELL. In the relation of the gentleman's argument I want to ask him if it is not true that this stimulus has brought about the expansion of the sugar industry in Hawaii, so that at this time four-fifths of the arable area of those lands is in sugar?

Mr. DAVIS of Minnesota. I am informed that it is so. I do not pretend to be thoroughly posted on the subject, yet that is my information.

Mr. MONDELL. It is a fact, and they produce 5 tons of sugar per acre per annum. And in the line of the statement the gentleman has just made, is it not fair to assume that the same kind of development will occur in the Philippine Islands?

Mr. DAVIS of Minnesota. I am inclined to believe so, and assert that such evidence as I have comes from such authority as Governor Taft, who is, or ought to be, familiar with the conditions, having resided in the islands for a number of years, and also from General Wright, who is the present governor. That was their testimony recently, and I am convinced that such will be the case.

Mr. Chairman, I do not believe, after listening to the discussion, and neither did I believe it before I heard it, that the Filipino, unaided in his semi-civilized condition, and, as the testimony discloses, almost savage, no matter what the area of land of the islands, or how choice, would ever produce sufficient sugar to jeopardize our American industries. Neither do I believe, and I base this upon the statement which I have heard uttered upon this floor, that the Hawaiians would ever have produced as much sugar as is now being done, were it not in consequence of outside capital and aid. My belief in this regard also extends to Cuba, which is much older than the United States in point of civilization under Spanish rule, but as soon as the American people temporarily took possession of the island of Cuba and relieved them of certain of our tariff duties then it was that the large sugar plantations were exploited, not by their own capital or energy, but by Americans, until their output of sugar has increased about a million tons during the last five or six years.

Mr. Chairman, I can but anticipate that a similar result will speedily follow if this bill now under consideration is enacted into law.

Mr. HILL of Connecticut. Is not the gentleman aware that Cuba has about the same production of sugar to-day that she had several years ago, and that there has been no such increase over her normal production as the gentleman speaks of?

Mr. DAVIS of Minnesota. My information is that during the last six years the production of raw sugar in Cuba has increased 1,000,000 tons.

Mr. HILL of Connecticut. Then the increase is undoubtedly over the production at the time of the late war. But if the gentleman will look back and study the statistics of sugar production in Cuba, I think he will find that the amount produced at the very highest point does not exceed, if it equals, what was produced several years ago, before the Spanish war began.

Mr. DAVIS of Minnesota. I shall not contradict the gentleman's statement.

Mr. HILL of Connecticut. I can not give the exact figures, but I think the gentleman will find that statement is correct.

Mr. DAVIS of Minnesota. I shall not contradict the gentleman's statement, because since his trip to the Philippine Islands, judging from the three hours' speech that he made here the other day, he has become an expert on the subject of tobacco. He delivered a discourse of about three hours on the "ethics" of tobacco raising. I was surprised also to hear the gentleman from California assert that that trip—I do not want to misquote him—was gotten up and instigated for the purpose of passing this bill; in other words that the trip was an incident of a bill which had been formulated before, and not the bill an incident of the trip. Now, we find the gentleman from Connecticut, when he puts his mind upon a subject, is capable of surrounding more figures in a short space of time than anyone I ever knew, and I think more than anyone who ever sat on the floor of this House.

But the chairman of the Ways and Means Committee tells you that his study upon that matter was for the purpose of doing justice to the Philippines. He says it is a matter of sentiment. As to whether they will be in any way benefited is problematical. Mr. Chairman, if the Filipino is not to be benefited, who is? Is the American sugar producer to be benefited? I can not see how or why. If the Filipino is not to be benefited, if the American sugar producer is not to be benefited, if the cost of sugar to the consumer is not to be reduced—and no one has claimed that it will be, but on the contrary facts and statistics all show that even with the increased production and shipment to this country from Hawaii, Porto Rico, and Cuba, the cost to the consumer has not only not been reduced, but has been increased in the last two or three years—if all these things are so, who can be benefited? There can only be one class or set of men who can be benefited under those conditions. It has been stated on the floor of this House that there are one or two concerns, the so-called "sugar trust" and a Mr. Spreckels, who purchase nearly, if not quite, all the raw sugar that enters our ports and refine the same. They dispose of it to the consumer. Now, if the Filipino is not benefited, if the American sugar producer is not benefited, if the sugar consumer does not get cheaper sugar, who is the beneficiary then except these two institutions which refine and dispose of that sugar?

Mr. HILL of Connecticut. Will the gentleman yield to me for a question?

Mr. DAVIS of Minnesota. Yes; I do not say I can answer your question, however.

Mr. HILL of Connecticut. I think the gentleman can answer the question. It is not a technical one in any sense, and I appreciate the gentleman's judgment. If the sugar trust and the tobacco trust are to be benefited by this legislation——

Mr. DAVIS of Minnesota. I have not said anything about the tobacco trust.

Mr. HILL of Connecticut. I am going to bring them in here. Why is it that the representatives of both of them appeared before the Ways and Means Committee and opposed this bill?

Mr. DAVIS of Minnesota. I can not answer the gentleman in that respect, but I can state to the gentleman that within my knowledge I have known transactions both from a legal standpoint and otherwise wherein, as a matter of fact, the man who pretended to oppose a proposition was secretly encouraging it. I do not say that is the case here, but I have known of instances of that kind.

Mr. Chairman, I deny the statement that the Filipino is our little "Brown Brother." No doubt he is brown, and no doubt, according to the idea that under Adam all men are kin, he may be our brother, but that is the only way in which he is so. He is not our brother as I look upon our American civilization and population. He has nothing whatever in common with us; and while it may be stated that the Philippine Islands belong to this domain in a certain sense temporarily, yet I assert that they are only temporarily under our charge; and it is the ultimate object of the Republican party, according to my idea, to turn

them adrift and let them look out for themselves as soon as capable of self-government.

Mr. Chairman, I do not believe that they are entitled to our sympathy, except wherein we can aid and encourage them in the building up of industries that possibly may in the future redound to our credit. If, however, we seek to aid and encourage them, let us do it along lines that will not in any manner affect or injure any American industry. [Applause.] Now, Mr. Chairman, practical aid to the Filipinos should far outrun sentiment. Let us, by protection or otherwise, encourage and aid them in growing immense quantities of coffee, for their island is adapted to that, and thus enable them to supply us with about $85,00,000 worth which we are obliged annually to import. Also aid and encourage them in producing the $50,000,000 worth of rubber and gutta-percha, which we annually import. Also aid and encourage them in producing fifteen or twenty million dollars worth of sisal grass, and nine or ten million dollars worth of cocoa which we are obliged annually to import, and other products, amounting to millions, of the natural products of their soil such as we can not possibly raise. Our annual import of these various tropical products, which they can produce in the greatest abundance and which we can not produce at all, amount in the aggregate to about two hundred million annually. This can all be done by the Filipino with slight aid and encouragement, and they would thereby be greatly benefited in fact, not sentimentally, and then their productions would not be brought in competition with our American industry.

Mr. Chairman, the American people are a practical people. They believe, first, in aiding and encouraging their own people, and then, if they have any charity to send it abroad. But if they do send that charity abroad, they do not believe in sending it abroad in the form of sentiment. They believe in sending abroad something that is material. We are sending to the Filipinos school-teachers, and we are investing our money in all ways for their benefit; but up to date we have not done it in such a manner as to discourage any industry in the United States. I firmly believe that if this bill is defeated, inside of the next five or ten years the beet-sugar industry in the United States will be so wonderfully developed, so enormously increased, that we will produce our own sugar and all we consume right upon this continent. [Applause.] I believe that when we arrive at that stage then the sugar-beet industry and the cane industry of this country will be independent of and above the reach and control of any sugar trust on earth. But as long as you leave the industry in its present struggling condition, those who are engaged in it will be very easily discouraged. They will lack the confidence which is necessary for the development of that enterprise. They will not build new factories as long as they find that the Congress of the United States does not propose to stand by, and back them, and encourage them.

I am a firm believer in the Republican party. I want it to revise the tariff. I want it to do so very soon. I want it to do so along lines that will be productive of the most good; and whenever an industry is found that has grown so large that those engaged in it can monopolize the entire product, and not only monopolize the production, but the output and sale of it and control the price of it, then I think the consumer is the man who should receive protection against mammoth organizations of that kind, instead of the organization itself receiving the protection. I believe the consumer at the present time is entitled to some thought and some consideration.

Thus far, since the passage of the Dingley law, none of the schedules has been touched, or threatened, or talked about except one schedule, and that is the schedule in which the farmer is interested. We talk about Canadian reciprocity. I believe in Canadian reciprocity, but I believe it should comprise all schedules, and do not believe in singling out wheat, oats, corn, butter, and goods that come in direct competition with the farmers along our border, and at the same time compel the farmers to pay the steel trust or the manufacturers of steel and iron and the implements manufactured therefrom the full protective price.

As I have before stated, I am thoroughly in sympathy with, and much desire a speedy, just, and equitable revision of the tariff. I believe that the many inequalities that now exist in the present Dingley law, which inequalities have become very apparent owing to changed conditions, should be remedied. I believe that when this revision is made it should be made all along the line. I believe that the free list should be enlarged so as to include every item where it is demonstrated that protection is no longer needed.

I believe that it is unjust and unfair that the American farmer and stock raiser should be the only one to be revised. The agriculturists of our country are willing and ready at all times to bear their share of any proper burden. Uncomplainingly they will pay any tax levied upon an equitable basis. The American farmer, and especially those along the border line between Canada and the United States, are willing, in my judgment, to compete with his neighbors of the Dominion, and allow the great mills of Minneapolis—the greatest in the world—to grind his wheat into flour, provided, on the other hand, the manufacturer of the machinery with which he cultivates the land that raises his crop will remove the tariff on his wares, thus allowing the user of this farm machinery to purchase the same in the open markets of the world.

If you will give to the farmer the reaper, the mowing machine, the thrasher, and all other implements of husbandry at open-market prices, with tariff removed, then, Mr. Chairman, the farmers of this country are willing to have reciprocity all along the line between us and the Canadian border. But they do not wish to be singled out, and other large schedules left intact.

My friend the gentleman from Iowa [Mr. HEDGE], who ably represents his district, in a speech during the last session enunciated a point that seemed to me to fit the entire case on the subject of reciprocity as far as the farmer is concerned. He said that in his district a petition was presented requesting him to support Canadian reciprocity. He found that it was chiefly signed by the implement manufacturers and dealers of the Tri-City Combination in the State of Iowa. He found there the plow manufacturer, the reaper manufacturer, the fanning-mill manufacturer, all signing this petition for Canadian reciprocity, in natural products. The gentleman from Iowa summed it all up in this statement: "I discovered," he said, "that the man who made the plow was endeavoring to reciprocate away the rights of the man who handled the plow." That seems to be the doctrine ever since the passage of the Dingley law. That law, imperfect though it was, was a good law, and one of the greatest ever passed by the Congress. However, the Republican platforms since then assert, that schedules should be altered to meet changed conditions, and certainly conditions have changed in the last eight or ten years.

Many previously small industries have during this period grown so large that they can compete with the entire world. Their schedules need revising. I do not wish to reduce the tariff by taking the duty off from hides and sole leather, the farmers' products, unless you take it off the manufactured article as well. [Applause.]

Mr. Chairman, I hear of no suggestion emanating from the leaders seeking to place the by-products of the Standard Oil Company upon the free list, and certainly the solicitude for Mr. Rockefeller's interests should not be greater than that of the American farmer. Again silence is the only response when allusion is made to the absolutely unnecessary tariff which surrounds the steel industry of the United States, an industry the greatest that he world has ever known, and which can and does produce and sell hundreds of millions of its finished products to residents of the Old World cheaper than to the American consumer. Certainly it can not be said that this all-powerful, world-supplying iron and steel corporation, which can and does accumulate the fortunes of a Carnegie, is in need of protection, and that the struggling infant industries of raising and manufacturing beets into sugar should be deprived of any protection, and compelled to come into competition with the cheapest labor on earth; that the forty or more millions now invested, not by a combination or trust, but by separate individuals, in one-third of the States of the Union be threatened with great damage and possible annihilation by the passage of this bill. The State of Massachusetts, which is a center of the boot and shoe manufactures and other finished products of leather, is clamoring for free hides, free raw material, the product of the farm, but still wish to retain governmental protection, full well knowing, as I believe, that they can successfully compete with all comers.

I wish to say that the farmer is the greatest and best wealth producer on earth, and yet he has no one, as it were, to speak for him. He has no tariff league behind him; he has no combination of capital to engage in his business. He starts out in the world independent and alone, and works industriously with his own hands. There is no combination that is here working for him, but you touch any of the tariff schedules of the great industries and you find at once springing up all around, combinations, backed by an organization that say, "Touch not," and they are not touched.

Mr. Chairman, in closing, I desire to say that the agriculturists of the great Western and Middle States are demanding a just and equitable revision of our tariff laws, and this demand is rapidly becoming more general, and to you, my Republican friends, who represent some of the larger manufacturing districts of this country, I say, in all seriousness, that you had better be wise in time and thus retain the friendship and coopera-

tion of the best friend you have in this Republic—the American farmer. [Applause.]

Mr. DE ARMOND. Mr. Chairman, I thonght in the early stages of this debate that I would not ask the House to listen to me in the discussion; the debate has run, however, to such a length and has taken such wide range that, like many others, perhaps, I have been tempted to take part in it.

Some gentlemen have addressed themselves to the question, or have assumed to do so, as though a contest were to be waged between the free-trade party and the protection party. Some gentlemen especially who oppose this bill have talked about their opponents on this side of the aisle who are going to vote for it as representatives of the Democratic free-trade party desiring to strike down the policy of Republican protection. Whatever anyone may think about the relative merits of free trade and protection as principles, whatever anyone might do or might not do concerning them as original propositions, with a virgin country before him, with lines to be blazed and a policy to be adopted, it must be evident to everybody that now there is not in this country, and can not be in this country, any free-trade party. No party is trying to bring free trade.

We have embarked upon the policy of raising a large part of our revenue by resorting to tariff taxation. That policy has been pursued long years, with variations as to the incidental and sometimes as to the main purpose of the enactment. I am unaware that any person speaking for any party has proclaimed or will proclaim a purpose or a desire to depart from the gathering of revenue by virtue of tariff taxation. When a tariff is imposed upon any article the like of which is or may be produced here—no matter what the rate of duty, no matter what the mainspring that moves those who enact the law—it is and it must be in effect a "protective" tariff. If it be high, a high protective tariff; if low, a low protective tariff. If inordinately high, it may be even a prohibitive tariff.

Then may we not consider this pending bill, and the general subject of which it is a part, with reference to facts as facts are? Can it be necessary to assert—what is the temptation to make speeches and declamations upon the proposition—that there is upon this side of the Chamber a free-trade party trying to abolish tariff taxation? There is no proposition to substitute anything for it. There is no possibility on the one hand and no wish upon the other that anything be substituted for it. Then take it as a fact incontrovertible—a fact that the most casual observer, the most shallow thinker, ought to grasp and comprehend—that a large part of our revenues will be raised by tariff taxation; that whenever you impose a tariff of whatever degree upon anything the like of which is produced in this country or may be produced in this country, one of the inevitable effects of the imposition of that tariff tax will be what gentlemen call "protection." The real question at issue between the parties, the real question at issue between individuals and thinkers upon this subject, when they allow themselves to think upon it, is as to what the tariff tax shall be, not as to whether there shall be any; as to what shall be the purpose in imposing and maintaining a particular rate of tariff duty upon a particular article; what probably will come from it in revenue, and what probably, if you please, in what is called "protection."

Now, I think that everyone upon either side, whether voting for this bill or against it, everyone believing in a revision of the tariff and everyone in favor of the policy of "standing pat," as it has been elegantly phrased, must agree that we all start and all must start—unless we presume upon the ignorance of others and make a display of our own—upon the proposition that a large share of our revenues will continue to be gathered by tariff taxation, and that the tariff by means of which they are gathered will inevitably operate as "protection."

A large part of the people of this country, not confined to one party, one section, or one pursuit, believe that the tariff should be revised. There is another considerable group of individuals who affect to believe, not that the tariff ought not to be revised, not that it is what it should be, not that it is perfection beyond the possibility or hope of improvement, but strike out "who" and put in "that it is enough to" proclaim that they stand pat. They believe that for the present they can not be driven to revision, and their inclination and disposition, their hopes and their fears, repel the thought of consideration of the subject which so many others believe now challenges the consideration of every thoughtful man in all the broad domain of these United States of America. The statement of the proposition upon which the "stand-patter" places himself is a refutation, it seems to me, of all his claims. It is inconceivable that any tariff, made by anybody, at any time, in any country, for any purpose, could have inherent in it that degree of perfection that neither the lapse of time nor the development of industries, no change or diversification of pursuits, no inventions or growth, could bring about a state of things where some change would be desirable, much less a state of things where some change would be imperative, if justice is to be done to the people of the country.

If such a thing were possible as that there could be given now a tariff schedule, not fresh from the brain of the greatest men in this land or any land, but fresh from the throne on high, the sun would scarcely set behind the western hills and be lost to sight beyond the western ocean before some changes would have been wrought by the subtle, tremendous powers of the mighty agencies that operate in this country and this world, by means of which that bit of perfection of this morning would in some respects be imperfection this evening. And yet gentlemen tell us—no; they do not tell us, but they act as if they think we believe and as if they suppose the country would believe and act upon the assumption—that all the mighty changes of the years since the Dingley tariff law was enacted, all the great discoveries and inventions, the progress and the growth of a marvelous era, sending the United States and all the world forward with leaps and bounds—all this change everywhere, all this enlightenment and growth over the broad face of the earth—that all this has left one thing, and one thing alone, sacred, lofty, great, and perfect, beyond the touch of the finger of time, beyond the power of human intellect and patriotism and genious to bring a single improvement or a single amendment; the one thing, according to these gentlemen, against which the waves of time and all the play of circumstances, all the forces of nature, and all the development of man may be exercised in vain is this Dingley tariff law; a thing so perfect, not only at the time of its creation, but so perfectly adapted to all the changes and variations and vicissitudes of national and individual life, that while vast revolutions have swept over the earth and through the industries of men, this one thing remains so complete that the highest expression of statesmanship with regard to it is to "stand pat" upon it.

The very fact that certain gentlemen, or a large section of them, stand pat upon this tariff bill is the most severe arraignment of it, is the most tremendous condemnation of it, that it would be possible to find or to pronounce. Stand pat upon it, why? Because it needs no amendment, because there is no chance for a betterment, because in it or through it there is no partiality, no advantage, no disadvantage, no unlawful or unrighteous oppression, no unmerited hardship or suffering? Why, no; of course not; but because the gentlemen who assume to take that position dare not attempt revision. But it is imperative that statesmanship undertake and patriotism perform a reformation and revision of the tariff law. No one need talk of the virtues of protection or the vices of it; for, as I have said, here and now free trade is an idle, academic dream. I have no time for it, and I have no time for an abstract discussion of a live subject.

And what is the matter with your protection and your protective theory? Aye, what is the matter with the school of protectionists who dare not, although greatly in the majority in all the avenues in which and through which legislation must pass; with an overwhelming majority here and an overwhelming majority at the other end of the Capitol, and a most decided majority at the White House, what is the reason that these men, not foes to protection, not free traders, or, if you please, not falsely dubbed free traders—what is the reason that these advocates, promulgators, prophets, seers, and apologists of protection, as we have it, what is the reason that they can not, will not, do something, in the household of "its friends," with this subject of tariff revision?

Now, there is no answer to be made, in view of what has transpired and what is transpiring in this country; in view of the situation as it is, and as it has been; in view of the prospect that is before us—there is no answer except that they dare not revise, that they fear to do it. Why? Because A says: "If you interfere with the schedule in which I am interested, if you dare to lay unclean hands upon this holy schedule which has made me and my associates rich, no matter how many have been beggared, dare lay impious hands upon my schedule, you will have to prepare to meet my opposition." And immediately B, who is interested in another schedule, echoes the sentiment; and C and D and the others follow, clear through your protective alphabet. All this must suggest to those who are not blinded, those who are not wedded to names, those who believe in the rights of the American people—those plain people who are occasionally mentioned in speech and forgotten in action—that you are buying the favor of the monopolists and trifling with the interests and the rights of their victims.

Who can arraign the system, who can criticise the law, who can point out the dereliction from duty of the representatives of a

great party, in terms more scathing than those which state the facts, or with more effect than that which the cold logic of the existing facts must produce?

The most defenseless man in these United States, so far as logic is concerned, so far as reason is involved—the man who stands in the position of the least strength and greatest danger, the man who places himself upon the shifting sands of the present, taking no heed of the waves and the winds which are threatening the foundations of things—is the "stand-patter." The day may not come soon, though I think it will, but the day certainly will come when those who, having the opportunity lack the disposition to do anything better than to label themselves "stand-patters," will have prepared, each for himself, an accusing epitaph which time with all its ravages never will rub out so long as a memory of them remains. [Loud Applause.]

In the Washington Post of yesterday morning I saw, and others of you saw no doubt, a very clever cartoon of the original "stand-patter," by that very clever artist, Mr. Berryman. I commend it to the consideration of the stand-patter of to-day, who, in full view of the robbery, answers the cry of monopoly's victim for help with the exclamation "What! While you have anyting left?" With a few touches put in, if anything could be added to it, let it be framed and hung up in every stand-patter sanctum. I suggest even placing it in the council chamber of the leaders of to-day in this House and in the other.

The cartoon represents an old man with his chair tilted against a shabby cabin with a hole in the roof, and when a neighbor asks him why he does not mend his roof, he exclaims: "What! When the sun is shining?" The sun has been shining long for you, my stand-patter friends. You have basked long in the sunshine. But in this world all is not sunshine. Occasionally clouds gather; sometimes the storm breaks; and if you will not repair your building in time, if you will not do something in the way of affording relief to an outraged people while the sun is shining, possibly a storm may come, a storm which may sweep you so far out that the resurrectionist will scarcely find you. Let me say that I am not trying to save you from yourselves; but you have the power to help the people by being just to them, and I would welcome good to them from any source. It is very evident though that a large share of our friends on the other side are so wrapped up in this Dingley bill, so dependent upon those who are interested in it, that they will enjoy while they can the sunshine, and will take chances upon the storms.

It was suggested by the last speaker, the gentleman from Minnesota, that the time may come when the farmers of this country may not rally to the support of the Republican party, as too many of them have done. Yes; that time may come. That time ought to come soon; that time will come soon if you persist in the policy which has forced upon the people of this country that attention to their own affairs which you in power ought to give and refuse to give.

The advantage which is given to the farmer is comparatively rare in this tariff legislation. It is true that the farmer is seldom legislated for in the fixing of tariff schedules. It is true that in the existing tariff schedules the farmer is given a gauze of words, the monopolist the valuable substance of things. As a matter of fact, they do not protect him, and never were intended to protect him. And yet somehow you gentlemen upon the other side have succeeded in enjoying too large a share of the votes of the farmers, to their own prejudice.

It was suggested also that there might be some consideration for the consumer. A new thought! An inspiration from the other side! Some consideration for the consumer, from the standpoint of a stand-patter! Why, the consideration is for the person who consumes the consumer. [Laughter and applause on the Democratic side.]

I do think there might be a little thought for the consumer. I really believe that this large and, I think, respectable, and surely neglected, class might come in pretty soon for a little consideration. Whether or not that consideration will be given soon, whether it will ever be given until there is a complete change of party control, of course I do not know. One way of giving consideration to the consumer with reference to this sugar matter would be to take off the differential duty upon sugar, to take off the extra duty upon refined and high-grade unrefined sugar, a duty that confessedly and notoriously is a sugar-trust duty. How strange it is that so much difficulty lies in the way of those who would remove the trust duty from sugar—that is, the differential duty; the extra duty from refined and high-grade unrefined sugar. The farmers would not be hurt by it. The consumer would clearly be benefited by it. The sugar trust would not be wronged, and it could be done so easily! Will it be done in this legislation? If I were to venture a prediction, based on experience and observation of the facts heretofore, I should have to say, "Hardly." Why? Let those who are opposed to the proposition answer. Let those who talk about looking after the interests of the farmer and the consumer and to the interests of the plain people of the land, a land glorious because of its plain people, let them answer for themselves and to their constituents, answer here and elsewhere, why it is that they will not join with us on this side to remove the differential sugar-trust duty from sugar.

There is impending right now, as we all know, something in the nature of a crisis in trade relations between this country and Germany, and there is an incidental advantage that we might derive from the removal of the differential duty now, an advantage without cost to us, an advantage purchased only at the price of doing justice to our own people and refusing longer to legislate and maintain legislation for the benefit of a mighty, soulless monopoly. Such legislation would remove in considerable part the friction and the difficulties now existing and increasing between Americans and Germans.

Why ought we not, in view of the provisions of the German tariff soon to be put into force and effect, and which threatens serious injury, if not disaster, to farming communities in this country in certain quarters and in certain lines—why ought we not, simply by taking the differential duty from sugar, open up, without cost or disadvantage to us, the way for larger importations from Germany of refined sugar, upon terms more satisfactory to the Germans, bringing, of course, in the train of such legislation terms more satisfactory to us as exporters, in our dealings with the German people? There may be a good reason, outside of the countingroom of the sugar trust, for continuing this differential sugar duty; but if so, I do not know what it is, and certainly I should be obliged for the enlightenment if some gentleman who knows of any good reason would tell us what it is. Nothing, it seems to me, but the tremendous power of monopoly, and the impotent dependence of a mighty party upon it, stands in the way to-day of the removal of this differential duty upon sugar. Its abolition would do away with many obstructions, not only to the prosecution of business with Germany upon as good terms as possible, but to an expansion of our export trade generally. It would be, in every way, to the manifest profit and advantage of the people of this country. Why not do it? Let those who are opposed to removing the differential sugar duty answer for themselves.

Mr. Chairman, I was very much impressed by the speech of the gentleman from Massachusetts [Mr. McCall]. Like all of the speeches made by that gentleman—all to which I ever have listened, all which I ever have read—it was clear, calm, and dispassionate; full of thought, logical, and elegant in diction. There is in it also, it seems to me, the subtle spirit of prophecy; not the blatant prophecy which is employed in the place of argument and as an adornment of declamation, but that illuminating prophecy which comes from a comprehension of broad principles and an understanding of what probably is to be the result of the coordination of different forces in human affairs. He spoke of his great Commonwealth as having been "torn by force from the breast of her natural mother, which is the sea." True, Massachusetts has done well under this protective-tariff system, a system forced upon her, as we are told; a system which she to some extent would modify, so far as its grosser abuses are concerned, if those less wise and more intolerant, who belong to the same political party, would not obstruct and prevent.

Why may not Massachusetts again go to the breast of her natural mother, the sea? Why may not American shipping again whiten every ocean, and the American flag appear again upon American merchantmen at every port in the wide world, as before, when we had less protection and used more common sense? But the way proposed to bring Massachusetts and other parts of the Union to the breast of that natural mother, the sea, is not the old way; it is not the way of nature; not the way of reason. The suggestion is to pay the child for resorting to the breast of the mother. It is by means of a subsidy, we are told, that we are to rehabilitate the American merchant marine; not by removing obstacles, not by giving fair play, not by resorting to reason and profiting from experience, but by paying certain men to build certain ships and navigate them for their own purposes, and thus treat the people, about whom some now and then speak, but seldom act, as if the people and their interests could be left to the mercy of the monopolies you propose to build up. Assured of one thing, that whichever party prevails in this country, there will be a large amount of revenue raised by tariff taxation, and that the imposition of this tariff tax will operate as protection; assured of that, with no question about tearing down factories or about the smoke vanishing from

factory chimneys, with no danger to industries, with no danger to trade or production, why is it that we may not set ourselves rationally, in the light of human experience, in the light of our own experience, in the light of the history of our own land, counseling in our own wisdom, warned by our own folly, why may we not legislate so as to put American shipping again upon the seas, with the American flag over it—without subsidies? Why not again as before, without subsidies, have the productions of this mighty land carried to foreign shores and products of foreign countries brought to this great land of ours in American ships, under the American flag, to the glory and profit of American citizens, instead of continuing the miserable policy which has prevailed for years and years? And yet the only cure, the only remedy, now offered by those in power is the miserable, dishonest, degraded, compromising, wronging subsidy—wringing money from the people to put into the Treasury, to take out and give to a few men to do that which, if you give all fair play and justice, would be done better without it.

I really believe it is high time, in this general era of good feeling, when partisanship does not run high and partisan bitterness seems to have gone, to consider great questions which essentially are not political at all, in a spirit of American patriotism and with regard to the rights and interests of the great American Republic and all its people.

Now, why not revise the tariff, bring it into such condition as your best judgment, not ours—the judgment of your wise men who dare think; the judgment of patriotic men who dare act—will suggest? The revision of the tariff under present conditions, with Congress constituted as it is, with the Executive of your own party, would not be a revision of the tariff by the Democrats. It would not be a revision of the tariff with which the Democrats could interfere, if you please. The question is whether you yourselves will revise it. That is the question.

Do not talk about Democratic free traders; do not talk about a free-trade Democratic party which does not exist. The question is, Will you do anything? It is not what we will do; it is not what we would wish to do; it is not what anyone but you would wish to do. It is not a matter of danger or of experiment into which alien and hostile hands will be thrust; it is a question of your will. What will you do?

Now, do you wish to do anything? Will you do anything? Take the matter of the rehabilitation of the American merchant marine. The question is, What will you do? Do you still wish to force the American who desires to invest his money in shipping to be employed in foreign trade, as he has for a generation been forced, to put that money into foreign ships sailed under foreign flags? If you do, continue your policy.

Do you wish to give Americans an opportunity to put money into American ships and sail them under the American flag, carrying our beautiful banner to the uttermost parts of the earth, and giving it to every breeze that blows over salt water, and have it appear in every port in the world? If so, do it yourselves; you have the power to do it. The way is open before you. Do not say there is partisan danger, for here you have a majority of a hundred and twelve, and your majority in the Senate is great. In each body the minority is equally impotent, so far as legislation is concerned. When you people control both Houses and have your own Executive in the White House, if there is not something done upon these subjects it is not because we obstruct, but because you will not act.

There is a good deal said about American opportunity in foreign countries. Every now and then gentlemen grow vociferous, and sometimes eloquent, in proclaminig their great desire to extend American commerce; to open better and wider and more numerous markets for the products of the farm and the factory and keep them open. It is a very popular theme, but how are you going to open those foreign markets? What is your process? Is it one of legislative hostility to all the nations of the earth? Trade is a peaceful pursuit. Trade is hardly ever carried on at the mouth of the cannon or near to the point of the bayonet. Trade is hardly ever stimulated by the roar of hostile cannon or the rattle of musketry, by charge of cavalry or steady tramp of deadly infantry. It is best when all that is far from the haunts and marts where trade moves and has its being.

The American manufacturer is invited, coddled, bribed, by the present system into hurtful dependence upon the home market, in which he is protected against rivals from abroad. You have said: "We give you this market for your own; exploit it and do the best you can. Prepare for the conquest; make the most out of those who are merely our helpless brethren." What is this but a temptation, an invitation, a bribe, to the manufacturer to produce his wares for the American market, and make what he can out of the American consumer? As to those wares which he sends abroad, that is incidental, is of small consequence; is a comparatively little thing. That is what you proclaim by what you do and what you refuse to do. The result is he does not manufacture in a way to compete as best he might with his rivals in other lands. When he goes to other shores, when he crosses the ocean or crosses the border line between our country and one adjoining us, he leaves behind this blessed, this sacred, this holy thing, the Dingley tariff law. There mutation and change and riot and chaos prevail because no Dingley tariff law is in force to bring order and enforce order, and to hasten, if not actually usher in, the millennium itself. There he must compete with the Englishman, the Frenchman, the German, the Italian, the Japanese, the Chinese, anybody, everybody under God's shining sun. In order to compete with them as fully and as successfully as possible, it is necessary that he center his attention upon the manufacture of such things in such a way, and pack, ship, and deliver them in such a way, as suits the particular requirements and prejudices, if you please, of the people with whom he deals. The German does it, the Englishman does it, and the Frenchman does it. Being merely an incident in our trade relations, being a little thing, comparatively, with this mighty American market all his own, where the buyers are handed over gagged and bound, with nothing left except the lining of their pockets, with that condition of things, the American manufacturer gives but little attention to the foreign market. Talk about extending our foreign trade! If you greatly extend that foreign trade you must make things and ship things and handle things according to the wants of the foreigners, studying their tastes and even their prejudices.

Let us not be eternally preaching about the value of this home market. It is a great market, and everybody knows it; a mighty market in a great land of progressive people. That is commonplace. We all know it. Any tariff at all, as I said before, and I repeat—because it is marvelous how gentlemen base what they call "arguments" upon the assumption to the contrary—any tariff at all gives to the American manufacturer in this great American market an advantage over all the rest of the world. Sure of this home market, shall monopoly have it for all it can be made to yield, with foreign trade but an incident, or shall agriculture and mining and manufacturing and commerce all thrive and flourish?

Will you give shipbuilders a chance, and by really protecting the people from the evils of monopoly protection inspire our manufacturers to systematically seek foreign markets? Upon the decision of these questions is going to depend very largely the issue of our efforts to expand and extend our trade in the far lands of the earth. If we are to continue on the plan of directing attention to the home market and pressing for legislation to enable the favored few to get more out of it, if the masses who are the sufferers by this policy are willing to submit indefinitely, then it is a matter of little difference, of little concern, to the monopolist whether we shall have much or little trade with other countries. But if by patriotic statesmanship, profiting by experience and looking into the future even so far only as the dimmest eye can pierce, we are guided by what, manifestly, reason and judgment suggest, we will set about so legislating that soon there will not only be a great American market in which the American manufacturer shall have the advantage over the manufacturers of every other part of the earth, but there shall be lying beyond it the wide expanses of earth, in all the lands where things may be sold, into every place where people have money to buy and wants to satisfy, the world's great markets, in which Americans may lead. The ingenious American manufacturer and the bold and unhampered American trader, if you will unhamper them, may go in prosperity beyond the dreams of avarice, distancing even the glowing colors of prediction.

Is it not time for us to get out of our swaddling clothes? Is it not time for us to assert our majority and cease all whining and puling as infants? Is it not time for us to arise in the majesty of the mightiest of peoples and be the mightiest nation under the best conditions ever known since the first recorded syllable of the history of mankind? This policy of proscription, this policy of repression, this policy of ministering to the rich and grinding the faces of the poor, can not make us greater, and if persisted in, instead of becoming greater and greater, we shall be stunted and dwarfed.

Have we reached the summit? Are we gazing now from our loftiest camping place upon the vast plain over which we have passed, and which is marked with the monuments of our progress? Are we upon the heights? Are we about to descend? Or are we upon the first elevation of American progress and glory? Are we to climb to still greater heights? Are we to view a broader expanse of the world of commerce, to peacefully invade

all the nations, and by genius and enterprise win trade victories everywhere? Are we to be greater by being freer? Are we to be greater by being fairer? Are we to be greater by looking after the people, or are we to give ourselves over to mammon and have inscribed upon the tombstone of this great Republic, perhaps at no very distant day, the sad epitaph in which others may read of the rise and fall of another of the great republics of the world? There is no such thing possible as long continuing to be a free government, without fairness and justice to the masses of the people.

Free government and partiality by legislation—partiality for the few at the expense of the many—are things which can not be thought of at the same time, things which can not long coexist. A great people, with an inheritance of freedom, with promises and prospects such as have never before been spread out to greet the eyes of men, we have made marvelous progress, not in consequence of wrong but in spite of wrong. How much further we might have gone, how much higher we might be, how much greater might be the average of prosperity in this country, how much more complete might be the opportunity for all today, had we pursued a different policy, I can not answer and no man can answer. Fair distribution is more essential to national glory and perpetuity than vast accumulation ever can be.

Now is the fit time for doing what experience, justice, and patriotism admonish us to do. Now is the time and now is the opportunity, when the passions and the heat of prejudice and political excitement and political bitterness have well-nigh vanished, to set ourselves seriously and soberly and honestly to the solving of the great problems with which we are confronted. Will we do it? Upon this side we have not the power. It is for you gentlemen on the other side to act. You should be up and doing. You have an opportunity which comes seldom to a party or to the representatives of a party in a great National Congress. You have the opportunity to do what ought to be done, even from your own standpoint. Will you rise above the temptations that have enthralled you? Will you regard the interests of the American citizen, the plain American citizen, and change the laws, or will you depend upon the trusts by serving the trusts? I do not care to answer, though I think the indications are such that one might venture to answer without great danger of finding himself in error.

Now, the discussion of this particular bill is curious in some respects. Some of the proponents of this measure, some of the leading gentlemen on the other side, have explained carefully, diligently, with painstaking and much ingenuity and considerable invention, that this bill is no invasion of the sacred thing called "protection," for which their party stands. It is merely a measure of justice to the Filipinos, and not harmful to anybody here in the United States. As my friend from Missouri [Mr. CLARK] suggested in his most admirable speech, those who now cry aloud in oppositon to this measure, and whose voices and whose votes were for taking and holding the Philippines—they are seven or eight years behind time in making their fuss. They "stand pat" after the manner of the man who locked his stable, after and not before the horse was stolen.

I do not believe the passage of this bill is going to hurt the American sugar planter. If it does, why not let the Philippine Islands go? Why insist upon holding them? Why talk of not pulling down the flag or of having been sent over there by a beneficent Providence to hold the Philippines? Having seen the error of your ways, why not repent, make amends, and sin no more? If injury to your sugar interests be part of the price of your folly, why grumble? If you have to fulfill part of the obligation which you contracted, why not fulfill it like men? Why do you not say—in this human life how easy a thing it ought to be to say—"I was wrong?" Being wrong, take now the right course rather than stay out of it. Shake off the yoke of that petty tyrant, the consistency of vanity, which would hold you forever the slave of wrong because you began wrong.

These Filipinos are under the flag. They are subject to our domination, and by every principle of the Constitution, by every sense of fairness, by every aspiration of patriotism, by every mark of statesmanship, we are bound to give them what they are entitled to. If you are tired of your experiment, if you have enough of the dear little Brown Brother, if you really doubt whether he is a brother of yours, then let us provide in a decent way for turning the little Brown Brother loose to shift for himself, as he longs to do, first securing by international arrangement a guaranty against the aggression of other nations. [Loud applause.]

Great questions demand something of greatness in consideration and in solution. The greatest statesmanship is ever the wisest partisanship. The tariff is a great issue, and standing pat is meeting it as the ostrich meets the issue of hiding himself, when he buries his head in the desert sand. The restoration of the American merchant marine is a matter of tremendous importance, and the attempt to get ships by means of subsidies is like trying to make men rich by gifts of pilferings from the poor, instead of permitting them to gather the gold which willing industry would gladly labor for and win. The peaceful conquest by Americans of the world's markets is something to be hoped for and worked for, but it is not possible while the masses are given over in the home market for wholesale pillage by the classes.

Just in proportion as the masses at home recover their lost rights, the American manufacturer will turn to, prepare for, and succeed in the foreign market. That can not be won in sharp competition against formidable competitors which is not sought earnestly, persistently, intelligently. Justice to our own people will increase our trade abroad, to the great good of all. But "stand pat" will accomplish none of these desirable things. "Stand pat" is an obstruction in the highway of commerce. It would provide a shield for the oppressor, a weight upon the oppressed. "Stand pat" is the inertia of wrong.

If the Philippines be given free trade with the nation of which against their will we have made them a part, and if the sugar-trust differential duty on sugar be removed, then will Filipino and American be benefited legitimately, without wrong or partiality to anyone. Then a great deal would be accomplished. Then at last the Constitution, the old Constitution, the Constitution of the fathers, the Constitution reverenced by all men who have pride in this country or hope for its future, the Constitution which is the ark of our safety—then the great Constitution, in letter and in spirit, would be vindicated and observed. Hardship would not be inflicted upon anybody; complete justice would be done; and that justice would comprehend and include in its beneficence that oft-spoken-about but oft-forgotten element of our population, the plain, common people. [Prolonged applause on the Democratic side.]

Mr. BENNET of New York. Mr. Chairman, I rise simply for the purpose of putting on the record some information which I think ought to be in the possession of the House in view of certain statements made by the gentleman from Utah on Friday last, and in view of certain inferences which he somewhat nebulously drew from those statements In substance he stated that the State of New York was not interested in the beet-sugar matter, and that the votes of her representatives would be influenced by that fact. Both the alleged fact and the inference meant to be drawn are incorrect. We do raise beet sugar in New York, and we are interested in the industry, and our votes are not going to be influenced by the fact of the existence of such an industry.

Mr. Chairman, the State of New York since 1897 has contributed more from the State funds to the promotion of the beet industry than have all the other States of the Union combined, the figures being for the seven years $404,913. And each year since 1897 the legislature has put upon the statute book this statement:

> This appropriation is made by the legislature in continuance of the policy adopted at the session of 1897, in the faith and with the declared purpose of making direct appropriations from the State for a successive period of not less than five years from said first appropriation, in aid of the permanent establishment of a beet-sugar industry in this State.

I propose to vote for this bill, not because we have the beet-sugar industry in the State of New York, for we have it; not because we have tobacco, for we have that, and not in spite of either of those facts, and not for any reason relating to either industry, but because I believe that there is a duty which only Congress can perform in relation to our helpless wards so far away across the Pacific. [Applause.]

Mr. RANDELL of Texas. Mr. Chairman, I do not deem it necessary to make any very extended remarks upon this bill, but desire to put myself on record in reference to its provisions, and to comment upon some of the issues that have been brought into this discussion. The act approved March 8, 1902, entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," levied a tariff on products of the Philippine Islands imported into the United States equal to 75 per cent of the Dingley rate. This bill proposes to amend section 2 of that act, placing all such imports from the Philippine Islands on the free list, except sugar and tobacco, and on these two articles it proposes to retain 25 per cent of the Dingley rates, which is one-third of the present tariff now levied on those articles.

This bill is presented by the majority of Committee on Ways and Means, the minority of that committee offering a substitute admitting all such imports free of duty.

In order properly to consider the issues involved here, we must understand the situation and the relationship between the United States and the Philippine Islands.

If the archipelago is a constituent part of the United States, it is clear that under our Constitution there can be no lawful tariff levied on its imports into this country, and we ought to support the substitute measure giving them free trade with us. If the party in power will not permit this, then we should support the bill, as it is more just and less obnoxious to the Constitution than the present law.

The Philippine Islands are far across the sea, 6,000 miles from our western coast. Its people are different from us—different in race, lineage, color, characteristics, and education, different in hopes and aspirations—with a future not to be naturally blended with ours. They inherited that country from their ancestors, and it has been their home as long as we have had America for our home, and longer than we have owned the greater portion of our country upon the American continent. They have hopes and aspirations, love of liberty and natural rights the same as other men and other peoples. They, like our forefathers, suffered by the hand of oppression, bound down four hundred years, subjects per force of the Spanish monarchy. They, like our forefathers, tired of oppression, fought for their freedom, and, in that fight which was waged for many years with varying success and much bloodshed, thousands and tens of thousands of lives were given for freedom, as our forefathers fought and died for freedom. And during all that time we sympathized with the Filipinos in their fight.

When by their own prowess they were about to accomplish as a fact that freedom which they craved, the Spanish-American war was declared. We made a common cause against Spain. We were allies. The result of that war brought the Philippine Islands into the hands of this Government and under the power of this Government. They who were our allies and our friends, who were supporting us in that war as we supported them, were, by the terms of our treaty with Spain, purchased by us for $20,000,000; or, as some have expressed it, for two dollars and a half a head. But possession of that country and dominion over it could not be obtained by mere purchase. It required force. The Filipino desired his liberty. He had been fighting for that for years, and continued that fight, and it is scarcely over to-day. The war there is over in name only; they are only partially subjected; they are still fighting fitfully for that liberty which is the birthright of every human being—still disputing the right of this country to control them. We have forced them into the attitude of being a part of this Government. Without their consent we have made them a part of the United States.

From that standpoint, Mr. Chairman, it seems to me that the dictates of conscience, common honesty, and respect for our own Constitution would impel us to give to these people the same rights that they would have if they had become a part of this country by their own will and our consent. [Applause.] Not only is it our duty to give them the rights they would have under our Constitution had they come to us by their own consent and our agreement, but the fact that we forced them into this position, it seems to me, only emphasizes our duty and appeals the more strongly to our justice and magnanimity. Therefore, under the Constitution, according to common sense and in fairness to these people, as long as they occupy the position that they are now forced to occupy by the arms of the United States and by the policy of the Republican party, managing the affairs of this Government at the present time, it is right that they should be accorded all the accruing benefits under the Constitution to which they are entitled as a part of this Government; and the tariff wall should be entirely torn down.

But there are some who oppose it; some men who claim to be Democrats who oppose it. There are many men who claim to be Democrats because they belong to the Democratic organization, affiliate with the Democratic party, but are really no more Democrats in policy and in principle than if they affiliated with the Republican party. Then there are men who are Democratic on some things and un-Democratic on others.

Without attempting to criticise anybody, I am here to say for one, as a member of the Democratic party and as a citizen representing the State of Texas in part in this House, that it is not the sentiment of our people, it is not Democracy in Texas to treat one part of this country in one way and another part in another way when it comes to the question of tariff. [Applause.]

We are a young and growing State; we have rice, we have sugar, we have tobacco, and they are the principal things that will be affected by this legislation; but, I tell you here and now, standing in my place as a Representative from Texas, that the people of Texas—yes, even regardless of party—are not in favor of discriminating against the Filipino for fear that he may interfere with our trade and progress. [Applause.]

If we can not raise rice in Texas at a profit we will stop raising it. But the fact is we can raise rice there at a tremendous profit. The only trouble is that the organization of trusts is so easy under Republican administration, under our tariff and transportation laws as they stand to-day, that the menace to the rice producers in Texas is from the trusts and not from the Filipinos; not from importation of rice into this country. The Philippine Islands are importers, not exporters, of rice.

So far as Texas is concerned, our interests are the same as those of the rest of the people. It is a part of the United States; it is a miniature United States in itself. It has every variety of climate, soil, and product that the United States is capable of; and every industrial interest in the United States appeals to us as personal, because we can build up the same industry in Texas if it does not already exist.

But the real question is, What is right by these people? One of my colleagues, a good friend of mine, has advocated the doctrine, astonishing to me—I do not know how it may appear to other Members of this House—that under the Constitution it is his duty to support the substitute, and, that failing, to oppose the bill; that to vote for the bill would be voting for a tariff which is unconstitutional—namely, the tariff on sugar and tobacco, the same being 25 per cent of the Dingley rate.

Mr. Chairman, if this were initiative legislation, if the question was whether or not we would have to put a tariff of 25 per cent of the Dingley rate upon sugar and tobacco imported from the Philippine Islands the product of those islands, I, like my colleague from Texas, would oppose the bill, because I believe we have no constitutional right to levy a tariff between the Philippine Islands and the United States, or any part of the United States. But this is not initiative legislation.

If the substitute is rejected, we must vote for or against the bill. A Member of this House that votes against the bill—if the substitute fails—votes to retain the present tariff of 75 per cent of the Dingley rate on all imports from the Philippines. Would not that be voting for a tariff? Suppose the Member refrained from voting and the bill were defeated. Would not that be permitting an unconstitutional tariff to remain on our statutes, when he had an opportunity to cast his vote for the abolition of nearly all of it, and to greatly reduce the remainder?

Now, how can a man be conscientiously impelled to vote for the substitute and yet conscientiously prevented from supporting the bill if the substitute is lost? When he votes against this bill he votes to retain, as I said, all the present tariff wall between this country and the Philippines. He votes to retain three times the tariff on sugar and tobacco that this bill provides, and yet he says his conscience will not permit him to vote for any tariff at all. The effect of the vote will be to maintain the tariff if he votes against the bill; the effect if he votes for the bill is to take away all the tariff except on sugar and on tobacco, and to take away two-thirds of the unconstitutional tariff on those articles. I will not take time to further discuss a proposition like that. The gentleman's position is that the Philippines are being robbed, but he will not vote to reduce the amount of the robbery for fear of making himself a party to it. I will not discuss this point further. The gentleman from Pennsylvania [Mr. CASSEL] says it will ruin the trade of this country if you allow the tobacco from the Philippines to come in.

I do not believe that we should consider primarily the question as to what effect it would have upon our trade. We should consider first the question as to what is right. But, if you will consider the question of policy and expediency, let us see: It seems that he is afraid of the Philippine product. The gentleman in his speech said there is a little over $2,000,000 worth of tobacco that is shipped from the Philippine Islands to all parts of the world. According to his statement, his district in Pennsylvania makes nearly $3,000,000 net profit to the producers of tobacco leaf. Following out his reasoning, his district will have more influence on the American market than all the Philippine export, and would be such a menace to the tobacco industry in the United States that we ought to put a tariff wall around that district in Pennsylvania to keep its tobacco from taking the market and ruining the producers of tobacco in other parts of the United States. [Applause on the Democratic side.] And a tariff wall around his district would be just as constitutional as a tariff wall between any other parts of the United States.

The fact of the matter is that we do not need prohibitive tariff walls around this country. It used to be the accepted doctrine that the condition of a people as to their civilization and advancement would largely be indicated by the amount of commerce in which they were engaged; but, it seems, in these latter days commerce is considered as a great evil. We must bar it out. We must adopt a system that will give a premium on things the production of which is less in this country than its

consumption; and the same policy by the people of all other countries would necessarily lead to the result that everything consumed in each country would be produced there in the country where it was consumed, and there would be no need of commerce or trade whatever. The only commerce that would be possible under those circumstances would be a commerce with reference to those articles which could not be universally made.

But, my friends of the beet-sugar variety, when you protest against this bill remember that you are responsible for having the Filipinos as a part of this Government. If you made a mistake then, you ought to correct it now. If you did not make a mistake then, you have no right to complain now that they will be taken really as a part of this country. Why not get consistent? Why not join with the patriotic element of both parties of this country and give the Filipinos justice? Why not give them that liberty that they had won by the sword and have now lost by the overwhelming power of this Government. [Applause on the Democratic side.] You who are complaining about this matter, will you not come to the relief and help of those whose patriotic motives are to let America be a country of white men; a country of Caucasians—America to lead not only now but forever in the progress of human civilization? Come now, before it is too late, and help us to free ourselves from the entanglements of the Philippine Islands.

In this connection why not give to us what you have promised for these years? For the several years I have been a Member of this House I have waited patiently and hopefully, hearing your leaders say that while the Democratic party should have nothing to do with the revision of the tariff, yet that the great Republican party, managed by its great leaders, were speedily to give relief to the people of the United States by tariff revision, and that they, the friends of the tariff, would revise the tariff. Why do you not do it? We have waited long and patiently. Do you mean it? If not, why continue to deceive the people? If you mean it, why not act? Take up the question and revise the tariff. We live in a great section, where so many Members of this Hall reside—in the great Mississippi Valley of the United States—a farming country, where the farmer to-day controls; and I want to tell them and you now that the Republican party understands that the farmers of this country are getting to be a smaller factor every day and year; each election they are becoming a smaller factor in the policies and in the politics of the United States.

The policy of the Republican party is building up trusts by protective and prohibitive tariffs—trusts that are gaining more and more power, and spreading out their interests so that they combine many elements and interests. They take so much of the actual labor of the country into their ranks that the farmer is becoming less and less the powerful and controlling factor that he once was. It is time for you to realize this. It is time for you, the people, the farmers, all over the country, the great industrial classes that are not protected by legislation, that are not protected by any tariff, and that are not favored by any class legislation, to wake up on these propositions. Do justice in all things, separating yourselves from the Filipinos and from every foreign race. Break down the prohibitive tariff walls around this country, levy a reasonable tariff for revenue, fair to all the people, and depend upon it that our citizenship, the inventive genius of our people, the salubrious climate of these United States, the wonderful fertility of its soil, the destiny and the power of the Caucasian race, the Anglo-Saxon and the Teuton, will continue to move forward, not to a theoretical free trade, but to an untrameled trade; one that is fair and just, one where tariffs are levied for revenue, wisely levied with reference to the interests of all classes; and this country will be what our forefathers dreamed that it would be. [Applause on the Democratic side.]

Mr. TYNDALL. Mr. Chairman and members of the committee, I will promise not to detain you but a very few moments, for the question has been discussed long and very thoroughly, but I wanted to just merely give my views and express myself on the faith that is in me in regard to the subject under discussion.

Now, I remember, Mr. Chairman and gentlemen, some of the principles that we have stood by and for which the Republican party has fought for these many years, and I want to cite you one of the planks of our platform of 1896, in which we said we demned the Administration for not keeping faith with the producers of this country. They said:

> The Republican party favors such protection as will lead to the production on American soil of all the sugar which the American people use, and for which they pay other countries more than $100,000,000 annually.

That was in the platform of 1896. In the Republican National Campaign Book of 1900, Mr. Chairman, I read this clause:

> That (the Porto Rican) duty * * *—

Which you remember was a very small tariff; but it was an explicit declaration by the Republican party—

> that it proposed to retain the power to fix such tariff as it might deem judicious against the products of cheap tropical labor wherever located and under whatever conditions.

In other words, gentlemen, it was a distinct promise to the farmers of this country that they need have no fear that the Republican party would not protect them against cheap labor and products of the tropical climes.

Now, the Philippine Islands, Mr. Chairman, contain an area of 73,000,000 acres, in round numbers. Now, more than 68,000,000 acres of that land is public—belongs to the Government. The population of the Philippine Islands is over seven and one-half millions, while that of Cuba is a little less than one and one-half millions. Hawaii has 200,000 population. The Philippine Islands have much more arable lands, much richer soil than have the Japanese islands, which support 48,000,000 of people. Now, the Japanese islands support this many people on a much less arable or productive soil than does the Philippine Islands support their population. That is the testimony given by Governor Taft before the Philippine Committee, on page 712. In the Philippine Islands there are 50,000,000 acres of land richer than the lands of either Hawaii or the United States. That is the testimony of Buencanimo before the Insular Committee, on page 445 of the hearings. The 800,000 acres of Philippine sugar estates would produce all the sugar which we import from foreign countries. Secretary Taft estimates that the Filipinos can produce, and that the islands are capable of producing, all the sugar we import from all countries from which we import any sugar. Mr. Moody asked this question of Mr. Taft:

> Mr. MOODY. Are the Philippine Islands in respect to soil and climate and labor conditions, capable of indefinite extension along the line of the production of sugar?
> Governor TAFT. Yes, sir.
> Mr. MOODY. Therefore, it is another place where the sugar of the world can be produced?
> Governor TAFT. I have no doubt there is enough land there, if the sugar were properly cultivated, to raise—well, I do not know how much Cuba can raise, but if conditions favor us—

and he hesitated to use the word "we," Mr. Chairman, simply because I see all along through all of the data I have been able to get on this question that the Philippine Islands are held to be a ward of ours, and hence not, strictly speaking, a part of us in the same sense as are the different States in the United States of America.

Therefore, I unfortunately spoke of the Philippine Islands as "we," in speaking of the products and the conditions existing over there. He says:

> But if conditions favor us, we are going to be a great sugar-producing archipelago.

Mr. HITT asked him this question:

> It is said by experts on the Hawaiian and Philippine and Cuban lands that the Philippine lands are as good as the Cuban lands.

Governor Taft answered, "Yes, sir."

Now, Mr. Chairman, I know that we must take care of the Philippine Islands; that they are in a way a ward of ours. I have a word to say on that, and let me say that it is this: Our duty is to care for them and protect them as we have been doing there, but I do think we should do it from the Treasury or from taxes collected equally on all sections and industries of our country and not at the risk or hazard of any particular section or class of our people. It was only after the enactment of the Dingley law in 1897 that the beet-sugar industry began to develop. The beet-sugar industry practically had its conception or beginning since 1897, when the present tariff law was passed. When that law was passed, in 1897, there were but six beet-sugar factories in the United States, all located in California, Nebraska, and Utah. I believe there were a few in Utah. To-day there are fifty-four American beet-sugar factories, located in twelve different States, representing an investment of between $40,000,000 and $50,000,000.

At the time that the present tariff bill was passed the United States production of beet sugar amounted to only 40,000 tons. For the present season the beet-sugar production of the United States is estimated at over 300,000 tons, an increase of 645 per cent in eight years. The States supplying the fifty-four American beet-sugar factories are New York, Ohio, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Kansas, Nebraska, Wyoming, Montana, Colorado, Utah, Idaho, Washington, Oregon, and California. In 1905 over a hundred thousand farmers of the above-named States supplied the factories with about 2,800,000 tons of beets, for which they received between fourteen and fifteen millions of dollars. Is it good business policy, Mr. Chairman,

just after the moment that you see such success achieved, that you pass a law that would destroy this great industry we have built up, and which is just now marching, as it were, from infancy into manhood? To produce in the United States the sugar now imported from foreign countries would require the erection of 300 new plants at an expense of $120,000,000 for machinery and $60,000,000 for buildings, every dollar of which would be distributed and go into the hands of American workingmen and producers. To operate these factories in the product of the sugar that is now imported annually would require about 16,000,000 tons of beets, for which the American farmers would receive $80,000,000 annually.

Now, why stop such an industry as that? Why do we go and do that which would have a tendency or that would tend to retard the progress we have been making along this line. Ah, but they tell us it will not hurt this industry.

Now, I want to say, Mr. Chairman, that I am not from a State that is producing sugar beets nor engaged in that industry, but because we do not in my State produce them and are not engaged in this industry, I am opposed to anything that will injure the American farmer or any of those industries of the United States. I am not selfish enough to go off and say that because we do not produce this, because my State does not produce beets, that I should not care for this, which strikes directly the American farmers.

The only question here is this: The Philippine Islands are ours, and if they were thrust upon us as the result of war we must do the best we can for them, and we are doing that. We have given them liberty the like of which they never enjoyed before. Thousands and thousands of children in that sunny country are sent to school every morning at the sound of the gong. They are being cared for now. Do not let us sacrifice any industry or sacrifice our home people for those abroad. They are so far removed—7,000 miles away—surrounded by such a condition of circumstances there, and so easily accessible to the pauper, cheap, oriental labor, that it is hard for us to maintain restrictions on emigrants to that country and raise the standard of wages there. These people labor for 10 to 15 cents a day and board themselves. Boys can be employed for even 5 cents a day. With that condition of things existing there, Mr. Chairman, I do not think we can maintain the same standard of commerce and the same rules between these people as we can between the different States of these United States of America.

They are part of us, but not in the sense that we on this continent are part and parcel, bone and sinew of each other; therefore we can not maintain this system, Mr. Chairman, and from what I can gather and from what I have listened to and from the statistics I am satisfied that we make a mistake if we undertake to help them by destroying or crippling our industries here. Now, I believe in protection. I believe in a protective tariff. I believe in the Republican principle of protection. As was fittingly said the other day, I am not for protection because I am a Republican, but I am a Republican because I am in favor of a protective tariff.

That is what makes me a Republican; that is what has builded up our industries all over this country; that is what has elevated the farmer; that is what has sent the tall, gaunt form of poverty that stalked up and down this country from the Atlantic to the Pacific, from the Great Lakes to the hot waters of the Gulf; that is what has sent the tall, gaunt form of starvation beyond the borders of our country. You all remember how a few years ago men were hunting for work and the wages which they had a right to expect in return for work, but were turned away and could not get an honest day's work. The protective tariff is what has opened up the shops of the country, put the farmers to work, and given us these blessings that we now enjoy. Therefore I am in favor of maintaining this tariff between this country and other countries, and even between this country and the Philippine Islands, taking care of them in some other way than by destroying and ruining our own American industries. Let us encourage them in some other line, Mr. Chairman. We must have coffee, we must have many things in this country that we can not produce and that they can produce over there—the $84,000,000 worth of coffee that we annually bring to this country, the $49,000,000 worth of rubber and gutta-percha, which they can produce, the $15,000,000 of sisal grass, $8,500,000 worth of cocoa, $2,000,000 worth of cabinet woods, $2,000,000 worth of copra, $1,000,000 worth of indigo, and various other tropical products, which can be grown in that country. Let us encourage them along those lines. Let us not sacrifice our own resources here in order to give them encouragement and assistance. [Applause on the Republican side.]

[Here the hammer fell.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. GILLETT of Massachusetts having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bill of the following title.

On January 11, 1906:

H. R. 99. An act to aid the Council City and Solomon River Railroad Company.

PHILIPPINE TARIFF.

The committee resumed its session.

Mr. CAMPBELL of Ohio. Mr. Chairman, I am opposed to the passage of this bill. It contemplates a heavy reduction of the import duties on sugar and tobacco produced in the Philippines now, and complete free trade with the islands in April, 1909. The friends of this bill say that if it becomes a law it will not affect the sugar and tobacco industries in this country. The burden of proof is upon the friends of the bill to show this. Realizing that the burden of proof lies with them, the advocates of this bill on our side of the House tell us that we shall not be harmed, because the tobacco grown in the Philippines is so vile that no American will ever use it. If this be true, then nothing need be done to encourage bringing it here. If it is true that the tobacco is such poor stuff that our people will not use it, then there is no occasion to pass this bill, so far as tobacco is concerned, because the Filipino will derive no benefit therefrom. But if, on the other hand, the lowering of the duty will bring this tobacco into this country, then every pound of it so imported may displace an equal amount of American tobacco. This means harm to the American tobacco grower, and places American labor and the American farmer on a level with cheap Filipino labor.

The friends of the bill say that no Philippine sugar is likely to come into this country—at least, no increased amount of it—because of the lowering of the duty, but that the sugar raised in the islands will find, as it always has, an oriental market. If this be true, then there is no occasion for the passage of the bill, because it will afford no relief to the Philippine sugar grower. He will still be selling his sugar in the markets of the Orient at their prices. But if it is not true, and the sugar is brought into this country, then it must come into our markets at a great advantage over any other sugar. There might be some excuse for so letting in this sugar if it would benefit our sugar consumer, but it will not benefit him. The sugar trust would simply have the opportunity to buy some thousands of tons of raw sugar at a reduced price and sell their refined product at the same old prices. Such has been our experience since we reduced the duty on Cuban raw sugar. It does not seem to be questioned on this floor that since we lowered the duty on Cuban raw sugar our sugar consumers have not obtained their sugar any cheaper, while, on the other hand, the Cuban sugar grower obtains but a small share of the benefit of the reduction in duty. The friends of the bill say to us that we are now paying $150,000,000 for imported sugar each year and why not buy from the Philippines instead of elsewhere. The answer is that we ought to discourage the buying of any sugar from abroad and encourage our own sugar industry, by a protective tariff, until we shall produce all our sugar. This is the true protective policy, that everything we can produce in sufficient quantities to materially supply our wants we shall protect by proper duties to the end that our people may supply our home market. It is an unquestioned fact that we have in this country the soil, climate, and facilities to produce all the sugar our people can use. Why shall we send abroad $150,000,000 each year for sugar? Why are not our farmers producing this sugar and putting into their pockets each year this vast sum? I want to see this done. I want to see our farmers grow this sugar. I am ready and anxious to do everything to aid and encourage them to do so. I am not willing to do anything that I believe, or even fear, will injure our sugar grower or in any degree postpone the time when he shall produce all the sugar we consume.

One of the great benefits of our protective policy is that it tends to diversify our industries. The increased production of sugar on our farms benefits every farmer in the country whether he is a sugar grower or not. Build up the industry of sugar growing, foster it, protect it, and in so doing you will benefit every farmer. The lowering of the duty on Philippine sugar can not help any farmer in this country. It will not give him cheaper sugar, and it may reduce the amount of sugar produced here. Why should we pursue a course that can not help our own people and may harm them? [Applause.]

No friend of this bill—at least no protectionist—admits that he would favor this bill if it will tend to harm our own people. So they belittle the bill and its effect. They make it a trivial matter by claiming that there is so little arable land in the Philippines that no appreciable amount of sugar, as compared with our capacity of consumption, can ever be raised there. Hours have been used on this floor, and elsewhere in committee hearings, and experts have been employed to prove that the Philippine Islands are nonproductive. The experts have testified on the question—many of them on both sides of it—and yet we who are here to vote on a measure involving the fact of the productive area of those islands are but little, if any, wiser upon that question. But, sir, if we must guess on a question vital in any degree to our interests, then let us guess on the safe side.

It is within the recollection of some of the older Members of this body when learned men, great statesmen, scientific and Government experts, published on this floor and to the world at large that we had no arable land beyond the Missouri River. It is easily within the recollection of the younger Members of this body when we were told by those supposed to know, and presumably having the means to know, that the great Canadian Northwest provinces were a cold, desolate, barren waste. To-day, hardly a generation since, we know that this great so-called "barren West and Northwest" is the granary of the world, so rich and fertile that it can and will feed the people of all the earth. It is idle, gentlemen, for you to even attempt to make the American sugar producer believe this tale of an unproductive country in the islands. He does not believe you, and, not believing, he takes no chances based upon such statements. However, seemingly, having little confidence in their ability to convince the American farmer and laborer that the passage of this bill will not harm them, the friends of this measure, with a benevolent smile upon their faces, say to the American farmer: "You owe a duty, a plain duty, to the Filipino. Providence has placed him in your keeping and you must not shrink from your duty." Gentlemen, the American farmer always has done his duty, done it when others failed, and he will continue to do it, I have no doubt, but I deny that he owes any such duty toward the Filipino as requires him to sacrifice either his property or his prosperity. He owes to the Filipino the opportunity to use his own, not ours. The American farmer and laborer did not take the Filipino under any promise, express or implied, or under any duty to give him free access to the American markets, the best markets in the world. We have been generous and fair in our treatment of the Filipino. We have given him for the first time in his history the chance to use his own. We have taken nothing from him and given him much. We collect a duty from him on his sugar and tobacco brought into our markets that we may protect our own, and give it back to him to use for his own benefit. This course of ours protects our own people and affords revenue to the Philippines. [Applause.]

The growing of sugar beets in this country is comparatively a new industry. Until the passage of the Dingley tariff bill there were but few sugar beets grown and but little money invested in beet-sugar factories. Under the beneficent influences of the Dingley law the sugar-beet production has increased almost eightfold. More than $40,000,000 is now invested in beet-sugar factories in the country, and new ones are rapidly being built. Thousands of farmers are engaged in raising sugar beets, and the number is rapidly increasing. More than 300,000 tons of beet sugar were produced in this country last year. We are spending millions of dollars in the West in vast irrigation projects, and a large part of the lands to be reclaimed by these projects are singularly adapted to the cultivation of the sugar beet. There has never been in our history an industry more worthy of protection than the sugar-beet industry. It is a peculiar industry, one that in its very nature needs protection. The sugar beet can not, like corn, wheat, and other agricultural products, be shipped long distances to be manufactured. It can not be stored in elevators, but must be converted into sugar almost immediately after it is grown and in the near vicinity of its production. This results in the erection of large and costly plants in small farming communities—plants costing hundreds of thousands of dollars each. They are entirely useless for any other business, and when not used as sugar factories can not be devoted to any other purpose. These peculiar conditions of the business make capital slow to invest in beet-sugar factories. Again, the factory can not go into the open market and get its raw material, but is dependent upon the neighboring farmer to supply the same. These facts make the business one in which the farmer is better able to protect his interests, because he deals directly with the consumer of his raw material. There are no commission men, middlemen, elevators, or vexing questions of freight rates to impede the farmer in marketing his product. Dealing directly with the factory owner, who is entirely dependent on the neighboring farmer for his raw material, it enables the farmer to obtain the best price for his crop; indeed, he knows in advance what price he can reckon upon. These conditions tend to make stability of prices for the farmer. It will readily be seen, therefore, that the factory must precede the raising of the beet. Capital is slow to invest in any uncertain venture, and so we say to the friends of this bill that the introduction of any more free raw sugar into this country, or the reduction of the duty on such sugars, tends to create doubt and uncertainty in the minds of the sugar-beet people and capital interested therein, so that the growth of the business will stop.

We can not afford to take the proposed step, gentlemen. There is no duty levied on a raw material that more directly affects the farmers' interest than the duty on raw sugar. Protect the farmer and laborer of the country and you protect every person and interest therein, for upon the prosperity and welfare of the farmer and laborer depends the welfare and prosperity of every other person in the community.

Mr. Chairman, I have not sought to go into figures and statistics in my remarks. Other gentlemen who have spoken on this proposed measure have used figures and statistics until we are dazed with the array. But whether one set of figures be more nearly correct than another is of comparatively little importance, since the fact remains that we shall consume a certain amount of sugar, more or less, and use a certain amount of tobacco, more or less, as the case may be, and we can and ought to produce all we consume of both products.

We should be paying to the American farmer the vast sum we pay abroad each year for these articles, and we should be paying American labor for manufacturing the sugar and tobacco out of the raw material grown by the American farmer. It is enough for me to know that every pound of sugar or tobacco we buy abroad ought to be produced in my own country, and I am in favor of every measure that will encourage and protect that production and against every measure that will discourage or hinder it. [Loud applause.]

Mr. KELIHER. Mr. Chairman, the poor Filipino merits the unmeasured thanks of the American people for being the cause of one of the most intelligent and instructive debates that have taken place in this body for years. Especially does he commend himself to the gratitude of the people of Massachusetts, who always did and always will take a keen interest in his welfare. Massachusetts is given a long-sought opportunity to deal over the shoulder of the unhappy Filipino a blow at existing tariff conditions that are working such havoc with her industries.

Her people have spoken upon the subject in no uncertain tones of late. They placed the sturdy manufacturer Douglas in the gubernatorial chair one year ago simply and solely because he embodied the movement for a revision of the tariff—particularly the abolition of the burdensome duty on hides. This year they gave the Republicans another shock by nearly retiring an exponent of "stand-patism," Eben Draper, who ran for lieutenant-governor, and they would have done so if he had not wisely recanted.

The Republican majorities that for years have consistently kept up in the sixty and seventy thousands have so dwindled that to-day Massachusetts is a doubtful State. Our people are keenly alive to the fact that they are being jollied when they ask tariff relief. They realize that the prayer of Massachusetts does not avail when the mandate of Pennsylvania is "stand pat." She is surfeited with idle promises and irritated by the appeal of the Republican leaders to wait till the friends of the tariff undertake its revision. She has been talked to in a kindly manner, but her pleas for relief have been answered in an unsatisfactory way.

Like the little girl in the song we sang in our boyhood days—

> Mother, may I go out to swim?
> Yes, my darling daughter;
> Hang your clothes on a hickory limb,
> But don't go near the water.

[Laughter and loud applause.]

So it is with Massachusetts. Her requests can hardly be said to be refused, but she gets—not what she wants—only the promise that some day in the hopeful future she is going to enjoy the sweet fulfillment of her wishes. During this debate much has been said upon the question of the hide schedule. Upon this phase, so vitally interesting to the people of Massachusetts, two distinguished members of this body, Messrs. KEIFER and GROSVENOR, of Ohio, held forth. Massachusetts was the object of their sarcasm, and her recent declarations through party platforms and at the polls in favor of tariff revision aroused their contempt.

They said nothing that could be construed as enlightening upon the subject. The ex-Speaker took ex-Governor Douglas of my State to task for having expressed some opinions upon the effect of the duty upon hides on the price of manufactured shoes. He appeared to enjoy himself, and certainly did nobody any harm.

General GROSVENOR, too, took a fling at Governor Douglas. The intent of his speech was to convince his listeners that Governor Douglas was grossly ignorant of the economic feature of the question. Naturally, when one hears from such "careful, thoughtful, profound" students of great public questions, their words carry weight, but I confess my unwillingness to believe that any intelligent, unbiased Member will pause to choose his authority as between either the ex-Speaker and General GROSVENOR and the largest manufacturer of fine shoes in the world—Governor William L. Douglas, of Massachusetts.

It is only just that we briefly examine into the respective qualifications of Messrs. KEIFER, GROSVENOR, and Douglas to pronounce expert opinion upon the mooted question of whether the price upon shoes would be affected by the removal of the duty upon hides. Mr. KEIFER's life has been a busy one. He has earned great honor and distinction on the battlefields and in the practice of law. For years he has given freely of his talents as trustee of a college, as president of a bank, as commander of the Ohio Department of the Grand Army, and for many years has been a shining light in this body.

His colleague from Ohio has been a busy and conspicuous figure in the politics of his State and country, all his time being absorbed by the multifarious duties such a position in public life imposes.

William L. Douglas is a product of a Massachusetts farm, who served his time in early life as an apprentice to a shoemaker, and has followed that trade ever since, rising by dint of perseverance and marked intelligence to the proud position of the largest and most successful manufacturer of high-class shoes in the world. If you want expert opinion on the effect of the tariff on hides upon the price of shoes, will you ask it of the soldier, bank president, the politician, or the man whose life has been spent at the bench and in the counting room of a preeminently successful shoe factory? [Applause.]

But if you are still in doubt, let us call up the utterance of one of the greatest statesmen the Republican party has produced in fifty years. James G. Blaine was a shining exponent of the theory of protection. His knowledge and experience and profound reasoning upon the subject made him the acknowledged leader of the movement in his time. What did this prince of protection say upon the question of taxing hides? When that other great and ever-to-be-loved statesman, William McKinley, was formulating his tariff bill in 1890, James G. Blaine, addressing Chairman McKinley, wrote, under date of April 10, 1890:

> It is a great mistake to take hides from the free list, where they have been for so many years. It will benefit the farmer by adding 5 to 8 per cent to the price of his children's shoes. It will yield a profit to the butcher—the last man that needs it. The movement is injudicious from beginning to end in every form and phase. Pray stop it before it sees the light. Such movements as these for protection will protect the Republican party into a speedy retirement.

[Applause.]

This was the advice of Blaine, and the wise McKinley agreed with his reasoning, and hides remained on the free list. When Nelson W. Dingley undertook his task he, too, respected the prayer of Blaine and followed the example of his illustrious predecessor, McKinley. Notwithstanding this, we find hides upon the dutiable list. How did they get there? Rumor hath it that it was found, a squealing infant swathed in the richest clothing, carefully ensconced in an expensive basket, without a name, on the door of the Dingley tariff mansion. It was said that one Philip D. Armour, head of the great Armour packing house, had been seen in the neighborhood about that time. Suffice it to say that the foundling was taken into the house, fed, nurtured, and given the same care and protection that were accorded the legitimate Dingley tariff children. [Loud laughter.]

Massachusetts resents the charge that she asks and is not willing to give. She says as clearly and concisely as it is possible to declare a simple proposition, "Remove the duty from hides, and if you deem it fair and equitable take off also the duty on manufactured shoes." Is that not a fair proposition? Our shoe manufacturers go into Canada now and undersell the Canadian. Is it not fair to assume that with the reduction in the price of manufactured shoes that would follow the taking off the duty on hides that they would increase our market?

Our shoe manufacturers are not theorists, sentimentalists, nor politicians—they are keen, shrewd business men. They have studied this question from a business standpoint, and they declare if the duty on hides is removed they will take their chances with the so-called "pauper labor" of the world. They say, "If we must do so, let in foreign manufactured shoes duty free." To-day they are in the markets of the world, handicapped as they are, broadening their fields of trade and promise to make greater strides if this unjust tax is wiped out. But along comes the cry—the same old stereotyped wail—"Protect the farmer!" [Applause.]

The farmer and his hides. Why is it that a ripple of laughter invariably follows the coupling of the tiller of the soil with the business of selling hides? When the gentleman from New Jersey arose the other day and declared himself a farmer, and, further, that he had disposed of the hides of six steers, the membership present were surprised into silence, and his words fell upon a stillness one rarely enjoys in this Chamber. Why? Because the sight of an American farmer who sells hides is an exceedingly rare one. It is an indisputable fact that those great packers who are part and parcel of the beef trust buy the cattle alive, and that the percentage of distinct sales of hides by the small farmer is infinitesimal.

"Save the farmer." "Protect the farmer." If the men who stand opposed to the striking off of the duty on hides are sincerely solicitous for the welfare of the farmer, why don't they amend tariff conditions that permits the farmer of Europe—the competitors of the American farmer—to buy American manufactured farming implements in Europe cheaper than the American farmer can buy them in the home of their manufacture? It is purely buncombe, this cry of "Keep the duty on hides in the interest of the American farmer." 'Tis the packers' campaign contribution, not the farmer's welfare, that postpones the wiping off the duty on hides. My distinguished colleague [Mr. WEEKS] expresses considerable concern lest the American laborer be not protected. He asks if we would protect American labor. I answer, yes. I would protect it from the extortions that are practiced upon it as a result of the present tariff schedules.

I would protect the wage-earner's envelope, that is rapaciously eaten into by the exorbitant prices demanded for the necessities of life by the beef, sugar, coal, and other trusts that came into life, were nurtured, and now fatten off the protection of the Dingley schedules. Don't weep for the American laborer. He has abundantly proven his ability to care for himself. It is not the Dingley tariff that makes it possible for him to command a living wage, reasonable hours, and healthy environment—it is his demonstrated ability to organize, and through intelligent organization to obtain justice. [Loud applause.]

Massachusetts is restless at the inaction of her Representatives on the other side of the House. She wants action and wants it quickly. Words won't do. She is tired of hearing brilliant excomiums unon her patriotism, intelligence, and industry. Mere philippics cease to interest her. She is weary of listening to the bellicose threats of her Republican Representatives, who, with the belligerent strenuosity of their great leader in the White House, tear up and down our State on the eve of an election, declaring what is going to happen if their party does not offer relief, only to subside into docile party subserviency when the portals of Congress are crossed. [Applause.] What can they do? Charles Stewart Parnell organized his few Irish followers in the British House of Commons and paralyzed the business of that great legislative body till England listened to Ireland's story of her wrongs and took steps to relieve her unhappy condition. If the delegation from Massachusetts on the other side would but emulate the example of the great Irish statesman and bring into play their unquestioned influence, magnificent parliamentary equipment, and demonstrated familiarity with the rules of the House it would be but a short time before the obdurate few that stand between Massachusetts and her needs would capitulate. [Applause.] Nearly every other speaker on this great question, disclaiming powers of prophecy, has proceeded to record a prediction. I, too, am going to venture into the mystic fields of prophecy. Unless this Congress takes cognizance of the memorial of Massachusetts for the free raw materials her industrial prosperity demands, the State will swing into the Democratic column and many of the faces that stand forth in the picture of the other side will be missing in the next Congress, and if you would glance upon the features of their successors it will be necessary to gaze across the middle aisle into this section of the House. [Loud applause.]

There has been so much misrepresentation of the views of the effect of the duty on hides upon the cost of shoes that I append hereto a statement of the Hon. W. L. Douglas, late governor

of Massachusetts, and the largest manufacturer of men's fine shoes in the world:

BROCKTON, *January 14.*

Ex-Governor William L. Douglas and what he has said on the tariff question were much discussed last week in the National House of Representatives. He has received many inquiries from Washington as well as from all sections of Massachusetts as to what is the "Massachusetts idea" of tariff reform, of which he seems to be the leader. Ex-Governor Douglas expressed himself as much amused at some of the statements attributed to him by Members of Congress in debate. He was made to say many things he never uttered, and was credited with statements regarding the manufacture of shoes that were not only untrue, but ridiculous. The ex-governor is still the champion of immediate tariff revision in the interest of Massachusetts industries.

Giving his reasons why the tariff should be revised, he quotes from his previous public utterances, saying: The three leading manufacturing States, with reference to products of manufactures per capita of population, according to the census of 1900, were Connecticut, Rhode Island, and Massachusetts. Each man, woman, and child of Massachusetts produced a manufactured product of $369 and an agricultural product of $15. Pennsylvania produced a manufactured product of $33. The total value of the agricultural products in Massachusetts in 1900 was but $42,298,274, while the total gross value of the manufactured products was $1,035,198,989.

Massachusetts, standing seventh in population and fourth in manufactures, sinks to the thirty-first place in agriculture, while the density of manufactured product per square mile reaches the sum of $125,000. The total gross value of the manufactured product per square mile in New York and Pennsylvania, respectively, was $45,000 and $40,000. We are not an agricultural State and can not look to this industry for the compensating relief which agriculture gives to those States where the manufacturing interest is not so well established. In density of manufactured product we have three times as much on every square mile as the great manufacturing States of Pennsylvania and New York. We may, therefore, justly claim that the revision of the tariff is of greater moment to every citizen of Massachusetts than it is to the citizens of any other State, excepting Rhode Island and Connecticut.

Massachusetts needs free hides, free sole leather, free coal, free lumber, free iron ore, and free wood pulp.

THE DUTY ON HIDES.

The hide duty adds about 7 cents per pair to the cost of producing the grade of shoes I manufacture. I also wish it made quite plain to the public that, while an increase of but 7 cents in the cost of manufacture of a pair of $3.50 shoes may seem a small and unimportant matter, that amount represents more than the net profit to the average manufacturer.

Of course, the duty on hides should come off. It is a tax on industry that benefits a very few people and injures everyone who wears boots and shoes, or who is engaged in the manufacture of leather or leather goods.

The total value of the hides of cattle imported into the United States for the twelve months ending June 30, 1905, was $14,949,628, while the total of all hides and skins, other than furs, exported for the same period was $1,051,641. We can produce only about three-fourths of the hides needed for the supply of our home manufacturers of leather, and must annually draw about one-fourth of our supply from abroad. A tariff tax of $2,500,000 upon this fourth results in an entirely unwarranted increase in the price of all sole leather used by American manufacturers.

To put $2,250,000 into the Treasury of the United States as the result of our duty upon hides, we put about $7,000,000 of unnecessary tariff profit in the hands of the beef and leather trusts. This puts an iniquitous tax upon the sole-leather industry of about $10,000,000 and disables that industry in its fight for the markets of the world.

The total value of the product of the shoe industry in Massachusetts for 1904 was $165,709,642, which is considerably more than half the total product of the country, which for the year 1905 is estimated at $313,000,000. The number of people employed in Massachusetts was 66,692, including men, women, and boys. The total amount of money paid for labor was $34,586,282, or an average of $9.97 per week, equaling $518.59 per year. With free hides, free sole leather, and free coal I believe the shoe manufacturers of Massachusetts could show an increase in their export trade equal to 25 per cent of the present product, which would be $41,427,410. That would necessitate 16,673 more employees, which would, on the basis of the cost of the product in 1904, entail the payment of $8,646,570 more to labor. The average labor cost of shoes produced in Massachusetts is about 21 per cent of the total cost. In my factories the labor cost is 27 per cent of the total cost.

LABOR COST.

As a manufacturer I ask for a revised tariff. I would gladly give up the duty of 25 per cent on shoes for free raw materials. I will go further than this and say that I would exchange the duty on shoes for free hides and free sole leather. If the handicap of taxed leather were taken away I could manufacture shoes as cheaply as any foreign manufacturer and could safely meet the competition of the world. We have the most approved mechanical appliances; we have the advantage of the economical division of labor, and our workmen are equal to any in the world. We are held back, however, by the high cost of the materials that enter into our product. This increased cost is not a natural cost. It is artificial and unjust. It benefits no worthy industry. It fosters gigantic combinations of capital, injures labor, and destroys foreign trade. Give our manufacturers free raw materials and they will carry Massachusetts goods into every market of the world.

Nor am I the only boot and shoe man who desires a change. In 1903, 311 out of 375 important boot and shoe manufacturers in New England offered to give up the duty on shoes for free hides. I do not believe that this sentiment has changed.

The sole leather I use in my $3.50 shoes costs 40 per cent more now than it did in 1897. Most of the leathers used in the top of the shoes has increased but 10 per cent. This great increase in the cost of sole leather demonstrates conclusively that the 15 per cent tariff on hides and the 20 per cent duty on finished sole leather is responsible for the advance, as the duty on hides has produced a shortage of the supply to such an extent that sole leather is a great deal higher than it should be if we only had to pay for sole leather just what the 15 per cent duty on hides adds to the normal cost.

Manufacturers have been able to overcome this great increase in cost of raw materials by the improvement in machinery, change of method in manufacture, and by doing a larger volume of business at a lower percentage of profit. But now we have reached our limit. All the advantages that should naturally have been reaped by the wearer of shoes has been consumed by the increased cost of materials. To-day shoe manufacturers can not reduce the cost of labor or the cost of materials, and they can not take a smaller profit and remain in business. We must secure relief by the repeal of the duty on hides and the duty on shoe leather. Failing in this, we must either increase the price of shoes or make them of less value for money now paid by the wearer.

The export trade in shoes is very small, amounting last year to about $8,000,000. Nearly this amount of business is transacted by the Douglas concern alone. It would therefore appear that the foreign field is not to any great extent available to American shoe manufacturers, owing to the fact that they must meet the competition of manufacturers on the other side who do not pay the tariff taxes levied on the industry in this country.

Speaking of reciprocity with Canada—if we could sell our shoes in the Dominion free of duty, from my experience with the trade I have had there—I could easily add another factory to the three large factories my company now has under operation, which would employ certainly 1,000 men and women with a pay roll of about $750,000 a year, the average pay in the Douglas factories being considerably more than the average of the State as a whole. If, even having reciprocity with Canada alone I could establish that, how much more could I accomplish if I and my fellow shoe manufacturers could have reciprocity with all nations of the world, which we are entitled to; and what is true of the shoe business would be equally true of all other manufactures in the Commonwealth.

[Loud applause.]

Mr. Chairman, I ask unanimous consent to extend my remarks.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The Chair will state that several gentlemen who had expressed a desire to speak to-day have withdrawn their requests. Every gentleman who has expressed a desire to do so has now spoken except the gentleman from Illinois [Mr. BOUTELL], a member of the Ways and Means Committee, whom the Chair thinks proper to recognize to conclude the debate. Before doing so the Chair will ask if any gentleman opposed to the bill desires now to be heard? No gentleman desiring to be heard, the gentleman from Illinois is recognized.

Mr. BOUTELL. Mr. Chairman, this discussion has now proceeded without limitation until every Member of the House who desired to do so has had an opportunity to submit his views upon the question under consideration. The arguments for and against this measure have been presented with unusual vigor, but at the same time with uniform candor and good feeling and with far less exaggeration than often characterizes an important debate. The speeches have been all full of interest and information. The Members of the House who had the good fortune to go to the Orient with the Secretary of War who have addressed the committee have placed not only us who had the pleasure of listening to them, but the whole country under a distinct debt of gratitude to them for the thoroughness with which they made their investigation and for the painstaking manner in which they presented their conclusions to the committee. We are now in possession of all the available facts bearing upon the pending question. It might seem that nothing remains except for us to vote upon the proposition before us.

It occurred to me, however, Mr. Chairman, that it might aid us in coming to just conclusions on this very important measure if we should endeavor now to resolve ourselves, as it were, into a judicial frame of mind and to attempt to marshal before us the facts and arguments that have been so ably and exhaustively presented and to give to each one its proper proportion and its due weight. For this purpose alone, Mr. Chairman, I venture to indulge at this late hour upon the patience of the committee. The debate upon this measure has discovered plainly the enemies of the proposed legislation and the strength and character of their opposition. They are ranged in two camps, whose heaviest artillery, however, is directed against each other. Those on the right flank are fighting this measure because, as they assert, there is too much free trade in it, while those on the left flank are fighting it in its present form not less fiercely on the ground that there is too much protection in it. Those who occupy the former camp are Republicans who believe that the time-honored protective principles of the Republican party are being violated by this bill and by some Democrats who assert that the time-honored protective policy of the Democratic party is being profaned by this measure; while those in the other camp are exclusively Democrats who believe that the time-honored free-trade principle, the constitutional free-trade principle of the great historic and only consistent free-trade party, is being desecrated and polluted.

Any attempt, therefore, Mr. Chairman, to make this measure conform to the views of either camp of opponents would simply render more energetic the opposition of the other camp. They are apparently fundamentally irreconcilable. The leaders, however, on the left assure us that they and their followers, if they shall not be able to amend this bill to conform with their views, will accept it as it is, giving as their reason for this course that they believe that it contains less of the virus

of protection than the legislation which is now in force. This, Mr. Chairman, seems to be the strategic situation. The objections that have been so vigorously made to this measure are neither trivial nor captious, but are rather of such a character as to command most accurate analysis and open-minded unprejudiced consideration. Let us then at the outset, Mr. Chairman, recall the exact status of the laws that now govern the commercial intercourse between the United States and the Philippine Islands, which this bill seeks in some way to modify. In the first place, when we emerged from chaos resulting from the war with Spain, we passed on the 8th of March, 1902, an act entitled "An act temporarily to provide revenues for the Philippine Islands, and for other purposes." This act, which is now in force, provides that goods coming into the United States from the Philippine Islands, if they are wholly the growth and product of those islands, shall pay 75 per cent of the Dingley rate. All other goods coming to the United States by way of the Philippine Islands pay, of course, the full Dingley duty. On the 3d of March, 1905, we passed a Philippine tariff bill to take the place of the Philippine tariff legislation provided by the Insular Commission.

This act provides for duties on goods coming into the Philippine Islands from all the world, including the United States, and I wish to call special attention, Mr. Chairman, to the fact that this act of March 3, 1905, provides for certain export duties, especially on hemp, indigo, cocoa, sugar, and tobacco. Now, then, in what respect does the present bill modify existing law? The measure which we are now considering is as follows:

Be it enacted, etc., That the second section of the act entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," approved March 8, 1902, is hereby amended to read as follows:

"SEC. 2. That on and after the passage of this act there shall be levied, collected, and paid upon all articles coming into the United States from the Philippine Islands the rates of duty which are required to be levied, collected, and paid upon like articles imported from foreign countries: *Provided*, That all articles wholly the growth and product of the Philippine Islands coming into the United States from the Philippine Islands shall hereafter be admitted free of duty, except sugar and tobacco, manufactured and unmanufactured, upon which there shall be levied, collected, and paid only 25 per centum of the rates of duty aforesaid: *And provided further*, That the rates of duty which are required hereby to be levied, collected, and paid upon products of the Philippine Islands coming into the United States shall be less any duty or taxes levied, collected, and paid thereon upon the shipment thereof from the Philippine Islands, as provided by the act of the United States Philippine Commission referred to in section 1 of this act, under such rules and regulations as the Secretary of the Treasury may prescribe; but all articles the growth and product of the Philippine Islands admitted into the ports of the United States free of duty under the the provisions of this act, and coming directly from said islands to the United States for use and consumption therein, shall be hereafter exempt from any export duties imposed in the Philippine Islands: *Provided, however*, That in consideration of the rates of duty aforesaid, all articles wholly the growth and product of the United States, going into the Philippine Islands, shall hereafter be admitted free of duty, except sugar and tobacco, manufactured and unmanufactured, upon which no higher rate of duty shall be levied, collected, and paid than is laid upon articles of like character coming from the Philippine Islands into the United States:

"*And provided further*, That on and after the 11th day of April, 1909, all articles and merchandise going from the United States into the Philippine Islands, and all articles wholly the growth and product of the Philippine Islands coming into the United States from the Philippine Islands shall be admitted free of duty: *And provided further*, That in addition to said duty when levied and in case said articles are admitted into the United States free of duty, there shall be paid upon articles of merchandise of Philippine Islands manufacture coming into the United States and withdrawn for consumption or sale a tax equal to the internal-revenue tax imposed in the United States upon the like articles of merchandise of domestic manufacture; such tax to be paid by internal-revenue stamp or stamps to be purchased and provided by the Commissioner of Internal Revenue and to be procured from the collector of internal revenue at or most convenient to the port of entry of said merchandise in the United States, and to be affixed under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, and such articles of Philippine Islands manufacture mentioned in this proviso shall be exempt from payment of any tax imposed by the internal-revenue laws of the Philippine Islands: *And provided further*, That in addition to the duty hereinbefore provided when levied and in case said articles are admitted into the Philippine Islands free of duty, there shall be paid upon articles of merchandise manufactured in the United States and going into the Philippine Islands and withdrawn for consumption or sale, a tax equal to the internal-revenue tax imposed in the Philippine Islands upon the like articles of merchandise when manufactured in the Philippine Islands; such tax to be paid by internal-revenue stamps or otherwise as provided by the laws in force in the Philippine Islands upon the like articles; and such articles manufactured in the United States mentioned in this proviso and going into the Philippine Islands shall be exempt from payment of any tax imposed by the internal-revenue laws of the United States. All the moneys collected under this section as amended shall be paid over and disposed of as provided in section 4 of the act hereby amended, and shall not be covered into the Treasury of the United States."

As will be seen, it contains four principal features: First, that all goods wholly the growth of the Philippine Islands coming into the United States shall be admitted free except sugar and tobacco, which shall pay 25 per cent of the Dingley rate; and that all other goods coming by way of the Philippine Islands shall, of course, pay the full Dingley rates. Second, that sugar and tobacco in their various forms going from the United States shall be admitted into the Philippines free of duty. Third, that these provisions are to remain in force until April 11, 1909, when there is to be free interchange of all commodities between the United States and the archipelago. Fourth, that goods that were imported into the United States and held in bond and withdrawn after the passage of this bill shall pay the rates that were in force when the goods were brought in.

Now, stated in their broadest terms, the reasons for the passage of this bill are these:

First, we believe it is approved by the great majority of the people in the United States;

Second, it will prove of mutual benefit to the people of the Philippine Islands and the United States in their commercial intercourse with each other; and

Third, we know that the passage of this bill is earnestly desired by all intelligent Filipinos.

Now, Mr. Chairman, let us direct our attention to the objections that have been made to this measure, and at the outset let us consider our sources of knowledge respecting the present situation. We have, first, the report of the officers of the United States who have been in the Philippine Islands, including the reports of the Philippine Commission. We have the testimony of witnesses taken at various times and before various bodies, including the testimony taken for and against this bill by the Ways and Means Committee during the early days of this session.

Now, we have noticed, Mr. Chairman, that in discussing some of this evidence various and contradictory conclusions have been drawn. The variety of conclusions that have been drawn from some of the public testimony reminds me very much of the traditional versatility of Dean Swift in finding texts for his wonderful discourses suitable for all occasions. Tradition has it that at one time he informed a party of wits with whom he was spending the evening that on the following Sunday he proposed to preach a sermon against the extravagant headdresses of the women which were the prevailing fashion at that time. One of his friends laid a wager that he would not be able to find any appropriate text in the scriptures for such a sermon. The versatile Dean accepted the wager, and on the following Sunday the church was crowded to hear his discourse. He announced his text from the twenty-fourth chapter of St. Matthew, in these words:

And let him that is on the house top not come down.

And, said the wily Dean:

I invite the attention of the ladies especially to that clause of the phrase which says "top not come down."

[Laughter.]

Now, if I were going to sermonize on this occasion and were to adopt a text relating to any of the testimony that has been adduced for and against the bill, I should be inclined to direct the sermon against the highly exaggerated testimony of some of the witnesses, and I would shorten up even the text of the Dean and confine it solely to two words, namely, "Come down." [Laughter.]

But, Mr. Chairman, just as this irreverent usage of the scriptures was unbecoming the sacred office of this distinguished ecclesiastic, so it seems to me it ill comports with the dignity and character of this House and the traditions of this Chamber to take testimony before us and use it in a scrappy, disjointed, illogical, and unfair manner for the purpose of maintaining any contention. We all know that opinions that were formed by those who visited the Philippine Islands in 1898 were changed by them in 1902, and many of them had reason to change their views again before 1906. And so, in examining this evidence, and in taking the reports of our officers, we should make all due allowances for changes that have taken place in the opinions of men due to entirely new discoveries.

Now, then, let me call your attention to the views that come from the camp on the left, from those who maintain that this bill should provide at once for free trade between the islands and the United States, and who base this contention very largely upon what they claim to be constitutional grounds. The gentleman from Mississippi [Mr. WILLIAMS], whom I regret to see is not here to-day, the undaunted leader of a reduced but undismayed minority, and his very spirited lieutenant, the Prince Rupert of the legions of free trade [laughter], the gentleman from Missouri [Mr. CLARK], in opposing the bill in its present form have reverted to the arguments that were made in this House seven or eight years ago on questions relating to the acquisition and control of new territory by the United States. How well do we recall here this afternoon, those of us who were in the Fifty-fifth Congress, the rush of events, as we were constantly confronted with propositions which were un-

familiar to the present generation of statesmen. When we began to discuss the question of how we should treat Porto Rico and the Philippine Islands, I remember very distinctly an eminent leader on the other side of the Chamber saying in debate: "Every man who has read the Constitution knows that it provides that all our Territories shall have a Delegate in the National Congress."

It goes without saying that when he himself, at the suggestion of one of his colleagues, had read the Constitution in the quiet hours of the evening that that part of his speech was dropped when it appeared in permanent form. The problems were new and we had forgotten history. We were rushing to the library for atlases and maps to find out where the Philippine Islands were and how to spell Manila and what the products of the islands were and what the form of government. I remember very well in the closing days of the Fifty-fifth Congress sitting by one of my colleagues who was a distinguished Republican anti-imperialist, when an equally distinguished Democratic anti-imperialist came over and sat beside him and said: "Tell me, are these 'Philippians' the same chaps that St. Paul wrote the epistle to?" [Laughter.] And the Republican said, "Yes, I think they are the same." [Renewed laughter.] And the Democrat said, "I thought so;" and I remember that he wrote to those fellows to work out their own salvation [renewed laughter], with fear and trembling [laughter], and I think that is a pretty good reason for leaving them alone. [Renewed laughter.]

So with these new problems and with considerable confusion of ideas in reference to the territory itself and to the principles which we should apply in governing them, the minority, who were not responsible for the government of these islands, opposed the Republican policy because, as they claimed, any territory that was acquired by the United States, whether by war or by cession or by treaty, passed automatically under the Constitution, and the inhabitants of those territories automatically received all the rights and privileges that were possessed by the inhabitants of the States within the Union. So the Republicans, who were called upon to make legislation and pass laws for those islands, reverting to history, found that in the acquisition of territory in 1803 and 1819, and again after the war with Mexico, and in the Gadsden purchase, Congress had always maintained the right to legislate for these newly acquired territories, free from restrictions applicable to the States themselves. So the Republicans have always maintained that in legislating for Porto Rico and for the Philippines Congress has full plenary powers, and may establish free trade or a tariff, as we deem wise and best for all parties in interest. I want to call attention here to that clause in the Constitution which gives us that power. It is found in the second paragraph of section 3 of Article IV of the Constitution:

> The Congress shall have power to dispose of and make all needful rules and regulations respecting territory or other property belonging to the United States.

So we proceeded to legislate upon that basis. The Supreme Court, in the various cases that came before it, approved of that policy, and the elections that have taken place since 1898—the Congressional and the Presidential elections—have shown that the people of the United States approved of that as a national policy. So to-day, instead of our being under the necessity, as claimed by the gentleman from Mississippi, of giving to these islands free trade, we reserve the right to so legislate for those islands from time to time, and temporarily it may be, for the best interest of all parties concerned.

Now, that being so, the Republicans, who are responsible for the management of this territory, at the present time are called upon to provide revenue for carrying on the government of the Philippine Islands, and the necessity for this revenue is the reason for levying in the present bill a 25 per cent proportion of the Dingley duties on sugar and tobacco coming into this country.

Now, it has been asked why we can not give free trade at once from an economic standpoint. Simply for this reason, and we should keep it clearly in mind, that the United States is now endeavoring to provide a suitable system of internal taxation for raising sufficient revenue for these islands, and we are making good progress.

During the last fiscal year the total revenues from these islands, insular and provincial, amounted to $17,500,000, against the average amount under the Spanish régime of something like $13,500,000 a year.

As to the necessity of changing the revenue system and providing new sources of income, and as showing the changes which were needed in the Philippine Islands, let me call your attention to a few paragraphs in the first report of the Philippine Commission, published in Volume I, 1900, on page 81:

> The scheme of government instituted by Spain for the Philippines was in itself far from perfect, and in its practical operations it was open to the gravest objections. It failed to accomplish even the primary ends of good government—the maintenance of peace and order and the even administration of justice; nor can there be any doubt that it proved an engine of oppression and exploitation of the Filipinos. It took their substance in the form of taxes and contributions and gave no equivalent in return. The preceding sections have shown the use made of the public moneys, which was in general an unproductive one. The people paid heavy taxes and were subject to annoying and vexatious restrictions on their rights; yet the country was not developed, roads were not made, popular education was not established. It almost seemed as though the great trust of government had been perverted into a mere instrument for the benefit of the governing class at the expense of their subjects. The revenues were swallowed up by salaries, most of which seemed unnecessary. The very category of public works is only another designation for salaries. There were in reality no public works. The revenues of the archipelago were exhausted by unproductive expenditures on naval and military establishments, on salaries and pensions, on the church, and on the colonial office in Madrid. And the people governed had no redress, as they had no control or voice in the matter.
>
> The most prominent defects in this scheme of government were: (1) The boundless and autocratic powers of the governor-general; (2) the centralization of all governmental functions in Manila; (3) the absence of representative institutions in which the Filipinos might make their needs and desires known; (4) a pernicious system of taxation; (5) a plethora of officials who lived on the country and by their very numbers obstructed, like a circumlocution office, the public business they professed to transact; (6) division of minor responsibilities through the establishment of rival boards and offices; (7) the costliness of the system and the corruption it bred; and (8) confusion between the functions of the state and the functions of the church and of the religious orders.
>
> If these abuses are remedied, if a capable and honest government is instituted, if the Filipinos are permitted to the full extent of their ability to participate in it, if all unnecessary offices are abolished, if church is separated from state, if the public revenues are used solely to defray the legitimate expenses of the government and the cost of duly authorized public works and improvements, including the beginnings of a system of elementary schools—if, in a word, government is administered in the Philippines in the spirit in which it is administered in the United States, the people of that archipelago will, as already a few of them foresee, enjoy more benefits than they dreamed of when they took up arms against the corrupt and oppressive domination of Spain.

And after the lapse of five years, Mr. Chairman, we may congratulate ourselves that all or most of these abuses have been corrected. One of the principal things which has been accomplished has been the doing away with the old system of taxation by which the revenues contributed by the people went into the pockets of the taxgatherers and not for the benefit of the community. Under our régime taxes have been honestly collected, the revenues have been largely increased, roads have been built, the cities have been cleansed, schools have been established, and the people already have begun to enjoy the benefits which are referred to in this report.

But, Mr. Chairman, there can be no such thing as a state without revenue. The government can not be carried on without resources, and in our efforts to lead the Filipinos up to the position of independence it has seemed wise to us who are responsible for this government that the revenues of the Filipinos should come from some established system of taxation and not as charity from the American people.

This is the reason, Mr. Chairman, for leaving 25 per cent duty on the sugar and tobacco coming into the United States and for not granting free trade until after the expiration of the concession given by us in the treaty to Spain. Now, as showing further the benefits that have already accrued in a most striking form under our administration of the archipelago, I would like to insert here an editorial from the Chicago Tribune, entitled "Railways in the Philippine Islands."

RAILWAYS IN THE PHILIPPINES.

One of the chief needs—perhaps the chief need—of the Philippine Islands is adequate means of transportation. The people can not be prosperous until they can get their productions to market. They can not do that without roads, railways, ships. The Philippine government is making the best speed it can to provide these essentials for the people's material well-being and advancement. It has effected great betterments in the roads, which were in an extremely sorry condition at the close of the period of insurrection. Legislation has been enacted for the improvement of interisland shipping, and Colonel Edwards, of the bureau of insular affairs, believes it is a matter of but a short time until there will be a satisfactory system of railways.

Almost thirty years ago Mr. Navarro, a Spanish engineer in the department of public works at Manila, got up a plan for a system of railways on the island of Luzon. The Spanish Government advertised three times for bids before it finally in 1886 got an offer from an English company for the construction of one of the proposed lines, that from Manila to Dagupan, approximately 221 miles in length. The Government guaranteed an income of 8 per cent on $5,353,700, the cost of building the line, for ninety-nine years. Since American occupation the company owning this road has been granted concessions for extending it about 108 miles.

The Cooper bill authorized the government of the Philippine Islands to assume a contingent liability of $1,200,000 a year for a period of thirty years to encourage the building of railways. Under this act Secretary Taft advertised for bids for the construction, equipment, maintenance, and operation of lines aggregating 1,233 miles in length. The

800 miles on the island of Luzon are to be built practically according to the original plans of Mr. Navarro. The rest of the system will be on the Visayan Islands and on Panay, Negros, Cebu, Leyte, and Samar. Our Government had better success in getting offers than that of Spain. Spain guaranteed an income from the roads of 8 per cent for ninety-nine years and advertised three times before a single bid was received. The United States offers to guarantee a maximum of 4 per cent for thirty years. When the bids were opened at Washington on December 15 last it was found that one bidder proposed to build 425 miles on Luzon at the rate of 75 miles a year without any guarantee of interest by the government. Another offered to construct 290 miles on Panay, Negros, and Cebu. The latter asked a guarantee of 4 per cent on 95 per cent of the cost of construction.

The responses received on this occasion will doubtless encourage the government to advertise for bids again at an early date. They tend to justify Colonel Edwards's optimistic prediction that it will not be long before the Philippines will have railways covering all routes where they can be made profitable. The railway is destined to play a leading part not only in the industrial development, but in the civilization of the islands. The locomotive will be an able assistant to the educator and the administrator.

And this new condition of things, by which the investment of capital has been made not only safe but profitable, has been brought about by the wise administration of the islands by this Government during the past five years. But the gentleman from Mississippi [Mr. WILLIAMS], who is now in a position where he can simply criticise, insists that we ought to give free trade at once to the islands, and that then we ought to give independence. No one knows, Mr. Chairman, better than the learned and scholarly gentleman from Mississippi—and I know of no better student of history in this body—no one knows better that he that the progress of civilization and the development of government always proceeds per gradum and not per saltem. Those who are responsible for government, bearing this principle in mind, must see to it that all advances are made gradually and as conditions will permit.

The contention of the gentleman from Mississippi that we should at once give free trade, and then give independence, reminds me of the traveler who was leaving on a steamboat, and after the ship had got 20 feet from the dock found that his companion was left behind, and called out to him, "Come on, don't be a coward, you can make it in two jumps." [Laughter.]

Well, Mr. Chairman, just as air and water would have been an unsubstantial footing for the traveler's second leap, so the superheated, declamatory atmosphere of the hustings that sometimes escapes almost unconsciously in this Chamber is an extremely unsubstantial footing from which to take a step in an important matter of Government development.

If the gentleman from Mississippi were the leader of the majority in this House, or if he were the President of the United States—and I know of no abler man for his party to select as leader—if he were in a position responsible for this Government, he, in his wisdom, would know that in proceeding thus gradually we are proceeding in the only wise and safe way.

Now, let me invite your attention to the objections that have been made by those in the right camp, the objections that came from those who believe that in this bill we are violating the protection policy of the Republican party. The views of these gentlemen are entitled to most careful consideration, because, as I have said, we do not admit that we are passing this legislation because we must, but because we think it is wise and prudent. In my opinion the gentlemen who oppose this legislation because they are fearful that it will injure certain important interests are perfectly correct in the stand which they take, that nothing in the Constitution or the laws makes this legislation compulsory, as is contended by the leaders on the other side. And before we pass to the consideration more in detail of these objections I want, Mr. Chairman, to speak of one exaggerated statement which I am sure we all regret very much has crept into this debate.

A few gentlemen have strayed so far away from the paths of probabilities even as to suggest that this largely altruistic measure—favored by the President, seconded by the Secretary of War, asked for by the majority of American people—is conceived and pressed in the interests of some trust or combination.

Mr. Chairman, I know that it has been somewhat of a fashion of late outside of this Chamber to cast some aspersions and ridicule upon it. Mostly these criticisms are good-natured gibes at a public body. Now and then, however, we hear in this Chamber, as we heard during the last session of Congress from an eloquent gentleman on the other side of the House, some reflections cast upon the ability, the character, and the dignity of this body. Mr. Chairman, the good-natured flings of the public orator and the sincere criticism of friends of this Government we can accept in the spirit in which they are offered. But I think we should on all suitable occasions, Mr. Chairman, rebuke, and rebuke with all the emphasis in our power, all aspersions, whether from without or from within, upon the integrity of this great assembly. I say to you, Mr. Chairman, that from the time that Muhlenberg called to order the first session of the First Congress and looked down into the eyes of such men as Sherman and Trumbull and Ames and Van Rensselaer, Hugh Williamson, and James Madison—from that time to this there never, in my opinion, has been a time when the character of this body, on both sides of the aisle, for ability, integrity, and devotion to the public interests has been greater than it is at the present time. [Applause.]

Why, Mr. Chairman, the octopus has not been spawned that can ever influence this body to advance any legislation that is dishonest or dishonorable or that seeks to thwart the will or violate the national conscience. And, Mr. Chairman, it has not entered into the imagination of any man to conceive of an octopus who would be so far lost to all sense of his octopean safety as to attempt to tackle the President of the United States [applause]; and if he should attempt to take the President and manage him in one tentacle and the Secretary of War in another he would think that he had been struck by a typhoon from above and an earthquake from below off the island of Negros. [Laughter and applause.] Why, I should not have been surprised if somebody had risen and maintained that, as the carabao would be admitted under this bill free of duty, therefore capital in the United States was eager and impatient to go to the Philippines and gather together in flocks or herds or shoals or bevies or schools, or in whatever other forms these beasts migrate, and swim them over here to the port of San Francisco without any cost of transportation, so that they could bring them in here to compete with our cattle upon a thousand hills in furnishing to the free-born American citizen an oriental substitute for the traditional beefsteak of our fathers, and that this bill was really in the interest of the beef trust. [Laughter and applause.] Mr. Chairman, such exaggerated statements, it seems to me, are hardly worthy of consideration or of mention, unless it be to show the unsubstantial grounds upon which some of the opponents of this bill stand.

But, Mr. Chairman, I have great sympathy for those who really feel that the interests in which they have embarked are going to be ruined or seriously retarded by the passage of this bill, and I have a great respect for the arguments that have been adduced here by those gentlemen representing districts in which such persons reside. I have thought, myself, that some of us who favor this bill have not been sufficiently alive to the business situations in some of those districts represented by Members who oppose the measure. The distinguished gentleman from Missouri who thinks that this bill should provide at once for free trade might take a different view of it if his environments were different. If, for example, the Filipino could produce and lay down in the city of St. Louis as good wine as they make in the State of Missouri, and at a less price and in unlimited quantities, I am sure that the gentleman from Missouri would scan the measure with great care before giving it his unqualified approval as a Democratic measure. But the gentleman from Missouri goes much further than to insist that this should be a free-trade measure. The gentleman from Missouri, in a colloquy between himself and the gentleman from Louisiana, made the statement that the Dingley tariff bill is a curse to the whole American people. Well, Mr. Chairman, if it has been a curse to the whole American people it has been pro tanto a curse to a very large part of them who reside in the glorious Commonwealth of Missouri, so ably represented by our eloquent friend.

How has the Dingley law cursed Missouri? Why, it seems to me it has cursed that great State in just the way that Balaam uttered his curse for Balak the son of Zippor. His curses turned to blessings in his mouth before he could utter them, and he said, "How shall I curse, whom God hath not cursed?" and looking forward to the great prosperity which the chosen people were to enjoy, he uttered that splendid prophecy of what he saw in his vision: "How goodly are thy tents, O Jacob! and thy tabernacles, O Israel! As the valleys are they spread forth, as gardens by the river's side, as the trees of lign aloes, which the Lord hath planted, and as cedar trees beside the waters." What a perfectly ideal picture of Missouri at the present time—a garden by the river's side [applause on the Republican side] and a very fruitful garden indeed.

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the gentleman a question if it will not interrupt him.

The CHAIRMAN. Does the gentleman from Illinois yield?

Mr. BOUTELL. Certainly; it will not interrupt me at all, and I yield with great pleasure.

Mr. CLARK of Missouri. Do you think that Missouri owes its rich land and its fine crops and splendid climate to the Dingley bill?

Mr. BOUTELL. No, it does not, but it owes to the Dingley

bill the opportunity to sell those crops to people in the United States who have the money to buy them. [Applause on the Republican side.]

Mr. CLARK of Missouri. Let me ask you another question.

Mr. BOUTELL. Yes.

Mr. CLARK of Missouri. Has the Dingley bill ever enabled the Missouri farmers to sell a bushel of corn or a bushel of wheat or a pound of pork or a pound of beef in any foreign markets?

Mr. BOUTELL. The Dingley bill has enabled the people of Missouri to sell barrels and barrels of great red apples, and cases and cases of grapes, and stoops and stoops of wine a great deal higher than they could have sold them without the Dingley bill. Mr. Chairman, nine years ago the State of Missouri was in a desolate condition. The mortgages covered that State until it looked like a tented field. To-day there are not enough mortgages on Missouri farms to furnish paper on which to write the gentleman's speech in which he assailed the system under which these mortgages were paid off. [Applause on the Republican side.]

Why, Mr. Chairman, the State of Missouri to-day literally flows in milk and honey, and it is the greatest honey-producing State in the country. The laboring man in the State of Missouri has buckwheat cakes and honey for breakfast, roast beef for dinner, and fried chicken for supper. [Applause on the Republican side.] Blessings have flowed in upon that State during the past eight years from all sides and to all people. The farmers have been prosperous, the manufacturers have been prosperous, the laboring men have been well paid, and they get more for their money. The lead and zinc works in the gentleman's State, under the Dingley law, which doubled the duties on these minerals, have increased their output nearly 300 per cent. The men employed have increased nearly 50 per cent. On all sides and from all sources prosperity and blessings, instead of curses, have come to Missouri.

Mr. CLARK of Missouri. Now, Mr. Chairman——

Mr. BOUTELL. Just a moment, until I have described the rest of the blessings, and then we will take them all in at once. [Laughter.] During the last year they held the largest and finest, or perhaps I ought to say next to the largest and the finest, exposition that was ever held on earth. And why? Because when that exposition was planned the National Treasury had money available, and we were glad to use it for the purpose of putting that exposition on its feet—money brought into the Treasury under the Dingley law, when it was empty and when the Dingley law was passed. [Applause on the Republican side.] And it put the money into the pockets of the people, so that they could go to Missouri and spend their money, and to some people it gave pockets—who did not have even these before the law was passed; and the greatest of all the blessings that the Dingley law brought was that at the last election the great Commonwealth of Missouri was brought into the Republican column for Roosevelt and Fairbanks, and put a Republican Senator at the other end of the Capitol, and brought nine Republican Congressmen from Missouri into this Chamber. [Applause on the Republican side.]

Now, Mr. Chairman——

Mr. CLARK of Missouri. Mr. Chairman——

Mr. BOUTELL. I have just come to the last blessing. [Laughter.] It is one that interests the gentleman especially.

Mr. CLARK of Missouri. All right.

Mr. BOUTELL. I do not want to leave this out; this is the best of all.

Mr. CLARK of Missouri. All right; put it in.

Mr. BOUTELL. Now, Mr. Chairman, in view of all this that has taken place under the blessings of the Dingley law, I can think of only one other blessing that it could confer upon the State of Missouri, and that is, as it has induced his colleague, the learned gentleman who addressed us this morning [Mr. DE ARMOND], finally to make up his mind that free trade is an idle and academic dream, the last, the greatest, the supreme blessing that the Dingley law could confer upon Missouri and her able Representative who sits before me would be to convert him, body, soul, and spirit, to the principles of the Republican party, and to send him here as a Republican Senator to see that these blessings are not lost in the future. [Loud applause on the Republican side.]

Mr. CLARK of Missouri. Mr. Chairman——

The CHAIRMAN. The time of the gentleman from Illinois [Mr. BOUTELL] has expired.

Mr. CLARK of Missouri. Mr. Chairman, I ask unanimous consent that the gentleman be allowed to finish his speech without limit.

The CHAIRMAN. The gentleman from Missouri [Mr. CLARK] asks that the gentleman from Illinois be permitted to finish his speech without limit. Is there objection?

There was no objection.

Mr. BOUTELL. I thank the gentleman from Missouri for his courtesy, and I would say, Mr. Chairman, that it would take this entire session to give all the blessings that have come to the State of Missouri under the Dingley law. [Laughter.]

Mr. CLARK of Missouri. Mr. Chairman, I want to make two remarks. One of them is, that I desire to thank the gentleman for his splendid eulogy on Missouri and, second, one is to inform him and the House and the country that we were brought up on that bill of fare that he has described, and have always used it, namely, high tariff, low tariff, and no tariff. God Almighty gave it to us and the Republican party can not take it away from us. [Laughter and applause on the Democratic side.]

Mr. BOUTELL. And the Dingley bill has given your people the money with which to buy it. Now, if the gentleman wants to put to a fair test his proposition that the Dingley bill is a curse, or his proposition to tear down the custom-houses of the country, I will just meet him on fair grounds. We are going to have a Congressional election before very long, and if the gentleman will accept my proposition I will agree to go over in his district and spend all the time that is necessary to demonstrate that the people of Missouri don't approve of these propositions. If he will go before the people of his district next November with the alternative proposition of either tearing down the custom-houses and removing the duty on musical instruments—including the great Schwarzer zither, which surpasses any instrument of the kind in the world—on pearl buttons, on wines, on grapes, on apples, on horses, on Portland cement, on lead, on zinc ore, or of slightly increasing the duties on these different articles, I will undertake to get nine out of ten men of that district to vote for the latter alternative.

Mr. CLARK of Missouri. Is that your proposition?

Mr. BOUTELL (continuing). And the morning after the election I think we will find that the candidate who was in favor of a slight increase rather than the total abolition of all duties will have been elected, and in the "cold, gray morning" we shall see the gentleman from Missouri sitting in solitary but dejected grandeur amid the ruins of the custom-houses and the wreck of his own political fortune, murmuring sadly to himself the words of that pathetic Pike County ballad:

> How vain it was for me to play
> When all the rest stood pat;

[Laughter.]

> I hardly know what hit me,
> Or even where I am at.

[Great laughter.]

Mr. CLARK of Missouri. Mr. Chairman, I want to make one statement and ask the gentleman one question. I will welcome the gentleman to my district in a joint discussion in every county in it on the proposition that he has made. More than that. I will welcome any living Republican to a joint discussion in that district of this proposition. Now, the speech from which he was quoting about tearing down custom-houses was made nine years ago. I want to ask the gentleman this question: How many gentlemen on that side of the Chamber he thinks are going to make a speech that will live nine years? [Great laughter.]

Mr. BOUTELL. Mr. Chairman, I can only make a guess that the part of this speech at least which describes the great blessings that have been conferred upon the people of Missouri under the Dingley bill and the present glorious condition of that State will last not only nine years, but ninety and nine years. [Laughter and applause.]

Now coming back to what I was saying before these digressions relating to blessings—coming back and gathering up the thread of my argument—I think that we all should perhaps feel more deeply the force of the arguments of those who represent rice, sugar, and tobacco constituencies if we were similarly situated.

Now, Mr. Chairman, it has been maintained by those on the right in opposition to this bill that this measure will ruin certain industries—that, I think, must be considered an exaggerated statement—or that it will prejudicially retard the development of certain industries. Let us consider first the facts and then the probabilities. The industries which are supposed to be prejudicially affected by this bill are rice, tobacco, cigars, and sugar. What is the situation as regards rice, Mr. Chairman? I want to assure the committee that I am not going into any elaborate details or any complicated figures. As I said in my opening remarks, I should be glad if in closing this debate we can consider the facts and arguments before us from a

judicial point of view. Let us, then, take the facts as they actually exist and then the probabilities.

Now, the facts in reference to the rice industry are these: The Philippine Islanders consume annually something over a billion and a quarter pounds of rice, as nearly as I have been able to make out from the statement of the Department. The Philippine Islanders produced last year, say, 850,000,000 pounds of rice, and imported from other countries, say, 500,000,000 pounds. The Philippine Islanders export no rice. The United States produces and consumes about 500,000,000 pounds of rice, and exports about 100,000,000 pounds, and offsets that by imports of about the same amount. It does not seem possible—certainly it does not seem probable—that this great rice-consuming country, the Philippine Archipelago, will ever be in a position to ship rice to the United States in anything but very insignificant quantities. It should be borne in mind that rice is almost the sole article of food among the Filipinos.

As I said, they consume about a billion and a quarter pounds of rice annually, whereas the United States, with more than ten times the population of the Philippine Islands, only consume about 500,000,000 pounds. There is this to be said for the encouragement of the rice industry in this country, that the consumption of rice is increasing rapidly in this country as its value as a food product is becoming better known; so that I do not think that those engaged in the rice culture in this country have any ground for fear. On the other hand, with freedom of trade between the archipelago and the United States, with the people of the Philippine Islands prospering in their staple products of hemp and copra, they will become importers themselves of rice from the United States.

Next let me speak of the cigars and the tobacco. What are the great striking facts in reference to this industry? These, without wearying you with details, mentioning just what we can carry in our minds, are as follows: We produce and consume in the United States annually 7,500,000,000 cigars. Our importations, mostly those of a superior quality, are far less than 100,000,000. Our annual average increase in the consumption of cigars is about 325,000,000. What were the importations to the United States from the Philippine Islands last year, with a preferential against other countries by the refunding of the exports? Leaf tobacco, none; cigars, $6,700 worth, barely enough to cover returning travelers and Army and Navy officers. Substantially no Philippine cigars have been imported commercially into the United States; cigarettes, $30 worth; other forms of manufactured tobacco, including snuff and the like, none. That is the story of the total effect of Philippine cigars and tobacco upon the United States under the preferences given to the archipelago last year.

My view of this matter, Mr. Chairman, bearing these facts in mind, is that never under any possible circumstances will Philippine tobacco or Philippine cigars compete in any way with the American product. When our people want a low-priced cigar, we can now make in this country from American tobacco and by well-paid American labor the best low-priced cigar that is made in the world. If it were not too late, speaking of the quality of the Philippine cigars, I should like to illustrate their quality by the names given to them by a humorous cigar manufacturer and retailer in my district, because it seems to me they illustrate what we have at present to fear from the Philippine cigars better than anything that I have heard. I want to talk about facts now, and I propose to talk of probabilities a few minutes later on.

I went into one of these stores, kept by a friend of mine, who has a small factory in the rear and a fine store in front, and although I myself do not smoke, I asked him if he had any Philippine cigars. He smiled a peculiar, incredulous smile, and said, "Yes; he had three varieties." I said I would like to see them, and he put his weird-looking products of oriental manufacture before me and told me their names. He said he called one brand the "New Year's Eve," the second, "One Hundred Per Cent," and the third, the "Boomerang." I said: "Where in the world did you get those names for those peculiar-looking cigars?" He said: "Those names are my own. Those cigars came here nameless. They are orphans, and I gave them their names. The 'New Year's Eve' is the cigar I sell to the man who has sworn off. He smokes one of those on New Year's eve and he never wants to smoke another cigar as long as he lives." I said, "What is the 'One Hundred Per Cent?'" He said, "Well, I give away cigars occasionally to my customers, but of course whenever I give away a cigar I expect that the man will buy twice as much on account of the cigar I gave him. So when I give away a cigar I offer him the 'One Hundred Per Cent,' and when he has smoked it he has to smoke two of my best cigars to take the taste of that one out of his mouth." Then I said, "Well, what is the 'Boomerang?'" "'The Boomerang,'" said he, "is a campaign cigar." I said, "I do not understand why you give it that name. I should be afraid to give one of those to anybody during a campaign." He said: "That is just the point. When you are running for office you get somebody to give about a thousand of those cigars to your opponent, and the cigars that come to him in that way he naturally distributes freely to his acquaintances. Every time he gives one of those cigars away he loses a vote." [Laughter.]

So that even popular humor and wit have thrown a character around those products and given them a name and reputation, and I do not think the American workman need have any fear whatever of competition from cigars of this character.

Mr. KEIFER. Mr. Chairman, will the gentleman let me ask him one question?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Ohio?

Mr. BOUTELL. Certainly.

Mr. KEIFER. I have listened to the gentleman's splendid speech and agree with most of it, but I should like to know how much revenue is expected to arise, if this bill becomes a law, from the introduction into this country of such cigars as he has just described?

Mr. BOUTELL. That is quite a fair question and one that I expected to answer later in detail. My best guess, and it is only a guess—I am simply telling what I know of Philippine cigars—is that the revenue on cigars coming from the Philippine Islands will be substantially nothing. I do think, however, that of course there will be some revenue from sugar, and I think that this sugar feature of the measure is one that we should scrutinize with great care. Now, what are the facts with regard to sugar?

As I recollect it, we consume in this country annually about 2,700,000 tons of sugar. Now, where do we get this sugar? From the cane fields in this country, from the beet-sugar farms in the country, from Hawaii and Porto Rico—about, in round figures, 900,000 tons. From foreign countries now paying the full Dingley rates, 600,000 tons. From Cuba, 1,200,000 tons, paying 80 per cent of the Dingley rates.

It will be observed, Mr. Chairman, that we are now compelled to import in the neighborhood of 2,000,000 tons of sugar a year. What, if anything, have we had from the Philippine Islands? During the time of our occupation the importation into this country from the Philippine Islands has ranged from 2,000 tons up to 38,000 tons. The arguments that have been made on the floor of this House in favor of the sugar industry, it seems to me, has been remarkably fair and candid, but these arguments have necessarily proceeded upon the testimony that was given before the Commission, and before the committee of the House. And some of the statements before that committee, and some of the statements that have been published for the purpose of influencing Members, have been of that highly exaggerated character as to be away beyond our serious attention, and merit, it seems to me, only ridicule.

I know of no better thing that has been said in this debate than the summing up of the character of that testimony by the eloquent gentleman from Missouri. It seems as though some of the witnesses were basing their calculation on three crops in the Philippine Islands. First, the entire arable land was sown with sugar, and then after that was garnered the entire arable land was sown with tobacco, and when that had been cut the entire arable land was sown with rice, and all three crops were sent yearly to the United States. I have seen a printed statement giving the acreage in sugar last year. I think it was 150,000 acres, and then showing how much sugar could be raised by increasing the acreage. It went on in a grand crescendo, until it stated that 1,500,000 acres would furnish all the sugar needed in the United States, and 3,000,000 acres all the sugar needed in Europe. When I had read this statement, and other similar documents intended to influence the judgment of the Members of this House, I could not think but that they were worthy only of that consideration which we should give to those portentous suppositions with which our mothers and our nurses used to startle us in infancy:

If all the world were water
And all the water were ink,
What should we do for bread and cheese?
What should we do for drink?

Such wild exaggerations can only be answered by suppositions still more ridiculous:

If all the isles were sugar
And all the sugar cigars,
The Philippines could serve the earth
And export some to Mars.

[Great laughter.]

Of course we expect this bill to help the Filipinos; of course we expect this bill to encourage cigar and tobacco production

in the Philippines; of course we expect the importations to this country to increase, and in my opinion—now comes the matter of probability—they will not increase to any large extent. What is the great export of the Philippines? Hemp. There were $22,000,000 worth of hemp exported last year as against two or three millions of sugar, the next largest crop. What is the greatest food crop of the Philippines? Rice. Nearly 900,000,000 pounds were raised last year. The sugar and tobacco of the Philippine Islands, so far as we can judge from evidence worthy of consideration, beyond that necessary to supply their own wants will naturally seek the markets at their doors, namely, the Orient. There will be a slightly increased importation of sugar into this country, but I should doubt whether for many years to come it would ever go beyond the 200,000 tons limit. So that it seems to me, Mr. Chairman, that those who are interested in the sugar industry need have no fear of the effect of this measure on their industry.

As the gentleman from Massachusetts so well said, the Americans are an energetic people; they are an advancing people, and they are going, I hope, in some numbers to the Philippine Islands. Some one once said at a banquet in Alaska that since the landing at Plymouth Rock and Jamestown the great army of American pioneers had never disbanded. And it never will. They have crossed the plains, scaled the mountains, and breasted the waves of the Pacific. Ordinarily immigration and capital move along isothermal lines, but isothermal lines are too narrow and restricted to restrain the energy and progress of the American people, and we may hope assuredly to do something by American energy and American capital to advance the condition of the Philippine Islands. But, Mr. Chairman, we need have no fear in this country of competition with the laborers of those islands. We all know that our immigration laws have been thrown around them; we know the Chinese can not come in there, and our farmers and our tobacco raisers and our cigar manufacturers, with all the capital and energy that will be attracted from this country need have no fear of the only labor which is there, namely, the Filipino labor. Look over the history of the world, Mr. Chairman and gentlemen. Never since the dawn of history in the competition for the world's supremacy has a man with a coat ever had need to fear competititon with a man who wears only sunshine. [Laughter.] So it will be to the end of time.

Now, Mr. Chairman, let me say, in closing, a few words in reference to what I think is the strongest reason why we should pass this bill. I stated some time ago that in broad terms one of the reasons for passing this bill is because all the intelligent people of the Philippine Islands want it. That, Mr. Chairman, is my principal reason for voting for this bill. Without going into the details of the reason why the Filipinos want this bill, let me give you briefly the grounds for this position which I take. I have heard, if my recollection serves me right, even in this debate, that old wish expressed, "Oh, that Dewey had sailed away from Manila the day after he destroyed the Spanish fleet." I should like, Mr. Chairman, at this time to use whatever influence I have to give final and decent burial to the phrase. Whenever that phrase is uttered it is uttered by men, however good their motive, who forget that Dewey's victory at Manila was the first and not the last act of the war with Spain; that the Philippine Islands were Spanish territory; that it was three months before the war was closed. For Dewey on his own motion to have sailed away from Manila the day after his victory would have been a crime. For the National Administration to have withdrawn him would have been worse than a crime, it would have been a grave national blunder. [Applause on the Republican side.]

So, then, we were compelled by a decent regard, if you please, for the opinion of mankind to keep the Philippine Islands. The treaty with Spain ceded them to us and provided the status of their citizens should be fixed by Congress. Now, without expressing my personal wish for the future of the islands, let me say that, so far as I am aware, no man in this country, whether in or out of the sphere of political influence, has ever expressed the view that the Philippine Islands should be left by us at once. In other words, whether we occupy the Philippine Islands for a year or a century, or whatever the ultimate outcome will be, while we hold them we need their friendship. We have heard it stated in this debate by many gentlemen that they would like to see the Philippines given their independence by the United States. But I ask you, Mr. Chairman, is there any man in this Chamber, any man within the sound of my voice, any man within the confines of this Republic, who would like to see the Philippine Islands taken from us? When our war with Spain broke out the Philippine Islands constituted Spain's weakest point. So long as we hold the Philippine Islands they will be our weakest point in any naval contest. While we hold them it is of the utmost importance that we should conciliate them.

As we look back over the pages of history we find that no partnership of any kind between two people has ever been successful, no amalgamation has ever been peaceful except where the stronger party, by every possible means, has conciliated the weaker. The victories of Greece were lost because she treated the inhabitants of all conquered territory as barbarians. The legions of Rome were unable to stand against the hatred that Rome herself had put into the hearts of the Germans. The spirit of those Teutons that slept under the drums and tramplings of innumerable conquests rose and spurred on their descendants to victory. The Napoleonic system fell to pieces on account of the scorn and contempt with which he treated the people whom he had released from the thralldom of feudalism. To-day Finland and Poland are crouching lion's whelps beside the Russian bear because of the attempt to Russify these patriotic, liberty-loving, intelligent people. [Applause.] Great Britain learned from her American colonies a lesson for all time, and at once began a conciliatory course toward her other colonies, with the result that to-day her over-sea possessions contain the most loyal subjects of the Empire. So whatever may be in the future it is of the utmost importance that the Filipinos should be our friends.

You conciliate a nation as you conciliate an individual, by giving him what he wishes, not by offering him something equally as good in your opinion or by forcing upon him something that he does not wish. And the friendship that we want with all the people whom we control is not the subservient, time-serving regard of a sycophant to a condescending almoner. What we want is the frank and open friendship that may exist between nations as between individuals. And in passing this bill we give the Filipinos the right hand of fellowship and a pledge of friendship.

Mr. Chairman, I do not belong to that school of philosophers which believes that, unlike individuals, nations must always be governed by selfish motives. I believe that in a democracy especially there is among the people what we may call national generosity and a national conscience. St. Paul, who wrote that letter to the Philippians, was the broadest-minded man of his day. He was not only an enthusiastic missionary, he was a great statesman. He would have adorned the councils of any country in ancient or modern times. And when he said to those people in that letter, "Think not every man of his own things, but every man also on the things of others," he enunciated a principle of conduct as applicable to nations as to individuals. If we take this principle as our guide, every dictate of national honor should lead us to give the Filipinos what they ask. The warning voice of all the ages cries to us:

> Go put your creed into your deed,
> Nor speak with double tongue.

Let us, so far as in us lies, show those people what we mean by civil liberty and self-government; and if the strain ever comes while we have control over them, let us hope that they will be amongst the most loyal supporters of our flag.

Now, then, with what, it seems to me, is this strong, this absolutely unanswerable reason for voting for this bill, what shall we say for these economic grounds of opposition that simply rest in the future? Those who fear that their industries will be injured have simply been alarmed by phantoms of their imagination. Our worst fears, Mr. Chairman, are always those which are never realized. The phantoms that have appeared to disturb those who antagonize this legislation are phantoms of the mist. They are only visible in the lower places. Let us take a broad view of this proposition. We are summoned to discharge a great responsibility, to take an important step in government development. To you, my friends, who have honestly opposed this measure let me say, stand on the height, face the rising sun,

> And in thinnest air shall melt away those phantom shapes forlorn,
> When across your brow you feel the odor-winds of morn.

Mr. Chairman, in determining our course in the present emergency, it seems clear to me that the path of economic wisdom is also the path of national duty and of national honor, and that this measure should receive the unanimous vote of the House of Representatives. [Loud applause.]

Mr. PAYNE. Mr. Chairman, as I understand this is the last speech, and there are no other requests to speak, I move that the committee do now rise; and then we can take up the bill in the morning for amendment.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that

committee had further considered House bill No. 3—the Philippine tariff bill—and had come to no resolution thereon.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 21. An act granting a pension to Mary G. Bright—to the Committee on Invalid Pensions.

S. 783. An act granting an increase of pension to Moses H. Sawyer—to the Committee on Invalid Pensions.

S. 1408. An act granting an increase of pension to Julia W. Estes—to the Committee on Invalid Pensions.

S. 988. An act granting a pension to Russell A. McKinley—to the Committee on Pensions.

S. 336. An act granting a pension to Abraham M. Cory—to the Committee on Invalid Pensions.

S. 2082. An act granting an increase of pension to Elizabeth T. Carpenter—to the Committee on Invalid Pensions.

SWEARING IN OF A MEMBER.

Mr. Hermann appeared at the bar of the House and took the oath of office.

Mr. PAYNE. I move that the House do now adjourn.

The SPEAKER. Will the gentleman withhold that motion for a moment?

PONCE RAILWAY AND LIGHT COMPANY, PORTO RICO.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee on Insular Affairs, and ordered to be printed:

The Senate and House of Representatives:

Referring to section 32 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith an ordinance enacted by the executive council of Porto Rico granting to the Ponce Railway and Light Company, its successors and assigns, the right to pass its cars over a certain piece of track on Real street, Ponce Playa, P. R., owned and operated by the American Railroad Company of Porto Rico.

This ordinance has been approved by the President.

Attention is invited to the accompanying report of the Secretary of State.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 15, 1906.*

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. ALLEN of New Jersey, indefinitely, on account of illness.

Mr. PAYNE. I renew my motion to adjourn, Mr. Speaker.

The motion was agreed to.

Accordingly (at 4 o'clock and 34 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Acting Secretary of War submitting an estimate of appropriation for the Isthmian Canal Commission—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for the International Seismological Association—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the chief clerk of the Court of Claims submitting an estimate of appropriation for contingent expenses of the court—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, recommending an appropriation for an improved Government telephone service—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. WILEY of New Jersey, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 7048) changing names of Pierce place, Blake street, Swann street, Cedar street or place, and Oregon avenue to Samson street, reported the same without amendment, accompanied by a report (No. 241); which said bill and report were referred to the House Calendar.

Mr. ADAMS of Wisconsin, from the Committee on Agriculture, to which was referred the bill of the House (H. R. 345) to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof, reported the same without amendment, accompanied by a report (No. 242); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 7679) for the relief of J. B. Orbison, reported the same with amendment, accompanied by a report (No. 243); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HOWELL of New Jersey: A bill (H. R. 11934) to provide for the purchase of a site and the erection of a public building at Asbury Park, N. J.—to the Committee on Public Buildings and Grounds.

By Mr. SHARTEL: A bill (H. R. 11935) for the erection of a public building at Webb City, Mo.—to the Committee on Public Buildings and Grounds.

By Mr. FITZGERALD: A bill (H. R. 11936) to classify domestic mail matter and to fix the rates of postage thereon—to the Committee on the Post-Office and Post-Roads.

By Mr. BONYNGE: A bill (H. R. 11937) to provide for exchanging certain public lands of the United States with owners of lands heretofore granted in aid of the construction of any railway—to the Committee on Public Lands.

By Mr. RIVES: A bill (H. R. 11938) for the erection of a public building at Litchfield, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. ANDREWS: A bill (H. R. 11939) to amend sections 1 and 10 of an act of Congress approved June 21, 1898, to make certain grants of land to the Territory of New Mexico, and for other purposes—to the Committee on the Public Lands.

Also, a bill (H. R. 11940) to make the provisions of an act of Congress approved February 28, 1891 (26 Stats., 796), applicable to the Territory of New Mexico—to the Committee on the Public Lands.

Also, a bill (H. R. 11941) to make appropriations for the survey of unsurveyed public lands in the southern and southeastern portions of the Territory of New Mexico, under the direction of the surveyor-general of said Territory—to the Committee on the Public Lands.

Also, a bill (H. R. 11942) to ratify and confirm chapter 111 of the acts of the thirty-sixth legislative assembly of the Territory of New Mexico—to the Committee on the Territories.

By Mr. BENNET of New York: A bill (H. R. 11943) to amend Title LX, chapter 3, of the Revised Statutes of the United States, relating to copyrights—to the Committee on Patents.

By Mr. DARRAGH: A bill (H. R. 11944) to establish a fish-hatching and fish-culture station at Charlevoix, in the State of Michigan—to the Committee on the Merchant Marine and Fisheries.

By Mr. VAN DUZER: A bill (H. R. 11945) to increase the limit of cost for the purchase of site and the erection of a public building at Reno, Nev.—to the Committee on Public Buildings and Grounds.

By Mr. BURKE of South Dakota: A bill (H. R. 11946) to amend section 6 of an act approved February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes"—to the Committee on Indian Affairs.

Mr. PEARRE (by request): A bill (H. R. 11947) to authorize the Commissioners of the District of Columbia to settle claims for special assessments, and so forth—to the Committee on the District of Columbia.

Also (by request), a bill (H. R. 11948) to authorize the Commissioners of the District of Columbia to compromise and settle

claims for special assessments, and for other purposes—to the Committee on the District of Columbia.

By Mr. LACEY: A bill (H. R. 11949) to prohibit the use of the automatic shotgun in hunting in the Territories of the United States—to the Committee on the Territories.

Also, a bill (H. R. 11950) to prohibit the use of the automatic shotgun in hunting in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HOUSTON: A bill (H. R. 11951) to establish a national military park at the battlefield of Stones River—to the Committee on Military Affairs.

By Mr. BATES: A bill (H. R. 11952) to adjust the rank and pay of certain officers of the Navy—to the Committee on Naval Affairs.

Also, a bill (H. R. 11953) to provide for the raising of Commodore Perry's flagship *Niagara*—to the Committee on Naval Affairs.

Also, a bill (H. R. 11954) authorizing the procuring of additional land for site of public building at Erie, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. BROOKS of Colorado: A bill (H. R. 11955) leasing and demising certain lands in La Plata County, Colo., to the P. F. U. Rubber Company—to the Committee on the Public Lands.

By Mr. GILLETT of California: A joint resolution (H. J. Res. 77) accepting the recession by the State of California of the Yosemite Valley grant and the Mariposa big tree grove, and including the same, together with fractional sections 5 and 6, township 5 south, range 22 east, Mount Diablo meridian, California, within the meets and bounds of the Yosemite National Park—to the Committee on the Public Lands.

By Mr. ACHESON: A resolution (H. Res. 150) for the relief of the estate of Norton McGiffin, deceased—to the Committee on Accounts.

By Mr. HOGG: Memorial of the legislature of Colorado, respecting repeal of the desert-land laws—to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 11956) for the relief of R. P. Burhaus—to the Committee on Claims.

By Mr. ANDREWS: A bill (H. R. 11957) granting to the town of Albuquerque a section of land for public purposes—to the Committee on the Public Lands.

By Mr. BARTLETT: A bill (H. R. 11958) for the relief of the heirs of Martha McLeroy—to the Committee on War Claims.

By Mr. BEIDLER: A bill (H. R. 11959) granting an increase of pension to Henry J. Rice—to the Committee on Invalid Pensions.

By Mr. BROUSSARD: A bill (H. R. 11960) for the relief of the estate of James R. Young, deceased—to the Committee on War Claims.

Also, a bill (H. R. 11961) for the relief of Pierre Breaux—to the Committee on War Claims.

Also, a bill (H. R. 11962) for the relief of Mrs. Katherine Smith—to the Committee on War Claims.

Also, a bill (H. R. 11963) for the relief of Raphael Seguro—to the Committee on War Claims.

Also, a bill (H. R. 11964) for the relief of J. B. Cheppert—to the Committee on War Claims.

Also, a bill (H. R. 11965) for the relief of the estate of Henry Vedrine and Alexis Hebert, both deceased—to the Committee on War Claims.

Also, a bill (H. R. 11966) for the relief of Arvillien Broussard—to the Committee on War Claims.

Also, a bill (H. R. 11967) for the relief of Sylvester Chevalier—to the Committee on War Claims.

Also, a bill (H. R. 11968) for the relief of Julien Semere—to the Committee on War Claims.

Also, a bill (H. R. 11969) for the relief of Bennett Lilly—to the Committee on War Claims.

Also, a bill (H. R. 11970) for the relief of the estate of Edward Sigur, deceased—to the Committee on War Claims.

Also, a bill (H. R. 11971) for the relief of the estate of Oneziphor Delahoussaye, deceased—to the Committee on War Claims.

Also, a bill (H. R. 11972) for the relief of Leo P. Dupuis, administrator—to the Committee on War Claims.

Also, a bill (H. R. 11973) for the relief of the estate of Elie H. Flory, deceased—to the Committee on War Claims.

Also, a bill (H. R. 11974) for the relief of Marie Vives, as administratrix and in her own right—to the Committee on War Claims.

Also, a bill (H. R. 11975) for the relief of the estate of Dr. Joseph Richard Martin—to the Committee on War Claims.

By Mr. BUTLER of Pennsylvania: A bill (H. R. 11976) for the relief of Compañía de los Ferrocarriles de Puerto Rico—to the Committee on War Claims.

By Mr. BURTON of Delaware: A bill (H. R. 11977) referring the claim of the heirs of Henry Hackfeld, Frank Molteno, and James I. Dowsett to the Court of Claims—to the Committee on War Claims.

By Mr. CHANEY (by request): A bill (H. R. 11978) to reimburse Toney E. Proctor for services as appraiser of the town of Wagoner, Ind. T.—to the Committee on Claims.

Also, a bill (H. R. 11979) granting a pension to Michael Cosgrove—to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 11980) granting an increase of pension to William B. Boulton—to the Committee on Invalid Pensions.

By Mr. DICKSON of Illinois: A bill (H. R. 11981) granting a pension to Hudson M. Fisher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11982) granting an increase of pension to Isaac W. Waters—to the Committee on Invalid Pensions.

By Mr. FLOYD: A bill (H. R. 11983) for the relief of and to correct the military record of Henry Crandell—to the Committee on Military Affairs.

By Mr. GILBERT of Indiana: A bill (H. R. 11984) granting a pension to Vesta M. Swarts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11985) granting an increase of pension to Samuel Wyland—to the Committee on Invalid Pensions.

By Mr. GILLETT of Massachusetts: A bill (H. R. 11986) granting a pension to Cynthia L. Allen—to the Committee on Invalid Pensions.

By Mr. GOULDEN: A bill (H. R. 11987) for the relief of the estate of Simon Sterne, deceased—to the Committee on Ways and Means.

By Mr. GUDGER: A bill (H. R. 11988) granting a pension to George W. Davis—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 11989) granting an increase of pension to F. M. Hinds—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11990) granting an increase of pension to Daniel M. Coffman—to the Committee on Pensions.

By Mr. HAMILTON: A bill (H. R. 11991) for the relief of Myron Sutherland—to the Committee on War Claims.

By Mr. HINSHAW: A bill (H. R. 11992) granting an increase of pension to John Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11993) granting a pension to Mary Cox—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: A bill (H. R. 11994) granting an increase of pension to Martha W. Wright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11995) granting an increase of pension to Wesley Layton—to the Committee on Invalid Pensions.

By Mr. KELIHER: A bill (H. R. 11996) granting an increase of pension to Timothy McCartney—to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 11997) granting a pension to Dora M. Dowhower—to the Committee on Invalid Pensions.

By Mr. KLEPPER: A bill (H. R. 11998) granting a pension to James Overton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11999) granting a pension to Eli Spitzer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12000) granting a pension to Rowland Stark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12001) granting a pension to Thomas T. Pratt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12002) granting an increase of pension to James B. Sanders—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12003) granting an increase of pension to William Dilley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12004) to remove the charge of desertion from the military record of John O'Connor—to the Committee on Military Affairs.

Also, a bill (H. R. 12005) removing the charge of desertion from the military record of George W. Hann—to the Committee on Military Affairs.

By Mr. LAMB: A bill (H. R. 12006) for the relief of the trustees of Ivey Memorial Chapel, Chesterfield County, Va.—to the Committee on War Claims.

By Mr. LAW: A bill (H. R. 12007) granting an increase of pension to Lewis Leavens—to the Committee on Invalid Pensions.

By Mr. LEVER: A bill (H. R. 12008) granting an increase of pension to James D. Blanding—to the Committee on Pensions.

By Mr. LONGWORTH: A bill (H. R. 12009) for the relief of the heirs at law of M. A. Phelps and the heirs at law of John W. Renner—to the Committee on Claims.

Also, a bill (H. R. 12010) granting an increase of pension to Louis Hoffmann—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12011) granting an increase of pension to Mary E. Shomaker—to the Committee on Invalid Pensions.

By Mr. LOUD: A bill (H. R. 12012) for the relief of Charles L. Jenney—to the Committee on Claims.

Also, a bill (H. R. 12013) granting a pension to Emma Fox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12014) granting an increase of pension to Francis H. Frasier—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12015) to correct the military record of George S. Smith—to the Committee on Military Affairs.

By Mr. MARSHALL: A bill (H. R. 12016) granting an increase of pension to James Cassaday—to the Committee on Invalid Pensions.

By Mr. MARTIN: A bill (H. R. 12017) granting an increase of pension to James B. Simkins—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 12018) for the relief of Andrew Jackson Moudy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12019) granting an increase of pension to Henry Jacob Fox—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 12020) for the relief of the Methodist Episcopal Church South, of Bellefonte, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 12021) granting a pension to James M. Wood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12022) for the relief of certain churches, Masonic lodges, and colleges in the State of Alabama, and for other purposes—to the Committee on War Claims.

By Mr. REEDER: A bill (H. R. 12023) granting an increase of pension to William C. Brown—to the Committee on Pensions.

By Mr. RHINOCK: A bill (H. R. 12024) granting an increase of pension to Stephen Rickey—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 12025) for the relief of Rachel Dyer, of Fairfax County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 12026) for the relief of William Bushby—to the Committee on Claims.

Also, a bill (H. R. 12027) granting an increase of pension to Nathan C. Bradley—to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 12028) granting relief to John W. Donovan—to the Committee on Claims.

By Mr. SCROGGY: A bill (H. R. 12029) granting an increase of pension to Jacon Eckle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12030) granting an increase of pension to Odline Petard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12031) granting an increase of pension to James B. Winter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12032) granting an increase of pension to John W. Dakin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12033) granting an increase of pension to George W. Irwin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12034) granting an increase of pension to Thomas Davis—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 12035) for the relief of John P. McKinney—to the Committee on Military Affairs.

By Mr. SULLIVAN of Massachusetts: A bill (H. R. 12036) granting a pension to Charles H. Tighe, guardian—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12037) for the relief of the heirs and legal representatives of Samuel Svenson—to the Committee on Claims.

By Mr. SULLOWAY: A bill (H. R. 12038) granting a pension to Charles H. Burleigh—to the Committee on Invalid Pensions.

By Mr. VAN DUZER: A bill (H. R. 12039) for the relief of Chris Deiss—to the Committee on War Claims.

Also, a bill (H. R. 12040) for the relief of B. Klucny—to the Committee on War Claims.

By Mr. WALLACE: A bill (H. R. 12041) for the relief of John H. Hamiter, of Walnut Hills, Lafayette County, Ark.—to the Committee on Claims.

Also, a bill (H. R. 12042) for the relief of the heirs of J. J. Myers, deceased, of Spring Bank, Lafayette County, Ark.—to the Committee on Claims.

By Mr. WATSON: A bill (H. R. 12043) granting a pension to Eliza J. Crisler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12044) granting a pension to Luvernia Leonard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12045) granting an increase of pension to Louisa McConnell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12046) granting an increase of pension to Isaac H. Cohee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12047) granting an increase of pension to David Fateley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12048) granting an increase of pension to George F. Snider—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12049) granting an increase of pension to Rolland Havens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12050) granting an increase of pension to Harrison Wilkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12051) granting an increase of pension to George W. Eshelman—to the Committee on Invalid Pensions.

By Mr. WOOD of New Jersey: A bill (H. R. 12052) for the relief of Stephen W. Stryker—to the Committee on Military Affairs.

Also, a bill (H. R. 12053) granting an increase of pension to George Van Marter—to the Committee on Invalid Pensions.

By Mr. ADAMSON: A bill (H. R. 12054) granting an increase of pension to Martha E. Hallowell—to the Committee on Pensions.

Also, a bill (H. R. 12055) for the relief of the legal representatives of E. H. Abercrombie—to the Committee on War Claims.

By Mr. HOPKINS: A bill (H. R. 12056) to correct the record of Andrew Napier and grant him a pension—to the Committee on Military Affairs.

Also, a bill (H. R. 12057) granting a pension to Samuel Pack—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12058) granting a pension to Lucy A. Branham—to the Committee on Invalid Pensions.

By Mr. WILLIAM W. KITCHIN: A bill (H. R. 12059) granting an increase of pension to Mildred W. Mitchell—to the Committee on Pensions.

By Mr. CHARLES B. LANDIS: A bill (H. R. 12060) for the relief of Joseph H. Johnson—to the Committee on Military Affairs.

By Mr. WILLIAMS: A bill (H. R. 12061) for the relief of the heirs of Joseph Wilson, deceased—to the Committee on War Claims.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 10457) granting a pension to Lizzie Brenmer—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 2017) for the relief of Alberth Pires—Committee on Military Affairs discharged, and referred to the Committee on Claims.

A bill (H. R. 2019) for the relief of Harry D. Dickerson—Committee on War Claims discharged, and referred to the Committee on Claims.

A bill (H. R. 11657) granting a pension to Madison M. Burnett—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the Goehring Manufacturing Company, for repeal of the tax on domestic alcohol used in the arts—to the Committee on Ways and Means.

Also, petition of the legislative committee of the Pennsylvania State Grange, for repeal of tax on domestic alcohol—to the Committee on Ways and Means.

Also, supplemental petition of Liliuokalani, for a settlement of her claim against the United States—to the Committee on the Judiciary.

By Mr. ACHESON: Petition of the civic committee of the Current Events Club, against spoliation of Niagara—to the Committee on Rivers and Harbors.

Also, petition of Morning Star Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BARCHFELD: Petition of citizens of Pennsylvania and Triune Lodge, No. 406, Knights of Pythias, favoring restriction of Immigration—to the Committee on Immigration and Naturalization.

By Mr. BEIDLER: Petition of the Cleveland Credit Men's Association, for retention of the bankruptcy law—to the Committee on the Judiciary.

By Mr. BONYNGE: Petition of the Organization of *General Slocum* Survivors, for relief of heirs of the victims of the disaster to said steamboat—to the Committee on Claims.

By Mr. BURLEIGH: Paper to accompany bill for relief of Lorenzo D. Libby—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Alfred H. Rose—to the Committee on Military Affairs.

By Mr. BUTLER of Tennessee: Paper to accompany bill for relief of Eliza C. Jones—to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Kansas: Petition of Kenesaw Post, Grand Army of the Republic, Department of California and Nevada, for an amendment of the law of June 27, 1890, to grant totally helpless Union soldiers $30 per month—to the Committee on Invalid Pensions.

By Mr. CAPRON: Petition of Cumberland (R. I.) Grange, No. 2, Patrons of Husbandry, favoring passage of the Adams bill—to the Committee on Agriculture.

Also, petition of the Woman's Christian Temperance Union of Millville, Mass., against the Army canteen—to the Committee on Military Affairs.

Also, petition of the Horticultural Society of Newport, R. I., favoring the Adams bill—to the Committee on Agriculture.

By Mr. CURTIS: Petition of citizens of Seneca, Kans., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. DARRAGH: Petition of citizens of Gratiot County, Mich.; W. O. Watson and 100 others, and the Saginaw County Farmers' Institute, against bill H. R. 3—to the Committee on Ways and Means.

By Mr. DAWSON: Petition of the State Association of County Attorneys of Iowa, for the Hepburn-Dolliver bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Columbia Sick Relief Society, of Davenport, Iowa, against spoliation of Niagara Falls—to the Committee on Foreign Affairs.

By Mr. DIXON of Montana; Petition of citizens of Carlton, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. DRESSER: Petitions of the Marvindale Chemical Company, the National Chemical Company, the Liberty Chemical Company, the Alton Chemical Company, the Bradford Chemical Company, the Wyman Chemical Company, the Board of Trade, and the Coryville Chemical Company, all of Bradford, Pa., against bill H. R. 7079—to the Committee on Ways and Means.

Also, petition of Marvindale Chemical Company, of Bradford, Pa., for repeal of the tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. ESCH: Petition of the Milwaukee College Endowment Association, for a national forest reservation in the White Mountains—to the Committee on Agriculture.

Also, petition of citizens of Fairfield, Falls Creek, and Greenwood, Wis., against bill H. R. 3—to the Committee on Ways and Means.

By Mr. FITZGERALD: Petition of the Organization of *General Slocum* Survivors, for relief of the injured and heirs of victims of the disaster—to the Committee on Claims.

Also, petition of the New York Board of Trade, favoring repeal of the shipping act of April 15, 1904, between the Philippine ports and the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of F. D. Power and others, relative to liquor selling in the Territories—to the Committee on the Territories.

Also, petition of the Chicago Historical Society, for a hall of historical records at Washington—to the Committee on Public Buildings and Grounds.

Also, petition of citizens of Shabbona, Ill., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. GARNER: Paper to accompany bill for relief of A. M. Beall—to the Committee on Pensions.

By Mr. GARRETT: Paper to accompany bill for relief of Robert M. Whitsom—to the Committee on Pensions.

By Mr. GRAFF: Petition of Carpenters' Union No. 183, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. GRAHAM: Petition of Young Woman's Home Missionary Society of the North Avenue Methodist Episcopal Church, of Allegheny, Pa., favoring prohibition of liquor in the Indian Territory—to the Committee on the Territories.

Also, petition of the Young Woman's Home Mission Society of Allegheny, Pa., against sale of liquor in Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the Young Woman's Home Mission Society, against sale of opium—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Conroy, Prugh & Co., against an internal-revenue tax on domestic alcohol—to the Committee on Ways and Means.

By Mr. GUDGER: Paper to accompany bill for relief of G. W. Davis—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Thomas J. Bradshaw—to the Committee on Pensions.

By Mr. HAYES: Paper to accompany bill for relief of Josephine D. Jones—to the Committee on Pensions.

Also, petition of the Merchants' Association of San Francisco, for recognition by Congress of the Milan exposition—to the Committee on Industrial Arts and Expositions.

Also, petition of the Merchants' Association of San Francisco, for proposed national stamping act—to the Committee on Interstate and Foreign Commerce.

By Mr. HINSHAW: Paper to accompanying bill for relief of William McBeta—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: Petitions of Mahuah Council, No. 245, and Relief Council, No. 40, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Imigration and Naturalization.

Also, paper to accompanying bill for relief of Harry W. Tolbert—to the Committee on Military Affairs.

By Mr. HUNT: Petition of the St. Louis Manufacturers' Association, favoring the President's ideas of railway freight rate control—to the Committee on Interstate and Foreign Commerce.

By Mr. KEIFER: Petition of Charles Dersch et al., for relief of the victims of the *Slocum* disaster—to the Committee on Claims.

By Mr. LEE: Paper to accompany bill for relief of estate of James Johnson, of Whitfield County, Ga.—to the Committee on War Claims.

Also, paper to accompany bill for relief of Joel Cross—to the Committee on War Claims.

Also, paper to accompany bill for relief of William L. Strain—to the Committee on War Claims.

Also, paper to accompany bill for relief of Simeon Stevens—to the Committee on War Claims.

Also, paper to accompany bill for relief of Edward Sebastian—to the Committee on War Claims.

By Mr. LINDSAY: Petition of the Organization of *General Slocum* Suvivors, for relief of the injured and heirs of the victims of the disaster—to the Committee on Claims.

Also, paper to accompany bill for relief of Emil H. Brie—to the Committee on Pensions.

Also, petition of the New York Board of Trade and Transportation, for repeal of the shipping act relative to the Philippine ports and those of the United States proper—to the Committee on Interstate and Foreign Commerce.

By Mr. LITTLE: Paper to accompany bill for relief of Benjamin F. Moore—to the Committee on War Claims.

Also, paper to accompany bill for relief of Frances M. Pearce—to the Committee on War Claims.

Also, paper to accompany bill for relief of Eliza Slone—to the Committee on War Claims.

Also, paper to accompany bill for relief of Mary Bailey—to the Committee on War Claims.

By Mr. LOUD: Paper to accompany bill for relief of Francis H. Frasier—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: Petition of the Bar Association of San Francisco for appointment of an additional district judge for the northern district of California—to the Committee on the Judiciary.

Also, petition of the Pomona Board of Trade, favoring the President's ideas relative to control of railway freight rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Pomona Board of Trade, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Pomona Board of Trade, favoring establishment of game refuges in the national forest reserves—to the Committee on the Public Lands.

Also, petition of the counties committee of the California Promotion Commission, for Federal control of rivers, etc.—to the Committee on Rivers and Harbors.

Also, petition of the International Printing Pressmen's Association, for a foreman of presswork in Government Printing Office—to the Committee on Printing.

Also, petition of the Board of Trade of San Francisco, favor-

ing a law to favor a better class of Chinese immigrants—to the Committee on Immigration and Naturalization.

Also, petition of the San Bernardino County Fruit Exchange, for Interstate Commerce Commission control of freight rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Redlands Chamber of Commerce, favoring game refuges in the national forest reserves—to the Committee on the Public Lands.

Also, petition of Kenesaw Post, Grand Army of the Republic, Department of California and Nevada, for an amendment of the law of June 27, 1890, relative to totally helpless Union soldiers of the civil war—to the Committee on Invalid Pensions.

By Mr. PERKINS: Petition of the Defender Photo Supply Company, the J. W. Gillis Company, and the N. L. Lockhart Company, against the tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. RHINOCK: Paper to accompany bill for relief of John L. Stevens—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: Paper to accompany bill for relief of the estate of M. F. Cromwell—to the Committee on War Claims.

Also, paper to accompany bill for relief of Susan McBroom—to the Committee on War Claims.

Also, paper to accompany bill for relief of Absalom T. Phillips—to the Committee on War Claims.

Also, paper to accompany bill for relief of the estate of Hesekiah Boech—to the Committee on War Claims.

Also, paper to accompany bill for relief of James Smithers—to the Committee on War Claims.

Also, paper to accompany bill for relief of Andrew J. Schrimsher—to the Committee on War Claims.

Also, paper to accompany bill for relief of Silas H. Scott—to the Committee on War Claims.

Also, paper to accompany bill for relief of the estate of David Crow—to the Committee on War Claims.

Also, paper to accompany bill for relief of the estate of W. R. Hanserd—to the Committee on War Claims.

Also, paper to accompany bill for relief of heirs of Woodson C. Sanders—to the Committee on War Claims.

By Mr. RIXEY: Petition of citizens of Dumfries, Va., and Lovettsville Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of N. C. Bradley—to the Committee on Invalid Pensions.

By Mr. ROBERTSON of Louisiana: Paper to accompany bill for relief of Alfred Morgan, heir of James A. Morgan—to the Committee on War Claims.

Also, paper to accompany bill for relief of Louis V. Porche—to the Committee on War Claims.

Also, paper to accompany bill for relief of James A. Morgan—to the Committee on War Claims.

Also, paper to accompany bill for relief of H. B. Benjamin—to the Committee on War Claims.

By Mr. SAMUEL: Petition of Berwick Council, No. 698, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SCROGGY: Petition of Bowersville Council, Junior Order United American Mechanics; citizens of Neville, Ohio, and Vesper Lodge, No. 131, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SPERRY: Petition of the New Haven and Coastwise Lumber Dealers' Association, for a national forest reservation in the White Mountains—to the Committee on Agriculture.

By Mr. STEENERSON: Petition of the Minnesota State Art Society, for removal of duty on the fine arts—to the Committee on Ways and Means.

Also, petition of the Minnesota Good Roads Association, for the improvement of highways proposed by the Brownlow bill—to the Committee on Agriculture.

Also, petition of J. T. Redland, of Shelby, Minn., against the tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. SULLIVAN of New York: Petition of the general assembly of Indiana, for an auditorium in the New Albany National Soldiers' Home Cemetery—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Emile E. Bore—to the Committee on Pensions.

Also, petition of the Republican Club of the City of New York, favoring the President's plan on railway freight rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of 60,000 Americans in Alaska, for representation in Congress—to the Committee on the Territories.

Also, petition of the Indian Territory Press Association, relative to Indian lands in the Territory—to the Committee on the Territories.

Also, petition of the New York Board of Trade and Transportation, for reduction of duties on sugar and tobacco from the Philippines—to the Committee on Ways and Means.

By Mr. SULZER: Petition of the National Woman's Christian Temperance Union, favoring a law to prohibit the importation into prohibition States of liquor under protection of Federal law, etc.—to the Committee on Alcoholic Liquor Traffic.

Also, petition of George H. Smiley, against the Parker bill—to the Committee on Alcoholic Traffic.

Also, petition of the Organization of *General Slocum* Survivors, for relief of the heirs of victims of the disaster—to the Committee on Claims.

Also, petition of the Woman's Christian Temperance Union of Lockport, N. Y., and protest of 30,000 women of the Empire State, against repeal of the canteen law—to the Committee on Military Affairs.

Also, petition of the Berkshire Woman's Christian Temperance Union against the Parker bill—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Charles Lipkovitz, of New York City, against bill H. R. 3—to the Committee on Ways and Means.

By Mr. WEEMS: Petition of Hand in Hand Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. WOODYARD: Petition of Farmer and Arnoldsbury councils, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

SENATE.

TUESDAY, *January 16, 1906.*

Prayer by Rev. ULYSSES G. B. PIERCE, of the city of Washington.

THE JOURNAL.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. BURROWS. I ask unanimous consent that the further reading of the Journal be dispensed with.

The VICE-PRESIDENT. The Senator from Michigan asks unanimous consent that the further reading of the Journal be dispensed with. Is there objection?

Mr. FRYE. Mr. President, I will make no objection in this case, but I think it is a great deal better, when the Senate is not pressed with business, that the Journal shall be read in full. In this case I shall enter no objection. When there is a heavy pressure of business it is absolutely necessary at times to have the reading of the Journal dispensed with, but not now at the early meeting of the Senate.

The VICE-PRESIDENT. In the absence of objection, the reading will be dispensed with. The Journal stands approved.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the petition of Liliuokalani, ex-Queen of the Hawaiian Islands, praying that she be reimbursed for certain lands in that island taken from her by the United States; which was referred to the Committee on Claims.

Mr. GALLINGER presented a petition of the board of directors of the Eastern Star Home of the District of Columbia, praying for the enactment of legislation authorizing the Baltimore and Washington Transit Company of Maryland to extend its street railway in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. LODGE presented a petition of sundry citizens of Gloucester, Mass., praying for the repeal of the duty on domestic alcohol; which was referred to the Committee on Finance.

Mr. FORAKER. I present a memorial to the Congress of the United States by citizens of the Indian Territory, praying, and setting forth an argument in behalf of their prayer, for separate statehood in the name of Sequoyah. I ask in their behalf that the memorial may be printed as a separate document. It contains a great deal of very valuable information.

The VICE-PRESIDENT. The Senator from Ohio asks that the memorial be printed as a document. The Chair hears no objection, and it is so ordered. It will be referred to the Committee on Territories.

Mr. WARNER presented a petition of the Manufacturers' Association of St. Louis, Mo., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Com-

mission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Two Rivers Division, No. 151, Order of Railway Conductors, of Monett, Mo., praying for the passage of the so-called "anti-injunction bill" and "the employers' liability bill;" which was referred to the Committee on Interstate Commerce.

Mr. BRANDEGEE presented a petition of Williams Council, No. 72, Junior Order of United American Mechanics, of Lebanon, Conn., and a petition of Ledyard Council, No. 31, Junior Order of United American Mechanics, of New London, Conn., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. PENROSE presented petitions of Swatara Council, No. 858, of Middletown; Perryopolis Council, No. 495, of Perryopolis; Berwick Council, No. 693, of Berwick; John Harris Council, No. 174, of Harrisburg; Pleasant Valley Council, No. 330, of Allegheny City; Colonial Council, No. 605, of York; Moses Taylor Council, No. 151, of Scranton; Akron Council, No. 906, of Akron; Etna Council, No. 439, of Etna; Pipersville Council, No. 620, of Pipersville; Frankford Council, No. 176, of Cheltenham; Stroh Council, No. 781; Tescallette Council, No. 442; Elizabethville Council, No. 992, of Elizabethville; Pequea Council, No. 875, of Gap; Bolivar Council, of Bolivar; Mount Moriah Council, of Philadelphia; Resolution Council, No. 6, of Philadelphia; Star Lodge Council, No. 68, of Sargeant; Wyant Council, No. 399, of Oakridge; General McClellan Council, No. 150; Orient Council, No. 72; Hoboken Council, No. 384, of Hoboken; America Council, No. 30; Welcome Council, No. 134, of Pittsburg; Damascus Council, No. 536; Honest Abe Council, No. 66, of Carnegie; Good Will Council, No. 42, of Tyrone; Coalmont Council, No. 860, of Coalmont, all of the Junior Order United American Mechanics, in the State of Pennsylvania, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. TELLER. I present a memorial of the legislature of Colorado, remonstrating against the enactment of legislation providing for the repeal of all existing desert-land laws. I ask that the memorial be read, and that it be referred to the Committee on Public Lands.

There being no objection, the memorial was read, and referred to the Committee on Public Lands, as follows:

State of Colorado, office of the secretary of state.

UNITED STATES OF AMERICA, *State of Colorado, ss:*

I, James Cowie, secretary of state of the State of Colorado, do hereby certify that the annexed is a full, true, and complete transcript of senate joint memorial No. 1, which was passed by the fifteenth general assembly of the State of Colorado, approved February 23, 1905.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Colorado, at the city of Denver, this 12th day of January, A. D. 1906.

[SEAL.] JAMES COWIE, *Secretary of State,*
By TIMOTHY O'CONNOR, *Deputy.*

Senate joint memorial No. 1 (by Senator Taylor), concerning the public-land laws.

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialist, the fifteenth general assembly of the State of Colorado, respectfully represents to your honorable body that—

Whereas there is now pending before the Congress of the United States a bill providing for the repeal of all existing desert-land laws; and

Whereas it is confidently believed that the campaign for such repeal is being conducted largely in the interests of the land-grant railroads for the purpose of excluding from settlement all lands other than railroad lands; and

Whereas the present desert-land laws facilitate the acquirement of homes by certain of our citizens by reclaiming and developing numerous small intermountain valleys that can not be reclaimed under any other law; and

Whereas the Federal land laws now on our statute books have been of great benefit in the development of this State and have operated satisfactorily wherever their provisions have been carried out in good faith; and

Whereas we believe that any change in the present desert-land laws of the United States would be detrimental to the great intermountain region and would especially retard the development of our State: Therefore,

We earnestly protest against the passage of said bill and against any interference, at this time, with the desert-land laws of the United States; and, further, we direct that a certified copy of this memorial be forthwith sent to our Senators and Representatives in Congress.

Approved February 23, 1905.

Mr. KNOX presented memorials of Local Union No. 172, Cigarmakers' International Union, of Davenport, Iowa; of Hetrick & Sipple, of Erie, Pa., and of the Trades Assembly of Bradford, Pa., remonstrating against a reduction of the duty on cigars imported from the Philippine Islands; which were referred to the Committee on the Philippines.

He also presented petitions of the Woman's Club of Erie; of Mary Boggs, of Monongahela; of the New Century Club, of Philadelphia, and of the Retail Merchants' Association of Pennsylvania, of Erie, all in the State of Pennsylvania, praying for the enactment of legislation to prevent the impending destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented petitions of the Christian Endeavor Society of the Brethren Church of Philadelphia; the Young People's Society of Christian Endeavor of Trinity Reformed Church, of Philadelphia; the Woman's Home Missionary Society of Pittsburg, and of Emily Clark Scott, of Pittsburg, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Indian Territory when admitted to statehood; which were referred to the Committee on Territories.

He also presented petitions of A. D. Van Dreisen, of Honesdale; F. W. Steel, of Wyoming; Emily Clark Scott, of East Liberty; D. E. Hutchison, of Kingston; Washington Camp, No. 234, Patriotic Order Sons of America, of Kingston, and of sundry citizens of Kingston, all in the State of Pennsylvania, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented petitions of Eureka Council, No. 38, Junior Order United American Mechanics, of Eureka; Frankford Council, No. 176, Junior Order United American Mechanics, of Cheltenham; Columbia Council, No. 43, Junior Order United American Mechanics, of Wilkes-Barre; Etna Council, No. 439, Junior Order United American Mechanics, of Etna; Pequea Council, No. 875, Junior Order United American Mechanics, of Gap; Mount Morah Council, No. 546, Junior Order United American Mechanics, of West Philadelphia; Bolivar Council, No. 570, Junior Order United American Mechanics, of Bolivar; Resolution Council, No. 6, Junior Order United American Mechanics, of Philadelphia; Acme Council, No. 219, Junior Order United American Mechanics, of Pittsburg; Good Will Council, No. 42, Junior Order United American Mechanics, of Tyrone; Star Lodge Council, No. 68, Junior Order United American Mechanics; Stroh Council, No. 731, Junior Order United American Mechanics; Perryopolis Council, No. 495, Junior Order United American Mechanics, of Perryopolis; Aliquippa Council, No. 567, Junior Order United American Mechanics, of Aliquippa; Berwick Council, No. 698, Junior Order United American Mechanics, of Berwick; Smoky City Council, No. 119, Junior Order United American Mechanics, of Pittsburg; Rockdale Council, No. 803, Junior Order United American Mechanics, of Rockdale; Star of America, No. 305, Junior Order United American Mechanics, of Rices Landing; Etna Council, No. 439, Junior Order United American Mechanics, of Etna; Pleasant Valley Council, No. 330, Junior Order United American Mechanics, of Allegheny; Tescallette Council, No. 442, Junior Order United American Mechanics, of Pittsburg; Pleasant Hill Council, No. 390, Junior Order United American Mechanics, of Sweet Valley; J. P. Winuwer Council, No. 618, Junior Order United American Mechanics, of Pittsburg; End of Akron Council, No. 906, Junior Order United American Mechanics, of Akron, all in the State of Pennsylvania, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. HOPKINS presented petitions of sundry citizens of Chicago, Greenfield, Jacksonville, Pittsfield, and Winnebago, all in the State of Illinois, praying for the ratification of international reciprocity treaties; which were referred to the Committee on Foreign Relations.

He also presented the memorial of David H. Howell and sundry other citizens of Alton, Ill., remonstrating against the ratification of the Isle of Pines treaty; which was referred to the Committee on Foreign Relations.

He also presented a petition of the congregations of the Methodist Episcopal churches of Kenney and Chestnut, Ill., and a petition of the Woman's Christian Temperance Union of Aurora, Ill., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented a memorial of Local Union No. 114, Cigar Makers' International Union, of Jacksonville, Ill., and a memorial of Local Union No. 41, Cigar Makers' International Union, of Aurora, Ill., remonstrating against any reduction of the duty on cigars imported from the Philippine Islands; which were referred to the Committee on the Philippines.

He also presented the petition of Dr. J. H. Bacon, of Peoria, Ill., and a petition of the Chicago Grocers and Butchers' Association, of Chicago, Ill., praying for the passage of the so-called "pure-food bill;" which were ordered to lie on the table.

He also presented a petition of Carson, Pirie, Scott & Co., of Chicago, Ill., and the petition of Elliott Durand, of Chicago, Ill., praying for the enactment of legislation to reorganize the consular service of the United States; which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Chicago, Ill., remonstrating against the passage of the so-called "Hepburn pure-food bill" with the clause requiring liquor manufacturers to place formulas upon the label of their product; which was ordered to lie on the table.

PRINTING OF DOCUMENT ON TARIFF QUESTION.

Mr. LODGE. I present a brief address by the president of the New England Tobacco Growers' Association, which I ask may be printed as a Senate document. It is very brief, and deals with the question of tariff.

The VICE-PRESIDENT. The Senator from Massachusetts asks that an article from the Hartford Daily Courant——

Mr. LODGE. It is an address of the president of the New England Tobacco Growers' Association.

The VICE-PRESIDENT. Being the address of the president of the New England Tobacco Growers' Association, be printed as a document.

Mr. LODGE. As a Senate document.

Mr. SPOONER. May I ask the Senator from Massachusetts who has the honor to be president of that society?

Mr. LODGE. His name is Mr. H. S. Frye.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and the article referred to will be printed as a Senate document.

REPORTS OF COMMITTEES.

Mr. SMOOT, from the Committee on Claims, to whom was referred the bill (S. 1231) to reimburse the Becker Brewing and Malting Company, of Ogden, Utah, for loss resulting from robbery of the United States mails, reported it without amendment, and submitted a report thereon.

Mr. FLINT, from the Committee on Public Lands, to whom was referred the bill (S. 1031) granting to the State of California 5 per cent of the net proceeds of the cash sales of public lands in said State, reported it without amendment, and submitted a report thereon.

Mr. CLAPP, from the Committee on Claims, to whom was referred the bill (S. 567) authorizing the Secretary of the Treasury to make an examination of certain claims of the State of Missouri, reported it with an amendment, and submitted a report thereon.

Mr. BLACKBURN, from the Committee on Naval Affairs, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1933) for the relief of George T. Pettengill, lieutenant, United States Navy; and

A bill (S. 2262) for the relief of Pay Director E. B. Rogers, United States Navy.

Mr. GALLINGER, from the Committee on Naval Affairs, to whom was referred the bill (S. 2073) for the relief of Jeanie R. Bartlett, widow of the late Rear-Admiral John Russell Bartlett, United States Navy, reported it without amendment, and submitted a report thereon.

Mr. BURROWS, from the Committe on Naval Affairs, to whom was referred the bill (S. 697) providing for the award of medals of honor to certain officers and men of the Navy and Marine Corps, reported it without amendment, and submitted a report thereon.

Mr. HALE, from the Committee on Naval Affairs, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 90) providing for the deposit of a model of any vessel of war of the United States Navy bearing the name of a State of the United States in the capitol building of said State; and

A bill (S. 1649) providing for the retirement of petty officers and enlisted men of the Navy.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 1559) granting a pension to Laura Clark, reported it with amendments, and submitted a report thereon.

Mr. PENROSE, from the Committee on Naval Affairs, to whom was referred the bill (S. 1648) for the relief of the Hoffman Engineering and Contracting Company, reported it without amendment, and submitted a report thereon.

BELL OF SLOOP GERMANTOWN.

Mr. PENROSE. I am directed by the Committee on Naval Affairs, to whom was referred the joint resolution (S. R. 7) authorizing the Secretary of the Navy to present the bell of the late United States sloop of war *Germantown* to the Site and Relic Society, of Germantown, Pa. I ask for the present consideration of the joint resolution.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. FRYE. Let it be read for information, please.

The Secretary read the joint resolution; and, there being no objection, it was considered as in Committee of the Whole. It authorizes the Secretary of the Navy to present to the Site and Relic Society, of Germantown, Pa., the bell of the United States sloop of war *Germantown*, which vessel was destroyed by the United States authorities at the Norfolk Navy-Yard in 1861, and the bell of which was recovered about a year ago.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HEARINGS BEFORE COMMITTEE ON MILITARY AFFAIRS.

Mr. KEAN. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred a resolution submitted by the Senator from Alabama [Mr. PETTUS] on the 15th instant, authorizing the Committee on Military Affairs to employ a stenographer to report hearings before that committee, to report it favorably, with an amendment in the nature of a substitute. I ask unanimous consent for its present consideration.

There being no objection, the Senate proceeded to consider the resolution submitted by Mr. PETTUS on the 15th instant, as follows:

Resolved, That the Committee on Military Affairs is authorized to employ a stenographer, when necessary, for hearings before said committee, to be paid out of the contingent fund of the Senate.

The amendment reported by the Committee to Audit and Control the Contingent Expenses of the Senate was, to strike out all after the word "*Resolved*" and to insert:

That the Committee on Military Affairs be, and is hereby, authorized to employ a stenographer from time to time as may be necessary to report such testimony as may be taken by the committee or its subcommittees in connection with matters before them, and have the same printed for its use, and such stenographer be paid out of the contingent fund of the Senate.

The amendment was agreed to.

The resolution as amended was agreed to.

BILLS INTRODUCED.

Mr. FRYE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3259) granting an increase of pension to Bridget Degnan; and

A bill (S. 3260) granting an increase of pension to Susan T. Dunn.

Mr. CLARK of Wyoming introduced a bill (S. 3261) granting an increase of pension to Charles B. Town; which was read twice by its title, and referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 3262) granting an increase of pension to William H. Harrison; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SUTHERLAND introduced a bill (S. 3263) to amend an act entitled "An act to establish a port of delivery at Salt Lake City, Utah;" which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 3264) authorizing the Secretary of War to deliver old pieces of ordnance to the Indian War Veterans; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3265) granting an increase of pension to William Q. Anderson;

A bill (S. 3266) granting an increase of pension to William P. McKeever;

A bill (S. 3267) granting a pension to George C. Veile; and

A bill (S. 3268) granting an increase of pension to Jacob A. Ward.

Mr. CARTER introduced a bill (S. 3269) directing the survey and providing for allotment to Indians and the entry under the homestead law of a certain portion of the Blackfeet Indian Reservation in Montana; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. ALLEE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3270) granting an increase of pension to William H. Richardson; and

A bill (S. 3271) granting an increase of pension to Margaret E. Brown.

Mr. LONG introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3272) granting an increase of pension to John Hirth; and

A bill (S. 3273) granting an increase of pension to Abisha Risk (with accompanying papers).

Mr. FULTON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3274) granting a pension to Henry A. Ridgeway;

A bill (S. 3275) granting an increase of pension to Thomas J. Harrison; and

A bill (S. 3276) granting an increase of pension to Wallace Fairbank (with an accompanying paper).

Mr. FULTON introduced a bill (S. 3277) to remove the charge of desertion from the record of William W. Kerby; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FLINT introduced a bill (S. 3278) for the relief of John Goldsworthy; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3279) to establish four permanent military camp grounds, in the States of Texas, Wisconsin, Pennsylvania, and California, and for the enlargement of the Chattanooga and Chickamauga National Park; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PERKINS introduced a bill (S. 3280) directing the issue of a check in lieu of a destroyed check drawn by the acting superintendent of the United States mint, San Francisco, Cal., in favor of the San Francisco National Bank, San Francisco, Cal.; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 3281) authorizing the appointment of William I. Reed, a captain on the retired list of the Army, as a major on the retired list of the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CLARKE of Arkansas introduced a bill (S. 3282) for the relief of the heirs of J. J. Myers, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3283) for the relief of John H. Hamiter; which was read twice by its title, and referred to the Committee on Claims.

Mr. BURKETT introduced a bill (S. 3284) granting an increase of pension to Charles B. Fox; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3285) granting an increase of pension to Mary M. Hull; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLAY introduced a bill (S. 3286) granting an increase of pension to Mary J. McGehee; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LATIMER introduced a bill (S. 3287) for the relief of the heirs of Moses Winstock, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. PENROSE introduced a bill (S. 3288) to authorize the Pennsylvania Railroad Company and the Pennsylvania and Newark Railroad Company, or their successors, to construct, maintain, and operate a bridge across the Delaware River; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 3289) for the relief of James Gwyn; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. MALLORY introduced a bill (S. 3290) for the relief of Otis Haskell Gates; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3291) granting an increase of pension to Mathew D. Raker; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KITTREDGE introduced a bill (S. 3292) to incorporate the Great Council of the United States of the Improved Order of Red Men; which was read twice by its title, and referred to the Committee on the Library.

Mr. HOPKINS introduced a bill (S. 3293) granting a pension to Robert C. Gibson; which was read twice by its title, and referred to the Committee on Pensions.

He also (for Mr. CULLOM) introduced a bill (S. 3294) to provide for the erection of a public building at Alton, Ill.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

BREAKWATER AT NANTUCKET, MASS.

Mr. LODGE. I desire to introduce a joint resolution providing for an examination and survey in the vicinity of Great Point, at Nantucket, Mass., which I ask to have referred to the Committee on Commerce, together with a petition signed by vessel owners and ship captains of New York and other ports on the Atlantic coast. I ask that the petition may be referred with the joint resolution to the Committee on Commerce.

Mr. FRYE. It will be better to make it a concurrent resolution rather than a joint. A concurrent resolution is all that is required.

Mr. LODGE. If there is no objection, I will ask that it be changed to a concurrent resolution.

The VICE-PRESIDENT. The Senator has a right to have the change made.

The concurrent resolution was read, and, with the accompanying petition, referred to the Committee on Commerce, as follows:

Resolved by the Senate (the House of Representatives concurring) That the Secretary of War be, and he is hereby, authorized and directed to inquire into the advisability of establishing a harbor of refuge by the construction of a breakwater on the island of Nantucket, Mass., at or near the westerly side of Great Point, for the purpose of providing better protection for commerce and the lessening of the perils of navigation to coastwise traffic in the adjacent waters.

AMENDMENT TO GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. NELSON submitted an amendment proposing to appropriate $4,926.67 to compensate the owners of the Norwegian steamship *Nicaragua* for damage by reason of the rescue of an American citizen, John McCafferty, and the consequent quarantine of said ship at Mobile, Ala., in 1904, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

EMPLOYMENT OF PILOTS FOR NAVAL VESSELS.

Mr. TILLMAN. I send to the desk a resolution, for which I ask immediate consideration.

The resolution was read as follows:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the practice of the Navy Department with respect to the employment of competent State pilots for our naval vessels, for the specific purpose of investigating the cause and placing the responsibility for the groundings and collisions which occurred on the 7th instant to three out of five of the most valuable vessels of our Navy, with no pilots on board, while passing out of New York Harbor, and why for the entire fleet only one pilot was employed.

The VICE-PRESIDENT. The Senator from South Carolina asks unanimous consent for the present consideration of the resolution read. Is there objection? The Chair hears none, and the question is on agreeing to the resolution.

Mr. TILLMAN. Mr. President, I desire, just for a moment, to call attention again to the occurrence mentioned in the resolution, the collision between one of these battle ships and another, causing immense damage and risk of life. We do not know what the cause was which led to it, but the fact that the one ship which had a pilot on board got out all right and the others following got into a tangle with very dangerous results has caused me to offer this resolution.

The resolution was agreed to.

OWNERSHIP OF LAND IN THE PHILIPPINES.

Mr. CULBERSON. I submit a resolution, and ask for its present consideration.

The resolution was read as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to inform the Senate whether any official or officials of the Philippine government own any lands in the Philippine Islands or any interest or right therein, and, if so, to inform the Senate what that ownership or interest is, where the land is situated, and who the official or officials are.

The VICE-PRESIDENT. The Senator from Texas asks the unanimous consent of the Senate for the present consideration of the resolution. Is there objection? The Chair hears none.

Mr. FORAKER. I should like to have the resolution read again.

The Secretary again read the resolution.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. CULBERSON subsequently said: A moment ago the Senate adopted a Senate resolution which I offered, and in order to perfect that resolution I move to reconsider the vote by which it was adopted.

The VICE-PRESIDENT. The Senator from Texas asks the unanimous consent of the Senate for the reconsideration of the vote by which his resolution was passed this morning. Is there objection? The Chair hears none, and the vote will be regarded as reconsidered.

Mr. CULBERSON. Now, in order to perfect the resolution I wish to add, after the word "government," the words "or officers of the United States Army," and then I ask for its immediate consideration. My amendment will make the resolution read as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to inform the Senate whether any official or officials of the Philippine government or officers of the United States Army own any lands in the Philippine Islands or any interest or right therein; and if so, to inform the Senate what that ownership or interest is, where the land is situated, and who the official or officials are.

Mr. FORAKER. If the Senator will allow me, upon the reading of his resolution, it occurs to me that there may be some difficulty about making an answer to it, unless I have misunderstood the reading of it. It is so broad that it applies to all officers of the Philippine government. Should it not be restricted to such officers of the Philippine government as are appointed by the President or by some authority of the United States?

Mr. HALE. That is right.

Mr. FORAKER. There are officials throughout the islands for whom the United States really has no responsibility, which officials are purely local in their character and in their services.

Mr. HALE. And who ought to own land.

Mr. FORAKER. And who ought to own land and who perhaps have always owned land. I only make the suggestion to the Senator, so that he may put it in form in that respect, if he should approve the suggestion.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Massachusetts?

Mr. CULBERSON. Certainly.

Mr. LODGE. I have no objection to the resolution, but it seems to me the point made by the Senator from Ohio is well taken. The great mass of the clerks and other employees of the Government there are native Filipinos. Of course they own land—I hope they do—and to make an inquiry that would cover, I suppose, local officers as well and to make it through all the provinces as to what land is owned by clerks in the employ of the Government, it seems to me, would be an endless undertaking. I suppose it would apply only to officers of the United States appointed by the President.

Mr. CULBERSON. The resolution is not as broad as is suggested by the Senator from Massachusetts. It does not cover provincial officials in any sense. It is not intended to do that, nor was it intended to cover the entire governmental force of the Philippine government proper. If the Senator from Ohio, who made the suggestion, can improve the resolution in the respect of which he spoke, I am perfectly willing to accept his suggestion.

Mr. LODGE. I suggest that the resolution go over. Then we can look at it and get it in proper form.

Mr. FORAKER. I was about to suggest further that there may be judicial appointees there from the natives. I do not know how that is.

Mr. LODGE. There are.

Mr. FORAKER. I understand there are.

Mr. ALLISON. Nearly all of them.

Mr. LODGE. There are natives on the Commission.

Mr. FORAKER. There are natives on the Commission, who have been there always, who have owned property, and perhaps they would be all the better qualified if they had some interests there to make them conservative and careful in the discharge of their duties.

The VICE-PRESIDENT. Under objection, the resolution will go over.

FRENCH COMBATANTS IN AMERICAN REVOLUTION.

Mr. LODGE submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,000 copies of Senate Document No. 77, Fifty-eighth Congress, second session, "Les Combattants Français de la Guerre Américaine, 1778–1783," of which 500 shall be for the use of the Senate, 2,000 for the use of the House of Representatives, and 500 for the use of the National Society of the Sons of the American Revolution, to be distributed under the direction of A. Howard Clark, registrar.

PETITION OF CERTAIN OFFICERS OF THE CIVIL WAR.

Mr. TELLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President be requested to furnish the Senate, if not incompatible with the best interests of the service, the petition and accompanying papers of certain officers of the Army, veterans of the civil war, retired from active service for disability contracted in the line of duty, and who have not yet received the benefits of the act of April 23, 1904.

COMMITTEE SERVICE.

Mr. GORMAN. I ask unanimous consent that the junior Senator from Arkansas [Mr. CLARKE] may be excused from further service on the Committee on Indian Affairs, his name having been placed on that committee by inadvertence.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maryland [Mr. GORMAN] that the junior Senator from Arkansas [Mr. CLARKE] be excused from further service on the Committee on Indian Affairs? The Chair hears none, and that order is made.

REGULATION OF RAILROAD RATES.

Mr. FULTON. I ask the privilege of calling up from the table Senate bill 2261, an amendment offered by me some days ago to the bill introduced by the junior Senator from Iowa [Mr. DOLLIVER].

The VICE-PRESIDENT. The Senator from Oregon asks that the Senate proceed to the present consideration of Senate bill 2261.

Mr. BEVERIDGE. What is the bill?

The VICE-PRESIDENT. It will be stated.

The SECRETARY. Table Calendar No. 5——

Mr. FORAKER. Do I understand the Senator's request to be that we proceed now to the consideration of this measure?

Mr. FULTON. No; not to proceed to its consideration. I asked leave to call up from the table the amendment which I offered. I wish to submit a few remarks touching the amendment, and then ask to have it referred to the Committee on Interstate Commerce.

Mr. FORAKER. All I want to say is that the bill itself is still pending before the committee.

Mr. BEVERIDGE. The request was for immediate consideration.

The VICE-PRESIDENT. The Senator from Oregon requests leave to take from the table an amendment offered by him to the bill (S. 2261) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof. Is there objection? The Chair hears none.

Mr. FORAKER. Let the amendment be read.

The VICE-PRESIDENT. The amendment will be read for the information of the Senate.

The Secretary read as follows:

Amendment intended to be proposed by Mr. FULTON to the bill (S. 2261) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, viz: After line 22, page 13, insert the following:

"*Provided further*, That whenever any such court shall find and determine that a maximum rate or charge prescribed by the Commission is confiscatory, it shall be the duty of the court to ascertain and declare what maximum rate or charge would be just and reasonable for the service or services in question, and to accordingly modify, by its decree, the order of the Commission prescribing such rate or charge. The order, as modified by the court, shall be certified to the Commission and shall be by it entered of record, and shall thereupon stand as the order of the Commission until suspended or modified by it."

Mr. FULTON. Mr. President, I do not intend to enter upon a discussion of the general features of the bill to which this amendment is offered, namely, the bill introduced by the Senator from Iowa [Mr. DOLLIVER]. Speaking generally, I think I favor the essential features of that bill, but I believe it should be amended in the respect suggested by the amendment I have proposed; and before referring the amendment to the committee, as I shall ask to have done at the conclusion of the few remarks I will now submit in relation to it, I wish briefly to explain the reasons which actuate me in proposing it.

Under the law as it is at the present time, when complaint is made to the Interstate Commerce Commission that a given rate is unjust or unreasonable, the Commission proceeds to investigate the rate, and if it determines that it is unjust and unreasonable it notifies the carrier to cease exacting that rate and put in force a reasonable rate. If the carrier does not observe the order of the Commission the Commission has but the remedy of proceeding by a suit in equity to enjoin the exaction of the rate which it has condemned as unreasonable. At the termination of the suit, if the court shall find that the Commission was right, that the rate is unjust and unreasonable, all it can do is to enjoin the exaction in the future of that particular rate.

The rate may be very unjust and unreasonable—in such a degree, indeed, that it may be reduced a very considerable sum and yet be unjust and unreasonable. The carrier can make a rate a fraction under that which is enjoined by the court and escape violating the injunction.

Mr. CLAY. Will the Senator allow me?

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Georgia?

Mr. FULTON. Certainly.

Mr. CLAY. As I understand the Senator, as the law stands now, when complaints are made to the Interstate Commerce Commission the Commission finds what rates are reasonable

and just and recommends to the road that the rate so found be put in operation.

Mr. FULTON. That, I think, is correct.

Mr. CLAY. Then, if the road fails to put in operation the rate recommended by the Commission, the Commission has the power and right to go to the courts, and the courts will determine whether or not they will enjoin the rate put in operation by the road. Then, if the court determines that that rate shall be enjoined, there is no power lodged anywhere to determine what rate shall be reasonable and just.

Mr. FULTON. No.

Mr. CLAY. In other words, as the law stands to-day, the court can find that an unreasonable rate has been put in operation by the road, and while the court finds that to be true, the court, of course, can not fix a reasonable and just rate, and at the same time the Commission can not fix a reasonable and just rate. As we stand to-day, neither the court nor the Commission is required to settle the differences between the shippers and the road and fix and put in operation a reasonable and just rate.

Mr. FULTON. That is correct. The Senator from Georgia states the situation as it is to-day.

Now, it will be said that the bill to which I have offered this amendment will correct that defect in the law. So it will, because it authorizes the Commission not only to inquire whether or not the rate being charged is unjust and unreasonable, but to condemn it in case it finds it to be so, and to substitute instead what it deems to be a just and reasonable maximum rate, and to that extent the Dolliver bill is a great improvement over the present law. But we must keep in mind the fact that the power of Congress to make rates or to authorize a commission so to do is not without limitations. Congress can require that rates shall be just and reasonable, but "just and reasonable" means just and reasonable as to the carrier as well as to the shipper. Indeed, it is probably not far from correct to say that just and reasonable tariff rates are such charges or rates as will yield a sufficient return under ordinarily good business management of the property of the carrier to defray expenses and cost of operation, provide maintenance and a reasonable return on the investment. Should the Commission make a rate or rates that would fall short of such result, they would undoubtedly be held by the courts to be confiscatory and enforcement restrained. It is therefore to the situation that will result under this bill in such contingency that I desire particularly to invite attention.

As I have said, in that it authorizes the Commission to substitute a reasonable for an unreasonable rate, the Dolliver bill cures a defect existing in the present law; but even under that bill, if it shall become a law, we may at any time have this condition: The claim may be made before the Commission that a given rate is unreasonable. The Commission inquires into it and determines that it is unreasonable and substitutes what it deems to be a reasonable rate. The matter is taken into court, and the court holds that the rate substituted by the Commission is unjust and unreasonable, being too low, being confiscatory, and it enjoins the enforcement of that rate. The result would be that under such circumstances the old rate of the carrier, however unjust and unreasonable, would be revived and again put in force, or any rate that the carrier might see fit to substitute might be put in force. There would be no remedy until the Commission had pulled itself together again, taken the matter under consideration further, made another guess as to what the proper rate should be, and put that rate in force; it also might be subjected in turn to the scrutiny of judicial review, and long delay and additional expense ensue.

Now, it seems to me that everyone will agree that it would be at once in the interest of the carrier, in the interest of the shipper, and in the interest of the public alike if, at the time the court holds the rate put in force by the Commission to be confiscatory, it might go a step further and determine then and there what a reasonable and just rate would be for the services in question.

Mr. CLAY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Georgia?

Mr. FULTON. Certainly.

Mr. CLAY. I should like to ask a question. The Senator says if the rate fixed or recommended by the Commission should be found by the court to be an unreasonable and unjust rate, that his amendment provides that the court shall find what shall be a reasonable and just rate, and shall recommend that rate to the Commission. Would not that be investing the court with the power to make rates? Is that a judicial function or a legislative function?

Mr. FULTON. That is just the question to which I wish to address myself. The question suggested by the Senator from Georgia [Mr. CLAY] is exactly the question I was approaching at the time of his interruption. I am aware that it is contended by some, perhaps by many, that to authorize the court under any circumstances to determine a future rate is vesting the court with a legislative power or function. I do not believe that that question arises under the amendment which I have offered, because the amendment simply requires that the court, having determined that the rate substituted by the Commission is unjust and unreasonable, and therefore enjoined it, shall proceed then to ascertain and declare what the reasonable rate would be—not to enforce it, not to command the carrier to observe it in the future, but to amend the order, to modify the order of the Commission in conformity to the finding of the court, and to certify the modified order to the Commission. Thereupon, not the court, but the law will direct that the Commission adopt that rate and put it in force. That is the proposition I have offered.

Mr. CULBERSON. Mr. President, may I interrupt the Senator?

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Texas?

Mr. FULTON. Certainly.

Mr. CULBERSON. I should like to ask the Senator if the statement he just now makes accords really with his amendment, if he will pardon me?

Mr. FULTON. Certainly.

Mr. CULBERSON. It reads:

> Thereupon shall stand as the order of the Commission until suspended or modified by them.

The point to which I desire to invite the attention of the Senator is that he authorizes the Commission here to suspend the judgment of the court.

Mr. FULTON. No; not the judgment of the court. The court modifies the order to conform with its finding, and certifies the order to the Commission as modified—that is, it certifies to the Commission the finding that it has adjudged to be a just and reasonable one, and that is sent back to the Commission. The law requires the Commission then to adopt it as being a reasonable and just rate until such time as the Commission may suspend or modify it; in other words, it stands the same as any other order of the Commission. It is not a perpetual order. The Commission is authorized under the bill introduced by the Senator from Iowa [Mr. DOLLIVER] to suspend or modify or set aside its own orders. It makes and order to-day fixing a rate as just and reasonable. The Commission may desire to change that order within six months from now, because the conditions may change, and hence there is a necessity for the Commission being authorized to change the rate. It may be that a rate has become too high, and it may wish to make a reduction. Therefore the Commission must be authorized to modify or suspend its own orders.

Mr. CULBERSON. Now, Mr. President, if the Senator will pardon me, another inquiry——

Mr. FULTON. Certainly.

Mr. CULBERSON. I will ask the Senator what there is in his amendment—he says the rate may be suspended or modified within six months—what is there in his amendment that will prevent the Commission from suspending the order of the court within six days, much less within six months?

Mr. FULTON. Nothing. What is there in the law or in the original bill that prevents the Commission from modifying or suspending its own order in six days, and why should there be anything? Should not the Commission be authorized, whenever conditions change in its judgment to the extent that an order is no longer reasonable, to modify it? I can not see why it should not be vested with such power. But that is a mere matter of verbiage. I am not particular as to that.

Mr. McCUMBER. Mr. President——

Mr. FULTON. I ask the Senator to excuse me for just a second. I am not particular about the wording. My purpose and object is to authorize the court, when it shall determine that a rate substituted by the Commission is unjust and unreasonable, to announce what in its judgment is a reasonable and just rate. That is my purpose, and if the language I have employed does not authorize it I hope a suggestion will be made of language that will authorize it.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from North Dakota?

Mr. FULTON. Certainly.

Mr. McCUMBER. I simply want to get at the real effect of the reasoning of the Senator. As I understand his proposition, it is simply this: That while he admits that the general power of the legislature, of Congress, to make rates can not be delegated to either the Commission or a court, he still insists that

Congress may provide the means whereby a given condition or fact may be found and may then provide a law that will operate upon that fact when it is found; in other words, that Congress has the power to declare a law as to the fixing of rates which shall be held in abeyance and shall only operate when some other tribunal has ascertained what is a reasonable rate. Then, by virtue of the primary law, the rate will go into effect under that law, and not as the act of the Commission or of the court.

Now, the point is this: Suppose that that be true as a general principle, and the court has no power to fix future rates, but at the same time determines what——

Mr. FULTON. I have not admitted that yet.

Mr. McCUMBER. And at the same time determines what is a just rate, and the law thereupon determines that that just rate shall be the rate in the future for that particular road, then that must be necessarily the future rate until the court itself shall again, passing upon the same question, fix another rate. Then the law will operate upon that the second time and will give a second rate. Will not the final result of that be that the court by its decision is in reality making the rate from day to day every time that it changes it, and that in reality it is made upon the discretion and judgment of the court, and not upon the discretion and the judgment of the legislature? I should like to have that point made clear by the Senator.

Mr. FULTON. In the first place, the Senator assumes that I have said that the Legislature, the Congress, may not empower the court to determine and put in force a rate for the future. I have not admitted that proposition as being correct. I have said that I am going to discuss that proposition.

Mr. SPOONER. May I ask the Senator from Oregon a question?

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Wisconsin?

Mr. FULTON. In just a second, if the Senator will excuse me. I want to say that I admit, as a general proposition, as an abstract proposition, if you please, that the rate-making power is a legislative function; but when the question is whether or not a certain rate is reasonable in a given case that is a judicial question. Now I will yield to the Senator from Wisconsin.

Mr. SPOONER. The question I wanted to put the Senator has practically answered. It is whether the fixing of a rate to be operative in the future can from any standpoint be considered a judicial function?

Mr. FULTON. I think it may.

Mr. SPOONER. Is it not a legislative function?

Mr. FULTON. That depends upon the manner in which the question is presented, in my judgment. Rate making, the fixing of a schedule of rates, is, I say, as a general proposition, an abstract proposition, a legislative power, the exercise of a legislative function; but in a litigated case, where the question at issue is as to what is a reasonable rate for a given service, that is essentially a judicial question.

Mr. SPOONER. Of course that is true; that is, if a question is presented to the court whether a given exaction made by a railway carrier or a schedule for a specified service is or is not an extortion, that is a judicial question. But what will be a reasonable rate next week is not strictly a judicial question.

Mr. FULTON. The Senator from Wisconsin——

Mr. FORAKER. Will the Senator yield to me?

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Ohio?

Mr. FULTON. I will yield.

Mr. FORAKER. Mr. President, I wish to say a word in answer to the suggestion of the Senator from Wisconsin [Mr. SPOONER]. I understand that there is no difference of opinion on the point that the inquiry as to whether or not any rate is a just or reasonable rate is a judicial function. I do not understand how there can be any difference of opinion on the further proposition that when a court, properly charged, no matter how the issue has been raised, with the duty of making such inquiry, reaches a conclusion as to what is just and reasonable it may enjoin anything that is in excess of that. The effect of that would be, of course, that there could be nothing collected in excess of what is enjoined. It would project itself into the future, but the injunction would rest upon the case that had been made before the court. If anybody wanted to change that by showing a different state of facts to exist at any time, he would be at liberty to do so; and so, when the Commission makes another rate, the parties who are interested might apply to the Commission to make a new order because the conditions had changed. There is no difference, so far as the policy is concerned, or the general principle of the policy is concerned. The policy would apply to one just as well as to the other in the changed condition. If it be a judicial function for the court to ascertain what is a just and reasonable rate, I do not see why the court is not at liberty to give effect to that, not by making a new rate, but by prohibiting anything in excess of what it decides is lawful; and it has a standard already erected by law by which to determine what is the lawful rate.

Mr. FULTON. If I understand the Senator from Wisconsin [Mr. SPOONER], he says that while it will be admitted that a determination as to what was a reasonable rate for past services is a judicial question, yet when the question is projected into the future, when the question is what will be a reasonable rate for service to be performed, then it is a legislative question. In other words, I understood the Senator to express a doubt as to whether or not the courts would enjoin a future unreasonable rate. I may have been mistaken in that.

Mr. SPOONER. I merely stated what was the opinion of the Supreme Court in the case in 167 United States Reports.

Mr. FULTON. Yes.

Mr. SPOONER. That whether a given rate is or is not a reasonable rate is a judicial question; but the fixing of a future rate is not a judicial but a legislative question. That is what I meant to say.

Mr. FULTON. That is the proposition I am coming to.

Mr. BAILEY. Mr. President——

Mr. FULTON. I yield to the Senator from Texas.

Mr. BAILEY. Mr. President, the question whether a given rate is a reasonable one only becomes a judicial inquiry when it is alleged that a certain law deprives a certain corporation of its property without due process of law; or it is possible that in the case of a Federal law it would come under an allegation that it was the taking of private property without just compensation. That is always under that state of the case a judicial question; but the court is only required to decide the precise question presented—that is, whether a given rate is a reasonable one or not; whether that rate deprives the carrier of its property without due process of law, or appropriates for public use private property without just compensation. The court is not, and, in my judgment, the court can not be required to go further and say, not only is this an unreasonable rate, but this other is a reasonable one.

Mr. FULTON. Let me ask the Senator there——

Mr. BAILEY. Just let me finish. I am going to ask the Senator to address himself to this question. If that is right; if to fix a rate operating in the future is a legislative function; if it is only a judicial function to pass upon the reasonableness of an exsting rate as applied to a controversy pending in the court, and then you say that the court may not only decide this is an unreasonable rate, but may go further and say what is a reasonable rate, hereafter the court will answer that it is not a judicial function, and it is not competent for Congress to impose upon a judicial tribunal the performance of such a duty. The court has said that in a case not exactly similar but somewhat parallel.

Mr. FULTON. Let me ask the Senator this question: I understand him to concede that the court may be clothed with the power—indeed, that it is at the present time clothed with the power—to enjoin a future unreasonable rate.

Mr. BAILEY. Oh, no.

Mr. FULTON. An unreasonable rate?

Mr. BAILEY. Oh, no; not to enjoin it, because the question that the court decides——

Mr. FULTON. The court is doing that right along.

Mr. BAILEY. The question that the court decides is as to the rate in the case pending before it. It might happen that the rate might become a reasonable one.

Mr. FULTON. In order to explain myself, let me give the Senator an illustration.

Mr. BAILEY. Let me state another proposition, and then the Senator can answer both at the same time. Here is the same party; here is the same subject-matter; here is a judgment. Now, how are you going to reopen the case? You would have to get new parties to go into court in order to have the court reopen the matter and decide whether this that it decided last month or last year to be a reasonable rate is continuing to be a reasonable rate. It is res adjudicata as between the parties in court.

Mr. FULTON. Well, that presents a difficulty and inconvenience that makes the use of the court for that purpose unwieldy, I concede, but the fact that it is inconvenient to move to modify a decree is not an insuperable objection to the jurisdiction of the court. The Senator knows very well that nothing is more common in equity practice than for the court to reserve the right for the parties to have the decree modified when the conditions shall change. But I do not care to be drawn off into a discussion of that proposition.

Suppose a rate were made of $5 per ton from a given point, say from Marshalltown, Iowa, to Chicago, and the Commission condemns that rate as unreasonable and institutes a suit in court to enjoin the exaction of that rate in the future. The court would have jurisdiction to entertain that suit, I think the Senator will admit. The court would then proceed to inquire and determine whether or not the $5 rate was unreasonable, would it not? The Senator assents that it would. Now, I ask the Senator if in determining that question the court would not have——

Mr. BAILEY. I nodded in assent while I was thinking about another phase of the question. I do not say the court would have the right to decide whether the rate was reasonable; but I do say the court would have the right to say whether it was unreasonable.

Mr. FULTON. That is what I asked.

Mr. BAILEY. Well, there is a vast difference. It might be that a rate of $5 from Marshalltown, Iowa, to Chicago, would be obviously unreasonable, too high, and the court would enjoin that rate without undertaking to decide what was a reasonable rate; or, to take the cases decided, take the case of Reagan against the Farmers' Loan and Trust Company. There the court decided that the rates were so low as to be confiscatory and enjoined the commission of the State of Texas from putting those rates into force; but it was not necessary for the court to say what was a reasonable rate. It simply said the commission's rate was unreasonably low and confiscated the carrier's property. So it might say in the Marshalltown case that the rate charged is unreasonably high and is an overcharge against the citizen for the transportation of his product without saying what was a reasonable rate.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Ohio?

Mr. FORAKER. I do not wish to interrupt the Senator from Oregon if he prefers to go on with his remarks.

Mr. FULTON. Just a moment, and I shall be glad to yield to the Senator from Ohio.

I want to suggest to the Senator from Texas that it seems to me impossible for a court to determine that a given rate is unreasonable without, in the first place, ascertaining what would be the reasonable charge. A rate is unreasonable, why? Because it is in excess of what is reasonable. If the rate is not in excess of what is reasonable it is not unreasonable, and in order for the court to determine that a given rate is unreasonable it must, in the first instance, determine in its own mind what would be a reasonable charge. Of course it might be a case such as the Senator says I illustrated. The rate from Marshalltown to Chicago on wheat might be so obviously unreasonable that it would not be necessary for the court to go into a close computation as to just what would be a reasonable rate, but I submit that, ordinarily speaking, the question that the court will have to determine, in the first place, is what is a reasonable rate. Is the rate being inquired into above that? If it is above it, then it is unreasonable. Then, if that is true, the Senator's contention involves this remarkable paradox, that the court may determine what is an unreasonable rate. That is a judicial question, and in order to determine that it must determine what is a reasonable rate, and that is a legislative function. Therefore, in order to reach a judicial determination it must exercise legislative power.

Mr. BAILEY. Will the Senator from Oregon permit me to remind him that in both of the cases where an injunction against confiscatory rates has been issued by the court below and sustained by the Supreme Court of the United States the court expressly refused to decide what was the reasonable rate? They decided both in the Texas case, and then again in the Nebraska case——

Mr. FULTON. And in the Minnesota case.

Mr. BAILEY. The Minnesota case had passed out of my mind and escaped me for the moment; but in the Nebraska case the court indicated pretty fairly and pretty accurately and somewhat elaborately, the elements that must be considered in determining what was a fair rate, but they expressly declined to decide that because the only question before them was whether the existing rate was a reasonable one; whether it confiscated the carrier's property, and they decided that the rate was confiscatory, expressly declining to go any further into it. The same thing happened in the Reagan case. There a set of tariffs had been formulated and adopted by the railroad commission of the State of Texas.

Mr. FULTON. The low-tariff rate was attacked in the court.

Mr. BAILEY. The tariff was attacked in the court upon the ground that it was so low as to be confiscatory. The court decided that it was confiscatory because it practically returned no profit on the investment, but declined to go any further than that.

Mr. FULTON. Why did they decline to go further?

Mr. BAILEY. Because it was not necessary to decide that question. Still the Senator says I involve the court in a contradiction when I say that they can decide what is unreasonable without deciding what is reasonable. I take it that both in court and on this floor it would be entirely possible for the Senator himself, on a moment's consideration, to say that a given rate was unreasonably high or unreasonably low, without determining in his own mind what would be reasonable both to the carrier and to the shipper.

Mr. FULTON. I think the first thing that would present itself to the Senator's mind and to my mind—it would present itself more quickly to the Senator's mind because he has a better mind—but the thing that would present itself to each of our minds in due time would be what is the proper charge, not what is the improper charge, but what is the reasonable charge, what is the proper charge. I yield now to the Senator from Ohio.

Mr. FORAKER. What I wanted to say by way of injection into the Senator's speech, if he will allow me and if we are not interrupting him too much——

Mr. FULTON. I am glad to have interruptions.

Mr. FORAKER. What I wanted to say was that the question of what was a just and reasonable rate was not raised by the pleadings in any case referred to, but only the question whether or not the particular rate challenged was an unreasonable and unjust rate. That is the only question the court was called upon by the pleadings to decide.

Now, to illustrate the difference between those cases. Take the case suggested by the Senator from Oregon [Mr. FULTON] and commented on by the Senator from Texas [Mr. BAILEY]. Let us suppose that we have under consideration a shipment of some kind of freight from Marshalltown, Iowa—I believe that is the name of the place given—to Chicago.

Mr. FULTON. Yes; Marshalltown, Iowa.

Mr. FORAKER. And we will suppose that Congress has acted, that being interstate commerce, and has fixed a specific rate of $5—that was the rate named, I believe, by the Senator from Oregon. That rate having been fixed by law, will anybody dispute that a shipper shipping over that road would have a right to appeal to a court of equity and say, "The rate fixed by statute is $5, but the railroad is exacting $6," and ask the court to enjoin the railroad from collecting the $6 rate? Any shipper could do that to-day without any enabling statute on the subject. Why? Because all in excess of $5 is unlawful, and it is a judicial function to enjoin and prohibit that which is unlawful. Does it alter the principle involved when the Congress, instead of saying the rate shall be $5, says it shall be a reasonable and just rate?

The court in such a case, the rate being challenged, the pleader saying in his bill, that he exhibits, the law authorizes only $5, because that is a reasonable and just rate, but the railroad is charging us $6, which is an excessive and unlawful and unreasonable and unjust rate, does anybody imagine that the court would not have a right, in the exercise of its judicial function, to find out from testimony that $5 was the reasonable and just rate and that $6 was an excessive, unreasonable, and unjust rate? And having ascertained that, and the pleadings having been so framed as to call for a decision on the subject, can anybody question but that it would be the duty of the court to enjoin the excessive rate, or all in excess of $5? The law to-day does prescribe that the rate from Marshalltown to Chicago shall be not $5 a ton on any given kind of freight, but shall be only a reasonable and just rate, whatever that may be found to be upon the testimony offered, and that anything that is unreasonable and unjust is unlawful.

Now, there is no plainer judicial function than to ascertain what is a reasonable and just rate. What is reasonable and just the courts are called upon to ascertain every day in the exercise of their judicial functions, and there is nothing plainer than that when they ascertain what is reasonable and just, whether applied to a railroad or to the exercise of police power, with respect to a tenement house, or whatnot, the court has full equity power to enjoin all that is excessive. The only propriety of any legislation on this subject is that there may be a special procedure that will authorize one proceeding in court on behalf of all the shippers who are alike affected. That is the ground of the legislation, it seems to me, that we want.

So the Senator from Oregon is entirely correct in his contention that it is a purely judicial function to ascertain what is

a reasonable and just rate. Now, how far he will go in that I do not know, but it does not divest the court of its power that the order reaches into the future.

If the Senator will pardon me another moment, the order that the railroad shall not exact anything in excess of what the court finds to be just and reasonable projects itself into the future, for all such remedies project themselves into the future. Every injunction operates in the future and is intended to be such a remedy. Just the same kind of an order was made in the Nebraska case, if I am not mistaken in my recollection as to the case in which it occurred. The court would hold that this, naming it, is a just and reasonable rate and no more shall be exacted so long as the conditions established by the testimony in this case may continue, with leave to the parties to come and show that different conditions had arisen and that therefore there was reason for changing the rate.

Mr. President, I ought to apologize to the Senator from Oregon, and I promise him that I will not take any more of his time unless the subject becomes so interesting that I can not help it. I want at an early day to speak on this subject at length.

Mr. FULTON. I hope the Senator from Ohio will interrupt me frequently, because I wish the RECORD to show that I opened the discussion and closed it, and that somewhere between a good speech was delivered.

Mr. BAILEY. If the Senator from Oregon will permit me, I will duplicate the promise of the Senator from Ohio. I want to reply to the Senator from Ohio just this far and only far enough to say that I have not said, and I hope I have not given anybody good reason for supposing that I have said, that the court could not enjoin an unreasonable rate. They can enjoin the rate when fixed by the railroad itself, probably upon the application of a shipper alleging that the railroad charges a certain rate from Marshalltown, in the State of Iowa, to the city of Chicago and that that rate is excessive and unreasonable and unjust.

I think it is undoubtedly true that upon a condition of that kind, upon proof to support it, the court could enjoin the collection of that excessive freight charge. It is absolutely certain, and I take it no Senator would question it, that if the Congress should enact a rate so low as to be confiscatory, acting directly upon the subject, or if through the Commission a rate so low as to deprive the carrier of its property without due process of law or without just compensation for its service, there is no question but that the court would have the power to enjoin that rate. But that is an injunction against an existing rate in a case made up upon allegation and answer, and no court upon a case of that kind has any warrant for making a decree that binds all the balance of the people not represented in that case.

Mr. FORAKER. I agree with the Senator to that extent.

Mr. BAILEY. Now, that the judgment of the court projects itself into the future is obviously true. If the court decrees that the land which I claim belongs by superior title to the Senator from Ohio, that not only binds him and me in that proceeding, but it binds everybody else in interest, so far as the judgment could go. It binds my heir or his heir, but it does not bind anybody except those who claim under him or under me. Other people who have a collateral or possibly an antagonistic interest are not concluded by that judgment. They ought not to be bound by it. So I say——

Mr. FULTON. The Senator from Texas does not understand me as contending that.

Mr. BAILEY. No.

Mr. FORAKER. I hope the Senator does not understand me as saying that. I said that is where came the necessity for creating a special procedure by statutory enactment.

Mr. BAILEY. The Senator from Ohio is always so clear and to the point that I take it he must have misunderstood my statement or he would not have found it necessary to have argued that the courts could enjoin a rate either too high or too low, and I supposed the Senator was replying; and he was making a sufficient reply if that had been my contention. I have never contended that, and I never will contend it. Indeed, the very basis of my contention against this power of determining a future rate by the court is that the business of the court is to determine only the reasonableness or the unreasonableness of a given rate when challenged in a judicial proceeding.

Mr. FORAKER. If the issue be confined to that question, my contention is that you may make an issue as to whether or not, the road being charged with exacting an unreasonable and unjust rate, something else is a reasonable rate by alleging in your bill what is reasonable and just.

Mr. BAILEY. Of course that is presumed to be the power of the court, because if you can raise that question by the proper pleading it is only because the court possesses the power to do it. Of course Congress can confer upon the court that power, and then by a proper set of pleading the court passes judgment.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Minnesota?

Mr. NELSON. Will the Senator from Oregon yield to me for a minute?

Mr. FULTON. Certainly.

Mr. NELSON. It seems to me that the only possible exception that can come into any judicial proceeding in reference to the fixing of future rates is this: It is conceded that the courts have no legislative power. It is conceded that they can only pass on a case upon actual existing rates. But there may be such a case, and I put it to the lawyers of the Senate. Suppose a party comes into equity and can make out a case that the railroad company intends in the future to establish such and such a rate, not the rate now in force, but to establish some other rate in the future—they threaten to do it, but have not done it—and that such a threatened and promised rate is an unjust and an unreasonable rate, and asks for the intervention of the court. In such a case I can see that a case could be made, and if the facts were strong enough the court can intervene by injunction on the well-known principle that courts of equity have a right to protect a party against a threatened injury.

Mr. BAILEY. The court decided——

Mr. NELSON. But the difficulty now is, in effect——

Mr. FULTON. Mr. President——

Mr. NELSON. Let me state the proposition.

Mr. FULTON. I am willing to yield to the Senator from Minnesota for a question and for a reasonable statement, but I can not yield the whole afternoon.

Mr. NELSON. I was going to state my proposition, and it is this in effect, that you allow the court to pass upon the matter of future rights, but the difficulty here would be to require the proof to bring a case in that court showing that the railroad company threatened to establish in the future a rate that would be unjust and unreasonable. But if such a case could be made clearly the court could pass upon a future case.

Mr. BAILEY. If the Senator from Oregon will permit me I will state that the Supreme Court of the United States decided in McCord against the Louisville and Nashville Railroad and other railroads that an injunction would not lie against a threatened wrong of that kind.

Mr. FULTON. It would be entirely too remote, I think. In my judgment the injury threatened must be immediate in order that a court of equity may exercise the extraordinary power of injunction to restrain it, and hence a court would not entertain such a case as the Senator from Minnesota suggests. But if an unreasonable rate is in force and the carrier threatens to continue exacting it, I think a different case is presented and one that a court of equity would entertain.

I have been thrown somewhat off the line of discussion I had marked out in my own mind by the various questions of the Senators, but I will pursue the line of thought suggested by those questions.

The Senator from Texas says that in the Reagan case the entire schedule fixed by the commission was challenged as being unreasonable and unjust, and the court contented itself with simply restraining the exaction of the rates prescribed in that schedule and did not go further and determine what was a reasonable rate. That is very true, and that is not all. The court announced in that case the doctrine, as near as I can recall the language of Justice Brewer, that the making of rates—or perhaps he used the phrase "prescribing a schedule of rates for the future"—is a legislative function. But the court there was speaking of the case in hand. The court was speaking of the facts in issue, the case that was before it. It was not pretending to say that the courts could not exercise control over future rates. Manifestly it was not, because since then the Supreme Court has exercised, and is exercising every day, control over future rates, as I shall show very shortly. But in this case the court was considering a prescribed schedule of rates that had been made by the commissioner of Texas by virtue of the authority vested in him by the Texas statute.

Now, the court was not considering and was not discussing whether or not the court might have been invested with the power to determine what was a reasonable rate. The court was simply saying that it had not been invested with that power and hence the statement that in the abstract, as a general proposition, to establish rates is a legislative power. I will call the attention of the Senator to the language of the court; I will cite, because I wish to make reference to it again, from the

ninety-fourth of the United States Supreme Court Reports, the statement of Chief Justice Waite in the case of the Chicago, etc., Railroad Company *v.* Iowa. In that case the court said:

> This company, in the transactions of its business, has the same rights and is subject to the same control as private individuals under the same circumstances. It must carry when called upon to do so, and can charge only a reasonable sum for the carriage. In the absence of any legislative regulation upon the subject, the courts must decide for it, as they do for private persons, when controversies arise, what is reasonable.

Now, that shows that the question as to what is a reasonable rate is a judicial question. Observe that Chief Justice Waite stated that when the statute has not made provision as to what is a reasonable rate, the courts must determine, not what is an unreasonable rate or charge, but what is a reasonable rate for the service in question. Therefore it is a judicial question.

I will also call the Senator's attention to the case of Chicago, etc., Railroad Company *v.* Minnesota (134 U. S. Reports). The court there was discussing whether or not a given schedule of rates put in force by the commission of Minnesota under the statute of Minnesota was reasonable. They held that it was unreasonable and they enjoined it. During the discussion the court said:

> The question of the reasonableness of a rate of charge for transportation by a railroad company, involving as it does the element of reasonableness both as regards the company and as regards the public, is eminently a question for judicial investigation, requiring due process of law for its determination.

The question of the reasonableness of a rate "is eminently a judicial question," not limited, you will observe, to the question as to whether a rate is unreasonable, as the Senator from Texas would seem to contend the inquiry must be.

It is true that in Interstate Commerce Commission *v.* Cincinnati, etc., Railway Company (167 U. S., 499) Mr. Justice Brewer said:

> It is one thing to inquire whether the rates which have been charged and collected are reasonable—that is a judicial act—but an entirely different thing to prescribe rates which shall be charged in the future; that is a legislative act.

And that statement is frequently cited as an indication that a judicial tribunal is not competent to determine a rate to be charged in the future. The question as to the power of the court to determine a rate for the future was not before the court and Justice Brewer had not that question in mind. But the statement is clearly correct as an abstract proposition, and in no wise controverts the power of the court to determine what in a litigated case is a *reasonable* rate to be charged in the future. "To *prescribe* rates which shall be charged in the future—that is a legislative act," said the learned justice. Certainly. But when that rate is assailed in court and its enforcement in the future is sought to be restrained on the ground that it is unjust and unreasonable, then it becomes as much a judicial act to determine whether or not for a rate in the immediate future it is reasonable as it is a judicial act to "inquire whether rates which have been charged and collected are reasonable."

So it does not depend upon whether the service for which the rate is to be determined is one that has been performed or one that is to be performed—whether the inquiry is confined to matters resting in the past or transactions contemplated in the future—but is the *reasonableness* of the rate in question; that is the touchstone. If it is, then it is a judicial question and must be determined by the courts. And having determined that a certain rate may not be imposed on a carrier in the future, because it would be confiscatory, would it not be equally a judicial function for the court to ascertain and declare what rate would be just and reasonable?

If I understand the decisions of the Supreme Court, there is nothing more clearly established than the proposition that when the reasonableness of a rate is in question to determine it is a judicial function. When you are talking about prescribing a schedule of rates as an abstract proposition without the parties being before you, without there being any issue, it is clearly a legislative function, and when exercised by the legislature it binds everybody. That is the difference between a rule announced by the legislature and a rule announced by the court. The rule announced by the legislature is made without consulting the public, but it is binding on the public. A rule announced by the court can be enforced only against the parties to the record or their successors in interest.

Again, in the Reagan case, to which the Senator has referred, the language employed by the court was as follows:

> It is doubtless true, as a general proposition—

Now, observe the language of the court:

> It is doubtless true, as a general proposition, that the formation of a tariff of charges for the transportation by a common carrier of persons or property is a legislative or administrative, rather than a judicial, function.

So it is, "as a general proposition." But when the legislature decrees that all rates must be just and reasonable, may it not authorize the courts, when the question is properly presented, to determine what is the reasonable rate in the case at issue for the service in question, and would not that present a judicial question?

Indeed, in this very case of Reagan *v.* Farmers' Loan and Trust Company Mr. Justice Brewer qualified the quotation just made by saying:

> Yet it has always been recognized that if a carrier attempted to charge a shipper an unreasonable sum, the courts had jurisdiction to inquire into that matter and to award to the shipper any amount exacted from him in excess of a reasonable rate.

But, it may be said, the court in such case deals with a past transaction. True; but if the court may remedy a wrong perpetrated, may it not be empowered to restrain the same wrong threatened? And when the legislature has said that rates must be just and reasonable, may the courts not be authorized, when the shipper is threatened with unreasonable rates, to restrain the exaction thereof at the suit of the party in interest, and to ascertain and declare the reasonable rate? May not a commission be authorized to prosecute such suit in his behalf and in behalf of all others similarly interested? What provision of the Constitution would be violated by such a law? The legislature has declared that all rates must be reasonable. The question as to what is reasonable is confessedly a judicial question. Why may the court not determine it for the immediate future as well as for the past? That the Supreme Court did not intend to say that the court could not be authorized to establish by decree a future rate is manifest, for that court has practically exercised such power in numerous cases where it has, at the suit of the Interstate Commerce Commission, enjoined as unreasonable a rate established by a carrier. In so doing does the court not, in a degree, establish a maximum rate for the future? It enjoins exaction of the carrier's rate, and thereby prohibits it from charging that or a higher rate, and necessarily confines it to some leser rate for the future. Is not that, in effect, establishing a maximum rate? Might the court not, with equal propriety, logic, and reason, be authorized to determine just what would be the maximum reasonable rate for the future?

There is a very interesting case—I have it not here—to be found in the sixty-seventh of the Circuit Court of Appeals Reports, the case of the United States on the relation of the Kingwood Coal Company *v.* The West Virginia Northern Railroad Company and others. It is on page 220 of the report. In that case there were three coal mining companies occupying a certain district. The railroad company was not able to supply them all with sufficient cars to remove their output. Therefore it had adopted the practice of alloting so many cars, a certain percentage to this mine and a certain percentage to the other. The Kingwood Coal Company instituted suit, complaining that the allotment to it was unreasonable and unjust, because instead of being entitled to only 17 per cent at its disposal, it was entitled to 33⅓ per cent. It sued out a writ of mandamus to compel the company to give it its proportionate share, its just share. On the return of the writ the trial was had. The court found—Chief Justice Fuller, sitting on the circuit, announcing the opinion of the court—that the Kingwood Company was entitled to 31 per cent of the cars at the disposal of the company, and issued a peremptory writ compelling the railroad company to observe that order in the distribution thereafter.

If the court may determine just what percentage of cars at the disposal of a railroad company shall be furnished to a particular shipper in the future, can not the court say what the shipper should pay for the use of those cars in the future? Where is there any distinction? The order is operating in the future, the order is commanding the carrier to supply certain facilities in the future, specifying exactly what percentage of facilities at its disposal it shall supply. And yet you say the court is without power to fix the rate that shall be paid for those facilities. I do not believe that. I do not believe that that is either law or logic.

Now, another very interesting case——

Mr. BAILEY. Before the Senator passes from that I want to call his attention to this: It is almost impossible for the question to be presented to the court in the form he states it—that is, as to whether a given rate is reasonable. No rate can be attacked upon the ground that it is reasonable. It can only be attacked either by the shipper upon the ground that it is unreasonably high or by the carrier upon the ground that it is unreasonably low, and it is almost an impossibility, a legal impossibility, to get into the court with that question presented in any way except as to the unreasonableness of the given charge.

Mr. FULTON. Very good. The Senator will bear in mind that the amendment I have offered proposes that where the rate fixed by the Commission has been taken into court by the carrier and the court has adjudged that rate to be unreasonable

and unjust as to the carrier the court shall then, instead of leaving it in the air, leaving it without any rate at all established by law or any competent authority, proceed to say what would be the reasonable rate. So it comes into court in just one of those cases the Senator from Texas suggests, and the question as to what is a reasonable rate will arise in that case.

That is to say, the case coming into court in that way, I propose that the law shall provide that the question at issue shall not only be, Is the rate prescribed by the Commission a just or an unjust rate? but if found to be an unjust and unreasonable rate, then What is a just and reasonable rate? That will be the issue in such case.

Mr. BAILEY. Then will the Senator tell us who are to provide the witnesses? Is the court to summon the witnesses on its own motion? Are the railroads to provide the witnesses to prove what is reasonable, or the shipper to provide them, or are we to leave the court to send its bailiff out into the highways and byways and bring men in who may have no particular interest either as shippers or as common carriers to provide the court with information upon which to base a judgment that is to affect people who are interested?

Now, waiving the question of the legality of that arrangement—I owe the Senator an apology for suggesting this practical difficulty—you confer upon the court in a controversy to which there are parties power to decide another question in which these parties might have no interest. And you leave the court then to find its own testimony and summon its own witnesses. That, however, is not a matter affecting the legality of the provision, but it struck me as rather a novel proceeding.

Mr. FULTON. Why does the Senator infer that that is left with the court? Why would not the Commission be required to furnish the witnesses on every point at issue? That would be one of the issues.

Mr. SPOONER. Will the Senator permit me a moment?

Mr. FULTON. Certainly.

Mr. SPOONER. I should like to ask my friend from Texas a question in connection with his interruption. Of course no court can be made to send, and the court will not send, for witnesses. The court has no such function. But I should like to put to my friend this question in the line of the contention of the Senator from Oregon. Suppose a rate is fixed by the Interstate Commerce Commission, and the order is made, and an act of Congress gives it effect. The railway carrier or carriers involved resort, as they have a right to do, to the appropriate circuit court of the United States for relief by way of injunction upon the contention that the rate fixed by the Commission is not justly remunerative, and is the taking of private property for public use without just compensation. Testimony in the case is taken. I assume that the subject is exhausted and that upon the record it is susceptible of determination, first, whether the rate fixed by the Commission is a confiscatory rate, and, second, what would be a reasonable rate which the carrier should be permitted to exact.

Now, the court will find, first, for that is a ground of equitable jurisdiction, whether the charge embodied in the Commission's order is confiscatory. Does the Senator from Texas contend that it is beyond the proper function of the court to go beyond that and upon the whole case decide what would be a reasonable rate, a justly remunerative rate?

I have been rather of the opinion of the Senator from Oregon in that respect and upon this well-settled principle of equity jurisprudence, based upon the distinction between the powers of the court of law and the powers of the court of chancery (and there are hundreds of illustrations of it) that when the court of chancery takes jurisdiction of the case it retains that jurisdiction, in order to guard against a multiplicity of suits and for other reasons, to do full and complete justice between the parties in this case, between the public on the one hand and the carrier or carriers on the other. That is my question, and I would like the Senator's opinion on it.

Mr. BAILEY rose.

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Texas?

Mr. FULTON. I was going to ask the Senator from Texas if he would consider it discourteous if I should ask him to reply to the question after I have finished. I want to complete my remarks.

Mr. BAILEY. Not at all; I am perfectly willing to wait.

Mr. FULTON. I know the Senator will wish to reply to it at length.

Mr. BAILEY. Because there is the meat of the whole controversy. I will cheerfully yield to the Senator's wish.

Mr. FULTON. That opens up the entire question.

Mr. President, I was proceeding to say that it seems to me that the Supreme Court of the United States has practically settled this question already, and in conjunction with the suggestion of the Senator from Wisconsin [Mr. SPOONER] that proposition is made clear. The United States Supreme Court has held, and nobody questions the jurisdiction of the court in that regard, that when a rate is charged to be unreasonable the court may inquire into that question on a proper issue, and if it finds the rate to be unreasonable it may enjoin its exaction in the future.

Mr. President, without reflecting on any Senator who holds a contrary opinion, it seems to me utterly absurd to contend that it is a judicial question and the court has power to say that a given rate is unreasonable and you must stop exacting it, and yet that the court is without authority to say what is reasonable and what you may exact.

Clearly the jurisdiction of the court does not depend upon whether the rate, the reasonableness of which it is required to determine, is for a service performed or to be performed. In either case, and equally in either case, when the question is, "What is a reasonable rate?" a judicial question is presented.

I am aware that there are numerous expressions to be found in the opinions of the courts, such as those I have quoted, stating in general terms that future rate making is a legislative and not a judicial power; but in every instance the court is speaking generally and has not in mind a litigated case where the parties are before the court, but is referring entirely to the exercise of the rate-making power by prescribing a schedule of rates to be observed generally by carriers in the future. Where such power is exercised by the legislature it is binding and obligatory on all carriers unless it can be shown to be unreasonable and unjust, and a party violating the law incurs the penalty. When established by the court in a litigated case it is binding only on the parties to the record.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Idaho?

Mr. FULTON. Certainly.

Mr. HEYBURN. If the Senator will permit me to make a suggestion, is it not true that in every case that has been before the Supreme Court in which they have declined to consider the question of what was a reasonable rate they have based their opinion on the ground that the issue was not presented to them by the pleadings?

Mr. FULTON. Manifestly so.

Mr. HEYBURN. Has it not been upon the pleadings in every case?

Mr. FULTON. As I have said, in the Reagan case the entire schedule of rates had been challenged, and there was no issue as to what was a reasonable rate; it was simply contended that the rates prescribed by the Commission were unreasonable and unjust and confiscatory in their character and effect. The court upheld that contention, and, as that was the only issue, enjoined enforcement of the schedule. I do not know whether without some legislation on the subject a court would take jurisdiction at the present time to determine what is a reasonable rate for the future when the existing rate is attacked as being unreasonable. I do not know that a court will do that; I do not say that the court will, but I do say that Congress is clothed with power to vest that jurisdiction in the court.

Mr. HEYBURN. If it would not disturb the Senator——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Idaho?

Mr. FULTON. Certainly.

Mr. HEYBURN. Has the court ever intimated that it would not consider the question were it presented in the pleadings? For instance, where a party complaining that an unjust charge has been made states that a charge in excess of a given amount named in the pleading would be unfair and asks for relief against that situation, has not the Supreme Court intimated in its decisions that if that issue were presented it would consider the question and determine it?

Mr. FULTON. In the Supreme Court of the United States the question has never been presented as to what is a reasonable rate in the future. No one has ever sought to have the court determine that question so far as I am advised. The only case where that question has been presented to my knowledge is in the case of Janvrin in 174 Massachusetts Reports, 514. It is a very instructive and interesting case, and it is a very strong case in support of the contention of the Senator from Ohio. In the Janvrin case the facts were these: Under the statute of Massachusetts the selectmen of the town or any patron might apply to the court of general jurisdiction at stated times to have the court fix the rates of water, for the future, mind you, and the rates being fixed, they were to remain in force for a certain period of time, I think five years; but

that is immaterial. Janvrin filed his petition in the court asking the court to revise the water rates of the defendant company, the Revere Water Company. I will read a brief extract from the decision of the court in that case:

The statute goes upon the footing that every taker of water from the companies in question has a right to be furnished with water at a reasonable rate.

And that is the law in regard to rates of railroads and other carriers.

No one questions the power of the legislature to require these water companies to furnish water to the takers at reasonable rates (Attorney-General *v.* Old Colony Railroad, 160 Mass., 62, 86, 87; Spring Valley Water Works *v.* Schottler, 110 U. S., 347, 354; Budd *v.* New York, 143 U. S., 517, 537, 549, 552), and this statute does require the companies to do so, and thereby gives to water takers a corresponding right, or declares that they have it. It is with the relations between actual water takers and the companies that the statute calls on this court to deal. It does not undertake merely to make of the court a commission to determine what rule shall govern people who are not yet in relation to each other, and who may elect to enter or not to enter into relations as they may or may not like the rule which we lay down; it calls on us to fix the extent of actually existing rights. With regard to such rights judicial determinations are not confined to the past. If it legitimately might be left to this court to decide whether a bill for water furnished was reasonable, and, if not, to cut it down to a reasonable sum, it equally may be left to the court to enjoin a company from charging more than a reasonable sum in the immediate future.

Is not the same argument applicable to carrier's rates?

There can be no distinction in principle. That case was decided by the supreme court of the State of Massachusetts, one of the highest authorities we have, but the authority of this case is emphasized by the fact that the opinion was announced by Mr. Justice Holmes, who now sits in the Supreme Court of the United States, but who was then a member of the Massachusetts court.

It is true that in Reagan—

And he shows, kindly observe, that in the Reagan case the question as to what was the reasonable charge was not in issue—

It is true that in Reagan *v.* Farmers' Loan and Trust Company it was said also that "it is not the function of the courts to establish a schedule of rates" (154 U. S., 400), and to that proposition we fully agree. But it will be observed that the proposition is laid down in connection with the statement that "the challenge in this case is of the tariff as a whole and not of any particular rate upon any single class of goods." Probably to prepare a new schedule or to rearrange the old one would have gone beyond the scope of the rights immediately affected or threatened in the case before the court into the realm of abstract lawmaking for the future, and so beyond the power of the court.

And that is the proposition. Are rights immediately threatened before the court? If so, the court has power and jurisdiction to restrain the threatened injury, and it is a judicial question for the court to determine. But where there is a whole schedule of rates pending before the court it seldom could be said that a single individual's property or rights are immediately threatened by that entire schedule.

Mr. KNOX. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Pennsylvania?

Mr. FULTON. Certainly.

Mr. KNOX. May I ask just a question?

Mr. FULTON. Certainly.

Mr. KNOX. Is it the contention of the Senator from Oregon that the rule as to the separation of powers is the same under the Constitution of the United States that it is under the constitution of Massachusetts, or, upon the contrary, is it not different to a large extent under the constitutions of the various States themselves?

Mr. FULTON. I have not examined the constitution of Massachusetts, but I do not think——

Mr. FORAKER. Will the Senator from Oregon allow me?

Mr. FULTON. Just a second and then I will yield to the Senator from Ohio.

I think, as a general rule, the constitutions of the several States divide and separate the governmental powers very similarly to the manner in which they are divided and distributed under the Constitution of the United States. Generally I think the constitutions say, in substance, that the legislative power is vested in a legislature, composed so and so, and the judicial power is vested in a supreme court and certain subordinate courts, and so forth. I think that is generally the distribution of power. In Massachusetts it may be different. I have not examined the constitution of Massachusetts, but I call the Senator's attention to the fact that Justice Holmes does not distinguish the doctrine in the Reagan case on the ground that the constitutional powers of that court differ from the constitutional powers of the Supreme Court of the United States. Now I yield to the Senator from Ohio.

Mr. FORAKER. I meant to call the Senator's attention to what he has just referred to—first, that the supreme court of Massachusetts does not put its decision upon anything peculiar to the constitution of Massachusetts, but that, on the contrary, it cites the decision of the Supreme Court of the United States in support of the proposition it decides.

Mr. FULTON. It differentiates.

Mr. FORAKER. When it comes to that it will be very instructive to show what the different constitutions of the States do provide. In every case that has come to the Supreme Court the distinction is made either in the statute or in the constitution of the State that authorizes the kind of decision that is relied upon to support this general proposition.

Mr. KNOX. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Pennsylvania?

Mr. FULTON. I yield to the Senator.

Mr. KNOX. Only one more word along the line of what has been discussed. It is an interesting question and it is very important in relation to the subject-matter that is before the Senate. There is, in my judgment, a very wide distinction between the various constitutions of the Commonwealths that form this Union and the Constitution of the United States as to the separation of powers. I will use just one illustration, which I think will make very clear what my point is. Take the matter of granting divorces. There are States in the United States that are wholly free from constitutional provision upon the subject. It has been held in some that the legislature may not grant a divorce because the granting of a divorce is a judicial act and the legislature can not perform that judicial function. On the other hand, there are States where without any constitutional provision to that effect legislatures grant divorces, as formerly in the State of Pennsylvania before the existing constitution went into effect. This illustrates that you can not claim that the extent of the separation of the powers under the Constitution of the United States can be determined by the decisions of the States.

Mr. FULTON. I agree with the Senator on that proposition. It depends, of course, upon the provision of the constitution of the particular State as it affects the question under consideration; but, while that is true, I do not think that the Massachusetts court based its decision on any peculiar provision of the State constitution or suggested any difference between its provisions and the provisions of the Federal Constitution in the matter of judicial power in determining this case.

Mr. KNOX. It did not have to.

Mr. FULTON. No; it did not have to. They distinguished the Reagan case from the case at bar—from the case that they were deciding. They go on to say:

Probably to prepare a new schedule or to rearrange the old one would have gone beyond the scope of the rights immediately affected or threatened in the case before the court into the realm of abstract lawmaking for the future, and so beyond the power of the court; and, if it had not been beyond the court's power, still very possibly it might have been refused in the court's discretion, the court leaving it to the proper body to undertake that task. But it is implied that if the challenge had been of a single rate threatened to be charged for a service demanded the court might have determined the question between the parties for the immediate future, as it is stated three pages earlier that the court would determine it with regard to a charge for past services. When you are prepared to say that a given charge is too high or too low, it hardly would be consistent to say that you had not power or ability to say what is a proper charge.

So I contend that when you admit that the court may determine that a charge is too high, and hence is unreasonable for the shipper, or a charge is too low, and hence is confiscatory as to the carrier, it is unreasonable in the extreme to say that the court can not also determine what a reasonable charge is. Wherein is the distinction? Wherein does the court exercise a different power in one case than in the other? Wherein does the court exercise legislative power in determining what is a reasonable rate in the future if it does not exercise legislative power in determining what is unreasonable?

The VICE-PRESIDENT. The hour of 2 o'clock having arrived the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 529) to promote the national defense, to create a naval reserve, to establish American ocean mail lines to foreign markets, to promote commerce, and to provide revenue from tonnage.

Mr. GALLINGER. I will ask the Senator from Oregon how much more time he desires to occupy?

Mr. FULTON. I will conclude. Mr. President, I will say to the Senate that I had not intended to take up anything like this amount of time. Indeed, I think most Senators will bear witness that I have not taken up anything like this amount of time.

Mr. GALLINGER. I ask unanimous consent that the unfinished business be temporarily laid aside until the Senator concludes his remarks.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that the unfinished business be temporarily laid aside until the Senator from Oregon concludes his remarks. Is there objection? The Chair hears none. The Senator from Oregon will proceed.

Mr. FULTON. Mr. President, I shall not detain the Senate longer. I have, by reason of the suggestions of Senators, which I am very glad indeed to have had, been driven to speak along somewhat different lines than I had contemplated when I started out. I had intended only to speak about fifteen minutes to explain my position on one phase of this question. But the various questions and suggestions practically opened up the entire subject, which I did not contemplate discussing.

Mr. FORAKER. Mr. President——

Mr. FULTON. Did the Senator wish to interrupt me?

Mr. FORAKER. I wish to ask the Senator a question before he concludes.

Mr. FULTON. I would be glad to have the Senator ask it now.

Mr. FORAKER. The Senator has made a very able and interesting argument, the purpose of it being, as he states—and I think he has accomplished his purpose very clearly—to show that it is a judicial function to inquire what is a reasonable and just rate and then to administer relief. The question I want to ask him is a practical one, having reference to the legislation that is soon to be under consideration in this body.

If it be, as I think he has made it clear it is, a judicial function, why should not that judicial function be exercised in the first instance? By that question I mean this, if I may go into detail for a moment, so he will be entirely possessed of what is in my mind: Why should there be a complaint before the Commission and a full hearing, to use the language employed in all of these bills, before the Commission, which, according to custom, has occupied usually from one to two and even three and four years, to enable the Commission to determine whether a challenged rate should be condemned and then what rate it should substitute, and then after that go into the court? Why not go into court in the first instance? Why not make the complaint before the Commission and then let the Commission order the case tried before a court that can ascertain and can administer relief?

Mr. FULTON. I will state the reason why I prefer the Commission. In the first place, I do not think that the rate established by the court in a given case can be binding on persons who are not parties to the record.

Mr. FORAKER. On that point it is easy to provide, is it not, as I have already suggested, and as has been provided in at least one bill that is pending here, that the suit shall be brought in the name of the Government on the complaint of the Commission on behalf of all who are interested, being in its nature——

Mr. FULTON. I do not desire at this time to discuss that question. I only say I have doubts on that point. But the main proposition with me is this, Mr. President: I think a commission will handle the work better. It will deal summarily with a great many complaints, dispose of them expeditiously, and, perhaps, 75 per cent of the cases that come before the Commission will never be carried to the court.

Mr. CLAY. Will the Senator allow me to ask a question in connection with what he has just stated?

Mr. FULTON. Certainly.

Mr. CLAY. I understood the Senator to say that he is in favor of this question going to the Interstate Commerce Commission in the first instance——

Mr. FULTON. Yes.

Mr. CLAY. Because the Interstate Commerce Commission deals with facts, learns the value of railroad property and of profits, how much the railroads are making, and what would be a reasonable and just rate better than the courts, and for that reason the Interstate Commerce Commission ought to deal with it in the first instance. I will ask the Senator is it not true that the citizen can go before the Commission with much less expense and present his case? The Commission often hears facts without the citizen or the shipper being present. It takes the case up and considers it and finds out what was a reasonable and just rate. I ask the Senator is it not true that the Interstate Commerce Commission devotes its time to that business, looking into the earnings and operations of roads, and could it not better determine what would be a reasonable rate than the court could determine?

Mr. FULTON. That is the impression I have had. That is the view I take.

Mr. FORAKER. Will the Senator allow me to make one suggestion in answer to the Senator from Georgia?

Mr. FULTON. I will yield the floor to the Senator in a second.

Mr. FORAKER. What I wanted to say is in answer to the Senator from Georgia, and I will state it now or after the Senator concludes.

Mr. GALLINGER. The Senator had better ask the question now. The unfinished business will soon be taken up.

Mr. FORAKER. I am told the unfinished business will be taken up in a minute, and so I will ask the question now.

Mr. FULTON. Very well.

Mr. FORAKER. The Senator from Georgia says that it is less expensive to go before the Commission than it is to go before the courts. That may be as the law now stands, but it is not proposed by those who think that all these remedies can be worked out in the courts that the law shall stand as it is. On the contrary, the proposition is, looking to the public nature of all this controversy, that the suits shall be at the instance of the Commission, in the name of the Government and at the expense of the Government, except where the railroad is found to be at fault and then at the expense of the railroad.

Now, that leads me to make a remark here. The great difficulty that the shippers of this country are having to secure their rights under the law is in the fact that they have to go before the Commission or into the courts to fight these great railroads single-handed and alone. And yet every order that is made is not alone for himself, but for the whole community in which he lives, for a thousand shippers, perhaps.

Mr. BAILEY. Will the Senator from Ohio permit me to ask him a question, with the permission of the Senator from Oregon?

The VICE-PRESIDENT. Does the Senator from Oregon yield?

Mr. FULTON. Certainly.

Mr. BAILEY. Suppose the Government intitutes a suit such as the Senator proposed, and suppose there is a decree and afterwards my rights become involved, does the Senator believe this decree to which I was not a party can bind me and that this judgment could be pleaded against any redress that I sought in the courts?

Mr. FORAKER. Does the Senator question the right of Congress to authorize a suit by and on behalf of the public in any case where the public interest is affected? Is it not as common a proceeding as you can think of under the statutes of all the States that a taxpayer may bring a suit in his capacity as a taxpayer on behalf of all the public and bind all the public?

Mr. BAILEY. No; it can not bind all the public. It binds, when it is a proceeding in rem, everybody with respect to the thing in controversy; but it will be a new and, I believe, a dangerous doctrine in this country that a man can have his rights concluded in the courts without an opportunity to be heard in defense or in assertion of them. I for one will never agree that the humblest citizen shall have his rights concluded and determined without an opportunity to be heard in the courts.

Mr. FORAKER. Mr. President——

Mr. FULTON. If the Senator will allow me to conclude I will sit down.

Mr. FORAKER. I beg the Senator's pardon. I will speak at another time.

Mr. FULTON. I am working now to reach a point where I can quit. I had determined to quit some time ago.

I simply want to call attention to this, that in the amendment I have offered I am not proposing by the decree of the court to bind the public or the world at large. I am simply proposing that when the court has jurisdiction of the question and the parties for the purpose of determining whether or not the rate established by the Commission is reasonable or unreasonable, and the court holds it to be unreasonable and therefore condemns the rate and enjoins its enforcement, the court shall be authorized to say what is a reasonable rate and then refer it back to the Commission, and the Commission pursuant to the mandate of the law, not of the court, shall adopt that rate. It can change it afterwards and fix any other rate.

Now then, just one other suggestion in connection with that and I will close. I assume from suggestions that some Senators have made that they believe that would be in contravention of the Constitution. I do not believe it is; but even if the court should hold the power to be in contravention of the Constitution it will not affect any other portion of this bill if it shall be passed, because it will be a provision that will stand alone, and if it should go down it would leave the other provisions of the law unaffected. Therefore it is not dangerous legislation in any event, and if sustained, as I am confident it will be, it is surely very desirable legislation.

POTOMAC RIVER MEMORIAL BRIDGE.

Mr. GALLINGER. I ask that the unfinished business be laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business, which is Senate bill 529.

Mr. DANIEL. I ask the Senator to yield to me a few moments, that I may call up the memorial bridge bill, which I believe will elicit no debate.

Mr. GALLINGER. I understand the Senator from Virginia has been very diligently for two days seeking an opportunity to ask consideration for his bill. I will say to the Senator that if it does not lead to debate I will gladly yield to him for that purpose.

Mr. DANIEL. I apprehend not, sir.

I ask unanimous consent for the present consideration of the bill (S. 1373) to provide for the construction of a memorial bridge across the Potomac River from Washington to the Arlington estate property.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The VICE-PRESIDENT. The Senator from Virginia offers amendments, which will be stated in their order.

The SECRETARY. On page 1, line 5, strike out "of" and insert in lieu thereof the words "upon or near;" on page 1, line 5, after the word "the," insert the word "Old;" on page 1, lines 5 and 6, strike out the words "or adjacent thereto;" so as to read:

That the Secretary of War is hereby authorized and directed to cause to be constructed a memorial bridge from the most convenient point upon or near the Old Naval Observatory grounds, etc.

The amendment was agreed to.

Mr. BAILEY. Will the Senator from Virginia and the Senator from New Hampshire regard it as against the spirit of this understanding if I should on this bill speak five or ten minutes to reply to the inquiry addressed to me by the Senator from Wisconsin [Mr. SPOONER] a moment ago?

Mr. GALLINGER. I will pass it over to my friend the Senator from Virginia. I will not object.

Mr. DANIEL. It would be better to let the bill go through before the Senator makes his remarks.

Mr. GALLINGER. Perhaps it would be better to let the bill be acted upon, I will say to the Senator.

Mr. BAILEY. Very well. I want to get in on this bill. Something might happen that would cut off the opportunity.

The VICE-PRESIDENT. The next amendment proposed by the Senator from Virginia [Mr. DANIEL] will be stated.

The SECRETARY. On page 1, line 7, strike out "of" and insert "upon or near;" so as to read:

Across the Potomac River to the most convenient point upon or near the Arlington estate property; the said bridge to be constructed on a plan to be approved by a board composed of the Secretary of War, etc.

The amendment was agreed to.

Mr. KEAN. How much money is there in this bill?

Mr. DANIEL. Five hundred thousand dollars.

Mr. KEAN. Is that for the completion of the bridge?

Mr. DANIEL. No, sir; for the purpose of securing and determining on a proper plan and to commence the construction of the memorial bridge.

Mr. KEAN. This is the commencement?

Mr. DANIEL. The commencement.

Mr. GALLINGER. I think, if the Senator from Virginia will permit me, the full amount proposed to be appropriated is about $5,000,000, is it not?

Mr. DANIEL. There is no telling about that. One can never tell.

Mr. GALLINGER. In the former bills I think that amount was named.

Mr. DANIEL. It will take a large amount of money before we get through with it.

The VICE-PRESIDENT. The amendment proposed by the Committee on the District of Columbia will be stated.

The SECRETARY. On page 1, lines 9 and 10, strike out the words "President pro tempore of the Senate" and insert the word "Vice-President."

Mr. DANIEL. That is a mere formal amendment.

The amendment was agreed to.

Mr. BAILEY. Mr. President——

Mr. GALLINGER. I suggest to the Senator from Texas that it will take but a moment to pass the bill.

Mr. BAILEY. I am not going to interfere. I apprehend that such an answer as I might make to the inquiry propounded by the Senator from Wisconsin would probably lead to an exchange of views and that would occupy a longer time than the good nature of the Senator from New Hampshire would indulge. With that understanding I will not interfere with the passage of this measure about which the Senator from Virginia is so much concerned. I will seek such opportunity as time offers to-morrow to make such answer as I can to the question of the Senator from Wisconsin.

Mr. SPOONER. Mr. President, I owe the Senator from Texas an apology for having put a question to him after he had taken his seat, forgetting that he was not holding the floor in his own right.

Mr. BAILEY. No; I do not feel that way about it, because the Senator from Oregon [Mr. FULTON] was good enough to have yielded if I had insisted on it.

The inquiry propounded by the Senator from Wisconsin [Mr. SPOONER] is a very important one, and probably he assumed too much when he supposed I could answer it in five or ten minutes. It is, however, absolutely certain if we can answer that question we answer the whole case; and if we can not answer it a majority of Senators on that side, as it now appears, will be for that method of dealing with this question. Speaking for myself, I want an effective method; and when we turn from the question of power in Congress to the one of mere detail, I think the argument there will be with us. But before we reach that we must, of course, dispose of the other; and that I shall attempt to do at some more convenient time.

Mr. MCCUMBER. Mr. President, under the agreement upon which the bill was allowed to come up I do not want to ask the Senator from Virginia [Mr. DANIEL] to go into a very lengthy discussion of it, but I should like to ask the Senator to give the Senate some good reason why, while we are running the Government with a deficit of from twenty to forty million dollars; while we are compelled to economize in the matter of needed public buildings, the want of which is requiring the payment of many millions of dollars per year for rent; while we are being compelled to economize in our rivers and harbors and being compelled to economize in a thousand other things which ought to be considered as almost necessary for the benefit and uses of the Government, we should at the present time spend a million dollars for a memorial bridge, which might be a thing of beauty and something beneficial, something in which we could have a great deal of pride in the future, yet at the same time which would subserve very little interest. I simply suggest that in this period of great economy we ought to consider the necessary things for the Government before we spend a million dollars or any such sum for a merely memorial bridge.

Mr. DANIEL. Mr. President, I shall only take two minutes, with the kind permission of my friend from New Hampshire [Mr. GALLINGER].

Mr. GALLINGER. I am glad to yield to the Senator.

Mr. DANIEL. Mr. President, this bill recognizes the situation, and is consequently a very economical bill. This is not a mere ornamentation that is proposed to be put in the city of Washington, but a necessary highway for troops and for people. It has been recommended by the Secretary of War and by the President of the United States time and again, and urged upon Congress as a matter of military convenience between the capital and Fort Myer. It would accommodate the passage of a great many people and a great deal of transportation across the Potomac River.

If the Senator's idea were to be carried out, we would have to stop improving the streets of Washington. There is no large expenditure proposed here in comparison with the work in contemplation. A fitting bridge can not be put across so broad a river as the Potomac for such purposes and of permanence, as contemplated in this bill, for a very small sum of money. That is the condition.

Mr. MCCUMBER. I wish to say, Mr. President, that I am not assuming that the proposed bridge is to be wholly ornamental and of no use whatever, but the point I desire to make is that there are many things that we need which we can not have which are much more important than this bridge, either in usefulness or for any other purpose.

Mr. DANIEL. Mr. President, the Senate has time and again passed its judgment on this measure. I am under such constraint as to the situation that I should not like to enlarge upon the merits of the measure, as I might under different circumstances; but I hardly think that we are quite so hard up as not to make reasonable and economical progress in our own domestic concerns. It is true we ought to have our eye to economy, and I am in favor of that, and in other matters than this I will endeavor to assist the Senator in any good undertaking of an economical description. I think we are sufficiently economical here. We do not spend a million dollars—the Senator doubled the amount of the appropriation when he cautioned us, but we had already recognized his caution by making the appropriation half of what he imagined it to be.

I think if we will go through the rest of our business with as much caution as has been taken with respect to this measure, one that has long waited and been for many years recommended, we shall get through pretty safely with our financial concerns.

Mr. GALLINGER. Mr. President, if the Senator will permit me a moment, I will simply add that similar bills for this pur-

pose have been before the Committee on the District of Columbia for at least ten years, and without a dissenting voice or vote they have always been favorably reported, and have passed the Senate three or four times. I hope, Mr. President, the bill will receive the approval of the Senate to-day.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THE MERCHANT MARINE.

The Senate, as in Committee of the Whole, resumed consideration of the bill (S. 529) to promote the national defense, to create a naval reserve, to establish American ocean mail lines to foreign markets, to promote commerce, and to provide revenue from tonnage.

Mr. GALLINGER. Now, Mr. President, I will ask the Senator from Florida [Mr. MALLORY] if he is ready to proceed to-day in the discussion of the unfinished business?

Mr. MALLORY. Mr. President, I had intended to address the Senate to-day on this bill, but find that I am not in a position to do so. I shall, therefore, be compelled to withhold my remarks until to-morrow.

Mr. GALLINGER. Mr. President, I desire simply to say that, in the opinion of some of us, the bill that is under consideration is a very important measure, and while I know the futility of undertaking to hasten a measure through this body to which there is opposition, I yet feel that it is my privilege to suggest to Senators on both sides of the Chamber that, in view of the fact that other very important business will soon be pressing for consideration at our hands, I trust as much expedition as possible may be made in discussing this measure and reaching a conclusion upon it.

I understand the Senator from West Virginia [Mr. SCOTT] is prepared to speak to-day, and I apprehend that at the conclusion of his remarks the matter will have to be passed over until to-morrow.

Mr. SCOTT. Mr. President, I shall only detain the Senate for a few moments. Representing, as I do, a State that is not bordered on any side by the ocean, I think that I may fairly be considered as being entirely unbiased in anything that I may offer in regard to this bill.

Mr. President, notwithstanding the history of shipbuilding and the ship carrying trade of the last century, this is still an infant industry and should be protected as other industries have been. The result of protection in all cases has been to put the United States to the front in every direction.

I might illustrate by taking, for example, the line of goods that I have manufactured for the past thirty-five or forty years.

Before we had any protection on glass at all we used to pay a glass blower for ten or twelve hours' work on an average of $1 a day, and the price then of an ordinary tumbler or goblet was from $1.50 to $2.50 per dozen for the so-called "pressed" or cheap article. When the Government in its wisdom gave us a protection of 40 per cent on pressed ware to protect us from the cheap labor of Europe, the result was what? The workman immediately received at least $2 for four and one-half hours' work where he formerly received $1 for ten or twelve hours' work, and the consumer had the advantage of buying the same goblet or tumbler for which he had formerly paid $2.50, when there was no protection, at from 40 to 50 cents per dozen. The protection of 40 per cent on an infant industry, as the glass business was then, enabled us to go ahead, enlarge our works, improve the method of making, introduce new devices and labor-saving machines, and brought about this wonderful reduction in the price of the article to the consumer and at the same time the increase in wages to the workman.

I have no doubt, Mr. President, if we would protect our shipping industry, as we have other infant industries, until large shipyards could be built up with modern machinery and all the latest labor-saving devices, then in a short time the price of the production of a ship or ships would be materially reduced, and at the same time, basing my calculation on the theory that it would work out as it did in my own business, the wages now paid to that class of workmen would be largely increased.

Since I desire to speak only for a few minutes, it is needless for me to enter into the rise and fall of the American marine. The history of our country shows that during the early part of the last century, when Congress passed laws aiding shipbuilding, American ships were numerous and found on every sea. The building of ships was a thriving industry, but the civil war broke this up entirely. After that struggle foreign nations took advantage of the situation, offered very large subsidies to shipbuilders, and, as a consequence, the export trade of the United States is to-day carried in foreign vessels. At the end of this war our people had their money invested in other lines, and had as much attention been paid at that time to protecting the industry of shipbuilding as was given to other interests, American ships would to-day be carrying American exports in all the seas of the world.

The object lesson given by foreign countries in subsidizing steamship lines should open the eyes of every American, in my opinion, to the necessity of protection for home shipbuilding. If the carrying trade of the world is worth so much that foreign countries can pay subsidies, why is not the trade of the world worth something to the United States? Especially is this true when we remember the large amount of exports carried from the United States. Dun's International Review shows that the total foreign trade of the United States during last November was valued, in round numbers, at $269,000,000, and that exports exceeded imports by, in round numbers, $72,000,000. Is not the carrying of this trade of value to us? And yet all of it was carried in foreign vessels.

The building of ships to carry this wonderful trade would directly be of great benefit to the nation, and indirectly the building of American ships by Americans would mean a great deal for the common good of all. Ores, iron, timber, and all of the various articles that go to make up ships are produced in this country, and would be used in their building. The ores would come from the lake regions, the iron would come from our great iron centers, the coal would come from West Virginia, Pennsylvania, and the other various coal-producing States, and the wood would come from our forests. The ore miner, the ironworker, the coal digger, the lumberman, and the railroad carrier all would directly profit from the establishment of this industry; and while the ships were building, as well as after they were built, the farmer and the gardener would have to furnish the provisions. Indirectly these classes of men who would profit in this way must live, and the money so obtained would be placed in circulation. So this single industry, properly protected, would send its benefits into almost every home in the United States.

To produce the results mentioned above a subsidy is needed to make up for the difference in the cost of construction between a foreign ship and an American-made ship. In the United States workmen are paid more than abroad, and this adds largely to the cost of construction. A subsidy is also needed to make up for the difference in the cost of operation. The American sailor is paid better wages, lives better, and requires more than the sailor of any other country. Meeting the cost of construction and the cost of operation, the American ship could enter into competition for the carrying trade of the world. On the other hand, if we would reduce the price paid to the American ship carpenter to the level of the poorly paid and pauper laborer of Europe, the American shipowner then could compete successfully with other shipping industries of the world. But do we want to reduce the standard of wages which our laborers receive to the standard of that paid in European countries? Yet we must equalize it in some way, and the only way, in my mind, to do this is by giving protection in some way to American-built and American-sailed ships.

A final argument, but to my mind not the least, would be the doing away with the great trouble in finding sailors to man our war vessels. As every Senator knows, this trouble exists to-day. If our Navy were called into actual conflict, we would have trouble in manning our vessels. Why? Because we have no large shipping industries. With a large American marine, drawing its crews from American manhood, the life of a sailor would again become a popular one, and the trouble of finding sailors for our war vessels would entirely disappear.

Many more reasons, Mr. President, might be given in support of this bill, but I simply want to place myself on record as favoring it, and will content myself with these few brief remarks.

Mr. HEYBURN. Mr. President——

Mr. MALLORY. Is the Senator from Idaho going to address the Senate on the shipping bill?

Mr. HEYBURN. No; and I understood the Senator from Florida was going to defer his address on that bill until to-morrow.

Mr. MALLORY. I do not intend to speak now on the bill. I was going to ask that it be temporarily laid aside.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The Senator from Florida asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it will be so ordered.

PURE-FOOD BILL.

Mr. HEYBURN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate bill 88.

Mr. NELSON. Will the Senator yield to me for the purpose of having passed a local bill? It will take but a moment.

Mr. HEYBURN. After the pure-food bill is taken up I will yield to the Senator.

The PRESIDING OFFICER. The Senator from Idaho asks unanimous consent that the Senate proceed to the consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (S. 88) for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Idaho? The Chair hears none, and the bill is before the Senate as in Committee of the Whole.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. HEYBURN. Certainly.

CHIPPEWA INDIANS IN MINNESOTA.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (S. 2397) to amend an act entitled "An act to amend an act entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' approved January 14, 1889," so as to create a State forest reserve, and for other purposes.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Indian Affairs with an amendment, in section 1, page 2, line 5, after the words "Cass Lake," to insert:

Composed of the following described pieces of land situate in the State of Minnesota, to wit, lots 1 and 2 of section 25; lot 1 of section 26; the southeast quarter of the southeast quarter and lots 5 and 6 of section 27; lots 1, 2, 3, and 4 of section 34; the west half of the northwest quarter, the northwest quarter of the southwest quarter, the southeast quarter of the southwest quarter, and lots 1, 2, 3, 4, 5, 6, 7, and 8 of section 35; lots 1, 2, 3, and 4 of section 36; all in township 146 north, range 31 west; also lot 1 of section 1; lots 1, 2, 3, and 4 of section 2, of township 145 north, range 31 west.

So as to make the section read:

That section 5 of an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," as amended by the act of Congress approved on the 27th day of June, 1902, entitled "An act to amend an act entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' approved January 14, 1889," is hereby amended in line 92 by inserting after the word "lakes" the words "excepting Cooper Island in Cass Lake," and in line 94, after the word "Interior," by inserting the sentence "And Cooper Island in Cass Lake, composed of the following-described pieces of land situate in the State of Minnesota, to wit, lots 1 and 2 of section 25; lot 1 of section 26; the southeast quarter of the southeast quarter and lots 5 and 6 of section 27; lots 1, 2, 3, and 4 of section 34; the west half of the northwest quarter, the northwest quarter of the southwest quarter, the southeast quarter of the southwest quarter, and lots 1, 2, 3, 4, 5, 6, 7, and 8 of section 35; lots 1, 2, 3, and 4 of section 36; all in township 146 north, range 31 west; also lot 1 of section 1; lots 1, 2, 3, and 4 of section 2, of township 145 north, range 31 west, is hereby reserved for and granted to the State of Minnesota, to be used as a State forest reserve or public park, upon condition that if at any time the State shall cease to use the said island so reserved and granted for forest reserve or park purposes the title to the same shall be forfeited and shall revert to the United States."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PURE-FOOD BILL.

The Senate, as in Committee of the Whole, resumed consideration of the bill (S. 88) for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes.

Mr. HEYBURN. Mr. President, the matter that has been taken up by the Senate is one of more than passing importance, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Idaho suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Alger	Dolliver	Heyburn	Piles
Allee	Dubois	Kean	Rayner
Allison	Elkins	Latimer	Scott
Bacon	Flint	Lodge	Spooner
Burnham	Foraker	Long	Sutherland
Clark, Mont.	Frazier	McCreary	Teller
Clark, Wyo.	Frye	McCumber	Tillman
Clay	Fulton	Nelson	Warner
Crane	Gallinger	Overman	Warren
Culberson	Gamble	Patterson	Wetmore
Daniel	Hale	Perkins	
Dick	Hansbrough	Pettus	

The VICE-PRESIDENT. Forty-six Senators have answered to their names. A quorum is present.

Mr. HEYBURN. I ask that certain amendments shall be taken up and disposed of.

The VICE-PRESIDENT. The amendments will be stated in their order.

The SECRETARY. The Committee on Manufactures report, in section 2, page 3, line 13, after the word "personally," to insert "responsible for such violation;" so as to read:

That in the case of any violation of the provisions of the foregoing two sections by any corporation, the fines and penalties imposed therefore may be enforced against the officers of such corporation personally responsible for such violation, etc.

The amendment was agreed to.

The next amendment was, in section 2, page 3, line 15, before "officer," to strike out the word "each" and insert "the;" so as to read:

and any violation of any of the provisions of this act by any corporation shall be deemed to be the act of the officer of such corporation, etc.

The amendment was agreed to.

The next amendment was, in section 2, page 3, line 16, after the word "corporation," to insert the words "directly responsible therefor;" so as to read:

the officer of such corporation directly responsible therefor, and such officer may be punished for such violation as though such violation was the personal act of such officer.

The amendment was agreed to.

The VICE-PRESIDENT. Those are all the committee amendments.

Mr. HEYBURN. There are certain other amendments which have been offered other than committee amendments.

The VICE-PRESIDENT. The first is the amendment offered by the Senator from Massachusetts [Mr. LODGE].

The SECRETARY. On page 8, at the end of line 9——

The VICE-PRESIDENT. Are there further amendments?

Mr. McCUMBER. I should like to know what was done with that amendment.

Mr. HEYBURN. I did not understand it.

The VICE-PRESIDENT. The Chair understands that it has not been formally offered from the floor. It was submitted to be printed.

Mr. HEYBURN. I understand the amendments offered by the Senator from Massachusetts, three of them, have been printed and that they are on the table for consideration.

The VICE-PRESIDENT. They have been printed and are on the table, but the Senator has not offered them. They are proposed amendments at the present stage.

Mr. HEYBURN. The Senator from Massachusetts is not present. I desire to proceed with this measure, and if no Senator wishes to discuss it further I desire that we shall proceed to dispose of the proposed amendments and dispose of the bill.

The VICE-PRESIDENT. The Chair will entertain the amendments if they are offered by any Senator from the floor.

Mr. HEYBURN. I do not want the Senator from Massachusetts to be treated in a discourteous manner, but I do not know that anyone can speak for him, he having offered the amendments and not being present, although he was in the Chamber a moment ago.

Mr. ALLISON. Let the amendments be read and let us see what they are.

The VICE-PRESIDENT. The amendments will be read for the information of the Senate. The first amendment proposed by the Senator from Massachusetts [Mr. LODGE] will be stated.

The SECRETARY. In section 9, page 8, of the bill, at the end of line 9, after the word "preparation," insert the following additional proviso:

Provided further, That when in the preparation of food products for shipment they are preserved by an external application applied in such manner that the preservative is necessarily removed mechanically or by maceration in water or otherwise, the provisions of this act shall be construed as applying only when said products are ready for consumption.

Mr. HEYBURN. Mr. President, the provision covered by that amendment is already in the bill in sufficient form, in the judgment of the committee.

Mr. McCUMBER. I wish to say a word so that there may be no mistake about the matter. It is in the bill so far as it relates to exports.

Mr. ALLISON. Where is it in the bill?

Mr. McCUMBER. On page 8, beginning in line 3; and it reads as follows:

Provided, That goods intended for export shall not be deemed misbranded or adulterated when prepared and packed in accordance with specifications of the foreign purchaser, provided no substance is used that is in conflict with the laws of the country to which the goods are to be shipped, when such country having laws upon the subject does not prohibit such process of preparation.

The amendment itself is not in the bill, but the point to which the amendment is directed is covered by the bill so far as it relates to exports. I understand from the author of the bill, in a short discussion concerning the provision that it was intended to cover the matter of packing meats in borax. That is a thing that it is said can be washed off and that it does not permeate the hams. They are packed and covered with borax, and the packing industries of the country, I understand, desire that that provision be retained in the bill.

Now, why was the provision placed in the bill so far as exports are concerned? Most of the hams that are shipped out of this country are shipped to Great Britain. There is no prohibition in the food laws of Great Britain against the use of borax as a packing ingredient. In addition to that, the orders for the most part, as I am informed, which come from Great Britain, request that the hams be packed in borax, for the reason that this particular process protects the goods in transit across the water. To meet that condition we provided that the meats might be packed in accordance with the request of foreign consumers to meet the requirements of that demand.

That might bring up the question as to whether the packing in borax is necessarily deleterious. That would be a question under the bill, of course, for the courts to determine, if the bill should become a law. I can only cite the report made by the food commissioner of my own State upon that subject, if it is of any value to Senators. Does any Senator desire it?

Mr. SPOONER. As I understand the Senator, that question would not arise as to an exported article unless prohibited by the laws of the country to which it was consigned.

Mr. McCUMBER. Certainly.

Mr. SPOONER. Or unless they had no law on the subject.

Mr. McCUMBER. No law covering it.

Mr. SPOONER. Unless they had no law covering this matter.

Mr. McCUMBER. Yes; that was my understanding.

Mr. SPOONER. Does the Senator know whether food stuffs packed in borax imported to this country are permitted under existing law or under this bill?

Mr. McCUMBER. I do not know of any foods of that character that are packed in borax.

Mr. SPOONER. Well, take hams that are imported here.

Mr. McCUMBER. I do not know of any imported hams.

Mr. KEAN. Westphalia hams are imported.

Mr. McCUMBER. I do not know how the packing is done. We have already laws upon our statute book which allow the Secretary of Agriculture to examine into the imports, and if it is found that the products are naturally deleterious or that they are improperly branded, they may be refused admission. Under that law a great many articles are refused admission, but I do not understand that anyone has decided that the mere packing in borax of itself renders the article injurious or deleterious. There is no question, of course, but what it might be so saturated and impregnated with borax that it would fall under the ban of the prohibitive laws of States on this subject.

Mr. SPOONER. I think there must be some interest in that subject or this bill would not be so carefully drawn, in the interest of the packers, in order to permit packing in borax.

Mr. McCUMBER. I have explained to the Senate that the orders from Great Britain (and these meats are sold upon orders—they are not shipped there and then afterwards sold—as a rule, they are sold on orders) require that certain meats shall be wrapped or preserved by borax in transit; and it is to meet the demand of the foreign consumer or the one who orders it. I have here a number of orders from Liverpool, for instance, as sample orders. They are the real orders from Liverpool, and in every instance the order is for so many barrels or pounds of ham packed in borax. Now, if there is nothing in the laws of Great Britain against such packing, and if the order requests that it be so packed, certainly there would be no objection to making it clear that the law would not interfere with such coverings or such packings as the foreign trade might demand.

Mr. SPOONER. Where is that provision in the bill?

Mr. McCUMBER. On page 8.

Mr. HEYBURN. Mr. President, if I may add to the suggestions of the Senator from North Dakota, I will state that the provisions of the bill are sufficiently drastic and specific to prohibit the transportation from State to State of this class of articles that come within the exception as to the export trade. Then we were met with the proposition that we should not attempt to enforce upon other countries the same morals in this business that we thought sufficient for our own, provided that they themselves did not think these restrictions were necessary. So, having prohibited interstate commerce in this class of articles among our own States, for which we are responsible, we made the exception that if a foreign country entertained different views in regard to the desirability of this class of packing we would not run counter to them and shut out the export trade from doing business with them simply because they ought not to be compelled to comply with restrictions necessarily adopted for our own country. That was the reason for this exceptional provision.

The Senator will find in the body of the bill that the class of articles that are within the exception as applied to the export trade are absolutely prohibited as between our own States. We are protecting our own people, and then we are protecting the people of other countries from imposition at the hands of our own people only to the limit that they demand such protection. But we are applying the same rule to the people governed under the laws of other countries that we apply to people governed under our own laws. That is the reason for the exception.

Mr. SPOONER. That is a very altruistic position, intended, I should think, not much to build up the commerce of the United States, especially if the subdivision in which this proviso occurs should be published extensively in other countries. The context, together with the proviso, would carry to the average mind abroad even a rather sinister import. I do not know—I am quite ignorant on the subject, as I am on a great many others—what countries abroad have such laws and the terms of such laws; but this subdivision, which I have just glanced at for the first time, I will read. It is brief.

Fourth. If it—

That is, the article—

contain any added poisonous—

"Poisonous." That is a large word—

poisonous or other ingredients which may render such article injurious to human health.

That is about as concentrated and concise a sentence as could very well be devised. This is the qualification:

Provided, That goods containing this added poison——

Mr. TELLER. What section is the Senator reading?

Mr. SPOONER. I am reading at the top of page 8, subdivision 4. To put the proviso in briefer language would make the subdivision read this way:

If it contain any added poisonous or other ingredients which may render such article injurious to human health: *Provided*, That added poisonous or other ingredients which may rended such articles injurious to human health may be exported.

Mr. McCUMBER. Then the objection of the Senator, I understand, is not so much to the construction as to the place in which it appears in the bill.

Mr. SPOONER. Oh, no; it is not the place. The place does not alter the language.

Mr. McCUMBER. It renders its connection possible with reference to the first location the Senator has read.

Mr. SPOONER. The location of the proviso does not make it any less a modification or qualification of the context. I take it it will be worse if you apply it to the whole of section 9, which precedes it. There are other subdivisions of section 9, are there not?

Mr. HEYBURN. It relates to the clause commencing at line 17, page 7?

Mr. SPOONER. But it will be a qualification of the whole, I think.

Mr. HEYBURN. The qualification does not relate back of line 17 on page 7. This is the beginning of a new subject-matter.

Mr. SPOONER. I am glad it does not. If it related clear back it would be abominable, and relating back only to line 17 it is tolerably abominable, if there is any such thing as degree in that.

Now, it would read this way: That these things, although not permitted in the interest of human health—women, children, and men—to be dealt in, to be transported from State to State, to be knowingly sold by anybody to anybody in any of the States or Territories of the United States, may be shipped abroad, provided some scoundrel over there asks that they be shipped to him and there is no law there to punish him for secretly selling to people what we will not permit our people to use in this country. That is put in for the benefit of the packers primarily, but it would not be limited in its application to the packers. It applies to every manufacture and to all drugs, to all foods, to every eatable and potable thing, does it not, for which there might be a demand in other countries?

Now, I want to say a word to my friend who has this bill in charge. He spoke about pushing it to a vote this afternoon. The bill has not been long at this session before the Senate. It is a bill which I presume few Senators have had time to

study. I have had no time to study it for one. It is a bill the purpose of which is good, and I think it is an improvement undoubtedly on the bill considered at the last session. But it is a measure which every Senator ought to have an opportunity to read carefully. I suggest to the Senator that as no one wants to delay the bill beyond a reasonable time for debate, he ask the Senate to fix a time for a vote on the bill and amendments, say a week hence, or something of that sort. Every Senator will have notice then that he must study the bill and be ready with his amendments or the discussion, for at a certain time it will be voted upon.

Mr. HEYBURN. It was my intention before having the bill laid aside to-day to do just what the Senator has suggested, to ask that a time be fixed.

Mr. SPOONER. I had no idea I could suggest a thing to the Senator he had not already thought of.

Mr. HEYBURN. But, Mr. President, we have had this bill on the Calendar since the beginning of the present session of Congress, and, of course, due notice that the bill at the proper time would be called up for consideration.

Mr. SPOONER. Oh, of course.

Mr. HEYBURN. The consideration seems to be rather in the nature of criticism of the bill. In legislation criticism should naturally be followed by proposed amendments. If that provision should be out of the bill it should be attacked through the means of an amendment or a motion to strike it out. Objection to the bill in general terms does not result in making any progress in the consideration of a bill.

I should like to make a suggestion in response to the criticism of the Senator from Wisconsin as to that provision of the bill. In legislating we naturally take into consideration the conditions under which we legislate. The committee spent weeks and months in the consideration of this measure at this and other sessions of Congress, and we have inquired into the conditions to which this legislation was directed. That provision was not incorporated into the bill until it became apparent that there was a certain class of our export trade that did business, with the consent of the laws of the countries under which those live with whom they did business, with people who do not entertain the same views as are entertained in this country in regard to what may be necessary to preserve human health.

In other words, we ship from this country vast quantities of horse meat to be used in certain foreign countries. We do not use it at home at all. A dealer in the State of Oregon told me, having been in the business, as he said, five years, that not one single pound of that commodity had been used or consumed in this country, but that he found a market for it in the countries of Europe.

Now, if those people want that kind of a commodity, if they are presumed to be intelligent enough to determine what they want and what is conducive to their health or destructive of it, and are convinced that they have no objection to that class of commerce or commodity, there is no reason why we should constitute ourselves the guardian of their health. It is not for us to say—except it would not be permitted to go beyond a certain line, and neither do we in this bill—that those people shall not, in the exercise of their judgment, consume a certain class of articles.

Mr. SPOONER. Is this horse beef sold as horse meat?

Mr. HEYBURN. Yes; it has a picture of a horse on the can.

Mr. KEAN. It is canned?

Mr. HEYBURN. Yes.

Mr. KEAN. In Idaho?

Mr. HEYBURN. No. It was during a certain period when horses were worth nothing, but I do not care to be diverted into a discussion of that period or that condition.

Mr. SPOONER. Why not put on the can, under subdivision 4, the name of the poisonous or other ingredients injurious to human health?

Mr. HEYBURN. As to the use of the term "poisonous," let me state that everything which contains poison is not poison. It depends on the quantity and the combination. A very large majority of the things consumed by the human family contain, under analysis, some kind of poison, but it depends upon the combination, the chemical relation which it bears to the body in which it exists as to whether or not it is dangerous to take into the human system.

Mr. SPOONER. But this bill provides for a detrimental and diabolical combination:

> If it contain any added poisonous or other ingredients which may render such article injurious to human health.

Mr. HEYBURN. The word "added" is a word of limitation there. The word "added" simply means that nothing shall be added to the poisons already existing in the substance. Take any substance. Poisons may be extracted from fruit, from the kernel of the peach, from acids contained in fruits. The word "added" is a word of limitation. In other words, after providing carefully against poisons, recognizing the fact that poisons exist independent of any human action in certain commodities, we have provided that no added poisonous or other ingredient which may render such article injurious to human health shall be deemed to be adulterated. That is under the definitions of adulterated articles.

Mr. SPOONER. "Added" poison. That implies that it is an additional poison.

Mr. HEYBURN. Let me make a suggestion to the Senator.

Mr. SPOONER. If the Senator will be permit me, he misapprehends me. I am not troubled about the word "added." I am troubled about the conclusion here that it is an article thus constituted injurious to human health. The Senator would not give or sell to me, knowingly, an article injurious to human health.

Mr. HEYBURN. It is forbidden by the terms of this bill.

Mr. SPOONER. Would he give it to a Frenchman?

Mr. HEYBURN. No; and this does not permit that it shall be given to a Frenchman.

Mr. SPOONER. Yes; it permits that it may be sent anywhere in the world if some rascally merchant asks that it be sent to him and there happens to be no law to prohibit it.

Mr. HEYBURN. But the committee inquired as to the existence of laws in foreign countries, and there are other words of limitation in this clause that I think the Senator has overlooked.

Mr. SPOONER. Very likely. I have not carefully read the section.

Mr. HEYBURN. For instance, this is the limitation:

> Provided no substance is used that is in conflict with the laws of the country to which the goods are to be shipped.

The fact is that foreign countries with which we do business have more stringent laws than we have, and I am sorry to say that in some instances they are engaged in the special manufacturing of articles of commerce for the American market that they are not allowed to sell in the country where the articles are made, and we here have undertaken to be more generous in our treatment of them. If their laws forbid it, we do not allow our people to violate their laws in the interest of commerce.

Mr. SPOONER. What I should like to inquire is this: If the Senator is correct in saying that their laws are more stringent than ours in this respect, what is the object of this proviso? What do the packers want it for?

Mr. HEYBURN. The packers who do business with countries having these laws are in exactly the same position as the man who manufactures a bogus article in one of our States for the purpose of finding a surreptitious market for it in another State. That is the position they are in, and we put them in that position. This bill does not undertake to prevent the manufacture of these articles, but it undertakes to prevent the circulation of them, and we urge as one of the strongest reasons for the enactment of this legislation the protection of the State into which it shall be sent. We are recognizing the same principle in dealing with these foreign countries, because we realize that in the case of these goods, either in violation of their law or in violation of this law, once they are out of the jurisdiction where they are made and landed in unbroken packages in a foreign jurisdiction, whether it be in a State or beyond the waters, it is a dangerous thing to have them in a community, and makes trouble for foreign countries just as it makes trouble for States here. One of the highest functions performed by the legislation proposed by this bill is that it protects the States against imposition from other States and that it protects the foreign market, which is constantly a critic of our country and our commerce, by preventing our people from interjecting such an article into the foreign market under conditions where it might become a contraband article and might not, according to whether it was discovered. It places our people and foreign people upon the same status in that regard.

Mr. McCUMBER. Let me call the attention of the Senator from Wisconsin to another proposition. This section is directed not to the character of the articles that shall be shipped to another country, but as to the preparation for the shipment of the articles. "When prepared and packed." What we mean by the word "prepared" is not how it may be manufactured, but the preparation and the wrapping which may be used for the purpose of protecting it in its course across the ocean.

Mr. SPOONER. Mr. President, I have a few words to add.

Mr. HEYBURN. If the Senator will permit me, I call his attention to section 2, page 2, which covers the general question of the exportation of deleterious or misbranded articles.

Mr. SPOONER. Well, this is specific.

Mr. HEYBURN. Absolutely.

Mr. SPOONER. This qualifies that, does it not?

Mr. HEYBURN. I think the Senator will find it does not qualify it. As suggested by the Senator from North Dakota, it simply deals with the conditions of shipping—the wrapping and the packing.

Mr. SPOONER. The Senator from Idaho and the Senator from North Dakota must, I think, conclude upon a rereading of this language that they have no justification for that contention:

Fourth. If it contain any added poisonous or other ingredient which may render such article injurious to human health: *Provided*, That goods intended for export shall not be deemed misbranded or adulterated when prepared and packed——

Mr. HEYBURN. "Prepared" relates to packed.

Mr. SPOONER. "Prepared" does not relate to packed, in my opinion.

Mr. McCUMBER. That is a difference of construction.

Mr. HEYBURN. Can the Senator suggest some word there that will make it more plainly certain that it does not relate to packed?

Mr. SPOONER. The Senators have been explaining to me for some time that it meant packing in borax.

Mr. HEYBURN. It has no connection with borax, but any injurious packing.

Mr. SPOONER. Hams are packed in borax. But this proposed statute is not confined to packing. The provision speaks of goods which shall not be deemed misbranded or adulterated when prepared and packed.

Mr. McCUMBER. Does the Senator understand, for instance, how hams are prepared by the use of borax before they are shipped to a foreign country? It is not merely the wrapping around the ham; it is rubbed into it to some extent. It is claimed that by the use of water the amount of boracic acid that would be absorbed by the ham can be taken out entirely. That is the claim. I do not know whether it can be done or not, but at least the merchants who order hams to be shipped across the ocean feel that it is the better way and the safer way to so prepare them. It is not packing alone. The wrappings possibly that are around the hams are saturated with borax; but they are prepared by a thin coating around the ham itself; and that is what the word "prepared" is intended to cover.

Mr. SPOONER. What would the word "prepared" mean as applied to a bottle containing some drug or to a box of some drug?

Mr. McCUMBER. It certainly would not mean something in the manufacture of the drug.

Mr. SPOONER. It would not?

Mr. McCUMBER. And no court, I maintain, would hold that when the words "prepared and packed for shipment" were used the word "prepared" could be construed to mean the ingredients entering into the drug itself.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Massachusetts?

Mr. SPOONER. I am not quite through.

Mr. LODGE. I was going to ask the Senator to yield to me for a moment.

Mr. SPOONER. I want to put a question to the Senator from North Dakota, and then I will be through. Does the Senator from North Dakota yield?

Mr. HEYBURN. Go ahead. I have the floor, but I will yield.

Mr. SPOONER. I beg pardon. Does the Senator from North Dakota contend that a box of candy or a barrel of candy containing poisonous ingredients, prohibited from transport from State to State and sale in this country, would not be permitted under this proviso to be exported?

Mr. McCUMBER. That would be my construction.

Mr. SPOONER. Provided they have no law excluding this specific thing?

Mr. McCUMBER. I thought I made my construction clear.

Mr. SPOONER. I am testing the Senator's construction.

Mr. McCUMBER. Let me call the Senator's attention to the language:

Provided, That goods intended for export shall not be deemed misbranded or adulterated when prepared and packed in accordance with specifications of the foreign purchaser.

Mr. SPOONER. Now, Mr. President——

Mr. McCUMBER. I was answering the Senator.

Mr. SPOONER. I beg the Senator's pardon.

Mr. McCUMBER. I say the word "prepared," used in the context of the whole sentence and the object which is clearly apparent in the sentence itself, simply means the packing and the preparation for shipment, and it does not mean that candies or any other article which is manufactured and by their manufacture contain poisonous ingredients, could be shipped under that provision. I do not think that any court would so hold.

Mr. SPOONER. I do not think any court would fail to so hold.

Mr. McCUMBER. I will say candidly that there is really a difference of opinion upon the construction.

Mr. SPOONER. That I know. I submit to my good friend that the language ought to be so plain that there should be no difference of opinion about it.

Provided, That goods intended for export shall not be deemed misbranded or adulterated—

Let us stop there. What does that mean? Packing?—

shall not be deemed misbranded or adulterated when prepared and packed in accordance with specifications of the foreign purchaser: *Provided*, etc.

Mr. McCUMBER. The word "prepared," as I have stated, covers the method of protecting the article. It may be packing; it may be a preparation to make ready for packing.

Mr. SPOONER. What does the word "adulterated" mean, then?

Mr. McCUMBER. We certainly understand the word "adulterated." It shall not be deemed to be adulterated, as applied in this particular case, by the mere preparation of something over it which is in accordance with the laws and not against the laws of the State or country to which it is consigned.

Mr. LODGE. Mr. President, I wish to call the attention of the Senator from Wisconsin to an amendment which I have offered to that section as an additional provision, which I think would cover it as a substitute:

That when in the prepartion of food products for shipment they are preserved by an external application applied in such manner that the preservative is necessarily removed mechanically or by maceration in water or otherwise, the provisions of this act shall be construed as applying only when said products are ready for consumption.

Mr. SPOONER. What particular Massachusetts product does the Senator have in mind?

Mr. LODGE. I have no particular Massachusetts product in mind any more than I suppose the Senator from Wisconsin has Wisconsin products in mind in opposing the bill.

Mr. SPOONER. I am shooting at the flock.

Mr. LODGE. It is needless to say I have in mind fish; but it applies to a great many other articles. Salt fish are widely distributed not only in this country, but there is a very large West Indian trade.

Mr. SPOONER. I must say that the amendment proposed by the Senator from Massachusetts seems to be admirably adapted to the object which he has in view, and is not susceptible to the objection which I have been making to the other provision. Is it satisfactory to the Senator who has charge of the bill in place of the proviso?

Mr. HEYBURN. I think the Senator has overlooked the fact that by the provisions that are under criticism under the head of "definitions" the proviso does not relate to the process of preparing goods for the market or to the sale or the disposition of them. It is a limitation under the head of "definitions" which begins at line 22, page 5. There the bill undertakes to give the definitions of the various subjects of the provisions of the bill. The Senator has read at the top of page 8, under the head of "Fourth. If it contain any added poisonous or other ingredient which may render such article injurious to human health." That is simply one of the definitions, and there are many definitions, covering three pages.

Mr. SPOONER. Will the Senator allow me to read another definition?

Mr. HEYBURN. Certainly.

Mr. SPOONER. I turn to page 7. Am I interfering with the Senator from Massachusetts?

Mr. LODGE. No; I was simply going to move that amendment. If there is no amendment pending, I wanted to move the amendment.

Mr. SPOONER (reading):

In the case of confectionery an article shall be deemed to be adulterated if it contain terra alba, barytes, talc, chrome yellow, or other mineral substances or poisonous colors or flavors, or other ingredients deleterious or detrimental to health.

Now, carrying that language over to this proviso, does the Senator say that the word "adulterated" in the second line of the proviso does not take out candy for export, which on the other page is prohibited for use in this country?

Mr. HEYBURN. I think the proviso applies only to the method of packing, using the term "packing" as applied to preparing and protecting for shipment.

Mr. SPOONER. It says "goods intended for export shall not be deemed misbranded or adulterated * * * provided," etc.

Mr. HEYBURN. Under the general provisions of the bill goods are adulterated by being wrapped or packed in poisonous

substances, by having them applied to it in the nature of an embalming process, or applied to the outside in many different ways.

Mr. SPOONER. Why not make that plain?

Mr. HEYBURN. I would be very glad if the Senator would suggest an amendment. Perhaps we could take out the word "provided" and let that stand as an independent proposition.

Mr. LODGE. Mr. President, I think the amendment I now move for addition to line 9 is a little more carefully framed than the one in regard to goods of foreign export. It certainly does not go so far. It confines the exemption simply to external applications.

The VICE-PRESIDENT. The amendment proposed by the Senator from Massachusetts will be read.

The SECRETARY. On page 8, line 9, after the word "preparation," insert the following additional proviso:

Provided further, That when in the preparation of food products for shipment they are preserved by an external application applied in such manner that the preservative is necessarily removed mechanically or by maceration in water or otherwise, the provisions of this act shall be construed as applying only when said products are ready for consumption.

Mr. LODGE. Mr. President, that affords a perfectly ready test on any article of that sort. The officers charged with this duty will have nothing to do but to take a specimen of that kind and treat it as it would be treated if prepared for consumption. If after that treatment they still find that it contains poisonous substances, it becomes obnoxious to all the clauses of the bill. But if it is found not to contain such substances after its preparation for consumption, then, no matter what the external application was, it is held to be wholesome and unadulterated.

There are certain products which have to be protected by applications or by wrappings, which inevitably contain matters which in themselves are deleterious to human health, but which are entirely disposed of the moment the article is prepared for consumption. This amendment does not remove the control over those articles or exempt them. It simply provides that they shall be tested in a certain way—that is, after the external application has been removed—in order to give a fair test. It seems to me that it is not an unreasonable proposition.

Mr. McCUMBER. Mr. President, I think the Senator will find a certain defect in this amendment, which undoubtedly may be covered by a further amendment. I will take an example, so that it will be made clear to him. Let us take this question of the packing of hams, ribs, etc., in borax. That is a common method of packing them for shipment for interstate commerce. The amendment which the Senator proposes provides that if the things that are used for an application to preserve them, though they may be poisonous and injurious in themselves, can be separated by washing—by maceration in water—then those goods may be shipped.

Now, let us take the simple illustration we have had of the shipping of hams. You therefore provide by law that no matter how poisonous the ingredient, or whatever you may call it, is used for an application it shall be allowed free transportation from one State to another. It is under that guard, that protection, until it is sold in original packages, we will say, and enters into the property of a State. After it enters into the general property of the State we have no further control over it, There is nothing that compels the consignee of the goods to use this macerating process, but he sells it out as he does to-day. Now, let me give the Senator an example of that.

Mr. LODGE. If the Senator will pardon me for interrupting him, I think he misapprehends the precise point of the amendment, which is that the act shall be construed as applying only when said products are ready for consumption. That is when the man authorizes these articles and tests them at the manufactory, where, I suppose, all the tests are to be made, they are not to be tested until these external applications are removed. Then if they show poisonous ingredients they are, of course, prohibited. If they do not show them, then it is demonstrated that the poisonous substance is confined to the wrapper or some external application.

Mr. McCUMBER. But, Mr. President, who will test them?

Mr. LODGE. How are you going to test anything?

Mr. McCUMBER. We must test them before they reach the foreign country to which they are consigned.

Mr. LODGE. That is precisely what I mean the test shall be. This is only defining the nature of the test.

Mr. HEYBURN. I suggest that they are not within our jurisdiction. That is the trouble. When they are ready for use they have passed beyond our jurisdiction.

Mr. LODGE. I am quite aware of that. This is only defining the method of the test. The test is to be made at the time and place that the bill provides for. This only says when that test is made the articles shall be tested not as they are prepared for shipment, but as they are prepared for consumption.

Mr. HEYBURN. As they will be when ready for the consumer?

Mr. LODGE. As they will be when ready for the consumer.

Mr. HEYBURN. Then they will have passed out of our jurisdiction.

Mr. LODGE. No; what will prevent the testing officer from testing the article when ready for consumption?

Mr. HEYBURN. Because it will be necessary, when it reaches the store, for the retailer to remove.

Mr. LODGE. Does the Senator mean that the testing officers are to test every can that goes out?

Mr. HEYBURN. No; but the Senator is taking a case where the articles are deleterious to health by reason of the process of preparation. When they pass out of the unbroken package into the general channel of business we have lost jurisdiction of them—this bill has lost jurisdiction of them.

Mr. LODGE. I quite see that.

Mr. HEYBURN. And a provision as to what conditions would then exist is not a protection.

Mr. LODGE. No; but at what point is the test made?

Mr. HEYBURN. Well, if the test is made at the manufactory you simply determine what condition would exist if certain things were done; but you do not protect the person into whose hands the commodity finally passes.

Mr. LODGE. But I am taking some article now that does not involve a question of external application. How are you going to test any article, and where?

Mr. HEYBURN. This bill provides that you may test the article on the shelf of the retailer.

Mr. LODGE. Very well. This does not interfere with that in the least.

Mr. HEYBURN. Then it is in the hands of the householder.

Mr. LODGE. Not at all. It is quite possible to remove the external application and put it in water and test it and put it back.

Mr. HEYBURN. Then it is to be done by the consumer?

Mr. LODGE. Not necessarily.

Mr. HEYBURN. Some one goes to a store and buys a ham nicely wrapped and prepared and takes it home The merchant himself does not remove this deleterious condition at all, but it does depend on the consumer as to whether he will remove it. Suppose he is not learned enough in what is necessary to preserve his health to do it and it is not removed and his health suffers, where is the protection this bill would afford him?

Mr. LODGE. That opens up a very extensive question. As I understand it, the Senator expects that every individual ham on the shelves of a retailer is to be examined by a Government officer.

Mr. HEYBURN. No.

Mr. LODGE. Then if it is not, he is going to test some hams.

Mr. HEYBURN. The wisdom of this bill becomes apparent. We prevent men from doing that which can ultimately result in injury to the uninformed. That is provided by the bill.

Mr. LODGE. No; but what I want to get at is where the test is applied. The Senator says it is to be done on the shelves of the retailer. I take it at any point.

Mr. HEYBURN. At the factory.

Mr. LODGE. Well, at the factory. Does the Senator propose to have every ham that goes out of the factory tested before it goes out?

Mr. HEYBURN. No; but we propose to place a responsibility upon the manufacturer, under which he will not dare to violate the provisions of this law or of the State law.

Mr. LODGE. Very well; that is all I want; and I do not see how my amendment interferes with that the least in the world.

Mr. HEYBURN. As I understand it, if the Senator will pardon me, it would allow the manufacturer to surround the commodity with conditions that would depend as to whether they were injurious or not upon the intelligence of the consumer.

Mr. LODGE. But you propose to allow him to do that to the foreigner, and a great deal more than that.

Mr. HEYBURN. No; we simply say that goods for foreign trade shall conform to foreign laws.

Mr. McCUMBER. Let me give an example.

Mr. LODGE. I am still unable to see why it is not fair. Take candy, for example. There may be any number of poisons in the box or whatever the candy is wrapped in. There may be any number of deleterious substances in it. That is the wrapper. That is the external application in that candy. Now, is that to be shut out of the market on account of that? How is he to test it? Of course he tests the candy as it is consumed, not as it is not consumed.

Mr. HEYBURN. Mr. President, the principle of the bill is

to prevent the manufacture of the forbidden things and the placing of them on the market. At the last session of Congress one of the objections that appeared to me most reasonable to the bill proposed then was that it went to the consumer or the retail dealer rather than the manufacturer. In this bill we have undertaken to see, so far as the legislation could do it, that there is no manufacturer to put upon the market and send out these things. That is what we have undertaken. If we relax to the extent of the suggestion in the Senator's amendment by allowing the manufacturer to do something admittedly wrong in the hope that the wrong may be cured at some period between the mill and the mouth, then you have defeated the purpose of the measure.

Mr. LODGE. I deny absolutely that it is admittedly wrong. There is an immense number of articles—the Senator has mentioned them, hams and things of that sort—that require external applications which in themselves are deleterious. This amendment of mine is borrowed from the House bill that came to us and is in the exact language of the bill which passed the other House. It is only here that it has been discovered that it was going to lead to such abuses; it is only here that objection is made to that carefully guarded amendment of mine, which simply prescribes the method of the test and defines it, providing that nothing in the article itself shall be poisonous. That is objected to in a bill which contains a clause which, in so many words, permits us to sell adulterated goods to foreigners.

Mr. President, it seems to me that is hardly fair. I am not proposing in this amendment any strange or new thing. The other House adopted it. I merely copied it from their bill. It is only here that it has been eliminated.

Mr. McCUMBER. Mr. President, I think we may take a little illustration, and we shall then be pretty well enabled to understand the real effect of the amendment of the Senator from Massachusetts [Mr. LODGE]. Now, bearing in mind that the object of the bill is to prevent the manufacturer or anyone else sending goods into interstate commerce which, when they arrive in the store of the retailer or in the home, are poisonous or injurious—if that is a good object of the bill, the next question, then, is whether the amendment of the Senator is diametrically opposed to that object.

Let us follow it out in its application. I will take the Chicago packing houses. They make an external application of borax upon their hams. They use great quantities of it. That borax permeates the meat to a certain extent. Now, we will admit that it is removed by maceration in water or that otherwise you may eliminate entirely all of the boracic acid that is absorbed by these meats in the process—we will admit that to be true. That entitles it to shipment. Then it goes to my State or to any other State in the Union. It goes into the hands of the dealer in meats or the grocer. There is no law on earth to compel the grocer or the dealer in meats to use that macerating process to remove the boracic acid. The chances are nine out of ten that he will not touch it, that it will go out to the consumer just exactly in the condition it was when it left the packing house in Chicago. Therefore the object of the bill, so far as that particular kind of food is concerned, would be entirely destroyed. That must necessarily be the effect of the amendment.

Mr. LODGE. Will the Senator allow me to ask him a question?

Mr. McCUMBER. Certainly.

Mr. LODGE. Then, do I understand that the consumer eats the ham without cooking it?

Mr. McCUMBER. I did not say that.

Mr. LODGE. I ask the Senator, does not the consumer soak the ham and cook it before he eats it, or does he eat it just as it comes from the grocer? I supposed hams were almost always soaked and cooked before being eaten; but that may be the result of my ignorance.

Mr. McCUMBER. The consumer does not know anything about the ham containing borax.

Mr. LODGE. Hams, as I understand, are always soaked and cooked before being eaten.

Mr. HEYBURN. Ninety per cent of the consumers take the hams as they come from the grocer and cook them.

Mr. LODGE. I understand the Senator from Idaho [Mr. HEYBURN] to say that 90 per cent of the consumers eat them as they come in the covering from the grocer.

Mr. McCUMBER. The Senator has a very vivid imagination to get that understanding.

Mr. LODGE. I did not say the Senator from North Dakota said so; but I understood the Senator from Idaho had said so. I think he made the remark about 90 per cent doing that.

Mr. McCUMBER. He said 90 per cent, but I did not understand the Senator from Idaho to make the remark that they were not cooked. I do not understand that the mere process of cooking will materially affect the boracic acid that is contained in the meat.

Now, let me give the Senator an example. I have before me the report of the food commissioner of my own State. He examined very thoroughly the hams that came from the great packing houses of Chicago and Omaha. The result of his investigation proved it to be a fact that every pound that was inspected by him contained from 10—never less than 10—up to 20 grains of boracic acid. When given for medicinal purposes, from 5 to 10 grains is the dose that is given in a day. So that if one would consume 1 pound of these hams packed in borax, and thoroughly impregnated with boracic acid, he would consume about four times the average dose that would be given in any case where that acid is given for medicinal purposes. I simply suggest this as a reason why there should be at least some modification of the Senator's amendment.

I will say to the Senator here that I agree with him perfectly that if borax is absolutely necessary and is the only preservative, and it can be eliminated by the use of a little washing with water, possibly it is best that it should be used; but, from such information as I can obtain, it is not necessary, except to preserve those meats which are already tainted or injured to a certain extent. I mean for inland commerce. In crossing the ocean it is impossible to keep such meats from absorbing a great deal of moisture, and it has been stated—I think it was stated before our committee—that it is almost essential, so far as the foreign trade is concerned, to pack them in borax. As I understand—I will not be certain—where they are so packed, under the laws of Great Britain, this must be removed before they go into the market generally. If that is true there is absolutely good protection to the consignee of such goods so packed. But there is absolutely no protection under this amendment for the consumer of goods which have been adulterated, or at least so packed that they become injurious to health.

I shall be glad to have an amendment made in some way so that it will be reasonable, but I really think it would be unreasonable as the Senator has framed it.

Mr. LODGE. Mr. President, I do not want to break the bill down by any amendment. That is not my purpose. I do not think, however, that we want to make a bill to be used as a means of oppression and which could be used as against honest traders and honest manufacturers, as this undoubtedly could be as it now stands.

I had supposed—and I thought the amendment covered that point—that submersion in water was a necessary part of cooking or preparing hams for the table. I have been so informed on what I thought was good authority, but I am told now that it is not.

Mr. McCUMBER. The Senator would not claim that he had that authority about smoked hams?

Mr. LODGE. I have seen smoked hams treated in that way. I have known of their being soaked for forty-eight hours and greatly improved by that process; but, at all events, in the first place the external covering, which I assume has to be taken off, undoubtedly will contain deleterious substances. If we can not assume that the external covering, being cotton or muslin or whatever it may be that is put around the ham, is going to be taken off by the consumer, then we ought not to permit it to be put on. The consumers take that off now, and I thought it was fair to assume that they always prepared the food for consumption in the ordinary way; and the ordinary way, I am still inclined to think, is by cooking and by cooking in water or after submersion in water. I had supposed that this simply applied in this way: That when you send an officer into a factory he goes into the factory and tests the ham as it lies there in its covering for shipment. Of course, in that case it contains deleterious substances; but that is not the shape in which the people eat it. The test should be applied to the ham in the condition in which it is just before being cooked. If the ham is found to be safe when tested in the form in which people eat it, then it seems to me it is fair to allow it to be shipped in that form.

I do not want to oppose the bill, but, on the contrary, I am heartily in favor of it. I do not, however, think it is desirable to make it oppressive and to make it so that it will interfere with reasonable trade or prevent men from trading who have only an honest purpose in view.

In the matter of fish, about which the Senator from Wisconsin asked me, I will say that fish are preserved by salting, to begin with. As I understand, the packing that is put around the packages when the fish are prepared in what is known as

the "shredded form" is simply to keep them in the package. To interfere with that would interfere enormously with trade in every direction, both foreign and domestic.

Mr. McCUMBER. Mr. President, I do not think the Senator will find anything in the bill that will in the slightest degree tend to do an injustice; on the contrary, I can not conceive of a law being drawn with greater care and throwing greater safeguards around the defendant in any criminal prosecution than is found in this bill.

We have no provision for an inspector, and my opinion is that these cases will be determined by the court when they come up. They must be determined by the court. There is no law requiring, and there is nothing in this bill requiring, that a shipper shall not use borax, and all of it that he desires; but if it were found that the use of borax as a packing for meat was absolutely deleterious as it is usually used by people, then in a case before the courts that question would come up and it would be determined, and determined, of course, in that case only, but that would be a precedent for other cases.

I can not see that any person has a valid right to use any such packing on any meat as would be injurious to the public, and if depriving him of the right to so pack meats is injurious to him it is depriving him only of an opportunity to do a wrong to the public.

The Senator has spoken several times about the method of preparing hams. I do not myself pretend to be a cook, and I do not know what information of a specialized character the Senator from Massachusetts may have upon the subject, but I do know that if you take the ordinary smoked ham, or the sugar-cured ham, or whatever you may call it, as it comes from the manufacturer it is boiled without being first soaked; certainly is not first soaked in water, whether it is fried or otherwise. There may be cases in which it may be soaked to take out the extra amount of saltpeter or salt that is in it, but not as it is used in the ordinary household. There is no occasion for it, unless they think that there is something in it that is improper. I say that the public has not got that knowledge generally.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Massachusetts [Mr. LODGE].

Mr. HALE. It is getting a little late, and there is a desire that we have an executive session.

Mr. HEYBURN. Will the Senator yield to me for a moment?

Mr. HALE. I yield to the Senator.

Mr. HEYBURN. Mr. President, I ask at this time that a date be fixed for taking a vote on this bill. I ask that on Monday, January 22, the bill and the amendments may be considered and disposed of.

Mr. McCUMBER. I would suggest to the Senator that he give a longer time than that. I want to see every amendment Senators may have to offer properly considered, and I want them to have plenty of time to read the bill. I hope the Senator will not ask that a time prior to February, and, possibly, prior to the middle of February, be fixed. I think we can get a vote on the bill by that time.

Mr. HALE. Mr. President, I would suggest to the Senator that we are just beginning the consideration of the bill. Important amendments have been offered that have not yet been considered, and I suggest to the Senator that he does not try to-day to fix a time for a vote on the bill. The Senator knows that he will have no difficulty in getting some reasonable time fixed, but there are other matters that are important, and I hope the Senator will not at this time attempt to secure an agreement for a final vote.

Mr. HEYBURN. My suggestion as to a date for a vote was tentative only. I am not inclined to ask that the time for the consideration of the bill shall be shortened beyond reason. The 1st of February would be a reasonable time, but, inasmuch as the attendance at this particular time is somewhat meager, if the Senate is not ready to consider the matter now, I will give notice that to-morrow at the conclusion of the morning business I shall ask the Senate to fix a time to take the final vote on this bill. I will leave it in that way.

CONTINGENT FUND OF THE HOUSE OF REPRESENTATIVES.

Mr. HALE. I move that the Senate proceed to the consideration of executive business.

Mr. ALLISON. I ask the Senator to withhold his motion for a moment.

Mr. HALE. I yield to the Senator from Iowa.

Mr. ALLISON. I am directed by the Committee on Appropriations, to whom was referred the joint resolution (H. J. R. 68) relating to contingent expenses of the House of Representatives, to report it without amendment. I ask unanimous consent for its present consideration.

The VICE-PRESIDENT. The Senator from Iowa asks unanimous consent for the present consideration of the joint resolution just reported by him. The joint resolution will be read for the information of the Senate.

The Secretary read the joint resolution, as follows:

Resolved, etc., That the appropriation made for the miscellaneous items of the contingent expenses of the House of Representatives for the fiscal year 1906 is hereby made available for the payment of salaries and labor heretofore or hereafter specifically ordered by the House of Representatives of the present Congress, in addition to the purposes for which said appropriation is otherwise available.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. TELLER. I wish the chairman of the committee would explain the necessity for this joint resolution. I do not myself understand why it is necessary to pass it, and I should like to be informed.

Mr. ALLISON. I only know, Mr. President, that the House of Representatives sent this joint resolution to us with a statement that their contingent fund available for the purposes set forth in the joint resolution has been practically exhausted, and they desire that the joint resolution may be passed in this form, in order that they may be able to pay for labor and other services. It is the custom, I believe, for the Senate to arrange its contingent fund in its own way, and I think courtesy requires that we should allow the House of Representatives to do the same thing.

Mr. TELLER. Mr. President, I have not the slightest intention of interfering with that custom. I understand it. I simply wanted to know what had happened in another place to make it necessary to enact this kind of legislation now.

Mr. ALLISON. The only thing that has happened is the fact that there is a deficiency in the appropriation for miscellaneous expenses.

Mr. TELLER. In their expenses they have exceeded their income.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. HALE. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 4 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 17, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 16, 1906.

RECEIVERS OF PUBLIC MONEYS.

Charles C. Evans, of Kansas, whose term will expire January 29, 1906, to be receiver of public moneys at Colby, Kans. (Reappointment.)

Lewis J. Pettijohn, of Kansas, to be receiver of public moneys at Dodge City, Kans., to take effect March 23, 1906, at the expiration of his term. (Reappointment.)

REGISTERS OF LAND OFFICES.

Henry F. Millikan, of Kansas, whose term will expire January 29, 1906, to be register of the land office at Dodge City, Kans. (Reappointment.)

Eugene Van Pattan, of New Mexico, to be register of the land office at Las Cruces, N. Mex., vice Jerome Martin, deceased.

PROMOTIONS IN THE NAVY.

Capt. Asa Walker, an additional number in grade, to be a rear-admiral in the Navy, from the 7th day of January, 1906, vice Capt. Charles H. Stockton, promoted.

Lieut. George W. Williams to be a lieutenant-commander in the Navy, from the 1st day of July, 1905, vice Lieut. Commander William W. White, retired.

Lieut. Frank Marble to be a lieutenant-commander in the Navy, from the 1st day of July, 1905, vice Lieut. Commander William F. Fallam, promoted.

Lieut. Edwin T. Pollock to be a lieutenant-commander in the Navy, from the 15th day of December, 1905, vice Lieut. Claude Bailey, who was due for promotion but retired before qualifying therefor.

Lieut. William D. MacDougall to be a lieutenant-commander in the Navy, from the 1st day of July, 1905, vice Lieut. Commander James H. Hetherington, retired.

Lieut. Clark D. Stearns to be a lieutenant-commander in the Navy, from the 27th day of December, 1905, vice Lieut. Commander Harry S. Knapp, promoted.

Lieuts. James H. Rowen, Harry H. Caldwell, and Milton E. Reed to be lieutenant-commanders in the Navy, from the 1st

day of January, 1906, to fill vacancies created by the act of Congress approved March 3, 1903.

Carpenters Frederick J. Simmonds and Matthew B. Pollock to be chief carpenters in the Navy, from the 10th day of January, 1906, upon the completion of six years' service, in accordance with the provisions of section 12 of the act of Congress approved March 3, 1899, as amended by the act of April 27, 1904.

POSTMASTERS.

ALABAMA.

Nannie S. Coleman to be postmaster at Jasper, in the county of Walker and State of Alabama, in place of John B. Lollar. Incumbent's commission expires February 10, 1906.

Clifford M. Cox to be postmaster at Ozark, in the county of Dale and State of Alabama, in place of Daniel McNiel. Incumbent's commission expires February 10, 1906.

CALIFORNIA.

Clayton A. Douglas to be postmaster at Tracy, in the county of San Joaquin and State of California. Office became Presidential January 1, 1906.

Salmon H. Loomis to be postmaster at Kingsburg, in the county of Fresno and State of California. Office became Presidential January 1, 1906.

FLORIDA.

Cyrus Lowrey to be postmaster at Clearwater Harbor, in the county of Hillsboro and State of Florida. Office became Presidential January 1, 1906.

GEORGIA.

Samuel E. Dailey to be postmaster at McDonough, in the county of Henry and State of Georgia. Office became Presidential January 1, 1906.

James M. Sutton to be postmaster at Adel, in the county of Berrien and State of Georgia. Office became Presidential January 1, 1906.

Lucy L. Weldon to be postmaster at Lavonia, in the county of Franklin and State of Georgia. Office became Presidential January 1, 1906.

ILLINOIS.

William P. Slack to be postmaster at Carbondale, in the county of Jackson and State of Illinois, in place of William P. Slack. Incumbent's commission expires June 25, 1906.

James A. White to be postmaster at Murphysboro, in the county of Jackson and State of Illinois, in place of James A. White. Incumbent's commission expires January 21, 1906.

INDIANA.

John W. Baker to be postmaster at Columbia City, in the county of Whitley and State of Indiana, in place of Wallace W. Williamson. Incumbent's commission expired January 9, 1906.

Jesse L. Dunning to be postmaster at Ligonier, in the county of Noble and State of Indiana, in place of Jesse L. Dunning. Incumbent's commission expired January 9, 1906.

Robert B. Hanna to be postmaster at Fort Wayne, in the county of Allen and State of Indiana, in place of William D. Page. Incumbent's commission expired December 12, 1905.

IOWA.

D. O. Blake to be postmaster at Pocahontas, in the county of Pocahontas and State of Iowa, in place of Mary E. Barron. Incumbent's commission expires January 31, 1906.

John J. Clark to be postmaster at Bedford, in the county of Taylor and State of Iowa, in place of John J. Clark. Incumbent's commission expires January 31, 1906.

W. S. Freeman to be postmaster at Le Mars, in the county of Plymouth and State of Iowa, in place of Phil A. Boland. Incumbent's commission expires January 20, 1906.

Frank A. Large to be postmaster at Rock Valley, in the county of Sioux and State of Iowa, in place of Frank A. Large. Incumbent's commission expires January 28, 1906.

Lucy B. Smith to be postmaster at Sioux Rapids, in the county of Buena Vista and State of Iowa, in the place of Lucy B. Smith. Incumbent's commission expires January 28, 1906.

KENTUCKY.

Will R. Speck to be postmaster at Bowling Green, in the county of Warren and State of Kentucky, in place of J. Will Wright. Incumbent's commission expired January 13, 1906.

MICHIGAN.

Edwin O. Shaw to be postmaster at Newaygo, in the county of Newaygo and State of Michigan, in place of Edwin O. Shaw. Incumbent's commission expired January 13, 1906.

MONTANA.

Henry T. Errett to be postmaster at Anaconda, in the county of Deer Lodge and State of Montana, in place of John C. English, resigned.

NEW HAMPSHIRE.

George L. Crockett to be postmaster at Whitefield, in the county of Coos and State of New Hampshire, in place of George L. Crockett. Incumbent's commission expires January 16, 1906.

Fred P. Dearth to be postmaster at Woodsville, in the county of Grafton and State of New Hampshire, in place of Fred P. Dearth. Incumbent's commission expires January 16, 1906.

Frank L. Gilman to be postmaster at Laconia, in the county of Belknap and State of New Hampshire, in place of Frank L. Gilman. Incumbent's commission expires January 16, 1906.

Ira A. Ramsay to be postmaster at Colebrook, in the county of Coos and State of New Hampshire, in place of Ira A. Ramsay. Incumbent's commission expires January 16, 1906.

Fielding Smith to be postmaster at Lancaster, in the county of Coos and State of New Hampshire, in place of Fielding Smith. Incumbent's commission expires January 16, 1906.

Carleton E. Sparhawk to be postmaster at Walpole, in the county of Cheshire and State of New Hampshire, in place of Carleton E. Sparhawk. Incumbent's commission expires January 16, 1906.

NEW JERSEY.

George W. Heath to be postmaster at Bloomfield, in the county of Essex and State of New Jersey, in place of George W. Heath. Incumbent's commission expires January 21, 1906.

Charles F. Stevenson to be postmaster at Beverly, in the county of Burlington and State of New Jersey, in place of Charles F. Stevenson. Incumbent's commission expires January 30, 1906.

NEW YORK.

Clara Doughty to be postmaster at Garden City, in the county of Nassau and State of New York, in place of Clara Doughty. Incumbent's commission expires January 21, 1906.

OHIO.

James R. Barr to be postmaster at Cambridge, in the county of Guernsey and State of Ohio, in place of James R. Barr. Incumbent's commission expires January 16, 1906.

Rupert R. Beetham to be postmaster at Cadiz, in the county of Harrison and State of Ohio, in place of Jefferson C. Glover. Incumbent's commission expires January 16, 1906.

OKLAHOMA.

John J. Burke to be postmaster at Norman, in the county of Cleveland and Territory of Oklahoma, in place of John J. Burke. Incumbent's commission expires February 10, 1906.

TENNESSEE.

Andrew B. Hearring to be postmaster at Ripley, in the county of Lauderdale and State of Tennessee, in place of Andrew B. Hearring. Incumbent's commission expires January 28, 1906.

Elizabeth Kirby-Smith to be postmaster at Sewanee, in the county of Franklin and State of Tennessee, in place of Carry S. Kirby Smith. Incumbent's commission expired October 10, 1897.

William Spellings to be postmaster at McKenzie, in the county of Carroll and State of Tennessee, in place of William Spellings. Incumbent's commission expired January 13, 1906.

WISCONSIN.

Erick C. Bratlie to be postmaster at Westby, in the county of Vernon and State of Wisconsin. Office became Presidential January 1, 1906.

Christian D. Dick to be postmaster at Manawa, in the county of Waupaca and State of Wisconsin. Office became Presidential January 1, 1906.

Cyrus D. Emery to be postmaster at St. Croix Falls, in the county of Polk and State of Wisconsin. Office became Presidential January 1, 1906.

William Milhaupt to be postmaster at New Holstein, in the county of Calumet and State of Wisconsin. Office became Presidential January 1, 1906.

WYOMING.

Ivor Christensen to be postmaster at Hanna, in the county of Carbon and State of Wyoming. Office became Presidential January 1, 1906.

WITHDRAWAL.

Executive nomination withdrawn January 16, 1906.

O. M. Baldwin to be postmaster at Stevensville, in the State of Montana.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 16, 1906.

JUDGE OF COURT OF CLAIMS.

George W. Atkinson, of West Virginia, to be judge of the Court of Claims.

ASSOCIATE JUSTICE SUPREME COURT OF THE PHILIPPINES.

James F. Tracey, of New York, to be an associate justice of the supreme court of the Philippine Islands, provided for in the act of Congress approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes."

MARSHALS.

Stephen G. Sharp, of Kentucky, to be United States marshal for the eastern district of Kentucky.

Charles J. Reed, of Oregon, to be United States marshal for the district of Oregon.

UNITED STATES ATTORNEYS.

Robert Treat Whitehouse, of Maine, to be United States attorney for the district of Maine.

Henry L. Stimson, of the State of New York, to be United States attorney for the southern district of New York.

TERRITORIAL ASSOCIATE JUSTICE.

Frederick S. Nave, of Arizona, to be associate justice of the supreme court of the Territory of Arizona.

INDIAN AGENT.

Edward B. Kelley, of Madison, S. Dak., to be agent for the Indians of the Rosebud Agency in South Dakota.

PENSION AGENT.

Albert O. Marsh, of Indiana, whose term will expire January 13, 1906, to be pension agent at Indianapolis, Ind.

RECEIVERS OF PUBLIC MONEYS.

John Petterson, of McIntosh, Minn., to be receiver of public moneys at Crookston, Minn.

Thomas R. Reid, of Oklahoma, to be receiver of public moneys at Elreno, Okla.

A. W. Maxwell, of Moberly, Mo., to be receiver of public moneys at Lawton, Okla.

REGISTERS OF THE LAND OFFICE.

Henry D. McKnight, of Oklahoma, to be register of the land office at Lawton, Okla.

Frank C. Sickles, of Oklahoma, to be register of the land office at Elreno, Okla.

COLLECTOR OF CUSTOMS.

George W. Cobb, of North Carolina, to be collector of customs for the district of Albemarle, in the State of North Carolina.

POSTMASTERS.

ALABAMA.

Prelate D. Barker to be postmaster at Mobile, in the county of Mobile and State of Alabama.

Charles Booth to be postmaster at Prattville, in the county of Autauga and State of Alabama.

William C. Starke to be postmaster at Troy, in the county of Pike and State of Alabama.

KANSAS.

John H. Vaughn to be postmaster at Garnett, in the county of Anderson and State of Kansas.

KENTUCKY.

James F. Taylor to be postmaster at Glasgow, in the county of Barren and State of Kentucky.

MICHIGAN.

James H. Hudson to be postmaster at Merrill, in the county of Saginaw and State of Michigan.

Le Roy C. Hunter to be postmaster at Saranac, in the county of Ionia and State of Michigan.

NEW YORK.

Charles A. Brooks to be postmaster at Marathon, in the county of Cortland and State of New York.

Frank J. Enz to be postmaster at Ithaca, in the county of Tompkins and State of New York.

Mary R. Newlands, to be postmaster at West Point, in the county of Orange and State of New York.

Harry C. Wanamaker to be postmaster at Suffern, in the county of Rockland and State of New York.

OHIO.

William S. Parlett to be postmaster at Dillonville, in the county of Jefferson and State of Ohio.

PENNSYLVANIA.

James T. Dunfee to be postmaster at Newville, in the county of Cumberland and State of Pennsylvania.

Elmer S. Hull to be postmaster at Montgomery, in the county of Lycoming and State of Pennsylvania.

Mary S. Murphy to be postmaster at Crafton, in the county of Allegheny and State of Pennsylvania.

Johnson D. Neely to be postmaster at Derry (late Derry Station), in the county of Westmoreland and State of Pennsylvania.

Samuel Sparr to be postmaster at Williamsburg, in the county of Blair and State of Pennsylvania.

SOUTH CAROLINA.

Thomas E. Husbands to be postmaster at Dillon, in the county of Marion and State of South Carolina.

Robinson P. Searson to be postmaster at Allendale, in the county of Barnwell and State of South Carolina.

TENNESSEE.

Andrew W. Wills to be postmaster at Nashville, in the county of Davidson and State of Tennessee.

TEXAS.

J. A. Bowermon to be postmaster at Mansfield, in the county of Tarrant and State of Texas.

William P. Cochran to be postmaster at Marble Falls, in the county of Burnet and State of Texas.

Samuel J. Hott to be postmaster at St. Jo, in the county of Montague and State of Texas.

Marshall Smith to be postmaster at Brownwood, in the county of Brown and State of Texas.

VIRGINIA.

Clinton W. Hoge to be postmaster at Gate City, in the county of Scott and State of Virginia.

John B. Kimberly to be postmaster at Fortress Monroe, in the county of Elizabeth City and State of Virginia.

WASHINGTON.

John P. McGlinn to be postmaster at La Conner, in the county of Skagit and State of Washington.

WISCONSIN.

Ole K. Anderson to be postmaster at Superior, in the county of Douglas and State of Wisconsin.

Mary A. McAskill to be postmaster at Glidden, in the county of Ashland and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January 16, 1906.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

QUESTION OF PRIVILEGE.

Mr. STEENERSON. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. STEENERSON. My attention has been called to articles appearing in the newspapers, particularly one in the Boston Globe, and another one in the Boston Herald, of last Sunday. The first-mentioned article I mark and send to the Clerk's desk to have it read.

The SPEAKER. The gentleman sends to the Clerk's desk an article and desires that it be read.

The Clerk read as follows:

It was at the White House to-day that the most exciting scenes took place in the fight to put down the insurrection. The President sent for Representative STEENERSON, of Minnesota. Mr. STEENERSON is a beet-sugar man opposed to the Philippine tariff bill, and is with the insurgents on the antistatehood proposition.

"Mr. STEENERSON," the President said, "had I known you were going to take the position you have in regard to these two bills, I should never have given you the appointment I did, and had I power to do so would withdraw it to-day."

The appointment referred to was the appointment of one of STEENERSON'S constituents as receiver of the general land office at Crookston, Minn. When Mr. STEENERSON returned to the Capitol after his interview with the President, he announced that his position with reference to the two bills in question was unchanged.

Mr. STEENERSON. Mr. Speaker, this article does not purport to give the substance of any conversation between myself and the President, but the exact words; and if the article were true—if such a conversation actually took place—it would constitute an infringement of the privileges of the membership of this House. No lover of our country and our representative institutions could look upon any attempt to subordinate one independent coordinate branch of the Government to another otherwise than as a blow to our country's welfare, for such grave dangers lurk in the President's using the language attributed to him that it would receive and deserve the rebuke and criticism of the people. It would be a violation of the Constitution and a grave breach of the privileges of this House. [Applause on the Democratic side.]

But, Mr. Speaker, the article is false. No such language was

ever used by the President in any conversation [applause on the Republican side] with me at any time, nor was anything ever said by him in my hearing that could be susceptible of any such meaning. [Renewed applause.] I denounce the article as false and untrue in every particular. [Renewed applause.] It is not only untrue, but it is ridiculous, for it states that I am a beet-sugar man and that I am opposed to the Philippine tariff bill, when I have repeatedly expressed to Members of this House that I was in favor of that bill and shall vote for it, and the President could not suppose that I was against it.

Another article, of which I will read but a short extract, appeared in the Boston Herald. The extract is as follows:

Some time ago the President nominated a friend of STEENERSON to a good Federal office. At one stage of their conversation STEENERSON was reminded of this in the following language:

"I appointed the man you recommended. I supposed you would support me and my Administration. Had I known that you were going to vote against this statehood bill I would not have made that appointment as you recommended."

That is also utterly false and untrue. No such conversation, or anything like it, ever occurred between the President and myself last Saturday or any other time. The article continues:

Mr. STEENERSON walked down Pennsylvania avenue to the Capitol, cooling his wrath and saying unpleasant things about the Republican President.

That is also false. The interview I had with the President was pleasant, and when I left the President it was in a pleasant frame of mind, and I had no wrath to cool. [Laughter and applause.] I never had an interview with the President in my life that was not pleasant, both on his part and on my part; and so far as this latter account of my interview with him on Saturday is concerned, it is as false as it can possibly be.

Similar articles have appeared in other papers, but I have not them at hand; but wherever they have appeared I wish to deny them. What the President said on this occasion was not for publication, but I authorize him at any time to publish what he may remember of the conversation. I will not undertake to do so. [Loud applause on the Republican side.]

SPECIAL IMMIGRANT INSPECTOR MARCUS BRAUN.

Mr. SULZER. Mr. Speaker, I move to discharge the Committee on Foreign Affairs from the further consideration of a privileged resolution which I send to the Clerk's desk and ask to have read and adopted.

The SPEAKER. The gentleman from New York moves that the Committee on Foreign Affairs be discharged from the further consideration of the following resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That the Secretary of State be, and he hereby is, respectfully requested, if not incompatible with the public interests, to send to the House of Representatives, at his earliest convenience, all letters, correspondence, dispatches, information, and documents, or copies of the same, between the Government of the United States and the Austro-Hungarian monarchy regarding, affecting, and relating to the arrest, detention, fine, and imprisonment of Special Immigrant Inspector Marcus Braun by the Hungarian Government, or its agents, in Budapest, Hungary, in the month of May, 1905.

The SPEAKER. The question is on the motion of the gentleman from New York.

Mr. ADAMS of Pennsylvania. Mr. Speaker——

Mr. SULZER. Mr. Speaker, I yield to the gentleman from Pennsylvania such time as he desires.

The SPEAKER. The Chair is under the impression that the motion is not debatable except by unanimous consent.

Mr. SULZER. Mr. Speaker, there should be no objection to the resolution; it is now privileged.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I simply wish to make a statement for the benefit of the House.

Mr. SULZER. Mr. Speaker, I trust the gentleman will be heard.

The SPEAKER. Is there objection?

There was no objection.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I would simply state for the information of the House that the State Department has no objection to the passage of this resolution, although it does not advise it, as the correspondence relates to the question of Mr. Braun being persona non grata to the Austrian Government, the correspondence having taken place between that Government and ours. The State Department, of its own volition, does not wish to publish this correspondence, as Mr. Braun is or is believed to be in the employ of another department of the Government, so that naturally the State Department, of its own volition, would not desire to give out the correspondence; but so far as the public interests are concerned, if Mr. Braun and his friends desire it, it has no objection to furnishing the correspondence.

Mr. GARDNER of Massachusetts. Mr. Speaker, I should like to ask the gentleman from New York a question.

Mr. SULZER. Certainly.

The SPEAKER. This can only proceed by unanimous consent.

Mr. GARDNER of Massachusetts. I ask unanimous consent to ask the gentleman the question for my information.

The SPEAKER. Is there objection?

There was no objection.

Mr. GARDNER of Massachusetts. Will this bring the publication of the Braun reports on the state of the immigration agencies in foreign countries?

Mr. SULZER. Let me say, Mr. Speaker, to the gentleman from Massachusetts that the resolution calling for the Braun reports on immigration passed the House last week, and I understand the Secretary of Commerce and Labor is going to send those reports to the House this week. This is a different resolution, and I want to say just a few words about it at this time.

This resolution calls for all the papers now on file in the State Department relative to the arrest, detention, and fine by the Austro-Hungarian Government of Mr. Marcus Braun, an American citizen and the special immigrant inspector of the United States. The facts in the case very briefly are as follows:

On the afternoon of May 8, 1905, Marcus Braun, then a guest of the Hotel Hungaria, in the city of Budapest, Hungary, saw one of the state detectives of the Royal Hungarian Government, by the name of Hugo Kalmar, taking out and reading Mr. Braun's personal and official letters. The detective was just in the act of reading a letter written by Dr. Frank Dyer Chester, United States consul-general at Budapest, to Mr. Braun relating to emigration matters in Hungary, which Mr. Braun was at the time officially investigating on behalf of the United States Government.

Many weeks before, let me say, Mr. Braun had complained to the United States consul-general at Budapest; to the Hon. Bellamy Storer, United States ambassador at Vienna, and also to the Commissioner-General of Immigration of the United States, that his mail, both official and private, was tampered with, but up to that time he was under the impression that the spoliation of his letters was caused by the post-office department of the Kingdom of Hungary, but when he caught Detective Kalmar red-handed in the act he had positive evidence that the opening of his mail was caused direct by the Hungarian Government.

Mr. Braun recognized in the person of this detective the man who for weeks prior to this incident had followed him on all the trips he was making in the capacity of United States immigrant inspector throughout that country, and when he caught this detective in the act of rifling his letters he gave expression to his indignation and denounced the act as outrageous, and immediately telegraphed to the United States ambassador at Vienna and to his superiors at Washington for protection and intervention.

The day following, namely, on the 9th day of May, Mr. Braun was served with a summons to appear before the police captaincy of the fourth district of the city of Budapest, on May 10, to answer a charge of insulting a royal Hungarian official. Consul-general Chester went with Mr. Braun to the chief of police, Mr. Bela Rudnay, to demand an explanation, and he also called on the councilor of the ministry of interior, Dr. Alexander Selley, and at both places they practically admitted that Mr. Braun was considered by them as a private person for the purpose of possibly detecting him in some offense against the Hungarian emigration law and to make his further stay impossible in that country as an American inspector of immigration.

The evidence secured by Mr. Braun and Consul-General Chester showed conclusively that the reason for this action by the Hungarian Government was that Mr. Braun's reports of 1904 had hurt the feelings of several prominent officials in the Adrea Steamship Company, which is a concern subsidized by the Hungarian Government, in which many of the highest officials of the Kingdom of Hungary are shareholders. At the beginning both the ministry of interior and the police department, including Detective Kalmar, denied the fact that they had opened Mr. Braun's mail or followed him around, but when they were confronted with the evidence in Mr. Braun's possession they made a brazen stand and said: "Well, we had a perfect right to do that. What are you going to do about it?"

By direct order of Prime Minister Tisza the police department issued official statements to the press against Mr. Braun, and paid the expenses for printing and circulating a pamphlet which was sold openly all over the Kingdom, which pamphlet contained all kinds of false charges against the honor and integrity of Mr. Braun.

The Hungarian Government did all this in spite of the fact that in 1897, at the time when Mr. Braun became a citizen of

the United States, they had issued, upon his petition, official documents discharging him from all further allegiance to the Hungarian Kingdom, and then gave him a certificate from the civil and military authorities certifying that Mr. Braun had an absolutely clean record. More particularly, one document from the royal criminal court signed by the presiding justice and addressed to the mayor of the city of Budapest, when the latter, as prescribed by law, inquired whether or not there was anything pending against Mr. Braun, who had demanded a certificate of discharge from the country of his nativity. The document in question when translated reads as follows:

[Royal criminal court of justice, Budapest, No. 63722, 1897.]

To the honorable Mayor's Office of the Capital and Residence City of Budapest, Budapest:

To your inquiry in the matter of Marcus Braun, No. 25609, and dated July 4, 1897, I have the honor to inform you with official respect that there is no criminal procedure against the individual in question under way at this court, and that no sentence has been brought which should be executed upon him.

Budapest, September 16, 1897.

ZSITVAY, *Presiding Justice.*
Doctor SALZER, *Clerk.*

And another document issued by the Royal Hungarian ministry of interior, and also addressed to the mayor, which, translated, reads as follows:

[Royal Hungarian ministry of the interior, No. 123707, 1898.]

To the Mayor of the Capital and Residence City of Budapest:

Marcus Braun, who was born in 1865, resident of New York, is, in the meaning of Article I of the State's Treaty incorporated in Law XLIII of the year 1871, to be considered as a citizen of the United States of America. Whereof I inform the honorable mayor, returning the documents sent with your report, No. 38413, of October 15th of the current year, as well as the petitioner's certificate of citizenship, for further proper action and calling upon you to communicate my above declaration as soon as possible to the petitioner, attaching his documents.

Budapest, December 3, 1898.

For the minister:

JAKABFFY, *State Secretary.*

Mr. Braun, on the 10th day of May, was fined against his protests, at the captaincy of the fourth district, Budapest, 50 crowns, about $10 in our money, which he had to pay immediately. He remained in Budapest until the 26th of May, and during that time he supplied the ambassador in Vienna with all the necessary evidence as to the outrageous treatment to which he had been subjected, and then suddenly received orders from his superiors in Washington to quit the Austro-Hungarian Monarchy and proceed elsewhere in pursuance to his instructions to investigate conditions governing emigration from other countries.

Not knowing how his cause had been disposed of and finding that through the great publicity that was given to his case all over Europe he could not do justice to his mission because he had been charged in the public prints by the Government of Austro-Hungary with serious criminal offenses, Mr. Braun returned to the United States and demanded an investigation and that justice be done him in the case, which thus far has been denied to him in all respects.

Now, a few words in conclusion. I want to say that Mr. Braun lives in my district. I know him well, and I can testify that he is an able, industrious, intelligent, and affable man. He has been an efficient official of this Government for several years and has won the esteem of his official superiors. He is a friend of President Roosevelt, who reposes in him the most implicit confidence. The charges filed against him secretly in the State Department by the Austro-Hungarian Government are absolutely false, and that Government knows the charges to be false. A great wrong and a great injustice has been done Mr. Braun by Austria. We should have all the facts in this case. Mr. Braun demands that all the papers in this matter secretly filed in the State Department by the Austro-Hungarian Government be given the fullest publicity so that the truth shall be known, and in order that Mr. Braun may be vindicated and seek such redress in the premises as may be just and proper this resolution should be adopted, and I hope the Secretary of State will comply with it speedily and send us all the papers in this case as soon as possible. I can not understand why there should be any secrecy about these papers, unless it is to shield guilty officials in Austro-Hungary or screen derelict officials here. But the truth in this case will prevail sooner or later, and we shall, I believe, ere long know all the facts in this contemptible conspiracy and outrageous trespass on the rights and the dignity of a well-known and popular American citizen and a high and distinguished official of the United States. [Applause.]

The SPEAKER. The question is on the House agreeing to the motion of the gentleman from New York to discharge the committee.

The motion was agreed to.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

On motion of Mr. SULZER, a motion to reconsider the last vote was laid on the table.

COMMITTEE ON REVISION OF THE LAWS.

Mr. MOON of Pennsylvania. I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Pennsylvania [Mr. MOON] asks unanimous consent for the present consideration of the following resolution, which will be reported by the Clerk.

The Clerk read as follows:

Resolved, That the Committee on the Revision of the Laws be authorized to order such printing and binding done as may be required in the transaction of its business.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

The SPEAKER. Also the following resolution.

The Clerk read as follows:

Resolved, That the Committee on the Revision of the Laws, or any subcommittee they may designate, shall have leave to sit during the sessions of the House during the Fifty-ninth Congress.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

INTERSTATE CORPORATION LICENSES.

Mr. POLLARD. Mr. Speaker, a few days ago I introduced a bill (H. R. 10704) which was, I think, by mistake, referred to the Committee on the Judiciary. I should like unanimous consent to have the Judiciary Committee discharged from further consideration of this bill, and that it be referred to the Committee on Interstate and Foreign Commerce.

The SPEAKER. The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (H. R. 10704) to require all corporations engaged in commerce with the several States, with the Territories, and with foreign nations to secure a license from the General Government, and to impose a license fee for the same.

The SPEAKER. The gentleman asks unanimous consent that the reference of the bill be changed from the Judiciary Committee to the Committee on Interstate and Foreign Commerce. Is there objection?

Mr. PARKER. May I ask whether Mr. JENKINS, chairman of the Committee on the Judiciary, has been consulted about this?

Mr. POLLARD. No, sir.

Mr. PARKER. It seems to me that such consultation should be had. I have no desire to occupy any time with the matter, but I simply wished to know whether Mr. JENKINS had been consulted.

Mr. PERKINS. I will state that the Judiciary Committee is now in session, and no member of the committee is in the House.

Mr. PARKER. I shall ask the gentleman, then, to postpone his request.

The SPEAKER. The gentleman from New Jersey objects.

PHILIPPINE TARIFF BILL.

Mr. PAYNE. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of House bill No. 3—the Philippine tariff bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. OLMSTED in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of House bill No. 3—the Philippine tariff bill. General debate having been concluded, the Clerk will read the bill by paragraphs.

Mr. CLARK of Missouri. Mr. Chairman, before this bill is read I wish to have an understanding. Ordinarily the bill would be read by sections, and at the end of a section an amendment would be offered. I want to have a fair understanding about it, whether we can offer an amendment at the end of a clause or at the end of a proposition, or shall we have to wait until the end of the section.

Mr. PAYNE. Mr. Chairman, the bill is all in one section, and I submit that under the rule the section should be read, and then it will be subject to anything germane to that section.

Mr. CLARK of Missouri. That is all right.

The CHAIRMAN. The understanding of the Chair is that

this bill consists of one section, and that the second section is an amendment to be offered by the Committee on Ways and Means. There is only one section amending the act of which this is supplemental.

Mr. PAYNE. Mr. Chairman, I make the point of order that there is so much confusion that we can not hear what the Chair says.

The CHAIRMAN. The point is well taken. The Chair will again state that House bill No. 3, before the committee, consists of one section only, and an amendment to that, to be offered by the Ways and Means Committee, in the shape of section 2. The second section is printed in the bill in italics. The Chair understands that that is an amendment to be offered by the Committee on Ways and Means. The Clerk will read the first section of the bill, and when it is concluded amendments will be in order.

The Clerk read the bill, as follows:

Be it enacted, etc., That the second section of the act entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," approved March 8, 1902, is hereby amended to read as follows:

"SEC. 2. That on and after the passage of this act there shall be levied, collected, and paid upon all articles coming into the United States from the Philippine Islands the rates of duty which are required to be levied, collected, and paid upon like articles imported from foreign countries: *Provided*, That all articles wholly the growth and product of the Philippine Islands coming into the United States from the Philippine Islands shall hereafter be admitted free of duty, except sugar and tobacco, manufactured and unmanufactured, upon which there shall be levied, collected, and paid only 25 per cent of the rates of duty aforesaid: *And provided further*, That the rates of duty which are required hereby to be levied, collected, and paid upon products of the Philippine Islands coming into the United States shall be less any duty or taxes levied, collected, and paid thereon upon the shipment thereof from the Philippine Islands, as provided by the act of the United States Philippine Commission referred to in section 1 of this act, under such rules and regulations as the Secretary of the Treasury may prescribe; but all articles the growth and product of the Philippine Islands admitted into the ports of the United States free of duty under the provisions of this act, and coming directly from said islands to the United States for use and consumption therein, shall be hereafter exempt from any export duties imposed in the Philippine Islands: *Provided, however*, That in consideration of the rates of duty aforesaid, all articles wholly the growth and product of the United States, going into the Philippine Islands, shall hereafter be admitted free of duty, except sugar and tobacco, manufactured and unmanufactured, upon which no higher rate of duty shall be levied, collected, and paid than is laid upon articles of like character coming from the Philippine Islands into the United States: *And provided further*, That on and after the 11th day of April, 1909, all articles and merchandise going from the United States into the Philippine Islands, and all articles wholly the growth and product of the Philippine Islands coming into the United States from the Philippine Islands, shall be admitted free of duty: *And provided further*, That in addition to said duty when levied and in case said articles are admitted into the United States free of duty, there shall be paid upon articles of merchandise of Philippine Islands manufacture coming into the United States and withdrawn for consumption or sale a tax equal to the internal-revenue tax imposed in the United States upon the like articles of merchandise of domestic manufacture; such tax to be paid by internal-revenue stamp or stamps to be purchased and provided by the Commissioner of Internal Revenue and to be procured from the collector of internal revenue at or most convenient to the port of entry of said merchandise in the United States, and to be affixed under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, and such articles of Philippine Islands manufacture mentioned in this proviso shall be exempt from payment of any tax imposed by the internal-revenue laws of the Philippine Islands: *And provided further*, That in addition to the duty hereinbefore provided when levied and in case said articles are admitted into the Philippine Islands free of duty, there shall be paid upon articles of merchandise manufactured in the United States and going into the Philippine Islands and withdrawn for consumption or sale, a tax equal to the internal-revenue tax imposed in the Philippine Islands upon the like articles of merchandise when manufactured in the Philippine Islands; such tax to be paid by internal-revenue stamps or otherwise as provided by the laws in force in the Philippine Islands upon the like articles; and such articles manufactured in the United States mentioned in this proviso and going into the Philippine Islands shall be exempt from payment of any tax imposed by the internal-revenue laws of the United States. All the moneys collected under this section as amended shall be paid over and disposed of as provided in section 4 of the act hereby amended, and shall not be covered into the Treasury of the United States."

Mr. PAYNE. Now, Mr. Chairman, I offer the first committee amendment. On page 2, line 13, after the word "articles," insert the word "wholly."

The amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I offer the second committee amendment, which I ask the Clerk to read.

The Clerk read as follows:

On page 2, line 21, after the word "however," strike out all remaining on that page down to and including the words "United States," line 3, page 3, and insert in lieu thereof the following: "And in consideration of the rates of duty aforesaid sugar and tobacco, both manufactured and unmanufactured, wholly the growth and product of the United States, shall be admitted to the Philippine Islands from the United States free of duty."

The CHAIRMAN. The Chair will ask the gentleman from New York if the word "however," line 21, is a part of his amendment?

Mr. PAYNE. I think the word "however" remains in the bill.

The CHAIRMAN. The question is on the motion of the gentleman from New York.

The question was taken, and the amendment was agreed to.

Mr. PAYNE. Now, Mr. Chairman, I offer the amendment in lines 21 and 22, on page 3.

The Clerk read as follows:

In lines 21 and 22, page 3, strike out the words "purchased and," and insert in line 23 the words "by purchase," after the word "procured."

The question was taken, and the amendment was agreed to.

Mr. PAYNE. I now offer the amendment to section 2 proposed by the committee, beginning on page 4, line 24.

Mr. MANN. Mr. Chairman, that is not in order yet.

Mr. PAYNE. I do not know why it is not in order.

Mr. WILLIAMS. Section 2 has not yet been read.

The CHAIRMAN. The Chair will call the attention of the gentleman from New York to what appears to be a further committee amendment on page 4, line 16. The Clerk suggests that the word "island" should be "islands."

Mr. PAYNE. I ask, Mr. Chairman, that the word "island" be changed to "islands."

The question was taken, and the amendment was agreed to.

Mr. PAYNE. I will withhold the offer of the amendment as to section 2, Mr. Chairman.

Mr. WM. ALDEN SMITH. Mr. Chairman, I move to amend this section in the following manner.

The Clerk read as follows:

Strike out in lines 5 and 6, page 2, the word "twenty-five" and insert the word "sixty." Strike out all after the word "duty," in line 7, page 3, down to and including the word "duty," in line 13.

Mr. WM. ALDEN SMITH. Mr. Chairman, this is one of the most important and far-reaching measures that Congress will be called upon to meet during the present session. In my judgment, it is destined to be harmful both to the Philippine Islands and the United States. It holds out a false and unsubstantial inducement to those island people, and tends to destroy confidence in the stability of our policy toward the sugar growers and to discourage capital from going into this attractive and useful field of enterprise. It had not been my intention to take any part in this debate, and I should not do so now were the questions involved less important than they are to my State and to the country. The debate has been both interesting and instructive, splendidly illustrating the capacity of Members, new and old, and adding new interest to this great forum of the people. I believe in liberality of debate and the widest possible latitude for the individual Member under reasonable rules. Able speeches have been made on both sides, and it is with the greatest reluctance that I am forced by my convictions to disagree with my associates upon the Committee on Ways and Means, all of whom I greatly respect and with whose judgment I rarely disagree. Far be it from my purpose to question the sincerity or motive of any Member upon this floor. I cheerfully attest the patriotic purpose which animates the distinguished chairman of the Ways and Means, whose purity of purpose, high ideals, and lofty character are an inspiration to us all. [Applause.]

Mr. Chairman, I shall not narrowly view the question before us. I serve no special interest. I make no hostile criticism of the Filipino, whose regeneration we have undertaken. They are our wards, for weal or woe; they did not force themselves upon us; they are here because of the accident of war, and should be treated fairly. The problem confronting the Representatives of the people is a most delicate and responsible one, growing out of the circumstances of our occupation. It is the office of true statesmanship to approach this question mindful of every interest involved, and act with honor and independence. [Applause.] We would be unfaithful to our trust should we follow blindly the leadership of any man, and I should have little respect for any Member here who deliberately falls into the dilemma of taking his opinions upon public questions ready-made from any source, no matter how high. [Applause.]

Mr. Chairman, one of the most royal battles ever waged in the commercial world directly concerns the production of sugar; the ordinary implements of warfare have been put aside while a trade battle is now going on around the globe. It is a struggle for existence, and for supremacy, not with Mauser rifles or rapid-firing cannon, but with the yardstick and the tariff schedules. Advantages are sought! Reprisals given in every market, upon every island, dependency, and possession the wide world over! Experts sit in the commercial conning towers watching the movement of fiscal systems, and business calculations are as accurately made as astronomer or scientist ever foretold. Sir, America is the object of their immediate

concern. With our exclusive industrial policy we can not, in the future, hope for any wider latitude in commerce than we are willing to give. As the world progresses, each country caring for its own, the wisdom of Washington and Hamilton in so regulating our affairs as to leave us least dependent upon others can not be to heartily acclaimed.

The sugar war now being waged is of our own choosing. So long as the policy of our Government did not distinguish between nations, giving all equal treatment under our laws, no difficulties beset us. Our favoritism of Hawaii in 1876 was viewed with concern in the sugar-producing world, and we have paid dearly for our exploitation. Under the stimulus of American concessions that island has increased its sugar production from 10,000 tons in 1876 to 370,000 tons in 1905. The duties remitted during that time amounted to $158,000,000, a sum exceeding by $10,000,000 the total value of all our exports to that island in thirty years. This preference was thought by many European States to be in violation of the favored-nation clause of our commercial treaties. The disposition of the leading countries of the world was to increase their sugar supply. Continental Europe, with large agricultural area, stimulated production to the highest point by protective duties, bounties, and cartels, Germany alone having produced over 16,000,000 tons under that system, until confronted with the problem of overproduction. The United States had been a good customer for European sugars, taking in 1900 nearly 400,000 tons, although our country had land in abundance suitable for sugar production. The sugar war was on in earnest. The fifth section of the Dingley law, in addition to protecting our domestic industry, lodged with the Secretary of the Treasury authority to impose a countervailing duty against any foreign product coming into this market equal to any bounty paid. This ban was instantly resisted. Secretary Gage applied it to Russia when the steamship *Assyria* undertook to land its cargo of sugar in Baltimore Harbor. Russia resisted the action of our Government in the courts, and failing of success, Mr. Witte, then chancellor of the exchequer, and now prime minister of the Empire, put a ban upon every American product except agricultural implements.

The decision of the Supreme Court, reported in 187 United States, fixed the status of bountyized sugar in this market. A hasty conference of sugar-producing countries was called. The Brussels convention, composed of Great Britain, Germany, Austria, Bohemia, Belgium, Spain, France, Italy, Netherlands, Sweden, Norway, and Roumania, hastily resolved to meet the situation by discontinuing sugar bounties in every form. Germany and other States suddenly realized that they had a vast surplus sugar product upon their hands, with no market. England, the only open European port, felt that she had been unfairly treated. Her West Indian colonies could find no market for their sugar, because they could not compete with the bounty-fed sugar in her own market, which might be sold at a loss, if necessary, with the cartel and the bounty to sustain them, while the favoritism bestowed by the United States upon Hawaii, Cuba, and Porto Rico made it impossible to market their product here. All sugar-producing countries paying full Dingley rates feel keenly the loss of our markets, Great Britain especially, because of the proximity of her islands to our shores. She is our best European customer. Her purchases from us last year amounted to over $523,000,000—more than one-third of the total foreign commerce of our country. Is it any wonder that the disposition of England dominated the Brussels convention? affording the world an open market. She could not even buy the sugar of her colonies at the world's price.

We had formerly taken nearly 100,000 tons of sugar from the British West Indies. Last year we took but 32,000 tons. Because of our relations to Porto Rico we have taken of her sugar 94,504 tons in 1905, as against 32,316 tons in 1900. Europe has practically lost our market for sugar. In 1900 we imported 390,820 tons of beet sugar, while last year we imported but 3,671 tons. Cuba, under the stimulus of our concessions sold us over 1,000,000 tons last year, as against 246,587 tons in 1900. Our domestic beet sugar has increased from 32,471 tons in 1899 to 285,000 tons in 1900; Hawaii, from 100,680 tons in 1890 to 370,000 tons in 1905. The Philippine Islands under the present law sold in this market 44,841 tons last year, as against 2,550 tons in 1902; 22,100 tons in 1904. These remarkable figures demonstrate beyond question that our discrimination against Europe has not been calculated to strengthen our commercial bonds, while we are fast approaching a situation here when nondutiable sugars invited to this market will discourage and overthrow our domestic production. We are already within 10 per cent of our ability to consume. The estimated consumption of 1906, furnished by Willett & Gray, is 2,745,295 tons, while their latest estimate of crops now making is:

			Tons.
(Estimated consumption, 1906)			2,745,295
Louisiana		300,000	
Texas		12,000	
U. S. beet		285,000	
Porto Rico		210,000	
Hawaii		370,000	
Duty free		1,177,000	
Philippines	125,000		
Cuba	1,300,000		
	1,425,000		
Less local consumption in islands	80,000		
Partially duty free		1,345,000	
Total privileged sugar			2,522,000
Leaving full-duty sugar required for the United States consumption of 1906 against 438,383 tons in 1905 and 645,733 tons in 1904			223,295

These are most astounding figures, calling a halt in our tariff concessions. No one knows the sugar capacity of the Philippine Islands. They have, under crude conditions, produced as high as 300,000 tons; while a distinguished French statist has recently said that Cuba has the soil and the climate to produce 5,000,000 tons of sugar a year. With this rapid development of growth and production the world over are we not reckless to invite our islands, 10,000 miles away, into a contest for which they are so poorly equipped where the prospects of profitable realization are so remote?

I believe this legislation, so far as sugar is concerned, will be most harmful to the Philippines. Their market here is surrounded by unfavorable conditions—within the grasp of a single corporation. Can we not, by the adoption of the amendment which I propose, reduce this duty 40 or even 50 per cent of the Dingley law, retain for them the Hongkong and the Asiatic markets, nearer their doors, with greater promise than our own? I contend that the effect of the Brussels sugar convention will operate to deprive the Philippine Islands of their sugar market at Hongkong whenever our concessions have exceeded the limit of 50 cents per 100 pounds allowed by the convention.

I know, Mr. Chairman, it may be said that China and Japan are not parties to the Brussels Convention, that Hongkong is a free port, and that this legislation does not call for retaliation. Hongkong is a dependency of Great Britain. Her governor-general, at the instance of England, did prohibit Philippine sugars from entering Hongkong for nearly two years after the signing of the Brussels Convention, because of protective duties levied by the American-Philippine Commission of 73 cents per 100 pounds against the sugars of the world. It was the cancellation of this embargo, pending further investigation into our action here, that restored the Hongkong market temporarily to Philippine sugar. It has been said that the passage of this measure would assist the Filipino to obtain higher prices in China for his sugar. All sugars going to China pass through Hongkong for refining. It is most important—indeed it is vital—that this outlet be kept open for Philippine sugars. The passage of the present bill reducing the duty exceeds the permissible surtax and brings the Philippine product in direct conflict with the Brussels Convention. Hongkong has followed the lead of Great Britain in the past; their interests are identical. My amendment will preserve to the Philippines every market now open to their product and give them for their necessities the revenues, amounting to $2,125,000 a year, as against $887,500 under the bill as proposed. The actual saving in revenue with which to meet the expenses of the island government will be $1,238,000, which they sadly need. A reduction of 25 per cent of the Dingley rates will greatly curtail their income, while free trade in 1909 will force their hands into the general Treasury. [Applause.]

Mr. Chairman, I can not understand where this proposition was born. It is neither in the interest of the Filipinos or the American people. It is the result of the most mawkish sentimentality and has in it the seed of disappointment, disaster, and ill will as soon as its fruits are realized. Whenever any government grant exceeds 50 cents per 100 pounds, every signatory country under the Brussels Convention must assess a countervailing duty equal to such excess or prohibit the importation entirely. Countries outside the convention have done the same as those inside. Hongkong prohibits, as it is a free port having no duties. The convention has a permanent committee to take action on any new infringement. Mexico and Brazil, lying at the south of us, formerly conferred benefits similar to that provided for in this bill. Finding themselves unable to get their sugars into any European market, both countries revised their fiscal policy in harmony with the convention, Brazil taking final action since this debate begun, giving as a

reason that "With the British markets closed, and only the American market to rely on, we should be at the mercy of the first combination of buyers in America that agreed to fix a maximum price for our sugars." Even States as remote from Europe as our own have found it necessary to join this anti-American concert. Who is to guarantee to the Philippine sugar producer a profit or even a fair price for his product? Mr. De la Rama, in his testimony before the Ways and Means Committee, fixed his price for sugar on the New York market practically prohibitive. With but one customer in America, will the situation of the Filipino not prove as aggravating as the condition which stared Brazil in the face? With his ability and shrewdness, this able Philippine merchant and planter maintained before our committee the great desirability of the Hongkong and Chinese markets. This bill, if passed, will drive him from the Hongkong market, without a single compensating advantage in the market of our own country. Why imperil their prospects in the East by this uncalled for and unnecessary action? Why pledge our Government in advance to strike down every barrier between us, when no one can foretell whether it will be possible or desirable in the immediate future? "Pride goeth before a fall," and I am afraid that some of my associates, still dreaming of the official hospitality of which they have recently been the recipients, are going further than prudence would suggest in their endeavor to justify the expectation of their hosts. Our sugar policy will drive every foreign State in the Eastern and Western hemispheres into combination against us, and when our productive capacity equals our ability to consume, now dangerously near realization, we will have learned a most costly lesson in disaster. [Applause.]

Forty per cent reduction of the Dingley rates grants the Philippines a benefit of 50 cents per 100 pounds and carries no penalty with it. Fifty per cent reduction gives the Filipino 65 cents per 100 pounds, possibly avoiding a penalty, while the present bill grants a benefit of 97 cents per 100 pounds and practically closes every market in the world against them. Estimating this reckless remission of duty upon a product of 200,000 tons of sugar it would amount to $4,000,000 a year, and in five years would equal the amount paid under the Paris treaty of $20,000,000. Will Europe take action? They have already excluded more than three and a half million tons of sugar from their markets, and most of the countries resting under their ban lie close to our shores, including Argentina, Haiti, Honduras, Nicaragua, and Paraguay. Who can tell when this Government may be called upon to administer the customs of every tropical State at the south of us, as we are now doing in Santo Domingo, and how long will it be before they petition us to put them upon an equality in our market with their neighbor, Cuba? Our protective system was far more interesting to look upon before these breaches were made in the wall. The American farmers are the most substantial bulwark of our political system. They were willing to concede protection to the manufacturer when, under the same law, a profitable market was preserved for the products of their soil. The leaders of the Republican party have never plead in vain to the farmers of America to resist fallacious fallacies, but I call the attention of the House to the fact that the only schedule altered in the Dingley law has been the agricultural schedule, bringing the products of cheap lands and cheap labor into competition with our own. [Applause.]

There is not a prosperous free-trade country in the world to-day! Why break down our system piecemeal? The gentleman from Massachusetts, a few days ago, demanded greater freedom of trade. He would have us abandon our policy of protection just at a time when all the world is engaged in strengthening trade laws. Freedom of trade indeed! Poor England has the bitter cup to her lips. Neglecting for years her domestic market; devoting herself to her export trade, the doors of the world have finally been closed against her; her idle men blacken the streets of her capital from Trafalgar Square to London Bridge. More than 3,000,000 of her workmen idle in the dead of winter. A vast fund collected by Her Gracious Majesty to relieve the suffering of the unemployed is spurned with the slogan that they are "not asking for charity, but want work." Freedom of trade! Yes, such freedom of trade as exists under practically similar conditions between the States of the Federal Union. Not such freedom of trade as the gentleman from Massachusetts would bestow, which has brought Ireland, with its sunshine and its green fields, with its mines and its forests, with its lakes and its rivers, to the very verge of destitution, but that freedom of trade existing between Michigan and Massachusetts [applause], between South Carolina and Tennessee, amounting in the aggregate to more than $55,000,000 a day, from whose refreshing spring the artisan, the farmer, and the mechanic draws his daily inspiration, making America the most prosperous and happy land in all the world. [Applause].

Yet Massachusetts would strike down this principle of protection—Massachusetts—having drawn much of her fabulous wealth from the fertile fields, the stately forests, and rich mines of our western territory, protected in its prosperity by American law. Mr. Chairman, there is not a prosperous country in the world to-day that does not protect its commerce and its labor from ruinous competition. Germany, yes; France, yes; even Canada and Australia have cast off the commercial yoke of England, and a public sentiment, numerous indeed, encourages the warfare upon free trade now being waged in that Empire by Joseph Chamberlain. At such a time why should we change? Why should we compromise with error? Why should we lower our banner—carried so proudly and triumphantly by the great leaders of our party, whose names will live forever in the history of our country? [Applause.]

What we need is a renewed baptism in the spirit of the fathers. "The first duty of the American Congress is to the American people." Have we grown so weak that we are sensitive to criticism? That has always been the weapon of our opponents. Every step in the progress of the American people has been resisted by the Democracy; it has cursed and criticised our party from the hour that Fremont bore its banner to defeat; maligned and traduced it under the heroic leadership of Lincoln and Grant; misrepresented by the tongue of slander the leadership of the matchless and inspired McKinley. But, thank God, we still stand with practical unanimity the recognized guardian of the nation's honor. [Prolonged applause.]

Mr. PAYNE. Mr. Chairman, the principal part of the announcement of the gentleman from Michigan [Mr. WM. ALDEN SMITH] is not new, but has been heard before since we began the first hearings upon that question. The ghost of the Brussels convention was trotted out with much solemnity by another gentleman from Michigan on the hearings before the committee, and before those hearings ended there was not even a shadow of the ghost left in the deliberations of the committee.

It is not true, Mr. Chairman, that there ever has been any countervailing duty in any country in the world because of any Filipino tariff or any Filipino bounty. There has been no countervailing duty anywhere in the world because we have given the same legislation to Porto Rico; and after these gentlemen had presented their case and were done I answered them simply by a dispatch from Minister Wilson, at Brussels, in which he said that the matter of interference with the Brussels convention by our tariff rates with the Filipinos and by their tariff rates, as in the case of Porto Rico and of Cuba, had been finally passed upon by the convention, and the dispatch said that the matter was regarded definitely as settled. And now, in the last hour of this debate, comes in the gentleman from Michigan, and with tears in his voice he proclaims himself the friend of the Filipino. The good Lord deliver the poor Filipino from such friends as the gentleman from Michigan. [Applause.] What would he do? He would strip this bill of all idea of benefit to the Filipino and would put this duty at 60 per cent of the Dingley rates, knowing that under it they could not get in their sugar here at a price that would net them a single farthing. And the gentleman proclaims that as a benefit to the Filipino people.

Mr. WM. ALDEN SMITH rose.

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Michigan?

Mr. PAYNE. No; I have only five minutes. The gentleman had half an hour. I can not yield to him. The gentleman knows his proposition will be of no benefit to the Filipino people. He says we are going to cut off their market with Hongkong, when he knows or should know that the question has been definitely settled in regard to Porto Rico, upon the same conditions that exist here.

Mr. Chairman, I read the telegram when I first addressed the committee. I have stated the contents of the telegram now. I will go further and state from a communication which I have on my desk—a private, confidential communication—that this matter was definitely settled by the Brussels convention.

Mr. Chairman, we propose to give the Filipino a chance in this bill. The gentleman from Michigan would wipe it out. He wipes it out by mere declamation, and he comes in as the pretended friend of the Filipino people when he makes that statement. Mr. Chairman, I hope the committee will vote down this amendment offered by the gentleman from Michigan.

Mr. WM. ALDEN SMITH. Mr. Chairman, I ask unanimous consent to have read the telegram from Mr. Minister Wilson, found upon page 194 of the Philippine Tariff Hearings before the Ways and Means Committee, to which the gentleman from New York referred. I send it to the Clerk's desk.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to have sent to the Clerk's desk and there read a certain telegram to which he has referred. Is there objection?

There was no objection.

The Clerk read as follows:

Permanent sugar commission sitting at Brussels suppressed compensating duty on sugars imported from Philippine Islands until new examination of Philippine regulations is made in conjunction with the legislation of the United States of America, Cuba, and Porto Rico. Question believed to be definitely settled as regards Philippine sugar.

Mr. GROSVENOR. Mr. Chairman, I commiserate the great body of able gentlemen on both sides of this House who have spoken in opposition to this bill because of the discovery now made of their entire incompetence for the business in which they were engaged. [Laughter.] Fifty hours of debate, about equally divided between the ablest men on the one side and some of the ablest men on the other side did not produce this tremendous ghost of the Brussels convention. Why did it not? It had been thoroughly studied, carefully considered in the Committee on Ways and Means, understood by friends of the bill and enemies of the bill, that there was nothing in it.

In the first place, our tariff on the Philippines is the Philippine tariff, and the Philippine tariff on their own productions is our tariff. It is not covered either directly or indirectly by any action of the Brussels convention, and it was laid aside and postponed and disposed of prior to the recent telegram the chairman has received, because it was not covered by anything connected with the Brussels convention, and that body had nothing to do with it, and the ghost ceased to walk. We all understood it, and the gentlemen who did not speak during the fifty hours of debate sprung it on us as something absolutely wonderful. I knew what he was going to do, and I regretted that he should do it. There is no more power, no more force, no more significance in any action, or failure to act, in the Brussels convention than there is in the power and efficiency of the Hartford convention of 1812, and you might as well quote one as the other. [Laughter and applause.]

I have said this much, not to affect the vote, but to right the able gentlemen who have gone over all the phases of this contest and never knew that this trouble was in the way until it was exploited by the gentleman.

Mr. MONDELL. Mr. Chairman, the gentleman from Ohio says that the action of the Brussels convention has not heretofore been alluded to on this floor. If I recollect rightly, while the gentleman from New York [Mr. PAYNE] was making his speech I made some inquiries of him relative to the effect that the action of the Brussels convention would have if this bill became a law. I think that there can be no question in the minds of any gentlemen who have followed the action of the Brussels convention but that the moment we give the Philippines, Porto Rico, Cuba, or any other exporting sugar country an advantage over other sugar-producing territories, above the one-half cent a pound allowed by the Brussels conference, all exports from such territory to the markets of the nations signatory to the Brussels convention will be met by a countervailing duty.

If that is not so, the action of the Brussels conference has been entirely without avail. The only reason why Porto Rico has not been countervailed against is that she has shipped no sugar to any of the countries signatory to the Brussels convention. The only reason why Cuba has not been countervailed against is that our preferential has not equaled one-half a cent a pound, and the only reason why the Philippines have not been countervailed against, if they have not, is that up to this time the preferential comes within the limit of tolerance fixed by the Brussels conference.

Now, Mr. Chairman, I support this, not only because it will avoid complications such as the gentleman from Michigan has eloquently and clearly pointed out, but because rather than to have this bill in all its iniquity as it now stands, we prefer to give the Filipinos a further reduction in our tariff than they have at present. Not that they need it, in my opinion. I believe that the present reduction of 25 per cent in the Dingley rate puts the Philippine sugar producer on more than an equality with the American sugar producer. I do not believe they require further protection to stimulate their industry in the Philippines. Such bounties have never been needed and up to this time have never been granted to any tropical cane-sugar country of any area. Let us be fair, aye, let us be more than fair; let us be liberal and vote for this amendment.

Mr. CASSEL. Mr. Chairman, I will take but a moment to say that these amendments are substantially what I stated the other day to the House that I would offer when the bill was read for amendment, and they are perfectly satisfactory to us. I hope those interested in the production of tobacco will support these amendments.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Michigan. The Chair will state that they are in the nature of two separate amendments.

Mr. COOPER of Pennsylvania. Mr. Chairman, let the amendments be again read.

The CHAIRMAN. Without objection, the Clerk will again read the amendments.

The Clerk read the amendments.

The CHAIRMAN. If there be no objection, the question will be taken on the amendments together.

Mr. WM. ALDEN SMITH. The last amendment, Mr. Chairman, refers to free trade in 1909.

The CHAIRMAN. Is there objection to taking the question on the amendments together? [After a pause.] The Chair hears none.

The question was taken; and on a division (demanded by Mr. MONDELL) there were—ayes 73, noes 197.

So the amendments were lost.

Mr. MONDELL. Mr. Chairman, I wish to know whether amendments may be offered to any portion of the bill after the bill has been read in its entirety?

The CHAIRMAN. The bill consists of but one section, which has been read in its entirety, and amendments may be offered to any portion of it.

Mr. MONDELL. I asked whether amendments to any portion of the bill can be offered at this time.

The CHAIRMAN. The bill consists of one section, which has been read, and amendments may be offered to any part of that section.

Mr. WILLIAMS. Mr. Chairman, I am afraid you did not understand the gentleman from Wyoming. He wants to know substantially whether an amendment to section 1 could be offered after section 1 is passed. I understand we are under the ordinary rules of the House. That being the case, of course amendments to section 1 could not be offered after section 1 had been entered upon.

The CHAIRMAN. Of course after the committee shall have finally perfected and passed by section 1 and agreed to or passed upon additional sections, amendments to the first section could only be offered by unanimous consent.

Mr. WILLIAMS. I was afraid the gentleman misunderstood you.

Mr. CLARK of Missouri. Mr. Chairman, I want fair warning when we get through with this section 1. That is, I do not want to be shut out from offering an amendment by somebody claiming that we had got on section 2 and that we could not amend section 1 any more.

The CHAIRMAN. The Chair will state there is no section 2 in this bill.

Mr. CLARK of Missouri. Oh, yes, there is.

The CHAIRMAN. That which is printed as section 2 is merely an indication of an amendment which the Chair understands the Committee on Ways and Means intends to offer.

Mr. CLARK of Missouri. Then any time before we report this bill out of committee anybody can put in any amendment to any part of it he pleases.

The CHAIRMAN. Any time before the committee has passed by section 1 to other matters—additional sections—anybody can offer an amendment which is applicable to that section. When what is printed here in italics in the bill as section 2 is offered as an amendment, of course an amendment to that amendment may be offered; but after all the amendments which gentlemen desire to offer to section 1 have been offered and considered and the section passed by, no further amendment to section 1 would be in order except by unanimous consent.

Mr. SLAYDEN. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. Will the gentleman from Texas state his parliamentary inquiry?

Mr. SLAYDEN. After section 1 shall have been adopted will it be in order to offer an amendment as an additional section?

The CHAIRMAN. After section 1 has been perfected by the committee it will be in order to offer an additional section.

Mr. WILLIAMS. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman from Mississippi will state his parliamentary inquiry.

Mr. WILLIAMS. This bill consists, as you say, now of one section. Then there is in the printed form of it a second section, but it is, however, a committee amendment, as I understand.

The CHAIRMAN. That is correct. An amendment agreed upon by the Ways and Means Committee, but not yet offered here, and not in order until section 1 has been disposed of.

Mr. WILLIAMS. Now, with that state of facts before us, at what stage would a substitute for the entire bill be entertained by the Chairman?

The CHAIRMAN. A substitute amendment might at any time be offered and considered pending, but could not be voted upon, under the rules and usages of the House, until after the bill itself has been perfected by the acceptance or rejection of such amendments as may be offered.

Mr. WILLIAMS. Mr. Chairman, I then ask to be recognized to offer as pending, to be voted upon later, a substitute, namely, H. R. 406. I ask that it may be considered pending now.

The CHAIRMAN. The Chair, without objection, will at this point recognize the gentleman from Mississippi for that purpose, and he now asks that the substitute recommended by the minority of the Ways and Means Committee be considered as pending, to be voted upon when the bill shall have been perfected.

Mr. WILLIAMS. When the bill shall have been perfected, and not before.

Mr. PAYNE. I was waiting for that substitute to be read. Mr. Chairman, and I want to reserve the right of order upon it as not being germane.

The CHAIRMAN. The Chair understands the gentleman from New York reserves the point of order against the substitute amendment.

Mr. McCALL. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amend by adding at the end of line 23, page 4, the following:

"*And provided further*, That nothing herein contained shall be construed to mean that it is the purpose of the Congress that the United States should permanently retain sovereignty over the Philippine Islands, but it is hereby solemnly declared to be the settled purpose of the Congress to fit the people of the said islands for self-government at the earliest practicable moment, and, when that result shall have been accomplished, to leave the government and control of the said islands to the people thereof, to the end that they shall be recognized by the United States as a free and independent nation, as was done in the case of Cuba."

[Applause.]

Mr. PAYNE. Mr. Chairman, I make the point of order that that amendment is not germane.

Mr. McCALL. Mr. Chairman, it is perfectly clear that the amendment——

The CHAIRMAN. Does the gentleman from New York [Mr. PAYNE] make or reserve his point of order?

Mr. PAYNE. I make it. I understand the gentleman from Massachusetts wants to be heard on the point of order.

The CHAIRMAN. Very well; the Chair will hear the gentleman from Massachusetts.

Mr. McCALL. I am not anxious to be heard on the point of order unless the Chair cares to hear me. I would say this is clearly a limitation on the bill. We have been sending tariffs and armies over to those islands, and I think the time has arrived when Congress should perform the duty imposed upon it by the treaty of Paris, which enjoined upon Congress the duty of settling ultimately the status of the Philippine Islands. We have pursued the policy of drift long enough, and of the two the policy of scuttle is no worse than the policy of drift. I think it is clearly expressive of the intention of Congress in passing tax laws against these people, in providing that their goods shall come to these markets under certain conditions, to declare that it is not our purpose permanently to retain sovereignty over them, but to declare what our purpose is. And I think it is just as much germane as a somewhat similar amendment was to the Philippine government bill, which was offered three years ago, and which even did not impress the gentleman from New York [Mr. PAYNE] as not being in order.

Mr. PAYNE. Mr. Chairman, of course an amendment might be germane to one bill and not to another. The gentleman appeals to me because at some time I have not raised a point of order when an amendment like this was offered to a Philippine government bill. Well, a Philippine government bill is one thing and a revenue bill is another thing. This bill relates strictly to the revenue, and now comes in the gentleman and proposes a scheme for the separation of the island, self-government, autonomy, and all that sort of thing—a well-thought-of scheme, doubtless. It might work for a minute and a half, until they got to cutting each other's throat, and then, of course, the work would go on forever. That is the scheme which the gentleman presents, and it has no relation to a bill raising the revenue. Now, Mr. Chairman, I do not propose to discuss this matter any further at present, inasmuch as the Chair is familiar with the rules of the House.

Mr. WILLIAMS. Mr. Chairman, I desire to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. WILLIAMS. The gentleman from New York [Mr. PAYNE] has just said that this was a revenue bill. It is, and it is a revenue bill pending in the Congress of the United States for the Philippine Islands as well as for the balance of the United States. This amendment is a restriction, a limitation, an expression of how far we are going to go in the future in the business of legislating for the Philippines, not only upon all questions, but as a necessary result thereof upon revenue questions. In other words, this is a revenue bill and this amendment declares it to be the policy of the United States that after the happening of a certain contingency which acts as a limitation, or is destined or expected to act as a limitation, Congress will not legislate any more revenue bills for the Philippines. In other words, it fixes the policy of this country in connection with the interference of the United States with the revenue affairs of the Philippine Archipelago.

It is germane to this bill, because when we declare a policy, imitating with regard to the Philippines the policy already pursued as to Cuba, we declare a fiscal fact—a revenue fact—of the very highest importance to the Philippine Islands, upon whom partially this bill operates. It is germane, because we are now undertaking to treat the Philippine Islands—and I ask the Chair's attention to this—for the present, at any rate, as a part and parcel of the United States. Certainly, then, a declaration saying that we shall not always do that, but that upon the happening of a certain contingency we shall cease to do it, is germane to the spirit of the bill, at any rate. It is a limitation upon the intendment of the proposed legislation. In my opinion, the amendment is germane to the spirit of the bill. [Applause on the Democratic side.]

The CHAIRMAN. The requirement that an amendment must be germane to the bill or proposition to which it is offered has obtained since the beginning of the American Congress. It was adopted in the very first set of rules of this House, in 1789, and even before that had an important place among the rules governing the Continental Congress. In 1822 it was slightly modified in form and adopted in the following language:

No motion or proposition upon a subject different from that under consideration shall be admitted under color of amendment.

In that precise form it has been firmly embedded in our rules from that time down to the present moment and exists to-day in the last clause of section 7 of Rule XVI.

It is a great safeguard against hasty and ill-considered action. It prevents unexpected and diverse objects from being suddenly thrust forward for the instant consideration of the House without the benefit and assistance of previous consideration and report by the appropriate committee; protects the minority from the sudden springing and enactment by the majority of new propositions of which the minority has had no notice and no opportunity to prepare for discussion, and protects the majority from having to accept the responsibility of immediate action upon matters unexpectedly brought forward without previous committee consideration or report or opportunity for full information. It is for many reasons highly essential to the orderly and rational transaction of the business of this House. Without this rule as to germaneness new propositions of the utmost magnitude, deserving many days of discussion, as this bill has had, might, after the closing of general debate, be brought forward, as now, under color of amendment and debate thereon limited to five minutes on either side.

The five-minute rule itself, under which we are now proceeding, would hardly exist to-day except upon the assumption that the earlier rule as to germaneness will be strictly construed and faithfully adhered to.

The Speakers and presiding officers in Committee of the Whole House have almost uniformly interpreted and enforced it with great strictness. Perhaps the only exception was in the Thirty-fifth Congress, when Speaker Howell Cobb relaxed it somewhat, but soon thereafter, with his own tacit consent, it has been suggested, the House overruled him.

Speaker Reed, in the Fifty-first Congress, in a very elaborate discussion of it, said:

It is very desirable that this rule should be preserved in its entirety, and whatever might be the wish of the Chair on this question now before him for decision, he must decide with reference to all like matters and with reference to the general preservation of good order in the business of the House of Representatives.

And Mr. Carlisle, Chairman of the Committee of the Whole in the Forty-sixth Congress, and afterwards Speaker, said:

After a bill has been reported to the House, no different subject can be introduced into it by amendment, whether as a substitute or otherwise. When, therefore, it is objected that a proposed amendment is not in order because it is not germane, the meaning of the objection is merely that it (the proposed amendment) is a motion or proposition on a subject different from that under consideration. This is the test of admissibility prescribed by the express language of the rule, and if the Chair, upon an examination of the bill under consideration and the proposed amendment, shall be of the opinion that they do not relate to the same subject, he is bound to sustain the objection and exclude the amendment.

Now, applying the test suggested by Speaker Carlisle and indeed by the rule itself, the question is, Does this amendment contain a subject different from the subject-matter of the bill?

The object of the bill as expressed in its title is, "To amend an act entitled 'An act temporarily to provide revenue for the Philippine Islands, and for other purposes,' approved March 8, 1902."

Nowhere in the bill is there reference to or any attempt to legislate upon anything except the tariff upon articles coming from the Philippine Islands into the United States or going from the United States into the Philippine Islands.

Now, this proposed amendment declares that "it is the settled purpose of this Congress to fit the people of these islands for self-government at the earliest practicable moment."

That seems to the Chair to be a different proposition from the question of tariff upon articles coming from the Philippines.

The amendment further proposes, "when that result (their education) shall have been accomplished, to leave the government and control of said islands to the people thereof."

The people of the Philippines are at present governed in part, at least, by or subject to laws enacted by the Congress of the United States. There is nothing in the pending bill in any way touching the subject of their control, certainly not looking to any change therein. That seems to the Chair to be a different subject, introduced by the amendment. Then the amendment proceeds:

To the end that they shall be recognized by the United States as a free and independent nation, as was done in the case of Cuba.

The pending bill deals with them entirely as belonging to the United States. The amendment, on the other hand, proposes to give them independence. It seems to the Chair to be as plain as plain can be that there are at least two subjects in the amendment which are entirely different from anything in the bill itself.

Now, the Chair will call attention to one or two rulings which seem in point. In the first session of the Fifty-seventh Congress there was before the House in Committee of the Whole House on the state of the Union a bill to provide for reciprocal trade relations with Cuba. An amendment was offered to form a new section, providing for extending to the people of Cuba, through their duly authorized Government, an invitation to apply for annexation of that island to the United States. Mr. PAYNE, of New York, made the point of order that it was not germane, and after argument it was sustained by so distinguished a parliamentarian as the gentleman from New York [Mr. SHERMAN]. That seems to be almost directly in point.

In the second session of the Fifty-first Congress the House was considering a bill appropriating $50,000 out of any money in the Treasury for the relief of destitute persons in the island of Cuba. Mr. BAILEY of Texas moved to recommit the bill with instructions to amend thus:

That a condition of public war exists between the Government of Spain and the government proclaimed and for some time maintained by force of arms by the people of Cuba, and that the United States of America shall maintain a strict neutrality between the contending powers, according to each all the rights of belligerents.

After argument, Speaker Reed declared that amendment to be not germane, and upon an appeal from his ruling it was sustained by the House by a vote of 114 to 83. That seems to the Chair to be directly in point.

In the succeeding year a bill was before the House making appropriations for the diplomatic and consular service, and Mr. BAILEY again offered practically the same amendment, which the Speaker again ruled to be not germane.

There are two instances in which Speaker Reed ruled that an amendment according belligerent rights to the Cubans was not germane to other measures pending for their relief or in some way concerning them. Now, the only difference between that amendment which Speaker Reed ruled out and this proposed amendment to this bill is that this amendment proposes to go further and give them absolute independence. The Chair is clearly of opinion that the amendment is not germane, and therefore sustains the point of order.

Mr. McCALL. Mr. Chairman, I respectfully appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Massachusetts appeals from the decision of the Chair. The question now is, Shall the decision of the Chair stand as the decision of the committee?

Mr. UNDERWOOD. Mr. Chairman, I desire to say a few words to the committee before the question is put. I ask for recognition.

The CHAIRMAN. The gentleman from Alabama is recognized.

Mr. UNDERWOOD. Mr. Chairman, I wish to say this to the committee. The rule as to germaneness is one that was established early in the history of this Government, but that rule has been made in recent years as much by the exceptions as by the rule itself. There are many rules that we have in this House that, if you read the face of the rule, tell you that you can not introduce amendments, but when you take the precedents as established by this House you will find that you are allowed to introduce those amendments. The most familiar rule of that kind is the rule that provides that no new legislation shall go on appropriation bills. Notwithstanding that rule, we have a number of exceptions to it. In 1886 an amendment was offered in this House to an appropriation bill providing for the building of certain ships for the Navy. The Chairman held that resolution out of order as it was legislation on an appropriation bill, but the House overruled the ruling of the Chairman, and from that day to this good time it is in order to provide legislation on an appropriation bill for the building of the American Navy.

A few years ago we had a bill before this House to reduce the revenue on sugar coming from Cuba. The bill provided a reduced revenue on all articles coming from Cuba. An amendment was offered on the floor of this House to strike out the differential on sugar, and the Chair overruled the amendment and the House overruled the Chair and allowed the House to vote on the question whether we would reduce the differential on sugar in that bill. That is the question before this House, and the whole question. It is a question for the House to determine, notwithstanding the rule; it is for the House to say whether or not this is a proper question in this case.

I am sure that the present occupant of the chair desires to give a decision in this case as he sees it from the precedents, but it is for the House to say whether, under the importance of this case, we should establish a rule, as we have done many times and legitimately can do now in this case, and adopt this amendment.

Mr. MANN. In other words, that we shall govern not by rule, but by brute force.

Mr. PAYNE. Mr. Chairman, in former Houses the leading men on the side of the minority respected the rules. They respected them because at some time in the future they might have control of the House, and they did not want anarchy and confusion here. I do not know but that that day has passed, because the minority now, some of them, at least, would ride over the rules whenever they are in their way. They have no respect for the rules when they are brought up against some proposition of theirs, but are willing to take an amendment, which is confessedly upon a different subject, which confessedly is not germane, and say it is left to the Members of the House to determine for themselves, and to determine without respect to the rules.

Gentlemen on the other side are free with their advice to those they term the "kids" on this side of the House, in asking them to run wild and assert themselves, and all that sort of thing. I have occasionally seen people, denominated "kids," who did run wild for a while in the House of Representatives, and I never knew yet of its resulting in any honor or glory to themselves or benefit in the slightest degree. We have adopted these rules. We have pledged ourselves to maintain these rules. They are necessary for the protection of every man on the floor of this Chamber. It is better that no matter which is not germane, that no matter which is extraneous to the subject under discussion, be brought in under the guise of an amendment. It has been the experience of strong men, of able men, of wise men. The rules are the result of the experience of men in the past—James G. Blaine, James A. Garfield, Thomas B. Reed, and other men in the Republican party, and Samuel J. Randall, John G. Carlisle, and Charles S. Crisp, and the great men of the Democratic party—and this code of rules is the result of their wisdom. They have not only been wrought out in the experience of these gentlemen, but they have been hammered out in the daily conflict in the House for generations that are past, and it is of the highest importance, let me say, it is of the highest importance that we maintain the rules of the House upon this and upon every other question.

The Chairman has clearly demonstrated what is the rule in this case. The gentleman from Alabama [Mr. UNDERWOOD] refers to a ruling of the Chair made on the Cuban reciprocity bill where, when we were fixing the rate of duty on sugar and hides and all articles from Cuba, a foreign country, an amendment was brought in here taking off the differential—that is, the difference in duty between raw sugar and refined sugar—from all countries in the world. Clearly it appeared to the House that that was not germane, but I regret to say that the House overruled the decision of the Chair. Did any good come of it?

Two years later we had a reciprocity treaty, while if that bill had been passed it would have been better for the interests of the United States, passed as it was, than the treaty that came a little later. But that is no precedent for this House and it was not a precedent for that House, for within fifteen

minutes a similar amendment relating to hides was offered to the bill, the amendment was ruled out by the Chair, and the Committee of the Whole House on the state of the Union, by a large majority, voted that it was not germane, and sustained the action of the Chair. And that was sustained for two or three times during that memorable afternoon, showing that the sense of the House was that these amendments were not germane. But even if that amendment was put upon that bill, who is there with the hardihood to stand up in this House and say that to a bill amending a bill producing revenue for the Philippine Islands it is in order to go ahead and provide that at some day in the future the United States shall give them free government, or give them autonomy, make them independent, as does this amendment which is offered by the gentleman from Massachusetts? I trust each Member of this House will vote as his conscience dictates, will stand by the rules, and vote to sustain the Chair upon this proposition.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the decision of the committee?

The question was taken, and on a division (demanded by Mr. MCCALL) there were 198 ayes and 123 noes.

So it was decided that the decision of the Chair should stand as the decision of the committee.

Mr. FORDNEY. Mr. Chairman, I wish to offer the following amendment.

The Clerk read as follows:

In line 13, page 3, after the word "duty," insert the following amendment: "*Provided, however,* That on all sugars in excess of 200,000 tons, wholly the growth and product of the Philippine Islands, coming into the United States from the Philippine Islands, each calendar year from and after the passage of this act, there shall be levied, collected, and paid the full rates of duty as now provided by law on all sugars coming into the United States from foreign countries, other than Cuba and territory belonging to the United States; and that the rates on tobacco shall apply as follows:

	Cigars.	Wrapper leaf.	Filler leaf.
	Number.	*Pounds.*	*Pounds.*
Free of duty	50,000,000	300,000	3,000,000
At 25 per cent Dingley rates	100,000,000	400,000	4,000,000
At 50 per cent Dingley rates	150,000,000	No limit.	No limit.
At 75 per cent Dingley rates	200,000,000	No limit.	No limit.

Mr. FORDNEY. Mr. Chairman, I wish to say in support of this amendment that the friends of this bill have contended from the beginning that no very great amount of sugar can for a great number of years be produced in the Philippine Islands. The opponents of this measure have contended that the conditions of the soil and the quantity of the soil suitable for the raising of cane in the Philippine Islands will permit the people of that country to produce an unlimited amount, so that in time the sugar industry in this country will be crippled by great imports of sugar from the Philippine Islands. Now, I am going to take them at their word. In this amendment we are going to concede that no appreciable amount of sugar can be produced in the Philippine Islands beyond the amount that has already been produced there, and to bear me out in this statement I want to read from the hearings before the Committee on Ways and Means what Mr. De la Rama, a sugar producer in the Philippine Islands, said about the possibilities of the production of sugar in the islands. Mr. De la Rama said, in answer to a question put to him by Mr. WM. ALDEN SMITH, of Michigan, a member of that committee:

Even if we should have no more trouble from the rinderpest, to produce the 200,000 tons which we produced formerly would take us at least fifteen years to replenish the cattle which we have lost. We never produced 400,000 tons, as Senator NEWLANDS yesterday stated. Our highest production was in the year 1893, when it was 300,000 tons, and our exportation in that year was 260,000 tons, 40,000 tons being used at home.

That will be found on page 181 of the hearings before the committee. Now, on page 183 Mr. De la Rama said:

But we will not produce more than 200,000 tons in fifteen years from now. I do not believe that 200,000 tons can injure any industry in the United States, especially fifteen years hence.

That statement comes from a man now owning a plantation in the Philippine Islands and producing sugar over there. Now, let me go further and show what Mr. De la Rama said:

My statement to the effect that we could not have a crop exceeding 200,000 tons fifteen years hence has also been questioned. I wish to state that when I say anything before the committee here I take facts as a basis, and not fantastic estimates. The facts are that before we suffered the rinderpest we did not produce an average of more than 200,000 tons; so that if we only produced 200,000 tons before we had the rinderpest, and before we suffered all the calamities that we had fall upon us, and now we produce 100,000 tons, I estimate that it will require fifteen years at least to replenish our stock of cattle and attain the same figure that we had before we suffered these calamities. And 100,000 tons is not a very small matter for us there, as we use all primitive implements.

I have already stated that Louisiana, with its modern machinery, has required ten years to increase its production of 100,000 tons.

Now, permit me to read what Governor Wright said. Governor Wright stated:

The statistics show that the production has gone from 300,000 tons to 100,000 tons.

Further along he said:

Now, if we give a reasonable stimulus to the sugar, so as to bring it up to a couple of hundred thousand tons in the next five years, that would greatly help, and possibly in the next fifteen or twenty years it might reach 400,000 tons.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FORDNEY. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to continue his remarks for five minutes more. Is there objection?

There was no objection.

Mr. FORDNEY. Now, gentlemen, we are willing to take you and your Filipino representatives who give testimony at your word, that no great amount can be produced, and if that is true we will let in free, absolutely free, of duty, 200,000 tons. But beyond that amount the sugar industry in the United States demands protection, and I beg of you to give it. Our President of the United States is celebrated for his saying to the people of this country that he proposes to give them a square deal; and the chairman of the Committee on Ways and Means, the other day in his speech before this House, demanded a square deal. In all my life I never sat at a table in a game of cards where one man proposed to do all of the dealing and did not propose to pass it around. [Laughter.] All we ask, my friends, is an opportunity to deal once in a while. We ask you, in the name of all that is reasonable, gentlemen, to protect us against an unlimited amount of sugar coming in from those islands. I have it from a gentleman that sits upon the floor of this House now, an honorable gentleman, that only a few days ago Mr. E. F. Atkins, of Boston, a sugar producer in the Cuban islands, a stockholder in the great American Sugar Refining Company, who appeared before the Committee on Cuban Reciprocity, said to him:

Pass this bill and there will be no danger but that immediately American capital and American genius and American modern improved methods of production will immediately go to the islands and develop that industry.

That is what we have contended, my friends, would be the case. That is what we are afraid of. The gentleman from Pennsylvania [Mr. CASSEL], who asked me to add the clause referring to tobacco, will explain that portion of the amendment to you better than I can, except I wish to state that I have an abundance of protests from tobacco manufacturers and laboring men working in the production of cigars, protesting against this bill. I beg of you—I ask of you as a square deal to the American laboring man and to the American farmer—add this amendment, and I will vote for your bill. [Applause.]

Mr. PAYNE. I understand the gentleman from Pennsylvania [Mr. CASSEL] desires to speak in favor of the amendment, and I yield for a few moments to him.

Mr. CASSEL. Mr. Chairman, I think it would be just as well to allow the gentleman from New York [Mr. PAYNE] to answer both of our arguments at the same time. Those Members of Congress who have in their districts people growing, handling, and manufacturing tobacco, and who are opposed to this bill, have endeavored to prepare a schedule which will be satisfactory to the friends of the bill and which will effect a compromise in the measure.

We feel, as has been stated before, that the effect of this bill as it now stands will be very detrimental to the growers and handlers of tobacco and manufacturers of cigars. They therefore have prepared a schedule, first, giving free trade to the importation of 50,000,000 cigars, 300,000 pounds of wrapper leaf, and 3,000,000 pounds of filler tobacco. Personally, I am opposed to this free-trade clause; yet it has been agreed upon as a fair compromise in the matter. Second, at 25 per cent of the Dingley rate, the rate of this bill, 100,000,000 of cigars, 400,000 tons of wrapper, and 4,000,000 of filler; and at the 50 per cent rate—the rate upon which I think we should agree—150,000,000 cigars, with no limit as to the amount of wrapper and filler tobacco.

Let me say that the Philippines now produce about 150,000,000 of cigars, of which 70,000,000 are consumed at home and 80,000,000 are exported. The total imports from Cuba into the United States for the calendar year 1904 amounted to 59,360,546 cigars. Cuba's total exports were 215,013,451. By this amendment we are offering to the people of the Philippine Islands all they are contending for at the present time, and giving to our growers and manufacturers a fair and equitable protection, and I hope it will prevail.

Mr. PAYNE. Mr. Chairman, this proposition is not a new

one. It was made to me some ten days ago by one of the opponents of this bill. I gave him my reasons why I was opposed to it. It was renewed last Saturday, and I was asked to poll the Committee on Ways and Means. Those I did see were nine, and those nine were opposed to the amendment. I am saying this because a local newspaper has published a contrary statement within a day or two, and the same paper, I think, also published a statement that the Secretary of War had proposed this and the opponents of the bill were considering it.

On the other hand, I am authorized to say that at no time has the Secretary of War favored this amendment, and would rather have no bill than to have this bill with this amendment. The gentleman argued on the sugar producers reaching 300,000 tons in fifteen years and reducing the amount here. So you do not need this amendment. But, Mr. Chairman, I have advocated this bill, not using the terms "square deal," not being so familiar with the use of those terms as the gentleman from Michigan seems to be, but our "plain duty," that came down to us from President McKinley, and give this as a duty we owe to the Philippine people. Now, I do not know what I should think of myself if I should catch myself thinking it was our plain duty to give this concession of tariff up to 300,000 tons and then put up 75 per cent of the Dingley rates on whatever came in beyond that. This whole thing is so impracticable. Suppose people in the future get anywhere near 300,000 tons. The next thing we would know there would be a grand race across the Pacific Ocean to get into our market free of duty the 300,000 tons, and the man who happened to be a little belated would have to pay 75 per cent of the Dingley rates. What more demoralizing thing could happen in such a scramble as that? Further, the very menace of it would prevent capital going into the Philippine Islands and prevent any development of the industry. You might just as well not pass any bill at all as pass a bill with this amendment. Now, as my deliberate judgment, after having thought of the thing ten days, and coming to me on Saturday, and again when it appeared in the press, I hope this amendment will be voted down.

Mr. MONDELL. Mr. Chairman, I think that this amendment is offered for the purpose of enabling gentlemen who are supporting the bill to be entirely consistent in their arguments. As I understand it, there are two distinct and separate arguments used on this side in favor of this measure. One is that it is our duty to remove all tariff duties between the United States and our insular possessions. But in the same breath in which gentlemen make that statement on this side they insist and declare that they do not desire to harm any American industry. I think there is no gentleman on this side who is supporting the bill who would admit that he would vote for it if he were certain that it would injure an American industry. Now, in order that the gentlemen who are supporting the measure may be entirely consistent, in order that they may do their "plain duty" as they see it to the people of the Philippine Islands and at the same time do no harm to American industries, it has been proposed—what? That a very much larger, much greater amount of sugar, tobacco, and cigars than any of the gentlemen who are supporting the bill have been willing to admit would come into this country from the Philippine Islands for a decade shall be admitted under the terms of their measure, and that the remainder, which they say never will come—they say "can not come"—because it is impossible to so stimulate the industry of sugar growing and manufacture and tobacco raising and cigar making as to bring any considerable quantity here, and it is of such inferior quality that we would not have it if sent here, shall pay the regular rate of duty. Now, in order that these gentlemen may be consistent in their arguments, it is proposed that a much greater volume of these products may come in under the provisions of their bill than they have been willing at any time to admit would ever seek a market here, and I hope, therefore, as this opportunity is presented to the gentlemen on this side to be entirely consistent, to do their duty as they see it to the Filipinos, and at the same time defend our protective policy and American industries, that all gentlemen on this side will vote for the amendment.

Mr. LONGWORTH. Mr. Chairman, I desire to say simply one word in opposition to this amendment. It seems to me that it would strike at the very root of the principle upon which this bill ought to pass. We are offering to help the Filipinos to be prosperous. Shall we offer them prosperity with a string to it? I would as soon offer to set an unsuccessful man up in business and tell him that when he got to a certain degree of prosperity I would then withdraw my support. I would as soon take a little sick boy from a tenement house to some farm and say to him, "You can stay here until you get pretty well, but if you get very well I will take you back to the tenement house." I would as soon, on principle, vote for an amendment providing that when the number of school children in the Philippine Islands reached a million the teachers should be withdrawn and the schools closed as to vote for this amendment. I would far rather, from my point of view, see this bill fail entirely than see it pass with such an amendment as this.

Mr. HOGG. Mr. Chairman, it is very unfortunate indeed that I have not been able to be present during much of the discussion of this bill. I had expected, from what I might have heard if I had been here, to learn something about the Philippine Islands and our plain duty to them. I have listened, however, with a great deal of interest, so far as I have been able to be present, to the suggestions made by the proponents of this bill; and it has been at least some enlightenment to me to learn that this bill is not properly a bill originating in the House of Representatives, but one originating in one of the Departments of this Government, and that one of the reasons why we are called upon to support it is because, luckily for it, it has the commendation of a very powerful governmental officer.

I was a litle surprised that our honored leader [Mr. PAYNE] should refer to the tears that were in the voice of the gentleman from Michigan [Mr. WM. ALDEN SMITH]. After I had listened to the gentleman from New York a very short time I came to the conclusion that had there been tears in his voice for the Filipinos or for anyone else the flood of those tears would still be pouring down Pennsylvania avenue. [Laughter.] I am surprised, Mr. Chairman, to see the attitude taken by these gentlemen, so far as the interests of the American citizen are concerned. I grant them the right to feel a sympathy for the people of the Philippine Islands, but I deny them the right to feel that sympathy when, at the same time, they appear to fail to feel sympathy for the American citizen. [Applause.]

I know these gentlemen are kindly disposed toward the Filipino, because if those honored gentlemen who compose the committee that visited the Philippine Islands last summer had not felt kindly toward the people of those islands no doubt many of them would have remained at home; but I believe they were accorded the courtesy of the Secretary of War to accompany him to the islands in order that they might advise themselves as to the necessity and conditions of those islands. It was a very kind act on the part of the Secretary of War, and I have no doubt that it was very much appreciated by the committee that attended him upon that trip; but we learn from the report of Colonel Edwards that the expenses of that trip, in order that the American people might be informed as to the condition of those islands—expenses which were paid by the Filipinos, taken out of their funds—amounted to $10,000 in order to get this committee out there in order that they might feel a proper degree of sympathy for the Filipinos. It is just exactly the same amount of money that the Panama Canal Commission expended for their press agent, so that it seems now that it cost, in round numbers, about $10,000 to inform the American people that the administration of affairs on any particular subject is being faithfully and properly carried on. [Applause and laughter.]

I see one of their purposes is that they are to help the Filipino people, not only by the expenditures of vast sums of money in the islands for their benefit, but they are to help them by striking down the industries of these United States. I am quite sure, Mr. Chairman, that if these honorable gentlemen from the protected States of the East had had their industries menaced by any sort of industry in the Philippine Islands that we would not have had the tears here for the Filipinos that have been shed in their behalf. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BONYNGE. Mr. Chairman, I ask unanimous consent that my colleague may have five minutes more time.

Mr. PAYNE. I want to suggest that all debate on this amendment be closed in ten minutes, and that of that ten minutes the gentleman from Colorado have five. I ask unanimous consent for that.

The CHAIRMAN. The gentleman from New York asks unanimous consent that all debate upon this amendment conclude in ten minutes, of which time the gentleman from Colorado shall have five. Is there objection?

There was no objection.

Mr. HOGG. I am very greatly under obligations to this committee that visited those islands, and not only we, but the gentlemen on the other side of the Chamber, ought to be under great obligations to them for the very large amount of information we have received, not only as to the condition of those islands, but absolutely as to the absence of necessity for the establishment of these tariffs at all. I am quite sure that our Democratic friends have not fully appreciated the efforts of these gentlemen.

All I have to say to them is this: So far as the future policy of the Republican party is concerned, so far as all these arguments are concerned in which you oppose the doctrine of protection, you are getting yourselves exactly into the condition of the man out in my district who lived in a mining camp. He had a broncho, which was the only broncho in camp. Everybody came to borrow it. He got tired of lending it and at last he taught the broncho to buck so that it would buck off the borrowers. But he taught it so well to buck that at last it bucked its owner. So you gentlemen are teaching us day by day here, in the arguments that you are advancing for the Filipinos, that it is utterly foolish and nonsensical for us to get up here and claim that protection to American industry means anything, because you say we will prosper without it. Now, if we can prosper without the imposition of this tariff in the Philippines why can we not prosper without the imposition of tariff against other portions of the world? [Applause.]

You gentlemen of this committee went over there to see the Filipinos, and I have the account of Colonel Edwards, who seems to have attended the committee. I am surprised that you secured so much information as you did. If you will take the accounts of that trip given by Colonel Edwards you will find that the committee visited a certain place. There was a parade, a banquet, and a dance. [Laughter.] Then they left that place and went to another place and there was a parade, a banquet, and a dance. [Laughter.] If you will take the hearings of the gentlemen from the Philippine Islands who addressed you, you will find that one of them told you the trouble that they had was that it took about all that they could rake and scrape together to give you that dinner. That statement is in the hearings. [Laughter.]

It was about all they could do to raise money enough to give you your dinner, and still you took it to help the poor Filipino. [Laughter.] I can see these reverend señors and señoritas dancing in the mazy dance in order to learn something about the Filipino. Why, I want to say to you, Mr. Chairman, that while I believe we ought to do our plain duty to these people, I believe more in the patriotism and intelligence of the American citizen than I do of any person who wears a breech clout and lives under a bamboo tree. [Laughter and applause.]

Mr. PAYNE. Mr. Chairman, I move to strike out the last word. I was amused at the account given by the gentleman from Colorado of the trip out to the islands last summer. It is true these people are very hospitable people; it is true they insisted on a banquetta every time we arrived in town. It is true the ingenuity of the whole party was devoted to the task of getting rid of the banquetta and getting it out of the way of the hearings, but we succeeded well enough to get pretty full hearings everywhere we went over the islands.

These gentlemen speak about the people there being dressed—I do not know whether he called it a string around them, but a great majority of these people we saw there were dressed with pants, vest, and a coat and hat. Some of them had a plug hat, and some of them have $6 worth of Prince Albert clothes.

I want to say to the gentleman and for the peace of mind of gentlemen on this side of the House that seem to be so worried lest some doctrine in the principle of protection is going to be interfered with by this bill, I think some of them have been alarmed for fear words that I said may be quoted or had been quoted on the other side of the House as to the efficiency of this sugar labor over there in the Philippine Islands.

I did say, and I say now, that a dollar's worth of that labor is not any more efficient than a dollar's worth of labor in Michigan or Illinois. Why? They are different from the other oriental people just now; they have been making progress under the American flag and American occupation. They used to pay 6 cents a day for labor on the sugar plantations, and now they pay 30 cents in gold. They have increased the wage five times and they have not increased the efficiency. So the relation of labor has come to adjust itself with our high-priced labor here on the mainland.

I have no fear, Mr. Chairman, but that wherever our jurisdiction goes, in the language of Mr. De la Rama, prosperity will go with it. Higher prices will go with it, higher prices for labor, higher prices for food, higher prices for clothing, and everything will cost more, and yet the general propserity will be greater, as it always has been in the United States over every country on the face of God's earth. We are going to maintain the protective tariff so far as the people outside of the United States are concerned. But the Republican party has never stood, and does not stand now, and will not in the future stand, for any protection between one part of the country and another, between one part of our possessions and the remainder of our possessions, because it is not right, it is not just, it is not honorable so to do. [Applause.]

Mr. SULZER. Why don't you take off all the tariff between the United States and the Philippines?

Mr. PAYNE. I wish my friend from New York had got here before so that he would know more about it.

Mr. McMORRAN. Mr. Chairman, I desire to announce the position that I take upon this amendment.

The CHAIRMAN. The time for debate on this amendment is closed.

Mr. McMORRAN. I ask unanimous consent, then, Mr. Chairman, that I have five minutes.

Mr. PAYNE. Mr. Chairman, reserving the right to object, I wish the gentleman would defer his remarks until we come to another amendment, unless he wants to speak directly on this amendment. The House has voted to close debate by unanimous consent.

Mr. McMORRAN. This is one of the most important amendments that will be offered here to-day.

Mr. PAYNE. Well, if the gentleman wants to speak on this amendment, I do not object, but I ask that debate close at the end of his speech.

Mr. McMORRAN. Mr. Chairman and gentlemen, I was in hopes that the leaders of this House would permit this amendment to pass in view of the statements that have been made in regard to the sugar interest and the sugar to be imported from the Philippines. They have already claimed that the amount to be imported from the Philippine Islands would do us no harm; they have claimed that the passage of this bill would be of great benefit to the Filipinos. What are the practical results? To-day you are passing a bill that reduces the revenue to the Filipino at least two-thirds of what he is now receiving. Instead of receiving $500,000, the present revenue, it will receive less than $170,000 under the bill before the House. What benefit is that to the Filipino? Now, there is another reason why you should permit this amendment which is verified by the remarks of Mr. BOUTELL, of Illinois, yesterday, when he stated as follows:

> There will be a slightly increased importation of sugar into this country, but I should doubt whether for many years to come it would ever go beyond the 200,000 tons limit. So that it seems to me, Mr. Chairman, that those who are interested in the sugar industry need have no fear of the effect of this measure upon their industry.

Now, gentlemen, if you have no fear of this amount coming here, why do you object to this amendment? It is very evident that there is an iron rule holding over the leaders of this House which says to them pass this bill or none at all.

I have listened and I have watched for sentiment in favor of this bill throughout this country, but I have never yet seen any sentiment except right here—west end of Pennsylvania avenue. It is just as impracticable a bill as the Cuban reciprocity bill which passed two years ago, and I assume there is no gentleman here who is proud of his vote in favor of Cuban reciprocity at that time. It was a blow aimed at destruction of the sugar industry of this country. What are the facts? You have taken away from this Government six millions of revenue. You have given to the Cubans barely three millions. You have not reduced the price of sugar to the consumer here yet one fraction. Who has been benefited by it? Nobody but the American sugar trust. Ah, our President has proclaimed these trusts should be regulated, and yet he comes here and advocates the passage of a bill which adds to the strength of these trusts and places in their hands, instead of $6,000,000, $9,000,000 a year to help them defy the legislation of this country. Now, gentlemen, I ask and pray of you to vote for this amendment of Mr. FORDNEY'S. It is a fair one. It should receive due consideration, and I want to say to you further that every man who casts his vote for the passage of this bill as it stands is placing before the capital of this country a menace to all further investment where investment comes in contact with the tariffs of this country. Can you afford to do it? Your Republican party has pledged itself to protect every American industry, and especially the sugar industry. You are passing an act here that is confiscatory of the amount of money that has been invested in the sugar industry of this country to a certain extent. Are you willing to go before the country and say you favor that kind of legislation? I say not; I say, gentlemen, give this matter careful consideration and cast your vote for this amendment and you will never make any mistake. [Applause.]

The CHAIRMAN. The gentleman from Pennsylvania [Mr. Butler] asks that the amendment be again reported. Without objection, it will be so reported.

The amendment was again reported.

Mr. BUTLER of Pennsylvania. Mr. Chairman, I rise to make a parliamentary inquiry.

The CHAIRMAN. The gentleman from Pennsylvania will state it.

Mr. BUTLER of Pennsylvania. The amendment seems to in-

clude two distinct and different subjects. Is it in order to move to divide this amendment so we may vote separately?

The CHAIRMAN. The Chair will state that it appears upon investigation that the earlier portion of this amendment relates to sugar, and then, beginning with the word "and," it relates to tobacco. The Chair is of opinion there are two substantive propositions embodied in the amendment and that a division may be demanded.

Mr. BUTLER of Pennsylvania. Mr. Chairman, since making the inquiry I understand that that motion would lead to confusion, and therefore I have no desire to make the motion to separate.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Michigan.

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. FORDNEY. Division, Mr. Chairman.

The committee divided; and there were—ayes 66, noes 126.

Mr. FORDNEY. Tellers, Mr. Chairman.

Tellers were refused, 19 gentlemen having arisen in support thereof; not a sufficient number.

Mr. PUJO. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend line 4, page 2, by striking out the word "and," after the word "sugar," and inserting the words "and rice" after "tobacco."

Mr. PUJO. Mr. Chairman, the object of this amendment is to place rice in the same category as sugar and tobacco—that is, rice imported from the Philippine Archipelago into the United States.

Mr. PAYNE. If the gentleman will allow me, Mr. Chairman, the only industry that has found any fault with this bill, except sugar and tobacco, has been the rice industry, and members of that industry have come to me and said they would be satisfied with this amendment.

They are afraid of it. They are afraid that foreign rice will be introduced into the Philippine Islands by speculators and then domestic rice sold in the United States. I do not think their contention amounts to much, but I have not any objection myself to putting this into the bill and allowing them the 25 per cent rate during the three years. So I have no opposition to make to the amendment offered by the gentleman from Louisiana [Mr. PUJO].

Mr. PARKER. Mr. Chairman, I desire to offer an amendment to the amendment.

The CHAIRMAN. The gentleman from New Jersey [Mr. PARKER] offers an amendment to the amendment. The Chair will state that the gentleman from Louisiana has not yielded the floor.

Mr. PUJO. I have yielded the floor to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. For an interruption.

Mr. PUJO. For an interruption.

Mr. WILLIAMS. Now, if rice is put on the bill in the same category with sugar and tobacco, will the gentleman representing that industry then vote for the bill?

Mr. PUJO. Why, I think, to characterize the question in as parliamentary language as I can, that it is an extremely inconsiderate one. However, if it is asked in good faith, I——

Mr. WILLIAMS. If we are to gain strength for the bill by that infinitestimal concession, it would have a large effect, to my mind.

Mr. PUJO. I suppose that is meant entirely in an ironic sense. But I desire to state that my position all the way through has been that rice is one of the revenue-producing articles of this country, and that I am opposed to the substitute by the members of the minority because they desire to put a revenue-producing article upon the free-trade list. Now, if that be true, if you are determined to do that, I ask that you place rice in the bill and recognize it as a revenue-producing article, the same as sugar and tobacco. Then that leaves me in this position: I am opposed to the substitute, but I think I am in favor of the bill. I announced the other day, and still believe, that we are entitled to absolute free trade between the Philippine Islands and the United States, they being a part of this territory; but, in addition to that, we ought to have the laws applying to the United States encircle the Philippine Archipelago. In other words, I believe the Philippine Archipelago ought to be held to be a part of this country. Then the dominant party advocating this favorable legislation would find out what they have brought into our political family, and they would be glad to get rid of the Philippine Archipelago, a policy which I would favor. But the policy outlined by some of the Democratic members of the minority of the Ways and Means Committee, suggesting that we join in legislation which will result beneficially to the Philippines, will never get rid of those islands, and therefore we will be burdened with this incubus during all of our political existence. Mr. Chairman, I hope that this amendment will be adopted. I believe it is fair and right. I believe under the legislation contemplated by this bill without this amendment speculators in the Philippine Archipelago could buy all the rice they desire from India, and ship to the United States the rice produced in the Philippines without the payment of a duty and destroy our home industry. I hope, therefore, that the amendment will receive the favorable consideration of this House.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 2558) authorizing the Washington Bridge Company to construct a bridge across the Columbia River near the city of Wenatchee, Wash.

The message also announced that the Senate had passed the bill (S. 321) to provide for the extension of time within which homestead settlers may establish their residence upon certain lands which were heretofore a part of the Uinta Indian Reservation, within the counties of Uinta and Wasatch, in the State of Utah.

The message also announced that the Senate had passed without amendment joint resolution of the following title:

Joint resolution (H. J. Res. 68) relating to the contingent expenses of the House of Representatives.

PHILIPPINE TARIFF.

The committee resumed its session.

Mr. POU rose.

The CHAIRMAN. For what purpose does the gentleman from North Carolina rise?

Mr. POU. To offer an amendment.

The CHAIRMAN. A separate amendment?

Mr. POU. Yes, sir.

The CHAIRMAN. The gentleman from New Jersey [Mr. PARKER] offers an amendment to this amendment.

Mr. PARKER. Mr. Chairman, I offer it as a substitute. Mr. Chairman, I can state it in an instant. The purpose of the gentleman's amendment is to add rice to the 25 per cent list; the purpose of my amendment is to add everything to the 25 per cent list except hemp, which is already on the free list, so that everything from the Philippines will pay 25 per cent except hemp.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New Jersey.

The Clerk read as follows:

Amend section 1 as follows: Strike out all after the word "islands," in line 3, page 2, to and including the words "duty aforesaid," in line 5, page 2, and insert in lieu thereof the words "except hemp which hereafter shall continue to be admitted free of duty, shall be liable to pay only 25 per cent of the rates of duty aforesaid."

The CHAIRMAN. If the gentleman from New Jersey please, it does not seem to the Chair to be exactly an amendment to the amendment, but is in the nature of a substitute.

Mr. PARKER. Yes, sir.

The CHAIRMAN. Before the substitute is in order, the original amendment offered by the gentleman from Louisiana [Mr. PUJO] must be voted upon, that being in the nature of an amendment to perfect the paragraph.

Mr. CLARK of Missouri. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Missouri will please state it.

Mr. CLARK of Missouri. The gentleman from North Carolina [Mr. POU] had some sort of an amendment. I did not understand whether it was an amendment to the amendment of the gentleman from Louisiana or not. It does not——

The CHAIRMAN. The Chair understood it to be an independent amendment.

The question was on the amendment offered by the gentleman from Louisiana.

The question was taken; and the Chair announced that the noes seem to have it.

Mr. PUJO. Division, Mr. Speaker!

The committee divided; and there were—ayes 64, noes 50; so the amendment was agreed to.

The CHAIRMAN. The Chair thinks the amendment offered by the gentleman from New Jersey is now in order. The Chair will ask that it be reported.

The Clerk read as follows:

Amend section 1 as follows: Strike out all after the word "islands" in line 3, page 2, to and including the words "duty aforesaid" in line 5, page 2, and insert in lieu thereof the words "except hemp, which hereafter shall continue to be admitted free of duty, shall be liable to pay only 25 per cent of the rates of duty aforesaid."

Mr. PARKER. Mr. Chairman, I desire to say but a word to the House. This amendment is perfectly clear. It puts all articles, products of the Philippine Islands—except hemp, which is already upon the free list—upon a rate of 25 per cent of the Dingley tariff.

The object is in the first place to protect, by a partial tariff, articles of our own growth and production, and in the second place to give the Philippines a preference in our markets to the extent of 75 per cent; in the third place, to see that they keep their revenue received from those duties, which is all returned to them and which they need.

I would state that if this amendment be carried, or indeed if it be not carried, I shall offer a subsequent amendment by which all manufactures of iron and steel, manufactures of cotton, and manufactures of petroleum and its products, all machinery—argicultural, industrial, or locomotive—wholly the product of the United States, going from the United States to the Philippine Islands, or until 1909 from Spain to the Philippine Islands, shall likewise be put upon a preferential tariff of 25 per cent of their duties, my object being to bind the two countries together by preferential arrangements between the two. We do not fear the rivalry of Spain on any of those articles.

Mr. PAYNE. Mr. Chairman, I trust that that amendment will be voted down, and I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. PARKER].

The amendment was rejected.

Mr. SLAYDEN. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Nothing herein contained shall be held to mean that the United States intends to incorporate the inhabitants of the Philippine Islands into citizenship of the United States, nor is it intended to retain permanently said islands as an integral part of the United States; but it is the intention of the United States to establish on said islands a government suitable to the wants and conditions of the inhabitants thereof to prepare them for independence, and thereafter to collect on the products of the Philippine Islands the same custom dues collected on the products of other foreign countries when imported into the United States.

Mr. PAYNE. I make the point of order that that amendment is not germane.

The CHAIRMAN. Does the gentleman for Texas desire to be heard on the point of order?

Mr. SLAYDEN. Mr. Chairman, to be perfectly frank, I do not care so much to be heard on the point of order, but I should like to have the privilege of five minutes' time to speak on the amendment.

The CHAIRMAN. If there be no objection, the gentleman from Texas desires five minutes to speak upon his amendment.

Mr. PAYNE. I will reserve the point of order for five minuntes, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas will proceed.

Mr. SLAYDEN. Mr. Chairman, I am sincerely grateful to the gentleman for his generosity.

I have been so absorbed in the contemplation of the political features of this bill, and I so utterly abhor the political relationship existing between our country and the Philippine Islands, that I have given very little consideration to its economic side, which I consider as of little consequence and as of small importance compared with the political side of the question.

Gentlemen on the other side of the House who are greatly disturbed about the dangers which threaten their industries had an opportunity a while ago to support a measure which ultimately, if it became the policy of this country, would have relieved them of all danger, and they now have an opportunity to support this amendment, which proposes after a certain period of probation to put the Philippine Islands upon the same status exactly as other foreign countries in the matter of the collection of customs dues.

I listened with a great deal of interest to the debate on this bill, and everything which was said for the bill, and against the bill, for that matter, tended to confirm my conviction that the Philippine Islands were utterly unfit for political association with the Republic of the United States. I, sir, am sorry to say that I can not concur with the minority of the House and of the Committee on Ways and Means in supporting a proposition for absolute free trade between the Philippines and the United States. I believe that the country will contend, and I believe that it will reasonably contend, that when we vote to place the Philippine Islands upon the same customs plane as that now enjoyed by Massachusetts, by Texas, and by California it will be accepted as approval of existing conditions. It will be taken to mean that we have accepted as a finality the annexation of the Philippine Islands; that the curtain has been rung down, and for weal or woe the Filipinos are Americans and Americans "for keeps."

Gentlemen, you can not get my consent to do that which will even squint in that direction. Furthermore, Mr. Chairman, I have some objection to the bill from an industrial standpoint, although I consider it of small economic importance. I have one great objection to it as a tariff bill. When tariff bills here make a reduction they invariably smite a southern industry. The tobacco, sugar, and rice of the South—if any industries of this country are to be hurt by this legislation—are those which will be most seriously stricken. But, Mr. Chairman, it is of vastly more importance in my humble judgment to sever these political ties than to levy any sort of tariff between the Philippine Islands and the United States, whether it be high, moderate, or none at all. I will cheerfully vote for the minority bill if there can be incorporated in it such an amendment as that which was voted for by the Senate, declaring substantially the same idea as the amendment which I now offer, and which passed the Senate by a Republican vote. [Applause on the Democratic side.]

The CHAIRMAN. The gentleman from New York makes the point of order that the amendment offered by the gentleman from Texas is not germane. The pending bill relates entirely to the tariff upon articles coming from the Philippine Islands into the United States or going from the United States to the Philippine Islands, while the amendment relates to the permanent retention of those islands by the United States, and provides also for the establishment of a certain form of government on the islands, matters entirely different from those contained in the bill. The Chair thinks the amendment is not germane and sustains the point of order.

The gentleman from New Jersey offered another amendment, which has not yet been read.

The Clerk read as follows:

Amend section 1 as follows: On page 3 strike out from and including the words "wholly the growth," in line 5, to and including the words "free of duty," in line 13, and insert in lieu thereof the words "iron and steel and their manufactures, cotton and its manufactures, petroleum, schists and bitumen and their derivatives, and instruments, machinery, and apparatus employed in agriculture, industry, and locomotion, all being wholly the growth and product of the United States or wholly the growth and product of Spain, shall be subject to pay only 25 per cent of the duties collected on merchandise imported into the Philippine Islands; but this reduction of duty shall cease as to the products of Spain on the 9th day of April, 1909.

Mr. PAYNE. If I understand the amendment, it raises the duty. I do not think the gentleman from New Jersey wants to do that, but whether that is the gentleman's purpose or not, I hope the amendment will not prevail.

Mr. PARKER. Mr. Chairman, it is not 25 per cent of the Dingley tariff, but of the Philippine tariff. The amendment will give to American products exported to the islands—steel, petroleum, cotton goods, etc.—a preference from now on of 75 per cent reduction from the Philippine tariff, so as to give America a preference, as well as Spain, until 1909, over other nations in bringing those articles into these islands. Spain does not produce them and we do.

Mr. PAYNE. Does the amendment also include Spain?

Mr. PARKER. Yes.

Mr. PAYNE. Then I make the point of order, Mr. Chairman, that it is not germane.

Mr. PARKER. But you have provided, in spite of the treaty, that tobacco shall go free from America.

Mr. PAYNE. We make no provision in regard to anything as to Spain.

Mr. PARKER. You provide that tobacco shall go free, and if you give this to American tobacco you have to give it to Spanish tobacco.

Mr. PAYNE. I make the point of order that it is not germane.

Mr. PARKER. Mr. Chairman, I will strike out the reference as to Spain.

Mr. PAYNE. And further than that, Mr. Chairman, I did not know where the gentleman's amendment came in, but it seems that it is an amendment to an amendment that the House has already adopted this morning, and of course it is not in order.

Mr. PARKER. It does more than to strike out that amendment, Mr. Chairman. I ask for a vote.

Mr. PAYNE. This amends, or seeks to amend, the amendment in line 4, page 3, and I make the point of order that it is not in order.

Mr. PARKER. The gentleman offered an amendment which the committee agreed to, and I move to strike that out with other words down as far as line 13. I can strike out what the gentleman put in with something else.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. PARKER. What is the point of order?

The CHAIRMAN. The gentleman from New York makes the

point of order that inasmuch as the amendment refers to Spain it is not germane.

Mr. PARKER. The Chair will notice that the language already in the bill refers to the 11th day of April, 1909, which was the day when Spanish goods have no longer an equal right with American goods. Up to that time we have to give, according to his construction of the treaty, to Spanish goods an equal right with American goods. Perhaps this would follow as a matter of law. But, Mr. Chairman, I do not care for that; all that refers to Spain can be stricken out of my amendment if it strikes the Chair as being of any importance.

The CHAIRMAN. The Chair understands the gentleman from New Jersey to strike out of his amendment that part relating to Spain. Without objection, that will be done.

There was no objection.

The CHAIRMAN. But the gentleman from New York also makes the point of order that the amendment proposed amends an amendment which the committee this morning has already adopted.

Mr. PARKER. It not only does that, Mr. Chairman, but it does more. The gentleman from New York put in the words which the committee has adopted in lines between 3 and 8. This comes in conjunction with words in print between lines 8 and 13. I strike out both of them, in order to have a substitute for both. That is entirely in order, because it deals with a subject controlled by all that language taken together. I did not desire to interrupt the gentleman this morning.

Mr. PAYNE. Will the Chair have the amendment as finally modified read by the Clerk?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk read the amendment as modified.

Mr. PAYNE. I insist upon the point of order, Mr. Chairman.

The CHAIRMAN. The Chair finds that the amendment proposed is to strike out the words, beginning in line 5, page 3, "wholly the growth and product of the United States shall be admitted to the Philippine Islands from the United States free of duty." These words form a part of the amendment to which the committee has already agreed. While the question is not entirely free from doubt, the Chair is of the opinion that the amendment proposing to strike out what the committee has once voted in is not in order.

Mr. PARKER. I suggest, Mr. Chairman, that I strike out not only that, but something with it, with which it was in conjunction. I strike out not only that amendment, but something else, so as to make the substitute for the whole and not for the words that were put in. It would be in order to move to strike out the whole section.

The CHAIRMAN. The Chair, upon a hasty inspection, finds its ruling apparently sustained by a ruling referred to in the Manual, that words once inserted may not be changed or stricken out, but words relating to it may be added to other portions of the paragraph. This amendment proposes to strike out words already adopted, and the Chair thinks it is out of order.

Mr. PAYNE. I understand the gentleman has finally modified his amendment again.

Mr. PARKER. No, sir.

The CHAIRMAN. No; the Chair has ruled the amendment out of order for another reason.

Mr. POU. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by adding to end of section 1: "*And provided further,* That whenever the President of the United States shall ascertain to his satisfaction that any article manufactured in the United States and enumerated in the act of July 24, 1897, being chapter 11, Acts of the Fifty-fifth Congress, first session, and acts amendatory thereto, is sold in any foreign country at a price less than the same article is sold within the United States, the President, in such event, is hereby authorized and empowered to order a reduction of the import duty now collected upon similar articles brought into the United States from abroad, equal, as nearly as possible, to the difference in price ascertained by the President to exist between the aforesaid article sold abroad and the same article sold within the United States."

Mr. PAYNE. Mr. Chairman, I make the point of order that this is not germane.

Mr. POU. Mr. Chairman, if the gentleman will withhold that point of order about five minutes he may save some time.

Mr. PAYNE. Well, Mr. Chairman, I will withhold the point of order for five minutes.

The CHAIRMAN. The gentleman from New York withholds his point of order and the gentleman from North Carolina is recognized.

Mr. POU. I am not surprised, Mr. Chairman, that the point of order was made against this amendment. I introduced this amendment as a last resort. This is my third term in Congress, and for four long years I have been trying to get a bill incorporating the provisions of this amendment before the House. I have introduced such a bill twice and it has never yet been able to run the gauntlet of the committee which had charge of it, and so as a last resort, hoping that the Chair would adopt the view that this amendment was germane to the bill, I have framed it and introduced it. It is a matter of common knowledge, Mr. Chairman, that the manufacturers of this country have grown to be so great and powerful that they are sending their goods across the water and selling them to foreigners cheaper than they do to us. They are punishing us for making them great and powerful. My amendment takes away this power to punish by allowing a Republican President to order a reduction in the import duty exactly equal to the difference in price. Now, I do not see how any mortal man who is in favor of justice and right between man and man can oppose the reduction of the import duty upon those articles to that point which would force the trusts to sell goods as cheap to us as they do to foreigners. [Applause.] Now, gentlemen, the last one of you is pledged to do something to relieve the consumers of this country from the burdens of the trusts, combines, and monopolies. If you want to pass a law that is worth something, vote for this amendment, if the Chairman will only give you the chance, and the people of the country will say we have been true to our pledges, true to the trust they have placed in our hands; but somehow or other it always happens, Mr. Chairman, that whenever any bill is introduced here which helps the consumer and wealth producer there is always some little rule in the way of it and it seems impossible to get it before the House.

Now, Mr. Chairman, I believe I could show, if I had the time, that this amendment is germane. I believe if you would give me time and listen to me I can show it is not out of order, but from the former ruling of the Chair in respect to another amendment I confess I have but little hope, and therefore I conclude by saying I have introduced this as a last resort in the hope that the Chair, having at heart the interest of the millions of people who are under the domination of the trusts and combines, will allow this amendment to come before this House. If I occupied your position, so help me God, I would put this amendment before this House if every other chairman of every other Committee of the Whole and every Speaker of every Congress had from time immemorial ruled to the contrary. Your rules are a curse when they come between us and our duty to the people. [Applause on the Democratic side.]

The CHAIRMAN. The Chair would not feel like violating the rules even to serve the most worthy purpose. The bill before the House is confined in its provisions strictly to the tariff relations between the Philippines and the United States. The amendment offered by the gentleman from North Carolina relates to the tariff laws generally between the United States and all countries. It introduces a very different and much broader proposition. The Chair thinks it necessary to refer to but one ruling in the Fifty-eighth Congress, where an amendment limiting immigration generally was held not to be germane to a proposition to prevent the immigration of Chinese alone. Here is a bill relating to the Philippines and an amendment relating to the tariff generally. The ruling to which the Chair refers was made by the present Attorney-General of the United States. The Chair sustains the point of order.

Mr. WILLIAMS. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Mississippi [Mr. WILLIAMS] offers an amendment, which the Clerk will read.

The Clerk read as follows:

Strike out, on page 2, the language beginning with the word "except," on line 3, down to and including the word "aforesaid," on line 6.

Mr. WILLIAMS. Mr. Chairman, my object in offering that amendment need not long be dwelt upon for the information of either side of the Chamber. If the amendment goes through, it provides our friends the enemy, the majority on the other side of this Chamber, with a consistent bill, a bill consistent with itself. If it be right to grant to the Filipinos free trade after 1909, it is right to give it to them now. If it be right to give it to them in everything except sugar and tobacco, it is right to give it to them on sugar and tobacco.

The majority bill is a hodgepodge of conflicting principles and conflicting ideas. It runs along Democratic ideas except as to sugar and tobacco, and except as to three years of time upon those two articles. It runs along the line of Republican ideas with regard to the three years of time, so far as the three years apply to those two particular articles. Seeing a lucid interval in the Administration and a lucid interval upon the part of what seems to be a majority of its followers upon this floor, leaving out of consideration for the moment the insurrectos, who but a moment ago had an opportunity to scale the wall and rid themselves of the Philippine Islands and did not have

the courage to take advantage of it, but were backed out by the technical opposition of a mere rule which is a slave and servant of the House, and not its master—noticing, I say, a lucid interval on the part of the Administration and the majority of the party following the Administration upon the floor, I thought perhaps it might be well to offer this amendment in order to let full light in upon their intellects, so that they might know what real, sound, good, old American doctrine was, beginning back with the assertion of our colonial ancestors that the British Parliament had no right to make taxation discriminations against British subjects in America, and running on down until now.

If the amendment is adopted the balance of the majority bill will be unhurt. I will not touch another line or figure in it. All I want to do is to strike out this language:

Except sugar and tobacco, manufactured and unmanufactured, upon which there shall be levied, collected, and paid only 25 per cent of the rates of duty aforesaid.

Surely the gentleman from New York, the majority leader on this floor and the chairman of the Committee on Ways and Means, will not object to the minority offering an amendment striking out less than three lines of this bill.

Then the amendment gives our friends the recalcitrants, the insurrectos, the blanket Indians, whatever they may be, an opportunity to assert themselves. They have already said that the 25 per cent in the bill will not protect the sugar industry from "destruction." They have already said that the 25 per cent in here would not protect the tobacco interests from "destruction," and already my friend from Louisiana [Mr. PUJO] has doomed rice to "destruction" by putting it on equality with tobacco and sugar.

Now, a man destroyed can not be destroyed any further. A thing killed can not be killed any worse; and if the 25 per cent of duty retained in the majority bill has already killed, destroyed, or ruined the great American sugar industry and the great American tobacco industry, then, by taking the prop of even that 25 per cent out from under the corpse, you only allow the corpse to be buried just a little bit quicker and not hurt its feelings at all, because it is dead already and has no perceptible feelings to hurt at all. I sincerely hope the chairman of the committee will accept the amendment and that there will be no further discussion upon it. [Laughter and applause.]

Mr. PAYNE. I wish to express my thanks to the gentleman from Mississippi for his kindly efforts in behalf of the majority, but I think we will try to struggle along without his aid in the perfecting of this bill.

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the gentleman a question. It is a very pertinent one. It is if you think you can struggle along and pass this bill without our votes? [Laughter on the Democratic side.]

Mr. PAYNE. I will say to the gentleman from Missouri that is very impertinent. [Laughter.] We need these revenues to aid the government of those islands. And I want to say right here in regard to the taxes imposed under our administration and the taxes imposed under Spain, the Spanish tax in 1896 was as follows: Urbana, 120,000 pesos. This is a tax on dock and wharf facilities, etc., in cities. Then the industrial tax, 1,275 pesos. A cedula tax, 7,952,000 pesos, The cedula tax is a poll tax, and under the Spanish régime it rated all the way from 5 to 35 pesos, and of course it operated very heavily upon the poor. Then there was raised by profits on lotteries 1,151,000 pesos. Of course all this came from the poor people. Then, from opium and other monopolies, 1,368,000 pesos. On forestry products, 142,000 pesos, making in all 12,033,422.24. From customs, they received 5,040,000 pesos, and from municipal taxes, 1,000,000 pesos, making in all 18,073,422.24. The silver peso was equal to 60 cents Mexican, I think, in 1896, making a difference of 20 per cent between the Mexican peso, or the Spanish peso, and the United States peso, which is a full 50 cents, and you have a total raised of 21,688,164. The local tax of 1,000,000 pesos and 20 per cent upon that, making 1,200,000, should be deducted, and you have a total tax of 20,488,164. Now, the tax collected by the United States in 1895 was land tax, and used locally, 2,000,000; then internal revenue, 5,000,000 pesos, of which 25 per cent was locally used, 5,000,000; customs, 13,328,862, making a total of 20,328,862 pesos, and from that you deduct land tax used locally, 2,000,000 pesos, and deduct 25 per cent internal revenue used locally, 1,250,000, together 3,250,000, and you have 17,078,862 pesos.

Of course we have wiped out the lottery business altogether and cut down the industrial tax. Our cedula tax was 1 peso on each male from 18 to 60 years of age.

Now, Mr. Chairman, criticism has been made here that we have increased the salary list, and we have. I think the gentleman from Rhode Island [Mr. GRANGER] had a copy of the list of the salaries paid to the Commissioners. We have fixed our salaries, and we did it on the theory that the highest use of an official was to do his duty, and not on the theory that formerly prevailed there that a salary was a mere incident; so we adopted this policy when we took charge of the government, and the wisdom of that was seen in the first year after we took charge of the Philippine Islands. Under precisely the same customs duties, precisely the same law, in the year after we took possession of the Philippine Islands we collected 14,000,000 pesos against 5,000,000 pesos collected by Spain in the previous year. That was during the first year we had control of the islands. So that we have, from increasing the salaries, paid for an honest administration, instead of adopting their theory of paying the customs duty and paying their other taxes under the law according to the sweet will of an official, and we have collected this much more money. Then we have also increased the expenditures for permanent improvement. In 1904 for permanent improvements the amount paid was $3,350,413; for emergency, $628,086. Part of it was for the St. Louis exposition, and it seems that the Philippine Islands have indulged in some of the same kind of foolishness that the Congress of the United States does with respect to these things. Then we spent for education $1,000,000 more than Spain paid. For the improvement of Manila Harbor since our occupation we have expended $4,000,000, and for Iloilo large sums, and we have expended for the Benguet road $2,000,000. We have also expended $1,000,000 for coast-guard boats, and for laboratory and public buildings, schoolhouses, light-houses, and for health, $240,000 annually.

During the rebellion in the islands it seemed absolutely necessary to have this means of transportation to carry the constabulary swiftly from one point to another. Now the Commission expect to sell these boats and turn the whole business over to private parties. Then for a laboratory, public buildings, schoolhouses, and light-houses we have expended very large sums of money; for the public health $240,000 annually. Now, here comes the proposition from my generous friend from Mississippi [Mr. WILLIAMS] to cut down this revenue about a million and a half of dollars. If it is cut I suppose they will have to live within the cut. They have already reduced salaries. They have been at it for more than a year. They might cut down the educational facilities, and yet I do not believe my friend from Mississippi [Mr. WILLIAMS] would want them to do that. They need $2,000,000 more annually for education. They will have to make the cut in some necessary expense, and something that ought to be done would not be done if we extended this free trade at once. Hence the wisdom of this provision that we keep up this duty in order to get this revenue.

Mr. WILLIAMS. I did not understand what it was that the gentleman charged that even a Democrat from Mississippi would agree to. What was it?

Mr. PAYNE. I said he would agree that the expenditures for education ought not to be cut down.

Mr. WILLIAMS. Well, I think we will agree to that, but we might——

Mr. PAYNE. I thought the gentleman would agree with a little more cheerful alacrity.

Mr. WILLIAMS. But we might contend that the money for the expenditures for education ought to be levied upon the wealth of the islands rather than upon their consumption. Let the taxes be levied upon personal property——

Mr. PAYNE. Of course, the gentleman is always "harping on my daughter."

Mr. WILLIAMS. Yes; let the taxes be levied upon personal property and upon land. Let the people who can afford to pay the taxes pay them. Why do you want to collect all the money for the education of the Filipinos by taking the clothes off their poor backs and by depriving their poor stomachs of something they need? [Applause on the Democratic side.]

Mr. PAYNE. Mr. Chairman——

The CHAIRMAN. The time of the gentleman has expired.

Mr. PAYNE. The gentleman used my time and I will have to ask for a little more.

Mr. WILLIAMS. Mr. Chairman, in consideration of the fact that the gentleman provoked me to inflict myself longer upon the House, I wish to apologize to him by asking that he have the privilege of ten minutes more.

Mr. PAYNE. Oh, I do not want more than five minutes.

The CHAIRMAN. For the reason stated, the gentleman from Mississippi asks unanimous consent that the time of the gentleman from New York be extended for five minutes. Is there objection?

There was no objection.

Mr. PAYNE. The gentleman seems to imagine that the time has come for the Democratic party now to fool the people upon the subject of tariff and taxation, and gentlemen on that side

are trimming their sails, as you will notice, and getting ready for the canvas. Why, our good old genial friend from Missouri the other day [Mr. CLARK], not 75 years old, but yet old enough not to back on his record, did not want to admit that he had ever spoken in favor of tearing down the custom-houses and having absolute free trade, and he tried to get himself around onto a tariff-for-revenue basis with incidental protection in it. He did not succeed very gracefully. He is not used to that sort of thing, and if he would take my advice, I would advise him to stick to his old-fashioned text of free trade, because he is more grotesque when he appears in that rôle than in any other. And then my friend from Mississippi [Mr. WILLIAMS] seems to caution people on that side of the House every time against making declarations in favor of free trade. The idea now is a tariff for revenue only, and then they try to tickle and fool the American people with the idea that if we have a tariff for revenue, having to raise so much money, it must be protective. And yet, Mr. Chairman, England raises a large revenue from a tariff, and everybody knows it is not a protective tariff and that it does not protect a single industry in Great Britain. Taking into account our double population and our largely more than double consumption in this country, it would be very easy even for the gentleman from Mississippi to frame a tariff bill that would be a tariff bill for revenue in this country without an ounce of protection in it from one end of the bill to the other. Yet the American people are told this on the threshold of the campaign, and our friends are sounding the keynote—a tariff for revenue with incidental protection. I do not believe they will fool the people this time with any such false cry as that.

Mr. FITZGERALD. Mr. Chairman, my colleague [Mr. PAYNE] has urged that the tariff rate of 25 per cent of the Dingley bill be kept upon tobacco and cigars because the revenue that would be derived from those articles is needed in the Philippine Islands. In a speech reporting this bill to the House he stated that the only reason why immediate free trade should not exist between the islands and this country was the need of this revenue. During that speech he also stated that the reduction from 75 per cent of the Dingley rates to 25 per cent would have no appreciable effect on the export of sugar and tobacco in this country.

During the past year there was exported from the Philippine Islands to this country tobacco to the value of $6,820. According to the statement of the gentleman from Illinois [Mr. BOUTELL] yesterday, there would be practically no revenue whatever derived from the tax of 25 per cent of the Dingley rates upon tobacco. During the last fiscal year there was exported from the Philippine Islands into the United States 127,563,880 pounds of sugar. If an equal amount of sugar be exported into the United States during this coming year, the amount of revenue derived by the Philippine Islands at 25 per cent of the Dingley rates will be $537,364.

This is the revenue that the gentleman from New York [Mr. PAYNE] contends is necessary for the Philippine Islands for proper maintenance of their government. It amounts to 3 per cent of the entire revenues of the Philippine Islands. The entire revenues of the islands last year were $17,585,371, and this insignificant sum amounts to only 3 per cent of the total revenues of those islands.

Mr. PAYNE. Does the gentleman take into account the production of sugar?

Mr. FITZGERALD. I take the gentleman's statement and the statement of his colleagues on the committee that the passage of this bill will result in no appreciable increase in the export of sugar from the Philippine Islands to the United States.

Mr. PAYNE. We imported 39,000 tons last year from the Philippine Islands.

Mr. FITZGERALD. I have given the figures which I have taken from the Bureau of Insular Affairs.

Mr. PAYNE. The customs duties on that are over $800,000.

Mr. FITZGERALD. But 25 per cent of the Dingley rate——

Mr. PAYNE. Would be about $300,000.

Mr. FITZGERALD. Then that is only 1½ per cent of the total revenue, and I have been too generous.

Mr. Chairman, it cost the Filipino treasury to make an exhibit at the World's Fair at St. Louis $771,600, more than $400,000 more than would be raised from the imposition of this duty on tobacco and sugar, taking the figures of the gentleman from New York [Mr. PAYNE]. It cost to take the census of the Philippine Islands—the entire cost is not given, because they had not completed the census when the figures were compiled—$636,931, double the amount of the revenue that would be derived from retaining 25 per cent of the duty on cigars and tobacco, according to the figures of my colleague. Neither of these two items would be included in the charges against the revenue of the Philippine Islands during the coming year.

There is another expense, the amount of which can not be told because there is no official report upon it, but the Philippine government has been charged with the expense of conducting a tour, headed by my colleague, through the Philippine Islands during the past year. How much it cost we can not tell, but if public rumor is correct, if reports can be believed, the cost will be less the gross sum contributed by the members of the party to that expense at the rate of a dollar a day. Mr. Chairman, that would be another expense that will not be charged against this revenue in the coming year.

Mr. GROSVENOR rose.

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Ohio?

Mr. FITZGERALD. Certainly.

Mr. GROSVENOR. I hope the gentleman from New York will state the facts, and not draw on his imagination.

Mr. FITZGERALD. If I have made any misstatement I shall be delighted to be corrected.

Mr. GROSVENOR. I want to correct the gentleman in regard to the members of the Taft party paying a dollar a day. I do not want to go into a detailed statement, but the gentleman is misled.

Mr. FITZGERALD. I saw it stated and understood it to be the fact that the members of the so-called Taft party were requested or required to contribute to their keep while traveling on United States transports, and I believe the rate on those palatial steamers is a dollar a day. If I am in error there are gentlemen here who were members of that party and they can correct me.

Mr. GROSVENOR. On the tour through the islands, which amounted to about 2,300 miles, each member of the party paid $1.50 a day for subsistence, and that more than paid the entire expense to the Government; the quartermaster reported that he had a surplus on hand at the end.

Mr. FITZGERALD. I think the gentleman was taken advantage of if they charged him a dollar and a half a day. But, Mr. Chairman, whatever the expense was, it will not for the coming year be a charge against the revenues of the Philippine Islands. I am not criticising the gentlemen of the House nor the officials of the Government for taking the trip, but I think they should give the Filipinos their money's worth. They should remove this tariff completely. At this time I wish, Mr. Chairman, to welcome my colleague and his associates upon the Committee on Ways and Means to the Democratic position upon the tariff question between the Philippine Islands and the United States. In 1902 this side stood consistently for free trade between the Philippine Islands and the United States. The gentleman and his associates advocated and passed a bill retaining 75 per cent of the Dingley tariff rates upon exports from the Philippine Islands. To-day this side stands consistently in favor of free trade between the Philippines and the United States, and the gentleman and his associates have almost taken our position, but defer coming our way completely until 1909.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIAMS. I ask, Mr. Chairman, that the gentleman's time be extended two minutes.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that the time of the gentleman from New York be extended two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. The gentleman and his colleagues defer the complete removal of the Dingley tariff rate until April 11, 1909, when the treaty with Spain expires. I have been somewhat in doubt whether that was the real motive of the Committee on Ways and Means for fixing the time when these duties should be removed or whether it was because, not being possessed of heroic natures, it was impossible for them to admit at once their error and come over openly to this side as the only proper, consistent, and justifiable position upon the tariff question between the Philippine Islands and the United States. We ask you now, before it is too late, not to defer your complete conversion, but to come over at once and support the amendment of the gentleman from Mississippi [Mr. WILLIAMS]. [Applause on the Democratic side.]

Mr. COOPER of Wisconsin. Mr. Chairman, I think, in view of what has been said here about the expenditures of the civil government in the Philippine Archipelago, it may be well to make reply to the question propounded by the gentleman from Maine [Mr. LITTLEFIELD] the other day, during the general debate, as to how much, if any, effort is being made to reduce those expenditures. Answer was made to the gentleman from

Maine that the Commission had effected a reduction aggregating $100,000 in gold per annum. Thereupon the gentleman from Maine inquired what percentage that sum was of the gross expenditure, and no reply could then be given him. I find that the answer of $100,000 was incorrect. On inquiry at the Insular Bureau, I was informed by Colonel Edwards, who is in charge, that the appropriations for the insular government have been reduced for the fiscal year which will end on the 30th of June next, twelve hundred thousand pesos, which is equivalent to $600,000 in gold. In addition to this saving, there has been a reduction for the expenditures of the municipality of Manila of ₱600,000, equivalent to $300,000 gold. So that the aggregate reduction in expenditures for the general government of the islands and for the municipal government of Manila will aggregate $900,000 gold.

Mr. WATSON. For how long a time?

Mr. COOPER of Wisconsin. For one year. That means approximately a 5 per cent reduction over the gross expenditures of the previous fiscal year. They also have plans which they expect to put into effect that will reduce the aggregate expenditures for the fiscal year to end June 30, 1907, by $2,000,000 in gold. This will make a reduction of approximately 12 per cent over the expenditures for the fiscal year ending June, 1906.

Mr. PAYNE. May I ask the gentleman a question?

Mr. COOPER of Wisconsin. Yes, sir.

Mr. PAYNE. Is it not also the wish and desire and judgment of the Commission that the expenditures for education should be increased by the sum of at least $2,000,000 annually, as soon as they can do it?

Mr. COOPER of Wisconsin. Yes, sir.

Mr. PAYNE. And also, is it not a fact that the duty collected from rice imported into the islands last year amounts to $1,300,000 and that the estimate is it will not be over half as much this year, or $650,000?

Mr. COOPER of Wisconsin. Yes, sir.

Mr. PADGETT. How much of the reduction that you mention was for a reduction of salaries?

Mr. COOPER of Wisconsin. Part of it was for a reduction in salaries, but there are some salaries to be reduced or abolished during the next fiscal year which could not, in justice, be reduced during the present fiscal year.

Mr. PADGETT. But of the $600,000 which you mention for the current fiscal year——

Mr. COOPER of Wisconsin. I can not itemize that.

Mr. PADGETT (continuing). Can you give any estimate of how much of it is for reduction of salaries?

Mr. COOPER of Wisconsin. No, sir. You can get that from the Insular Bureau. But there is a very considerable reduction because they are reducing the number of officials in the provinces and elsewhere and putting more territory under their respective jurisdictions than heretofore.

Mr. PADGETT. Was there any reduction in the amount of salaries paid?

Mr. COOPER of Wisconsin. As I said, that could not well be brought about during the present fiscal year, because men have gone there to take places with the understanding, implied at least, that they are not to be disturbed for a certain time—one year, possibly, I presume. After that, I am informed, there will be a considerable reduction in the aggregate of salaries.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. KEIFER. I will yield to the gentleman from New York [Mr. PAYNE] for a moment.

Mr. PAYNE. Mr. Chairman, I ask that all debate on this amendment be closed by unanimous consent in five minutes.

The CHAIRMAN. The gentleman from New York [Mr. PAYNE] asks unanimous consent that debate upon this amendment be closed in five minutes. Is there objection?

Mr. WILLIAMS. I do not know of anybody on this side who wishes to debate it any further.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KEIFER. Mr. Chairman, I do not rise to interfere with the present pleasant controversy between the two leaders of the two great parties, because they are soon to be united lovingly in voting for this bill. I wish to say, however, a word about tariff revision. I do not understand that substituting free trade for existing duties is revision, but it is so called by the distinguished leader on the other side. This is what I wish to say on that subject.

Revising the tariff would not affect beneficially any person in this country, or anybody at all, unless a reduction of duty was so great as to permit the introduction into this country of foreign manufactured goods. To the extent that foreign goods would be introduced here our own manufactured goods would be limited, and our own skilled and unskilled laborers would be thrown out of employment. If this result did not follow, then revision would do no harm, or good, and would be a foolish waste of time. Free trade, or any approach to it that does not secure pauper manufactured foreign goods and the displacement of a like amount of our own manufactured goods, does not affect anything.

If an industry has reached a point in production that it can sell at home or abroad in competition with the same industry of all countries, then a reduction of import duties would simply produce no results. It would bring no revenue, and such revision would be deceptive, and time would be misspent in doing it.

It follows that any revision that does not destroy or injure some home industry by inviting cheaper foreign manufactured goods to be brought here to take the place of our own, or to take the place of what is called "raw material," such as hides, wool, and so forth, would not stop our own home production, and would likewise produce no results, not even revenue. So revision of duties on what we now produce would only have the effect by reduction to seriously injure our own industries.

If the duty is reduced only so as to threaten the coming in of foreign products and so as to require the reduction of the price of our own home products, then the laborers and farmers will suffer the penalty in reduced wages and in the value of home products.

The Member from Massachusetts [Mr. KELIHER] yesterday made some sort of a defense of Mr. Douglas in the matter of his selling shoes, of which I spoke a few days since. He has Mr. Douglas say the duty on hides adds 7 cents to the cost of a pair of shoes instead of 2¼ cents, as I stated. A later investigation, made carefully, proves my statement was right. But the point I made the other day is hardly changed if his figure is correct. By it he is shown to add 43 cents in making the price on his $3.50 shoes over and above the admitted added cost of the leather in a pair of shoes on account of the 15 cents duty on hides. But I neglected to say the other day that when hides were on the free list, under the Wilson-Gorman Act of 1894, he sold the same, or a poorer quality of his shoes, for exactly $3.50 per pair to people who were much less able to pay for them without any duty to stimulate him in doing so. [Applause.]

He is in a like situation to the great Sir Francis Bacon, who, when he was charged, as lord chancellor of England, with taking £2,000 for rendering a decree, bitterly denied the charge, and said he only took £500. [Applause.]

Mr. Chairman, I wish to make a request in connection with the remarks that I have just made. I have just received from Mr. George W. Russell, a distinguished man in Lynn, Mass., some remarks from the standpoint of a laborer that I would like to have the unanimous consent of the committee to print in connection with the remarks I have already made.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. KEIFER. To look at the question of defense and free trade from the view point of a wage-earner and from our latest experience in tariff revision, it seems incredible that so many of our people are determined to try a downward revision of our tariff at the close of the most prosperous year for all of our people that we have ever enjoyed or that the world ever saw before.

The manufacturers in the Middle West and the farmers in the West and Northwest are anxious about the new German tariff. Germany is fixing a tariff for her own people and not to please the United States. We had better lose the whole of our export trade rather than to fix our tariff so as to increase our imports of competing goods. We have imported in the last three years, 1903, 1904, and 1905, manufactured cotton goods valued at $50,303,303 each year. This annual import is more than the annual product of Fall River and Lowell combined, or more than 200,000 people almost wholly employed in the production of cotton goods. Would it not have been better for the farmers and manufacturers and other producers and working people in this country to have had these imported cotton goods produced in this country, where the more than 200,000 people would have bought all of the things that they would have consumed of American producers, instead of in Europe, where the producers bought all the things that they wanted to consume of European producers?

Apply the same principle to all of our imports which we could have produced ourselves, and we shall have created a home market for our products far greater than we can ever get by fixing our tariff so that the imports of competing goods will be

increased. It is our home industries which will increase our home market that we need to promote, increase, and enlarge, and not foreign industries. Every consumer in this country buys from two to ten times as much in a year as any like number of people in the world.

A consumer who earns from 5 to 20 cents per day is not of much value to his own country's market or to any other country's market. It is certainly for the interest of our farmers, manufacturers, and working people to create wealthy consumers here at home by producing all that we want to consume in our own country. If we could realize the value of an American consumer and the great American market, we should not hear so much that is not true about the value of the foreign market. Free traders say a good deal about our surplus products, when the truth is that our surplus is almost wholly caused by imports of foreign products.

Let us look at conditions existing immediately before our last experience in revising our tariff. In 1892, under the McKinley law, our foreign trade was $1,857,680,610. In 1895, under the Wilson tariff, our foreign trade had declined to $1,539,508,130. Under the Dingley tariff our foreign trade has increased to $2,635,507,500 in 1905, and for the twelve months ending October 31, 1905, it was $2,725,000,000. Figures just supplied by the Department of Commerce and Labor show that for the calendar year 1905 our exports of manufactures will amount to $570,000,000.

Production for our home market is the sole cause of our prosperity. Any foreign trade that tends to decrease our home production and our home market is detrimental to our prosperity and the well-being of our people. Our home market is all the market that we control, and under free trade we can not control our home market. July 17, 1892, after the McKinley tariff had been in operation twenty-three months, the New York Herald (Democratic free trade) said:

The business of the country is in a healthy and flourishing condition. The exports and imports are greater than those of any former year. Railroad earnings for the first six months of the year are greater than those for any similar period in the history of the country, and the output of manufactures has been greater than ever before. Business failures for the first half of the present year have been 1,000 less in number and $40,000,000 less in liabilities than they were in a corresponding period last year.

New industrial enterprises for manufacturing iron and cotton and woolen fabrics are going into operation in various sections. While the margin of profits is small, business is on a solid foundation and the outlook is hopeful and encouraging in every direction. The grain crop is promising, money is abundant, and collections are easy.

The late Edward Atkinson, possibly the most able free-trade writer in this country, in an article in the May Forum, 1892, said:

There has never been a period in the history of this or any other country when the general rate of wages was as high as it is now or when the price of products relatively to the wages as low as they are to-day, nor a period when the workingman, in the strict sense of the word, has so fully secured to his own use and enjoyment such a steadily and progressively increasing proportion of a constantly increasing product.

No higher praise of a protective tariff could be given by the most ardent protectionist than the above from two eminent free-trade authorities.

Bradstreet's, at the close of 1892, said:

There have been 356 new mills built during the year just closed. The production of cotton goods is the heaviest for any year on record. Notwithstanding the large decrease in prices, the dividends increased by reason of the largely increased home production and consumption. The increase in the production of woolen goods for the year is estimated at 15 per cent. The increase in the output of the boot and shoe factories compares favorably with that of the textiles. Wages in the cotton mills throughout New England have been advanced.

So much for the prosperous conditions under the McKinley tariff. In 1892 the Democrats started the cry against the McKinley tariff just as they are doing now against the Dingley tariff, and enough free-trade Republicans (just as they are doing now) joined them to elect Cleveland, with a Democratic House and Senate, and the prosperous conditions changed quickly and absolutely, just as they will now if the Dingley tariff is revised downward. In August, 1893, after President Cleveland had been in office hardly six months and the threat of freer trade had been hanging over the industries of the country scarcely a year, President Cleveland said:

With plenteous crops, with abundant promise of remunerative production and manufacture, with unusual invitation to safe investment, and with satisfactory assurance to business enterprise, suddenly financial distrust and fear have sprung up on every side. Numerous moneyed institutions have suspended because abundant assets were not immediately available to meet the demands of frightened depositors. Surviving corporations and individuals are content to keep in hand the money that they are usually anxious to loan, and those engaged in legitimate business are surprised to find that securities which they offer for loans, though heretofore satisfactory, are no longer accepted. Values supposed to be fixed are fast becoming conjectural, and loss and failure have involved every branch of business.

It would be hard to find any more positive evidence of the blighting effects of the threat of freer trade than this testimony of Mr. Cleveland's, with both branches of Congress in accord with his free-trade views, to make the threat a fact. The New York Journal of Commerce of November 14, 1895, said:

With both bankers and merchants of foreign countries the American stands discredited and has to settle his accounts with a promptness scarcely ever before experienced.

Dun's Review of February 22, 1896, said:

Prices of commodities as a whole are at the lowest average ever known. Breadstuffs have declined 25 per cent since February, 1893; meats, 28 per cent; dairy and garden products, 45 per cent; while sugar, coffee, tea, and liquors only 8 per cent.

In clothes and products of leather the decline has averaged 12 per cent, and metals, coal, and oil, 18 per cent. In the four years, 1893 to 1897, domestic animals—horses, mules, cattle, sheep, and swine—decreased in value from $2,403,506,681 to $1,819,146,306. In 1892 our per capita consumption of wheat was 5.97 bushels; of corn, 30.33 bushels; of cotton, 24.03 pounds. In 1894 our per capita consumption of wheat was 3.41 bushels, a loss to the farmers' market of 42 per cent; of corn, 22.76 bushels, a loss to the farmers' market of 25 per cent; of cotton, 15.91 pounds, a loss to the farmers' market of 33 per cent.

It must be remembered that the Wilson tariff (which caused so great a loss not only to our agricultural, but also to all other producers in this country) was a mild free-trade law and not at all satisfactory to the more radical free traders. Mr. Cleveland characterized the Wilson law as a measure of perfidy and dishonor. Will it not be more to the interests of our farmers and manufacturers and other producers to see to it that our home market is adequately defended, rather than to worry about foreign tariffs? We produce and consume one-third of the world's products. We exaggerate the importance of the foreign market, but when we examine the figures, which tell the absolute truth, we find that we import as much as we export. We find also that our imports are largely competing manufactured products, while our exports are largely raw, bulky products which it would be far better for us to convert into manufactured products before they are exported.

One thing is certain, and our freer-trade advocates will find it out, if the Dingley duties are lowered in the least additional competing products will come in, wages will be lowered, and the consumption of American products will be less. The imports of competing products under the Dingley tariff show this to be absolutely true. "For twenty-five years the principal claim of the Republican party to popular support has been its devotion to the protective policy. If it were now, by a reduction of the Dingley duties by a Republican Congress, to forfeit the confidence of workingmen and others who have for these twenty-five years voted for its candidates, it would merit defeat at the first opportunity that would be presented to an indignant people. We believe the party will be true to its record."

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Mississippi [Mr. WILLIAMS].

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. WILLIAMS. Division, Mr. Chairman.

The committee divided; and there were—ayes 68, noes 170.

So the amendment was rejected.

Mr. MANN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Insert after the word "shall," in line 2, page 4, the following, "until the 11th day of April, 1909."

Mr. MANN. Mr. Chairman, the bill provides that all the tariff collected on goods coming from the Philippine Islands to this country shall be paid over to the Philippine government, but this expires by limitation on the 11th of April, 1909. The bill also provides that goods coming from the Philippine Islands to this country shall pay in addition to the tariff the internal-revenue tax of this country, and that this shall be paid over to the Philippine government. The amendment which I have offered proposes to limit that to April 11, 1909, so that when the conditions existing between this country and the Philippine Islands shall be revised, as they inevitably must be at the end of the period named, and we have to make a new deal with the Philippine Islands, we will not be charged by the Filipinos with taking something away from them that belongs to them. We all know that the moment a privilege is given to any class of people, either here or in the Philippines, they consider it a vested right, as proven on the floor of this House now in the discussion of this bill as relating to the tariff on tobacco and sugar. As soon as we by law give to somebody or some class a special benefit, they assume it as a matter of right; and if we put into the law, without limitation, a provision that we shall pay to the Philippine government a part of our internal-revenue taxes it never will be changed, in my opinion. A howl will go up, there will be a furor on the part of the Filipinos, that we are taking away from them something which we had once given to them. If we put a limitation of time in we simply put ourselves in a position where in enacting some future legislation the Committee on Ways and Means can use their own free judgment without any cry against them on account of ingratitude. I hope the chairman of the committee will agree to this amendment, which can do no possible harm and which will prevent trouble in future legislation.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

Mr. CLARK of Missouri. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amend by inserting in line 6, page 2, after the word "aforesaid," the following: "Except on Philippine sugar there shall, after the approval of this bill by the President of the United States, be levied, collected, and paid in lieu of the duties now provided by law on all sugar above No. 16 Dutch standard and on all sugar which has gone through a process of refining, imported into the United States 1 cent and eight hundred and twenty-five one-thousandths of 1 cent per pound."

Mr. PAYNE. Mr. Chairman, I make the point of order that the amendment is not germane.

Mr. CLARK of Missouri. I wish you would reserve it.

Mr. PAYNE. I will reserve it for five minutes in the interest of my friend.

Mr. CLARK of Missouri. Mr. Chairman, I have no desire whatever at this stage of the proceedings to inflict a speech upon this House, but I want to explain this amendment very briefly. The total differential on refined sugars imported into this country amounts to $5.30 a ton. This amendment cuts off $2.50 of that differential and leaves $2.80. If I had followed my own inclination I would have offered an amendment to cut it all off; but yielding to the judgment of some of my friends I have offered the amendment which takes off $2.50 of that differential.

They say, and therefore I say, expressing their opinion, that taking half of it off no possible injury can be done to the producer of raw sugar in the United States, and still gives the American market to the American manufacturer. But it does reduce the price of refined sugar to the American consumer, and, so that you can not have any doubt about it, I will tell how. Last year we imported and consumed 2,967,160 tons. The reduction that this amendment gives would amount to $6,917,905 a year—that is, it cuts off that much annually of the enormous and unjust profits of the sugar trust and gives it to the 83,000,000 American consumers of refined sugar.

Now, gentlemen, not only on the Democratic side, but the Republican side—and I would not say anything to hurt your feelings, because I like you all—time and time again on that side of the House and in Republican stump speeches and in Republican editorials we have heard the American sugar trust denounced in the severest terms that a man can pronounce in the English language. Now, you have an opportunity of proving your faith by your works, and if you vote against this amendment, forever and eternally hereafter hold your peace about the extortion of the sugar trust.

Now, one word more. For the seven hundredth time, I think, the gentleman from New York, chairman of the Committee on Ways and Means, has referred to a speech I made here in the spring of 1897. I want him to get that right, for what I said was classic [laughter], borrowed bodily from Sir Walter Scott's "Marmion." That was that I would destroy every custom-house in the United States "from turret to foundation stone." Now, I will tell you what I have to say about that. One of my predecessors in this House, along back in the sixties, was a man of splendid genious—Col. George W. Anderson. He had boxed the political compass completely before he died. He had belonged to every political party that was organized in his time, except the Prohibitionist. [Laughter.] He was born a Democrat in Tennessee. He became a Whig, a Know-Nothing, and a Republican; served four years in this House as a Republican, and then, returning to the Democrats, was made a judge by appointment of a Democratic governor, and died finally in the odor of Democratic sanctity. While he was running for Congress the second time he was opposed by a very able man, Col. F. Switzler, the Nestor of the editorial profession in Missouri. In the debate Colonel Switzler took an entire hour to prove that Anderson was inconsistent. When Anderson's time came, the only reply that he ever made to the charge of inconsistency was: "Fellow-citizens, consistency be damned!" [Laughter.] If I were not a church member I would repeat those words here to-day [laughter]; but being a church member, and being afraid of getting turned out of the church for swearing, I will put it this way: I had rather be inconsistent and be right than to be consistent and be wrong. [Applause.]

If the Republicans want it, I will prepare an illuminated edition of that speech that I made in the debate here in 1897 and present every one of them with a copy of it to frame and hang on his wall. [Laughter.]

Mr. PAYNE. I renew the point of order, Mr. Chairman.

Mr. CLARK of Missouri. Now, Mr. Chairman, on the point of order——

The CHAIRMAN. The Chair will hear the gentleman from Missouri on the point of order.

Mr. CLARK of Missouri. I want to say this: I am afraid, to use a very common western expression, that "the horse's eye is sot." [Laughter.] But I want to say this (of course the Chairman understands that that is just a figure of speech, for I hold him personally in high esteem): On the Cuban reciprocity bill, I think it was, Mr. Morris of Minnesota offered this same amendment, word for word. The Chairman of the committee on that occasion [Mr. SHERMAN], a splendid presiding officer, ruled that it was not germane. Mr. Morris or somebody on that side—I think it was Mr. TAWNEY—appealed from the decision of the Chair. By a very large majority the House of Representatives, largely Republican in its character, overruled the Chair and established the precedent by a very large vote that this differential amendment is germane. I believe it is germane. The chief feature of this bill is sugar. We have all talked sugar for twelve days. It has been sugar, sugar all the time, and this amendment deals with sugar. Mr. Chairman, I take it, with all due respect to the present occupant of the chair, or any other man that ever occupied the chair or ever will occupy it, that the House of Representatives is greater than any chairman of it ever was or ever can be. That was the deliberate verdict of this House, and, as I said here the other day, it was a splendid spectacle, one of the finest that I have ever seen, when enough Republicans marched down that aisle and joined with us to march between the tellers and overthrow the Republican machine in this House. The Republican insurrectos on that occasion emancipated themselves from the shackles which bound them for one brief, fleeting, halcyon moment. They must have felt more like men, more like Americans, when the sun set that day than they ever felt on any other day of their lives.

Now, Mr. Chairman, that is the highest precedent, the most binding one, it seems to me, that can be found in the parliamentary history of this House, and on that I rest this case. [Applause on the Democratic side.]

Mr. WILLIAMS. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Mississippi desire to speak on the point of order?

Mr. WILLIAMS. Yes.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. WILLIAMS. Mr. Chairman, the rule of a parliamentary body is a creature of the body which makes it, and is never the master of the body which makes it. For that reason, in all parliamentary bodies in all free-governing countries, the construction of a rule is referred to the body itself by an appeal from the decision of the Speaker or the temporary chairman.

The question of "germaneness" is lost in a fog of precedents, with some few bright spots in the fog. All sorts of temporary chairmen of all sorts of parties on all sorts of questions have made all sorts of rulings. Luckily, every parliamentary body, this one among others, has reserved to itself the right of passing upon the decisions of its chairmen or speakers, putting itself in the attitude of a supreme court upon parliamentary questions, from whose decision there is no appeal.

Mr. Chairman, in the Fifty-seventh Congress this identical question came up—on all fours with it precisely. A gentleman sitting in the place that you now occupy ruled that a motion to cut off the differential on sugar was not germane to the consideration of any provision of a bill granting reciprocity to Cuba.

The House took the question from the Chairman—the House, whose creature not only the rule is, but whose creature the Chairman is—the House that no Chairman had a right to overrule—and the House in its wisdom seeking substantive legislation in behalf of the freedom of American people from the oppression of the sugar trust, ruled that the motion *was* germane to the pending legislation.

Mr. Chairman, you have no right, whatever your own private opinion may be, sitting in the place you now occupy, to undertake to overrule the House of Representatives passing in deliberate judgment upon the question of germaneness or a question of parliamentary law of any other character. A Chairman sitting where you do is generally ruled by the precedents of another Chairman, even of coordinate authority with himself, with no higher dignity and no higher authority. But a Chairman has exercised that right even very seldom, because it has been thought best when a precedent was fixed to follow it, even if the precedent was not thought by the then temporary Chairman to be altogether wise.

Mr. Chairman, in general debate on the other side of this Chamber, and here, too, but especially there, within the last few days, we have heard the changes rung again and again upon this proposition—that, with this bill passed, "it would result only in bringing into competition with the American sugar—the farmers' product—the cheap labor of the Philippine Islands, while it would not reduce to the American consumer one particle the price of sugar in the United States." And when men asked "Why?" they answered by saying, "Because the sugar trust, owing to the sugar differential, would get every dollar of the difference between the cheapened raw sugar and the sustained refined sugar price, and put it in their

pockets. Now, then, were you sincere when you said that? Did you mean it when you said it, or were you merely talking for the galleries and home consumption? If you were not merely talking for the galleries and home consumption, if you were not lacking in intellectual integrity, if you are innocent of a charge of disingenuousness preferred against you, now and here is your chance.

There was once a time when men hesitated to take the step, because the rule, as it had been construed by some, stood athwart their pathway, but this House, the supreme court upon the subject of rules, in its wisdom set the wrong construction of that rule aside, and declared that the resolution to remove a differential upon a reciprocity bill was germane to the bill. Much more is it germane to a bill which reduces duties between one part of America and another part of America.

Mr. Chairman, what are gentlemen going to do? You gentlemen who were talking so loudly lately; you gentlemen who have been complaining of gag law; you gentlemen who have been complaining of the whip and spur——

The CHAIRMAN. The Chair will ask the gentleman from Mississippi if he is speaking to the point of order.

Mr. WILLIAMS. I am appealing to the gentlemen on the other side to sustain the decision of the House upon the question of germaneness by pointing out the question before the House; and appealing to them to do that, I am quoting their own record, their own utterance, and showing that there is a substantive justice for the proposition, as well as good parliamentary law. [Applause on the Democratic side.]

Now, gentlemen, what are you going to do? Go home and tell the people, when they ask you why you did not vote to take the clutches of the trust off their throats, "Yes; we could have given somebody else besides the trust the benefit of this. Yes; the trust is getting it all, must be getting it all, because I said to myself a few days before, but when faced with the question I backed down, because"—what? Because there was no parliamentary status? No; you can not fight behind that pretext any longer, because the Supreme Court upon the question of parliamentry law in this House—this House itself—has passed upon that, and you can not go back to the circuit court and inferior court, some Chairman or Speaker, and justify yourselves.

Now, Mr. Chairman, I am not making that argument to men who possess all the acumen in regard to parliamentary questions that you have. This temporary Chairman will have no appeal of that sort necessary to be made to him, because he knows—nobody knows better than he—that it is the duty of the Chairman to follow the precedent by the House—his superior.

I never expect to see the day when the gentleman now in the chair will conclude that he has the right to overrule the solemn, deliberate, wise judgment of the House, whose servant he is, with regard to the question of germaneness on a motion before this body. I have but one argument to make—the precedent, the authority, and the arguments that were behind that side of the proposition the day that the House in its wisdom adopted and spread upon the record—the Journal of this House—its construction in favor of the germaneness of this amendment. Mr. Chairman, here is the chance for everybody that has not been a demagogue upon the sugar-trust question to kill the sugar trust in so far as the sugar differential may give it life.

The Chairman is going to rule that the resolution is germane, and after he rules the resolution is germane I trust every one of you will walk up with us on this side and show that you have not hitherto been uttering mere loud-mouthed fulminations to the empty atmosphere, or if he rule otherwise, you will, on appeal, reverse him, in order that you may demonstrate the same fact to the country. [Applause on the Democratic side.]

Mr. PAYNE. Mr. Chairman, the gentlemen upon that side have made what they call an argument upon this question of the germaneness of this amendment, but neither of them have dared to argue the question itself now before the Chairman of the committee. It is so obviously not germane to the bill now before the committee that these gentlemen, specious as they sometimes are, adept sometimes of seeming to make the worst appear the better reason, abandon all attempt to argue that this would not break the rules of the House and refer to a precedent made in reference to the Cuban reciprocity bill, as they claim. I remember the circumstances, Mr. Chairman, attending that so-called precedent. We had been discussing the bill for several days. We approached a final vote. The night before there was a Democratic caucus held in reference to the bill, in reference to one peculiar phase of it, because there were men on that side of the House who up to that time had opinions of their own and reasoned out matters and who were familiar with the rules of the House and who knew that the amendment offered was not germane to the Cuban reciprocity bill. They met in caucus and a majority of the caucus decided that they would vote to overrule the decision of the Chair and declare that amendment was germane, and then they added to the resolution, "and this shall be binding upon every Member of the Democratic party." That is the way the precedent came to be established in this House that they are claiming to-day. They came in the House——

Mr. WILLIAMS. Will the gentleman yield?

Mr. PAYNE. When I get through——

Mr. WILLIAMS. I want to ask the gentleman a question immediately pertinent to what he was saying.

Mr. PAYNE. Go ahead.

Mr. WILLIAMS. Was not that a House with a very large Republican majority?

Mr. PAYNE. Not a large Republican majority.

Mr. WILLIAMS. How, then, could a Democratic caucus have controlled that House?

Mr. PAYNE. Now, Mr. Chairman, they came into the House. There were gentlemen upon this side of the House who were opposed to the legislation. They had been caucusing together for weeks. It does not seem to have entered into their brains up to the time of this Democratic caucus that they could run over the rules of the House; that they could, as the gentleman from Mississippi said when he misspoke himself and spoke his real sentiments, override the rules of the House. They had not gotten to that pass, and the fight seemed to be over when this caucus was held, but on the spur of the moment when the decision had been made by the gentleman from New York [Mr. SHERMAN] that the amendment was not germane and was not in order, thirty-one of those gentlemen, possibly thirty-five, were stampeded into voting that this amendment was germane and passed between the tellers following the lead of the gentleman from Tennessee, Mr. Richardson, who then was acting as leader upon that side of the House. That there were some of those gentlemen upon that side of the House who conscientiously believed the amendment was not germane was known to every Member of the House. That there were more of them than of the gentlemen upon this side who passed between the tellers in favor of overruling the Chairman was also well known, but their voice was stifled in the face of the caucus. They followed out the behest of the caucus, and I believe with a single exception they voted to overrule the decision of the Chair. Now, there was an argument made by one gentleman upon this side of the House. The Cuban bill dealt with the duty upon sugar and all articles coming from a foreign country—from the island of Cuba. It was an amendment, so far as that was concerned, to the Dingley tariff law. It provided that in view of certain reciprocal arrangements all articles coming from Cuba should come at 80 per cent of the Dingley duty. The amendment offered referred, as does the amendment to-day, to the differential rate charged upon refined sugar and took that off not only for Cuba, but for other foreign nations. Gentlemen argued upon this side of the House that the bill itself interfered with the equilibrium of the duties upon sugar, with the equilibrium of the tariff law, with the equilibrium of customs duty upon goods coming from foreign countries; that we were disturbing the equilibrium and having disturbed the equilibrium the House might give it another jar by declaring that the amendment was germane. That was the argument that was made. The decision of the Chair was overruled. In less than fifteen minutes another amendment was offered by a gentleman from Massachusetts, putting hides on the free list; an amendment just as germane as the other. Gentlemen upon that side of the aisle were right when they said it was just as germane as the amendment offered to the sugar schedule. The Chairman of the Committee of the Whole—temporary Chairman, as the gentleman from Mississippi says—why, the Chairman has this power upon this amendment, that if in this committee it is declared to be germane, when we go to the House we can not raise the point of order and have the Speaker of the House pass upon that question, because the amendment is reported to the House if adopted and he can not declare it out of order.

And so this temporary Chairman had all the powers of the Speaker of the House in making his decisions here, so far as this committee is concerned and so far as the House is concerned if he makes a mistake and the amendment comes into the House to be voted upon. I say this amendment was offered. The Chairman of the committee said that, notwithstanding the vote of the House, he was there to enforce the rules of the House, and the rules of the House very plainly declared that that amendment was out of order. And so he properly ruled that this second amendment was not in order, and the gentleman proposing it took an appeal to the committee, and, behold, there was a different result. The committee, by more than double the previous majority, declared that the Chair-

man was right, that the amendment was not germane, and they brushed it aside—hastily, it is true—they brushed it aside, because they were anxious to do it and get out of the dilemma they had put themselves in. They promptly reversed themselves and marched between the tellers, declaring that the rule should prevail in that the amendment was not germane.

We have an amendment which is different from that proposed to the Cuban sugar schedule. Then the bill dealt with foreign government and foreign territory. Then the revenue went into the Treasury of the United States. Then it was an amendment of the Dingley bill. We have a different proposition before the committee to-day. It is not a bill that interferes at all with the revenues upon goods coming from foreign countries. It is a distinct and different matter.

Why, Mr. Chairman, you recollect when the Supreme Court came to pass upon these questions they held that the Dingley bill imposed a tariff upon goods coming from foreign countries, as it was written in the bill, and hence it did not apply to goods coming from Porto Rico and the Philippine Islands. They made that distinction. It was an entirely different bill and an entirely different subject in that decision of the court. It is hardly worth while to multiply words upon this question. There is not an intelligent Member of this House that does not know to-day that upon this bill, referring to revenues solely on goods coming from the Philippine Islands, solely relating to revenues for the Philippine Islands, not in any sense a general tariff bill, an amendment like this—that is, an amendment to the Dingley law, an amendment based upon goods coming from foreign countries—are totally and wholly upon different subjects. And any man that votes to the contrary, with an intelligence sufficient to have a seat in the House of Representatives, stultifies his intelligence and not only rides over the rules of the House, but brings dishonor upon his acts by the very vote in that direction.

Now, Mr. Chairman, I have said this much, I think, properly addressed to the Chair. I should stop here, except that the gentleman from Mississippi seems to think that by some distinct right of his own selection he is leader of some gentlemen on this side of the House. I do not know to whom he refers. He wants to lead them. He wants to be your Moses. He wants to lead you into the wilderness. He has no good wishes for this side of the House. He wants to see our numbers lessened. He wants to see a Democratic majority in the next House. In the exuberance of his feelings the other day he fell into prophecy and prophesied an overwhelming majority sitting upon that side in the next Congress. It is not because he expects to see this amendment become a law, nor is it because he expects to see sugar cheaper in the United States. Not at all. He wants to construe the rules of this House. He wants to sit up there instead of down here. To that end he is disingenuous when he discusses this and does not discuss it as a matter of parliamentary law, and he does not dare to read the rule and expose the flagrant violation of it which he is proposing by this amendment.

Gentlemen, you may follow him to your political grave. There is no law to prevent it. If your conscience will not restrain you, you can go in that direction. But you can never go feeling that this amendment, referring as it does to the Philippine tariff act, an amendment changing the schedules of the Dingley Act, is germane; never able to convince yourselves that it is not upon a different subject that the one now in question. And I want to say that with all the Congresses that ever sat in these halls, Democrat or Republican, the only time in our parliamentary history that this salutary rule was disregarded, as the gentleman unwittingly said, was overturned and run over, was the sole occasion, the brief moment, when the Democratic caucus triumphed in the House, and it was soon utterly reversed by a majority of that House when again stated to them by the Chairman of the committee.

The CHAIRMAN. Does the gentleman from Wyoming desire to be heard on the point of order?

Mr. MONDELL. I do. Mr. Chairman, there are some of us on this side who would be glad to have an opportunity to vote on this amendment and who hope that the Chair in considering the amendment may find that he can, without violating parliamentary precedents and practice, hold that the amendment is germane.

Mr. Chairman, the House has once voted on a proposition practically on all fours with the one now before the House. It has been said here that the Cuban reciprocity bill referred to importations from a foreign country. For all the purposes of the present argument the Philippine Islands are in the same position as foreign territory, because the free passage of goods from them into our territory is only possible through special provisions of our tariff laws, and so an amendment to the Cuban reciprocity held by the House to be germane would also be germane to this bill. This is a bill providing for a change in sugar schedules; this is an amendment referring to sugar schedules. It treats of the subject-matter of the bill. The amendment as offered is coterminous with the legislation before the House. It would go into effect with this legislation and cease when the effect of that legislation ceased.

Now, it has been said that the House overturned its decision on a similar amendment, offered to the Cuban reciprocity bill, within a few moments after that decision was made. Mr. Chairman, I do not so understand it. A few moments after the House did reverse the decision of the Chair, and thereby established a rule, another amendment was offered. What sort of an amendment? An amendment to the sugar schedule? No. An amendment to any subject-matter of the bill before the House? Not at all. An amendment was offered to reduce the duty on hides. Well, I think that one need not be much of a parliamentarian to clearly understand that an amendment taking off the duty on hides is not germane to a bill proposing to change a certain sugar schedule, and the House very properly held that while you may amend the sugar schedule in the consideration of a bill relating to the sugar schedule you can not in the same connection take the duty off hides. So that the House has never overturned its decision in the Cuban reciprocity case. It is a rule of this body, established by its action by a large majority, and this is an amendment similar in character to the amendment referred to which the House voted onto the Cuban reciprocity bill and relating to the subject-matter of the bill under discussion.

Further, Mr. Chairman, it has been said that owing to the fact that there is a tariff on refined sugar in excess of the tariff on raw sugar the market for raw sugar is controlled by those who control the refined sugar market by reason of that tariff or differential. Now, we are proposing to aid the Philippine people in the development of the sugar industry. We desire to give them the full benefit of the legislation. If it be true, and it is not generally denied, that the differential makes it possible for certain parties to control the price of unrefined sugar coming into the country, it is certainly in line with the relief we are proposing in this bill to strike off the differential, and by so doing break down the control that certain gentlemen are said to have over the sugar market of the country and give these people the full benefit intended by the bill. Certainly an amendment which proposes to enlarge the sugar market, increasing the number of buyers, taking away from a certain class of gentlemen the advantage which they have over others in buying raw sugar—certainly such an amendment must be germane to a bill which proposes to benefit the Philippine people by reducing our sugar tariff in their favor.

Mr. MANN. Will the gentleman allow me to ask him a question?

Mr. MONDELL. I should be very glad to.

Mr. MANN. Does the gentleman think an amendment taking the tariff off hides would be germane?

Mr. MONDELL. Well, I tried to make myself clear on that subject.

Mr. MANN. But the gentleman was arguing about a former decision. Does the gentleman think that a proposition to take the tariff off hides, made as an amendment to this bill, would be in order? And then I will ask him further, does not this bill include hides in its provisions just as much as it does sugar when it takes the duty off everything coming here, including hides?

Mr. MONDELL. In the arguments made on the Cuban reciprocity bill one gentleman contended that as sugar was not mentioned in the bill, therefore an amendment to the sugar schedule was not in order. We might adopt the same argument and say that as there is no definite reference to hides, the hide schedule could not be amended. It matters not, however, whether an amendment to the hide schedule would be germane to this bill. It was not germane to the Cuban reciprocity bill.

Mr. MANN. There is no mention made of hides in this bill. There is no definite reference to hides, but the tariff on hides is taken off with anything else that is coming from the Philippine Islands to this country, and what difference is there in the two?

Mr. MONDELL. An amendment is proposed to this bill that refers to sugar, and to nothing else, which we hope is germane. Any other amendments which may be offered must stand on their merits.

Mr. MANN. But supposing I should offer an amendment proposing to amend that particular feature of this bill, proposing to admit hides free of duty and extend it throughout the world, would the gentleman be prepared to vote that that would be in order?

Mr. CLARK of Missouri. Why, there are no hides coming from the Philippine Islands.

Mr. MANN. How does the gentleman know that?

Mr. CLARK of Missouri. Because every man who has ever been there says that there are no animals there to take the hides off from except the carabao. [Laughter.]

Mr. MANN. Well, we propose to admit carabao hides free by this bill. They are tough enough to make the best sort of shoes and boots for some of the members of the gentleman's party. [Laughter.]

Mr. GROSVENOR. Mr. Chairman, the gentleman from Mississippi [Mr. WILLIAMS] has appealed to this House to disregard and override the rules of the House and to turn over the control of the House to the Democratic side upon the argument that the House of Representatives is more powerful than the Speaker and more powerful than the Chairman of the Committee of the Whole House on the state of the Union. Now, let us see how long that argument will bear the light of careful analysis and inspection, and where an argument of a similar character will land the gentleman from Mississippi.

There is no power in the State of New York, we will say, so great as the people of the State of New York. They are greater in their power than the legislature, more potential than the governor, far greater in authority than the supreme court of the State of New York. There are laws in New York that inveigh against the crimes of murder and larceny and robbery and so forth. Suppose the people of New York see fit to say that they do not want to continue any longer those enactments, that they have finally concluded that a little killing and a little stealing would be a good thing. They have the right to say so, and they have the power to put it into operation. How will they do it? There is one of two ways in which they must go to work to do it. First, they must proceed in the way provided by the law to repeal the law, or, secondly, they must do it by mob and revolution. The exact condition confronts this House. Here stands the rule of the House, perfectly plain, absolutely known and read of all men, and the very argument of the gentleman from Mississippi [Mr. WILLIAMS] practically admits the force of that proposition. Now, says the gentleman, this House is more powerful than that rule. That is true. This House is more potential than the Speaker. That is true, for they can turn him out to-day and put in somebody else.

The House is more powerful than the Chairman of the Committee of the Whole House; therefore it has the power to change that rule. I grant that; that is true. How? By what process? The power is lodged in the body of the House. How shall they do it? By the straightforward, legitimate way of changing the rule, or by mobocracy and anarchy and the overruling of the plain rules of the House by virtue of the power that a consolidated majority may possibly have? That is all there is now of this proposition; but there is another proposition, and the gentleman from Wyoming [Mr. MONDELL] unfortunately fell into it, because it seemed to him to answer the purpose. It is said that a vote of the House in the Fifty-seventh Congress, upon this question of the repeal of the differential, stands as the law of the House, and that is the proposition upon which the gentleman from Mississippi [Mr. WILLIAMS] has planted himself. Is that true, Mr. Chairman? Is that the law of this parliamentary body to-day? What power had the House of the Fifty-seventh Congress, either by a rule regularly adopted or by a revolutionary act of the House—what power, I say, had that House to bind this House? Now, it is very true that its decisions——

Mr. WILLIAMS. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Mississippi?

Mr. GROSVENOR. Certainly.

Mr. WILLIAMS. What power has one court to bind a succeeding court, except the persuasive power of precedent?

Mr. GROSVENOR. Well, we will take up that persuasive power of precedent in a moment. I agree with the gentleman that it has no other power whatever, and I agree that the decision of a court in Mississippi has no authority in Ohio, and vice versa, the courts being of equal jurisdiction, except as they are persuasive the one upon the other.

Mr. WILLIAMS. Ah!

Mr. GROSVENOR. But under the constitution of your State your higher court absolutely binds your lower court by the terms of your constitution itself.

Mr. WILLIAMS. But the gentleman's reply does not answer my question. What authority has one court in Mississippi to bind another court in Mississippi, except the universal consensus of opinion that bodies construing statutes ought to follow precedents?

Mr. GROSVENOR. I have answered it already. If the court is of equal jurisdiction and has no constitutional authority to override the judgments of the other court, then their potentiality is merely persuasive and nothing more. But I have asked, What power had the Fifty-seventh Congress to bind this Congress? What power had the Committee of the Whole House on the state of the Union in that Congress upon a given question to bind this Congress, even upon the same question?

Mr. SMITH of Kentucky. Will the gentleman allow me a question?

Mr. GROSVENOR. This is the second time the gentleman has cut me off.

Mr. SMITH of Kentucky. But I want to ask the gentleman a question upon this point.

Mr. GROSVENOR. I am coming to my points pretty well.

Mr. SMITH of Kentucky. I want to ask the gentleman if the Fifty-ninth Congress adopted the same rules that prevailed in the Fifty-seventh Congress? Knowing the construction that had been placed by the House in the Fifty-seventh Congress upon that rule, is it not an adoption of that rule and of that construction?

Mr. GROSVENOR. The gentleman from Kentucky himself will not say that that act of the House was anything but revolutionary in its character. He knows that, and that it was instantly reversed and repudiated, and then what happened? This is what I was coming to, and evidently the gentleman from Kentucky was aware of what I was leading up to and he sought to break me off a second time, when I was trying to get to that position. Now, because the Fifty-ninth Congress, with its eyes wide open to the fact that the Fifty-seventh Congress in an outbreak of bad temper, as we all understood at the time—regretted by every man on the floor of the House at that time and ever since—the House again in the Fifty-ninth Congress puts in the identical rule, and the Members of the House are morally and legally bound by that rule until, not by revolution, not by anarchy, not by an uprising in the interest of any special proposition, but deliberately and under the forms of law and parliamentary procedure, changes the rules of the House, and every man of the House is as much bound by this rule in conscience and in good citizenship as he is to any other rule of the House, and he ought not under any conditions to violate his oath of office, as it were, to revolutionize the House in that sort of a way. So, Mr. Chairman, instead of the precedent of the Fifty-seventh Congress being binding upon this Congress, the precedent of the Fifty-seventh Congress was overruled then, and this Congress stood upon the proposition that that ruling of that House was wrong and replaced in the rules the very proposition that had been sought by revolutionary procedure to be overturned.

Now, one word more. See the importance of standing by the rules of the House. We may be divided now upon the importance of this question upon the repeal of the differential on sugar. There may be somebody here who wants to destroy the sugar-beet industry, and that is the way to destruction more certain and inevitable than by any other process known to legislation. There may be such a man, and, Mr. Chairman, to-morrow there may be another combination that wants to do something else, and when you set a precedent of that character you have torn down the rule of regular procedure and have laid yourself open to combinations and conspiracies that operate by combinations and disregard the rules and law. Therefore I appeal to the Members of this House to stand by the rules of the House and the only safeguard of regular, orderly, and judicious procedure. [Applause.]

Mr. WILLIAMS. Mr. Chairman, before the Chair rules I would like the Chair to listen further one moment. The gentleman who has just taken his seat has not shown his general clearness, although he has shown his usual impetuosity. Nobody has argued, nobody is arguing here, about the wisdom or unwisdom of the *rule*. What we are arguing about is the wisdom or unwisdom of the *construction* of the rule. Nobody is arguing that there ought not to be any rule as to germaneness; we are arguing that this motion to this particular proposition is germane. And in arguing that it is germane we have quoted the precedent made by the highest authority that can make a precedent upon the subject, to wit, the House itself.

Then the gentleman says that is "anarchy," that is "revolution;" revolution to appeal before a lower court to a precedent set by a higher. Revolution to quote a decision of the higher court to the higher court after the appeal has been made. Why, then, is the right of appeal put in the rules, in God's name, if it be anarchy and revolution to resort to it? But, Mr. Chairman, the sort of talk made by the gentleman from New York and the gentleman from Ohio does not frighten me now. In my younger days it did, and in the Fifty-seventh Congress especially they made my hair stand on end. And, strange to say,

they used about the same arguments that they do now. They scolded after the same manner.

This morning I quoted the precedent coolly and deliberately, as a lawyer quotes a decision of the Supreme Court, and I said that the Chairman could not overrule the precedent. I did not say that the Supreme Court—the House—could not overrule the precedent, but the circuit court—the Chairman of the House; and then the gentleman tells me that in following the precedent of the House, in quoting the precedent of the House, in urging the Chair to follow the precedent of the House, I am guilty of anarchy, revolution, and I do not know what else. The gentleman says that the precedent of one House does not bind another. No; except in the sense that the precedent of the supreme court of Mississippi at one term binds a different supreme court passing upon the same question in another generation.

It does not follow that the House can not overrule itself any more than it follows that the Supreme Court can not overrule itself, though it is thought right not to do it, but it does follow that the circuit court can not overrule the Supreme Court and ought not to try it, and it does follow that the Chairman can not overrule the House and ought not to try it. What, then, is the duty of the Chairman? The Chairman is to rule with the precedent set by the House, and these gentlemen upon this side who are taking the absolutely indefensible position that the precedent is revolution and anarchy can in their turn, under the rules, appeal from the decision of the Chair, and then the House may, if it chooses, overrule its past judgment and reconsider or reconstrue the rule.

Mr. Chairman, a few more words about it. As to the point made by the gentleman from New York [Mr. PAYNE], that these are different subject-matters, it has been answered so very completely by the gentleman from Wyoming that there is no necessity for me to talk about it any further. The gentleman has tried his old game. He tried it in the Fifty-seventh Congress—both gentlemen. It was their game then. It was an appeal to partisan prejudice and partisan hatred to try to influence the Chairman in the chair to rule wrong, as we thought then and as we have a greater right to say now, because the House afterwards agreed with us. Why, "because the Democrats want to override the organization, and because Mr. WILLIAMS of Mississippi wants to sit in that seat some time." [Applause on the Democratic side.] Suppose I did want to sit in that seat? What has that got to do with this? Suppose that the minority of the House that overruled the Chairman on this precise point of order in the Fifty-seventh Congress on a bill almost on all fours—the only difference in the two amendments being that was an amendment to cut off all differential, and this amendment is to cut it down 50 per cent—suppose that minority in that House was Democratic, and suppose that that minority was solid almost to a man, it never could have made that decision without enough votes upon this side of this Chamber to constitute a majority.

A majority of what? Of the House of Representatives of the American people, the highest judge of the meaning of its own rule. Oh, you can not befuddle the waters that way. You can not meet arguments by blind appeal to partisan hatred, and an appeal of that sort will not go down with the gentleman who is sitting in the chair. He is a partisan, but he is an honest one. He is a parliamentarian, too. He is a lawyer, and he knows that precedents bind succeeding inferior courts in honor, and they nearly always bind superior courts of coordinate power even. The gentleman accuses me of partisan purposes. It seems to me that he is the man who is showing them here. Why does not he answer the precedent? He goes off and takes up another case upon another subject and tries to answer it by quoting that. Now, Mr. Chairman, I hope the Chair is ready to rule. [Applause on the Democratic side.]

The CHAIRMAN. A rule of this House provides that "no motion or proposition on a subject different from that under consideration shall be admitted under color of an amendment." The question for the Chair to decide in the first instance, and possibly afterwards the committee, is not as to the wisdom of that rule nor whether it shall be changed, but whether this amendment is obnoxious to that rule. The Chair first will call attention to the antiquity of the rule, which has existed in its present form under every Administration in power since 1822, and will take occasion to refer very briefly to a few decisions showing the strictness with which it has been interpreted. The Chair will not refer to decisions by Chairmen of the Committee of the Whole, but to Speakers of this House. In the Fifty-first Congress there was a bill before the House called a "pure-food bill," regulating lard and its products or compound lard. An amendment was offered relating to all food products, just as this bill relates to certain products and the amendment seeks to extend it over a general class, and yet the Speaker, Thomas B. Reed, ruled that the amendment was not germane. In the Fifty-third Congress a proposition was made to discharge a Member of the House from the custody of the Sergeant-at-Arms. An amendment was offered discharging another Member or other Members. It was ruled not to be germane. That ruling, it is true, was by the Chairman of the Committee of the Whole, but a most distinguished parliamentarian, Mr. Richardson of Tennessee, who subsequently received the vote of his party for the office of Speaker.

Again, Speaker Reed ruled that to a paragraph providing for annual clerks to Senators an amendment providing clerks for Members was not in order. And it has been held that to a bill relating to one Territory an amendment relating to another Territory was not germane. That was ruled, not by a Chairman of the Committee of the Whole, but by no less a distinguished parliamentarian than Speaker Carlisle. And, again, it was ruled in the Fifty-third Congress that to a bill admitting one Territory into the Union an amendment relating to the admission of another Territory was not germane. That was not ruled by a Chairman of the Committee of the Whole, but by the last Speaker who came from the minority side of the House, Mr. Crisp. He made two rulings upon that subject in the same session. Mr. William Jennings Bryan having offered a bill for the relief of the State of Nebraska to reimburse it for expenditures incurred in repelling an invasion of the Sioux Indians, an amendment was offered extending the provisions to the State of South Dakota, which had suffered in precisely the same way and from the same cause. Mr. Bryan argued that it would be as well to put all the bills on the Calendar into one bill as to accept that amendment as germane. His point of order was sustained by Speaker Crisp. It was held by Speaker Reed that, to a bill to protect trade and commerce against trusts, an amendment authorizing the suspension of duties upon articles handled by trusts was not germane.

For instance, Speaker Reed also ruled that to a provision excluding all immigrants who could not read and write an amendment excluding all foreign-born laborers was not germane. And so the Chair might go through a long list of similar rulings. But it is said that in the Fifty-seventh Congress a ruling was made, and upon appeal overruled, and that the action of the House in the Committee of the Whole on that occasion ought to be binding upon the present occupant of the chair.

It is true that when there was pending a bill providing for reciprocal duties with Cuba, not only upon sugar, but also upon hides, and, indeed, including all products of that island, an amendment was offered touching the duties upon sugar from all the countries of the world. And it is true that, that amendment having been held not germane by the very distinguished parliamentarian who then occupied the chair, Mr. Sherman of New York, his ruling was upon appeal reversed by the committee. But the Chair finds that immediately afterwards an amendment touching hides was offered, whereupon the same point of order was again made, when the same Chairman said:

> The Chair desires to say that under the ruling of the committee overruling the Chair a few moments ago quite likely that would be in order, but the Chair's views have not been modified by the action of the committee, and the Chair holds the amendment not germane and out of order.

Thereupon, an appeal having been taken, the committee sustained the Chair by a vote of 183 to 70, or more than 2 to 1, distinctly overruling its previous action.

Then, again, this very morning, upon the appeal of the gentleman from Massachusetts, this committee sustained the Chair in a ruling entirely in line with the ruling then sustained as to the duty on hides. So that if the present occupant of the chair felt bound by rulings of the committee he would feel bound by the last two, rather than by the one which the committee itself seems to have reversed. But the Chair desires to call attention distinctly to the fact that the amendment now pending, offered by the gentleman from Missouri, is by no means on a par with the amendment concerning which the reversal occurred in the previous Congress. That, as the Chair has stated, was a bill providing for reciprocal duties with Cuba. It provided for a certain proclamation to be made by the President, and the amendment was ingeniously worded so as to provide that "upon the making of said agreement and the issuance of said proclamation, and while said agreement shall remain in force, there shall be levied, collected, and paid, in lieu of the duties on sugar," certain other duties.

It was ingeniously interwoven and connected with, had relation to, and included some matters in the original bill to which it was offered as an amendment.

But the amendment offered by the gentleman from Missouri [Mr. CLARK] and now pending is surely upon a different sub-

ject-matter from the bill, because it by exception clearly excludes everything that is touched by the bill. The Chair will call attention to the wording of the amendment:

Amend by inserting the following: "Except on Philippine sugar there shall, after the approval of this bill by the President of the United States, be levied, collected, and paid"—

Certain duties on all sugars.

It does not even touch sugar coming from the Philippines or any of the products of the Philippines, which are the only subjects of the bill to which it is offered as an amendment. This amendment relates only to sugar which does not come from the Philippine Islands. Clearly it is a different subject-matter from that in the bill, which relates only to sugar and other products coming from the Philippine Islands.

Mr. WILLIAMS. Mr. Chairman——

The CHAIRMAN. The Chair feels very certain that the distinguished gentleman who now rises to interrupt, if he were called on in this chair to interpret the rule, would hold as the Chair now holds, that the amendment is on a subject not contained in the bill at all, and therefore a different subject and not germane to the bill. The Chair sustains the point of order.

Mr. WILLIAMS. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WILLIAMS. If this amendment should be altered so as to meet the last objection made by the Chair—the fact that, in his opinion, it does not touch the Philippine sugar at all—will the Chair then hold that such an amendment is not germane?

The CHAIRMAN. The Chair can only say that it will pass upon different amendments as they are offered. [Applause on the Republican side.]

Mr. CLARK of Missouri. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. CLARK of Missouri. With great respect personally for the Chair, I appeal from that decision.

The CHAIRMAN. The gentleman from Missouri appeals from the decision of the Chair. The question, therefore, is: Shall the decision of the Chair stand as the judgment of the committee?

The question was taken and the Chairman announced that the ayes seemed to have it.

Mr. WILLIAMS. Division, Mr. Chairman.

The committee divided; and there were—ayes 220, noes 120.

So the decision of the Chair was sustained. [Loud applause on the Republican side.]

Mr. WILLIAMS. I offer an amendment, Mr. Chairman. Having succeeded in reuniting the Republican party [laughter on the Republican side] by undertaking to make an attack upon the sugar trust, an object which always reunites them [cheers and loud applause on the Democratic side], I beg leave to offer as a substitute for the pending bill the bill (H. R. 406) that I send to the Clerk's desk.

Mr. PAYNE. Before that is done, Mr. Chairman, I call attention to section 2, a committee amendment.

The CHAIRMAN. The second section has not been read.

Mr. WILLIAMS. Oh, yes; I am perfectly willing for the second section to be adopted first.

The CHAIRMAN. The Chair deems it proper to state, in order to avoid any misunderstanding on the part of gentlemen who may desire to offer amendments, that if any other amendments are to be considered to this section of the bill, they ought to be offered previous to the reading of the proposed new section printed in the bill as an amendment adopted by the Ways and Means Committee.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Page 3, line 12, insert after the word "islands" the following: "Or of the United States, its Territories or possessions, manufactured or unmanufactured."

Mr. PAYNE. I make the point of order that it is not germane. It extends the provision of the bill to other Territories than the Philippine Islands, if I can understand it. It is a little blind.

The CHAIRMAN. Does the gentleman from Massachusetts desire to be heard upon the point of order?

Mr. SULLIVAN of Massachusetts. I do.

The CHAIRMAN. The Chair will hear the gentleman briefly.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, this is a bill which undertakes to fix the relations of the Philippine Islands and the United States. The particular part of the bill to which the amendment is offered provides for the establishment of free trade between the United States and the Philippine Islands after the 11th of April, 1909.

The object of this part of the bill is undoubtedly to establish absolute free trade between the Philippine Islands and the United States. It seems to me that the language of the bill does not fully accomplish that. The amendment therefore provides that not only the articles which are wholly the growth and product of the Philippine Islands may be exported to the United States without the collection of duty in the United States upon them, but that also any articles which may be exported from the United States or any of its Territories to the Philippine Islands and subsequently reexported from the Philippine Islands to the United States may also be admitted free of duty. In other words, the intention of this amendment is to create the same relation between the Philippine Islands and the United States that exists to-day between the several States of this Union. If some one in Missouri, for example, wished to ship corn to the State of Iowa, there to be ground into meal, and it were ground into meal in the State of Iowa, it could be shipped back to the State of Missouri and sold as meal without the intervention of any tariff duty. If after 1909 some one chose for some reason, commercial or fanciful, to export corn from the United States to the Philippine Islands, to be there ground into meal and reshipped to the United States, then under this amendment that might be done without any tariff being levied upon the meal thus exported from the Philippine Islands to the United States. In my judgment, without this amendment such a thing as I have just described could not come to pass. And so, to leave the language of the bill wholly free from doubt and to establish in 1909 a condition of absolute free trade between the Philippines and the United States, this amendment is offered, which seems to be entirely in order, Mr. Chairman.

The CHAIRMAN. The Chair will hear the gentleman from New York, if he desires.

Mr. PAYNE. I think, in view of the explanation of the gentleman, that the amendment is germane, but I hope it will be voted down.

The CHAIRMAN. The Chair is of the opinion that the amendment is germane.

Mr. PAYNE. I call for a vote.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, just a word. Here is the gentleman from New York [Mr. PAYNE] admitting that the amendment is germane to the bill, and as the bill which he has drawn has attempted to establish free trade between the Philippine Islands and the United States, I can not understand why he asks now that this amendment be voted down. It has been offered in the most friendly spirit. Indeed, it has been offered as a perfecting amendment, if any product of the Ways and Means Committee is left in such a state as to admit of improvement. I believe that this leaves the intention of the bill wholly free from doubt. Without the amendment, it seems to me that any articles which are sent to the Philippine Islands from the United States, or Porto Rico or Hawaii, could not be shipped back to the United States without having levied upon those articles the usual tariff rates. Under this bill the same freedom of intercourse would be established between the Philippine Islands and the United States that exists to-day between the forty-five States and four Territories of this Union, and I can not understand upon what ground the objection of the gentleman from New York [Mr. PAYNE] is based. I would be much obliged to him if he will state the reason of his objection to the House.

Mr. MANN. Will the gentleman yield for a question?

Mr. SULLIVAN of Massachusetts. Yes.

Mr. MANN. Would the gentleman's amendment apply to goods coming from the Panama Canal Zone to the Philippines, and then coming from the Philippines to the United States?

Mr. SULLIVAN of Massachusetts. I presume it would, if the Canal Zone is admitted to be a part of the territory of the United States. I take it, under that condition, if goods were shipped from there to the Philippine Islands and subsequently shipped to the United States, under this amendment they would come in free of duty after 1909.

Mr. MANN. If the gentleman will pardon me, the exact status that will be taken to control the Canal Zone has never been definitely fixed. The Republic of Panama retains the sovereignty of the Canal Zone, and in order to preserve our relations with the Republic of Panama in the last Congress we provided that goods coming from the Canal Zone to this country should pay the ordinary duty, and we have abolished our custom-houses down there, so that we do not preserve custom-houses on the Canal Zone. I fear that the gentleman's amendment would upset that whole arrangement, which was very satisfactory to the Panama people and undoubtedly preserved us from a great deal of trouble.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, if that is the sole objection to this, it seems to me that the amendment ought to be adopted. I can not imagine anyone sending

goods from the United States proper to the Canal Zone, and subsequently shipping those goods to the Philippine Islands, and then shipping the same goods back to the United States. That seems to me to be so fanciful an objection as not to weigh seriously against this amendment. But I would like to ask again if the gentleman from New York will state the grounds of his objection to this amendment?

Mr. MONDELL. Mr. Chairman, I am very much surprised that the gentlemen who are supporting this bill do not accept this amendment. Certainly it is in line with the measure and goes far toward perfecting it, and it seems to me that in order to be consistent the gentlemen who are following the Democratic party toward free trade and assisting them in breaking down the Republican policy of protection certainly ought to go a little farther and perfect their measure.

Mr. Chairman, a moment ago a gentleman on the other side said something in regard to the attitude of those of us who have been opposing this bill in the matter of appealing from the decision of the Chair. I attempted to secure recognition at that time, but was not able to do so. I simply wish to say that those of us who have not been in favor of this measure have attempted in all things to conduct ourselves in a reasonable and consistent manner. We are attempting to uphold the Republican policy of protection to American industries. We would have been pleased, many of us, to have voted on the amendment of the gentleman from Missouri, but the Chair having ruled, and the ruling of the Chair having clearly indicated that at least there is a grave doubt with regard to the amendment being germane to the bill, we who have been opposing the bill felt disposed to accept the decision of the Chair and leave to the gentlemen who are supporting the bill the questionable honor and distinction of joining with the opposition to carry out their objects and purposes.

They have joined with Democratic free traders to bring about the passage of this measure. We desire to remain consistent as Republican protectionists, and will not join in any revolutionary action to overturn a decision of the Chair, which seems, at least, to be in line with the majority of the decisions heretofore. We may not win. We shall at least be consistent, and while our leaders urge and approve measures which are to depend for their large majorities on the votes of those who continually denounce and assail Republican protective tariff doctrines, we shall be content that our vote, though it may be small, shall be of those on this side who are always true to our party policy of protection. [Applause.]

Mr. GAINES of Tennessee. Mr. Chairman, I would like to ask the gentleman from New York if it is a fact that under this bill, if one should ship corn to the Philippine Islands and grind it into meal, or not grind it, and ship it back here, he would be required under the law and under this bill to pay a duty to get that corn or meal back into the United States?

Mr. MANN. They would send that man to the insane asylum. [Laughter.]

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Massachusetts.

The question was taken; and on a division (demanded by Mr. SULLIVAN of Massachusetts) there were—ayes 104, noes 160.

So the amendment was lost.

Mr. PARKER. Mr. Chairman, I desire to submit an amendment.

The Clerk read as follows:

On page 2, lines 12 and 13, strike out the words "the act of the United States Philippine Commission referred to in section 1 of this act" and insert the word "law."

Mr. PAYNE. Mr. Chairman, I accept that amendment.

Mr. WILLIAMS. What is the nature of the amendment?

Mr. PARKER. The act of the United States Philippine Commission referred to is as dead as a door nail.

Mr. WILLIAMS. Ah, I understand the nature of it.

The question was taken; and the amendment was agreed to.

Mr. PAYNE. Now, Mr. Chairman, I offer section 2 as a committee amendment.

The Clerk read as follows:

Add as section 2 the following:

"SEC. 2. That on and after the day when this act shall go into effect all goods, wares, and merchandise previously imported from the Philippine Islands, for which no entry has been made, and all goods, wares, and merchandise previously entered without payment of duty and under bond for warehousing, transportation, or any other purpose, for which no permit of delivery to the importer or his agent has been issued, shall be subjected to the duties imposed by law prior to the passage of this act, and to no other duty, upon the entry or the withdrawal thereof: *Provided*, That when duties are based upon the weight of merchandise deposited in any public or private bonded warehouse said duties shall be levied and collected upon the weight of such merchandise at the time of its entry."

The CHAIRMAN. The question is on agreeing to the committee amendment offered by the gentleman from New York.

The question was taken, and the amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I understand that the gentleman from Mississippi [Mr. WILLIAMS] desires to offer his amendment as a substitute in the House and not in the committee.

Mr. WILLIAMS. I think, Mr. Chairman, that that will save time.

Mr. PAYNE. I will yield to the gentleman in the House for the purpose of offering a substitute. Mr. Chairman, I move that the committee do now rise, report the bill with amendments to the House, with the recommendation that the amendments be agreed to and the bill be passed.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 3) to amend an act entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," approved March 8, 1902, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is there a separate vote demanded upon the amendments; if not, the vote will be taken in gross.

The question was taken, and the amendments were agreed to.

Mr. PAYNE. Mr. Speaker, I yield to the gentleman from Mississippi to offer a substitute.

Mr. WILLIAMS. Mr. Speaker, I now desire to offer a substitute for the pending bill H. R. 406.

The SPEAKER. The Clerk will report the substitute.

The Clerk read as follows:

Be it enacted, etc., That from and after the date of the passage of this act all goods, wares, merchandise, or other articles, being the growth or product of any of the islands forming a part of the archipelago called the Philippines, when shipped to any port of Hawaii, Porto Rico, or to any other port of the United States, shall enter any said port free of import duty.

SEC. 2. That from and after the passage of this act all goods, wares, merchandise, and other articles, being the growth or product of Porto Rico, Hawaii, or any other appurtenance, Territory, or State of the domain of the United States, when shipped to any port of the Philippines shall enter any said port free of import duty.

SEC. 3. That all existing provisions of law enacted by the Congress, by the Philippine Commission, or by any other authority whatsoever, civil or military, which are in conflict with the provisions of this act are hereby repealed: *Provided, however*, That nothing herein contained shall be construed to repeal the provisions of the treaty of peace entered into at Paris, France, on the 10th day of December, 1898, by and between the United States of America and His Majesty the King of Spain, and confirmed by the Senate of the United States on the 6th day of February, 1899.

Mr. PAYNE. Mr. Speaker, this amendment was read in the committee and had reference there to importations from the Island of Guam, and I made the point of order against it. The gentleman has now eliminated that and I think the amendment is in order, and therefore I move the previous question on the amendments and bill to its passage.

Mr. WILLIAMS. Before the gentleman does that I would like to have about three minutes to explain the substitute.

Mr. PAYNE. I understood the gentleman said he did not want to debate it.

Mr. WILLIAMS. I do not.

Mr. PAYNE. I yield five minutes to the gentleman.

Mr. WILLIAMS. I think three minutes will be plenty. I certainly am not physically disposed to take more than three minutes if I can help it. Mr. Speaker, the substitute simply does this: It provides that trade between the Philippines and the balance of the United States shall be as free as the trade that exists now between New York and Georgia, with the exception that no part of the bill shall violate any provision of our treaty with Spain. That treaty is not violated by any provision of the bill now anyhow, in my opinion, but some people thought it might violate some provision. We have an engagement with Spain to treat her as ourselves in commercial relations with the Philippine Islands up to April 11, 1909. Now, then, treating her as ourselves and giving her equal privileges there means, of course, that where we reduce duties for the Filipinos as a consideration of a reduction of their duties to us Spain must give exactly the same consideration to arrive at exactly the same result; but as nobody expects, even in a remote degree, that Spain will admit all Philippine products free to her shores there will be no violation of the treaty at all, because Spain will never give equal consideration for equal treatment. If it touches the treaty at all, the sole effect would be that Spain could ship goods free to the Philippines, provided Spain allowed the Filipinos to ship goods free to her. With this explanation,

Mr. Speaker, and without arguing the question, I would be glad to have a vote.

Mr. PAYNE. Mr. Speaker, I renew my demand for the previous question.

The SPEAKER. The gentleman from New York demands the previous question.

The previous question was ordered.

The SPEAKER. The question is on the substitute offered by the gentleman from Mississippi.

Mr. WILLIAMS. Mr. Speaker, in order to save the time of the House, as it is now growing late, I think we had better have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 106, nays 232, answered "present" 3, not voting 44, as follows:

YEAS—106.

Adamson	Gaines, Tenn.	Kline	Rucker
Aiken	Garber	Lamb	Russell
Bankhead	Garner	Lee	Ryan
Beall, Tex.	Garrett	Lester	Shackleford
Bell, Ga.	Gilbert, Ky.	Lever	Sheppard
Bowers	Gill	Lewis	Sherley
Bowie	Glass	Livingston	Sims
Brantley	Goulden	Lloyd	Small
Broocks, Tex.	Granger	McLain	Smith, Ky.
Brundidge	Gregg	McNary	Smith, Tex.
Burgess	Gudger	Macon	Southall
Burleson	Hardwick	Maynard	Stephens, Tex.
Burnett	Hay	Moon, Tenn.	Sullivan, Mass.
Butler, Tenn.	Heflin	Moore	Sulzer
Byrd	Henry, Tex.	Padgett	Talbott
Candler	Hill, Miss.	Page	Taylor, Ala.
Clark, Mo.	Hopkins	Patterson, N. C.	Thomas, N. C.
Clayton	Houston	Patterson, S. C.	Towne
Davis, W. Va.	Howard	Pou	Trimble
De Armond	Humphreys, Miss.	Rainey	Underwood
Dixon, Ind.	Hunt	Randell, Tex.	Wallace
Ellerbe	James	Reid	Watkins
Field	Johnson	Rhinock	Webb
Finley	Jones, Va.	Richardson, Ala.	Weisse
Fitzgerald	Kellher	Richardson, Ky.	Williams
Flood	Kitchin, Claude	Rixey	
Floyd	Kitchin, Wm. W	Robinson, Ark.	

NAYS—232.

Acheson	Dawson	Jones, Wash.	Patterson, Pa.
Adams, Pa.	Deemer	Kahn	Payne
Adams, Wis.	Denby	Keifer	Pearre
Alexander	Dickson, Ill.	Kennedy, Nebr.	Perkins
Allen, Me.	Dixon, Mont.	Kennedy, Ohio	Pollard
Andrus	Dovener	Ketcham	Powers
Babcock	Draper	Kinkaid	Pujo
Bannon	Dresser	Klepper	Reeder
Barchfeld	Driscoll	Knapp	Rhodes
Bartholdt	Dunwell	Knopf	Rives
Bates	Dwight	Knowland	Roberts
Bede	Edwards	Lacey	Robertson, La.
Beidler	Ellis	Lafean	Rodenberg
Bennet, N. Y.	Esch	Lamar	Samuel
Bennett, Ky.	Fassett	Landis, Chas. B.	Schneebeli
Birdsall	Flack	Landis, Frederick	Scott
Bishop	Fordney	Law	Scroggy
Blackburn	Foss	Le Fevre	Shartel
Bonynge	Foster, Ind.	Lilley, Conn.	Sibley
Boutell	Foster, Vt.	Lilley, Pa.	Slayden
Bowersock	French	Lindsay	Slemp
Bradley	Fulkerson	Littauer	Smith, Cal.
Brooks, Colo.	Fuller	Longworth	Smith, Ill.
Broussard	Gaines, W. Va.	Lorimer	Smith, Iowa.
Brown	Gardner, Mass.	Loud	Smith, Samuel W.
Brownlow	Gardner, Mich.	Loudenslager	Smith, Wm. Alden
Buckman	Gardner, N. J.	McCarthy	Smith, Pa.
Burke, S. Dak.	Gilbert, Ind.	McCleary, Minn.	Smyser
Burleigh	Gillespie	McCreary, Pa.	Snapp
Burton, Del.	Gillett, Cal.	McGavin	Southwick
Burton, Ohio.	Gillett, Mass.	McKinlay, Cal.	Sparkman
Butler, Pa.	Goebel	McKinney	Sperry
Calder	Graff	McLachlan	Stafford
Calderhead	Greene	McMorran	Steenerson
Campbell, Kans.	Gronna	Madden	Sterling
Campbell, Ohio	Grosvenor	Mahon	Stevens, Minn.
Capron	Hale	Mann	Sulloway
Cassel	Hamilton	Marshall	Tawney
Chaney	Haskins	Martin	Taylor, Ohio
Chapman	Haugen	Meyer	Thomas, Ohio
Clark, Fla.	Hayes	Michalek	Tirrell
Cocks	Hedge	Miller	Townsend
Cole	Henry, Conn.	Minor	Tyndall
Conner	Hepburn	Mondell	Van Winkle
Cooper, Pa.	Hermann	Mouser	Volstead
Cooper, Wis.	Higgins	Mudd	Vreeland
Cousins	Hill, Conn.	Murdock	Waldo
Crumpacker	Hinshaw	Murphy	Wanger
Currier	Hoar	Needham	Watson
Curtis	Hogg	Nevin	Webber
Cushman	Holliday	Norris	Weeks
Dale	Howell, N. J.	Olcott	Weems
Dalzell	Howell, Utah	Olmsted	Welborn
Darragh	Hubbard	Otjen	Wharton
Davey, La.	Huff	Overstreet	Wilson
Davidson	Hull	Palmer	Wood, N. J.
Davis, Minn.	Humphrey, Wash.	Parker	Woodyard
Dawes	Jenkins	Parsons	Young

ANSWERED "PRESENT"—3.

Bartlett	Morrell	Ruppert

NOT VOTING—44.

Allen, N. J.	Graham	McDermott	Stanley
Ames	Griggs	McKinley, Ill.	Sullivan, N. Y.
Bingham	Hearst	Moon, Pa.	Swanson
Brick	Hitt	Patterson, Tenn.	Van Duzer
Burke, Pa.	Hughes	Prince	Wachter
Castor	Lawrence	Ransdell, La.	Wadsworth
Cockran	Legare	Reynolds	Wiley, Ala.
Cromer	Little	Sherman	Wiley, N. J.
Fletcher	Littlefield	Smith, Md.	Williamson
Fowler	Lovering	Southard	Wood, Mo.
Goldfogle	McCall	Spight	Zenor

So the substitute was rejected.

The following pairs were announced:

For the session:

Mr. MORRELL with Mr. SULLIVAN of New York.

Mr. SHERMAN with Mr. RUPPERT.

Until further notice:

Mr. HITT with Mr. STANLEY.

Mr. MCKINLEY of Illinois with Mr. GRIGGS.

Mr. LITTLEFIELD with Mr. COCKRAN.

Mr. CROMER with Mr. MCDERMOTT.

Mr. AMES with Mr. HEARST.

Mr. REYNOLDS with Mr. VAN DUZER.

Until the 21st:

Mr. BRICK with Mr. BARTLETT.

For the day:

Mr. FOWLER with Mr. WILEY of Alabama.

Mr. LAWRENCE with Mr. WOOD of Missouri.

Mr. BINGHAM with Mr. GOLDFOGLE.

Mr. SOUTHARD with Mr. LEGARE.

Mr. WACHTER with Mr. SMITH of Maryland.

Mr. BURKE with Mr. RANSDELL of Louisiana.

Mr. LOVERING with Mr. SPIGHT.

Mr. GRAHAM with Mr. LITTLE.

For Philippine bill:

Mr. WILEY of New Jersey with Mr. ZENOR.

Mr. BARTLETT. Mr. Speaker, I voted "aye" on this substitute, but I find I am paired with the gentleman from Indiana [Mr. BRICK]. Therefore I desire to withdraw my vote and be recorded as "present."

The result of the vote was then announced as above recorded.

The SPEAKER. The question is on the engrossing and third reading of the bill.

The bill was ordered to be engrossed and read a third time; was accordingly read a third time.

The SPEAKER. The question is on the passage of the bill.

Mr. MONDELL. Mr. Speaker, in order to save time, I ask for the yeas and nays.

The yeas and nays were ordered.

The question ws taken; and there were—yeas 259, nays 71, answered "present" 7, not voting 48, as follows:

YEAS—259.

Acheson	Cocks	Glass	Lamb
Adams, Pa.	Cole	Goulden	Landis, Chas. B.
Adamson	Conner	Graff	Landis, Frederick
Alexander	Cooper, Pa.	Granger	Law
Allen, Me.	Cooper, Wis.	Greene	Lee
Andrus	Cousins	Gregg	Le Fevre
Bankhead	Crumpacker	Grosvenor	Lester
Bannon	Currier	Gudger	Lever
Barchfeld	Curtis	Hale	Lewis
Bartholdt	Cushman	Hamilton	Littauer
Bates	Dale	Haskins	Livingston
Beall, Tex.	Dalzell	Hay	Lloyd
Bede	Davis, W. Va.	Hedge	Longworth
Beidler	Dawes	Heflin	Lorimer
Bell, Ga.	Dawson	Henry, Tex.	Loudenslager
Bennet, N. Y.	De Armond	Hepburn	McCarthy
Bennett, Ky.	Deemer	Hermann	McCleary, Minn
Birdsall	Denby	Hill, Conn.	McCreary, Pa.
Blackburn	Dickson, Ill.	Hill, Miss.	McGavin
Boutell	Dixon, Ind.	Hinshaw	McKinlay, Cal.
Bowers	Draper	Hoar	McKinney
Bowersock	Dwight	Holliday	McLain
Bowie	Edwards	Hopkins	McNary
Bradley	Ellerbe	Houston	Macon
Brantley	Esch	Howard	Madden
Broocks, Tex.	Field	Howell, N. J.	Mahon
Brownlow	Finley	Hubbard	Mann
Brundidge	Fitzgerald	Huff	Marshall
Buckman	Flack	Hull	Martin
Burke, S. Dak.	Flood	Humphrey, Wash.	Maynard
Burleigh	Floyd	Humphreys, Miss.	Michalek
Burleson	Foss	James	Miller
Burnett	Foster, Ind.	Jones, Va.	Moon, Pa.
Burton, Del.	Foster, Vt.	Jones, Wash.	Moore
Burton, Ohio	Fulkerson	Kahn	Mudd
Butler, Pa.	Fuller	Keliher	Murdock
Butler, Tenn.	Gaines, Tenn.	Kennedy, Nebr.	Murphy
Calder	Gaines, W. Va.	Kennedy, Ohio	Needham
Calderhead	Garber	Ketcham	Olcott
Campbell, Kans.	Gardner, Mass.	Kitchin, Claude	Olmsted
Candler	Gardner, N. J.	Kitchin, Wm. W.	Overstreet
Capron	Garner	Klepper	Padgett
Chaney	Garrett	Kline	Page
Chapman	Gilbert, Ind.	Knapp	Palmer
Clark, Mo.	Gilbert, Ky.	Knopf	Parker
Clayton	Gill	Lacey	Parsons

Patterson, N. C.	Robinson, Ark.	Smith, Ky.	Tirrell
Patterson, Pa.	Rodenberg	Smith, Tex.	Towne
Patterson, S. C.	Rucker	Smyser	Trimble
Payne	Russell	Snapp	Underwood
Pearre	Ryan	Southall	Van Winkle
Perkins	Samuel	Southwick	Volstead
Pollard	Schneebeli	Steenerson	Vreeland
Pou	Scott	Stephens, Tex.	Waldo
Pujo	Scroggy	Sterling	Wallace
Rainey	Shackleford	Stevens, Minn.	Watson
Randell, Tex.	Shartel	Sullivan, Mass.	Webb
Reeder	Sheppard	Sulloway	Weeks
Reid	Sherley	Sulzer	Welborn
Rhinock	Sibley	Talbott	Wharton
Richardson, Ala.	Sims	Tawney	Williams
Richardson, Ky.	Slemp	Taylor, Ala.	Wilson
Rives	Small	Taylor, Ohio	Wood, N. J.
Rixey	Smith, Ill.	Thomas, N. C.	Woodyard
Roberts	Smith, Iowa	Thomas, Ohio	

NAYS—71.

Adams, Wis.	Dresser	Keifer	Rhodes
Aiken	Driscoll	Kinkaid	Robertson, La.
Babcock	Dunwell	Knowland	Slayden
Bishop	Ellis	Lafean	Smith, Cal.
Bonynge	Fassett	Lamar	Smith, Samuel W.
Brooks, Colo.	Fordney	Lilley, Conn.	Smith, Wm. Alden
Broussard	French	Lilley, Pa.	Smith, Pa.
Brown	Gardner, Mich.	Lindsay	Sparkman
Burgess	Gillespie	Loud	Sperry
Campbell, Ohio	Gillett, Cal.	McLachlan	Stafford
Cassel	Goebel	McMorran	Townsend
Clark, Fla.	Gronna	Meyer	Tyndall
Darragh	Hayes	Minor	Wanger
Davey, La.	Henry, Conn.	Mondell	Watkins
Davidson	Higgins	Moon, Tenn.	Webber
Davis, Minn.	Hogg	Mouser	Weems
Dixon, Mont.	Howell, Utah	Nevin	Young
Dovener	Jenkins	Norris	

ANSWERED "PRESENT"—7.

Bartlett	Hunt	Otjen	Weisse
Hardwick	Johnson	Ruppert	

NOT VOTING—48.

Allen, N. J.	Goldfogle	McCall	Spight
Ames	Graham	McDermott	Stanley
Bingham	Griggs	McKinley, Ill.	Sullivan, N. Y.
Brick	Haugen	Morrell	Swanson
Burke Pa.	Hearst	Patterson, Tenn.	Van Duzer
Byrd	Hitt	Powers	Wachter
Castor	Hughes	Prince	Wadsworth
Cockran	Lawrence	Ransdell, La.	Wiley, Ala.
Cromer	Legare	Reynolds	Wiley, N. J.
Fletcher	Little	Sherman	Williamson
Fowler	Littlefield	Smith, Md.	Wood, Mo.
Gillett, Mass.	Lovering	Southard	Zenor

So the bill was passed.

The following additional pairs were announced:

For the balance of the day:

Mr. GILLETT of Massachusetts with Mr. BYRD.

Mr. HAUGEN with Mr. FLOOD.

The result of the vote was then announced as above recorded.

On motion of Mr. PAYNE, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. PATTERSON of Tennessee for the remainder of the month of January, on account of important business.

To Mr. GRIGGS until Wednesday, January 17, on account of sickness.

WITHDRAWAL OF PAPERS FROM THE FILES.

Mr. LOUD, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of Michael Becoskey, Fifty-seventh Congress, H. R. 16071, no adverse report having been made thereon.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title; when the Speaker signed the same:

H. J. Res. 68. Joint resolution relating to the contingent expenses of the House of Representatives.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 2558. An act authorizing the Washington Bridge Company to construct a bridge across the Columbia River near the city of Wenatchee, Wash.

Mr. PAYNE. I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 6 o'clock and 23 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Green River, Kentucky—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Norfolk Harbor, Virginia—to the Committee on Rivers and Harbors, and ordered to be printed, with illustrations.

A letter from the Secretary of Commerce and Labor, transmitting a statement of documents received and distributed by the Department during the year 1905—to the Committee on Printing, and ordered to be printed.

A letter from the Acting Secretary of War, submitting recommendations as to appropriation for toilet paper at Army posts—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Alabama River, Alabama—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Acting Attorney-General submitting an estimate of appropriation for repairs to the Reform School, District of Columbia—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a detailed statement of the refunds of customs duties for the fiscal year ended June 30, 1905—to the Committee on Ways and Means, and ordered to be printed.

A letter from the Secretary of Commerce and Labor, transmitting, with a favorable recommendation, a draft of a bill providing for printing additional copies of reports issued by the Department—to the Committee on Printing, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. DAVIDSON, from the Committee on Railways and Canals, to which was referred the joint resolution (H. J. Res. 21) authorizing the President of the United States to appoint a commission to examine and report upon a route for the construction of a free open waterway to connect the waters of the Chesapeake and Delaware bays, reported the same with amendment, accompanied by a report (No. 244); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. AMES: A bill (H. R. 12062) to provide Federal regulation of insurance—to the Committee on the Judiciary.

By Mr. MEYER: A bill (H. R. 12063) to accept from the State of Louisiana a cession of territory known as the "Chalmette Monument place," in the parish of St. Bernard, of that State, and to provide for the completion of the monument thereon, and for other purposes—to the Committee on the Library.

By Mr. CRUMPACKER: A bill (H. R. 12064) to amend section 7 of an act entitled "An act to provide for a permanent Census Office," approved March 6, 1902—to the Committee on the Census.

By Mr. HAMILTON: A bill (H. R. 12065) to provide for the disposition of certain property in the Territory of Hawaii—to the Committee on the Territories.

By Mr. GILL: A bill (H. R. 12066) authorizing and directing the Secretary of the Treasury to acquire additional ground adjoining the custom-house in Baltimore, Md.—to the Committee on Public Buildings and Grounds.

By Mr. RIVES (by request): A bill (H. R. 12067) granting pensions to teamsters of the war of the rebellion and Indian wars, from 1861 to 1865, inclusive—to the Committee on Invalid Pensions.

By Mr. KINKAID (by request): A bill (H. R. 12068) to authorize leasing of grazing lands in the arid and semiarid regions of the West—to the Committee on the Public Lands.

By Mr. BENNET of New York: A bill (H. R. 12069) to provide for the distribution of the Annotated Statutes and Constitution of the United States—to the Committee on the Judiciary.

By Mr. LORIMER: A bill (H. R. 12070) making an appro-

priation for the completion of a 14-foot waterway from Chicago to St. Louis—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 12071) to regulate interstate traffic in adulterated or misbranded articles and to permit the respective States and Territories to regulate the sale thereof within their respective boundaries—to the Committee on Interstate and Foreign Commerce.

By Mr. STANLEY: A bill (H. R. 12072) for the erection of a public building at Madisonville, Ky.—to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Kentucky (by request): A bill (H. R. 12073) to establish a laboratory for the study of the criminal, pauper, and defective classes—to the Committee on the Judiciary.

By Mr. CHARLES B. LANDIS: A bill (H. R. 12074) to extend School street to Columbia road and connect School street thus extended with Fourteenth street, and to establish a park at Fourteenth street and Columbia road—to the Committee on the District of Columbia.

By Mr. MARSHALL: A bill (H. R. 12075) to exempt from internal-revenue tax domestic alcohol intended for lighting, heating, and manufacturing purposes, and for use as a motor fuel—to the Committee on Ways and Means.

By Mr. LARRINAGA: A bill (H. R. 12076) to amend an act approved April 12, 1900, entitled "An act to provide revenue and a civil government for Porto Rico, and for other purposes"—to the Committee on Ways and Means.

By Mr. HERMANN: A bill (H. R. 12077) granting pensions to certain officers and enlisted men of the Life-Saving Service and to their widows and minor children—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 12078) to authorize the establishment of a life-saving station at or near the mouth of the Siuslaw River, in the State of Oregon—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 12079) directing a survey of the entrance to Coos Bay and bar, in Oregon—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 12080) granting to the Siletz Power and Manufacturing Company a right of way for a water ditch or canal through the Siletz Indian Reservation, in Oregon—to the Committee on Indian Affairs.

By Mr. BATES: A bill (H. R. 12081) providing for the erection of a monument to Charles Vernon Gridley, late a captain, United States Navy, and John P. Vincent Gridley, late a lieutenant, United States Marine Corps—to the Committee on the Library.

By Mr. McCALL: A bill (H. R. 12082) for the erection of a public building at Woburn, Mass.—to the Committee on Public Buildings and Grounds.

By Mr. McLACHLAN; A bill (H. R. 12083) to amend section 4919 of the Revised Statutes of the United States, relating to infringement of patents—to the Committee on Patents.

Also, a bill (H. R. 12084) to amend section 4921 of the Revised Statutes of the United States, relating to patents—to the Committee on Patents.

By Mr. MORRELL: A bill (H. R. 12085) to prohibit the wearing of the uniform of the Army, Navy, Marine Corps, or Revenue-Cutter Service of the United States, and so forth—to the Committee on Military Affairs.

Also (by request), a bill (H. R. 12086) to amend an act entitled "An act to incorporate the Washington and Western Maryland Railroad Company"—to the Committee on the District of Columbia.

By Mr. CUSHMAN: A joint resolution (H. J. Res. 78) providing for a survey of the Puyallup River, Washington—to the Committee on Rivers and Harbors.

By Mr. HAMILTON: A joint resolution (H. J. Res. 79) authorizing assignment of pay of teachers and other employees of the Bureau of Education in Alaska—to the Committee on the Territories.

By Mr. HERMANN: A joint resolution (H. J. Res. 80) proposing an amendment to the Constitution, providing for the election of Senators of the United States—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. LAWRENCE: A concurrent resolution (H. C. Res. 14) for survey of Governors Island channel, Boston Harbor, Massachusetts—to the Committee on Rivers and Harbors.

By Mr. McNARY: A resolution (H. Res. 153) directing the Secretary of Commerce and Labor to make inquiry concerning child labor—to the Committee on Labor.

By Mr. KELIHER: Memorial of the Commonwealth of Massachusetts, relative to the transfer of the Life-Saving Service to the Navy Department—to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Commonwealth of Massachusetts, relative to the removal of the duty on hides—to the Committee on Ways and Means.

Also, memorial of the Commonwealth of Massachusetts, relative to the rates of transportation on railroads—to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Commonwealth of Massachusetts, relative to an amendment of the National Constitution enabling Congress to enact laws regulating the hours of labor—to the Committee on Labor.

Also, memorial of the Commonwealth of Massachusetts, relative to the establishment of freer trade relations between the United States and Canada—to the Committee on Ways and Means.

By Mr. BONYNGE: Memorial from the legislature of the State of Colorado, concerning existing desert-land laws, etc.—to the Committee on the Public Lands

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 12087) granting a pension to Deborah E. Green-Childs—to the Committee on Pensions.

By Mr. BARTHOLDT: A bill (H. R. 12088) granting a pension to L. F. Spielman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12089) granting a pension to Charles F. Friedeck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12090) granting an increase of pension to Mary M. Stark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12091) to correct the military record of George K. McGunnegle—to the Committee on Military Affairs.

By Mr. BATES: A bill (H. R. 12092) granting a pension to John O'Hagan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12093) granting a pension to Charles W. Davidson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12094) granting an increase of pension to John H. Gross—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12095) granting an increase of pension to Atticus Lewis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12096) granting an increase of pension to David W. Davidson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12097) granting an increase of pension to Byron H. Phelps—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12098) for the relief of Robert Jobe—to the Committee on Claims.

By Mr. BENNET of New York: A bill (H. R. 12099) granting a pension to Charlotte A. McCormick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12100) granting a pension to James Wallace Phillips—to the Committee on Pensions.

Also, a bill (H. R. 12101) granting an increase of pension to Alfred Connor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12102) to restore to the pension roll of the United States the name of Wilhelmina Healey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12103) to restore the name of Arthur M. Tompkins to the pension roll—to the Committee on Pensions.

By Mr. BRUNDIDGE: A bill (H. R. 12104) for the relief of the heirs of Mary E. Williamson, deceased, late of Fayette County, Tenn.—to the Committee on War Claims.

By Mr. BANNON: A bill (H. R. 12105) for the relief of Thomas Ross—to the Committee on Military Affairs.

By Mr. BUTLER of Tennessee: A bill (H. R. 12106) granting an increase of pension to George W. Reagan—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 12107) for the relief of M. V. Stearnes—to the Committee on War Claims.

Also, a bill (H. R. 12108) for the relief of Jonathan Lewis—to the Committee on War Claims.

Also, a bill (H. R. 12109) for the relief of the estate of Samuel L. Gilbert, deceased—to the Committee on War Claims.

Also, a bill (H. R. 12110) for the relief of the estate of Aaron Turner, deceased—to the Committee on War Claims.

Also, a bill (H. R. 12111) for the relief of the estate of Levi Jones, deceased—to the Committee on War Claims.

Also, a bill (H. R. 12112) for the relief of the estate of Annie Dunn, deceased—to the Committee on War Claims.

Also, a bill (H. R. 12113) for the relief of the estate of David Crowell, deceased—to the Committee on War Claims.

Also, a bill (H. R. 12114) for the relief of the estate of

Elizabeth Blakemore, deceased—to the Committee on War Claims.

Also, a bill (H. R. 12115) for the relief of the estate of Mirah Ballard, deceased—to the Committee on War Claims.

Also, a bill (H. R. 12116) for the relief of the estate of Minor Gwinn, deceased—to the Committee on War Claims.

Also, a bill (H. R. 12117) for the relief of the estate of M. Light, deceased—to the Committee on War Claims.

By Mr. CHAPMAN: A bill (H. R. 12118) granting a pension to Sue Webb Cooke—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12119) granting an increase of pension to Charles A. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12120) granting an increase of pension to Richard Southard—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 12121) granting a pension to Richard Nelson—to the Committee on Pensions.

By Mr. COUSINS: A bill (H. R. 12122) granting an increase of pension to Robert G. Shuey—to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 12123) granting an increase of pension to George W. Morrison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12124) granting an increase of pension to Howard Brown—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 12125) for the relief of the estate of James Mitchell, deceased—to the Committee on Ways and Means.

By Mr. DAVIS of West Virginia: A bill (H. R. 12126) granting a pension to George W. Webb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12127) granting a pension to Edgar Travis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12128) granting an increase of pension to Dennis A. Litzinger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12129) granting an increase of pension to Albert Teets—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12130) granting an increase of pension to William B. Clemmer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12131) authorizing the President to appoint Charles H. Pendleton a lieutenant-commander on the retired list, United States Navy—to the Committee on Naval Affairs.

By Mr. DAWES: A bill (H. R. 12132) granting an increase of pension to Daniel Heinz—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 12133) granting a pension to Sarah J. Pugh—to the Committee on Invalid Pensions.

By Mr. DUNWELL: A bill (H. R. 12134) for the relief of W. R. Austin & Co.—to the Committee on Claims.

By Mr. GARBER: A bill (H. R. 12135) granting an increase of pension to William Landahn—to the Committee on Invalid Pensions.

By Mr. GILBERT of Indiana: A bill (H. R. 12136) for the relief of Sarah J. Ireland—to the Committee on Claims.

Also, a bill (H. R. 12137) granting an increase of pension to Lewis J. Blair—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12138) granting an increase of pension to Ruben Lantz—to the Committee on Invalid Pensions.

By Mr. GILL: A bill (H. R. 12139) for the relief of the representatives of James Hooper—to the Committee on Claims.

Also, a bill (H. R. 12140) granting a pension to Regina Ernst—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12141) granting a pension to Catherine C. E. Einwachter—to the Committee on Pensions.

Also, a bill (H. R. 12142) granting a pension to John H. Edelen—to the Committee on Pensions.

Also, a bill (H. R. 12143) granting an increase of pension to Louis N. Rollins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12144) granting an increase of pension to Andrew J. Gibson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12145) granting a pension to Mary E. O'Hare—to the Committee on Pensions.

By Mr. HAY: A bill (H. R. 12146) for the relief of the estate of Samuel Crickenberger, deceased—to the Committee on War Claims.

By Mr. HEDGE: A bill (H. R. 12147) granting an increase of pension to Burton Chandler—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 12148) for the relief of Henry H. Woodward—to the Committee on Claims.

Also, a bill (H. R. 12149) for the relief of Jesse L. Adams—to the Committee on Claims.

Also, a bill (H. R. 12150) granting a pension to William P. Heydon—to the Committee on Pensions.

Also, a bill (H. R. 12151) granting a pension to John Brown Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12152) granting a pension to Leonidas E. Mills—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12153) granting a pension to Robert Sturgeons—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12154) granting an increase of pension to Henry E. Collins—to the Committee on Pensions.

Also, a bill (H. R. 12155) granting an increase of pension to Martin L. Adams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12156) granting an increase of pension to Edwin Billings—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Nebraska: A bill (H. R. 12157) granting a pension to Nelson McCarty—to the Committee on Invalid Pensions.

By Mr. KETCHAM: A bill (H. R. 12158) for the relief of the estate of Samuel Kirby, deceased—to the Committee on the District of Columbia.

By Mr. KLINE: A bill (H. R. 12159) granting an increase of pension to Bengerman Dunn—to the Committee on Invalid Pensions.

By Mr. LAW: A bill (H. R. 12160) granting an increase of pension to Josephine D. McNary—to the Committee on Invalid Pensions.

By Mr. LAWRENCE: A bill (H. R. 12161) granting an increase of pension to William Engle—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 12162) for the relief of Joel Cross—to the Committee on War Claims.

By Mr. LITTAUER: A bill (H. R. 12163) granting an increase of pension to Cornelius G. Stark—to the Committee on Pensions.

By Mr. LIVINGSTON: A bill (H. R. 12164) for the relief of the estate of John J. Hart—to the Committee on War Claims.

Also, a bill (H. R. 12165) for the relief of Ambrose Chewing—to the Committee on War Claims.

By Mr. LORIMER: A bill (H. R. 12166) for the relief of William P. Ryan—to the Committee on Claims.

By Mr. MAHON: A bill (H. R. 12167) granting an increase of pension to Mary C. Nolte—to the Committee on Invalid Pensions.

By Mr. MEYER: A bill (H. R. 12168) for the relief of the Stone, Sand, and Gravel Company of New Orleans, La., for the performance of its contract with the Government for diverting the mouth of the Yazoo River, near Vicksburg—to the Committee on Claims.

My Mr. McLACHLAN: A bill (H. R. 12169) for the relief of William Pinkerton, jr., and others—to the Committee on Claims.

By Mr. MOUSER: A bill (H. R. 12170) granting a pension to Adolph Reuthner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12171) granting an increase of pension to James Beistle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12172) granting an increase of pension to Allen Smalley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12173) granting an increase of pension to Jacob M. Zartman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12174) granting an increase of pension to Valentine Faulhaber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12175) granting an increase of pension to Henry C. Chadwick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12176) to remove the charge of desertion and grant an honorable discharge to George W. Weiser—to the Committee on Military Affairs.

Also, a bill (H. R. 12177) granting an increase of pension to Martin Cowell—to the Committee on Invalid Pensions.

By Mr. OTJEN: A bill (H. R. 12178) granting a pension to Johial W. Boyd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12179) for the relief of Mary C. Mayers—to the Committee on Claims.

By Mr. PAYNE: A bill (H. R. 12180) granting an increase of pension to Charles H. Dunning—to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 12181) granting an increase of pension to John Conry—to the Committee on Invalid Pensions.

By Mr. REID: A bill (H. R. 12182) granting a pension to Sallie W. Mason—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12183) granting a pension to Arnath J. Livingston—to the Committee on Invalid Pensions.

By Mr. RHINOCK: A bill (H. R. 12184) granting an increase of pension to Joseph Sprauer—to the Committee on Invalid Pensions.

By Mr. RIVES (by request): A bill (H. R. 12185) to remove the charge of desertion from the record of Peter Ghem—to the Committee on Military Affairs.

By Mr. SAMUEL: A bill (H. R. 12186) to remove the charge

of desertion from the military record of Thomas M. Brown—to the Committee on Military Affairs.

By Mr. SHEPPARD: A bill (H. R. 12187) granting an increase of pension to Mary L. Davenport—to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 12188) for the relief of George T. Larkin—to the Committee on Claims.

By Mr. STEPHENS of Texas: A bill (H. R. 12189) granting a pension to M. W. Cook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12190) granting an increase of pension to Milton R. Dungan—to the Committee on Pensions.

By Mr. VAN WINKLE: A bill (H. R. 12191) for the relief of Margaret Underhill and Mary Clark—to the Committee on Claims.

By Mr. WACHTER: A bill (H. R. 12192) granting an increase of pension to William Cummings—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 12193) granting an increase of pension to Albert Butler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12194) granting an increase of pension to Minnie Irwin—to the Committee on Invalid Pensions.

By Mr. WELBORN: A bill (H. R. 12195) granting a pension to Mary A. Gurley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12196) granting a pension to Narcissa E. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12197) granting an increase of pension to Andrew J. Young—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12198) granting a pension to John Potter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12199) granting a pension to Isaac N. Peters—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12200) granting a pension to Samuel M. Coleman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12201) granting a pension to Mary A. Runyan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12202) granting a pension to William England—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12203) granting an increase of pension to William D. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12204) granting an increase of pension to Frederick Walter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12205) granting an increase of pension to George Holden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12206) granting an increase of pension to David B. Wood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12207) granting an increase of pension to Edwin A. Kennedy—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 12208) granting an increase of pension to John B. Hayes—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 6915) to remove the charge of desertion against Jacob Imig, late a landsman on the ships *North Carolina* and *Naubuc*, United States Navy—Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

A bill (H. R. 11778) for the relief of Green Edmonson—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 11809) for the relief of Benjamin Head—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 9077) granting an increase of pension to Samuel Engle—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11357) granting a pension to Simon Shea—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11822) granting a pension to Lawyer Sugs—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11855) granting an increase of pension to Mary A. Shelly—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of the Civic Club, of California, and Coal Center, Pa., for preservation of Niagara Falls—to the Committee on Foreign Affairs.

Also, petition of the Oakland Board of Trade, for a new post-office building in Pittsburg—to the Committee on Public Buildings and Grounds.

Also, petition of the Philadelphia Credit Men's Association, against repeal of the bankrupt law—to the Committee on the Judiciary.

By Mr. ADAMS of Pennsylvania: Petition of the Philadelphia Credit Men's Association, for retention of the bankruptcy act—to the Committee on the Judiciary.

By Mr. ALEXANDER: Petition of the Spencer-Kellogg Company, of Buffalo, N. Y., against bill H. R. 7079—to the Committee on Ways and Means.

By Mr. BARCHFELD: Petition of the Paint, Oil, and Varnish Association, favoring bill H. R. 7079—to the Committee on Ways and Means.

Also, petition of the Philadelphia Credit Men's Association, against repeal of the bankruptcy law—to the Committee on the Judiciary.

Also, petition of the Oakland Board of Trade, for a new post-office building for Pittsburg—to the Committee on the Post-Office and Post-Roads.

Also, petition of Lescallette and Smoky City councils, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BENNET of New York: Petition of Lewis C. Harris, against bill H. R. 3—to the Committee on Ways and Means.

By Mr. BRADLEY: Petition of Newburgh Council, No. 38, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BURKE of Pennsylvania: Petition of the Philadelphia Credit Men's Association, against repeal of the bankruptcy law—to the Committee on the Judiciary.

Also, petition of the Oakland Board of Trade, for a new post-office building for Pittsburg, Pa.—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Paint, Oil, and Varnish Association of Pittsburg, favoring bill H. R. 7079—to the Committee on Ways and Means.

By Mr. BURLEIGH: Paper to accompany bill for relief of Nancy L. Prentiss—to the Committee on Invalid Pensions.

By Mr. BURLESON: Petition of Humber & Chapman, of Leander, Tex., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. BURNETT: Paper to accompany bill for relief of John Edwards—to the Committee on War Claims.

Also, paper to accompany bill for relief of John H. Wisdom—to the Committee on Claims.

Also, paper to accompany bill for relief of Aaron Turner—to the Committee on War Claims.

Also, paper to accompany bill for relief of Ephraim Dockery—to the Committee on War Claims.

By Mr. BURTON of Ohio: Petition of the Cleveland Credit Men's Association, against repeal of the national bankruptcy act—to the Committee on the Judiciary.

By Mr. BUTLER of Tennessee: Paper to accompany bill for relief of George W. Reagan—to the Committee on Invalid Pensions.

By Mr. BUTLER of Pennsylvania: Petition of Coatesville Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Master Grange, No. 1263, for repeal of tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. CAMPBELL of Kansas: Petition of the Woman's Home Missionary Society of the Methodist Episcopal Church, for prohibition in Indian Territory—to the Committee on the Territories.

Also, petition of the Womans' Home Missionary Society of the First Methodist Episcopal Church—to the Committee on Alcoholic Liquor Traffic.

By Mr. CHAPMAN: Petition of Shawnee Tribe, Improved Order of Red Men, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. CLARK of Florida: Petition of the United Brotherhood of Carpenters and Joiners of America, of St. Augustine, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of citizens of Orlando, Fla., for general arbitration treaties—to the Committee on Foreign Affairs.

By Mr. COOPER of Pennsylvania: Petition of the National

Woman's Christian Temperance Union, for a law to prohibit importation of alcoholic liquors under protection of Federal law, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petition of Star of America and Perryopolis councils, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Organization of Survivors of the *General Slocum*, for adjudication of claims by Court of Claims—to the Committee on Claims.

By Mr. DALZELL: Petition of the Philadelphia Credit Association, against repeal of bankruptcy law—to the Committee on the Judiciary.

Also, petition of the Woman's Home Missionary Society of the Methodist Episcopal Church, for prohibition in Indian Territory—to the Committee on the Territories.

Also, petition of Aspinwall Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. DAVIS of West Virginia: Paper to accompany bill for relief of Dennis A. Litzinger—to the Committee on Pensions.

Also, paper to accompany bill for relief of William L. Hilkey—to the Committee on Invalid Pensions.

Also, petition of West, United, Liberty, Gladvalley, Young America, and Potomac councils, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. DIXON of Montana: Petition of citizens of Columbus, Mont., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. DOVENER: Paper to accompany bill for relief of John W. Davis—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Elizabeth A. Mason—to the Committee on Invalid Pensions.

Also, petition of Island Council, No. 4, American Mechanics, of Wheeling, W. Va.; citizens of Lewis County, W. Va., and Wheeling and Elm Grove councils, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of Malvina J. Swiger—to the Committee on Invalid Pensions.

By Mr. DRISCOLL: Petitions of the National Casket Company, the Fairbanks Company, and the Syracuse Cabinet Company, of Syracuse, N. Y., favoring repeal of the tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petitions of National, Hamilton, Lafayette, Canastota, and Lenox granges, Patrons of Husbandry; the C. B. & M. Moulding Company, and the H. H. Franklin Manufacturing Company, for free denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Brotherhood of Painters, Decorators, and Paper Hangers of America, for free denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Syracuse Chamber of Commerce, for enactment of bill S. 1345—to the Committee on Foreign Affairs.

Also, petition of the Organization of *General Slocum* Survivors, for adjudication of claims by Court of Claims—to the Committee on Claims.

Also, petition of Syracuse Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Connecticut Valley Conference, at Springfield, Mass., for repeal of the tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. ESCH: Petition of citizens of Neillsville and Augusta, Wis., against a reduction of the tariff on Philippine products—to the Committee on Ways and Means.

By Mr. FLOYD: Paper to accompany bill for relief of Eliza H. Winn—to the Committee on War Claims.

By Mr. FULLER: Paper to accompany bill H. R. 73—to the Committee on Public Buildings and Grounds.

Also, petition of the National German-American Alliance, for restoration of the Army canteen—to the Committee on Military Affairs.

Also, petition of citizens of Winnebago County, Ill., favoring rate legislation—to the Committee on Interstate and Foreign Commerce.

By Mr. GOEBEL: Petition of citizens of Ohio and Victory and Harrison councils, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. GRAHAM: Petition of the Philadelphia Credit Men's Association, against repeal of the bankruptcy law—to the Committee on the Judiciary.

Also, petition of the National Paint, Oil and Varnish Association, of Pittsburg, favoring bill H. R. 7079—to the Committee on Ways and Means.

Also, petition of the Central Prohibitory Club, against the various free-alcohol bills now before Congress—to the Committee on Ways and Means.

By Mr. GRANGER: Petition of Miantonomah Council, No. 7, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Kickemint Grange, No. 24, Patrons of Husbandry, of Warren, R. I., for extension of experiment stations—to the Committee on Agriculture.

By Mr. HAYES: Petition of District Council of Painters of San Francisco, for repeal of the tax on grain alcohol used in the arts—to the Committee on Ways and Means.

Also, petition of A. H. Post et al., for the Gallinger amendment to the statehood bill—to the Committee on the Territories.

Also, petition of the board of trustees of the Chamber of Commerce of San Francisco, for passage of bill H. R. 7043—to the Committee on Alcoholic Liquor Traffic.

By Mr. HILL of Connecticut: Petition of Lincoln Council, No. 4, Junior Order United American Mechanics, of South Norwalk, Conn., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Paul Revere Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. HINSHAW: Petition of the Farmers' Institute of Western Nebraska, for reciprocal commercial treaties with foreign nations—to the Committee on Ways and Means.

By Mr. HUFF: Petition of Crystal Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. KAHN: Petition of the Merchants' Association of San Francisco, Cal., favoring the national stamping act—to the Committee on Banking and Currency.

Also, petition of the Chamber of Commerce of San Francisco, for reestablishment of the Army canteen—to the Committee on Military Affairs.

Also, petition of the Merchants' Association of San Francisco, for recognition of the Milan Exposition—to the Committee on Industrial Arts and Expositions.

By Mr. KELIHER: Petition of the National German-American Alliance, favoring reestablishment of the Army canteen, etc.—to the Committee on Military Affairs.

Also, petition of the Citizens' Trade Association of Cambridge, Mass., for completion of the breakwater at Point Judith—to the Committee on Rivers and Harbors.

By Mr. KLINE: Petition of Master Grange, No. 551, of Pennsylvania, against taxing denaturized alcohol—to the Committee on Ways and Means.

By Mr. KNOWLAND: Petition of the Board of Trade of San Francisco, relative to the present Chinese-exclusion laws—to the Committee on Foreign Affairs.

Also, petition of the board of directors of the Merchants' Association of San Francisco, indorsing the bill known as the "national stamping act"—to the Committee on Banking and Currency.

Also, petition of the board of directors of the Merchants' Association of San Francisco, for recognition by Congress of the Milan Exposition—to the Committee on Industrial Arts and Expositions.

By Mr. LAFEAN: Petition of Susquehanna, Hauer (No. 1013) and Aurora (No. 304) councils, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. LARRINAGA: Petition of delegates representing municipal councils of fifty-two towns in Porto Rico, asking of Congress the privilege of self-government—to the Committee on Insular Affairs.

By Mr. LEE: Paper to accompany bill for relief of Letitia Watkins—to the Committee on Invalid Pensions.

By Mr. LITTAUER: Paper to accompany bill for relief of Cornelius G. Stark—to the Committee on Pensions.

By Mr. LIVINGSTON: Petition of the Georgia State Trade and Labor League, against railway rate legislation—to the Committee on Interstate and Foreign Commerce.

By Mr. LORIMER: Paper to accompany bill for relief of Charles A. Folsom—to the Committee on War Claims.

By Mr. MANN: Petition of R. P. Smith & Sons, for repeal of the duty on hides—to the Committee on Ways and Means.

Also, petition of the Chicago Historical Society, for a hall of historical records in Washington, D. C.—to the Committee on Public Buildings and Grounds.

Also, petition of Florsheim & Co., of Chicago, Ill., against the tax on hides—to the Committee on Ways and Means.

By Mr. MEYERS: Paper to accompany bill for relief of Elie H. Flory—to the Committee on War Claims.

Also, paper to accompany bill for relief of Hugh Green—to the Committee on Invalid Pensions.

By Mr. PADGETT: Paper to accompany bill for relief of William H. Lanier—to the Committee on War Claims.

By Mr. PATTERSON of North Carolina: Petition of Ashpole Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. PAYNE: Paper to accompany bill for relief of Warren B. Tompkins—to the Committee on Invalid Pensions.

By Mr. PUJO: Petitions of the New Orleans (La.) City Park Commission and of the Audubon Park Commission, for preservation of Niagara Falls—to the Committee on Foreign Affairs.

Also, petition of the New Orleans (La.) Board of Underwriters, relating to seaport pilotage—to the Committee on the Merchant Marine and Fisheries.

By Mr. RHINOCK: Paper to accompany bill for relief of Joseph Sprauer—to the Committee on Invalid Pensions.

By Mr. RIVES: Paper to accompany bill for relief of Peter Gehur—to the Committee on Military Affairs.

By Mr. RUPPERT: Petition of 60,000 American citizens in Alaska, asking representation in Congress—to the Committee on the Territories.

Also, petition of the Phoenix (Ariz.) Board of Trade, against joint statehood—to the Committee on the Territories.

Also, petition of the National German-American Alliance, for a commercial reciprocity treaty between Germany and the United States—to the Committee on Ways and Means.

Also, petition of the Organization of the *General Slocum* Survivors, for relief of heirs of the victims of that disaster—to the Committee on Claims.

Also, petition of the legislature of Indiana and W. S. Sanderson Post, Grand Army of the Republic, for an auditorium in the cemetery at the National Soldiers' Home at New Albany, Ind.—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Emile H. Brice—to the Committee on Pensions.

Also, petition of the Arizona Cattle Growers' Association, against joint statehood—to the Committee on the Territories.

Also, petition of the Philadelphia Board of Trade, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Chamber of Commerce of New York, for a Federal judicial court in the Orient—to the Committee on Foreign Affairs.

Also, petition of the Association of United Confederate Veterans, for legislation for the care of graves of Confederate soldiers—to the Committee on Military Affairs.

Also, petition of the General Synod of the Reformed Church in America, against admission of all engaged in practices of the Mormon Church—to the Committee on the Judiciary.

By Mr. SCROGGY: Petition of Spring Valley (Ohio) Lodge, No. 302, Independent Order of Odd Fellows, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SULZER: Petition of Arbuckle Brothers, of New York City, favoring bill H. R. 10090—to the Committee on Ways and Means.

Also, petition of F. K. Taylor, of Schenectady, N. Y., against sale of liquor to soldiers on Government transports—to the Committee on Alcoholic Liquor Traffic.

By Mr. WACHTER: Paper to accompany bill for relief of William Cummings—to the Committee on Invalid Pensions.

By Mr. WEISSE: Petition of the Milwaukee College Endowment Association, for national forest reservations in the White Mountains—to the Committee on Agriculture.

Also, petition of the Rice Association of America, for equitable reciprocity relative to cereals—to the Committee on Ways and Means.

Also, petition of the General Synod of the Reformed Church in America, against admittance to Congress of all engaged in practices of the Mormon Church—to the Committee on the Judiciary.

Also, petition of the Philadelphia Board of Trade, for modification of the immigration laws—to the Committee on Immigration and Naturalization.

SENATE.

WEDNESDAY, *January 17, 1906.*

Prayer by Rev. ULYSSES G. B. PIERCE, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

PRINTING FOR DEPARTMENT OF COMMERCE AND LABOR.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting a draft of a bill providing for the printing of additional copies of any report, document, or publication issued by the Department of Commerce and Labor whenever there is a demand or necessity therefor; which, with the accompanying paper, was referred to the Committee on Printing, and ordered to be printed.

REPORT OF NATIONAL ACADEMY OF SCIENCES.

Mr. WETMORE. I present the annual report of the National Academy of Sciences for the year 1905, as required by statute. The statute also provides for the printing of the report, so that no action is necessary on the part of the Senate, but simply to receive the report.

The VICE-PRESIDENT. The report will be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 3) to amend an act entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," approved March 8, 1902; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were thereupon signed by the Vice-President:

A bill (S. 2558) authorizing the Washington Bridge Company to construct a bridge across the Columbia River near the city of Wenatchee, Wash.; and

A joint resolution (H. J. Res. 68) relating to the contingent expenses of the House of Representatives.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the American Federation of Catholic Societies of the Territory of Hawaii, praying for the enactment of legislation looking to the development of that island on traditional American lines as recommended by the President in his annual message; which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of the Chamber of Commerce of Spokane, Wash., praying for the passage of the so-called "Lodge bill" providing for the reorganization of the consular service; which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of El Paso, Tex., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Shipping Society of America, praying for the enactment of legislation to secure the rights of navigation in all trade reciprocity treaties; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Woodburn Citizens' Association, of the District of Columbia, and a petition of the board of directors of the Eastern Star Home, of the District of Columbia, praying for the enactment of legislation to authorize the Baltimore and Washington Transit Company, of Maryland, to extend its lines into the District; which were referred to the Committee on the District of Columbia.

Mr. STONE presented a petition of sundry citizens of Cameron, Mo., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Missouri-Illinois Branch of the German-American National Alliance, praying for the ratification of a reciprocity treaty with Germany; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Shorthorn Cattle Breeders' Association of Ray County, Mo., praying for the ratification of international reciprocity treaties; which was referred to the Committee on Foreign Relations.

He also presented a petition of Two Rivers Division, No. 151,

Order of Railway Conductors, of Monett, Mo., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented a petition of the St. Louis Manufacturers' Association, of St. Louis, Mo., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Retail Merchants' Association of Joplin, Mo., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Merchants' Exchange of St. Louis, Mo., and a petition of the Commercial Club of St. Joseph, Mo., praying for the enactment of legislation to reorganize the consular service of the United States; which were ordered to lie on the table.

He also presented a memorial of Local Union No. 44, Cigar Makers' International Union, of St. Louis, Mo., and a memorial of Local Union No. 102, Cigar Makers' International Union, of Kansas City, Mo., remonstrating against any reduction of the duty on cigars and tobacco imported from the Philippine Islands; which were referred to the Committee on the Philippines.

He also presented petitions of Local Union No. 296, American Federation of Labor, of Springfield; of P. Lavelle Lodge, No. 92, Brotherhood of Railroad Trainmen, of St. Joseph, and of Local Unions Nos. 1, 146, 12, 335, 80, 1635, 6, 100, 2, 18, 32, 102, 267, 162, 1391, 19, 20, 52, and 48, all of the American Federation of Labor, of Kansas City, in the State of Missouri, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Point Pleasant, Mo., praying that an appropriation be made to prevent the erosion of the Mississippi River by floods and high water; which was referred to the Committee on Commerce.

He also presented a petition of the Manufacturers' Association of St. Louis, Mo., praying that an appropriation be made to establish deep water in the Illinois and Mississippi rivers from Chicago to St. Louis; which was referred to the Committee on Commerce.

Mr. WETMORE presented the petition of Samuel Osborn Tabor, of Statesville, R. I., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of Miantonomoh Council, No. 7, Junior Order United American Mechanics, of Providence, R. I., praying for the enactment of legislation to restrict immigration and also for a revision of the naturalization laws; which was referred to the Committee on Immigration.

He also presented petitions of Kickemuit Grange, No. 24, Patrons of Husbandry, of Warren; of Hope Valley Grange, No. 7, of Hope Valley, and of Moosup Valley Grange, No. 26, Patrons of Husbandry, of Greene, all in the State of Rhode Island, praying that increased appropriations be made for the maintenance of agricultural experiment stations; which were referred to the Committee on Agriculture and Forestry.

Mr. GALLINGER presented a petition of Liberty Council, No. 37, Junior Order of United American Mechanics, of East Tilton, N. H., and a petition of John T. Hale Council, No. 9, Junior Order of United American Mechanics, of Barrington, N. H., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented a petition of the Northeastern Suburban Citizens' Association, of Langdon, D. C., praying for the enactment of legislation providing for the construction of sewers for the northeastern suburban section of the District; which was referred to the Committee on Appropriations.

He also presented the memorial of Frank W. Hackett, of Washington, D. C., remonstrating against the enactment of legislation authorizing the Capital Traction Company to lay a track along M street; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woodburn Citizens' Association, of the District of Columbia, praying for the enactment of legislation to authorize the Baltimore and Washington Transit Company of Maryland to extend its lines into the District; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Hillsdale Citizens' Association, of Anacostia, D. C., praying for the enactment of legislation providing for the reorganization of the public school system of the District and for an increase in the pay of school-teachers; which was referred to the Committee on the District of Columbia

He also presented the petition of Bishop Charles C. McCabe, chancellor of the American University, of Washington, D. C., praying for the enactment of legislation providing for the extension and improvement of Massachusetts avenue from Nebraska avenue to the District line; which was referred to the Committee on the District of Columbia.

Mr. NELSON presented a petition of Fort Ridgeley Lodge, No. 65, Brotherhood of Locomotive Firemen, of Waseca, Minn., praying for the passage of the so-called "employers' liability bill," and also for the so-called "anti-injunction bill;" which was referred to the Committee on the Judiciary.

Mr. KEAN presented a petition of Local Union No. 121, Brotherhood of Carpenters and Joiners, of Bridgeton, N. J., praying for the enactment of legislation to restrict immigration and also for a revision of the naturalization laws; which was referred to the Committee on Immigration.

He also presented a petition of the Political Study Club, of Orange, N. J., praying for the enactment of legislation regulating child labor in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Morristown Improvement Association of New Jersey, praying for the enactment of legislation to prevent the destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a memorial of Local Union No. 146, Cigar Makers' International Union, of New Brunswick, N. J., and a memorial of Local Union No. 138, Cigar Makers' International Union, of Newark, N. J., remonstrating against a reduction of the duty on cigars imported from the Philippine Islands; which was referred to the Committee on the Philippines.

He also presented a petition of the New Jersey Congress of Mothers, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of Camden Division, No. 22, Brotherhood of Locomotive Engineers, of Camden, N. J., praying for the passage of the so-called "Gilbert anti-injunction bill;" which was referred to the Committee on the Judiciary.

He also presented a petition of Camden Division, No. 22, Brotherhood of Locomotive Engineers, of Camden, N. J., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented a petition of Camden Division, No. 22, Brotherhood of Locomotive Engineers, of Camden, N. J., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

Mr. SPOONER presented a memorial of sundry citizens of Superior, Wis., remonstrating against the ratification of the Isle of Pines treaty; which was referred to the Committee on Foreign Relations.

Mr. SIMMONS presented petitions of Granville Council, No. 117, of Oxford; South Side Council, No. 80, of Winston-Salem; Columbia Council, No. 62, of Columbia; Cliffside Council, No. 139, of Cliffside; Wilson Council, No. 40, of Wilson; Virginia Springs Council, No. 69, of Cornelius; Oriental Council, No. 107, of Oriental; Newton Council, No. 24, of Newton; Sanford Council, No. 111, of Sanford; Cullasaja Council, No. 158, of Franklin; Belews Creek Council, No. 32, of Belews Creek; Lenoir Council, No. 78, of Kinston; Shoal Council, No. 92, of Cooleemee; Siloam Council, No. 57, of Siloam; Andrews Council, No. 159, of Andrews; Raeford Council, No. 122, of Raeford; Lexington Council, No. 21, of Lexington; Alexander Council, No. 46, of Taylorsville; Vandemere Council, No. 110, of Vandemere; Union Council, No. 4, of Altamahaw; Maiden Council, No. 88, of Maiden; Tarboro Council, No. 110, of Tarboro; Eseola Council, No. 86, of Saginaw; Fort Johnson Council, No. 27, of Southport; Kernersville Council, No. 54, of Kernersville; North Wilkesboro Council, No. 51, of North Wilkesboro; Elkin Council, No. 86, of Elkin; Pender Council, No. 59, of Burgaw; Summerfield Council, No. 174, of Summerfield; Davidson Council, No. 56, of Davidson; Vance Council, No. 162, of Lasker; Kenly Council, No. 136, of Kenly; Stokesdale Council, No. 91, of Stokesdale; Walnut Creek Council, No. 55, of Raleigh; French Broad Council, No. 97, of Asheville; Henrietta Council, No. 61, of Henrietta; Hot Springs Council, No. 161, of Hot Springs; Dilworth Council, No. 12, of Charlotte; Randleman Council, No. 31, of Rnadleman; North State Council, No. 34, of Burlington; Mooresville Council, No. 89, of Mooresville; Rockingham Council, No. 131, of Rockingham; Greensboro Council, No. 13, of Greensboro; Smith River Council, No. 71, of Spray; Wake Council, No. 125, of Cary; Morrisville Council, No. 75, of Morrisville; Park Council, No. 90, of Charlotte; Tar Heel Council, No. 2, of Durham; Fred Green

Council, No. 98, of East Durham; Capital City Council, No. 1, of Raleigh; Belwood Council, No. 84, of Belwood; Tryon Council, No. 143, of Tryon; Elk Park Council, No. 85, of Elkpark; Guilford Council, No. 23, of Highpoint; Carthage Council, No. 165, of Carthage; Trophy Council, No. 29, of Highpoint; Graham Council, No. 36, of Graham; Aramanchee Council, No. 72, of Worthville, and of Intelligence Council, of Intelligence, all of the Junior Order United American Mechanics, in the State of North Carolina, and of the Brotherhood of Trackmen of Monroe, N. C., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. PENROSE presented a petition of the congregation of the Methodist Episcopal Church of West Bridgewater, Pa., and a petition of sundry citizens of Reading, Pa., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from Utah; which were referred to the Committee on Privileges and Elections.

Mr. FRYE presented a petition of Bagaduce Council, Junior Order of United American Mechanics, of Maine, praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented a memorial of Local Union No. 376, Cigar Makers' International Union, of Waterville, Me., remonstrating against a reduction of duty on cigars imported from the Philippine Islands; which was referred to the Committee on the Philippines.

REPORTS OF COMMITTEES.

Mr. CULBERSON, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 339) to provide for the enlargement and improvement of the public building at Fort Worth, Tex., reported it with an amendment.

Mr. PERKINS, from the Committee on Naval Affairs, to whom was referred the bill (S. 1265) to erect a memorial tablet to Ensign John R. Monaghan, United States Navy, asked to be discharged from its further consideration and that it be referred to the Committee on the Library; which was agreed to.

Mr. WARREN, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 610) to provide for the purchase of a site and the erection of a public building thereon at Sheridan, in the State of Wyoming, reported it without amendment, and submitted a report thereon.

Mr. McCUMBER (for Mr. LA FOLLETTE), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 666) granting an increase of pension to Andrew Patrick;

A bill (S. 669) granting an increase of pension to Laurence Mericle;

A bill (S. 670) granting an increase of pension to Anthony Barrett; and

A bill (S. 1303) granting a pension to Harrison Brott.

Mr. HALE. I am directed by the Committee on Naval Affairs, to whom was referred the bill (S. 2653) for the relief of John H. Lohman, to ask to be discharged from its further consideration and that it be referred to the Committee on Appropriations. It is a matter of deficiency.

The VICE-PRESIDENT. The Committee on Naval Affairs will be discharged from the further consideration of the bill, and it will, with the accompanying papers, be referred to the Committee on Appropriations.

Mr. ALGER, from the Committee on Pensions, to whom was referred the bill (S. 727) granting an increase of pension to Jasper H. Keys, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1015) granting an increase of pension to Joseph McSwain; and

A bill (S. 2256) granting an increase of pension to Alexander F. McConnell.

GEORGE A. RAHN.

Mr. KEAN. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by the Senator from Idaho [Mr. HEYBURN] on the 15th instant, to report it favorably without amendment, and I ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the "miscellaneous items" of the contingent fund of the Senate the funeral expenses and physician's bill of George A. Rahn, late a policeman of the Senate, not to exceed $200, in full of all other allowances.

The VICE-PRESIDENT. The Senator from New Jersey asks unanimous consent for the present consideration of the resolution. Is there objection?

Mr. HALE. It is a very small matter and perhaps not of account enough to take up the time of the Senate, but is this the practice of the Senate?

Mr. KEAN. I will say to the Senator from Maine that it is the practice of the Senate to pay one-half year's salary. In this instance it is proposed to pay only the actual funeral expenses and physician's bill, because the person left no heirs.

Mr. HALE. Is there a precedent for paying the funeral expenses?

Mr. KEAN. There is.

Mr. GALLINGER. Of policemen?

Mr. KEAN. Of policemen. It has been done three or four times.

Mr. HALE. Does it go beyond policemen?

Mr. KEAN. It extends to any employee of the Senate. It has always been done.

Mr. GALLINGER. This was a Capitol policeman?

Mr. KEAN. He was a Capitol policeman, and it is proposed to pay the actual expenses. If half a year's salary were given, more money, of course, would be paid.

Mr. HALE. Has the Senator discovered any case where the Senate does not pay bills?

Mr. KEAN. I can answer the Senator from Maine by saying I think the Senate is most liberal in paying all bills.

The VICE-PRESIDENT. The Chair hears no objection to the request of the Senator from New Jersey for the present consideration of the resolution. The question is on agreeing to the resolution.

The resolution was agreed to.

BILLS INTRODUCED.

Mr. McCUMBER introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 3295) granting an increase of pension to Anna Williams;

A bill (S. 3296) granting an increase of pension to Patrick Burk;

A bill (S. 3297) granting an increase of pension to George Conklin;

A bill (S. 3298) granting an increase of pension to John B. Ashelman;

A bill (S. 3299) granting an increase of pension to Spencer C. Stilwell; and

A bill (S. 3300) granting an increase of pension to Lorenzo D. Huntley.

Mr. DICK introduced a bill (S. 3301) to correct the military record of George D. Linder; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3302) granting an increase of pension to William H. Zombro; and

A bill (S. 3303) granting a pension to Harriett Summers.

Mr. STONE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3304) for the relief of the trustees of the Baptist Church of Harrisonville, Mo. (with accompanying papers);

A bill (S. 3305) for the relief of the trustees of the Christian Church of Harrisonville, Mo. (with accompanying papers); and

A bill (S. 3306) for the relief of the legal representatives of Douglas Dale, deceased.

Mr. STONE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3307) granting an increase of pension to Phillip W. Cornman (with accompanying papers);

A bill (S. 3308) granting a pension to Sarah Lovell (with accompanying papers);

A bill (S. 3309) granting an increase of pension to John C. Baber;

A bill (S. 3310) granting an increase of pension to Richard M. Ogle;

A bill (S. 3311) granting a pension to Bernard Schaffner;

A bill (S. 3312) granting a pension to Oscar F. Renick;

A bill (S. 3313) granting an increase of pension to Robert Watts;

A bill (S. 3314) granting a pension to Edward D. Lockwood; and

A bill (S. 3315) granting an increase of pension to Henry V. Hamenstaedt (with an accompanying paper).

Mr. ALGER introduced a bill (S. 3316) granting a pension to John A. Falvey; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3317) for the relief of Clarence A. Rendt; which was read twice by its title, and referred to the Committee on Claims.

Mr. PERKINS introduced a bill (S. 3318) to allow the entry and clearance of vessels at Port Harford and Monterey, Cal.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. SPOONER introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 3319) granting an increase of pension to James E. Croft;

A bill (S. 3320) granting an increase of pension to Elias H. Parker; and

A bill (S. 3321) granting an increase of pension to Olney P. B. Wright.

Mr. FRAZIER introduced a bill (S. 3322) to provide for the erection of a public building at Johnson City, Tenn.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3323) for the relief of the legal representatives of the estate of Benjamin Lillard, deceased;

A bill (S. 3324) for the relief of the legal representatives of the estate of Benjamin Lillard, deceased;

A bill (S. 3325) for the relief of the legal representatives of the estate of Lewis M. Maney, deceased;

A bill (S. 3326) for the relief of the legal representatives of the estate of Benjamin Lillard, deceased (with accompanying papers); and

A bill (S. 3327) for the relief of the legal representatives of the estate of Lewis M. Maney (with accompanying papers).

Mr. McCREARY introduced a bill (S. 3328) granting an increase of pension to Matilda J. Bybee; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3329) for the relief of Madison County, Ky.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3330) for the relief of William R. Ballard; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3331) to correct the military record of Irvine Agee; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SIMMONS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3332) for the relief of the heirs of Thomas B. Doe; and

A bill (S. 3333) for the relief of the heirs at law of Robert D. McCombs, deceased.

Mr. RAYNER introduced a bill (S. 3334) to reimburse and indemnify the town of Frederick, in the State of Maryland; which was read twice by its title, and referred to the Committee on Claims.

Mr. PENROSE introduced a bill (S. 3335) for the relief of Thomas M. Steep; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3336) to increase the pension of Mexican war survivors to $12 per month; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 3337) for the correction of the muster in of John S. Bishop, first lieutenant and adjutant, Sixty-eighth Regiment Illinois Volunteers (with an accompanying paper);

A bill (S. 3338) for the relief of John L. O'Mara;

A bill (S. 3339) granting an honorable discharge to Robert S. Dame and placing him on the retired list of the Army (with an accompanying paper); and

A bill (S. 3340) to correct the military record of James W. Cisney (with accompanying papers).

Mr. MORGAN introduced a bill (S. 3341) for the relief of certain churches, Masonic lodges, and colleges in the State of Alabama, and for other purposes; which was read twice by its title, and referred to the Committee on Claims.

Mr. MONEY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3342) for the relief of the Protestant Orphan Asylum at Natchez, in the State of Mississippi.

A bill (S. 3343) for the relief of Francis E. and Lucy G. Whitfield (with an accompanying paper);

A bill (S. 3344) for the relief of Minor Saunders (with an accompanying paper);

A bill (S. 3345) for the relief of the estate of Mrs. Polly Callahan, deceased (with an accompanying paper);

A bill (S. 3346) for the relief of the estate of Mark M. Harwell, deceased (with an accompanying paper);

A bill (S. 3347) for the relief of the estate of Francis S. Jones, deceased (with an accompanying paper);

A bill (S. 3348) for the relief of the estate of Mary E. Spence, deceased (with an accompanying paper);

A bill (S. 3349) for the relief of James M. Newman (with an accompanying paper);

A bill (S. 3350) for the relief of the heirs of Joseph Wilson, deceased (with an accompanying paper);

A bill (S. 3351) for the relief of W. M. McKie (with an accompanying paper);

A bill (S. 3352) for the relief of the estate of Abner W. Lanier, deceased (with an accompanying paper);

A bill (S. 3353) for the relief of the estate of Harriet W. Flemming, deceased (with an accompanying paper);

A bill (S. 3354) for the relief of the heirs of William Bailey, deceased;

A bill (S. 3355) for the relief of the estate of Alfred Swearingin, deceased;

A bill (S. 3356) for the relief of the estate of Alexander Russell, deceased;

A bill (S. 3357) for the relief of the estate of Purify Tingle, deceased;

A bill (S. 3358) for the relief of M. T. Sigrest;

A bill (S. 3359) for the relief of the estate of William R. Morris, deceased;

A bill (S. 3360) for the relief of Charles A. Kincaid;

A bill (S. 3361) for the relief of the estate of John Rist, deceased;

A bill (S. 3362) for the relief of the estate of D. U. Ford, deceased;

A bill (S. 3363) for the relief of the estates of L. B. Wilkins and Mary Wilkins, deceased;

A bill (S. 3364) for the relief of Hampton Wall;

A bill (S. 3365) for the relief of the estate of Moses M. Smith, deceased;

A bill (S. 3366) for the relief of the estate of Elkannah J. Sullivan, deceased;

A bill (S. 3367) for the relief of Eliza L. Rivers;

A bill (S. 3368) for the relief of the estate of John R. Powers, deceased;

A bill (S. 3369) for the relief of William Parker;

A bill (S. 3370) for the relief of the estate of John O'Ferrall, deceased;

A bill (S. 3371) for the relief of J. N. McIntyre;

A bill (S. 3372) for the relief of the heirs of John C. McGehee, deceased;

A bill (S. 3373) for the relief of the heirs of Samuel G. Miller and the estate of Mrs. E. C. Miller, deceased;

A bill (S. 3374) for the relief of Jane P. Moore;

A bill (S. 3375) for the relief of Martha B. Moore;

A bill (S. 3376) for the relief of Jeremiah H. Morgan;

A bill (S. 3377) for the relief of the estate of Benjamin Hawes, deceased;

A bill (S. 3378) for the relief of the estate of Francis Griffing, deceased;

A bill (S. 3379) for the relief of the estate of W. F. Gaines, deceased;

A bill (S. 3380) for the relief of the estate of Milton Crawford, deceased;

A bill (S. 3381) for the relief of the estate of W. S. Bunch, deceased;

A bill (S. 3382) for the relief of Jesse M. Brent;

A bill (S. 3383) for the relief of John A. Brent;

A bill (S. 3384) for the relief of the estate of Nancy Barrow, deceased;

A bill (S. 3385) for the relief of the estate of Joseph N. Moran, deceased;

A bill (S. 3386) for the relief of Willis J. Moran;

A bill (S. 3387) for the relief of B. V. McGuffie, sr.;

A bill (S. 3388) for the relief of Frank Harris;

A bill (S. 3389) for the relief of Mrs. Virginia Grant;

A bill (S. 3390) for the relief of the estate of Thomas J. Gibson, deceased;

A bill (S. 3391) for the relief of Mrs. C. V. Wilkins;

A bill (S. 3392) for the relief of the estate of Thomas S. Maben, deceased;

A bill (S. 3393) for the relief of the heirs of Mrs. H. C. Henderson, deceased;

A bill (S. 3394) for the relief of the estate of Jane N. Gibson, deceased;

A bill (S. 3395) for the relief of the estate of Dr. J. P. Davis, deceased;

A bill (S. 3396) for the relief of the estate of George G. Noland, deceased;

A bill (S. 3397) for the relief of the estate of J. B. Lewis, deceased;

A bill (S. 3398) for the relief of the estate of Augustus Catchings, deceased; and

A bill (S. 3399) for the relief of the estate of R. T. Brown, deceased.

Mr. DANIEL introduced a bill (S. 3400) granting a pension to Elizabeth B. Preston; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALDRICH introduced a bill (S. 3401) for the relief of the executors of the estate of Harold Brown, deceased; which was read twice by its title, and referred to the Committee on Finance.

AMENDMENT TO URGENT DEFICIENCY APPROPRIATION BILL.

Mr. CRANE submitted an amendment proposing to appropriate $40,000 to enable the Government of the United States to take official part in the international exposition to be held at Milan, Italy, during the year 1906, intended to be proposed by him to the urgent deficiency appropriation bill; which was referred to the Committee on Industrial Expositions, and ordered to be printed.

OWNERSHIP OF LAND IN THE PHILIPPINES.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution submitted yesterday by the Senator from Texas [Mr. CULBERSON]. It will be read.

The Secretary read the resolution, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to inform the Senate whether any official or officials of the Philippine government own any lands in the Philippine Islands or any interest or right therein; and, if so, to inform the Senate what that ownership or interest is, where the land is situated, and who the official or officials are.

Mr. CULBERSON. I desire to offer a resolution in lieu of that, and I ask for its present consideration.

The VICE-PRESIDENT. The resolution will be read.

The resolution was read, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to inform the Senate whether any member of the Philippine Commission, or any officer of the Army or Navy of the United States, directly or indirectly, owned on December 1, 1905, or now owns any land in the Philippine Islands, or had at that time or now has any interest or right in such land of any character; and, if so, to inform the Senate what such ownership, interest, or right is; where the land is situated, particularly with reference to the location of proposed railroads in said islands, and who said officials are.

The VICE-PRESIDENT. The question is on agreeing to the resolution as modified by the Senator from Texas.

The resolution as modified was agreed to.

HOUSE BILL REFERRED.

The bill (H. R. 3) to amend an act entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes" approved March 8, 1902, was read twice by its title, and referred to the Committee on the Philippines.

PURE-FOOD BILL.

Mr. HEYBURN. Mr. President, pursuant to the notice which I gave yesterday, I will call up Senate bill 88 and ask that the Senate fix a time for taking a final vote on the bill. It was the understanding at the time of adjournment yesterday that an effort would be made this morning to fix a time for a vote. I ask unanimous consent that on the 1st of February at four o'clock the amendments may be disposed of and that the bill may be finally voted upon.

The VICE-PRESIDENT. The Senator from Idaho asks the unanimous consent of the Senate that the vote may be taken on Senate bill 88 on February 1, at 4 o'clock. Is there objection to the request?

Mr. HALE. Mr. President, at present I must object. I have examined the bill carefully. There are provisions in it upon which I want more information from constituents of mine who are interested in those provisions; and while I shall not at a later day object to an assignment, not very far ahead, and shall not attempt in any way to obstruct the passage of the bill, I am not prepared at present to agree to a day being fixed. The Senator will get his day. He need have no fear about that.

The VICE-PRESIDENT. Objection being made, the bill will go to the Calendar.

EXISTING STATUS IN SANTO DOMINGO.

Mr. TILLMAN. Mr. President, pursuant to the notice given on Monday last, I ask that the resolution I send to the desk may be called up in order that I may submit some remarks on it.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read the resolution submitted by Mr. TILLMAN on the 4th instant, as follows:

Resolved, That the President be requested to inform the Senate, if not incompatible with the public welfare, as to the existing status in Santo Domingo; whether or not President Morales carried his Government with him when he disappeared from the capital or whether he left it behind, and whether the American officers who have been in charge of the custom-houses are still performing that work; and, if so, under what arrangement and by what authority.

Mr. TILLMAN. Mr. President, there are those who will probably be disposed to criticise one paragraph in the resolution, because it is not couched in that language of decorum or dignity which some people seem to think is essential always in this body. But I thought over that matter very carefully before I worded the resolution as I did. The reason why I asked for information in regard to Mr. Morales's government, or President Morales's government, was because of my own belief that there is not now and there has not been during a year or more, or any time, say, in ten years past, anything other than a military dictatorship in the island of Santo Domingo. And as we were dealing with this supposed government there in a rather remarkable way, and to my mind in an utterly unauthorized way, I wanted to bring out the fact as to what kind of government we are dealing with, and therefore I wrote the phrase which has caused some criticism.

In order to open up what I shall say this morning in an orderly manner, I propose to read some brief extracts from the annual message of President Roosevelt at the opening of this session of Congress. He said, speaking of the Monroe doctrine:

We must recognize the fact that in some South American countries there has been much suspicion lest we should interpret the Monroe doctrine as in some way inimical to their interests, and we must try to convince all the other nations of this continent once and for all that no just and orderly government has anything to fear from us.

Mr. President, the first point to which I desire to direct attention is the closing sentence of this paragraph, that "Once and for all, no just and orderly government has anything to fear from us." Is it to be understood, then, that the converse of the proposition is true, and that unjust and disorderly governments have something to fear from us? I have understood through the press, and I confess I should like to have light, and I therefore ask the question, and I would be glad to have the Senator from Massachusetts [Mr. LODGE] give me his attention for a moment. I have seen it stated somewhere in my multifarious reading that the Senator from Massachusetts, in an interview, or speech, or a letter, or something, some time, somewhere, declared that the action of the President in Santo Domingo is the beginning of a new and important departure in our foreign relations. He can verify the statement, or not, just as he sees fit. If he denies it, of course I take it that it is not true.

Mr. LODGE. Does the Senator want an answer now? I prefer to follow the Senator later. I do not want to interfere.

Mr. TILLMAN. Well, just for a moment; if the Senator does not mind, I should like for him to say yes or no to that inquiry.

Mr. LODGE. I know what the Senator wishes. No; I did not use the word the Senator quotes.

Mr. TILLMAN. Does the Senator hold the view that this is a new and important departure in our foreign relations?

Mr. LODGE. I did not use the word "departure."

Mr. TILLMAN. I am not talking about the words just now.

Mr. LODGE. At the proper time and in my own time——

Mr. TILLMAN. Oh, I beg the Senator's pardon.

Mr. LODGE. I will tell the Senator exactly what I did say. It was in a speech. I have no desire to conceal it—not the least in the world.

Mr. TILLMAN. I had not supposed that for a minute, but I did not want to do the Senator an injustice, and therefore I did not want to proceed under a false or wrong premise.

Mr. LODGE. The Senator asked if I used the words he quoted. I say no.

Mr. TILLMAN. All right.

Mr. LODGE. I did discuss the Santo Domingo policy, and I did state that it was something new, but I did not use the word "departure." I will give the Senator the exact words later.

Mr. TILLMAN. I shall be glad to hear the Senator, and hear his exposition of the new policy we have entered upon.

Mr. LODGE. I have not changed my views at all.

Mr. TILLMAN. I do not suppose the Senator has.

I asked a moment ago if the converse of the proposition laid down by President Roosevelt is to be considered as true, that when he says "We must try to convince all the other nations of this continent once and for all that no just and orderly government has anything to fear from us" whether any unjust and disorderly government has anything to fear from us, because therein lie possibilities for an immense amount of trouble to this country and its people, as I understand it. This whole question, as I see it, involver the purpose, as clearly set forth by the President in succeeding portions of this message which I will read, to compel, if need be, the people of the South American republics to pursue a line of government and a policy which in his judgment will entitle them to be called just and orderly governments; and with that position I want to take issue.

The President goes on:

Moreover, we must make it evident that we do not intend to permit the Monroe doctrine to be used by any nation on this continent as a shield to protect it from the consequences of its own misdeeds against foreign nations. If a republic to the south of us commits a tort against a foreign nation, such as an outrage against a citizen of that nation, then the Monroe doctrine does not force us to interfere to prevent punishment of the tort, save to see that the punishment does not assume the form of territorial occupation in any shape. The case is more difficult when it refers to a contractual obligation. Our own Government has always refused to enforce such contractual obligations on behalf of its citizens by an appeal to arms. It is much to be wished that all foreign governments would take the same view. But they do not; and in consequence we are liable at any time to be brought face to face with disagreeable alternatives. On the one hand, this country would certainly decline to go to war to prevent a foreign government from collecting a just debt; on the other hand, it is very inadvisable to permit any foreign power to take possession, even temporarily, of the custom-houses of an American republic in order to enforce the payment of its obligations, for such temporary occupation might turn into a permanent occupation.

Now, Mr. President, the eloquent Senator from Maryland [Mr. RAYNER] in his splendid argument last week, to my mind, presented unanswerable reasons, based on the facts of history and the record of our foreign relations for three-quarters of a century, that it is not the Monroe doctrine, that it is no part or parcel of it, for people to the south of us to commit an injury and then expect us to protect them—I mean an injury such as is mentioned here. But he equally and with emphasis showed what the Monroe doctrine was and is and to his exposition of that doctrine I for one am committed as far as I am able to go, even to the extent of war or voting for war.

But when we start out on a new departure contemplating the turning of this Government into a receiver in bankruptcy to adjudicate the claims of bondholders and others to whom these republics have become indebted—and it is contended that it is our duty to constitute this government a policeman to keep these people in order, to give them good and stable government, or "just and orderly government," to quote the President's words—I say we have gone far off and out of our orbit and away from all reasonable and proper interpretation of the duties of the United States toward its neighbors.

The President continues, by way of justification of his action in Santo Domingo:

The only escape from these alternatives may at any time be that we must ourselves undertake to bring about some arrangement by which so much as possible of a just obligation shall be paid. It is far better that this country should put through such an arrangement, rather than allow any foreign country to undertake it. To do so insures the defaulting republic from having to pay debts of an improper character under duress, while it also insures honest creditors of the republic from being passed by in the interest of dishonest or grasping creditors. Moreover, for the United States to take such a position offers the only possible way of insuring us against a clash with some foreign power. The position is, therefore, in the interest of peace as well as in the interest of justice. It is of benefit to our people; it is of benefit to foreign peoples; and most of all it is really of benefit to the people of the country concerned.

Now, Mr. President, is it true that it will be a benefit to the people of this country for us to get ourselves into a war and become embroiled with one of these Spanish-American countries to the south of us, that we shall step forward with a policeman's club and with a bondholder's claim and say to any government which may be in existence there now: "Here we are, your big brother. You are not behaving right; you have got to settle, and if you will not settle we will whip you and make you settle." That is the sum and substance of this new policy.

Does anybody suppose for a minute that we can continue to intermeddle with one republic after another, with threats of coercion in the event of their refusal or failure to do as the President thinks is right and just, and not become embroiled in a war? You say we could crush them easily. Of course we could in time do it, but what will be the cost and expense to us to enter upon this hazardous and untried experiment in endeavoring to wrench the Monroe doctrine and stretch it beyond all decency?

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Texas?

Mr. TILLMAN. With pleasure.

Mr. CULBERSON. The Senator has just read from the President's message to the effect that it would work great injury if some such course as he suggests is not pursued with reference to Santo Domingo. In line with the suggestion of the Senator, if he will permit me just here, I will be glad to read what the late Secretary Hay said upon that particular question.

Mr. TILLMAN. I should be very glad to have the Senator read it. I am speaking somewhat by the courtesy of the Senator from Florida [Mr. MALLORY], who has the floor at the expiration of the morning hour to pursue the discussion of the ship-subsidy bill. I presume that possibly we will get an accommodation, so that all who want to be heard will be given an opportunity. I shall be glad to have the Senator read it.

Mr. CULBERSON. The paper I read is embodied in an editorial in the New York Sun of July 3, 1905, and purports to be an extract from a letter by the late Secretary of State, which I will read:

I had never seen the protocol or agreement or whatever one may call it until, by my order, it was telegraphed to Washington, after having been signed and published in Santo Domingo. As soon as I saw it it was evident that it required serious modification and yet, at the same time, I did approve and still do approve the conduct of Dawson and Dillingham in signing it, and do not especially disapprove the conduct of the Santo Domingo people in publishing it.

There was what might be called a critical state of things in Santo Domingo, if such a phrase is applicable to a country where every day has its crisis, and I thought and still think that Dawson and Dillingham acted rightly in going beyond their instructions and proceeding, without orders, to draw up a document which was not accepted when it reached us. This is, perhaps, a hard saying for anybody else to accept, but it is the simple truth and I shall not dodge any responsibility connected with it.

I fear you can not relieve me of the stigma of having employed Dillingham. He went to Santo Domingo at my request on account of his extensive knowledge of the country and the personnel of the Government.

One of the humors of the situation is that the paragraph [in the treaty] to which the Senate has most strenuously objected, and which they have stricken out in their new version, was inserted by the preliminary "advice and consent" of the ablest man in the House and the ablest man in the Senate, where foreign affairs are concerned.

But what I want particularly to call attention to, Mr. President, is this paragraph:

If they should pass the treaty as it is amended, according to the newspaper reports, though I do not think it is improved, I do think it will still be workable. If they reject it, I do not think it would be a great disaster, and it would certainly relieve the Executive of a vast amount of labor which is now imposed upon him by the claims of American citizens throughout all Latin America.

The purpose in reading this, Mr. President, is to place against what has been read by the Senator from South Carolina from the President of the United States as to the great disaster which will result by the failing to pursue the course suggested by him the opinion of the late Secretary of State that it will not be disastrous, and, in his judgment, will work no great disaster.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Ohio?

Mr. TILLMAN. I do.

Mr. FORAKER. I rise merely to make an inquiry. Does the article which the Senator has read state to whom the letter was written by Mr. Hay?

Mr. CULBERSON. It does not.

Mr. FORAKER. What is the statement of the article in that respect, I ask, if the Senator from South Carolina will bear with me long enough to have it read?

Mr. CULBERSON. Mr. President, I have read what purports to be an extract from a letter of the late Secretary Hay, which is reproduced in the New York Sun of Monday, July 3, 1905, in the first editorial of that day.

Mr. TILLMAN. Mr. President, when this subject was first precipitated by me before the Senate—if that phrase is proper—I did not intend to excite any discussion about it, because I was starting off on another line and merely brought in Santo Domingo as an illustration of some of the peculiarities and, as I thought, unwise official actions of our Chief Executive, usurpation of authority, and so forth. The Senator from Wisconsin [Mr. SPOONER], as I recall his words, stated that the President was not carrying out the treaty which the Senate had failed to ratify. I think we had some little passage about my use of the word "trickery," to which the Senator very seriously objected. I was not then so well posted in this matter as I now am, though I am not now so well posted as I should like to be. I want to say, for the information of the Senator from Wisconsin and others, that in that same New York Sun, which I regard as a very able and usually a very clean newspaper, certainly one whose news service is hardly sur-

passed or equaled in the United States, and whose editorial columns are almost a liberal education to one who will read them, because of the beautiful and terse English in which they are couched—I say that same New York Sun, of March 28, 1905, has this on its first page, in a dispatch from Washington:

WILL CARRY OUT DOMINGO PLAN—PRESIDENT DECIDES TO ENFORCE TERMS OF UNRATIFIED AGREEMENT—TO HOLD REVENUES HERE—FIFTY-FIVE PER CENT OF CUSTOMS WILL BE KEPT UNTIL SENATE ACTS—ROOSEVELT DIRECTS MINISTER DAWSON TO ACCEDE TO DOMINICAN PROPOSAL FOR A TEMPORARY RECEIVERSHIP—CREDITORS HAVE AGREED TO TAKE NO STEPS UNTIL SENATE HAS REACHED ITS DECISION—PRESIDENT EXPLAINS THAT HE IS ONLY MAINTAINING STATUS QUO—ADEE ADDS THAT IT IS SANTO DOMINGO'S SCHEME, NOT OURS, AND THAT WE ARE ONLY EXTENDING FRIENDLY AID TO A NEIGHBOR.

WASHINGTON, *March 28, 1905.*

President Roosevelt gave orders to-day which provide that the United States Government shall act as the temporary conditional receiver of Santo Domingo's finances. Nominally the Dominican Government is to create the receivership, but its agents in the transaction are to be American citizens, named by the President of the United States, and the revenues collected by them at Santo Domingo custom-houses are to be sequestrated in a New York bank pending final action by the United States Senate on the treaty between the American and the Dominican Governments.

The treaty can not be taken up until the Congress assembles in extra session next October. In the meantime the terms of that unratified agreement will be carried out as if it were in force, with the exception that the Dominican revenues will not be distributed to Santo Domingo's foreign creditors unless and until the Senate gives its sanction.

The President's determination in this important matter was reached to-day as a result of further important conferences with his Cabinet and with Senators LODGE and SPOONER. The official explanation of the reasons for Mr. Roosevelt's course, made by the President himself, is that Santo Domingo had earnestly called for aid and that it was the duty of the United States, the only government able to do so, to respond to that call. In the order issued on the subject, which is addressed to Acting Secretary of State Adee, the President outlined the receivership scheme and told why he regarded it as necessary for the United States to assume charge of Santo Domingo's revenues at this time. The order follows:

THE PRESIDENT'S EXPLANATION.

WHITE HOUSE,
Washington, March 28, 1905.

To the ACTING SECRETARY OF STATE:

I have carefully considered the following telegram from Minister Dawson:

"SECRETARY OF STATE, *Washington:*

"Under pressure foreign creditors and domestic peril Dominican Government offers to nominate a citizen of the United States receiver southern ports pending ratification protocol, four northern ports to be administered under the award. Forty-five per cent total shall go to the Dominican Government, fifty-five to be deposited in New York for distribution after ratification. Creditors to agree to take no further steps in the meantime and receiver to have full authority to suspend importers' preferential contracts. Italian, Spanish, German, and American creditors, except the Improvement (company), accept unconditionally. Belgian, French representatives will recommend acceptance. Some modus vivendi absolutely necessary. I am ready, if desired, to start for Washington, D. C., 28th, to explain details and modifications of plan obtainable; the whole matter can be held open during my absence.

"DAWSON."

I direct that the minister express acquiescence in the proposal of the Government of Santo Domingo for the collection and conservation of its revenues pending the action of the United States Senate upon the treaty to the end that in the meantime no change shall take place in the situation which would render useless its consummation or bring complications into its enforcement.

The Secretary of War of the United States will present for nomination by the President of the Dominican Republic men to act in the position referred to in both the northern and southern ports. The utmost care will of course be taken to choose men of capacity and absolute integrity who, if possible, shall have some knowledge of Spanish. All the moneys collected from both the northern and southern ports not turned over to the Dominican Government will be deposited in some New York bank, to be designated by the Secretary of War, and will there be kept until the Senate has acted.

If the action is adverse, the money will then be turned over to the Dominican Government. If it is favorable, it will be distributed among the creditors in proportion to their just claims under the treaty. Meanwhile, Mr. Hollender will thoroughly investigate these claims, including the claim of the American Improvement Company, and will report in detail all the information he is able to gather as to the amount actually received by Santo Domingo, the amount of indebtedness nominally incurred, the circumstances, so far as they are known, under which the various debts were incurred, and so forth.

This action is rendered necessary by the peculiar circumstances of the case. The treaty now before the Senate was concluded with Santo Domingo at Santo Domingo's earnest request, repeatedly pressed upon us, and was submitted to the Senate because in my judgment it was our duty to our less fortunate neighbor to respond to her call for aid, inasmuch as we were the only power who could give this aid, and inasmuch as her need for it was very great.

The treaty is now before the Senate, and has been favorably reported by the Committee on Foreign Relations. It is pending, and final action will undoubtedly be taken when Congress convenes next fall. Meanwhile, Santo Domingo has requested that the action above outlined be taken; that is, she desires in this way to maintain the status quo, so that if the treaty is ratified it can be executed.

With this purpose in view, I direct that the proposed arrangement be approved. It will terminate as soon as the Senate has acted one way or the other.

THEODORE ROOSEVELT.

SANTO DOMINGO'S PLAN, NOT OURS.

Acting Secretary Adee made a statement also, in which he went a little further than the President, in explaining the circumstances that had brought about the acceptance by this Government of the Dominican Republic's proposal.

Mr. Adee maintained that the arrangement with Santo Domingo constituted a modus vivendi to be executed by that Government and not by the United States. He held, in addition, that the new scheme was merely an extension of the arbitral award under which the United States Government is collecting revenues at two Dominican ports and applying them to liquidating the claim of the San Domingo Improvement Company of New York. It was asserted also by Mr. Adee that the pending Dominican treaty "is not our treaty," but Santo Domingo's, and that the receivership plan was merely intended to preserve the status quo so that "if the treaty be ratified it can be executed."

ASSISTANT SECRETARY ADEE'S VERSION.

Here is Mr. Adee's explanation:

The Dominican Government, being pressed by foreign creditors and being threatened by considerable dangers within, has endeavored to find some method by which it can tide over its difficulties until the fate of the treaty before the Senate can be determined at the next session. With that purpose in view the Dominican Government has proposed that it shall for itself adopt to other ports in Santo Domingo a procedure similar to that which has already been put in operation in the northern ports of Santo Domingo under the award of last year.

To that end Santo Domingo proposes to nominate some citizen of the United States as a receiver of customs for the southern ports, who will pay a percentage of the total receipts to the Dominican Government and will deposit the remainder in New York, subject to disposal after the Senate shall have acted upon the pending treaty. The various creditor nations have either agreed or are favorably disposed to agree to take no further steps in the meantime.

This proposal of Santo Domingo constitutes a modus vivendi to tide over the situation until the Senate shall act, but it is a modus vivendi to be executed by Santo Domingo, requiring only the acquiescence of the United States and its good offices to propose to the creditors of Santo Domingo for such collections.

The Government of the United States will assent to this arrangement and will nominate men of capacity and integrity to take charge of these custom-houses, they, of course, acting as the agents of Santo Domingo, under appointment by the Dominican Government.

TO HOLD REVENUE UNTIL SENATE ACTS.

The percentage of moneys due to the creditors will be deposited in some New York bank and will be kept there until the Senate shall have acted. If the action is adverse the money will be returned to the Dominican Government. If the Senate's action be favorable the money will be distributed among the creditors in proportion to their just treaty claims.

It is to be borne in mind that the obligations which it is proposed to settle in this way are based on an arbitral award substantially like our own. That arrangement does not cover any adjudication of unawarded claims. It relates to established obligations.

Action of this character appears to be imposed upon the Dominican Government by the peculiar circumstances of the case and to receive the good offices of the United States within the proper limits.

The treaty with Santo Domingo now before the Senate was concluded in response to such a call from Santo Domingo herself. It was not our treaty. We endeavored to help Santo Domingo to respond to obligations which she herself recognized and was desirous to meet. And we were the only power which could give Santo Domingo the aid she needed, and needed very quickly.

That treaty has not been rejected by the Senate. On the contrary, it is still before the Senate, and as a continuing treaty, having been favorably reported by the Committee on Foreign Relations with some amendments which touch no vital point, it is still pending, and final action will undoubtedly be taken when Congress convenes next fall. In the meantime the present proposal of Santo Domingo has for its object to maintain the status quo, so that if the treaty be ratified it can be executed.

LODGE AND SPOONER GIVE IN.

Senators LODGE and SPOONER, who had yesterday foreseen objection to the arrangement proposed through Minister Dawson, but who asked for further time to consider the matter, practically acquiesced to-day in the President's view that the conditions in Santo Domingo made the action which he later ordered the only thing to be done in the present circumstances. The President also received encouragement from Senators FORAKER and KNOX. Mr. FORAKER, like Mr. LODGE and Mr. SPOONER, is a member of the Committee on Foreign Relations. The President's action is bound to cause a renewal of criticism of his Dominican policy when the Senate reassembles. Senator MORGAN of Alabama, ranking Democratic member of the Foreign Relations Committee and the leading opponent of the pending Dominican treaty, declared to-night that the President's course was unconstitutional, that it established a protectorate over Santo Domingo, and that it was merely an application of the original protocol which the Senate had declined to sanction. This view will undoubtedly be taken by the Democrats, who were practically unanimous in opposition to the pending treaty.

By his action to-day the President puts in force, to all intents and purposes, the terms of the Dillingham-Sanchez protocol of January 20, 1905, which the Government declined to sanction. Subsequently a treaty was negotiated along the lines of the Dillingham-Sanchez agreement and was submitted to the Senate. This arrangement was severely criticised in the Senate, and the opposition to some of its provisions was not confined to Democratic Senators. Mr. SPOONER was one of its most severe critics.

The opposition was so general in the Committee on Foreign Relations that several amendments were made, but even this did not satisfy the objections of many Senators, who made such a determined fight against ratification that those in charge of the treaty were afraid to let it come to a vote. This treaty is now pending, and will be taken up again when Congress meets in extra session next fall.

It is maintained that although the new arrangement, the so-called "modus vivendi," does not permit the United States Government to act as disbursing agent in the payment of the Dominican Republic's foreign obligations, it puts upon the Government practically all the responsibility it would assume under the rejected Dillingham-Sanchez protocol and the subsequent treaty now pending, and to that extent is in direct violation of the principles laid down by the Senate.

MR. ADEE'S VIEWS CRITICISED.

Considerable comment has been caused by Acting Secretary Adee's statement that the action taken to-day is to maintain the status quo in Santo Domingo. In some quarters this is taken to mean that the United States Government will prevent any political change in Santo Domingo while the temporary arrangement is in force, thus creating the obligations of suzerainty to which there was such strenuous objection in the Senate.

A more serious objection, to which attention is called, is that through

preventing action on the treaty, Senators who support the Administration will be able to keep the modus vivendi in force indefinitely. It is true that no money can be paid to Santo Domingo's creditors until the pending treaty has been ratified, but the fact remains, it is contended, that the United States Government will be exercising a virtual supervision over Dominican finances without the necessary compliance with the provisions of the Constitution as brought out in the Senate debates.

The Executive order, as I have stated, is dated March 28, 1905. I have here its complement in the order at the other end of the cable in Santo Domingo; that is the modus vivendi, as we call it. Some of you Senators who are members of the Committee on Foreign Relations and who have studied that question in international law, will enlighten me if my interpretation of the phrase is wrong—this temporary arrangement, as we call it. I know the Latin means a method of living. I suppose it is just a kind of a little rope by which to hang on to life until you get loose or are completely hung, one or the other. [Laughter.]

Santo Domingo, through its President, so-called, Carlos F. Morales, issued this pronunciamento. This was in April, mind you, some three or four days after the President's order here had gone into effect, and the question now is—I have seen it stated in the newspapers; I do not know upon what foundation, but these fellows in the gallery and hanging around Washington are the shrewdest lot of gentlemen that I have ever come across, and what they do not know about public men and public matters is not worth knowing; I assure you of that—I have seen it stated in the papers that the course of this Government in Santo Domingo was coercive; that Morales and his little junta, or whatever you may call it, of cutthroats, as I shall proceed to describe them presently—this so-called "Government" down there was compelled to accept, by Mr. Dawson's persuasive eloquence, backed up by a gunboat or two, or the threat of them, in order to cure the defects in the legal status internationally—that he was compelled to issue that pronunciamento, which, in effect, is merely a reproduction in terms of the President's order. I will not take the trouble to read it, but will simply incorporate it in my remarks, unless some Senator may want to hear it. Its authenticity may be doubted, but it is said by the Washington Post to be a translation of the original.

Several SENATORS. Read it.

Mr. TILLMAN. Some Senators ask me to read it, and I will do so. It is as follows:

TRANSLATION OF MODUS.

What has been called the modus vivendi has been in existence since last April, but until now it has never been translated into English. The Post this morning presents a translation which is used at the State Department. It is as follows:

"CARLOS F. MORALES, L.,
"*Constitutional President of the Republic:*

"With a view to protecting all the creditors of the Republic, until the Dominican Congress and the Senate of the United States shall take action in regard to the convention, signed on the 7th of February of the current year by the representatives of the Governments of the Dominican Republic and the United States, providing that the said convention should be latent meanwhile, and to facilitate its complete execution if it should be ratified or not to prejudice any rights if it should fail of confirmation.

"The opinion of the council of secretaries of state having been heard:

"*Be it resolved*—1. To appoint a person to receive the revenues of all the customs of the Republic, and for the greater security of the creditors of the latter it is left to the President of the United States to designate the person who shall receive the said revenues, and the Dominican executive shall confer the office on the said person, provided always that the designation made is satisfactory to the said executive.

"2. The money collected shall be distributed in the following manner: (a) Forty-five per cent to meet the expenses of the budget, (b) the necessary expenses of collecting, including the salaries of all the customs employees.

"3. The residue, being the amount to be devoted to the payment of the debts, shall be immediately deposited in some New York bank to be designated by the President of the United States, to remain in deposit for the benefit of all the creditors of the Republic, both Dominican and foreign, and shall not be drawn out until the Dominican Congress and the Senate of the United States shall have taken action in regard to the pending convention.

"4. If the final determination of the Congress of the Dominican Republic and the Senate of the United States shall be favorable to the pending convention, the moneys deposited shall be distributed among the creditors, in proportion to their just credits, in accordance with the terms of the said convention. If the determination of the aforesaid Congress and Senate should be averse, the said moneys shall be at the disposition of the Dominican Government for equitable distribution among the creditors, in accordance with the terms of such agreement as it shall make with them.

"5. With a view to carrying out the above provisions the executive authority suspends all payments on the debts of the Republic, of whatsoever character that may be, during the time this modus vivendi shall be in force. No document shall be received in payment of customs and port duties, and the total amount of all the revenues payable through the customs shall be turned in to the receiver referred to in this resolution.

"6. This modus vivendi is not to be taken as indicating any intention to interfere with or alter the substantial rights of creditors nor to repudiate or modify any of the agreements heretofore made by the Government, except in so far as the immediate execution of such rights and agreements is suspended by the general deferment hereby declared.

"7. This modus vivendi shall go into effect from the 1st of April of the current year.

"Given at the national palace of Santo Domingo, capital of the Republic, on the 31st day of March, in the sixty-second year of the independence and the forty-second year of the restoration.

"MORALES, L.

"Attested: The minister of the treasury and commerce:
"FERDERICO VALASQUEZ, H."

Now, Mr. President, it seems to be undisputed that the present arrangement in Santo Domingo is of a character practically described in the message of the President. It constitutes the United States as receiver, with an officer of the Army, Colonel Colton, detailed by War Department orders to go there to receive these moneys and superintend the collection, while the fleet of the United States, or enough of it to serve the purpose, has been practically blockading the island, with the result that under this new and strong and forcible administration 45 per cent of the customs dues collectible on imports in that Republic now exceed the whole amount under the old régime. In other words, the blockade of United States gunboats is so efficacious that 45 per cent now is more than the entire customs receipts prior to the intervention of the United States in behalf of Santo Domingo's creditors.

The question naturally presents itself here as to who is most interested in the payment of these claims. The eloquent Senator from Maryland [Mr. RAYNER] gave us a brief résumé the other day from some publication of the English bondholders, in which the startling statement was made that for a loan of seven hundred and fifty-odd thousand pounds, for which the Government bonds of Santo Domingo were issued, the total sum of cash, after deducting commissions and other et ceteras which were seized in transit by the shylocks and sharks—I have not got the eloquent phraseology of the Senator from Maryland to describe those fellows who live by cent per cent in shaving paper, buying up bonds, and making hard bargains with people who are in desperate straits—it was shown by an official publication, not of the Government, but of this bondholding syndicate, that the Dominican people, the Republic and Government thereof, received all told only £38,000, for which they have a debt of £750,000 outstanding. The Senator from Maryland went on to show also that Dominican bonds had gone up in price, and that all South American securities were enhanced in value by reason of the beneficient policy of this Government in instituting receiverships and becoming debt collector.

The question suggests itself to my mind whether or not any person connected officially with the Government of the United States owns any of those securities.

The microbe of graft or stealing seems to be equal in its inroads upon the human family nowadays to the microbe of la grippe, or, rather, it seems to be that it does not leave as many untouched as la grippe did a few years ago, when the epidemic came here. I have no evidence at all. I do not know about it at all, but I am forced to surmise that there is an awful lot of anxiety somewhere, and there has been an immense amount of drastic power of some kind, persuasive and coercive, to drive somebody to do something to make this debt collectible and to get the United States Government behind it.

You can see for yourselves on a moment's consideration how easy and nice a speculation it would be to have purchased some bonds of Santo Domingo, that were discredited in the markets of the world last year, at 2 or 3 cents on the dollar, and get up a modus vivendi, or some other Latin phrase which signifies interference with your neighbor's affairs, forcing him to establish a "just and orderly" government and compel him to be decent for a while until you get your little money paid, and put a handsome profit in your pocket, and then go on about your business. In ordinary parlance you would be considered a very smart fellow, who had performed a sharp trick in finance. I only say, just by way of suggestion, that this thing is barely possible. I would feel fearfully mortified if it should be shown that it is the true status. But just leaving that as a little hint thrown out, I pass on to discuss another phase of the question and to put in some more exhibits as to the kind of people with whom we are dealing.

We have in Santo Domingo now something which may be called "the residuary legatee of Mr. Morales's Republic." What sort of Government it is can be best shown by quoting from another very responsible paper, which is very careful in its news service and wants to be clean and honest always, the Springfield Republican. I give you here a recent statement from the Washington correspondent to the Springfield Republican:

There are a number of men here in Washington whose work, diplomatic or otherwise, has taken them to Santo Domingo in times past, and who are able to give an account of Morales from a more or less extended acquaintance with him there in the island. Morales has also spent some years of his life in this country, but knowledge of him as seen here is naturally less important than as seen in his Santo Domingo environment.

Carlos F. Morales is of Spanish-African descent. He is almost white, showing little trace of his African blood except in his kinky hair, and

is prepossessing in appearance. He speaks English and French in addition to Spanish, and is fairly well educated. He was educated, in fact, for the priesthood, but his youth was wild even after he became a priest. He was vain of his influence over women, and rejoiced in the reputation of being a Don Juan. He is described as fond of fighting, treacherous, and merciless. Troublesome enemies he dispatched with a readiness that earned him the name of "the butcher priest." In this item of the art of statesmanship he appears to have patterned himself upon Ulisse Heureaux a former president of Santo Domingo, whose bloody crimes were at one time title to a wide fame.

Heureaux was said to be a full-blooded negro and was one of the most notable human monsters that the prolific West Indies ever produced. He became President of Santo Domingo in 1884. His orgies and his crimes were the talk of all the Antilles. He was as much a Nero and a Caligula as the resources of Santo Domingo would permit. He raised money by issuing bonds for which he received 5 or 10 cents on the dollar, the people of Santo Domingo being saddled with the successive issues. He looted the customs revenues, got all the money he could by granting concessions to speculators, and tried to raise more by issuing worthless paper money. He was charged in all with some 2,000 murders. A list of his alleged victims was once printed and filled several columns. One of these victims was Ramon Caceres. This man's son, Ramon Caceres, jr., finally killed Heureaux in 1899. It is this Ramon Caceres, jr., who is now president of Santo Domingo since Morales has been deposed.

There are at present two parties in Santo Domingo which are struggling for the supremacy. They are known as the Horacistas and the Jimenistas. For the time being the Horacistas are triumphant, and Ramon Caceres, their head, acts as President, while Morales, the deposed President, is supposed to be making his way to join the Jimenistas, and lead them in revolt. The histories of the parties are brief and interesting.

In 1889 Juan Isidro Jiminez, one of the most ingenious of Santo Domingo's large crop of revolutionists, succeeded Ulises Heureux as President. Horacio Vasquez became Vice-President. Vasquez is now an old man, a pretty decent one, considering his environment, and is the father-in-law of Ramon Caceres, the new President. Jiminez was in office a year and took over the custom-houses from foreign administrators in whose hands Heureux had placed them. Jiminez objected to the exorbitant demands of those who had lent money to Heureux, and endeavored to have their claims examined. Vasquez became disaffected, and on a quiet night deposed Jiminez and assumed the Presidency himself. Jiminez, to save his life, took to the woods exactly as Morales has done now. It was in this way that the two parties got their names, the Jimenistas being the followers of Jiminez, the Horacistas being the followers of Horacio Vasquez.

Vasquez had the usual brief term of office. He tried, according to accounts, to administer the affairs of the country with some small degree of honesty. But it was difficult for him to secure complete returns from the custom-houses. One by one these slipped from his control, and one fine morning there was a new President, who rejoiced in the name of Alejandro Wos y Gil.

The lot of Wos y Gil was no better than that of his predecessor. He promptly repudiated all Vasquez's plans to adjudicate and settle the foreign debts. He suspected the United States of having designs on Samana Bay, and in order to head off this country he endeavored to convey certain harbors to Germany. But meanwhile ex-President Jiminez was in New York organizing another revolution, in which several Americans were mixed up. Among Jiminez's captains was the young priest, Carlos F. Morales. In the end Morales had the fortune to lead a body of ragged and starving Jiministas into San Domingo. Morales had at his command the largest rabble—it would scarcely be accurate to call them soldiers—Jiminez was not on the spot to oppose him, and Vasquez was old and feeble. So the young priest listened to the call of his "manifest destiny" and had himself proclaimed president.

Jiminez was naturally surprised when he learned how he had been tricked, and promptly saw that the only thing to do was to start another revolution, this time against Morales. So Jiminez started one revolution and the Horacistas started another. That made it easier for Morales. By placing leading men of both parties in office he managed to play them off, one against another. He made Ramon Caceres, of the Horacistas, vice-president, and General Rodriguez, a leading Jimenista, governor of Monte Christi.

As the subsequent proceedings are now read, it appears that as the time approached for another revolution the astute Morales looked about him for some new scheme for continuing himself in office. It was on this account that he concocted the plan of inducing the United States to act as administrator of the custom-houses.

He shrewdly calculated that with Americans in control and paying him 45 per cent of the customs honestly collected, and with American war ships at every port to suppress uprisings, he would be protected from his enemies, get actually more money than he could otherwise, and have an excellent chance of finally getting all the customs-houses under improved conditions. It was this brilliant proposition, though hardly couched in these terms, that won for Morales from President Roosevelt characteristic praise for being a "prudent and farsighted statesman."

Minister Dawson was completely drawn into the scheme, and through him the Administration was drawn in also. For a while all went well, at least from the Morales standpoint. According to Mr. Roosevelt's message to Congress, Morales received more from the 45 per cent of the customs, collected and turned over to him by American officials, than he had previously been getting from the total collected under Dominican officials. Further than this, Morales was encouraged in the hope that the United States Senate would ratify the treaty confirming this arrangement. This would practically have insured him immunity from revolution or foreign intervention for ten years.

But apparently the Horacistas and Jimenistas again grew busy in a revolutionary way. The war ships of the United States could prevent the custom-houses being seized by revolutionists, but they could not prevent internal plots, which made Morales fear that he might have a knife stuck in his back quite as adroitly as he had himself stuck knives in the backs of others. Apparently when he saw things were coming to a crisis he chose the part of discretion and took to the bush. He has been making his way, it has been supposed, toward Monte Christi, there to join General Rodriguez and the Jimenistas. Meanwhile Ramon Caceres, son-in-law, of Horacio Vasquez, has been made, or has made himself, president, and the Horacistas are on top.

Now, that is an admirable picture, no doubt entirely correct, of what kind of a government our great and good President has taken under his wing. We have entered upon a policy of dealing with assassins, cutthroats, robbers, murderers, libertines, everything that the English language can give you in the way of debauchery, degradation, beastly, and brutal.

I hope I will be permitted by the Senator from Massachusetts, and I will ask now at least to amend my resolution, even if he is going to take it under his fostering care and deposit it safely and quietly in a little grave in the room of his Committee on Foreign Relations, by a vote of the Senate. I should like to amend it by asking somebody to tell us how much has been expended. I suppose we can approximately guess, because 55 per cent yielded $1,000,000 in ten months, and 45 per cent will yield a proportionate amount, or something like $800,000 or $850,000. So I would like to know what kind of a government this $850,000 has been expended in carrying on.

I have recently talked with a gentleman who has a place of business in New York and who has a large sugar plantation in Santo Domingo, and I have gotten some inside information from a man on the ground as to conditions. I was told that when the time came for the Senate to act or not act, and the $1,000,000 in the bank was held up to the view of this greedy coterie of cutthroats—I will call them—or back-stickers—if other people like that better—when the Senate, if it rejected this convention, might possibly see our President obey the laws and Constitution and withdraw it and turn this money over, though it is not at all certain. He is a strenuous man, fond of his own way. He has transgressed the canons of a century in dealing with the Senate as an Executive by carrying into effect a treaty that we refused to ratify. It used to be permissible for the Senate to indicate its disallowance or unwillingness to do a thing, and it ended it. But we have got to say "No," and say it in loud words, to Theodore Roosevelt, or he will not hear it at all. [Laughter and manifestations of applause in the galleries.]

The VICE-PRESIDENT. Applause is not allowed in the galleries.

Mr. TILLMAN. But as I started to say, here is a million dollars. So everything beyond that amount has been already used or squandered or laid away as a nest egg, because if I was down there as a president in that glorious government of law and order, which our gunboats have been sustaining, I certainly would be laying up a nest egg to carry off in my grip when I ran away. When I took to the woods I should like something to eat, or something to buy something to eat with, rather than to be in the pitiable plight that Morales is in now. But we have been cherishing this delightful acquaintance and protégé of ours. He has been taken away from Santo Domingo, where knives are flying in the air, or some one is ready to stab his brother under the fifth rib, and has been put on one of our gunboats and carried to Porto Rico, and I suppose is now an applicant for a position on the Panama Canal. Would not that be glorious for this great Republic, to thus use its supply of fugitive ex-presidents?

We have found Mr. Morales. I want to ask somebody—perhaps the telephone might be used in an emergency, though I am not in a hurry—to tell us whether or not the money in bank is to go back to the Dominican Government, regardless of its personnel or its character of orderliness and honesty, or whether the Santo Domingo Improvement Company can come in as the preferred creditor, under some award made two or three years ago, I think, by Mr. Day, Mr. Carlisle, and a man named Galvan.

I am a little curious to know what is going to become of this million dollars in the event the Senate does not see fit to ratify this convention. But that is neither here nor there. I am only alluding to it now as the golden apple held up to the view of Caceres and Vasquez and his other coadjutors now in power or in possession of the Government as the thing which made it desirable and entirely proper for them to notify Morales, "Vamose! or we will cut your throat as you have cut other throats."

But what is the purpose of the United States and its great and good Executive? Are we in association in an orderly and dignified way with that class of people claiming to be a government? When you find that it is not a government, according to our canons, our ideas of government, but is simply a little despotism, sustained by a few ragamuffins with muskets, who are called the "army," is it our purpose as a people to enter upon this untried plan of endeavoring to coerce people who are incapable of self-government, who have demonstrated it by a century of effort and failure to erect some form of government with which an honest man will care to deal?

Consider for a moment the situation which has existed almost time out of mind from the Rio Grande to Patagonia. Mexico at this time, and for the last twenty-five or thirty years, has had a good government, but what kind of a government is it? Whatever may be its status now, while I think probably all the forms of law and order are preserved and its Congress is elected, and those people have been educated along the lines of

imitating the United States until they have to-day certainly the best representative government of Spanish-Americans on this continent, what was it when Diaz took hold of it, and how did Diaz take it? He took it as a military leader, by force, and he has held it until he has demonstrated his capacity for orderly government and constructive statesmanship. He has won the admiration, not only of his own people, but of the world, and is to-day an example of statesmanship equaled on this continent by few people and hardly surpassed in Europe at the present day or in the past half century by any man other than Bismarck.

But here you have it. These people, especially when they are mixed much with the aborigines—the original Indians—or with the negroes, have a condition of chronic disorder internally, one military leader rising to put down another, insurrection against any form of orderly government, a disposition nowhere to submit to the rule of the majority, an absolute disability to comprehend the meaning of self-government. And yet it is going to be our business to say to all Europe, "No matter what class of ruffians or scoundrels or thieves or cutthroats your citizens have to deal with, you must permit us to become receivers; you must permit us to set up a court and try the causes and to determine the amount, the validity, and justice of all claims; then let us collect the revenues of those governments and set about disbursing them and go along that line for the purpose, as our great President says, of helping our weaker brethren."

My God! it seems to me we have enough troubles right here at home. We have got them right here in our own borders pressing for solution, conditions of unrest which only await a shrinkage in the volume of business, the ability to give employment, and then some panic will start. One will come some time or other. God forbid it should come in my day, because I have seen two and I do not want to see any more. But just let something happen here to disturb the business conditions and put millions of men out of employment with hungry stomachs and we will certainly have enough trouble right here to occupy us.

As the Senator from Maine [Mr. HALE] said the other day, instead of devoting our attention as legislators to better our condition here, to grant relief where it is needed, to pass laws that are demanded for the reformation of our home affairs, we quit all these to rush off and engage in this Quixotic enterprise of civilizing a people.

No, I do not know that anybody pretends that we intend to civilize them; but, to use the language of the President, to see that our weaker brethren have a just and orderly government.

How many people are down that way who are constitutionally incapable of comprehending what an orderly and just government is? I have not taken the trouble recently to look at the statistics of South American population. Take out Chile, Brazil, and Mexico. Just now there is a kind of dead calm down there; there are only one or two revolutions going on in one or two of the republics; but nobody knows when a new one will start up.

What business is it of ours to go there meddling with those people? The Monroe doctrine demands of us, and by that doctrine I stand, that we will say to all Europe, "Deal with these people, when they injure your citizens, as you see fit, but do not you dare undertake to set up any government over them of your own; do not you dare undertake to seize an inch of land." That is the Monroe doctrine. But suppose, as an illustration, we endeavored or desired to help these people. Suppose, in the interest of commerce and good-fellowship and friendly relation—for commerce will never go where friendship does not precede it—we should say to these South American people, "Many of your countries are in debt, you have had to strike hard bargains, or you have had bad governments that have issued bonds recklessly; you owe a great many people, and it is probable that by some compromise arrangement the creditors who are now largely dependent upon your will to pay them might agree to a modus vivendi, to use the diplomatic phrase, by which things could be bettered."

Suppose we were to invite all the South American and Central American peoples to meet us in Washington with their delegates, and suppose by common consent of those peoples it is agreed among ourselves as Americans, North and South, charged specifically with preserving the status quo as far as governmental affairs go on this continent, that we will enter into an agreement with each other by which the United States will exercise its good offices in their behalf to bring about an arbitration of all these things, and that they will then unite in a proposition with us to exercise police jurisdiction and, if necessary, control the custom-houses to the extent that we will see them out of debt by such means as will allow their Governments to live pending the settlement. Suppose we were to demonstrate actual friendship rather than pretended friendship, does anyone dare assume that those people would not feel grateful to us, and would not jump at the opportunity to have our help, to stand by and say to the European creditor or to the United States creditor, "Here, you struck a hard bargain; you have been dealing with people who are not honest, who are unclean, and the citizens of these republics are to bear the burden of settlement; but let us settle upon some equitable and honest basis after an investigation into your claim."

I could see wherein a President who would advise that and carry it out would be called "blessed" by the people south of us. But through this big-stick policy, through this receivership policy, through this dealing with de facto governments of whatever character, however dirty and barbarous and brutal may be the officers who for the time have the matter in control, threatened, as they are daily, by another revolution, so that we would have to say, "Well, here, whatever may be the situation, we deal with the government in possession." That is what we would have to do unless we agreed to maintain the government with which we dealt.

Mr. Morales undoubtedly thought that he would have the benefit of the ratification of the treaty; that he and his fellows would get the million dollars in New York if the treaty were not ratified and that by reason of the friendship of the United States there would come to him an era of peace and plenty, ratification or no ratification. But the other fellows thought they would rather have the enjoyment of that before the treaty was ratified, so they said to him, "Get out! or we will cut your throat," and he got out.

Now, who knows how soon the man in charge, Caceres, will be told by Vasquez, or some other leader down there, "Get out, or we will cut your throat." What is the present status in Santo Domingo, except that the United States practically has control of the island and intends to hold it, and who doubts President Roosevelt will hold it unless the Senate, as I said, says "No" with a capital N?

But what do we hear next? I saw a statement in the Washington Post and in the Evening Star, both of which try to be fair and clean in their news service, friendly, I think, with the President when he will let them be. Anyhow, it is not worth while to read it. I will just quote those two papers. You have all read it. It is a statement undoubtedly authorized at the White House, which says that if the Senate shall thwart the President in his various policies, including Santo Domingo, starting with Santo Domingo first and going on to the others, resort will be had to a joint resolution. Our great and good President, so intent upon doing good in his own way, regardless of consequences, I suppose has intimated to his lieutenants and friends—certainly he wants them to understand he has it in mind—that if he can not have a treaty according to the Constitution of his country he will have a joint resolution passed by his subservient friends and followers in the two branches.

What can a joint resolution do other than annex? It certainly can not formulate any treaty that would be the law of the land under the Constitution. So we have a shadow of the annexation of this delightful protégé of the President, governed by these orderly and wise statesmen like Morales and Caceres and Jiminez and Rodrigues. No; Rodrigues has got his knife or his bullet; he is gone; but anyhow that is the class. We have the prospect, the delightful prospect, of having this island with its couple of millions population, mostly negroes, for Haiti has practically all negroes, Santo Domingo has four-fifths negroes and mixed bloods—I say we have the prospect of our lord and master the President being so much in love with having his own way to pay certain debts according to his own desire that we will have the Senate ordered to pass a joint resolution annexing this island.

And the House, which gave an exhibition yesterday of its disability or inability to resist Executive policy, the House, which a witty and eloquent correspondent of the Boston Herald described a few days back as puppets, the clanking of whose chains are heard as they dance, is expected to pass such a joint resolution in case the rebellious Senate will not give way and ratify the treaty. And the Senate by a majority vote will do the same. The Republican party is supposed to belong body and soul to the President, and will not say nay to any of his wishes.

But it is argued in this newspaper that it is necessary to have four more votes in order to get the two-thirds required by the Constitution to ratify this convention. To obtain those I suppose efforts are now on foot, actively canvassing and looking about for "White House Democrats" who might for some little mess of pottage or other consideration—that is it, a pound or two of pork or something like that—be induced to fall in behind the, I do not want to say servile, but it would in my judgment

be a servile Senate on that side if unanimously they agreed with this programme. But that is the programme as outlined by the press, and coming I do not doubt authoritatively from Theodore Roosevelt's own lips. Now, you have got the whole scheme.

Well, what are we going to do about it? I have heard it said that the purpose of delay in the present innocuous desuetude that obtains in the Committee on Foreign Relations in regard to this convention was due to the fact that by maintaining the status quo the President would continue, and feel authorized to continue, his present policy in Santo Domingo, and that, therefore, we are not likely to have a vote on the treaty for some months to come, if at all.

Probably we will adjourn again without any action. Of course, our Cæsar would then feel authorized to say, "Why, the Senate has not said to me, 'No;' it knew all the status; it has not indicated that it opposed it or disagreed with it. So I will go on in my beneficent care and friendly offices to my warm friend, the successor of Morales, Mr. Caceres," to say nothing of the creditors who naturally are very anxious for somebody to collect the money to pay their debts, just and unjust; to say nothing of the men hid out in bushes, if such there be, who have bought Dominican securities at 2 or 3 or 5 cents on the dollar, and can well afford to make any kind of a compromise, and in a generous compromise would take 50 cents on the dollar, or even 25 cents.

Well, what are we going to do about it? Are we going to vote on this treaty in the near future? Will some one on the other side who is authorized to speak tell us? Let us understand whether you have got your four White House Democrats ready or whether all of you Republicans are lined up and willing to go on record as voting for this departure in our foreign relations, this establishment of a receiver, this establishment of a court of equity, or some other kind of a court, to marshal the assets and apportion the money among the creditors.

We have got a large navy, and it seems to me that it is just now not doing very much. We do not need any more ships down there, but we may need to send a few more gunboats or torpedo boats to help keep down smuggling. We could even engage in this same delectable occupation with two or three other South American peoples and countries, and unless there might be some little row kicked up on shore or a few bullets shot nobody would be very seriously concerned, I presume, with this.

But, my brother Senators, have we reached that pass in the first hundred and twenty-five years of our national existence that this great coordinate branch of the Government, charged specifically under the Constitution to assist the President in negotiating and ratifying treaties—have we sunk so low, are we so oblivious of our obligations to our oaths of office and the people we represent and the States we represent, that we will present the spectacle here that the great men on the other side of this Chamber, who are the leaders and the responsible men for this thing, are afraid to stand up in your seats and say to Mr. Roosevelt: "You have got to obey the law or we will take you by the throat, sir?" Or is the possession of power so dear, so sweet, and the dispensing of patronage so necessary to your official existence that you will present the spectacle of having yourselves hectored and threatened?

Why, listen. What happened two or three days ago? A hint, an insinuation went out that the "rebels," as they were called in the House, men who were opposing the Philippine tariff, had gotten up some kind of arrangement by which they were to defeat the tariff unless some amendment were made to the statehood bill. The insinuation goes out that these men have been bought, that money had been used among them. The Senate before the country to-day stands disgraced in the eyes of the people because of the use of the press of the country to flyblow it as an instrument of corporations and wealth, and the President is pressing onward along his collateral lines in various schemes of his own, among them rate legislation, which is very popular. I want some rate legislation of some kind, and I said so before he ever discovered that it was necessary. So I am not following him in that, but he is following me or following the Democratic party. But the President has not hesitated and does not hesitate now to threaten us with the wrath of our constituents on the rate-making proposition if we dare oppose him in any of his schemes. He is going to have his sweet will go through and carry out the whole programme. He is going to be Andrew Jackson, Napoleon Bonaparte, and any other fellow you can think of who pushed things to the limit.

I said the President has used the press, or it has been used by those who are his friends, to create the impression throughout the United States that the Senate to-day is obstructing him in all of his pet schemes for the public welfare, and that the country stands watching us to see how far we dare go in the maintenance of our constitutional rights and prerogatives. The people are oblivious of the enormity and outrage of his conduct in the Santo Domingo business because of their earnest desire to see other things done.

I have taken some trouble to examine and find out all I can in regard to Theodore Roosevelt's attitude toward his predecessors. I will quote verbatim and literatim from his own books on Thomas H. Benton and Gouverneur Morris.

I have already remarked that the President seems to have had no respect for anything old, anything uttered or done by any of his predecessors in that great office. His own words will show what his attitude was, as I shall quote them.

Before I get to talking about the newspapers, I want to ask what is the matter with our Chief Executive? What motive actuates him? What is there underlying his conduct? Why is he so much in love with his own way? Why does he turn his back on the advice and statemanship and the canons of conduct of this Government for the last hundred years? Why does he think himself so much superior to all his predecessors?

My purpose in looking this up was to call attention to some of the peculiar characteristics of the present occupant of the White House and give his estimate of some of the great men of the past who were his predecessors. Hear him on Jefferson:

> Jefferson could write or speak—and could feel, too—the most high-sounding sentiments; but once it came to actions he was absolutely at sea, and on almost every matter. (Gouverneur Morris, Roosevelt, p. 291.)

And this also:

> Excepting Jefferson, we have never produced an Executive more helpless than Madison when it came to grappling with real dangers and difficulties. Like his predecessor, he was only fit to be President in a time of profound peace; he was utterly out of place the instant matters grew turbulent or difficult problems arose to be solved, and he was a ridiculously incompetent leader for a war with Great Britain. (Ibid., p. 303.)

And again hear him:

> This was done mainly as an unscrupulous party move on Jefferson's part, and when his side came into power he became a firm upholder of the Union; and, being constitutionally unable to put a proper value on truthfulness, he even denied that his resolutions could be construed to favor nullification—though they could by no possibility be construed to mean anything else. (Thomas H. Benton, Roosevelt, p. 85.)

Now, this on another predecessor—two of them:

> Van Buren was the first product of what are now called "machine politics" that was put into the Presidential chair. He owed his elevation solely to his own dexterous political manipulation and to the fact that, for his own selfish ends and knowing perfectly well their folly, he had yet favored or connived at all the actions into which the Administration had been led either through Jackson's ignorance and violence or by the crafty unscrupulousness and limited knowledge of the kitchen cabinet. (Ibid., p. 163.)

Here is his fling at another:

> Tyler, however, had little else in common with Calhoun, and least of all his intellect. He has been called a mediocre man; but this is unwarranted flattery. He was a politician of monumental littleness. (Ibid., p. 212.)

And again:

> Tyler, the very smallest of the line of small Presidents who came in between Jackson and Lincoln. (Ibid., p. 259.)

And this:

> But it soon became evident that Pierce was completely under the control of the secession wing of the party, and Benton thereafterwards treated him with contemptuous hostility, despising him, and seeing him exactly as he was—a small politician of low capacity and mean surroundings, proud to act as the servile tool of men worse than himself, but also stronger and abler. (Ibid., p. 305.)

In reading I accidentally came on this:

> New York has always had a low political standard, one or the other of its great party and factional organizations, and often both or all of them, being at all times most unlovely bodies of excessively unwholesome moral tone. (Thomas H. Benton, Roosevelt, p. 73.)

This has the appearance of a bird befouling its own nest, and while it may be true, it is not known at what time Mr. Roosevelt tried to elevate the politics of his native State.

I quote this on John C. Calhoun as it caught my eye:

> Calhoun's purposes seem to have been in the main pure; but few criminals have worked as much harm to their country as he did. The plea of good intentions is not one that can be allowed to have much weight in passing historical judgment upon a man whose wrong-headedness and distorted way of looking at things produced, or helped to produce, such incalculable evil. (Ibid., p. 99.)

I would remark in passing that if the President is allowed to have his way in Latin-America the future historian will almost surely pass the same judgment on him.

To return to the press. The newspaper correspondents are the men who have made him what he is, as the public knows, because he has never had the opportunity in all his journeyings and speeches to meet more than one in a thousand of his fellow-citizens, and it is through the great instrumentality represented

in that press gallery that he has become puffed up to such a degree that

> "He doth bestride the narrow world,
> Like a Colossus, and we petty men"—you, thank God, not I,
> "Walk under his huge legs and peep about
> To find ourselves dishonorable graves"—
> Or a piece of pork.

Mr. SPOONER. The Senator pointed to me.

Mr. TILLMAN. No; I have no personal controversy with the Senator from Wisconsin whatever. I will gladly welcome him into this discussion at any time he sees fit to enter.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from New Hampshire?

Mr. TILLMAN. The Senator from New Hampshire is one of the most courteous gentlemen I know of. He has been a very warm friend of mine ever since I have been here and has done me some favors.

Mr. GALLINGER. I thank the Senator. Mr. President, the Senator calls attention to threats from the White House, and that it has intimated that patronage will be withheld, and all that sort of thing, if the members of this body and of the other House of Congress do not do the will of the President. There was a direct charge made against Mr. STEENERSON, a very substantial Member of the other House, in the newspapers of the country only a few days ago, saying that the President had distinctly informed him in a conversation at the White House that had he known he was going to become one of the insurgents of that body he would not have made an appointment for him which he had made.

Now, Mr. President, if the Senator will take the RECORD of this morning he will find that Mr. STEENERSON rose to a question of personal privilege in the other House, and he declares on his honor that no such controversy ever occurred between himself and the President and that the newspaper charges were absolutely and wholly untrue.

I do not think that either this body or the other body ought to be judged by what newspaper correspondents say in reference to matters of public policy, and I think the Senator will agree with me in that statement.

Mr. TILLMAN. I will agree with the Senator from New Hampshire to this extent, that newspapers are very often mistaken and that the newspapers sometimes in certain instances are very unjust. I have experienced a good deal of that sort of treatment myself, and I know it; but I go, in my assumption as to the existing situation, simply on the knowledge of human nature which fifty-eight years knocking up and down the world has given me, and a rather keen watching with the one eye I have got. [Laughter.] Unless there is some instrumentality of coercion, some terrorizing influence which compels apparent acquiescence in and obedience to the Executive will, and unless you fear that he will exercise his great influence to see that you are defeated when you are up for reelection or decline to give you any of the patronage of your respective States, for the life of me, knowing you as I do to be patriotic gentlemen, most of you, I swear I can not think what it is unless it be the fear of losing patronage. I know many of you do not approve of the action of the President in many respects.

But I started to go into the newspaper business. I want to bring in evidence here a witness called the other day for a different purpose by my distinguished friend from Maryland [Mr. RAYNER], which exemplifies to my mind the truest and fullest and best definition of the relationship of the press to the people and the Government and its value to anything that has ever been put upon paper. Writing from Paris in 1787 to Edward Carrington, Thomas Jefferson used this language:

> The basis of our Government being the opinion of the people, the very first object should be to keep that right; and were it left to me to decide whether we should have a government without newspapers or newspapers without a government I should not hesitate a moment to prefer the latter. But I should mean that every man should receive those papers and be capable of reading them. I am convinced that those societies (as the Indians) which live without government enjoy in their general mass an infinitely greater degree of happiness than those who live under the European governments. Among the former public opinion is in the place of law, and restrains morals as powerfully as laws ever did anywhere. Among the latter, under pretense of governing, they have divided their nations into two classes—wolves and sheep. I do not exaggerate. This is a true picture of Europe—

Recollect this was two years before the outbreak of the French Revolution—

> Cherish, therefore, the spirit of our people and keep alive their attention. Do not be too severe upon their errors, but reclaim them by enlightening them. If once they become inattentive to the public affairs you and I and Congress and assemblies, judges, and governors shall all become wolves. It seems to be the law of our general nature, in spite of individual exceptions, and experience declares that man is the only animal which devours his own kind, for I can apply no milder term to the governments of Europe and to the general prey of the rich on the poor.

I would be glad if in the highest degree the great newspapers of this country would make that the cardinal principle governing the conduct of those great enlightening influences. But having quoted Mr. Jefferson himself as to his idea of the value of newspapers, I want to direct your attention to a phase of present newspaper work that was never contemplated by Mr. Jefferson or anybody else, and which is an outgrowth of the last ten or fifteen years, mainly and principally in the last five or seven, and that is the use of the newspapers, these instruments of education and enlightenment, not for that purpose, but for the purpose of sifting sand in the eyes of their readers and to giving out false information and misinformation and the dissemination of falsehoods and arguments, and the presentation of the worse for the better reason. We have had a glaring illustration of this phase of newspaper work in the employment of Mr. Bishop. Mr. Bishop, the bosom friend of the President, his trusted agent and lieutenant, was given $10,000 a year to run a press bureau to defend the Administration against critics and others who dared say anything against the management of the Panama Canal.

But the President has not just learned the value of handling news. This experience in having Mr. Bishop transmit to those papers that would take it the news, colored and labeled as he saw fit, respecting the inner thought and purpose and wishes of the Executive is by no manner of means his first experience with a press agent. I have not all the facts, but I could hunt them up; but I have a pretty good recollection of what I read. I recall the fact that when the war with Spain was on, and the Army went to Guantanamo Bay, landed, started on its march, almost daily there were telegrams about the Rough Riders, and when that contest came on on the slopes of San Juan Hill——

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. The bill (S. 529) to promote the national defense, to create a naval reserve, to establish American ocean-mail lines to foreign markets, to promote commerce, and to provide revenue from tonnage.

Mr. GALLINGER. The Senator from Florida [Mr. MALLORY] announced yesterday that he would address himself to this bill at 2 o'clock to-day. I ask the Senator from Florida what are his wishes in reference to the matter?

Mr. MALLORY. I am perfectly willing to allow the Senator from South Carolina to proceed to the conclusion of his remarks. I told him that this morning.

Mr. TILLMAN. The Senator from New Hampshire has the floor, and it is only by unanimous consent that the unfinished business can be laid aside.

Mr. GALLINGER. In reference to the unfinished business, I desire simply to say that the bill was reported to the Senate something over a month ago. Of course, all Senators have taken an opportunity to examine it, I have no doubt. Being in charge of that bill, I wish to urge its consideration with as much speed as possible; yet I realize that under existing circumstances we can not expect to interrupt the Senator from South Carolina in his most interesting speech. I therefore join with the Senator from Florida in asking that the unfinished business may be temporarily laid aside until the Senator from South Carolina has concluded his remarks.

Mr. President, before I take my seat I will say that after the Senator from Florida has addressed himself to this subject and presented the views of the minority of the Committee on Commerce on the question I will then take an opportunity to ask the Senate to fix a day, not in the immediate future, for taking a vote on the bill which is now the unfinished business.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that the unfinished business be temporarily laid aside until the Senator from South Carolina concludes his remarks. Is there objection? The Chair hears none.

Mr. TILLMAN. I am very much obliged to the Senator from New Hampshire for his courtesy.

When I was interrupted I was remarking that the present occupant of the White House has known for a good while the value of the newspapers, and I was proceeding to relate from recollection my remembrance of the fact that when his great military reputation was being made in Cuba it was rather a queer and strange experience for a man who had read something of the dispatches from the civil war, when there were real grown-up battles being fought to see how much stress was laid and how much notice was given to the action of the Rough Rider Regiment and its lieutenant-colonel, while other officers and commands were ignored. The colonel seemed by some hocus

pocus to be in a condition of eclipse, although he has since blossomed out and grown very brilliant above the military horizon. But Colonel Roosevelt was this, and Colonel Roosevelt was that; Colonel Roosevelt was here, and Colonel Roosevelt was there. I do not say it in any spirit of carping criticism, for I recognize in the fullest degree the valuable services of Colonel Roosevelt.

I am ready to give due meed of praise to the man who is a brave soldier, who did his duty, who won renown, risked his life, and all that kind of thing, but it did seem a little queer that as to the officers of the Regular Army who bore the brunt of the battle, who offered up their lives in their country's cause—colonels, men higher in official position than he, they and their regiments—were hardly mentioned except in the official reports. Photographs were taken, and since the war has been over I have seen or heard somewhere an account of a great historic painting which depicts Colonel Roosevelt on horseback leading his regiment up San Juan Hill, when as a matter of fact Colonel Roosevelt was never on San Juan Hill on that day or time.

I say the President of the United States should well know, and does know, the value of the press agents. I do not want to detract one iota from any of his well-earned fame. I know he has shown himself by actual votes as the most popular man who ever offered for the Presidency, and all that kind of thing. But the glamor of success, the glory, the halo of his achievements, do not obscure the actualities. I say to you in all seriousness that Theodore Roosevelt owes more of his success as a public man to the newspaper men of this country than any other one instrumentality.

And then see, Senators, how he has come to be President, not only President by accident, but President by the voice of the people. See what his attitude is toward this great estate. He threatens, so I hear, he hectors, he reprimands, he causes men to be discharged. He has the White House news corralled, and his executive officers—the Cabinet—are forbidden to give out items relating to their special official duties. The news is colored and sifted to suit his idea of what it ought to be to maintain the great popularity which he has won, to preserve in the imagination of the people the hold he has on them.

Speaking allegorically, the actual condition at the White House has been for many, many months that of a quack doctor who has certain pills which he wishes to prescribe for the public. The newspapers have been the spoon, Mr. Loeb has been the apothecary, and Roosevelt's pills on Panama, Roosevelt's pills on Roosevelt, Roosevelt's pills on railway rate legislation, Roosevelt's pills on everything pertaining to public affairs are administered in this way; and because the newspapers have resented this interference with their ancient rights and privileges, have seen fit in recent months to lose some of that attitude of fulsome adulation, of lending themselves to this process of becoming a funnel through which this quack physic was to be sent abroad, because they have presumed, some of them, to deny certain official statements from the White House, there is great wrath in the Executive Mansion.

I will only illustrate as the saddest example, the most pitiful that has ever come to my knowledge of anything associated with the name of a President, the recent outrage upon Mrs. Morris. You are all familiar with the newspaper stories as they were allowed to be published by the proprietors. I know of one instance in which the story, straightforward, unvarnished, was not published because of a feeling that the paper would be boycotted, as one paper has been boycotted, and by Executive order its representative denied access even to the Executive Departments. I waited. I have waited a week or more prayerfully hoping that for the honor of this country and for the honor of its President he would take some action looking to a recognition of the fact that there was a feeling of outrage and of anger in the bosoms of American men worthy of the name and of all American women that this gentlewoman, this lady of refinement and education and of culture, because of some little trangression of the ironclad rules which now obtain, this woman sitting there quietly, trying to get access to the President for the presentation of a plea or explanation, was seized by order of the President's secretary or assistant secretary, dragged rudely across the pavement and the lawn, thrust into a cab, her clothes torn off her—I understand the earring was torn out of one ear—and she was then committed to the house of detention like a common drab——

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Maine?

Mr. TILLMAN. Certainly.

Mr. HALE. I hope, Mr. President, that I shall never figure in this body as a general apologist either for the Administration or the President or anybody connected with him, but I say to the Senator from South Carolina that he is making statements and assuming facts for which there is no warrant, and that he is making the most serious and defamatory charges against the Executive of this country, the President of all the United States, having nothing whatever that he adduces as proof. I must say to the Senator that I do not deem it seemly that here in the Senate he should make this the occasion of discharging before us the personal feeling of ill will he has against the President of the United States. It is not a spectacle that any of us can look upon either with satisfaction or toleration.

Mr. TILLMAN. Mr. President, I have such respect for the great ability, high character, and patriotic services of the Senator from Maine, and have had such intimate association with him during my service here, which is not half so long as his own, that he can not say anything in the way of reprimand to cause me to lose my temper. I want to say to you, sir, that I am not defaming Theodore Roosevelt, and I have not allowed my personal feelings, supposing I have any, to dictate one utterance of mine to-day. I want to say to you, sir, that if you will offer a resolution appointing a committee of this body, composed of Republicans alone, to examine into the facts, I will give you the names of four witnesses as reputable as you or I who will swear to the statement I have made as to what actually occurred.

Mr. HALE. Let the Senator produce his testimony——

Mr. TILLMAN. You present your committee.

Mr. HALE. And his affidavits before he stands up before the country and assails in this rude way the President of the United States.

Mr. TILLMAN. Ah, will you then offer your resolution appointing a committee to get at the facts?

Mr. HALE. Let the Senator himself offer it.

Mr. TILLMAN. It is none of my business. It is your business.

Mr. HALE. It is as much the Senator's business as it is mine.

Mr. TILLMAN. No; you have just accused me of having personal animosity and hatred to gratify.

Mr. HALE. I do not credit the exaggerated statements of the newspaper press about this incident. I believe they are all extravagant, swollen, and not justified by the facts; but whenever any Senator upon his responsibility declares that there should be an investigation and asks for an investigation, so that we may have, not statements, not virulence, not denunciation, but facts, nobody on this side will object to that resolution.

Mr. TILLMAN. I will offer it and put you to the test.

The VICE-PRESIDENT. The Chair would call the attention of Senators to the rule of the Senate which requires Senators in speaking to address the Chair. The Senator from South Carolina.

Mr. TILLMAN. Mr. President, I am very sorry that I transgressed, and I will try not to do so any more.

I want to get the record straight in this trial in regard to what actually occurred, and I will read the statement made at the White House as to what did occur, given out by Mr. Barnes.

STATEMENT MADE AT WHITE HOUSE.

In view of the inaccurate statements appearing in the press concerning the case of Mrs. Minor Morris, Assistant Secretary Barnes to-day made the following statement:

"Mrs. Morris called at the Executive office yesterday at about 1 o'clock and asked to be allowed to see the President. At the time Secretary Loeb was engaged with the President, and Mr. Barnes saw her. Upon inquiry as to the nature of her business she stated with considerable reluctance that her husband had been unjustly dismissed from a branch of the War Department; that she did not propose to have anything to do with the Secretary of War concerning it, but that she wanted the President to take it up and see that justice was done.

"She was informed that the President could not give personal attention to such a matter, and that the decision of the Secretary of War would be final. She insisted that she must see the President, and when told that that was out of the question, she asserted in boisterous manner that she would not be prevented from seeing him, and that she would remain where she was for a month, if need be, unless she saw him sooner.

"She was allowed to remain for some moments. When Mr. Barnes returned to the reception room shortly after he found her pacing excitedly up and down the room and informed her as quietly as possible that she could not see the President and that it would be useless for her to remain longer. She replied in a loud voice that she would see him and that she would stay there until she did. She was then advised to drop the matter and to go away quietly.

"This, in still louder tones, she refused to do. She was then told that she must either leave the office at once voluntarily or it would be necessary to have her put out of the building. At this she shrieked at the top of her voice, 'I will not be put out,' rushed to a chair, threw herself into it and shouted: 'Don't you have any hands laid on me; I am going to stay here until I see the President.'

SCREAMS ECHOED THROUGH MANSION.

"Mrs. Morris's piercing shrieks were heard throughout the building, and it became necessary in the interest of order to have her removed. She was accordingly taken in charge by a police officer, who had wit-

nessed the whole affair. He asked her to go with him quietly. She refused and told him that if she was removed she would have to be dragged every step of the way. Before applying force the officer asked her three times to leave the office quietly. She shrieked her refusal to each request and was then led from the room.

She struggled violently with two police officers, striking, kicking, and biting them, all the way from the office building to the eastern entrance of the White House. As soon as she was outside of the office building she threw herself on the ground, and it became necessary to carry her. The officers repeatedly asked her to stand up and walk quietly with them, so that they would not have to use force, but she refused to do so and defied them in shrieks that were heard throughout the White House.

She was finally removed to police headquarters, where she was charged with disorderly conduct. After her arrest she produced an envelope addressed to the President, which she asked to have delivered to him. This envelope was found to contain a lengthy poem on the subject of insomnia, which she said was her own composition. She stated to the officers that she had not slept for seven nights past.

There is no truth whatever in the statement made by many of this morning's papers that a negro laid hold of Mrs. Morris and assisted in carrying her. One of the colored messengers of the office followed the policemen and gathered up such small articles as were dropped in the woman's struggles, but there was no other foundation whatever for the statement."

We have of late been having history made daily, like having your picture taken while you wait—history by the Mergenthaler machine; history by the man who was most concerned. I have waited this long because I hoped, I believed, I almost prayed, for the honor of the nation, that, this thing having occurred at the White House, the President would himself investigate and see whether or not there was the slightest foundation for this story. He has not seen fit to do it. Wrapped in his own atmosphere of high office and self-esteem, I will say, taught by us as Senators and Representatives, because we passed a very stringent law in regard to his protection—and I wanted him protected, and I want him protected yet; I am not disposed to carp at any proper methods for his protection—but what I want to call attention to is the fact that a man with a mother, with a wife, with a daughter, and with other children, and with all the attributes of any other man, I will say, or he ought to have them, has seen fit to ignore the action of his subordinates; he has seen fit to indorse it by his silence; he has seen fit to let the thing go as a matter of course, as a thing that is to happen whenever one of his subordinates—

> Drest in a little brief authority,
> * * * *
> Plays such fantastic tricks before high heaven
> As make the angels weep—

If they are the appointees of Theodore Roosevelt and the citizen, the ordinary man or woman, the lady or gentleman, is to be treated with this indignity and nothing is to be done to protect her or protect him.

I will say, for the information of the Senator from Maine, that it has come to me in one of those little whispers that go about that this thing has been repeated, only in a milder and less offensive way, but that another lady of refinement, who sought to get access to the President, had been arrested, carried to the house of detention, and held as a dangerous person. However, probably all the facts will come out if the Senator and his colleagues will vote for the resolution which I shall offer. But I, in the interest of history, have felt willing upon my own responsibility as a Senator and as a man, knowing that I might be charged with personal hatred and malice, as the Senator has charged, and have felt it my duty to take this matter up to the extent of making inquiry and to get the facts as they actually occurred in the view of at least four men of character.

Mr. HALE. Mr. President——

Mr. TILLMAN. I want to read it now, if the Senator will permit me.

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Maine?

Mr. TILLMAN. Certainly; go ahead.

Mr. HALE. Mr. President, the longer I continue in this great body the more respect I have for it, for its members, for its dignity, and for its intrinsic importance as a part of the Government. It is a great restraining power; it will never cease to be a great restraining power in legislation and in all matters where it is confronted either by the Executive or by another branch of the Legislature.

I think Senators who come here new learn day by day that lesson of confidence in and respect for it and respect for its members, and that their animosities and their prejudices gradually disappear. I think the Senator from South Carolina has been an instance of that. I have from year to year, as he has been a member of this body, taken satisfaction in the growth of his real abiding and intelligent interest in public affairs; in the advance that has been constantly seen in his power here as a debater, and his power to illuminate subjects upon which he touches. I am profoundly disappointed that to-day he should have seen fit to give us such—I will not say an exhibition, because I wish to use no offensive word—but that he should have brought forward not the large things in his character, not the great capacities that he has, not the power he has of discussing and illuminating subjects, but a prejudice and dislike and, I am afraid, a hatred. While it is not for me to admonish him, I do not think the Senator should make the Senate an arena for such a demonstration on his part.

We do not all agree with the President. Frequently I do not agree with the President, and the Senator is wrong and is unjust in intimating that the Senate is bowing before the President and is crooking the hinges of its knees that it may control patronage and power. The President has found already, and recognizes the fact, that the Senate is an independent body. There has never been a President that has more freely consulted with Senators, and there has never been a President to whom Senators have spoken more frankly than the present Senate with the present President. I do not hesitate; my friend from Rhode Island [Mr. ALDRICH] does not hesitate, nor the Senator from Illinois [Mr. HOPKINS], nor the Senator from Wisconsin [Mr. SPOONER], nor the Senator from Iowa [Mr. ALLISON], nor my friend at my left [Mr. LODGE], nor any other Senator, old or young, to tell the President how we feel, and that we disagree with him.

The Senator is wrong in undertaking to give the impression that this great body is bowing down before the President and giving up its rights. I do not think, Mr. President, that there was ever a time when Senators were freer to express to the President of the United States their dissent from his propositions as well as their assent; and I do not think there has ever been a time when that dissent has been expressed that it has been received more cordially than at present. I will not say always acted upon, but nobody that I know of has ever been punished, I will tell the Senator from South Carolina, because he has expressed his dissent from propositions that the President brings forward.

I will not submit to this arraignment of the Senate; I will not submit to the impression that is to be given to the country that undue power has been usurped and that this body has been faulty in any standing up for the rights of the whole Government and the relations that exist between the different branches of the Government.

The Senator may be here long—I hope he will—but he will never see under this Administration or any other any danger come because the Senate abdicates its powers.

Mr. TILLMAN. I really think the Senator from Maine might have waited for his compliments and criticisms, his mixture of bitter and sweet, until I got through.

Mr. HALE. I beg the Senator's pardon. The Senator knows we are in the habit of interrupting.

Mr. TILLMAN. I think from the Senator from Maine is also due me an apology for asserting a second time, when I have told him that it is not true, that my work here to-day in bringing out the things that I have brought out is due to personal hatred.

Mr. HALE. Well, the Senator himself ought to be the judge of that undoubtedly.

Mr. TILLMAN. Well, I can say it before Almighty God.

Mr. HALE. But as to interrupting him, I beg the Senator's pardon. He knows the fashion that we have here—and sometimes it is not a good fashion—of interrupting each other. He interrupts me as well as other Senators very frequently, and I interrupt other Senators. It is a fashion we have got into.

Mr. TILLMAN. It is always a pleasure for me to let the Senator from Maine take the floor, because he invariably enlightens matters.

I was just getting ready to read, Mr. President, a contribution to the truth of history by an eyewitness, for whose honesty and honor and cleanness of life and record as a man I vouch, and I will produce him as a witness when the time comes, and the Senate shall have ordered the investigation which the Senator from Maine has promised shall be given, for I shall see to it in the morning that, if you want to have the facts and are not afraid to have the testimony produced under oath, they shall be produced before a committee charged to investigate and report.

If the President himself had done his duty as a man and as a gentleman he would have seen that this thing was investigated to the bottom the moment he heard of it. When he found an indignity had been put upon a refined woman, or even a common woman, or upon any woman who is respectable, he should have gone to her, as a matter of kindness, or sent to her, as a matter of kindness, apologies for the mistake of his underling, and

have sent that underling about his business. But I can not set up canons for the guidance of Theodore Roosevelt in anything. I am not so presumptuous as that. But this is what occurred, as I will undertake to prove:

Coming in from lunch at 1 o'clock, I noticed in the general lobby, near Mr. Loeb's door, a lady, whom I afterwards found out to be Mrs. Minor Morris, sitting very quietly, evidently waiting to see one of the secretaries. I entered the press room and engaged in a general conversation with three newspaper men who were in there. The door to the press room is always open, and as the hour was near the President's lunch hour everything was unusually quiet in the lobby. Very suddenly we heard a loud exclamation which sounded like "Oh, no, no; don't do that." All of us jumped to the door and entered the main room, where we found a secret-service officer and Officer Frech in the act of pulling the woman out of the chair in which she was sitting. Prior to this we had heard no loud voice, and I am positive there was no boisterous conduct. A word spoken above an ordinary tone would have reached our ears very easily. The men pulled the woman to the door, where Officer Murphy relieved the secret-service man. Their object was to get her to the guardroom, just opposite the Treasury building. To do this they had to carry her down the path leading to the basement of the White House and through the long corridor used during the receptions. Before going 20 feet Mrs. Morris fell to her knees, but was jerked to her feet and dragged on. Before they disappeared from sight she must have fallen six or eight times. Just before disappearing through the archway leading to the basement, I saw a negro man, Charlie Reeder, the President's footman, rush out and pick her up by the heels. The last I saw of Mrs. Morris she was being carried off like a sack of salt, with the negro at her feet and her dress hanging above her knees. I went around to the guardroom and saw Mrs. Morris literally thrown into an awaiting cab.

Mr. GALLINGER. Will the Senator give the name of the writer?

Mr. TILLMAN. I want an investigation first. I move now, so as to get this matter straight—I have got the names of three other men who were there—if you will permit me to have unanimous consent, I move you, sir, that a committee of five Senators be appointed to take up this subject-matter, which is Mrs. Morris's expulsion from the White House, and investigate it, and send for persons and papers.

Mr. HALE. The motion is not in form. Let the Senator prepare his resolution in form, so that it will cover just what he wants, and let him submit it to-morrow morning.

Mr. TILLMAN. I will do it in the morning.

Mr. HALE. While I can not speak for other Senators, I shall not oppose it, but I would rather it should be in form. The Senator sees the force of that.

Mr. TILLMAN. I understand that, and would not have offered it now in this unparliamentary way but for the fact that I am deeply interested, not as a personal enemy of the President, but as a Senator and a man, to have this matter sifted and the truth made known.

Mr. HALE. Let it go over until the Senator prepares his resolution.

Mr. TILLMAN. And until the resolution is passed.

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Illinois?

Mr. TILLMAN. With pleasure.

Mr. HOPKINS. Before the Senator from Maine [Mr. HALE] takes his seat, on the question of agreement to a resolution of this kind it seems to me that it is entirely out of harmony with the practice of this body, and would be an unseemly incident. I do not think the Senate has any more right to investigate that matter than the President would have the right to investigate the affairs of the Senate or the affairs of the Senator from South Carolina.

Mr. HALE. I have said that I do not speak for anybody else. I do not claim to do so. When the Senator's resolution, put in form, in writing, is read from the desk of the Secretary to-morrow morning, every Senator then will have and will exercise his right of objecting or assenting to it. I have simply said that I would not object. I do not think it is a very dignified proceeding, but I will not object.

Mr. DANIEL. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Virginia?

Mr. TILLMAN. With pleasure.

Mr. DANIEL. If the Senator will allow me, I was just going to say that I hope he will not offer that resolution. It is a very delicate matter, and it is one that we perhaps might not like to discuss here at this time. It is to be presumed that the President of the United States in his own house, the head house of the country, will do what is right about such a thing, and we ought not to assume from the statement of anyone else that he has not done what is right about it. It seems to me an invasion of the comity of government for one branch of the Legislature to take up a matter of this sort without any intimation or inquiry at headquarters. I hope the Senator will consult with his colleagues and deliberate and not on an occasion like this introduce before the Senate of the United States a matter of this kind. It is a household concerning which we are invited to pass a resolution of investigation, and there is something to my mind quite repulsive about that, though nothing could be more repulsive than any improper conduct toward a lady of this country.

I hope the Senator will defer even further allusions to such a subject. I am sorry that he has said what he has said. I regret the whole matter on this floor, though I am sure no one will question that I will go as far as any gentleman in doing what is appropriate in defense of a lady or a man who has been maltreated in the capital of the United States. But this is not a tribunal, under the conditions represented, with imperfect knowledge and merely upon ex parte statements, which ought to take jurisdiction; and if any step is taken—if it should be deemed proper to take one—it should be done cautiously, with deliberation at each step, and with intimation of knowledge beforehand as to what we were doing.

I regret the Senator's remarks upon this subject, and I hope he will permit me, without offense to him, to make these suggestions on account of the nature of the body which he has invited to consider the matter.

Mr. TILLMAN. Mr. President, I am admonished from two such high quarters, by men both of whom hold the highest possible place in my esteem and respect, that I would not in my own brusk, frank, and straightforward way do anything to trench upon propriety or to cause the Senate any feeling of regret. But these officers are paid out of the public Treasury; they are a part of the White House force of subordinates. The police and the secret-service men are a part of the necessary machinery for the protection of the President. We had both under Mr. McKinley. We have had both since it has become a kind of tradition in this country that cranks will assassinate Presidents occasionally.

I want to ask those who are admonishing me with such force and vigor, What are you going to do about it? A statement which I believe to be false has been given out at the White House. I believe that statement to be false because I have the statement of a man whom I know, who has no purpose or object in view, who merely happened to be there by accident and saw what occurred. Finding that the official version did this poor woman injustice and wrong, he felt under the impulse of his manhood the necessity of standing up, if need be, and taking the consequences and being boycotted or turned off or having whatever thing you could do done to him. I have understood that one of these newspaper men has had this woman's shrieks and appeals for help ringing in his ears, and has been upbraiding himself and shed tears for two days whenever he mentioned it, because he feels self-contempt that he did not rush to her assistance even at the risk of his life.

Now, what are you going to do about it? Are you going to rely only on your great dignity and permit the imperialistic programme to go on without limit? Is there a sadder instance which could occur than that of a lady of refinement having been committed to the house of detention, or somewhere else, her friends telegraphed for and rushing there to explain that she was harmless and a good woman and all that kind of thing?

What are you going to do? That is the point. Settle that. Will you do nothing? Then indeed will the Senate sink into the contempt, and deserved contempt, of every decent man and woman on this continent.

I will take the responsibility, and let the question of good manners, and good taste, and Senatorial dignity pass for what it is worth, and let the judgment be what it may. I will take the consequences and I will offer the resolution and let you vote as you see fit upon your responsibility to your oaths and to your position here officially as well as to your position as husbands and fathers. As I said, if you order this investigation, I stand ready to bring forward these four witnesses and let them stand on their record as gentlemen. Now, do what you please when the time comes.

But you recall other facts in regard to him, that in the very recent past—the newspapers, the poor, pitiful liars, as men call them, have sent them broadcast—he has written a letter of some sort of sympathy and other things to Fitzsimmons, the prize fighter; that he is known to glory in his physique; that he has had experts in the art of boxing and jiu jitsu at the White House, and has not felt too dignified to make an exhibit of himself with boxing gloves on, and all that kind of thing, leading the strennous life of which he is the exponent.

We can recall that this letter to Fitzsimmons was written just about the time that Mrs. Morris was treated so brutally. I waited hopefully, earnestly desiring to see him do something for his own fame, for his own credit, for his own character as

a gentleman, in this Morris incident; and it was only after he showed a besotted indifference to public opinion as expressed in the newspapers that I felt called on and willing to bring forward a true statement of the facts, and to let the country, if it wants to, go to the bottom through you or whatever instrumentality can be set in motion looking to getting the exact occurrences as they happened, and not the garbled statements, not the misstatements, not the falsehoods of Mr. Barnes.

It is not my special province to play Don Quixote and roam around the country, in Washington or elsewhere, as the champion of distressed women. But in my home, since my mother, who is now dead, used to hug me to her bosom—a widow, and I a baby—and say, "My son, tell the truth," and since her departure my association for thirty-eight years with another woman as a wife, who has been an inspiration and solace, dividing my cares and doubling my joys simply by sharing them, my every instinct as a man has taught me to respect and love women. And when I see a man who ought to be a gentleman, although in high official position, ignore his plain duty to seek out the truth, make due apology, right the wrong as far as he could, and punish those about him who are guilty of these outrages, I say I would have been false to every instinct of my nature if I had remained silent on this occasion.

The VICE-PRESIDENT. What disposition does the Senator from South Carolina desire to have made of his resolution?

Mr. HALE. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 3 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 18, 1906, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 17, 1906.

COLLECTORS OF CUSTOMS.

Robert Carson, of New Jersey, to be collector of customs for the district of Perth Amboy, in the State of New Jersey.

Fred Enos, of Connecticut, to be collector of customs for the district of Fairfield, in the State of Connecticut.

MARSHAL.

William Henkel, of New York, to be United States marshal for the southern district of New York.

PROMOTIONS IN THE NAVY.

Commander George L. Dyer to be a captain in the Navy from the 30th day of September, 1905.

Surg. James E. Gardner to be a medical inspector in the Navy from the 17th day of December, 1905.

Capt. William S. Cowles, United States Navy, to be chief of the Bureau of Equipment in the Department of the Navy, with the rank of rear-admiral, for a term of four years from January 22, 1906.

POSTMASTERS.

ALABAMA.

George W. Griffin to be postmaster at Tuskegee, in the county of Macon and State of Alabama.

James B. Washington to be postmaster at Tuskegee Institute, in the county of Macon and State of Alabama.

ALASKA.

John P. Clum to be postmaster at Fairbanks, in the Territory of Alaska.

Frank W. Swanton to be postmaster at Nome, in the Territory of Alaska.

ARIZONA.

M. E. Cassidy to be postmaster at Bisbee, in the county of Cochise and Territory of Arizona.

Edward A. Folsom to be postmaster at Naco, in the county of Cochise and Territory of Arizona.

NEW YORK.

Howard G. Dewey to be postmaster at Gloversville, in the county of Fulton and State of New York.

NORTH CAROLINA.

Wallace W. Rollins, to be postmaster at Asheville, in the county of Buncombe and State of North Carolina.

PENNSYLVANIA.

Jacob R. Evans to be postmaster at Nanticoke, in the county of Luzerne and State of Pennsylvania.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January 17, 1906.*

The House met at 12 m.

The following prayer was offered by the Chaplain, Rev. HENRY N. COUDEN, D. D.:

We thank Thee, our Father in Heaven, for that deep and abiding faith which has upheld, sustained, and guided Thy children through all the vicissitudes of the past and kept them close to Thee, and for that blessed hope which in darkest hours of grief and despair has illumined, supported, and comforted them. Grant that these angels of mercy may be the solace and comfort of the Member whose home has been visited by death, depriving him of the companion who has shared his joys and sorrows, hopes and disappointments, victories and defeats; and may Thou comfort the motherless children and help them all to look forward to that bright realm where sorrows and death shall not enter; and Thine shall be the praise, through Jesus Christ our Lord. Amen.

The Journal of yesterday's proceedings was read, corrected, and approved.

ORDER OF BUSINESS.

Mr. SULLOWAY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the consideration of pension bills on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. CAPRON in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of certain bills on the Private Calendar under the special rule. The Clerk will report the first bill.

STEPHEN GILLEN.

The first pension business was the bill (H. R. 1972) granting an increase of pension to Stephen Gillon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stephen Gillon, late of Company E, One hundred and sixty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Gillon" and insert in lieu thereof the word "Gillen."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

Amend the title so as to read: "A bill granting an increase of pension to Stephen Gillen."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BUTLER of Pennsylvania having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 2397. An act to amend an act entitled "An act to amend an act entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' approved January 14, 1889," so as to create a State forest reserve, and for other purposes;

S. 1373. An act to provide for the construction of a memorial bridge across the Potomac River from Washington to the Arlington estate property; and

S. R. 7. Joint resolution authorizing the Secretary of the Navy to present the bell of the late United States sloop of war *Germantown* to the Site and Relic Society of Germantown, Pa.

ORDER OF BUSINESS.

The committee resumed its session.

JOSEPH W. PRICE.

The next pension business was the bill (H. R. 7408) granting an increase of pension to Joseph W. Price.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph W. Price, late of Company D, Second Provisional Regiment Enrolled

Missouri Militia, and Company A, First Provisional Regiment Enrolled Missouri Militia, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Provisional" and insert in lieu thereof the word "Regiment."
In line 7 strike out the words "Regiment Enrolled Missouri Militia."
In the same line, after the word "First," insert the word "Regiment."
In line 8 strike out the word "Regiment."
In line 9 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

THOMAS MANAHAN.

The next pension business was the bill (H. R. 2800) granting an increase of pension to Thomas Manahan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Manahan, late of Company H, Sixty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the words "second lieutenant."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM M'NAIR.

The next pension business was the bill (H. R. 3368) granting an increase of pension to William McNair.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William McNair, late a member of Company K, Fifty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "a member."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

PERRY EGGE.

The next pension business was the bill (H. R. 1868) granting an increase of pension to Perry Egge.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Perry Egge, late of Company B, Forty-seventh Regiment Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Regiment," insert the word "Pennsylvania."
In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

BARNEY SHULTZ.

The next pension business was the bill (H. R. 7662) granting an increase of pension to Barney Schultz.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Barney Schultz, late of Troop I, Third Regiment United States Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Schultz" and insert in lieu thereof the word "Shultz."
In line 7 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."
Amend the title so as to read: "A bill granting an increase of pension to Barney Shultz."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JACOB SHADE.

The next pension business was the bill (H. R. 1789) granting an increase of pension to Jacob Shade.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob Shade, late of Company K, Sixty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES E. POST.

The next pension business was the bill (H. R. 1810) granting an increase of pension to James E. Post.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James E. Post, late of Company F, One hundred and twenty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM HARVEY.

The next pension business was the bill (H. R. 6186) granting an increase of pension to William Harvey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Harvey, late of Company H, Ninety-second Ohio Infantry, and pay him a pension at the rate of $100 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Second," insert the word "Regiment."
In line 7, before the word "Infantry," insert the word "Volunteer."
In lines 7 and 8 strike out the words "one hundred" and insert in lieu thereof the word "fifty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DETRICK NORTRUP.

The next pension business was the bill (H. R. 7952) granting an increase of pension to Detrick Nortrup.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Detrick Nortrup, late of Company A, Twenty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $75 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-five" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM BIRMINGHAM.

The next pension business was the bill (H. R. 1505) granting a pension to William Birmingham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Birmingham, late of Company H, First Michigan Volunteer Engineers and Mechanics, and pay him a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "First," insert the word "Regiment."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."
In same line, after the word "month," insert the words "in lieu of that he is now receiving."
Amend the title so as to read: "A bill granting an increase of pension to William Birmingham."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN BIERER.

The next pension business was the bill (H. R. 8550) granting an increase of pension to John Bierer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Bierer, late captain Company H, One hundred and seventy-first Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "captain Company H, One hundred and."

In line 7 strike out the words "seventy-first" and insert in lieu thereof the words "first lieutenant Company K, Sixth."

In line 7 strike out the words "Drafted Militia Infantry" and insert in lieu thereof the words "Volunteer Heavy Artillery."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES L. RECTOR.

The next pension business was the bill (H. R. 8403) granting an increase of pension to James L. Rector.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James L. Rector, late of Company K, Fourth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "and," insert the words "Company C, Second Regiment, West Virginia Veteran Volunteer Infantry."

In line 9 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY C. STERN.

The next pension business was the bill (H. R. 520) granting an increase of pension to Henry C. Stern.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry C. Stern, late of Company C, One hundred and seventy-seventh Regiment New York Volunteer Infantry, and of the Ninth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "and," insert the words "second lieutenant.

In line 8 strike out the words "of the" and insert in lieu thereof the words "Company G."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HUGH LOKERSON.

The next pension business was the bill (H. R. 1752) granting an increase of pension to Hugh N. Lokerson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hugh N. Lokerson, late of Company G, Third Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "N."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

Amend title so as to read: "A bill granting an increase of pension to Hugh Lokerson."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN M. WELLS.

The next pension business was the bill (H. R. 7230) granting an increase of pension to John M. Wells.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Wells, late of Company C, Sixty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MELVILLE A. SMITH.

The next pension business was the bill (H. R. 1971) granting an increase of pension to Melville A. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Melville A. Smith, late of United States Navy, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "United," insert the words "the U. S. S. North Carolina, Sonoma, and Sabine."

In line 7 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SILAS N. BRADSHAW.

The next pension business was the bill (H. R. 6446) granting an increase of pension to Silas N. Bradshaw.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Silas N. Bradshaw, late of Company G, Seventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM A. HILDRETH.

The next pension business was the bill (H. R. 1330) granting an increase of pension to William A. Hildreth.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William A. Hildreth, late of Company D, First Regiment California Cavalry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Cavalry," insert the word "Volunteer."

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MOSES SCHOONMAKER.

The next pension business was the bill (H. R. 6113) granting an increase of pension to Moses Schoonmaker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Moses Schoonmaker, late of Company C, One hundred and forty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES W. SUTHERLIN.

The next pension business was the bill (H. R. 7888) granting an increase of pension to Charles W. Sutherlin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles W. Sutherlin, late of Company A, Thirty-first Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Missouri," insert the words "and Company A, Thirty-second Regiment."

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM R. GLISAN.

The next pension business was the bill (H. R. 4991) granting an increase of pension to William R. Glisan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William R. Glisan, late of Company D, Sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the words "second lieutenant."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARTIN V. B. BACHMAN.

The next pension business was the bill (H. R. 6191) granting an increase of pension to Martin V. B. Bachman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martin V. B. Bachman, late of Company E, One hundred and seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the words "late," strike out the word "of" and insert in lieu thereof the words "first lieutenant Company B, and captain."

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

RACHEL A. DAILEY.

The next pension business was the bill (H. R. 7423) granting a pension to Rachel Dailey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rachel Dailey, widow of Esaias Dailey, late of Company C, Forty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Rachel," insert the letter "A."

In the same line, before the word "Company," strike out the word "of" and insert in lieu thereof the word "captain."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

Amend the title so as to read: "A bill granting a pension to Rachel A. Dailey."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN N. STONE.

The next pension business was the bill (H. R. 7509) granting an increase of pension to John N. Stone.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John N. Stone, late captain Company G, Nineteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY W. WELLS.

The next pension business was the bill (H. R. 5653) granting an increase of pension to Henry W. Wells.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry W. Wells, late major and chief of artillery on the staff of Gen. Jacob D. Cox, in the volunteer service of the United States, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out all after the word "late," and all of line 7, and in line 8 strike out the words "United States," and insert in lieu thereof the words "adjutant, One hundred and twelfth Regiment Illinois Volunteer Infantry, and major, First Regiment Tennessee Volunteer Light Artillery."

In line 8 also strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ABRAHAM K. VANTINE.

The next pension business was the bill (H. R. 6172) granting an increase of pension to Abraham K. Van Tine.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abraham K. Van Tine, late of Company G, Fortieth Regiment Pennsylvania Volunteer Infantry, and Company C, One hundred and ninetieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Van Tine" and insert in lieu thereof the word "Vantine."

In line 9 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

Amend title so as to read: "A bill granting an increase of pension to Abraham K. Vantine."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SUSAN J. ROUNDS.

The next pension business was the bill (H. R. 5208) granting a pension to Susan J. Rounds.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan J. Rounds, widow of J. M. Rounds, late of Company C, Tenth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 6, before the letter "M.," strike out the letter "J." and insert in lieu thereof the word "James."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES HARTZEL.

The next pension business was the bill (H. R. 7735) granting an increase of pension to James Hartzel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Hartzel, late of Company F, Third Regiment Reserve Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, before the word "Reserve," insert the word "Pennsylvania."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE NULTON.

The next pension business was the bill (H. R. 3758) granting an increase of pension to George Nulton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Nulton, late of Company I, Fourteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ORLENA F. SEAVER.

The next pension business was the bill (H. R. 4643) granting an increase of pension to Orlena F. Seaver.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Orlena F. Seaver, widow of James A. Seaver, late second lieutenant, Third Regiment Rhode Island Volunteer Heavy Artillery, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "lieutenant," insert the words "Company D."

In line 8 strike out the word "seventeen" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SAMUEL E. CHAMBERLAIN.

The next pension business was the bill (H. R. 3428) granting an increase of pension to S. E. Chamberlain.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of S. E. Chamberlain, late private in the Mexican war, and lieutenant-colonel First Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $75 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "S." and insert in lieu thereof the word "Samuel."

In the same line strike out the words "private in the Mexican war," and insert in lieu thereof the word "major."

In line 8 strike out the word "seventy-five" and insert in lieu thereof the word "fifty."

Amend the title so as to read: "A bill granting an increase of pension to Samuel E. Chamberlain."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DAVID H. QUIGG.

The next pension business was the bill (H. R. 1381) granting an increase of pension to David H. Quigg.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws the name of David H. Quigg, late of Company H, One hundred and thirty-seventh Regiment Pennsylvania Volunteer Infantry, and Company G, Eighth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Company H, One hundred and," and all of line 7.

In line 8 strike out the word "and."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

BENJAMIN F. BEAN.

The next pension business was the bill (H. R. 1074) granting an increase of pension to Benjamin F. Bean.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin F. Bean, late captain of Company I, One hundred and twenty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of."

In line 8, after the word "Infantry," insert the words "and Company B, Thirty-fourth Regiment Pennsylvania Emergency Militia."

In the same line strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EDMUND R. STRANG.

The next pension business was the bill (H. R. 6917) granting an increase of pension to Edmund R. Strang.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edmund R. Strang, late of Company K, Seventy-first Regiment New York State Militia Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CORNELIUS A. HALLENBECK.

The next pension business was the bill (H. R. 1511) granting an increase of pension to Cornelius A. Hallenbeck.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cornelius A. Hallenbeck, late of Company H, Sixth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FREDERICK SCHULTZ.

The next pension business was the bill (H. R. 4223) granting an increase of pension to Frederick Schultz.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick Schultz, late of Company K, Second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELKANAH M. WYNN.

The next pension business was the bill (H. R. 749) granting an increase of pension to Elkanah M. Wynn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elkanah M. Wynn, late of Company M, Second Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the word "captain."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LYDIA A. JEWELL.

The next pension business was the bill (H. R. 1199) granting a pension to Lydia A. Jewell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lydia A. Jewell, dependent mother of Jefferson M. Jewell, late of Company C, Eleventh (Zouaves) Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "mother," insert the word "step-."

In line 7 strike out the word "(Zouaves)."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

STERNS D. PLATT.

The next pension business was the bill (H. R. 1288) granting an increase of pension to S. D. Platt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of S. D. Platt, late of Company K, Ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "S." and insert in lieu thereof the word "Sterns."

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

Amend the title so as to read: "A bill granting an increase of pension to Sterns D. Platt."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY MITCHELL.

The next pension business was the bill (H. R. 8071) granting a pension to Mary Mitchell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Mitchell, widow of Thomas Mitchell, alias John Grove, late of Company I, Potomac Home Brigade, Maryland Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Potomac," insert the words "First Regiment."

In line 9 strike out the word "twelve" and insert in lieu thereof the word "eight.

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES KELLEY.

The next pension business was the bill (H. R. 1339) granting an increase of pension to James Kelley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Kelley, late of Company I, Fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

LEONARD F. SIMMONS.

The next pension business was the bill (H. R. 5631) granting an increase of pension to Leonard F. Simmons.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Leonard F. Simmons, late of Company I, Twenty-first Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES WHITEMAN.

The next pension business was the bill (H. R. 4682) granting an increase of pension to James Whiteman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Whiteman, late of Company G, One hundred and sixteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $100 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the words "one hundred" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

THOMAS C. MEADOWS.

The next pension business was the bill (H. R. 3010) granting an increase of pension to Thomas C. Meadows.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas C. Meadows, late of Company F, Tenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN V. SANDERS.

The next pension business was the bill (H. R. 3573) granting a pension to John V. Sanders.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John V. Sanders, late of Company H, Twenty-eighth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

Amend title so as to read: "A bill granting an increase of pension to John V. Sanders."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EPHRAIM PLUMPTON.

The next pension business was the bill (H. R. 2770) granting an increase of pension to Ephraim Plumpton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ephraim Plumpton, late of Company E, First Regiment New Hampshire Volunteer Infantry, and Company C, First Regiment New Hampshire Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Company E, First Regiment."

In line 7 strike out the words "New Hampshire Volunteer Infantry, and."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HILIA ANN CONNOR.

The next pension business was the bill (H. R. 2435) granting an increase of pension to Hilia Ann Connor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hilia Ann Connor, widow of Laban Connor, late of Company E, Eighth Regiment Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Volunteer," insert the word "Michigan."

In line 8 strike out the word "twenty" and insert in lieu thereof the word "twelve."

In the same line strike out the word "in," and all of line 9.

Amend the title so as to read: "A bill granting a pension to Hilia Ann Connor."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SAMUEL FOSTER.

The next pension business was the bill (H. R. 2735) granting an increase of pension to Samuel Foster.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Foster, late of Company I, One hundred and fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES C. PLYBON.

The next pension business was the bill (H. R. 1772) granting an increase of pension to James C. Plybon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James C. Plybon, late of Company H, Thirteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CONRAD LAUKENMAN.

The next pension business was the bill (H. R. 1960) granting an increase of pension to Conrad Laukenman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Conrad Laukenman, late of Company E, One hundred and seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill was ordered to be laid aside with a favorable recommendation.

EMMA LEVINESS.

The next pension business was the bill (H. R. 1548) granting an increase of pension to Emma Leviness.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma Leviness, widow of Charles E. Leviness, alias Charles Lawrence, late of Company G, Fourteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM WILSON.

The next pension business was the bill (H. R. 2012) granting an increase of pension to William Wilson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Wilson, late of Company B, Thirty-first Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CAMILLUS B. LEFTWICH.

The next pension business was the bill (H. R. 1361) granting an increase of pension to Camillus B. Leftwich.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Camillus B. Leftwich, late of Company I, Seventh Regiment Iowa Volunteer Infantry, and Company I, Thirty-ninth Regiment, Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Company I, Seventh Regiment."
In line 7 strike out the words "Iowa Volunteer Infantry, and."
In line 8, before the word "Iowa," insert the words "and Company I, Seventh Regiment."
In line 9 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY H. HOBART.

The next pension business was the bill (H. R. 1378) granting an increase of pension to Henry H. Hobart.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry H. Hobart, late of Company C, One hundred and forty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ABRAM V. SMITH.

The next pension business was the bill (H. R. 9659) granting an increase of pension to Abraham V. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abraham V. Smith, late of Company C, Twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Abraham" and insert in lieu thereof the word "Abram."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."
Amend the title so as to read: "A bill granting an increase of pension to Abram V. Smith."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM H. CRITES.

The next pension business was the bill (H. R. 3006) granting an increase of pension to William H. Crites.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Crites, late of Company F, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HARRIET M. SMITHERS.

The next pension business was the bill (H. R. 6120) granting an increase of pension to Harriet M. Smithers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriet M. Smithers, widow of William E. Wood, late of the Seventieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "widow," insert the word "former."
In same line, after the word "late," strike out the word "of" and insert in lieu thereof the words "musician in the band of."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY E. DAVENPORT.

The next pension business was the bill (H. R. 6447) granting an increase of pension to Mary E. Davenport.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Davenport, widow of George Davenport, late of Company K, Fourth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

FELIX G. WALKER.

The next pension business was the bill (H. R. 2990) granting a pension to Felix G. Walker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Felix G. Walker, late of Company K, Sixth Regiment United States Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM J. CASTLOW.

The next pension business was the bill (H. R. 1073) granting an increase of pension to William J. Castlow.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William J. Castlow, late coal heaver, United States Navy, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "coal heaver" and insert in lieu thereof the words "of the U. S. S. Princeton, Powhatan, and Ohio."
In line 7 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM M'CRAW.

The next pension business was the bill (H. R. 4348) granting an increase of pension to William McCraw.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William McCraw, late of Company E, Fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "E" and insert in lieu thereof the letter "A."

In the same line strike out the word "Fourth" and insert in lieu thereof the word "Tenth."

In line 7 strike out the words "New York" and insert in lieu thereof the words "New Jersey."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EMELINE S. HAYNER.

The next pension business was the bill (H. R. 10365) granting a pension to Emeline T. Hayner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emeline T. Hayner, former widow of William H. Gosline, late captain Company A, One hundred and seventy-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $8 per month, commencing March 3, 1905.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "T." and insert in lieu thereof the letter "S."

Amend the title so as to read: "A bill granting a pension to Emeline S. Hayner."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES J. WINANS.

The next pension business was the bill (H. R. 4196) granting an increase of pension to James J. Winans.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James J. Winans, late of Company E, Second Regiment Ohio Veteran Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Veteran."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HANNAH W. GREEN.

The next pension business was the bill (H. R. 5779) granting a pension to Hannah W. Green.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hannah W. Green, widow of Daniel J. Green, late of Company B, Nineteenth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

In line 9, after the word "month," insert the words "such pension to cease upon proof that the soldier is living."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MOSES EGGLESTON.

The next pension business was the bill (H. R. 5654) granting a pension to Moses Eggleston.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Moses Eggleston, late of Company B, Second Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

ROBERT M'MULLEN.

The next pension business was the bill (H. R. 4731) granting an increase of pension to Robert McMullen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert McMullen, late of Company E, Sixteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "forty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

AMANUEL RUSSELL.

The next pension business was the bill (H. R. 6183) granting an increase of pension to Amanuel Russell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amanuel Russell, late of Company I, One hundred and sixteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SARAH J. DICKENS.

The next pension business was the bill (H. R. 4644) granting an increase of pension to Sarah J. Dickens.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah J. Dickens, widow of Ira S. Dickens, late of Company E, Second Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of said Ira S. Dickens until it arrives at the age of 16 years: *Provided*, That in the event of the death of Asa L. Dickens, helpless and dependent child of said Ira S. Dickens, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Sarah J. Dickens, the name of said Asa L. Dickens shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Sarah J. Dickens.

The bill was ordered to be laid aside with a favorable recommendation.

HENRY C. WILDY.

The next pension business was the bill (H. R. 4153) granting an increase of pension to Henry C. Wildy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry C. Wildy, late of Company K, Fifth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GREENBERRY SUDDARTH.

The next pension business was the bill (H. R. 5253) granting an increase of pension to Greenberry Suddarth.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Greenberry Suddarth, late of Company I, Thirty-eighth Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Thirty-eighth," insert the word "Regiment."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM L. BEEKS.

The next pension business was the bill (H. R. 4876) granting an increase of pension to William L. Beeks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William L. Beeks, late of Company C, Fourth Regiment Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES EASTWOOD.

The next pension business was the bill (H. R. 5546) granting an increase of pension to James Eastwood.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Eastwood, late of Company H, Eighteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the letter "H," insert the words "and A."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ADELLE TOBEY.

The next pension business was the bill (H. R. 5686) granting an increase of pension to Adelle Tobey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adelle Tobey, widow of Henry Tobey, late of Company D, Seventy-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH C. ROBINSON.

The next pension business was the bill (H. R. 4747) granting an increase of pension to Joseph C. Robinson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph C. Robinson, late captain Company, One hundred and sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," insert the words "first lieutenant Company C, and."

In same line, before the word "One," insert the letter "E."

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

PHILIP BACON.

The next pension business was the bill (H. R. 7237) granting a pension to Philip Bacon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Philip Bacon, late a corporal of Company F, Seventy-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "a corporal."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Philip Bacon."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

THOMAS O'CONNOR.

The next pension business was the bill (H. R. 4744) granting an increase of pension to Thomas O'Connor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas O'Connor, late of Company G, Tenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH MILLER.

The next pension business was the bill (H. R. 4392) granting an increase of pension to Joseph Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Miller, late captain Company C, Sixth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after the word "late," insert the words "first lieutenant and."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM PAINTER.

The next pension business was the bill (H. R. 4226) granting an increase of pension to William Painter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Painter, late of Company K, Eightieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ANNA M. GARDNER.

The next pension business was the bill (H. R. 4706) granting an increase of pension to Anna M. Gardner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna M. Gardner, widow of James M. Gardner, late first lieutenant Companies E and D, First Regiment Louisiana Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In lines 8 and 9 strike out the word "twenty-four" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JULIUS ZUEHLKE.

The next pension business was the bill (H. R. 5831) granting an increase of pension to Julius Zuehlke.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julius Zuehlke, late of Company C, Tenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

LOUIS DIECKGRAEFE.

The next pension business was the bill (H. R. 7309) granting a pension to Maj. Louis Dieckgraefe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maj. Louis Dieckgraefe, late a quartermaster of the Second Battalion of Gasconade County (Missouri) Home Guards, and pay him a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Major."

In same line and in line 7 strike out the words "a quartermaster of the Second Battalion of" and insert in lieu thereof the words "of Company A."

In line 7 strike out the words "County (Missouri)" and insert in lieu thereof the words "Battalion, Missouri."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twelve."

Amend the title so as to read: "A bill granting a pension to Louis Dieckgraefe."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

NANNIE FRAZIER.

The next pension business was the bill (H. R. 7206) granting a pension to Nannie Frazier.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nannie Frazier, helpless and dependent daughter of Addison Frazier, late of First Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Addison" and insert in lieu thereof the word "Adison."

In line 7 strike out the word "Frazier" and insert in lieu thereof word "Frasure."

In same line, before the word "First," insert the words "Company K."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN L. WHITMAN.

The next pension business was the bill (H. R. 7758) granting an increase of pension to John L. Whitman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John L. Whitman, late of Company I, Eleventh Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE H. STOWITS.

The next pension business was the bill (H. R. 8409) granting an increase of pension to George H. Stowits.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George H. Stowits, late of Company H, One hundredth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "H" and insert in lieu thereof the letter "K."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EMMA M. HEATH.

The next pension business was the bill (H. R. 7950) granting an increase of pension to Emma M. Heath.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma M. Heath, widow of John R. Heath, late of Company B, Seventy-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN H. FERGUSON.

The next pension business was the bill (H. R. 8404) granting an increase of pension to John H. Ferguson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Ferguson, late of Company A, One hundred and twenty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty-six."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HOMER A. BARROWS.

The next pension business was the bill (H. R. 7673) granting an increase of pension to Homer A. Barrows.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Homer A. Barrows, late of Company E, Thirty-sixth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARTIN B. NOYES.

The next pension business was the bill (H. R. 8181) granting an increase of pension to Martin B. Noyes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martin B. Noyes, late of Company I, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARIAM T. SHREVE.

The next pension business was the bill (H. R. 9382) granting an increase of pension to Mariam T. Shreve.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mariam T. Shreve, widow of Caleb Shreve, late of Company I, Sixty-fifth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "Sixty-fifth" and insert in lieu thereof the word "Sixth."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY VAN BLARCOM.

The next pension business was the bill (H. R. 9352) granting a pension to Mary Van Blarcom.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Van Blarcom, widow of Louis Van Blarcom, late captain Company C, Fifteenth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the word "Louis" and insert in lieu thereof the word "Lewis."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN W. ELLSWORTH.

The next pension business was the bill (H. R. 10389) granting an increase of pension to John W. Ellsworth.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Ellsworth, late of Company F, One hundred and third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

NOAH PALMER.

The next pension business was the bill (H. R. 8237) granting an increase of pension to Noah Palmer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of

Noah Palmer, late of Company A, Twenty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "A" and insert in lieu thereof the letter "G."

In the same line strike out the word "Twenty-fourth" and insert in lieu thereof the word "Seventeenth."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHRISTOPHER CLINTON.

The next pension business was the bill (H. R. 2395) granting an increase of pension to Christopher Clinton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Christopher Clinton, late of Company G, Third Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "fifty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM H. CRANSTON.

The next pension business was the bill (H. R. 3481) granting an increase of pension to William H. Cranston.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Cranston, late of Company C, Forty-ninth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

GEORGE W. M'CORMICK.

The next pension business was the bill (H. R. 3506) granting an increase of pension to George W. McCormick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. McCormick, late of Company L, Third Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the word "thirty-six" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FERDINAND WEISE.

The next pension business was the bill (H. R. 3487) granting an increase of pension to Ferdinand Weise.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ferdinand Weise, late of Company K, Second New York Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Second," insert the word "Regiment."

In line 7 strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry."

In the same line strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE H. HODGES.

The next pension business was the bill (H. R. 2266) granting an increase of pension to George H. Hodges.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George H. Hodges, late of Company G, One hundred and eighty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the word "captain."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES T. BERRY.

The next pension business was the bill (H. R. 532) granting an increase of pension to James T. Berry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James T. Berry, late of United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the words "United States," insert the words "the U. S. S. Mohican, Dawn, and Emma."

In line 7 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SIDNEY S. BRIGHAM.

The next pension business was the bill (H. R. 3402) granting an increase of pension to Sidney S. Brigham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sidney S. Brigham, late of Company H, Third Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the words "first lieutenant."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE W. RAIGLE.

The next pension business was the bill (H. R. 723) granting an increase of pension to George W. Raigle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Raigle, late of Company I, Ninety-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MORRIS BENNETT.

The next pension business was the bill (H. R. 1986) granting an increase of pension to Morris Bennett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Morris Bennett, late of Company A, Twenty-fourth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ELEAZAR A. PATTERSON.

The next pension business was the bill (H. R. 1434) granting an increase of pension to Eleazer A. Patterson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eleazer A. Patterson, late of Company D, Twenty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Eleazer" and insert in lieu thereof the word "Eleazer."

In same line strike out the words "Company D" and insert in lieu thereof the words "Captain Moore's company, Numbered Four."

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to Eleazar A. Patterson."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE W. KNAPP.

The next pension business was the bill (H. R. 3295) granting an increase of pension to George W. Knapp.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Knapp, late of Company C, Sixty-eighth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the words "first lieutenant."

In line 7, before the word "Infantry," insert the words "Colored Volunteer."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM MOORHEAD.

The next pension business was the bill (H. R. 3340) granting on increase of pension to William Moorhead.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Moorhead, late of Company B, Forty-second Regiment Illinois Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, before the word "Infantry," insert the word "Volunteer."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LEVI BEARSS.

The next pension business was the bill (H. R. 2594) granting an increase of pension to Levi Bearss.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Levi Bearss, late of Company A, First Regiment Michigan Volunteer Light Artillery, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN SEYMOUR.

The next pension business was the bill (H. R. 2262) granting an increase of pension to John Seymour.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Seymour, late of Company K, One hundred and fifty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FRANK W. WEEKS.

The next pension business was the bill (H. R. 1653) granting an increase of pension to Frank W. Weeks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank W. Weeks, late of Company D, Twenty-first Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM J. JOHNSON.

The next pension business was the bill (H. R. 1853) granting an increase of pension to William J. Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William J. Johnson, late of Company G, Fourth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HARVEY GASKILL.

The next pension business was the bill (H. R. 3449) granting an increase of pension to Harvey Gaskill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harvey Gaskill, late of Company L, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN ARMSTRONG.

The next pension business was the bill (H. R. 486) granting an increase of pension to John Armstrong.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Armstrong, late private, Company A, Second Pennsylvania Reserve Corps, and pay him a pension of $50 per month from and after the passage of this act. He is now on the pension roll at $17 per month and invalid certificate No. 100742, general law.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, 8, 9, 10, and 11 and insert in lieu thereof the following: "John Armstrong, late of Company A, Second Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN T. STONE.

The next pension business was the bill (H. R. 1766) granting an increase of pension to John T. Stone.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John T. Stone, late second assistant engineer, United States Navy, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the words "United States," insert the words "U. S. S. Choctaw."

In line 7 strike out the word "seventy-two" and insert in lieu thereof the word "forty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN LEZENBY.

The next pension business was the bill (H. R. 2011) granting an increase of pension to John Lezenby.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Lezenby, late of Company K, Twelfth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "second lieutenant."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALPHEUS A. ROCKWELL.

The next pension business was the bill (H. R. 3451) granting an increase of pension to Alpheus Alonso Rockwell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alpheus Alonso Rockwell, late of Company B, Sixteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Alonso" and insert in lieu thereof the letter "A."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to Alpheus A. Rockwell."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE E. BRICKETT.

The next pension business was the bill (H. R. 1062) granting an increase of pension to George E. Brickett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George E. Brickett, late surgeon Twenty-first Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "fifty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HIRAM F. ARMSTRONG.

The next pension business was the bill (H. R. 604) granting an increase of pension to Hiram F. Armstrong.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hiram F. Armstrong, late of Company C, Eighth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

AARON NOBLE.

The next pension business was the bill (H. R. 7889) granting an increase of pension to Aaron Noble.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Aaron Noble, late of Company B, First Regiment California Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

BARTHOLOMEW MORIARTY.

The next pension business was the bill (H. R. 8799) granting an increase of pension to Bartholomew Morairty.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bartholomew Morairty, late of Company D, Seventeenth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Morairty" and insert in lieu thereof the word "Moriarty."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to Bartholomew Moriarty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

THOMAS PICKET.

The next pension business was the bill (H. R. 1179) granting a pension to Thomas Pickett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Pickett, late of Company H, Eighteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Picket, late of Company H, Eighteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Thomas Picket."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GALON S. CLEVENGER.

The next pension business was the bill (H. R. 1056) granting a pension to Galen S. Clevenger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Galen S. Clevenger, late chaplain of the First South Dakota Volunteer Infantry (Spanish war), and pay him a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

Change the spelling of the claimant's Christian name where it appears in the title and the body of the bill to "Galon."

Strike out all in the bill after the word "chaplain," in line 6, and insert in lieu thereof the following: "Third Regiment, United States Volunteer Cavalry, war with Spain."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LENER M'NABB.

The next pension business was the bill (H. R. 1809) granting a pension to Lena McNabb.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lena McNabb, widow of Lewis W. McNabb, late captain Company K, Forty-ninth Regiment United States Infantry, and pay her a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

Change the spelling of the claimant's Christian name where it appears in the title and the body of the bill to "Lener."

In line 7, after "United States," insert "Volunteer."

After "Infantry," in the same line, insert "war with Spain."

In line 8 strike out "thirty" and insert "twenty."

Add to the end of the bill the words "and $2 per month additional on account of each of the minor children of said Lewis W. McNabb until they reach the age of 16 years."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ROBERT C. SMYTH.

The next pension business was the bill (H. R. 3245) granting an increase of pension to Robert C. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert C. Smith, late of Company B, Fourth Regiment Kentucky Volunteer Infantry, in the Mexican war, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Change the spelling of the claimant's surname where it appears in the title and the body of the bill to "Smyth."

In line 7 strike out "in the Mexican" and after "war" insert "with Mexico."
In line 8 change "twenty-four" to "twenty."
The amendments were agreed to.
The bill as amended was ordered to be laid aside with a favorable recommendation.

SILAS B. HOVIOUS.

The next pension business was the bill (H. R. 3575) granting an increase of pension to Silas B. Hovious.
The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Silas B. Hovious, late of Company G, Fourth Regiment Indiana Mexican war Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Mexican war;" and after "Infantry," in the same line, insert "war with Mexico."
In line 8 strike out "thirty" and insert "twenty."
The amendments were agreed to.
The bill as amended was ordered to be laid aside with a favorable recommendation.

MICHAEL MOHAN.

The next pension business was the bill (H. R. 4176) granting an increase of pension to Michael Mohan.
The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael Mohan, late of Company F, Sixteenth Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Amend by changing "twenty-four," in line 8, to "twenty."
In line 6 strike out "Sixteenth" and insert "Twenty-fifth."
The amendments were agreed to.
The bill as amended was ordered to be laid aside with a favorable recommendation.

SUSAN H. CHADSEY.

The next pension business was the bill (H. R. 4177) granting a pension to Susan H. Chadsey.
The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan H. Chadsey, widow of Ralph Clarendon Chadsey, late of Company M, Ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $18 per month for the support of herself, and $2 per month additional for the support of each of the five minor children of the said Ralph Clarendon Chadsay until they shall reach the age of 16 years.

The amendments recommended by the committee were read, as follows:

In line 8, after "Infantry," insert "war with Spain."
Strike out all in the bill after the words "rate of," in line 8, and substitute the following: "$12 per month and $2 per month additional on account of each of the minor children of said Ralph Clarendon Chadsey until they reach the age of 16 years."
The amendments were agreed to.
The bill as amended was ordered to be laid aside with a favorable recommendation.

ROBERT BOON.

The next pension business was the bill (H. R. 4216) granting an increase of pension to Robert Boon.
The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert Boon, late of Company D, First Regiment North Carolina Volunteers, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "thirty" and insert "twenty."
The amendment was agreed to.
The bill as amended was ordered to be laid aside with a favorable recommendation.

RANSOM L. LOGAN.

The next pension business was the bill (H. R. 4740) granting an increase of pension to Ransom L. Logan.
The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ransom L. Logan, late of Company C, Palmetto Regiment Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "Regiment," insert "South Carolina," and in line 7, after "Infantry," insert "war with Mexico."
In line 8 strike out "thirty" and insert "twenty."
The amendments were agreed to.
The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN GAINSBACK.

The next pension business was the bill (H. R. 6116) granting a pension to John Gainsback.
The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Gainsback, late of Company F, Twenty-ninth Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES M. LONG.

The next pension business was the bill (H. R. 6518) granting an increase of pension to James M. Long.
The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. Long, late of Company I, Third Regiment Kentucky Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ANN BETTS.

The next pension business was the bill (H. R. 7878) granting an increase of pension to Ann Betts.
The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ann Betts, widow of Joseph Ellis Betts, late of Capt. Jonathan Brook's company, Third Regiment United States Artillery, and pay her a pension at the rate of $36 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 8, after "Artillery," insert "war of 1812."
In the same line strike out "thirty-six" and insert "twenty-four."
The amendments were agreed to.
The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES POWERS.

The next pension business was the bill (H. R. 8659) granting an increase of pension to James Powers.
The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Powers, late of Company A, Palmetto Regiment United States Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "United States" and insert "South Carolina;" and in the same line, after "Infantry," insert "war with Mexico."
In line 8 strike out "thirty" and insert "twenty."
The amendments were agreed to.
The bill as amended was ordered to be laid aside with a favorable recommendation.

FRANK P. HAAS.

The next pension business was the bill (H. R. 8689) granting a pension to Frank P. Haas.
The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank P. Haas, late of the United States Marine Corps, war with Spain, and pay him a pension at the rate of $—— per month.

The amendment recommended by the committee was read, as follows:

Amend by inserting in the blank space in line 7 the word "twelve."
The amendment was agreed to.
The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM I. HEED.

The next pension business was the bill (H. R. 8832) granting an increase of pension to William F. Heed.
The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of William F. Heed, late of Troop F, Second Regiment United States Cavalry, and pay him a pension at the rate of $—— per month.

The amendments recommended by the committee were read, as follows:

Change the claimant's initial where it appears as "F." in the title and body of the bill to the initial "I."
In line 6 change "Troop F" to "Troop I."
In lines 7 and 8 strike out "and pay him a pension at the rate of $—— per month."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN BRINKLEY.

The next pension business was the bill (H. R. 9130) granting an increase of pension to John Brinkley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Brinkley, late of Company E, Gilpin's battalion, Missouri Volunteers, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after "Missouri," insert "Mounted."
In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SARAH A. BOUSH.

The next pension business was the bill (H. R. 10352) granting an increase of pension to Sarah A. Boush.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah A. Boush, widow of Francis A. Boush, late of company, First Regiment Missouri Volunteer Mounted Infantry, war with Mexico, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 change the Christian name "Francis" to "Frank."
In the same line, after "late of," insert "Captain Reid's."
In line 7 strike out "Volunteer" and after "Mounted" insert "Volunteer."
In line 9 strike out "thirty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELSE C. ISACHSEN.

The next pension business was the bill (H. R. 6166) granting a pension to Else C. Isachsen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Else C. Isachsen, mother of Alfred C. Isachsen, deceased, late of Company F, First Regiment Wisconsin Volunteer Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after "Else C. Isachsen," insert "dependent."
In the same line strike out "deceased."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES W. KNIGHT.

The next pension business was the bill (H. R. 5027) granting an increase of pension to Charles W. Knight.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles W. Knight, late of Company E, Seventieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WELLS BRIGGS.

The next pension business was the bill (H. R. 5643) granting an increase of pension to Wells Briggs.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wells Briggs, late of Company G, Ninety-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

LOUISA GREGG.

The next pension business was the bill (H. R. 4867) granting a pension to Louisa Gregg.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louisa Gregg, late a nurse in the Medical Department, United States Volunteers, and pay her a pension at the rate of $20 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN W. BANCROFT.

The next pension business was the bill (H. R. 5642) granting an increase of pension to John W. Bancroft.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Bancroft, late of Company K, Tenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN L. FILES.

The next pension business was the bill (H. R. 4733) granting an increase of pension to John L. Files.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John L. Files, late of Company H, Twenty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Regiment," insert the words "and unassigned, Twenty-second Regiment."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ROBERT S. WILLIAMS.

The next pension business was the bill (H. R. 5182) granting an increase of pension to Robert S. Williams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert S. Williams, late of Company D, Second Battalion Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Company D, Second Battalion," and insert in lieu thereof the words "Tanner's Independent Company."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ADAM WENZEL.

The next pension business was the bill (H. R. 7755) granting an increase of pension to Adam Wenzel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adam Wenzel, late of Tenth Battery, Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

NATHAN B. RICHARDSON.

The next pension business was the bill (H. R. 10225) granting an increase of pension to Nathan B. Richardson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nathan B. Richardson, late of Company H, One hundred and tenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-two."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

RETTA M. FAIRBANKS.

The next pension business was the bill (H. R. 8532) granting an increase of pension to Retta M. Fairbanks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Retta M. Fairbanks, widow of William H. Fairbanks, late of Company C, Third Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "William H." and insert in lieu thereof the word "Henry."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

PAYTON S. LYNN.

The next pension business was the bill (H. R. 8713) granting an increase of pension to P. S. Lynn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of P. S. Lynn, late of Company F, Third Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "P" and insert in lieu thereof the word "Payton."

Amend the title so as to read: "A bill granting an increase of pension to Payton S. Lynn."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM H. JOSLIN.

The next pension business was the bill (H. R. 8773) granting an increase of pension to William H. Joslin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Joslin, late major Twenty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," insert the words "captain Company B and."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELLEN R. GRAHAM.

The next pension business was the bill (H. R. 8374) granting an increase of pension to Ellen R. Graham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen R. Graham, widow of William N. Graham, late of Company C, Tenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GILBERT F. CAPRON.

The next pension business was the bill (H. R. 7572) granting an increase of pension to Gilbert F. Capron.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gilbert F. Capron, late of Company E, One hundred and ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM C. ESTILL.

The next pension business was the bill (H. R. 8307) granting a pension to William C. Estill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William C. Estill, dependent son of William J. Estill, late of Company F, Twenty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $35 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "dependent," insert the words "helpless and."

In line 8 strike out the word "thirty-five" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MELISSA CHASE.

The next pension business was the bill (H. R. 10218) granting a pension to Melissa Chase.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Melissa Chase, widow of Jonathan Chase, late of Company A, Ninth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the words "first lieutenant and captain."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "seventeen."

In same line, after the word "month," insert the words "in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Melissa Chase."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LUCY WALKE.

The next pension business was the bill (H. R. 9092) granting a pension to Lucy Walke.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucy Walke, widow of Henry A. Walke, late of the United States ship Carondelet, United States Navy, and pay her a pension at the rate of $8 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of the" and insert in lieu thereof the words "fourth master."

In line 7 strike out the words "United States ship" and insert in lieu thereof the letters "U. S. S."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SAMUEL M'KINNEY.

The next pension business was the bill (H. R. 9984) granting an increase of pension to Samuel McKinney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel McKinney, late sergeant of Company C, Thirty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "sergeant."
In line 8 strike out the word "thirty" and insert the word "thirty-six."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

THOMAS BUSH.

The next pension business was the bill (H. R. 10142) granting an increase of pension to Thomas Bush.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Bush, late of Company F, Twenty-second Regiment Kentucky Volunteer Infantry, and of Company A, Seventeenth Regiment Kentucky Veteran Volunteer Infantry, and pay to James W. Bush, as guardian of the person and estate of Thomas Bush, for the use and benefit of said Thomas Bush, a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the words "and of Company A" and all of line 8.
In line 9, after the word "pay," insert the word "him."
In same line strike out the words "to James W. Bush as guardian of the person and" and all of line 10.
In line 11 strike out the word "Bush."
In same line strike out the word "seventy-two" and insert in lieu thereof the word "thirty-six."
In line 12, after the word "receiving," insert the words "the same to be paid to his duly constituted guardian."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM B. KIMBALL.

The next pension business was the bill (H. R. 3427) granting an increase of pension to William B. Kimball.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William B. Kimball, late captain Thirteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "captain," insert the words "Company K."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DAVID PALMER.

The next pension business was the bill (H. R. 3405) granting an increase of pension to David Palmer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Palmer, late of Company F, Seventy-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the words "second lieutenant."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

BRUNO TIESLER.

The next pension business was the bill (H. R. 3283) granting an increase of pension to Bruno Tiesler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bruno Tiesler, late of Company B, Twentieth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "B, Twentieth" and insert in lieu thereof the words "C, Second."
In line 7 strike out the word "Infantry" and insert in lieu thereof the words "Heavy Artillery."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

AMOS H. TENANT.

The next pension business was the bill (H. R. 2959) granting an increase of pension to Amos H. Tennant.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amos H. Tennant, late of Company F, One hundred and twelfth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Tennant" and insert in lieu thereof the word "Tenant."
In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twenty."
Amend the title so as to read: "A bill granting an increase of pension to Amos H. Tenant."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES F. HARE.

The next pension business was the bill (H. R. 2718) granting an increase of pension to James F. Hare.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James F. Hare, late of Company D, Third Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Company" and insert in lieu thereof the words "Companies I and."
In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LAURA J. FORBES.

The next pension business was the bill (H. R. 2089) granting an increase of pension to Laura J. Forbes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Laura J. Forbes, widow of H. C. Forbes, late lieutenant-colonel Seventh Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the letter "H." and insert in lieu thereof the word "Henry."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARIAH BAUGHMAN.

The next pension business was the bill (H. R. 10573) granting a pension to Maria Baughman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maria Baughman, widow of Elijah Baughman, late of Company E, One hundred and fourteenth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Maria" and insert in lieu thereof the word "Mariah."
In line 9 strike out the word "twelve" and insert in lieu thereof the word "eight."
Amend the title so as to read: "A bill granting a pension to Mariah Baughman."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EMMA ROWE.

The next pension business was the bill (H. R. 1908) granting a pension to Guy W. Rowe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Guy W. Rowe, invalid son of Charles W. Rowe, late of Second Battery, Connecticut Volunteer Light Artillery, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

Strike out all of lines 6, 7, and 8 and insert in lieu thereof the following: "Of Emma Rowe, widow of Charles W. Rowe, late of the Second Battery, Connecticut Volunteer Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Guy W. Rowe, helpless and dependent child of said Charles W. Rowe, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Emma Rowe the name of the said Guy W. Rowe shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month, from and after the date of death of said Emma Rowe."

Amend the title so as to read: "A bill granting an increase of pension to Emma Rowe."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE S. M'GREGOR.

The next pension business was the bill (H. R. 1686) granting an increase of pension to George S. McGregor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George S. McGregor, late of Company H, First Regiment Potomac Home Brigade Maryland Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MELISSA S. LEE.

The next pension business was the bill (H. R. 1675) granting an increase of pension to Melissa S. Lee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Melissa S. Lee, widow of Gideon E. Lee, late of Company K, Sixteenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided, however*, That in the case of the death of the helpless child Lucy L. Lee, on whose account the pension of Melissa S. Lee is increased, the pension of said Melissa S. Lee shall continue only at the rate of $12 per month from and after the date of death of said helpless child.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "twenty" and insert the word "twenty-four."

Also strike out all of lines 10, 11, 12, 13, and 14 and insert in lieu thereof the following: "event of the death of Lucy L. Lee, helpless and dependent child of said Gideon E. Lee, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Melissa S. Lee the name of said Lucy L. Lee shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month, from and after the date of death of said Melissa S. Lee."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JASON ROBBINS.

The next pension business was the bill (H. R. 1435) granting an increase of pension to Jason Robbins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jason Robbins, late of Company K, One hundred and twenty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM C. STEWART.

The next pension business was the bill (H. R. 519) granting an increase of pension to William C. Stewart.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William C. Stewart, late of Company D, Tenth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

AUGUST WESTFIELD.

The next pension business was the bill (H. R. 5023) granting an increase of pension to August Westfield.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of August Westfield, late of Company B, Fourth Regiment United States Infantry, and Company A, Ninth Regiment Reserve Veteran Corps, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Company B, Fourth Regiment."

In line 7 strike out the words "United States Infantry, and."

In line 9 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN M. HYDEN.

The next pension business was the bill (H. R. 10625) granting a pension to John M. Hyden.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Hyden, late of Company G, Fifth Regiment United States Volunteers, and pay him a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN S. HOOVER.

The next pension business was the bill (H. R. 3606) granting an increase of pension to John S. Hoover.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John S. Hoover, late of Company K, Thirty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "of Company K, Thirty-first Regiment Illinois Volunteer Infantry," and insert in lieu thereof the words "major and aid-de-camp, United States Volunteers."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-five."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY A. HACKLEY.

The next pension business was the bill (H. R. 10572) granting an increase of pension to Mary A. Hackley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Hackley, widow of Thornton K. Hackley, late captain Company G, Wolford's regiment Volunteer Cavalry, and pay her a pension at the rate of $15 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Wolford's" and insert in lieu thereof the word "First."

In same line, before the word "Volunteer," insert the word "Kentucky."

In line 8 strike out the word "fifteen" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

AUGUSTUS FOSS.

The next pension business was the bill (H. R. 3716) granting a pension to A. Foss.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of A. Foss, late of Company A, Marion County Regiment Home Guards Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "A." and insert in lieu thereof the word "Augustus."

In same line strike out the word "Regiment" and insert in lieu thereof the word "Battalion."

In line 7, before the word "Home," insert the word "Missouri."

In same line strike out the words "Volunteer Infantry."

Amend the title so as to read: "A bill granting a pension to Augustus Foss."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY GREENE.

The next pension business was the bill (H. R. 5236) granting an increase of pension to Mary Greene.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Greene, widow of Marvel Greene, late of Company C, Thirteenth Tennessee Cavalry, war between the States, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Tennessee," insert the word "Regiment."

In same line, before the word "Cavalry," insert the word "Volunteer."

In same line strike out the words "war between the States."

In line 8 strike out the word "twenty" and insert in lieu thereof the word "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EDWARD COY.

The next pension business was the bill (H. R. 4742) granting an increase of pension to Edward Coy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward Coy, late of Company C, Second Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Company" and insert in lieu thereof the word "Companies."

In same line, before the word "Second," insert the words "and L."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ROBERT T. KNOX.

The next pension business was the bill (H. R. 5845) granting a pension to Robert T. Knox.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert T. Knox, late captain of Company D, One hundred and seventeenth Pennsylvania Reserves, and late captain Company K, Sixteenth Veteran Reserve Corps, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of Company D, One hundred" and all of line 7.

In line 8, after the word "Sixteenth," insert the word "Regiment."

In line 9 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Robert T. Knox."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

BUFORD P. MOSS.

The next pension business was the bill (H. R. 6544) granting an increase of pension to Buford P. Moss.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Buford P. Moss, late of Company A, Thirtieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JACOB MEIER.

The next pension business was the bill (H. R. 6916) granting an increase of pension to Jacob Meier.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob Meier, late of Company H, Ninety-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY G. STERNBERG.

The next pension business was the bill (H. R. 4165) granting an increase of pension to Henry G. Sternberg.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry G. Sternberg, late of Company F, One hundred and fifty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

REBECCA GARLAND.

The next pension business was the bill (H. R. 5237) granting an increase of pension to Rebecca Garland.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rebecca Garland, widow of Guthridge Garland, late captain in Company —, ———, war between the States, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "widow of Guthridge Garland, late captain."

In line 7 strike out the words "in Company —, war between the States," and insert in lieu thereof the following: "dependent mother of Zachariah T. Garland, late of Company B, Thirteenth Regiment Tennessee Volunteer Cavalry."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY ALLEN.

The next pension business was the bill (H. R. 4393) granting an increase of pension to Henry Allen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Allen, late of Seventeenth Independent Battery, New York Volunteer Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, before the word "Artillery," insert the word "Light."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELIJAH THOMPSON HURST.

The next pension business was the bill (H. R. 4701) granting a pension to Elijah T. Hurst.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elijah T. Hurst, late of Company F, Twentieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "T." and insert in lieu thereof the word "Thompson."

In same line, before the word "late," insert the words "alias Elijah Thompson."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Elijah Thompson Hurst, alias Elijah Thompson."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHALKLEY PETITT.

The next pension business was the bill (H. R. 6983) granting an increase of pension to Chalkley Petitt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Chalkley Petitt, late of Company F, Twenty-third Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES BRODY.

The next pension business was the bill (H. R. 5939) granting an increase of pension to James Brody.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Brody, late of Company F, One hundred and fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EPHRAIM N. R. OHL.

The next pension business was the bill (H. R. 5158) granting an increase of pension to Ephriam N. R. Ahl.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ephriam N. R. Ahl, late of Battery C, Fifth Regiment United States Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Ephriam N. R. Ahl" and insert in lieu thereof the words "Ephraim N. R. Ohl."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty-six."

Amend the title so as to read: "A bill granting an increase of pension to Ephraim N. R. Ohl."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

Mr. SULLOWAY. Mr. Chairman, I move that the committee do now rise and report the bills to the House with the recommendations made by the committee.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CAPRON, Chairman of the Committee of the Whole House, reported that that committee had had under consideration certain bills on the Private Calendar and had directed him to report some without amendments with the recommendation that they do pass, and some with amendments with the recommendation that the amendments be adopted and the bills as amended do pass.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent that the previous question may be considered as ordered on the amendments and bills to their final passage.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent that the previous question be considered as ordered on the bills and the amendments thereto to their final passage. Is there objection? [After a pause.] The Chair hears none.

HOUSE BILLS WITH AMENDMENTS PASSED.

House bills of the following titles, reported from the Committee of the Whole House with amendments, were severally considered, the amendments agreed to, the bills as amended ordered to be engrossed and read a third time, read the third time, and passed:

H. R. 1972. A bill granting an increase of pension to Stephen Gillon (title amended);

H. R. 7408. A bill granting an increase of pension to Joseph W. Price;

H. R. 2800. A bill granting an increase of pension to Thomas Manahan;

H. R. 3368. A bill granting an increase of pension to William McNair;

H. R. 1868. A bill granting an increase of pension to Perry Egge;

H. R. 7662. A bill granting an increase of pension to Barney Schultz (title amended);

H. R. 1789. A bill granting an increase of pension to Jacob Shade;

H. R. 6186. A bill granting an increase of pension to William Harvey;

H. R. 7952. A bill granting an increase of pension to Detrick Northrup;

H. R. 1505. A bill granting a[illegible]ion to William Birmingham (title amended);

H. R. 8550. A bill granting an increase of pension to John Bierer;

H. R. 8403. A bill granting an increase of pension to James L. Rector;

H. R. 520. A bill granting an increase of pension to Henry C. Stern;

H. R. 1752. A bill granting an increase of pension to Hugh N. Lokerson (title amended);

H. R. 7230. A bill granting an increase of pension to John M. Wells;

H. R. 1971. A bill granting an increase of pension to Melville A. Smith;

H. R. 6446. A bill granting an increase of pension to Silas N. Bradshaw;

H. R. 1330. A bill granting an increase of pension to William A. Hildreth;

H. R. 7888. A bill granting an increase of pension to Charles W. Sutherlin;

H. R. 4991. A bill granting an increase of pension to William R. Glisan;

H. R. 6191. A bill granting an increase of pension to Martin V. B. Bachman;

H. R. 7423. A bill granting a pension to Rachel Dailey (title amended);

H. R. 7509. A bill granting an increase of pension to John N. Stone;

H. R. 5653. A bill granting an increase of pension to Henry W. Wells;

H. R. 6172. A bill granting an increase of pension to Abraham K. Van Tine (title amended);

H. R. 5208. A bill granting a pension to Susan J. Rounds;

H. R. 7735. A bill granting an increase of pension to James Hartzel;

H. R. 4643. A bill granting an increase of pension to Orlena F. Seaver;

H. R. 3428. A bill granting an increase of pension to S. E. Chamberlain (title amended);

H. R. 1381. A bill granting an increase of pension to David H. Quigg;

H. R. 1074. A bill granting an increase of pension to Benjamin F. Bean;

H. R. 6917. A bill granting an increase of pension to Edmund R. Strang;

H. R. 1511. A bill granting an increase of pension to Cornelius A. Hallenbeck;

H. R. 4223. A bill granting an increase of pension to Frederick Schultz;

H. R. 749. A bill granting an increase of pension to Elkanah M. Wynn;

H. R. 1199. A bill granting a pension to Lydia A. Jewell;

H. R. 1288. A bill granting an increase of pension to S. D. Platt (title amended);

H. R. 8071. A bill granting a pension to Mary Mitchell;

H. R. 5631. A bill granting an increase of pension to Leonard F. Simmons;

H. R. 4682. A bill granting an increase of pension to James Whiteman;

H. R. 3010. A bill granting an increase of pension to Thomas C. Meadows;

H. R. 3573. A bill granting a pension to John V. Sanders (title amended);

H. R. 2770. A bill granting an increase of pension to Ephraim Plumpton;

H. R. 2435. A bill granting an increase of pension to Hilia Ann Connor (title amended);

H. R. 1960. A bill granting an increase of pension to Conrad Laukenman;

H. R. 1331. A bill granting an increase of pension to Camillus B. Leftwich;
H. R. 9659. A bill granting an increase of pension to Abraham V. Smith (title amended);
H. R. 3006. A bill granting an increase of pension to William H. Crites;
H. R. 6120. A bill granting a pension to Harriet M. Smithers;
H. R. 1073. A bill granting an increase of pension to William J. Castlow;
H. R. 4348. A bill granting an increase of pension to William McCraw;
H. R. 10365. A bill granting a pension to Emeline T. Hayner (title amended);
H. R. 4196. A bill granting an increase of pension to James J. Winans;
H. R. 5779. A bill granting a pension to Hannah W. Green;
H. R. 4731. A bill granting an increase of pension to Robert McMullen;
H. R. 6183. A bill granting an increase of pension to Amanuel Russell;
H. R. 4153. A bill granting an increase of pension to Henry C. Wildy;
H. R. 5253. A bill granting an increase of pension to Greenberry Suddarth;
H. R. 4876. A bill granting an increase of pension to William L. Beeks;
H. R. 5546. A bill granting an increase of pension to James Eastwood;
H. R. 5686. A bill granting an increase of pension to Adelle Tobey;
H. R. 4747. A bill granting an increase of pension to Joseph C. Robinson;
H. R. 7237. A bill granting a pension to Philip Bacon (title amended);
H. R. 4744. A bill granting an increase of pension to Thomas O'Connor;
H. R. 4392. A bill granting an increase of pension to Joseph Miller;
H. R. 4706. A bill granting an increase of pension to Anna M. Gardner;
H. R. 7309. A bill granting a pension to Maj. Louis Dieckgraefe (title amended);
H. R. 7206. A bill granting a pension to Nannie Frazier;
H. R. 7758. A bill granting an increase of pension to John L. Whitman;
H. R. 8409. A bill granting an increase of pension to George H. Stowits;
H. R. 8404. A bill granting an increase of pension to John H. Ferguson;
H. R. 7673. A bill granting an increase of pension to Homer A. Barrows;
H. R. 8181. A bill granting an increase of pension to Martin B. Noyes;
H. R. 9382. A bill granting a pension to Mariam T. Shreve;
H. R. 9352. A bill granting a pension to Mary Van Blarcom;
H. R. 8237. A bill granting an increase of pension to Noah Palmer;
H. R. 2395. A bill granting an increase of pension to Christopher Clinton;
H. R. 3506. A bill granting an increase of pension to George W. McCormick;
H. R. 3487. A bill granting an increase of pension to Ferdinand Weise;
H. R. 2266. A bill granting an increase of pension to George H. Hodges;
H. R. 532. A bill granting an increase of pension to James T. Berry;
H. R. 3402. A bill granting an increase of pension to Sidney S. Brigham;
H. R. 723. A bill granting an increase of pension to George W. Raigle;
H. R. 1434. A bill granting an increase of pension to Eleazer A. Patterson (title amended);
H. R. 3295. A bill granting an increase of pension to George W. Knapp;
H. R. 3340. A bill granting an increase of pension to William Moorhead;
H. R. 2594. A bill granting an increase of pension to Levi Bearss;
H. R. 2262. A bill granting an increase of pension to John Seymour;
H. R. 1653. A bill granting an increase of pension to Frank W. Weeks;
H. R. 1853. A bill granting an increase of pension to William J. Johnson;
H. R. 3449. A bill granting an increase of pension to Harvey Gaskill;
H. R. 486. A bill granting an increase of pension to John Armstrong;
H. R. 1766. A bill granting an increase of pension to John T. Stone;
H. R. 2011. A bill granting an increase of pension to John Lezenby;
H. R. 3451. A bill granting an increase of pension to Alpheus Alonso Rockwell (title amended);
H. R. 1062. A bill granting an increase of pension to George E. Brickett;
H. R. 604. A bill granting an increase of pension to Hiram F. Armstrong;
H. R. 7889. A bill granting an increase of pension to Aaron Noble;
H. R. 8799. A bill granting an increase of pension to Bartholomew Morairty (title amended);
H. R. 1179. A bill granting a pension to Thomas Pickett (title amended);
H. R. 1056. A bill granting a pension to Galen S. Clevenger (title amended);
H. R. 1809. A bill granting a pension to Lena McNabb (title amended);
H. R. 3245. A bill granting an increase of pension to Robert C. Smith (title amended);
H. R. 3575. A bill granting an increase of pension to Silas B. Hovious;
H. R. 4176. A bill granting an increase of pension to Michael Mohan;
H. R. 4177. A bill granting a pension to Susan H. Chadsey;
H. R. 4216. A bill granting an increase of pension to Robert Boon;
H. R. 4740. A bill granting an increase of pension to Ransom L. Logan;
H. R. 7878. A bill granting an increase of pension to Ann Betts;
H. R. 8659. A bill granting an increase of pension to James Powers;
H. R. 8689. A bill granting a pension to Frank P. Haas;
H. R. 8832. A bill granting a pension to William F. Heed (title amended);
H. R. 9130. A bill granting an increase of pension to John Brinkley;
H. R. 10352. A bill granting an increase of pension to Sarah A. Boush;
H. R. 6166. A bill granting a pension to Else C. Isachsen;
H. R. 4867. A bill granting a pension to Louisa Gregg;
H. R. 5642. A bill granting an increase of pension to John W. Bancroft;
H. R. 4733. A bill granting an increase of pension to John L. Files;
H. R. 5182. A bill granting an increase of pension to Robert S. Williams;
H. R. 7755. A bill granting an increase of pension to Adam Wenzel;
H. R. 10225. A bill granting an increase of pension to Nathan B. Richardson;
H. R. 8532. A bill granting an increase of pension to Retta M. Fairbanks;
H. R. 8713. A bill granting an increase of pension to P. S. Lynn (title amended);
H. R. 8773. A bill granting an increase of pension to William H. Joslin;
H. R. 8374. A bill granting an increase of pension to Ellen R. Graham;
H. R. 7572. A bill granting an increase of pension to Gilbert F. Capron;
H. R. 8307. A bill granting a pension to William C. Estill;
H. R. 10218. A bill granting a pension to Melissa Chase (title amended);
H. R. 9092. A bill granting a pension to Lucy Walke;
H. R. 9984. A bill granting an increase of pension to Samuel McKinney;
H. R. 10142. A bill granting an increase of pension to Thomas Bush;
H. R. 3427. A bill granting an increase of pension to William B. Kimball;
H. R. 3405. A bill granting an increase of pension to David Palmer;
H. R. 3283. A bill granting an increase of pension to Bruno Tiesler;
H. R. 2959. A bill granting an increase of pension to Amos H. Tennant (title amended);

H. R. 2718. A bill granting an increase of pension to James F. Hare;
H. R. 2089. A bill granting an increase of pension to Laura J. Forbes;
H. R. 10573. A bill granting a pension to Maria Baughman (title amended);
H. R. 1908. A bill granting a pension to Guy W. Rowe (title amended);
H. R. 1686. A bill granting an increase of pension to George S. McGregor;
H. R. 1675. A bill granting an increase of pension to Melissa S. Lee;
H. R. 519. A bill granting an increase of pension to William C. Stewart;
H. R. 5023. A bill granting an increase of pension to August Westfield;
H. R. 3606. A bill granting an increase of pension to John S. Hoover;
H. R. 10572. A bill granting an increase of pension to Mary A. Hackley;
H. R. 3716. A bill granting a pension to A. Foss (title amended);
H. R. 5236. A bill granting an increase of pension to Mary Greene;
H. R. 4742. A bill granting an increase of pension to Edward Coy;
H. R. 5845. A bill granting a pension to Robert T. Knox (title amended);
H. R. 6544. A bill granting an increase of pension to Buford P. Moss;
H. R. 6916. A bill granting an increase of pension to Jacob Meier;
H. R. 4165. A bill granting an increase of pension to Henry G. Sternberg;
H. R. 5237. A bill granting an increase of pension to Rebecca Garland;
H. R. 4393. A bill granting an increase of pension to Henry Allen;
H. R. 4701. A bill granting a pension to Elijah T. Hurst (title amended);
H. R. 6983. A bill granting an increase of pension to Chalkley Petitt;
H. R. 5939. A bill granting an increase of pension to James Brody; and
H. R. 5158. A bill granting an increase of pension to Ephriam N. R. Ahl (title amended).

HOUSE BILLS WITHOUT AMENDMENT PASSED.

House bills of the following titles, favorably reported from the Committee of the Whole House without amendment, were severally considered, ordered to be engrossed and read a third time, read the third time, and passed:
H. R. 1810. A bill granting an increase of pension to James E. Post;
H. R. 6113. A bill granting an increase of pension to Moses Schoonmaker;
H. R. 3758. A bill granting an increase of pension to George Nulton;
H. R. 1339. A bill granting an increase of pension to James Kelley;
H. R. 2735. A bill granting an increase of pension to Samuel Foster;
H. R. 1772. A bill granting an increase of pension to James C. Plybon;
H. R. 1548. A bill granting an increase of pension to Emma Leviness;
H. R. 2012. A bill granting an increase of pension to William Wilson;
H. R. 1378. A bill granting an increase of pension to Henry H. Hobart;
H. R. 6447. A bill granting an increase of pension to Mary E. Davenport;
H. R. 2990. A bill granting a pension to Felix G. Walker;
H. R. 5654. A bill granting a pension to Moses Eggleston;
H. R. 4644. A bill granting an increase of pension to Sarah J. Dickens;
H. R. 4226. A bill granting an increase of pension to William Painter;
H. R. 5831. A bill granting an increase of pension to Julius Zuehlike;
H. R. 7950. A bill granting an increase of pension to Emma M. Heath;
H. R. 10389. A bill granting an increase of pension to John W. Ellsworth;
H. R. 3481. A bill granting an increase of pension to William H. Cranston;
H. R. 1986. A bill granting an increase of pension to Morris Bennett;
H. R. 6116. A bill granting a pension to John Gainsback;
H. R. 6518. A bill granting an increase of pension to James M. Long;
H. R. 5027. A bill granting an increase of pension to Charles W. Knight;
H. R. 5643. A bill granting an increase of pension to Wells Briggs;
H. R. 1435. A bill granting an increase of pension to Jason Robbins; and
H. R. 10625. A bill granting a pension to John M. Hyden.

On motion of Mr. SULLOWAY, a motion to reconsider the several votes by which the various bills were passed was laid on the table.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and a joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 1373. An act to provide for the construction of a memorial bridge across the Potomac River from Washington to the Arlington estate property—to the Committee on Interstate and Foreign Commerce.

S. R. 7. Joint resolution authorizing the Secretary of the Navy to present the bell of the late United States sloop of war *Germantown* to the Site and Relic Society of Germantown, Pa.—to the Committee on Naval Affairs.

S. 2397. An act to amend an act entitled "An act to amend an act entitled 'An act for the relief and civilization of the Chippewa Indians, in the State of Minnesota,' approved January 14, 1889," so as to create a State forest reserve, and for other purposes—to the Committee on Indian Affairs.

S. 321. An act to provide for the extension of time within which homestead settlers may establish their residence upon certain lands which were heretofore a part of the Uinta Indian Reservation, within the counties of Uinta and Wasatch, in the State of Utah—to the Committee on the Public Lands.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. GRIGGS indefinitely, on account of sickness.

Mr. SULLOWAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 2 o'clock and 35 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, recommending legislation for post schools for children of enlisted men of the Army—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of Commerce and Labor, transmitting, in response to the inquiry of the House, certain reports made by Immigrant Inspector Braun—to the Committee on Immigration and Naturalization, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Norfolk Harbor, Virginia, from deep water in Hampton Roads to the navy-yard—to the Committee on Rivers and Harbors, and ordered to be printed, with illustrations.

A letter from the Secretary of War, transmitting the report of the proceedings of the American National Red Cross—to the Committee on Foreign Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. DIXON of Montana, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 8994) to provide for a land district in Yellowstone, Carbon, and Rosebud counties, in the State of Montana, to be known as the Billings land district, reported the same with amendment, accompanied by a report (No. 245); which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. KENNEDY of Nebraska: A bill (H. R. 12209) to provide for the gradual establishment of a postal savings bank system in the United States and to regulate the same—to the Committee on the Post-Office and Post-Roads.

By Mr. NEEDHAM: A bill (H. R. 12210) directing the Secretary of War to make an examination, survey, and estimate of cost of improvement of harbor at Santa Cruz, Cal.—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 12211) to amend an act entitled "An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands"—to the Committee on the Public Lands.

Also, a bill (H. R. 12212) providing for the maintenance and operation of snag boats on the Sacramento, Feather, and San Joaquin rivers, California—to the Committee on Rivers and Harbors.

By Mr. HOWELL of Utah: A bill (H. R. 12213) to extend the provisions of the act of June 27, 1902, entitled "An act to extend the provisions, limitations, and benefits of an act entitled 'An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Cherokee disturbances, and the Seminole war,' approved July 27, 1892"—to the Committee on Pensions.

By Mr. HOLLIDAY: A bill (H. R. 12214) granting a pension of $24 per month to all soldiers who lost an eye while in the service of the Government during the war of the rebellion—to the Committee on Invalid Pensions.

By Mr. SHARTEL: A bill (H. R. 12215) for the erection of a public building at Monett, Mo.—to the Commitee on Public Buildings and Grounds.

By Mr. SHACKLEFORD: A bill (H. R. 12216) to provide for the purchase of a site and the erection of a public building thereon at Booneville, in the State of Missouri—to the Committee on Public Buildings and Grounds.

By Mr. JENKINS: A bill (H. R. 12217) for the relief of certain citizens of the United States formerly holding claims against the Kingddom of Spain, which were assumed by the Government of the United States of America under the treaty of peace between the United States and Spain, signed at Paris December 10, 1898—to the Committee on the Judiciary.

By Mr. PEARRE: A bill (H. R. 12218) to provide for an additional judge of the district court of the United States for the district of Maryland—to the Committee on the Judiciary.

Also, a bill (H. R. 12219) providing for a United States judge for the district of Maryland—to the Committee on the Judiciary.

By Mr. McCALL: A bill (H. R. 12220) relating to unlawful rates of fares by railroad companies, providing remedies for persons aggrieved, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. BROOKS of Colorado: A bill (H. R. 12221) authorizing the Secretary of Agriculture to make experiments and investigations in utilizing limited water supplies in connection with farming in the semiarid regions of the United States, and to make appropriations therefor—to the Committee on Agriculture.

By Mr. McCALL: A bill (H. R. 12222) authorizing the Secretary of the Treasury to fix the compensation of inspectors of customs—to the Committee on Ways and Means.

By Mr. JONES of Virginia: A bill (H. R. 12223) to provide for the purchase of a site and the erection of a post-office building thereon at Fredericksburg, Va.—to the Committee on Public Buildings and Grounds.

By Mr. BURLEIGH: A joint resolution (H. J. Res. 81) authorizing the appointment of John O. Johnson as a commander on the retired list of the Navy—to the Committee on Naval Affairs.

By Mr. REEDER: A joint resolution (H. J. Res. 82) proposing an amendment to the Constitution of the United States providing for the election of President, Vice-President, Senators, and Representatives in Congress, fixing their terms of office, and providing for the time of meeting of Congress—to the Committee on Election of President, Vice-President, and Representatives in Congress.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BARTHOLDT: A bill (H. R. 12224) for the relief of the estate of Mary Campbell, deceased—to the Committee on Claims.

Also, a bill (H. R. 12225) for the relief of the estate of Augustus F. Shapleigh, deceased—to the Committee on Claims.

Also, a bill (H. R. 12226) for the relief of the estate of William T. Wilkins, deceased—to the Committee on Claims.

Also, a bill (H. R. 12227) for the relief of the estate of Henry H. Curtis, deceased—to the Committee on Claims.

By Mr. BENNET of New York: A bill (H. R. 12228) granting an increase of pension to Solon P. Kennedy—to the Committee on Pensions.

Also, a bill (H. R. 12229) granting an increase of pension to Reuben Isaac Turckheim—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 12230) granting a pension to Elza Ball—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12231) granting a pension to William Hall, jr.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12232) granting a pension to Augustine Bell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12233) for the relief of A. J. Hanshaw—to the Committee on Military Affairs.

By Mr. BRANTLEY: A bill (H. R. 12234) to remove the charge of desertion from the military record of Henry Mitchelson and grant him an honorable discharge—to the Committee on Military Affairs.

Also, a bill (H. R. 12235) for the relief of B. C. Thompson, of Lyons, Tattnall County, Ga., for removing obstructions from the Oconee River, making it navigable—to the Committee on Claims.

By Mr. BROWN: A bill (H. R. 12236) granting a pension to Catherine M. Dawson—to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 12237) to remove the charge of desertion from Lewis Uphold—to the Committee on Military Affairs.

By Mr. CURRIER: A bill (H. R. 12238) granting an increase of pension to Helen S. Brown—to the Committee on Invalid Pensions.

By Mr. DALE: A bill (H. R. 12239) to refund legacy taxes illegally collected from the estate of Clarence M. Sanderson—to the Committee on Claims.

Also, a bill (H. R. 12240) granting an increase of pension to Albert I. Ackerly—to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 12241) granting an increase of pension to Elizabeth E. Barber—to the Committee on Invalid Pensions.

By Mr. DAVIS of West Virginia: A bill (H. R. 12242) granting a pension to Isaac D. Caldwell—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 12243) to pension Army teamsters—to the Committee on Invalid Pensions.

By Mr. FLOYD: A bill (H. R. 12244) granting a pension to Isam Dennis, and to correct his military record so as to show his true name—to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 12245) for the relief of the executors of the estate of Daniel Hardin, deceased—to the Committee on Claims.

By Mr. FOSTER of Indiana: A bill (H. R. 12246) granting a pension to Anderson G. Pittman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12247) granting an increase of pension to Richard A. Wood—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 12248) for the relief of M. C. Martin—to the Committee on Claims.

By Mr. GARBER: A bill (H. R. 12249) granting an increase of pension to John T. Wise—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12250) granting an increase of pension to Samuel Naus—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12251) granting an increase of pension to William T. Sadgebury—to the Committee on Invalid Pensions.

By Mr. GARRETT: A bill (H. R. 12252) for the relief of the legal representatives of Massalon Whitten, deceased—to the Committee on Claims.

By Mr. GILBERT of Kentucky: A bill (H. R. 12253) granting an increase of pension to David E. Hooper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12254) granting an increase of pension to Benjamin Utterback—to the Committee on Pensions.

By Mr. GRANGER: A bill (H. R. 12255) granting an increase of pension to James Hann—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 12256) granting an increase of pension to Joel W. Babb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12257) granting an increase of pension to Caleb D. Burnley—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 12258) for the relief of Capt. James H. Galbraith—to the Committee on Claims.

Also, a bill (H. R. 12259) granting a pension to Thomas E. Duncan—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 12260) for the relief of the estate of William A. Coffman, deceased—to the Committee on War Claims.

Also, a bill (H. R. 12261) for the relief of the estate of Joseph Blosser, deceased—to the Committee on War Claims.

Also, a bill (H. R. 12262) for the relief of the estate of Jacob Cook, deceased—to the Committee on War Claims.

Also, a bill (H. R. 12263) for the relief of Joseph E. Funkhouser—to the Committee on War Claims.

Also, a bill (H. R. 12264) for the relief of the estate of William B. Ott, deceased—to the Committee on War Claims.

Also, a bill (H. R. 12265) for the relief of the estate of Abraham Hisey, deceased—to the Committee on War Claims.

Also, a bill (H. R. 12266) for the relief of the estate of William D. Wright, deceased—to the Committee on War Claims.

Also, a bill (H. R. 12267) for the relief of the estate of James L. Miller, deceased—to the Committee on War Claims.

By Mr. HOLLIDAY: A bill (H. R. 12268) granting an increase of pension to Logan Mize—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12269) granting an increase of pension to James M. Emmons—to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: A bill (H. R. 12270) to reimburse Sarah Glenn for property destroyed and stolen in the Walker and Black Hawk Indian wars in southern Utah—to the Committee on War Claims.

By Mr. KAHN: A bill (H. R. 12271) directing the issue of a check in lieu of a destroyed check drawn by the acting superintendent of the United States mint, San Francisco, Cal., in favor of the San Francisco National Bank, California—to the Committee on Claims.

By Mr. LAMB: A bill (H. R. 12272) for the relief of certain churches in the State of Virginia—to the Committee on War Claims.

Also, a bill (H. R. 12273) for the relief of certain citizens of Virginia—to the Committee on War Claims.

By Mr. LITTAUER: A bill (H. R. 12274) granting an increase of pension to Phillip V. Monk—to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 12275) granting a pension to Verelle S. Willard—to the Committee on Invalid Pensions.

By Mr. LORIMER: A bill (H. R. 12276) granting a pension to Thomas P. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12277) granting an increase of pension to John McArthur—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12278) to renew and extend certain letters patent—to the Committee on Patents.

By Mr. McKINLEY of Illinois: A bill (H. R. 12279) granting an increase of pension to James S. Topping—to the Committee on Invalid Pensions.

By Mr. MEYER: A bill (H. R. 12280) for the relief of the estate of Francis M. Fisk, deceased—to the Committee on War Claims.

By Mr. OLMSTED: A bill (H. R. 12281) granting a pension to Jacob Ambrose—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12282) granting an increase of pension to John Trout—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 12283) for the relief of Thomas J. Austin—to the Committee on War Claims.

Also, a bill (H. R. 12284) for the relief of James G. James and William J. Thomas, surviving executor of Edward Thomas—to the Committee on War Claims.

By Mr. ROBERTSON of Louisiana: A bill (H. R. 12285) granting a pension to Mary C. Kirkland—to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 12286) for the relief of the estate of James Staley, deceased—to the Committee on Indian Affairs.

By Mr. SHACKLEFORD: A bill (H. R. 12287) granting a pension to William D. Elliott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12288) granting an increase of pension to Benjamin T. Ayers—to the Committee on Invalid Pensions.

By Mr. SHARTEL: A bill (H. R. 12289) granting an increase of pension to Joseph C. Grissom—to the Committee on Invalid Pensions.

By Mr. SMITH of California: A bill (H. R. 12290) granting an increase of pension to David L. Kretsinger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12291) to correct the military record of Newton Boughn—to the Committee on Military Affairs.

By Mr. SMITH of Maryland: A bill (H. R. 12292) granting an increase of pension to George T. Hill—to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 12293) granting an increase of pension to Andrew Sayles—to the Committee on Invalid Pensions.

By Mr. TALBOTT: A bill (H. R. 12294) granting an increase of pension to Thomas P. Muth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12295) granting an increase of pension to William H. Ford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12296) granting an increase of pension to Hester R. Michael—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12297) granting an increase of pension to Estelle Kuhn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12298) granting an increase of pension to James Johnston, jr.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12299) granting an increase of pension to William H. Kane—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12300) for the relief of Benjamin Clark, of Baltimore County, Md.—to the Committee on War Claims.

Also, a bill (H. R. 12301) for the relief of Caroline Murtagh—to the Committee on Claims.

By Mr. VAN WINKLE: A bill (H. R. 12302) for the relief of John P. Fairchild—to the Committee on Military Affairs.

Also, a bill (H. R. 12303) granting an increase of pension to Lewis P. Post—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12304) granting an increase of pension to John McDonough—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 6400) granting a pension to Harry W. Omo—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12018) for the relief of Andrew Jackson Mondy—Committee on Invalid Pensions discharged, and referred to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Lawrence Goff and 29 others, against commercial spoliation of Niagara Falls—to the Committee on Foreign Affairs.

Also, petition of the Maritime Association of New York, for an appropriation to deepen the channel to Coney Island—to the Committee on Rivers and Harbors.

Also, petition of Master Grange, No. 178, and Master Grange, No. 951, against the tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Woodburn Citizens' Association, for bill H. R. 9734—to the Committee on the District of Columbia.

Also, petition of the Organization of *General Slocum* Survivors, for relief by Congress—to the Committee on Claims.

Also, petition of the Merchants and Manufacturers' Association of Milwaukee, for reorganization of the consular service—to the Committee on Foreign Affairs.

Also, petition of the Merchants and Manufacturers' Association of Milwaukee, in behalf of American exporters affected by the new German tariff—to the Committee on Ways and Means.

Also, petition of Grange No. 694, of Pennsylvania, for tax-free denaturized alcohol—to the Committee on Ways and Means.

By Mr. ACHESON: Petitions of the town council of Beaver and the Board of Trade of New Brighton, Pa., favoring bill H. R. 6003, relative to Lake Erie ship canal—to the Committee on Railways and Canals.

By Mr. ADAMS of Pennsylvania: Petition of the Organization of *General Slocum* Survivors, for relief by Congress—to the Committee on Claims.

By Mr. BARCHFELD: Petition of citizens of Pennsylvania, asking relief for the victims of the *General Slocum* disaster—to the Committee on Claims.

By Mr. BARTHOLDT: Petition of the St. Louis Manufacturers' Association, favoring the President's ideas concerning railway freight rates—to the Committee on Interstate and Foreign Commerce.

By Mr. BENNET of New York: Paper to accompany bill for

relief of Reuben Isaac Twickhein—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Charlotte McCormick—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: Petitions of David Crockett Council, No. 98, of Fire Clay; Willard Council, No. 8, of Willard; Vanceburg Council, No. 2, of Vanceburg; Olive Council, No. 41, of Olive Hill; Oakview Council, No. 70, of Unity; Plummers Landing Council, of Plummers Landing; Webberville Council, of Webberville; Vanceburg Council, No. 4, of Vanceburg; Unity Council, No. 301, of Vanceburg; Mining Council, No. 36, of Rush; Morehead Council, No. 55, of Morehead; David Crockett Council, and Harris Council, No. 61, of Harris, Junior Order United American Mechanics; Burtonville Lodge, Independent Order of Odd Fellows, of Burtonville, and citizens, all of Kentucky, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BONYNGE: Petition of the Organization of *General Slocum* Survivors, for legislation for their relief—to the Committee on Claims.

By Mr. BRADLEY: Petition of Henry Growdy Council, Junior Order United American Mechanics, of Walden, N. Y., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Warwick Grange, Patrons of Husbandry, for untaxed denaturized alcohol—to the Committee on Ways and Means.

By Mr. BRANTLEY: Paper to accompany bill for relief of B. C. Thompson—to the Committee on Claims.

Also, paper to accompany bill for relief of Henry Mitchelson—to the Committee on Military Affairs.

By Mr. BROWN of Wisconsin: Petition of the Organization of *General Slocum* Survivors, for relief by legislation—to the Committee on Claims.

By Mr. BURKE of Pennsylvania: Petition of Bainbridge Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of citizens of Pennsylvania, asking relief for the victims of the *General Slocum* disaster—to the Committee on Claims.

By Mr. BURLEIGH: Petition of citizens of Maine, for a parcels post and postal currency—to the Committee on the Post-Office and Post-Roads.

By Mr. BUTLER of Tennessee: Paper to accompany bill for relief of Eliza C. Jones—to the Committee on Pensions.

By Mr. CHANEY: Petition of Lewis Uphold, praying for the removal of the charge of desertion—to the Committee on Military Affairs.

By Mr. COOPER of Pennsylvania: Petitions of Morning Star and Dawson Councils, Junior Order United American Mechanics, and Omar Commandery, Ancient and Illustrious Order Knights of Malta, No. 330, of Dawson, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Credit Men's Association of Philadelphia, for continuance of the bankruptcy law—to the Committee on the Judiciary.

Also, petition of the Organization of *General Slocum* Survivors, for relief by Congress—to the Committee on Claims.

By Mr. DALE: Paper to accompany bill for relief of Clarence M. Sanderson—to the Committee on Claims.

Also, petition of the directors of the Corn Exchange National Bank, of Philadelphia, Pa., relative to amending the national-bank act—to the Committee on Banking and Currency.

Also, petitions of Lackawanna Commandery, Ancient and Illustrious Order Knights of Malta; Moses Taylor Council, Junior Order United American Mechanics; Wasahpa Tribe, No. 211, of Peckville, Pa., and Dunmore (Pa.) Council, Improved Order of Red Men, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of H. William Pertsch and 12 others, of New York City, for relief of the *Slocum* survivors—to the Committee on Claims.

Also, petition of James R. Rhoda and 22 others, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of A. I. Ackerly—to the Committee on Invalid Pensions.

By Mr. DALZELL: Petition of the Organization of *General Slocum* Survivors, for relief by Congress—to the Committee on Claims.

Also, petition of sundry boards of trade and individuals, for passage of bill H. R. 6003—to the Committee on Railways and Canals.

Also, petition of the Lawrence Paint Company, against bill H. R. 7079—to the Committee on Ways and Means.

By Mr. DAVIS of Minnesota: Petition of the Organization of *General Slocum* Survivors, for relief by Congress—to the Committee on Claims.

By Mr. DAVIS of West Virginia: Petitions of citizens of West Virginia; Deaner Tribe, Improved Order Red Men; Valley Star Council, No. 60, Junior Order United American Mechanics, and Stewartstown Council, No. 52, Order United American Mechanics, all in West Virginia, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. DIXON of Montana: Petition of the Cascade County Trades and Labor Assembly, of Great Falls, Mont., against bill H. R. 3—to the Committee on Ways and Means.

By Mr. DRAPER: Petition of the Organization of *General Slocum* Survivors, for adjudication of victims' claims by the Court of Claims—to the Committee on Claims.

Also, petition of the Maritime Association of the Port of New York, asking an appropriation to deepen the Coney Island channel—to the Committee on Rivers and Harbors.

By Mr. DRESSER: Petition of Keystone Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petitions of the Lewis Run Manufacturing Company, the Newton Chemical Company, and the Heinemann Chemical Company, against bill H. R. 7079—to the Committee on Ways and Means.

By Mr. ESCH: Petition of the Organization of *General Slocum* Survivors, for relief by Congress—to the Committee on Claims.

Also, petition of the Milwaukee Outdoor Art and Improvement Society, for national reservations in the White Mountains—to the Committee on Agriculture.

By Mr. FOSS: Petition of the Organization of *General Slocum* Survivors, for relief by Congress—to the Committee on Claims.

By Mr. FULLER: Petition of the National Sewing Machine Company, of Belvidere, Ill., for two classes of mail matter only—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Evans-Snider-Buel Company, for amendment to the stock-transportation law—to the Committee on Interstate and Foreign Commerce.

Also, petition of the D. Heenan Mercantile Company, of Chicago, for removal of the duty on hides—to the Committee on Ways and Means.

By Mr. GOULDEN: Paper to accompany bill for relief of Charles Beers et al.—to the Committee on Claims.

By Mr. GRAHAM: Petition of citizens of Pennsylvania, asking relief for the victims of the *General Slocum* disaster—to the Committee on Claims.

By Mr. GRANGER: Petition of the Organization of *General Slocum* Survivors, for relief by Congress—to the Committee on Claims.

Also, petitions of Hope Valley Grange, No. 7, and Moesup Valley Grange, No. 26, Patrons of Husbandry, for extending experiment stations—to the Committee on Agriculture.

By Mr. GROSVENOR: Petitions of James G. Blaine Council, New Startsville Council, and Columbia Council, Junior Order United American Mechanics, citizens of Albany, Ohio, and Albany Lodge, Independent Order of Odd Fellows, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. HASKINS: Petition of the Organization of *General Slocum* Survivors, for relief by Congress—to the Committee on Claims.

By Mr. HEDGE: Petition of citizens of Iowa, against the tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. HOWELL of New Jersey: Petition of Golden Rule Council, Junior Order United American Mechanics, of Perrinville, N. J., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. HOWELL of Utah: Paper to accompany bill for relief of veterans of the Black Hawk war of Utah—to the Committee on Pensions.

By Mr. KITCHIN: Petition of the Organization of *General Slocum* Survivors, for relief by Congress—to the Committee on Claims.

By Mr. LITTAUER: Paper to accompany bill for relief of Phillip V. Monk—to the Committee on Invalid Pensions.

By Mr. LORIMER: Petition of citizens, asking for the promotion of Gen. John McArthur to the rank of major-general, United States Army—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Thomas P. Smith—to the Committee on Invalid Pensions.

By Mr. MADDEN: Petition of the Organization of *General*

Slocum Survivors, for relief by Congress—to the Committee on Claims.

By Mr. MARTIN: Petition of the South Dakota Eclectic Medical Society, for freedom of the Medical Department of the Army from Army officers—to the Committee on Military Affairs.

Also, petition of the Organization of *General Slocum* Survivors, for relief by Congress—to the Committee on Claims.

By Mr. MORRELL: Petition of the Organization of *General Slocum* Survivors, for relief by Congress—to the Committee on Claims.

Also, petition of John R. Marlin Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Chamber of Commerce of Pittsburg, against spoliation of Niagara Falls—to the Committee on Foreign Affairs.

Also, petition of Trinity Reformed Young Peoples' Society Christian Endeavor, of Philadelphia, against liquor selling in Indian Territory for twenty-one years—to the Committee on the Territories.

Also, petition of the Philadelphia Credit Men's Association, against repeal of the bankruptcy law—to the Committee on the Judiciary.

By Mr. NEEDHAM: Petition of the Merchants' Association of San Francisco, favoring the national stamping act—to the Committee on Banking and Currency.

Also, petition of the Merchants' Association of San Francisco, asking recognition of the Milan Exposition—to the Committee on Industrial Arts and Expositions.

Also, petition of the Chamber of Commerce of San Francisco, for bill H. R. 7043—to the Committee on Military Affairs.

By Mr. OLMSTED: Resolution of Junior Order United American Mechanics of Shiremanstown, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. OTJEN: Petition of the Merchants and Manufacturers' Association of Milwaukee, Wis., for a law to protect American exporters against the German tariff—to the Committee on Ways and Means.

Also, petition of the Merchants and Manufacturers' Association of Milwaukee, Wis., for bill S. 1345—to the Committee on Foreign Affairs.

Also, petition of Kate Alson and 12 others, for relief of survivors of the *Slocum* disaster—to the Committee on Claims.

By Mr. PAYNE: Petition of the Organization of *General Slocum* Survivors, for relief by Congress—to the Committee on Claims.

Also, petition of Grange No. 555, against the tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. ROBERTSON of Louisiana: Petition of citizens of Tangipahoa Parish, La., asking Congress to prohibit shipping C. O. D. packages of intoxicating liquors into counties of another State where prohibition has been voted—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Board of Underwriters of New Orleans, asking regulation upon the subject of appointment of bar pilots of the United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. RYAN: Resolution of the Minerva Club, of New York, asking for an increase of salary for the President of the United States—to the Committee on Appropriations.

Also, petition of Isaac N. Campbell, in favor of the Sulzer bill for relief of victims of the *General Slocum* disaster—to the Committee on Claims.

By Mr. RUPPERT: Petition of the Minerva Club, of New York City, favoring an increase of the President's salary—to the Committee on Appropriations.

Also, petition of Charles Vest et al., for legislation relieving the *General Slocum* survivors—to the Committee on Claims.

Also, petition of the Maritime Association of the Port of New York, for an appropriation to deepen the Coney Island channel—to the Committee on Rivers and Harbors.

By Mr. RUSSELL: Petition of certain assistant postmasters, asking that their salaries be fixed at one-half the salaries of the postmaster under whom they serve—to the Committee on the Post-Office and Post-Roads.

By Mr. STERLING: Paper to accompany bill for relief of Laura W. Noble—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Elizabeth De Bord—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Julia A. Trow—to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: Petition of Cigar Makers' Union No. 193, of Jefferson City, Mo., against bill H. R. 3—to the Committee on Ways and Means.

Also, petition of the Organization of Survivors of the *General Slocum* Disaster, for adjudication of claims by Court of Claims—to the Committee on Claims.

By Mr. SHEPPARD: Resolution of the National Cooperative Farmers of Texarkana, urging Congress to prohibit dealing in futures—to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Pennsylvania: Petition of Blairsville Council, No. 216, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Organization of *General Slocum* Survivors, for relief by Congress—to the Committee on Claims.

Also, petition of Green Valley Grange, No. 770, of Brookville, Pa., against the tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. SULZER: Petition of the Organization of *General Slocum* Survivors, for relief by legislation of Congress—to the Committee on Claims.

Also, petition of the Minerva Club, of New York City, for increase of the President's salary to $100,000—to the Committee on Appropriations.

Also, petition of the New York State Fruit Growers' Association, for bill H. R. 345—to the Committee on Agriculture.

Also, petition of the Maritime Association of New York, for an appropriation to deepen the Coney Island channel—to the Committee on Rivers and Harbors.

Also, petition of Tomahawk, Denver, Colo., against excessive duties on blasting caps—to the Committee on Ways and Means.

By Mr. THOMAS of North Carolina: Petition of the Raleigh Chamber of Commerce, favoring Senate bill to reorganize the consular service—to the Committee on Foreign Affairs.

By Mr. WEBBER: Petitions of Daughters of Liberty No. 14, of Lorain, Ohio; Shelby Council, Junior Order United American Mechanics, and citizens of Lorain, Ohio, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Organization of *General Slocum* Survivors, for relief by Congress—to the Committee on Claims.

By Mr. WILEY: Petition of the Organization of *General Slocum* Survivors, for relief by Congress—to the Committee on Claims.

SENATE.

THURSDAY, *January 18, 1906.*

Prayer by Rev. ULYSSES G. B. PIERCE, of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

POTOMAC RIVER HIGHWAY BRIDGE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting the draft of a joint resolution to provide for the extension of time for completing the construction of the highway bridge and approaches across the Potomac River at Washington, D. C.; which, with the accompanying paper, was referred to the Committee on Commerce, and ordered to be printed.

AMERICAN NATIONAL RED CROSS SOCIETY.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, pursuant to law, a report of the proceedings of the American National Red Cross for the part of the year 1905 during which the corporation has been in existence; which, with the accompanying paper, was referred to the Committee on Foreign Relations, and ordered to be printed.

FINDINGS OF COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the Trustees of the Baptist Church of Williamsburg, Va., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the Trustees of the Zion Methodist Episcopal Church South, of Spottsylvania, Va., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the Trustees of Smiths Grove Methodist Episcopal Church, of Din-

widdie County, Va., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the Trustees of the Methodist Episcopal Church South, of Warrenton, Va., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the trustees of the Methodist Episcopal Church of Garys, Va., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 486. An act granting an increase of pension to John Armstrong;

H. R. 519. An act granting an increase of pension to William C. Stewart;

H. R. 520. An act granting an increase of pension to Henry C. Stern;

H. R. 532. An act granting an increase of pension to James T. Berry;

H. R. 604. An act granting an increase of pension to Hiram F. Armstrong;

H. R. 723. An act granting an increase of pension to George W. Raigle;

H. R. 749. An act granting an increase of pension to Elkanah M. Wynn;

H. R. 1056. An act granting a pension to Galon S. Clevenger;

H. R. 1062. An act granting an increase of pension to George E. Brickett;

H. R. 1073. An act granting an increase of pension to William J. Castlow;

H. R. 1074. An act granting an increase of pension to Benjamin F. Bean;

H. R. 1179. An act granting an increase of pension to Thomas Picket;

H. R. 1199. An act granting a pension to Lydia A. Jewell;

H. R. 1288. An act granting an increase of pension to Sterns D. Platt;

H. R. 1330. An act granting an increase of pension to William A. Hildreth;

H. R. 1339. An act granting an increase of pension to James Kelley;

H. R. 1361. An act granting an increase of pension to Camillus B. Leftwich;

H. R. 1378. An act granting an increase of pension to Henry H. Hobart;

H. R. 1381. An act granting an increase of pension to David H. Quigg;

H. R. 1434. An act granting an increase of pension to Eleazar A. Patterson;

H. R. 1435. An act granting an increase of pension to Jason Robbins;

H. R. 1505. An act granting an increase of pension to William Birmingham;

H. R. 1511. An act granting an increase of pension to Cornelius A. Hallenbeck;

H. R. 1548. An act granting an increase of pension to Emma Leviness;

H. R. 1653. An act granting an increase of pension to Frank W. Weeks;

H. R. 1675. An act granting an increase of pension to Melissa S. Lee;

H. R. 1686. An act granting an increase of pension to George S. McGregor;

H. R. 1752. An act granting an increase of pension to Hugh Lokerson;

H. R. 1766. An act granting an increase of pension to John T. Stone;

H. R. 1772. An act granting an increase of pension to James C. Plybon;

H. R. 1789. An act granting an increase of pension to Jacob Shade;

H. R. 1809. An act granting a pension to Lener McNabb;

H. R. 1810. An act granting an increase of pension to James E. Post;

H. R. 1853. An act granting an increase of pension to William J. Johnson;

H. R. 1868. An act granting an increase of pension to Perry Egge;

H. R. 1908. An act granting an increase of pension to Emma Rowe;

H. R. 1960. An act granting an increase of pension to Conrad Laukenman;

H. R. 1971. An act granting an increase of pension to Melville A. Smith;

H. R. 1972. An act granting an increase of pension to Stephen Gillen;

H. R. 1986. An act granting an increase of pension to Morris Bennett;

H. R. 2011. An act granting an increase of pension to John Lezenby;

H. R. 2012. An act granting an increase of pension to William Wilson;

H. R. 2089. An act granting an increase of pension to Laura J. Forbes;

H. R. 2262. An act granting an increase of pension to John Seymour;

H. R. 2266. An act granting an increase of pension to George H. Hodges;

H. R. 2395. An act granting an increase of pension to Christopher Clinton;

H. R. 2435. An act granting a pension to Hilia Ann Connor;

H. R. 2594. An act granting an increase of pension to Levi Bearss;

H. R. 2718. An act granting an increase of pension to James F. Hare;

H. R. 2735. An act granting an increase of pension to Samuel Foster;

H. R. 2770. An act granting an increase of pension to Ephraim Plumpton;

H. R. 2800. An act granting an increase of pension to Thomas Manahan;

H. R. 2959. An act granting an increase of pension to Amos H. Tenant;

H. R. 2990. An act granting a pension to Felix G. Walker;

H. R. 3006. An act granting an increase of pension to William H. Crites;

H. R. 3010. An act granting an increase of pension to Thomas C. Meadows;

H. R. 3245. An act granting an increase of pension to Robert C. Smyth;

H. R. 3283. An act granting an increase of pension to Bruno Tiesler;

H. R. 3295. An act granting an increase of pension to George W. Knapp;

H. R. 3340. An act granting an increase of pension to William Moorhead;

H. R. 3368. An act granting an increase of pension to William McNair;

H. R. 3402. An act granting an increase of pension to Sidney S. Brigham;

H. R. 3405. An act granting an increase of pension to David Palmer;

H. R. 3427. An act granting an increase of pension to William B. Kimball;

H. R. 3428. An act granting an increase of pension to Samuel E. Chamberlain;

H. R. 3449. An act granting an increase of pension to Harvey Gaskill;

H. R. 3451. An act granting an increase of pension Alpheus A. Rockwell;

H. R. 3481. An act granting an increase of pension to William H. Cranston;

H. R. 3487. An act granting an increase of pension to Ferdinand Weise;

H. R. 3506. An act granting an increase of pension to George W. McCormick;

H. R. 3573. An act granting an increase of pension to John V. Sanders;

H. R. 3575. An act granting an increase of pension to Silas B. Hovious;

H. R. 3606. An act granting an increase of pension to John S. Hoover;

H. R. 3716. An act granting a pension to Augustus Foss;

H. R. 3758. An act granting an increase of pension to George Nulton;

H. R. 4153. An act granting an increase of pension to Henry C. Wildy;

H. R. 4165. An act granting an increase of pension to Henry G. Sternberg;

H. R. 4176. An act granting an increase of pension to Michael Mohan;
H. R. 4177. An act granting a pension Susan H. Chadsey;
H. R. 4196. An act granting an increase of pension to James J. Winans;
H. R. 4216. An act granting an increase of pension to Robert Boon;
H. R. 4223. An act granting an increase of pension Frederick Schultz;
H. R. 4226. An act granting an increase of pension to William Painter;
H. R. 4348. An act granting an increase of pension to William McCraw;
H. R. 4392. An act granting an increase of pension to Joseph Miller;
H. R. 4393. An act granting an increase of pension to Henry Allen;
H. R. 4643. An act granting an increase of pension to Orlena F. Seaver;
H. R. 4644. An act granting an increase of pension to Sarah J. Dickens;
H. R. 4682. An act granting an increase of pension to James Whiteman;
H. R. 4701. An act granting an increase of pension to Elijah Thompson Hurst, alias Elijah Thompson;
H. R. 4706. An act granting an increase of pension to Anna M. Gardner;
H. R. 4731. An act granting an increase of pension to Robert McMullen;
H. R. 4733. An act granting an increase of pension to John L. Files;
H. R. 4740. An act granting an increase of pension to Ransom L. Logan;
H. R. 4742. An act granting an increase of pension to Edward Coy;
H. R. 4744. An act granting an increase of pension to Thomas O'Connor;
H. R. 4747. An act granting an increase of pension to Joseph C. Robinson;
H. R. 4867. An act granting a pension to Louisa Gregg;
H. R. 4876. An act granting an increase of pension to William L. Beeks;
H. R. 4991. An act granting an increase of pension to William R. Glisan;
H. R. 5023. An act granting an increase of pension to August Westfield;
H. R. 5027. An act granting an increase of pension to Charles W. Knight;
H. R. 5158. An act granting an increase of pension to Ephriam N. R. Ohl;
H. R. 5182. An act granting an increase of pension to Robert S. Williams;
H. R. 5208. An act granting a pension to Susan J. Rounds;
H. R. 5236. An act granting an increase of pension to Mary Greene;
H. R. 5237. An act granting an increase of pension to Rebecca Garland;
H. R. 5253. An act granting an increase of pension to Greenberry Suddarth;
H. R. 5546. An act granting an increase of pension to James Eastwood;
H. R. 5631. An act granting an increase of pension to Leonard F. Simmons;
H. R. 5642. An act granting an increase of pension to John W. Bancroft;
H. R. 5643. An act granting an increase of pension to Wells Briggs;
H. R. 5653. An act granting an increase of pension to Henry W. Wells;
H. R. 5654. An act granting a pension to Moses Eggleston;
H. R. 5686. An act granting an increase of pension to Adelle Tobey;
H. R. 5779. An act granting a pension to Hannah W. Green;
H. R. 5831. An act granting an increase of pension to Julius Zuehlke;
H. R. 5845. An act granting an increase of pension to Robert T. Knox;
H. R. 5939. An act granting an increase of pension to James Brody;
H. R. 6113. An act granting an increase of pension to Moses Schoonmaker;
H. R. 6116. An act granting a pension to John Gainsback;
H. R. 6120. An act granting a pension to Harriet M. Smithers;
H. R. 6166. An act granting a pension to Else C. Isachsen;
H. R. 6172. An act granting an increase of pension to Abraham K. Vantine;
H. R. 6183. An act granting an increase of pension to Amanuel Russell;
H. R. 6186. An act granting an increase of pension to William Harvey;
H. R. 6191. An act granting an increase of pension to Martin V. B. Bachman;
H. R. 6446. An act granting an increase of pension to Silas N. Bradshaw;
H. R. 64447. An act granting an increase of pension to Mary E. Davenport;
H. R. 6518. An act granting an increase of pension to James M. Long;
H. R. 6544. An act granting an increase of pension to Buford P. Moss;
H. R. 6916. An act granting an increase of pension to Jacob Meier;
H. R. 6917. An act granting an increase of pension to Edmund R. Strang;
H. R. 6983. An act granting an increase of pension to Chalkley Petitt;
H. R. 7206. An act granting a pension to Nannie Frazier;
H. R. 7230. An act granting an increase of pension to John M. Wells;
H. R. 7237. An act granting an increase of pension to Philip Bacon;
H. R. 7309. An act granting a pension to Louis Dieckgraefe;
H. R. 7408. An act granting an increase of pension to Joseph W. Price;
H. R. 7423. An act granting a pension to Rachel A. Dailey;
H. R. 7509. An act granting an increase of pension to John N. Stone;
H. R. 7572. An act granting an increase of pension to Gilbert F. Capron;
H. R. 7662. An act granting an increase of pension to Barney Shultz;
H. R. 7673. An act granting an increase of pension to Homer A. Barrows;
H. R. 7735. An act granting an increase of pension to James Hartzel;
H. R. 7755. An act granting an increase of pension to Adam Wenzel;
H. R. 7758. An act granting an increase of pension to John L. Whitman;
H. R. 7878. An act granting an increase of pension to Ann Betts;
H. R. 7888. An act granting an increase of pension to Charles W. Sutherlin;
H. R. 7889. An act granting an increase of pension to Aaron Noble;
H. R. 7950. An act granting an increase of pension to Emma M. Heath;
H. R. 7952. An act granting an increase of pension to Detrick Nortrup;
H. R. 8071. An act granting a pension to Mary Mitchell;
H. R. 8181. An act granting an increase of pension to Martin B. Noyes;
H. R. 8237. An act granting an increase of pension to Noah Palmer;
H. R. 8307. An act granting a pension to William C. Estill;
H. R. 8374. An act granting an increase of pension to Ellen R. Graham;
H. R. 8403. An act granting an increase of pension to James L. Rector;
H. R. 8404. An act granting an increase of pension to John H. Ferguson;
H. R. 8409. An act granting an increase of pension to George H. Stowits;
H. R. 8532. An act granting an increase of pension to Retta M. Fairbanks;
H. R. 8550. An act granting an increase of pension to John Bierer;
H. R. 8659. An act granting an increase of pension to James Powers;
H. R. 8689. An act granting a pension to Frank P. Haas;
H. R. 8713. An act granting an increase of pension to Payton S. Lynn;
H. R. 8773. An act granting an increase of pension to William H. Joslin;
H. R. 8799. An act granting an increase of pension to Bartholomew Moriarty;
H. R. 8832. An act granting a pension to William I. Heed;
H. R. 9092. An act granting a pension to Lucy Walke;

H. R. 9130. An act granting an increase of pension to John Brinkley;

H. R. 9352. An act granting a pension to Mary Van Blarcom;

H. R. 9382. An act granting a pension to Mariam T. Shreve;

H. R. 9659. An act granting an increase of pension to Abram V. Smith;

H. R. 9984. An act granting an increase of pension to Samuel McKinney;

H. R. 10142. An act granting an increase of pension to Thomas Bush;

H. R. 10218. An act granting an increase of pension to Melissa Chase;

H. R. 10225. An act granting an increase of pension to Nathan B. Richardson;

H. R. 10352. An act granting an increase of pension to Sarah A. Boush;

H. R. 10365. An act granting a pension to Emeline S. Hayner;

H. R. 10389. An act granting an increase of pension to John W. Ellsworth;

H. R. 10572. An act granting an increase of pension to Mary A. Hackley;

H. R. 10573. An act granting a pension to Mariah Baughman; and

H. R. 10625. An act granting a pension to John M. Hyden.

Subsequently the foregoing pension bills were severally read twice by their titles, and referred to the Committee on Pensions.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the San Bernardino County Fruit Exchange, of San Bernardino, Cal., praying for the passage of the so-called "Dolliver bill," to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the congregation of the First Methodist Episcopal Church of Redkey, Ind., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. FRYE presented a memorial of Local Union No. 376, Cigar Makers' International Union, of Waterville, Me., remonstrating against the passage of the so-called "Philippine tariff bill;" which was referred to the Committee on the Philippines.

Mr. LODGE presented a petition of the Woman's Home Missionary Society of the New England Conference, of Waltham, Mass., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings and grounds; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Woman's Home Missionary Society of the New England Conference, of Waltham, Mass., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the Indian Territory when admitted to statehood; which was referred to the Committee on Territories.

He also presented a petition of Industry Council, No. 17, Junior Order of United American Mechanics, of Worcester, Mass., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

Mr. HEYBURN presented a petition of sundry citizens of Rupert, Idaho, praying for the enactment of legislation directing the sale of lots for cash on town sites within Government irrigated projects; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. BRANDEGEE presented a memorial of the New England Tobacco Growers' Association, of Hartford, Conn., remonstrating against any reduction of the duty on cigars and tobacco imported from the Philippine Islands; which was referred to the Committee on the Philippines.

Mr. WETMORE presented a petition of the Florists and Gardeners' Club of Providence, R. I., and a petition of Cumberland Grange, No. 2, Patrons of Husbandry, of Diamond Hill, R. I., praying that increased appropriations be made for the maintenance of agricultural experiment stations; which were referred to the Committee on Agriculture and Forestry.

Mr. CLAPP presented a petition of Winona Lodge, No. 510, Brotherhood of Railroad Trainmen, of Winona, Minn., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented a petition of Winona Lodge, No. 510, Brotherhood of Railroad Trainmen, of Winona, Minn., praying for the passage of the so-called "anti-injunction bill;" which was referred to the Committee on the Judiciary.

He also presented a petition of Fort Ridgely Lodge, No. 65, Brotherhood of Locomotive Firemen, of Waseca, Minn., praying for the passage of the so-called "employers' liability bill" and the anti-injunction bill; which was referred to the Committee on the Judiciary.

Mr. BACON presented sundry papers to accompany the bill (S. 818) for the relief of the legal representatives of J. P. Lamar, deceased; which were referred to the Committee on Claims.

He also presented a paper to accompany the bill (S. 1867) for the relief of the estate of Henry Banks, deceased; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. FRYE, from the Committee on Commerce, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (S. 1934) increasing the pay of officers of the Revenue-Cutter Service who served creditably with the regular or volunteer forces during the civil war; and

A bill (S. 1168) to amend an act entitled "An act to promote the efficiency of the Revenue-Cutter Service," approved April 12, 1902.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (S. 2276) to establish a light-house near Santa Barbara landing, California, reported adversely thereon, and the bill was postponed indefinitely.

Mr. SMOOT, from the Committee on Claims, to whom was referred the bill (S. 319) to reimburse Abram Johnson, formerly postmaster at Mount Pleasant, Utah, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1894) for the relief of P. S. Corbett, reported it with an amendment, and submitted a report thereon.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 102) providing for the erection of a public building in the city of Bluefield, W. Va.;

A bill (S. 343) concerning a public building in Selma, Ala.; and

A bill (S. 2544) to amend the act of Congress approved April 21, 1904, entitled "An act to amend section 17 of the act of Congress approved June 6, 1902, entitled 'An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes.'"

Mr. CRANE, from the Committee on Commerce, to whom was referred the bill (S. 2771) to establish a light and fog-signal station on Southwest Ledge, entrance to New London Harbor, Connecticut, reported it with an amendment to the title, and submitted a report thereon.

He also, from the same committee, to whom was referred the concurrent resolution (S. C. Res. 4) submitted by Mr. LODGE January 16, 1906, directing the Secretary of War to make examination for harbor of refuge on the island of Nantucket, Massachusetts, reported it without amendment.

Mr. STONE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 646) to provide for the purchase of a site and the erection of a public building thereon at Cape Girardeau, in the State of Missouri, reported it with amendments, and submitted a report thereon.

Mr. PILES, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 927) establishing a fog signal at Ediz Hook light-station, State of Washington, and for other purposes; and

A bill (S. 928) providing for the establishment of a life-saving station in the vicinity of Cape Flattery, or Flattery Rocks, on the coast of Washington.

Mr. PERKINS, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2277) to establish a light-house and fog signal on Red Rock, upper part of San Francisco Bay, California;

A bill (S. 2655) to establish a light and fog signal on Karquinez Strait, California;

A bill (S. 2656) to purchase an additional strip of land to the eastward of the light-house at Pigeon Point, California; and

A bill (S. 2658) to construct a tender for the Light-House Service in Hawaiian and Pacific Island waters.

Mr. PERKINS, from the Committee on Commerce, to whom was referred the bill (S. 2279) to establish a light and fog-signal station near Point Cabrillo, California, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2275) to provide for the erection of a keeper's double dwelling at Point Bonita, California, reported it with amendments, and submitted a report thereon.

Mr. CLAY, from the Committee on Commerce, to whom was referred the bill (S. 2777) for the construction of a suitable vessel for the Revenue-Cutter Service for duty at Savannah, Ga., reported it without amendment, and submitted a report thereon.

He also, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 800) to provide for the erection of a public building at Atlanta, Ga., reported it without amendment, and submitted a report thereon.

Mr. HEYBURN, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1365) providing for the placing of an elevator in the public building at Boise, Idaho, reported it without amendment, and submitted a report thereon.

Mr. WETMORE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2700) to improve the public building at Newport, R. I., reported it with an amendment, and submitted a report thereon.

Mr. GAMBLE, from the Committee on Indian Affairs, to whom was referred the bill (S. 980) to ratify an agreement with the Lower Brule band of the Sioux tribe of Indians in South Dakota, and making appropriation to carry the same into effect, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Public Lands, to whom was referred the bill (S. 983) to validate certain certificates of soldiers' additional homestead right, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2187) to validate certain certificates of soldiers' additional homestead right, asked that it be indefinitely postponed; which was agreed to.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 613) repealing an act entitled "An act to extend the time for presenting claims for additional bounties," and its amendments and extensions, so far as they limit the time for presenting claims for additional bounties granted to soldiers by the twelfth and thirteenth sections of the act of July 28, 1866, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1170) repealing an act entitled "An act to extend the time for presenting claims for additional bounties," and its amendments and extensions, so far as they limit the time for presenting claims for additional bounties granted to soldiers by the twelfth and thirteenth sections of the act of July 28, 1866, asked that it be indefinitely postponed; which was agreed to.

Mr. LATIMER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1447) to provide for the purchase of a site and the erection of a public building thereon at Anderson, in the State of South Carolina, reported it with amendments, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was referred the bill (S. 1725) granting certain land to the Missionary Baptist Church, of Rock Sink, Fla., reported it with amendments, and submitted a report thereon.

He also, from the Committee on the Library, to whom was referred the bill (S. 86) for the erection of a monument to the memory of Commodore John Barry, reported it without amendment, and submitted a report thereon.

Mr. CARTER, from the Committee on Public Lands, to whom was referred the bill (S. 538) for the relief of Charles T. Rader, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 541) for the relief of certain citizens of Montana claiming the benefit of the homestead laws, reported it without amendment, and submitted a report thereon.

Mr. LODGE, from the Committee on Military Affairs, to whom was referred the bill (S. 2486) for the relief of Richard C. Silence, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. SMOOT introduced a bill (S. 3402) granting an increase of pension to Jesse W. Elliott; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. KEAN introduced a bill (S. 3403) granting an increase of compensation to circuit and district judges of the United States; which was read the first time by its title.

Mr. KEAN. I ask that the bill be read at length.

The bill was read the second time at length, and referred to the Committee on the Judiciary, as follows:

Be it enacted, etc., That every circuit judge of the United States who shall reside in a State in which the salary of judge of the highest appellate court of that State shall exceed the salary now received by such circuit judge shall hereafter receive a salary equal to the salary of a judge of the highest court of that State.

SEC. 2. That every district judge of the United States who shall reside in a State in which 75 per cent of the salary of a judge of the highest appellate court of that State shall exceed the salary now received by such district judge shall hereafter receive a salary equal to 75 per cent of the salary of a judge of the highest court of that State.

Mr. KEAN introduced a bill (S. 3404) granting a pension to Mary M. Howell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 3405) authorizing the payment to the superintendent of the Government Hospital for the Insane of pay due to persons in the Navy or Marine Corps under treatment at that institution; which was read twice by its title, and, with the accompanying paper, which was ordered to be printed, referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3406) to promote the efficiency of the Navy and, to such end, to secure due respect to the uniform thereof; which was read twice by its title, and, with the accompanying paper, which was ordered to be printed, referred to the Committee on Naval Affairs.

Mr. PILES (for Mr. ANKENY) introduced a bill (S. 3407) to correct the naval record of William Day Guernsey; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. CLARK of Wyoming introduced a bill (S. 3408) for the relief of Edward C. Andre; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. CRANE introduced a bill (S. 3409) for the construction of an able seagoing tug for the Revenue-Cutter Service for New Bedford, Mass.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Commerce.

He also introduced a bill (S. 3410) granting a pension to Fred Murtagh; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALGER introduced a bill (S. 3411) to remove the charge of desertion from the military record of William B. McCloy; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. DOLLIVER introduced a bill (S. 3412) to provide for the annual pro rata distribution of the annuities of the Sac and Fox Indians of the Mississippi between the two branches of the tribe, and to adjust the existing claims between the two branches as to said annuities; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. HEYBURN introduced a bill (S. 3413) to prevent cruelty to animals while in transit by railroad or other means of transportation from one State or Territory or the District of Columbia, and repealing sections 4386, 4387, 4388, 4389, and 4390 of the United States Revised Statutes; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

He also introduced a bill (S. 3414) providing for a public highway on the east side of the Fort Sherman abandoned military reservation, Idaho; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 3415) granting an increase of pension to William Triplett; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 3416) to prohibit any vessel from anchoring in such manner as to obstruct or interfere with the range lights established in any navigable waters of the United States by the United States Light-House Board; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 3417) granting an increase of pension to Warren T. Noyes; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3418) granting an increase of pension to Henry R. Jackson; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3419) granting an increase of pension to Joseph H. Beale; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 3420) authorizing the Secretary of the Treasury to fix the compensation of inspectors of customs; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 3421) for the relief of A. W. Tedcastle, guardian of Frances L. Snell; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. CLAPP introduced a bill (S. 3422) to repeal an act entitled "An act to amend section 2455 of the Revised Statutes of the United States," approved February 26, 1895; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. MONEY introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 3423) for the relief of Mrs. Emily Miller; and

A bill (S. 3424) for the relief of Mary Marsh, heir of John H. Record, deceased.

Mr. BURROWS introduced a bill (S. 3425) for the relief of Capt. George Van Orden, United States Marine Corps; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3426) to amend section 10 of an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes," approved May 28, 1896; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 3427) for the relief of the estate of John S. Christopher; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. BACON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3428) for the relief of the legal representatives of Anderson Abercrombie, deceased; and

A bill (S. 3429) for the relief of the heirs of E. H. Abercrombie.

Mr. NELSON introduced a bill (S. 3430) to amend an act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the district of Alaska, and for other purposes," approved January 27, 1905; which was read twice by its title, and referred to the Committee on Territories.

Mr. McLAURIN introduced a bill (S. 3431) for the relief of the legal representatives of Elizabeth Withers; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. HOPKINS introduced a bill (S. 3432) granting an increase of pension to Samuel Ellis; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HANSBROUGH introduced a bill (S. 3433) to amend an act entitled "An act to divide the judicial district of North Dakota," approved April 26, 1890; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. CRANE introduced a joint resolution (S. R. 20) directing the selection of a site for the erection of a bronze statue in Washington, D. C., in honor of the late Henry Wadsworth Longfellow; which was read twice by its title, and referred to the Committee on the Library.

AMENDMENTS TO BILLS.

Mr. HEYBURN submitted an amendment intended to be proposed by him to the bill (S. 87) providing for the withdrawal from public entry of lands needed for town-site purposes in connection with irrigation projects under the reclamation act of June 17, 1902, and for other purposes; which was referred to the Committee on Irrigation and the Reclamation of Arid Lands, and ordered to be printed.

Mr. CLAPP submitted an amendment proposing to appropriate $15,000 to pay the indebtedness already incurred in suppressing the spread of smallpox in the Indian Territory during the fiscal year 1900, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also (by request) submitted an amendment providing for the payment of interest at the rate of 5 per cent per annum on shares of money due minor Indians as their proportion of the proceeds of the sale of ceded and tribal Indian lands, etc., intended to be proposed to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also (by request) submitted an amendment relative to the repeal of that part of section 3, act of August 3, 1876, which requires the Commissioner of Indian Affairs to embody in his annual report a detailed and tabular statement of all bids and proposals received for any services, supplies, and annuity goods for the Indian service, etc., intended to be proposed to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. KEAN submitted an amendment proposing an appropriation to pay H. C. Adams, Colin H. Livingstone, E. H. McDermot, John W. Fenton, jr., William H. Gaskin, W. A. Smith, Peter Riley, John R. Williams, and E. C. Goodwin, for services rendered to the Committee on Interstate Commerce of the Senate, in connection with the hearings on railroad-rate regulation, intended to be proposed by him to the urgent deficiency appropriation bill; which was referred to the Committee on Interstate Commerce, and ordered to be printed.

COMPLEMENT OF CREWS OF VESSELS.

Mr. FRYE. I move that the bill (S. 27) to amend section 4463 of the Revised Statutes, relating to the complement of crews of vessels, which was reported by me, be recommitted to the Committee on Commerce.

The motion was agreed to.

JOSHUA T. REYNOLDS.

Mr. TELLER. I move that the Committee on Claims be discharged from the further consideration of the bill (S. 1862) for the relief of Joshua T. Reynolds, and that it be referred to the Committee on Military Affairs, to which it should have been referred in the first instance.

The motion was agreed to.

REGULATION OF RAILROAD RATES.

Mr. FULTON. I ask to have referred to the Committee on Interstate Commerce the amendment intended to be proposed by me to the bill (S. 2261) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, which I discussed the other day.

The VICE-PRESIDENT. Without objection, it is so ordered.

RECOGNITION OF INDEPENDENCE OF NEW FOREIGN STATE.

On motion of Mr. HALE, it was

Ordered, That 200 additional copies of Senate Document No. 56, Fifty-fourth Congress, second session, on the "Power to Recognize the Independence of a New Foreign State," be printed for the use of the Senate document room.

REORGANIZATION OF THE CONSULAR SERVICE.

On motion of Mr. LODGE, it was

Ordered, That Senate Report No. 112, to accompany the bill (S. 1345) to provide for the reorganization of the consular service, be reprinted.

PUBLIC BUILDING IN SELMA, ALA.

Mr. PETTUS. I ask that the bill (S. 343) concerning a public building in Selma, Ala., be considered. The bill carries no appropriation with it. The appropriation has already been made. It merely changes a post-office building into a building for a post-office and court-house. The Secretary of the Treasury has been waiting to have authority from Congress to make the change. Since the original bill was passed and the appropriation made Congress has established a United States court at that place, and it is necessary that the building should be both for a court-house and a post-office.

The VICE-PRESIDENT. The Senator from Alabama asks unanimous consent for the present consideration of a bill, which will be read.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE COMMITTEE ON THE PHILIPPINES.

Mr. LODGE submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on the Philippines be, and the same is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee, and to have the same printed and indexed for the use of the committee, and that such stenographer and indexer be paid out of the contingent fund of the Senate. The committee is also authorized to sit during the sessions of the Senate.

PROPOSED INVESTIGATION OF INCIDENT AT WHITE HOUSE.

Mr. TILLMAN. I send to the desk a resolution for which I ask immediate consideration.

The resolution was read, as follows:

Resolved, That the President of the Senate be authorized to appoint a committee of five Senators to investigate the recent unfortunate incident at the White House, resulting in the expulsion from the Executive Offices of Mrs. Minor Morris, and report to the Senate.

The VICE-PRESIDENT. The Senator from South Carolina asks unanimous consent for the present consideration of the resolution. Is there objection? The Chair hears none.

Mr. TILLMAN. Mr. President, I desire simply to make a brief explanation.

It was not my purpose yesterday to go as far as this in men-

tioning the Morris incident, but I was taunted beyond all endurance by the Senator from Maine [Mr. HALE]. He had no justification whatsoever, in my view, for charging me with defaming the Chief Executive of this country and with doing it as a matter of personal enmity.

It is possible—I hope it may so result—that he builded wiser than he knew. He challenged me to action. I have acted. It is for the Senate to determine for itself what shall be done.

There are two broad and vital questions involved in this resolution, simple as it may be.

The first is that we must as far as we can protect the President of the United States from dangerous characters—assassination and other things like that. The other is that we must protect the liberties and rights of the people of the United States. If we are to protect the President absolutely, we have got to make him a prisoner in actuality and protect him with guards and allow no one to have access to him who has not been searched, because it is a self-evident proposition that any man or woman, however weak, who is willing to offer up his or her own life can take the life of another, however guarded he may be, unless he is a prisoner in jail.

But, sir, when the President shall have offered up his life as a victim in the way that has caused this country so much of sorrow in numerous instances in our history, the President can be replaced by another man, who will discharge the duties of the office probably as well or better than he himself had done. But when the liberties of the people are destroyed there is nothing left but despotism. We ought not to permit the use in this country of Russian or Turkish methods toward the people.

That is the whole subject as far as I care to present it.

Mr. DANIEL. Mr. President, if any gentleman wishes to speak on this subject I would not cut him off. Otherwise, I move to lay the resolution on the table.

The VICE-PRESIDENT. The Senator from Virginia moves to lay the resolution of the Senator from South Carolina on the table.

Mr. LODGE. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CULBERSON. Mr. President, I have just come into the Chamber, and ask that the resolution be read again.

The VICE-PRESIDENT. The resolution will be read at the request of the Senator from Texas.

The resolution was again read, as follows:

Resolved, That the President of the Senate be authorized to appoint a committee of five Senators to investigate the recent unfortunate incident at the White House, resulting in the expulsion from the Executive Offices of Mrs. Minor Morris, and report to the Senate.

The VICE-PRESIDENT. The Secretary will call the roll on the motion of the Senator from Virginia to lay the resolution on the table.

The Secretary proceeded to call the roll.

Mr. LATIMER (when his name was called). I have a general pair with the Senator from Illinois [Mr. CULLOM.] If he were present and I allowed to vote, I should vote "nay."

Mr. MALLORY (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "yea."

Mr. PATTERSON (when his name was called). I have a pair with the Senator from South Dakota [Mr. KITTREDGE]. If he were present, I should vote "yea."

Mr. SCOTT (when his name was called). I have a general pair with the junior Senator from Florida [Mr. TALIAFERRO]. If he were in the Senate, I should vote "yea."

Mr. SPOONER (when his name was called). I have a general pair with the Senator from Tennessee [Mr. CARMACK], who is absent. I do not know how he would vote, and I, therefore, am not at liberty to vote. If it is agreeable to the Senator from Colorado [Mr. PATTERSON], we will transfer our pairs, so that the Senator from Tennessee will stand paired with the Senator from South Dakota and we will both be permitted to vote. I vote "yea."

The roll call was concluded.

Mr. CLAPP (after having voted in the affirmative). Observing the absence of my pair, the Senator from North Carolina [Mr. SIMMONS], I desire to withdraw my vote. If he were here, as indicated, I would vote "yea."

Mr. PATTERSON. I notice that the Senator from South Dakota [Mr. KITTREDGE], with whom I am paired, is now present. I suppose he will vote. Therefore I will vote. I vote "yea."

Mr. SCOTT. I will transfer my pair to the junior Senator from New Jersey [Mr. DRYDEN] and vote. I vote "yea."

Mr. NELSON (after having voted in the affirmative). I overlooked the fact that I have a general pair with the senior Senator from Arkansas [Mr. BERRY]. I transfer my pair to the senior Senator from Washington [Mr. ANKENY] and will let my vote stand.

Mr. CULBERSON (after having voted in the negative). I desire to inquire if the junior Senator from California [Mr. FLINT] has voted?

The VICE-PRESIDENT. The Chair is informed that he has not voted.

Mr. CULBERSON. As I have a general pair with that Senator, I withdraw my vote.

Mr. KITTREDGE. If agreeable to Senators interested, I should like to transfer my pair to the senior Senator from Pennsylvania [Mr. PENROSE], which will permit me to vote. I vote "yea."

Mr. CLARKE of Arkansas (after having voted in the affirmative). I observe that the senior Senator from Nebraska [Mr. MILLARD] has not voted. I have a general pair with him. I therefore withdraw my vote.

Mr. ALLISON (after having voted in the affirmative). I have a general pair with the senior Senator from Alabama [Mr. MORGAN]. I do not see that he is present in the Chamber this morning, but I have reason to know that he would vote in the affirmative if he were present. Therefore I will allow my vote to stand.

Mr. TALIAFERRO. I would ask if the junior Senator from West Virginia [Mr. SCOTT] has voted?

The VICE-PRESIDENT. He has voted.

Mr. TALIAFERRO. I vote "yea."

Mr. MALLORY. Since my name was called I have been informed by the colleague of the Senator from Vermont [Mr. PROCTOR] with whom I am paired that if he were here he would vote "yea." That being so, I will vote. I vote "yea."

Mr. LATIMER. I vote "nay."

The result was announced—yeas 54, nays 8, as follows:

YEAS—54.

Alger	Crane	Hopkins	Pettus
Allee	Daniel	Kean	Piles
Allison	Dillingham	Kittredge	Rayner
Bacon	Dolliver	Knox	Scott
Beveridge	Dubois	Lodge	Smoot
Brandegee	Foraker	Long	Spooner
Bulkeley	Foster	McCumber	Sutherland
Burkett	Frye	Mallory	Taliaferro
Burnham	Fulton	Nelson	Teller
Burrows	Gallinger	Newlands	Warner
Carter	Gamble	Nixon	Warren
Clark, Mont.	Gearin	Overman	Wetmore
Clark, Wyo.	Hansbrough	Patterson	
Clay	Heyburn	Perkins	

NAYS—8.

Blackburn	Latimer	McLaurin	Stone
Frazier	McCreary	Money	Tillman

NOT VOTING—27.

Aldrich	Clarke, Ark.	Flint	Millard
Ankeny	Culberson	Gorman	Morgan
Bailey	Cullom	Hale	Penrose
Berry	Depew	Hemenway	Platt
Burton	Dick	La Follette	Proctor
Carmack	Dryden	McEnery	Simmons
Clapp	Elkins	Martin	

So the resolution was laid on the table.

REGULATION OF RAILROAD RATES.

Mr. CLAY. I submit a resolution, which I send to the desk and ask to have read.

The resolution was read, as follows:

Resolved, That in the opinion of the Senate there is a governmental power to fix maximum future charges of carriers by railroad, vested in the legislatures of the States with regard to transportation exclusively within the States, and vested in Congress with regard to all other transportation.

2. Although legislative power, properly speaking, can not be delegated, the lawmaking body having enacted into law the standard of charges which shall control, may intrust to an administrative body not exercising in the true sense judicial power the duty to fix rates in conformity with that standard.

3. It is the duty of Congress to provide by law that all interstate rates shall be reasonable and just, and then to delegate to the Interstate Commerce Commission the power to ascertain what rates are reasonable and just, and to enforce its findings, this power to be exercised in reviewing rates already put in operation by the roads and on complaint.

Mr. CLAY. Mr. President, I ask that the resolution for the present may lie on the table. I give notice that to-morrow after the morning business shall have been completed I shall call it up for the purpose of submitting a few remarks upon it.

The VICE-PRESIDENT. The resolution will be printed and lie on the table.

IMPORTATION OF UNWHOLESOME TEA.

The VICE-PRESIDENT. If there be no further concurrent or other resolutions, the morning business is closed, and the Calendar under Rule VIII is in order. The first business on the Calendar will be stated.

The SECRETARY. A bill (S. 1548) to amend an act entitled

"An act to prevent the importation of impure and unwholesome tea," approved March 2, 1897.

The VICE-PRESIDENT. The bill has heretofore been considered as in Committee of the Whole, and has been read.

Mr. FORAKER. I should like to have the bill read for information.

The VICE-PRESIDENT. At the request of the Senator from Ohio, the bill will be read for information.

The Secretary read the bill.

Mr. KEAN. Mr. President, is there a report accompanying that bill?

The VICE-PRESIDENT. There is a report accompanying the bill.

Mr. KEAN. I ask that the report be read.

Mr. FORAKER. Mr. President, I do not know what Senator has that bill in charge, but it seems to me that it is rather a vague provision that the importers shall give "suitable bond." Somebody should prescribe the amount of the bond and what kind of security should be given.

Mr. STONE. I reported that bill.

Mr. FORAKER. I did not know that the Senator from Missouri had charge of the bill.

Mr. STONE. The provisions is that a "suitable bond" shall be given, and I presume the amount of it would be in the control of the Secretary of the Treasury.

Mr. FORAKER. We could easily give the Secretary control of the matter, but the bill, as I observed when it was read, does not give the Secretary of the Treasury control as to the amount of the bond. It simply says that after having given a "suitable bond" then the importation shall be subject to such regulations as the Secretary of the Treasury may prescribe.

Mr. STONE. Then I shall be glad to have the Senator suggest an amendment.

Mr. FORAKER. The bill should provide the amount of the bond. If that be added, I should not object.

Mr. STONE. There can be no objection whatever to doing that.

Mr. FORAKER. I should have no objection whatever to the bill if there should be inserted in connection with the provision about prescribing the regulations that the Secretary of the Treasury shall be also authorized to fix the amount of the bond.

Mr. STONE. If the Senator from Ohio will suggest a form of amendment to accomplish that, it will be satisfactory to me.

Mr. FORAKER. If I had the bill before me, I could do so in a moment. So far as I now know there is no other objection to the bill.

Mr. KEAN. I think, Mr. President, the bill had better go over.

The VICE-PRESIDENT. Under objection, the bill will go over.

Mr. STONE. Mr. President, if the bill now goes over when will it naturally come before the Senate?

The VICE-PRESIDENT. As it will retain its place on the Calendar, it will come naturally before the Senate to-morrow morning after the completion of the routine business.

Mr. STONE. The bill, then, does not lose its place by going over?

The VICE-PRESIDENT. The bill does not lose its place on the Calendar.

Mr. STONE. Meantime I will consult with the Senator from Ohio [Mr. FORAKER] as to the proper form of amendment.

PURE-FOOD BILL.

Mr. HEYBURN. I ask unanimous consent that the Senate proceed to the consideration of Senate bill 88, being what is known as the "pure-food bill."

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 88) for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes.

Mr. KEAN. Do I understand, Mr. President, that we are proceeding with the Calendar under Rule VIII?

The VICE-PRESIDENT. Under Rule VIII. The question is on the amendment heretofore submitted by the Senator from Massachusetts [Mr. LODGE], which will be stated.

The SECRETARY. On page 8, line 9, after the word "preparation," it is proposed to insert the following additional proviso:

Provided further, That when in the preparation of food products for shipment they are preserved by an external application applied in such manner that the preservative is necessarily removed mechanically or by maceration in water or otherwise, the provisions of this act shall be construed as applying only when said products are ready for consumption.

Mr. MCCUMBER. Mr. President, we had that amendment under consideration the day before yesterday, but it was not disposed of. I desire, however, at this time not to speak further especially upon that amendment, but more particularly upon the general phase of the entire bill. I shall take but a short time, however.

Mr. President, this bill has now been, since I have been more or less interested in it, before the Senate for about five years. It has passed the other House twice, not exactly in the same form as the pending bill, but in a similar condition. It has been almost impossible to secure any attention to or consideration of it in the Senate. I feel, however, that the remarks which have been made in the Senate upon the bill, and which have finally been taken into consideration by the public press of the country, have at last awakened a sentiment and have intensified that sentiment into an impetus on the part of the press and the public that this bill shall have consideration—an impetus which is naturally having very good results.

Mr. President, a great number of the leading magazines of the country have devoted considerable time and attention to the consideration of this matter. I believe the time has now arrived when we at least may call upon the Senate to give it that consideration which I feel—and which I feel after long study—it is entitled to.

I am not going to make another speech upon this pure-food bill. There are two reasons that justify me in this. The first is that I have spoken two or three times and gone particularly into every feature of what was practically the same bill. Another is that I am impelled to be somewhat careful in my remarks on account of the kindly and generous suggestion that was made by the Senator from Massachusetts [Mr. LODGE] as to why the bill had not received greater consideration near the close of the last session of Congress.

There are certain principal objects of this bill that ought to be considered generally. The first object is to supplement the efforts of the States. Nearly every State in the Union already has a pure-food law or a code pertaining to the introduction of pure food. The food commissioners of the several States have been busily engaged in attempting to eradicate the evil of impure food, but they are met, Mr. President, at every point by the rules of interstate commerce and are brought face to face with a condition over which the State itself has no control. This bill is intended to supplement the laws of the several States so that they may reach the entire subject.

The next object is to reach the root of the evil itself—the manufacturer. The moment that we strike at the manufacturer of unwholesome, unfit, adulterated, or misbranded articles of food, we have reached the evil in such a way that we may be able to control it. As I have stated, inasmuch as about 95 per cent of all of the impure and improper foods are consumed in States other than those in which they are manufactured, it is quite necessary that the authority having control over interstate commerce should be the authority that should deal with the subject of the manufacture of those products for the purpose of transmitting them into other States.

Another reason is to protect the honest manufacturer and dealer. Every honest manufacturer in the United States is pleading for this bill, because he says that if he manufactures his goods in accordance with the pure-food laws of the several States or Territories, it is impossible for him to compete justly and fairly with the bogus articles that are put in competition with those manufactured by him. No elaborate discussion of that feature of the case is needed.

Another object is to prevent the evil of diverse rulings of the several commissioners of the States having pure-food laws. For instance, there is a manufacturer using certain dyes in order to make his goods appear more presentable. There is a rule in Iowa which requires certain statements to be made and to appear on the can; in another State they are made in another way; while in other States they have no rule upon the subject. Even those States that have similar rules or laws will, through their food commissioners, give dissimilar constructions. One of the objects of this bill is to assist the honest dealer in this character of goods to meet the requirements of all of the States.

We well know, Mr. President, that the moment we do pass a general law upon this subject, by virtue of that law covering ninety-odd per cent of all of the commerce in impure products, that law must become the dominant law; and, if there is any difference, the State laws will soon accommodate and modify themselves in conformity with the national legislation.

Another object is to promote honesty and fair dealing and decency in the sale and barter of food products; but, above all, to shield the public themselves, Mr. President, against not only the use of poisonous articles, but especially to protect them against deceit or imposition of any character in the matter of purchasing their food.

Now, what is it that this bill does not do? I want to state,

first, that it adds no new machinery whatever. We already have in the Department of Agriculture a chemical division. That chemical division has already the authority, and we are appropriating money year by year for the very purpose that is indicated in this bill.

The VICE-PRESIDENT. The Chair will state that the consideration of the bill is proceeding under Rule VIII, which limits speeches to five minutes on the part of any Senator. If there is no objection, however, the Senator may proceed.

Mr. LODGE. I ask unanimous consent that the Senator from North Dakota may be permitted to proceed without regard to the limit of the rule.

The VICE-PRESIDENT. Without objection, the Senator from North Dakota will proceed.

Mr. McCUMBER. I want to correct here, Mr. President, a wrong impression, an impression which we seem not to have been able, even during the four years of discussion on this floor, to entirely dispel, and that is the impression that we by this bill, or by any bill that has been reported by the Committee on Manufactures of the Senate, have attempted to grant the power of fixing a standard of food and drug products in any Department or in any person whatever. There was a section in the House bill as it twice passed the House, which provided for the fixing of standards of food and drugs by the Secretary of Agriculture. In both instances where we have passed upon bills from the House that section 7 has been absolutely eliminated. There is no standard whatever provided by this bill, or attempted to be provided by it. The only standard is that which is fixed by the definition of adulterated and misbranded articles. Any article that will measure up to that standard has free access into any State in the Union. In this we have followed as nearly as possible the laws of the States. The definition conforms almost strictly to the definitions which have been adopted by the State pure-food laws of the State of Kentucky.

This bill does not determine, Mr. President, what a man shall eat. He can eat anything that he desires. It does not determine what a man shall ship. He can ship anything that he desires. All that it does require is that the article shipped, if it be adulterated or misbranded, shall bear the evidence of such adulteration or misbranding upon the cask or other container of the article that is shipped. I do not think that anyone can object to that requirement.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from New Hampshire?

Mr. McCUMBER. With pleasure.

Mr. GALLINGER. My attention was attracted by a remark the Senator has just made that this bill does not prevent any person from eating what he may please, but that it requires articles of food to be sold for just what they are. I do not know whether the article I have in my hand is authentic or not, but it is an article from the National Druggist of October, 1905, from which it appears that the pure-food commissioner of Minnesota—of course he is a State official—has placed Lea & Perrin's Worcestershire sauce, which most of us have been using for a great many years, absolutely under the ban, and has prevented its importation and sale within the limits of the State of Minnesota. Perhaps the Senator has seen this article. If such a thing has been done, I think it rather a despotic exercise of power by a State official, and if this bill is going to put in the hands of the Government corps of so-called "scientists," which exists in the Department of Agriculture, many of them looking for something to do day by day and not finding it—if it is to put into the hands of those young men the power to absolutely prohibit the importation and sale of an article in this country as well established as is Lea & Perrin's Worcestershire sauce, I think it is an extraordinary power.

I want to vote for this bill, and I presume I shall vote for it, but I hope it will be so guarded in its terms—I have read it casually, but not very carefully—that no such power as seems to have been exercised by this State official will be exercised in the Department of Agriculture through those young scientists who, of course, will be anxious to do something to attract attention.

Mr. McCUMBER. Mr. President, if the Senator——

Mr. NELSON. Will the Senator from North Dakota permit me a moment?

Mr. McCUMBER. I wish first to answer that, and then I will yield to the Senator.

Mr. NELSON. I want to answer it.

Mr. McCUMBER. I will give the Senator an opportunity a little later. I desire to say that if the Senator from New Hampshire [Mr. GALLINGER] had even casually read the bill he would find that no such possible power as he has indicated is vested in any man or body of men by this bill, but that it is impossible that such power should be so exercised in the State of Minnesota or in any other State, provided the Worcestersbire sauce referred to by the Senator is all that he claims for it. The Senator must understand that there is only one way and one final method of deciding any question of purity or impurity, of adulteration or nonadulteration, of misbranding or want of branding of any article, and that is in the usual form, in the courts of the United States. Those courts will determine all questions of that character. No head of a Department or anyone else can finally determine that question. The Secretary of Agriculture in collaboration with the heads of other branches will ascertain whether or not, in his judgment, certain ingredients or certain foods or drugs that are sold measure up to the standard which is required in the bill itself in the shape of definitions. If those definitions are not correct, then let us modify them until we make them correct. I think, however, there will be little objection to the definitions themselves.

Mr. SPOONER. Mr. President——

Mr. McCUMBER. Then, as to whether the goods measure up to that standard will be a question for the courts and not for the Secretary of Agriculture, or for a chemist or for a number of chemists, or anyone else. I now yield to the Senator from Minnesota [Mr. NELSON], and then will gladly yield to the Senator from Wisconsin [Mr. SPOONER].

Mr. NELSON. Mr. President, I only rose for the purpose of making a brief reply to the remarks of the Senator from New Hampshire. I am not aware of the fact that the pure-food commissioner of Minnesota has made any such decision. I do not think he has, because I have not found that there has been any practical embargo on the use of that sauce. So far as I know we have had the privilege of using it right along.

But I want to say, in connection with this matter, to the Senator from New Hampshire, assuming that the commissioner of Minnesota has taken that view of the case, this would not cure that matter. It could not cure it otherwise than that this would be paramount and controlling so far as it affected interstate commerce. If the commissioner of Minnesota made a mistake and has gone too far, certainly this bill would not affect that matter otherwise than to afford relief so far as it pertained to interstate commerce. If any injustice has been done by the commissioner of Minnesota, relief against that must be obtained either from the authorities of Minnesota or from the State or Federal courts. This legislation can certainly not affect that matter, except in the manner I have indicated.

The good effect of this law, assuming it to be true, as the Senator from New Hampshire has stated is that this general doctrine of the Government ingrafted in the bill will, wherever there is a conflict between the State law and this law, leave this law controlling and be the means of equalizing and doing justice to all parts of the country, instead of having the difficulties we now encounter in many of the States.

Mr. McCUMBER. Of course the Senator understands well that we can not interfere with what the pure-food commissioner in the State of Minnesota may do in matters that purely affect the police power of that State, after the goods have been sold there.

Mr. GALLINGER. Mr. President, I must have been unfortunate in the statement I made or the Senator would not raise that question. I raised the question merely for the purpose of making the suggestion that I trusted no such power was placed in the hands of the Secretary of Agriculture in this bill as seems to have been exercised by this State official in the State of Minnesota.

Now, concerning the Minnesota matter, I have only the authority of the National Druggist, which is one of the most reputable drug papers in the country. This article says that an edict has gone forth from this State official putting this particular article under the ban and prohibiting its importation into the State of Minnesota. If that be so, of course we can not help it, but it is an extraordinary exercise of power, it seems to me.

Mr. McCUMBER. I doubt if that statement can be regarded as correct, for the reason that the State official of Minnesota could not prevent, by order or otherwise, the shipment of any proper and pure article into the State, nor could he even prevent the shipment into the State of an adulterated article unless it was absolutely and unquestionably of so poisonous or unfit a character that it could not be considered as a commercial product. Under the construction of the interstate-commerce clause of the Constitution goods other than those which I have mentioned may be shipped into a State contrary to the laws of the State and may be sold in the original unbroken packages in that State.

Mr. GALLINGER. Mr. President, notwithstanding that, it is just possible this official may have gone beyond his powers in that regard. At any rate, I have every reason to believe that the statement made by this reputable publication is correct in a general way. What I wanted to guard against or to have the Senators who have this bill in charge guard against is the possibility of putting a power of that kind in the hands of the Department of Agriculture.

Mr. McCUMBER. I believe the committee has been as careful as the Senator would have been to see that no such power is placed in the hands of any person or any Department. I believe, Mr. President, that all questions of that kind should be decided by the courts. That is what they are for. This bill simply determines that they shall be so decided by the courts and not by the Agricultural Department or any other Department.

Mr. GALLINGER. I am very glad to know that, Mr. President. I think that is a very wise provision, and I presume under that provision the citizen will have ample protection. My only anxiety about the bill this year, as it was last year, is to have it a fair and reasonable bill, a bill that will not be oppressive so far as the citizen is concerned and yet will be protective so far as the interests of the public are concerned.

Mr. McCUMBER. That is the end we seek to attain.

Mr. GALLINGER. I will say, if the Senator will permit me, that I am not so much exercised about these misbranded and so-called "poisonous" substances as some Senators are. I think we are running amuck on that matter to a very considerable extent. Human life is being lengthened in place of being shortened decade by decade, notwithstanding all the terrible things that are read of, notwithstanding the microbes and the germs and the bacilli, and all that sort of thing. Of course, if we believed all that these scientists say, these young fellows in the Department of Agriculture, we would not dare breathe, eat, or drink. But I do not believe it. So I am not as much alarmed as some. And yet I want to vote for a reasonable bill, and I hope this is a reasonable bill.

Mr. McCUMBER. I think what the Senator wants, and what all of us want more particularly than anything else, is that when we go into the markets to buy an article of food or a drug to be used in the family we shall get what we call for.

Mr. GALLINGER. And what we pay for. That is right.

Mr. McCUMBER. And what we pay for. That is the principal feature to be considered.

The Senator has alluded to the increase in the length of the life of the people. I think the Senator, however, will agree with me that the increase has not been so much possibly on account of the food we have now being better than the food we used to have as it has been on account of the advance of science, medicine, and surgery in the protection of the lives of children, and also in the home, in the greater comforts, and the lessening of the troubles we were afflicted with when people had not the means they have at the present time to care for themselves. I believe those have been the potent factors in the longevity of the human race, at least in the United States. It has been demonstrated that since they have sterilized the milk that is required to be sold, for instance, in certain cities, or since they have cared for it, there has been a wonderful decrease in the percentage of the deaths of children using that milk. I believe that much has been accomplished in that way, and much has also been accomplished in the matter of better foods.

Now, Mr. President, who are those who desire this bill? So far as I know, every reputable manufacturer in the United States wishes a bill of this kind. So far as I know, every reputable manufacturer of drugs and of liquors, as well as food products, desires a bill of this character to be passed. The people who have been defrauded, those whose families have been murdered, also join in the request. The percentage of the impure and adulterated foods in the United States is to-day becoming simply enormous as compared with twenty, thirty, or forty years ago.

Now, who are those who oppose this measure? There are a few classes. I do not know of any reputable manufacturer who opposes it, but there are, first, the whisky blenders. I had a letter a short time ago, and which, I think, I presented here before, from the National Association of Liquor Dealers, which they sent out to their trade, and by which they desired to raise the sum of $250,000. In that circular letter they declare that they, by their efforts alone, had succeeded in preventing the consideration of this measure in the Senate. I believe that to be wholly false. It was simply used as a method of securing subscriptions from the trade to carry on the crusade against a national law.

Now, why are they opposed to it? Simply because instead of blending two or three different brands of good spirituous liquors, such as will stand the test that is required by the Government, they use a number of different kinds of oils and flavors, and simply change the poorest liquor to some other character or quality by the infusion of these ingredients, and then sell it for the best character of whiskies.

I have before me here a little circular letter from the manufacturer of certain sirups, etc., which are to be used for the purpose of blending different kinds of whiskies. I will call attention to enough of it so that Senators may understand the methods which are used and may see that the average blended whisky we may obtain is purely a fraudulent article. It is from the Livingston Laboratory (Limited), in the borough of Brooklyn, a letter of December 21, 1903. It starts as follows:

WATER IS CHEAP.

But it won't make beading oil, nor will it add strength to liquor flavors. So also is methylated spirits—wood alcohol—cheap; and this will add strength and poison also to flavors. And yet the market is full of extracts made up with it by unprincipled people, and quoted at figures below the cost of grain alcohol or refined spirits. Columbia spirits is also much used in making up flavoring extracts, and the manufacturers of this latter strictly say this is not for internal use, while it is a very good substitute for grain alcohol in external purposes.

Here are some of the different ingredients that are sent out to the public, to the saloon keepers generally and the manufacturers of blended whisky, for the purpose of making any kind of liquor they may desire upon a moment's notice. They can make 10-year-old whisky in ten minutes:

SIR: We take the liberty of asking you to investigate a few samples of goods that we feel assured it will be to your advantage to become acquainted with. Our bead oil unxid is a product obtained after much expense and labor. We feel it no boast to say it is the best in the market. It will keep in any climate and improve with age. It will bead in any liquor, of any proof, at any temperature. It has no odor, and is tasteless—does not cloud or blue, or cause liquor to become turbid. An overdose will not harm the liquor. It is extremely soluble and is not necessary to cut in alcohol before using.

Mr. LODGE. If the Senator does not mind, will he enlighten my ignorance by telling me what is the beading of liquor?

Mr. McCUMBER. I believe the Senator knows enough about champagne to make it unnecessary for me to give him special information upon beading.

Mr. LODGE. I ask the Senator in perfectly good faith. I have not the least idea what bead oil or beading is. He is reading this paper, and I ask him in perfectly good faith to explain what is the basis. I have not the faintest idea.

Mr. McCUMBER. It is explained here how to produce a bead in the liquor itself:

It takes one-half to 1 ounce to bead a barrel of 40 gallons of liquor.

Mr. NELSON. If the Senator will allow me, the best illustration I could give as to beading would be to compare still wines with champagne. You notice the difference by the bubbles and the foam.

Mr. LODGE. I understand it when bead is applied to foam, but I did not understand that that is what was being done.

Mr. NELSON. They have some instrument by which they bead.

Mr. LODGE. So as to make it effervescent?

Mr. NELSON. Yes; that is what it does. They bead beer. I have known them to bead beer by putting salaratus in the kegs before filling them with beer, so that the beer, when poured in a glass, would bubble and foam, almost like champagne. That is called beading beer. I think the Senator from Wisconsin [Mr. SPOONER] can probably give the Senator from Massachusetts more light on beading beer than I can, as he comes from a great beer State.

Mr. SPOONER. I should like to inquire of the Senator from Minnesota whether he intends to imply by that that I am a beer guzzler——

Mr. NELSON. Nothing of the kind.

Mr. SPOONER. Or that it is simply because I come from Wisconsin?

Mr. NELSON. I simply meant to imply this: I know the Senator is almost a total abstainer. I acquit him of anything like that. What I intended to convey by my remark, which sounds a little unfortunate, is that the Senator comes from one of the great beer-manufacturing States of this Union; and, I take it, every person who has lived in his State knows something about beer.

Mr. SPOONER. The Senator has in mind the beer that makes Milwaukee famous?

Mr. NELSON. Yes, sir.

Mr. McCUMBER. I should like to go on now and show the great profit there is in buying from this firm a little of their bead oil, whereby at a very slight expense you can change whisky worth 60 cents a gallon to that worth one dollar and a half a gallon.

Mr. LODGE. That is just the point I want to get at about

bead oil. I understood that it was something to make it effervescent, but the statement which the Senator has just read is that one could change poor whisky into good whisky, or old whisky, by using the bead oil.

Mr. McCUMBER. I will state to the Senator that they have an ingredient that is called "aging oil," rectified for that purpose. Here it states:

It takes one-half to 1 ounce to bead a barrel of 40 gallons of liquor. The nearer to proof the liquor may be, the smaller the quantity of oil required. We quote you the above at $6 per gallon—in 5-gallon lot, $5 per gallon—per quart, $2; per pint, $1.

Now, I will take the next, and that is the oil agene rectified:

Our oil agene rectified we also recommend as a distillation of our own formulas. To give to new liquor or to liquor that has been reduced with water the age desirable. This meets with much favor by those who have used it. One-half to 1 ounce for 40 gallons of liquor. We quote our oil agene rectified at $40 per gallon; per pint, $6.

Mr. LODGE. May I ask the Senator what are these oils?

Mr. McCUMBER. I do not know. They are proprietary.

Mr. LODGE. I did not know whether they might be mineral oils or vegetable oils.

Mr. McCUMBER. I have not the slightest idea what they are.

Mr. LODGE. They are very deleterious, at all events?

Mr. McCUMBER. I do not know. They are fraudulent.

Mr. LODGE. I did not know but that it was some very deleterious and poisonous kind of chemical.

Mr. SPOONER. May I put a question to the Senator from North Dakota for information?

Mr. McCUMBER. With pleasure. Before the Senator puts the question I wish him distinctly to understand that our State is a prohibition State, and I am not an expert on many things the Senator might be, coming from Wisconsin.

Mr. SPOONER. I had no purpose of accusing the Senator of being an expert in the respect of which he speaks; but I wish to ask the Senator a question. He spoke of whisky at about 60 cents a gallon. What is it that is sold for 60 cents a gallon?

Mr. McCUMBER. They will take whisky that is three-fourths water and put in a little of this elixir, a little of this agene, and whisky that is not worth 60 cents a gallon they will sell for 10-year-old whisky and change the value of it to the consumer.

Mr. SPOONER. I had in mind the fact that whisky is subject to a tax of $1.20 a gallon, and I did not understand what the Senator meant.

Mr. McCUMBER. That is on good whisky, "proof whisky," as it is called. This is simply a manufactured product. It is made out of cheaper wines as well. Now, here is another extract from this paper:

Ryeoline is exceedingly concentrated. One and a quarter ounces are sufficient for a barrel of 40 gallons and will impart the nutty bouquet aftertaste; equal to 5 gallons of best high-grade stock whisky used in blending. The use of ryeoline at a cost of 30 cents per barrel is a saving of $15 to $25 per barrel of old stock whisky, with results equally as good (so pronounced by good judges).

I have not gone over this entire list. I simply call the attention of Senators to the fact, showing the frauds that are being perpetrated and something of the character of those frauds.

Now, who else are opposing this bill? Wine merchants.

Doctor Bigelow testified a short time ago before the Senate Committee on Manufactures that he had been sent to examine some of the importations of wine into the United States. There seem to be quite a number of wholesalers in Philadelphia. He went down and visited the wholesale district and was very much surprised to find that there was rarely stock on hand; in very few of them was there any stock on hand. He went to one of the proprietors and asked for a certain brand of wine. The price was quoted to him. It was an imported wine. He also asked for other brands, and they quoted different prices according to the general market for the different kind of brands.

But before he got through he ascertained that not less than twelve or fifteen kinds of wine were practically all drawn from the same cask; that the wine was not imported wine at all; that the wholesaler or importer would simply go to one drawer and get a little statement that the particular wine was manufactured in such a place in Italy, and another in Spain, and another in France; and he could have any character of imported wines in any quantity he desired by simply pulling out a little drawer and getting the proper little piece of paper to paste upon his bottle.

Mr. PERKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from California?

Mr. McCUMBER. With pleasure.

Mr. PERKINS. I understand my friend from North Dakota to say that this is imported foreign wine.

Mr. McCUMBER. No; I said it was not imported.

Mr. PERKINS. It is done by the importer. I want him to exempt from his criticism California wines. We have many thousands of vineyards in California which are producing grapes from which are being manufactured pure wine—port, sauterne, claret, and other varieties of wine—and you can take only one good quality and one variety of wine from the same cask or the same vineyard. The wine growers of California are in favor of this bill or any other pure-food measure that will give a market to our California wines and to our pure olive oil that is not adulterated with cotton-seed oil, and the jellies and jams and other products of our State. As my friend did not refer to California, I want him to understand that the wine makers and grape growers in California are in favor of this bill.

Mr. McCUMBER. I am going to speak of California wines before I get through. I may as well state what I intended to say right here, and I can do it publicly. In the examination that was given before the Committee on Manufactures a year or two ago it was shown that the champagne manufactured in California was not only equal but superior to any champagne imported into the United States.

Mr. PERKINS. As a matter of fact, Mr. President, in the case of the best French wines many of the favorite brands we now import into this country the wines originated in California. They were sent to France, there bottled, and with French labels returned here. If my friend from North Dakota was not a temperance man and if he purchased wine he would be paying tribute to the manufacturers in France for their imported wines.

Mr. KEAN. In crossing the ocean the voyage improved it?

Mr. PERKINS. No; it was the French label.

Mr. McCUMBER. In addition, here is another class of so-called importers who are opposed naturally to this bill. I have no doubt but that cotton-seed oil is superior for cooking purposes, and possibly for the human system, to any lard that can be produced. People may differ upon that subject; but I submit that it ought not to be sold either for lard or for olive oil when it is not so, and the public should not be deceived into purchasing it as such.

The same authority, Doctor Bigelow, also examined a number of the imported olive oils; and here I wish to correct a mistake. It has generally been assumed that we are shipping our cotton-seed oil into France; and there it is bottled and mixed sometimes with olive oil; but ordinarily it is sent here without being mixed at all, and it is branded with a French label and sold in this country for olive oil, when it is nothing more than the cotton-seed oil that is used in this country. The reason for arriving at this conclusion is because the foreign brand is on the bottle, but, as a matter of fact, Mr. President, it is bottled here and the foreign brand is placed upon the bottle here, and it has never been shipped, and it is nothing more than cotton-seed oil after all.

The same testimony was given in reference to some importers or so-called "importers" at Brooklyn. For instance, Doctor Bigelow went there and asked for a number of foreign brands of olive oil. The prices were quoted to him. It was ascertained also before he got through in that case that the party did not import any oils whatever, but simply took cotton-seed oil and labeled it with a foreign brand and sold it to the country generally as imported olive oil.

Now, Mr. President, that is the character of manufacturers, and the only ones, so far as I know, who are particularly opposing this bill. There is some opposition by the manufacturers of jellies, etc., who seem to be frightened lest it shall be decided by the courts that the coloring matter which they use, which is almost always an aniline or coal-dye product, will prevent their goods from going into interstate commerce. I do not think they have anything to fear, because the courts must apply a rule such as this: That in order that any food coloring may be deemed to be deleterious it must be so, considering the quantity that would naturally be used by an ordinary person, as that it could without any question be shown to be deleterious. That is not a very hard proposition for any manufacturer to come up against. If it is of a coloring matter that would injure people generally as they would naturally use this jelly or that jelly, then it ought not to go into the markets, and as to whether it is or not, the courts can easily decide that question.

The provisions of this bill, Mr. President, are practically the same as they have been for the last four years. There is substantially no difference whatever. There are some slight additions and modifications. I think when Senators commence to study it out, while I have no doubt many of them will consider that it ought to be modified, those who have had the bill in charge will cheerfully agree to such suggestions as they may make with the intent to secure such a bill as will be satisfactory, and it will result in the final passage of a bill that will meet the purpose desired. It is not drastic in any of its provisions.

There is a matter that was discussed here the other day, and I especially desire to invite the attention of the Senator

from Wisconsin, who took part in that discussion, to it. It was upon the word "knowingly." We may look over the pure-food bills of most of the States—I will take Kentucky, for instance, as the standard, because I believe that the people of Kentucky have a better food law than any other State in the Union, taken as a whole.

The word "knowingly" is not generally used in these prohibitions. I have heard of no dire effects because of the omission of that word in nearly all of the food laws of the States. I desire to say freely to the Senator from Wisconsin that I am afraid the result of the insertion of the word "knowingly" into the section in which I believe it was inserted the other day will open wide the gates for any person almost to escape; that it throws a shield around the person who would desire to disobey the law as it would finally be in this bill.

Now, what is the necessity of the word "knowingly," as applied, we will say, to the retail dealer? Of course, it will be claimed that he has no knowledge of the inferiority, of the misbranding, or of the adulteration of the articles that he uses, and, therefore, that he should be protected by the use of the word "knowingly." But if the Senator will look at the whole bill it will be seen that the retail dealer is absolutely protected, because from the wholesale houses or the manufacturers with whom he deals he may secure, as a condition precedent to his purchase, a simple guaranty in writing that the goods conform to the laws of the United States and particularly to this act. When he has done that he is absolutely protected without any possible question.

Mr. GALLINGER. On that point——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from North Dakota yield to the Senator from New Hampshire?

Mr. McCUMBER. With pleasure.

Mr. GALLINGER. How is the guaranty from the wholesaler to protect the retailer if he is found guilty and is fined and imprisoned according to the terms of this bill?

Mr. McCUMBER. According to the terms of the bill he can not be found guilty and imprisoned if he has that guaranty.

Mr. GALLINGER. I am not sure about that.

Mr. McCUMBER. That is certainly the provision of the bill.

Mr. HEYBURN. Section 10.

Mr. SPOONER. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Wisconsin?

Mr. McCUMBER. With pleasure.

Mr. SPOONER. I appreciate the force of the argument of the Senator from North Dakota as to the danger of an improper use of the word "knowingly" in a bill of this kind. The Senator entirely misapprehends my attitude if he thinks that I intended to advocate that qualification everywhere in his proposed statute. I suggested one place in which the commonest kind of justice to the people of the United States seemed to me to require that that word should be inserted, and it arose out of this provision to which the Senator from Idaho refers, in section 10:

> That no dealer shall be convicted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in the United States, from whom he purchases such articles, to the effect that the same is not adulterated or misbranded within the meaning of this act, designating such article.

Mr. McCUMBER. I will say to the Senator I did not understand that the word "knowingly" was limited to that particular condition.

Mr. SPOONER. Let me finish:

> Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach, in due course, to the dealer under the provisions of this act.

Under that provision of the bill the domestic dealer, the dealer in the United States, may protect himself by the guaranty of a domestic manufacturer, but what about the dealer who purchases from a foreign manufacturer? He is not protected by the insertion of the qualifying word "knowingly," and yet he is the man above all others who should have the protection carried by that word thrown around him. Why? We have laws under which the Department, so large that I do not know how fitly to characterize it in respect to almost everything that is going on in this country—the Agricultural Department—investigates many things and certifies as to the healthfulness of many things. The Treasury Department also has many functions of that sort. Now, I ask the Senator if it be not true that no imported food, liquor, or the third article mentioned here, can be released from the custody of the custom-houses until the Government officials have analyzed it, or a sample of it, and found it to conform to the law or to be free from poisonous ingredients, and so forth? That is true, is it not?

Mr. McCUMBER. That is the law as it stands to-day.

Mr. SPOONER. Very well. Now, Mr. President, every citizen of the United States has a right to assume that the men at tide water, at the ports of entry, paid by the United States to make examinations and analyses of these imported articles, have done their duty, and it is a travesty on law, on good administration, on decency, that a man who buys and sells, believing that the Government officials at the custom-houses have done their duty under their oaths, shall be held down under penalty of imprisonment or fine if they shall not have done their duty, while men who buy from domestic manufacturers are protected immediately by a guaranty.

So I said to my friend from Idaho that I thought the amplest justice to our people (for this bill is full of pitfalls for the unwary as almost any bill of the kind must be) required us to protect those who act in good faith as far as it is possible; and I suggest to my friend that as to the dealers who put upon the market articles imported which had already passed the scrutiny of the Government officials, he ought to insert the qualifying word "knowingly." I thought he agreed to that.

Mr. HEYBURN. Mr. President——

Mr. McCUMBER. I yield to the Senator from Idaho.

Mr. SPOONER. That is the only instance.

Mr. HEYBURN. I wish to call the attention of the Senator from Wisconsin to the fact that the bill as reported contains the word "knowingly," page 2, line 22, and the controversy the other day was simply as to how far that word was applicable to another provision of the bill.

Mr. SPOONER. I had not read the bill, and I asked the Senator whether it had been incorporated.

Mr. HEYBURN. It was in the bill as reported. It was merely a grammatical distinction.

Mr. SPOONER. So the Senator from North Dakota understands just what I meant by the insertion of the word "knowingly."

Mr. McCUMBER. I have no objection to the word "knowingly," as applied to those cases. I considered that the domestic retailer was sufficiently protected under the provisions of the guaranty, and the other was already in the bill.

Mr. SPOONER. It was not in the bill last winter.

Mr. McCUMBER. It is in this bill.

Mr. SPOONER. I asked the Senator from Idaho, who has charge of the bill, the other day whether it was in the bill now. He said it was, and I was satisfied; but some question arose as to whether it ought not to be again inserted in order to apply more fully to the case I am stating.

Mr. McCUMBER. I have no objection to its being inserted at that particular place, but my objection was urged against the insistence not only as I understood in the debate the other day, but as I know in the debate which took place at the close of the last session, that the word "knowingly" should be inserted as a protection against all the retailers.

There is a law against selling adulterated milk. No one ever heard of our insistence that the word "knowingly" should be inserted. If that were done, as I said, it would open the gate for the escape of almost everyone of these dealers. We have in our State, as I said, a prohibitory law against the sale of intoxicating liquors. To meet that law nearly all the great brewers have manufactured what they call "Pabst's malt" or somebody else's malt. A few bottles are taken to the saloons—where we have them in our State. I admit that we have them, but there are very few of them. Then immense quantities of beer, purely intoxicating liquors, are shipped to the same vendor; and, while he may have this malt upon his shelf, the great bulk of his sales, and practically all his sales, are nothing more than the ordinary beer that is brewed at those great breweries.

Now, when he is arrested, charged with the sale of these intoxicating liquors, he always falls back upon the proposition that he understood it was all this malt and he did not know he was selling any real beer whatever; he did not know that it was intoxicating.

We have our proposed law so framed that that excuse can not be made, and I know of no reason, Mr. President, why you should open wide the gates for fraud of that character. If we use the word "knowingly" in all cases of that kind in our statutes against offenses of this character, then practically all the defendant would have to do would be to substitute the crime of perjury for the crime of which he was charged, and he would go scot-free.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 529) to promote the national defense, to create a naval reserve, to establish American ocean

mail lines to foreign markets, to promote commerce, and to provide revenue from tonnage.

Mr. MALLORY. How much longer does the Senator from North Dakota desire to speak?

Mr. McCUMBER. I shall not complete my remarks to-day, but I should like to spend about three minutes in one explanation, and then I will close.

Mr. MALLORY. Very well.

The VICE-PRESIDENT. Without objection, the unfinished business will be temporarily laid aside until the Senator from North Dakota concludes his remarks.

Mr. McCUMBER. Mr. President, the remark of the Senator from Wisconsin [Mr. SPOONER] a few moments ago was to the effect that this bill is full of pitfalls for the unwary. I wish to say candidly to the Senator from Wisconsin that I do not believe he could make or conceive of a bill that was intended to accomplish a certain object that is more carefully drawn to protect the innocent or unwary. Now, how is this done? In the first place, every offense must be tried by the court. How does it get to the court? The Secretary of Agriculture may make an examination of the chemical, he may make examination of the drugs and the foods and the liquors that are manufactured for interstate commerce. If he himself concludes that any food or any drug does not measure up to the standard that is required in these definitions—and they are standards based upon common sense and common judgment—he does not immediately direct the arrest of the manufacturers, but he is required to give them notice that in his opinion, and upon a chemical examination of their products, they do not comply with the law. A hearing is then given to the manufacturers and the testimony taken; and if the manufacturers themselves satisfy the Department that their products are pure, that they are wholesome, that they are not adulterated, that they are not misbranded, that is the end of it.

If they seriously differ, then the testimony is simply submitted to the United States district attorney, and there a second safeguard is thrown around it. The United States district attorney does not need to act even upon the advice of the Secretary of Agriculture, but he investigates the subject himself and determines in his own mind whether or not it is a case that ought to be prosecuted. If he finds and believes that in a court he can establish beyond any reasonable doubt that the manufacturers are guilty of the offense, he may then institute the proper proceeding. Then it has to go before the grand jury, and they again will have to act upon the same subject. Even then, if it be found that he is selling an unwholesome or adulterated article, he must still produce in court this little guaranty from the party from which he purchased, which would be a complete defense.

If anyone can possibly conceive of any method by which an innocent manufacturer or dealer may be more fully protected than is contained in the provisions of this bill, I certainly should like to hear from him.

THE MERCHANT MARINE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 529) to promote the national defense, to create a naval reserve, to establish American ocean mail lines to foreign markets, to promote commerce, and to provide revenue from tonnage.

Mr. MALLORY. Mr. President, the bill S. 529, which is now before the Senate, is the result of the labor of a combined Commission of Senators and Members of the House, which covered a period of something over a year. It is a better bill, in my judgment, than any we have had on the same subject since I have been in this body; but it is defective in certain essentials, so defective, in my judgment, that I am constrained, Mr. President, to register my vote against it.

Preliminarily, and before referring to the subject-matter of the bill, I would call attention to the parliamentary question involved in its presentation to the Senate at this time. The eighth section of the bill provides distinctly for raising revenue. It declares—

> That a duty of 8 cents per net ton, not to exceed in the aggregate 80 cents per ton in any one year, is hereby imposed at each entry by sea on all vessels which shall be entered in any port of the United States from any foreign port or place in North America, Central America, the West India Islands, the Bahama Islands, the Bermuda Islands, the coast of South America bordering on the Caribbean Sea, or Newfoundland; and a duty of 16 cents per net ton, not to exceed in the aggregate $1.60 per net ton in any one year, is hereby imposed at each entry by sea on all vessels which shall be entered in any port of the United States from any other foreign port or place, not, however, to include vessels in distress or not engaged in trade.

There is a sweeping imposition of a tax, and, in the estimation of the framers of the bill, there is no question but that they regarded it as a tax for the purpose of raising revenue. The title of the bill itself declares that its purpose is—

> to promote the national defense, to create a naval reserve, to establish American ocean mail lines to foreign markets, to promote commerce, and to provide revenue from tonnage.

In his report upon the bill the chairman of the Commission, the Senator from New Hampshire [Mr. GALLINGER], called attention to the fact that—

> The practical result of the proposed bill in the first year of its operation will manifestly be to increase the revenue of the Government.

Now, Mr. President, if it is so that this bill provides for raising revenue it is premature, of course, for us to discuss it in other than an academic sense in this body at this time. It is only a few days since that the House of Representatives, on a bill that by no means was as pointed in its purpose to produce revenue, raised the point and sent it back to the Senate, and called attention to the fact that the Senate was precluded by the seventh section of Article I of the Constitution from initiating a revenue measure.

The declarations of the chairman of the Commission and the statements contained in the title of the bill are not, however, conclusive, and whether it is a measure for the purpose of raising revenue which should originate in the House of Representatives and should not be considered in this body until after it has come here from the House of Representatives is a matter that can be determined only by a comparison of the provisions of the eighth section with the requirements as laid down by the decisions of the courts.

I am not prepared to say, Mr. President, that I am ready to relinquish the right of the Senate to originate and pass such a measure as this. I am inclined to think that it is an open question, notwithstanding the somewhat severe criticisms which have been passed upon similar legislation in other quarters; but it is a subject that we should proceed with carefully and deliberately, and while I am perfectly willing to expedite the discussion of this measure as much as possible, I shall, when the proper time comes, raise the point and present for the consideration of the Senate the point of order as to whether this is such a measure as we can originate without violating the inhibition of section 7 of Article I of the Constitution.

I shall not discuss the fact whether this is or is not a bill for the purpose of raising revenue, but I shall call attention to an extract from the decision of the Supreme Court of the United States in the case of Twin City Bank *v.* Nebeker, in 167 United States, which was quoted here the other day by the Senator from Wisconsin [Mr. SPOONER] in the discussion of this question. I ask the attention of the Senate to the language which the court uses, and which, in my judgment, is somewhat ambiguous. In the latter part of the quotation made by the Senator from Wisconsin we have the following:

> The main purpose that Congress had in view was to provide a national currency based upon United States bonds, and to that end it was deemed wise to impose the tax in question. The tax was a means for effectually accomplishing the great object of giving to the people a currency that would rest primarily upon the honor of the United States and be available in every part of the country. There was no purpose by the act or by any of its provisions to raise revenue to be applied in meeting the expenses or obligations of the Government.

The implication is that if there were such a purpose—that is, a purpose of raising revenue to be applied in meeting the expenses or obligations of the Government—then it would be a tax for the purpose of raising revenue and obnoxious to that prohibition in the seventh section of Article I of the Constitution.

It would seem, Mr. President, that this section 8 is for the purpose of raising revenue with the object of meeting the obligations of the Government, which obligations are distinctly set forth in this bill, the obligation of the subsidy to ships and the subvention or payment or bounty to the "naval reserves," as they are called.

Contenting myself upon that point with just simply calling attention to it, as I have done, I will take up the bill. Before doing so, however, I desire to express my resentment at the evident tendency on the part of those who advocate measures of this kind to imply by their utterances that anyone opposed to their contention is necessarily an enemy to the reconstruction or rehabilitation of the merchant marine of the country.

I yield to no man, Mr. President, in my earnest desire to rehabilitate the merchant marine, and I resent that tendency, which to me is apparent, at least on the part of the advocates, not alone in Congress, but elsewhere, of a subsidy system of building up the merchant marine to imply that opposition to that subsidy system necessarily means opposition to the construction of a merchant marine for this country. I am sincere in believing, Mr. President, that such a subsidy or subvention as is contained in the second section of this bill, and as is carried out in the third section by certain provisions, is unconstitutional—that it can not be plausibly sustained by anything that is in the Constitution, and that the subvention or subsidy will

in practice prove an absolute failure, so far as the accomplishment of the purpose designed is concerned.

In the first place, the amount which is donated is too small. It is an effort here to take from the Treasury money and put it into the pockets of private parties for the purpose of enabling them to carry on their private business, but it does not give them enough to accomplish the purpose aimed at. Five dollars a ton, in my judgment—and I know it can be demonstrated—for twelve months' service in running a ship of any size is entirely too small an amount to meet the disparity which exists between the operating expenses and the original cost of vessels in the United States and vessels under foreign flags. I do not believe, Mr. President, that $10 a ton would be sufficient to meet that disparity and put the American ship on an equality with the foreign ship. I do not believe that any measure which falls absolutely short of putting American ships in such shape that we can run them without any expense whatever to the owner of the ships would amount to anything in the line of subsidy; but I do not believe Congress will ever reach the point where such a measure as that will pass.

Upon that point I have some figures which were handed to me by the Senator from Texas [Mr. CULBERSON] yesterday from one of his constituents whom I happen to know. He is the owner of a vessel and has figured a little on this question. He was a witness before the Merchant Marine Commission at Galveston last year. He is the owner of a small sailing vessel—a schooner. Her name is the *John Francis*. She cost $16,000 when five years old. Her original cost was $24,000. She is 330 tons gross measurement. She would get $5 a ton for twelve months' service in the year, which would be $1,650 a year, which is about 10 per cent on her cost when five years old. Her running expenses—he speaks of his own vessel and he knows—amount to $25 a day, equal to the sum of $9,125 a year—that would be, under ordinary conditions, $9,125 a year for running an ordinary vessel of that size, her ordinary expenses under almost any flag.

The operating expenses of running an American vessel, as testified to by almost everybody who appeared before the Merchant Marine Commission, would be at least 30 per cent greater than those of a foreign ship. He is out 30 per cent on that $9,125, which amounts to $2,737.50. This bill proposes to give him $1,650, leaving him $1,087.50 to the bad if he wants to compete with the average foreign vessel.

He also happens to be interested in a steam vessel. He has furnished figures on that. She is under the Norwegian flag. He had put that vessel under the Norwegian flag because he could not afford to run her under the American flag. It is in testimony before the Commission, testified to by gentlemen of standing and repute, that if they were presented with a five or six thousand ton American steamer free of all cost they would not be able to run her at a profit under existing conditions; that the operating expenses are so much more burdensome on the American ship than they are under a foreign flag that they would be forced to put the ship under some foreign flag or else sell her. This vessel under the Norwegian flag, plying between Galveston and the Central American coast, of 750 tons net, 1,200 tons gross, cost $90,000 in England; if built in America, she would have cost $130,000, according to his estimate, which I think is a fair and reasonable one and probably within what the facts really are. The difference would be $40,000. Her running expenses under the Norwegian flag are $70 a day, which amounts to $25,550 a year. Under the American flag she would be operated at an expense of $100 a day, making a total of $36,500 a year, leaving a difference of $10,950, and from the Government under this subsidy she would receive $6,000, leaving her $4,950 to the bad, which would have to be filled up in some other way.

I have done a little figuring myself on this subject. I happen to know something about ships. I have taken as an illustration a 2,000-ton vessel, a steamship. I think I am strictly within reasonable limits when I say that her expense would amount to $125 a day, or $45,000 per annum, one-third of which would be $15,000, American disparity. That is, our expense of operating is, in my judgment, about 33⅓ per cent greater than what it is under a foreign flag. So our American owner would have to pay $15,000 more than the foreigner, and would get on his 2,000-ton ship $5 a ton, or $10,000, to assist him in carrying on the operations of his ship.

I think if you take any sized ship and figure on it, using the figures which we have given us by this bill, you will find the amount is too small to compensate for the difference between the expense incident to construction and operation of an American ship and that incident to the construction and operation of a foreign vessel.

Mr. PATTERSON. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Florida yield to the Senator from Colorado?

Mr. MALLORY. Certainly.

Mr. PATTERSON. If it will not interfere with the line of argument which the Senator from Florida is now pursuing, I should like him to state in what lies the difference of cost in operating an American vessel and a foreign vessel.

Mr. MALLORY. In a great many ways. I endeavored when I was on the Commission to elicit from witnesses capable of giving the information all that they could give on that subject. In the first place, our food is much more expensive than that of the foreign vessel; in the second place, the accommodations aboard American ships are more luxurious—if I may use such an expression in connection with anything in a sailor's life—they are certainly roomier, and under the practice of our merchant marine on board our steamships they require quite a considerable number more men in the engine room than do the foreign vessels—in some instances five or six more men in vessels of the same size are required under the American flag than under a foreign flag.

In addition to that, the high wages of American seamen and of American masters, mates, engineers, and assistant engineers are also very important items in making up this difference. You take the master of a four or five thousand ton British ship, and he will probably get $125 a month, while the master of an American ship of the same size would not be satisfied with less than $150 a month. I am satisfied that he would not be at all content with that. I had a friend who was master of a 1,200-ton American ship. He quit because he was only getting $150 a month and his owners would not give him any more. British masters of vessels of two or three or four thousand tons, I might say, frequently are not getting that much. The scale runs clear down to the lower men in the engine room and through the officers. The result is that, according to the testimony of shipowners, the men who are engaged in that business, I think we can safely say that the expense of operating American ships is at least 33⅓ per cent more than it is in the case of even the British ship, which is the next expensive ship to the American ship.

When you come down to the Norwegian and Italian ships, those vessels are run so much more cheaply that no comparison at all can be made. I have known a Norwegian captain getting $75 a month on a 1,500-ton saling ship. An American would not think of accepting such wages. He would not think of less than $150 a month.

I was proceeding, Mr. President, to call attention to the provisions of the bill. The first section provides for the organization of a naval reserve. The first section has been modified since the filing of the report of the minority of the Committee on Commerce on this measure, and I think the modification of that section has been to its benefit. It provides for a payment to be made to all men who will enlist or allow themselves to be enrolled in the naval reserve under such rules and regulations or requirements as the Secretary of the Navy may prescribe, and it limits the enrollment to men who are native-born citizens of the United States or who are naturalized citizens. The bill as it was reported to the Senate a few days ago permitted men to be enrolled in the naval reserve who have merely declared their intention to become citizens of the United States.

The minority in their report inveighed against that quite vigorously, because, as they contended, it opened the door to the payment of money to men who were unworthy and who would declare their intention to become citizens of the United States merely for the purpose of getting the benefit of the pay as members of the naval reserve.

The second section provides what is known as a "general subsidy," or, what we may designate as a "bounty." It proposes that if a ship, whether she be a steamship or a sailing vessel, sails the ocean for twelve months and is engaged in the foreign trade, she is to receive at the expiration of the twelve months $5 per ton; and if she follows the foreign trade for a less period than twelve months, but exceeding nine months, she is to receive $4 per ton. The sum of $2.50 per ton is also given to any vessel which, during any twelve consecutive months, has been engaged in the foreign trade by sea or the deep-sea fisheries for a period of six months or over, but less than nine months. That is the subsidy.

Now, the framers of this bill—that is, those gentlemen who framed the bill and are advocating it, because I think I had something to do with the framing of the bill, though I am not advocating it—those gentlemen, in order to get Congress to swallow this bonus of a plain, bald donation to the owners of merchant vessels in order that the owners of the merchant vessels should carry on their business, and for the purpose of

making it more palatable to Congress, deemed it desirable to prescribe certain alleged obligations or burdens that were to be assumed by a shipowner in consideration of the benefits given him under this second section. There are six distinct requirements exacted of the shipowners specified in the third section of the bill. I shall not, Mr. President, consume time in doing more than simply calling attention to that and also to the objections which I have to it. Section 3 begins in the following language.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Nevada?

Mr. MALLORY. Yes.

Mr. NEWLANDS. Before the Senator passes to section 3, I should like to have a better understanding of sections 1 and 2. Are we to understand that section 1 is practically a subsidy to the men employed on the ships, and that sectoin 2 is a subsidy to the owners of the ships? Is that the distinction between the two?

Mr. MALLORY. I will say to the Senator from Nevada that section 1 provides for a naval reserve and provides for payments to the men in the naval reserve if they serve a certain length of time aboard American ships.

Mr. NEWLANDS. The purpose of that is to give them a larger wage than they would otherwise receive?

Mr. MALLORY. Well, it may be a combined purpose to give them a larger wage than they would otherwise receive, possibly, and also to give them an inducement to hold themselves in readiness, in the event of war, to go into the Navy. That is the object which the Commission had in organizing the naval reserve in this way.

Mr. NEWLANDS. But take the case of an ordinary seaman. I observe that the amount given to him for each year would be $24. About what percentage would that be?

Mr. MALLORY. That amount has been increased since the bill was introduced. It has been increased by an amendment offered by the Senator from New Hampshire [Mr. GALLINGER] the other day to $3 a month, or $36 per annum.

Mr. NEWLANDS. I wish to ask the Senator whether he thinks an addition of $36 per annum to the pay of these seamen will induce men to enter the service, with wages as high as they are now?

Mr. MALLORY. I doubt it very much. I have very grave question, Mr. President, in my mind whether this provision is going to amount to anything. I should like to see the experiment tried in some way.

Mr. NEWLANDS. May I ask the Senator another question? Assuming that the subsidy is to be paid, would it not be better to diminish the subsidy paid to owners of ships and to increase the subsidy paid to the men who work the ships? Would it not produce better results?

Mr. MALLORY. Yes; but the Commission has proceeded on the theory that it is necessary to have ships in order to train your men; that you can not have your men unless you have your ships. My recollection is that the original thought was that this naval reserve should be confined to ships engaged in the foreign trade, but since then the idea has enlarged, so that it includes not only vessels engaged in the foreign trade, but in our domestic trade as well. I think that was because we realized that it was necessary to have as many vessels as possible on which the men could be trained. That is the object, I think, of this provision—to increase the number of vessels.

Mr. NEWLANDS. One question more, if the Senator will permit me. Can he form any idea of what amount in the total would have to be paid by the United States, under this bill, in subsidies to the men employed on the ships, and what would be paid to the owners of the ships?

Mr. MALLORY. Yes, sir. I myself am not convinced, but the majority of the committee in their report—and I will refer the Senator to the page of that report—has made statements as to the net cost under the operations of this bill for the different years. He will find it on page 12.

They estimate the net cost for the second year for the naval volunteer retainers would amount to $300,000; for general subventions to cargo vessels, $1,250,000; for mail subventions to new lines, $1,500,000; for increased subventions to two existing mail lines, $467,000; total, $3,517,000. The net increase of revenue from tonnage, amounting to $1,850,000, is deducted, which reduces the net cost to the Treasury to $1,667,000. The Senator will find in the report that estimates for the third, fourth, fifth, and up to the tenth year are made by the committee, and that the estimate for the tenth year shows that the net cost of this scheme to the Treasury will be $7,682,000.

Mr. NEWLANDS. And is this bill only to be in operation for ten years?

Mr. MALLORY. No; the bill may go on forever—that is, so long as the country can stand it—and the expenditure increases every year until we get a merchant marine that will cover the seas of the world; but a vessel can draw a subsidy for only ten years. Right there it is a pertinent inquiry to those who advocate this bill, What are they going to do with these ten-year-old ships when they can not draw any more subsidy and can not compete with subsidized vessels?

Mr. FRYE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Maine?

Mr. MALLORY. Certainly.

Mr. FRYE. In former bills, which I have had the honor to advocate, there was a provision for contracts extending anywhere from ten to fifteen years. I have not examined the pending bill particularly, but I am inclined to think that there is no provision in it for contracts extending over ten years; and that it is left in the power of Congress to repeal this law at any time it is the pleasure of Congress to do so.

Mr. MALLORY. There is no doubt about that.

Mr. FRYE. That is so.

Mr. MALLORY. If it should by any accident happen that a Democratic majority got into Congress within two years, or I will say four years, the probabilities are that the bill would be repealed and the unfortunate men who had gone into the shipowning business and provided themselves with ships would be found with a lot of ships on their hands which they expected to be subsidized, but which would be without any subsidy. That is one of the defects of this bill.

Mr. FRYE. I do not think this bill so good as the bills the Senate has passed heretofore.

Mr. MALLORY. Even with that defect, I think it is better than some of the others we have had. I merely mention that incidentally.

I was proceeding to say that the Commission thought it advisable to fortify this bounty feature of this bill, and so they have provided certain things which have to be done by the shipowner in order to justify this donation of $5 a ton. Those things are provided in the third section. I will call attention to the very serious and earnest way in which the bill provides that the shipowners should undertake certain obligations:

SEC. 3. That before receiving any subvention under the provisions of this act the owner or owners of any vessel shall contract, in writing, with sufficient sureties, with the Secretary of Commerce and Labor to fulfill each and all of the following obligations.

Very important, so important that they have to have sureties. Now, the first of these obligations is:

First. That said vessel may be taken and used by the United States, for the national defense or for any public purpose, at any time, upon payment to the owner or owners of the fair actual value of the same at the time of the taking, or a fair rate of hire to be agreed upon. And if there shall be a disagreement as to such fair actual value or fair rate of hire between the United States and the owner or owners of such vessel, then the same shall be determined by two impartial appraisers, one to be appointed by each of said parties, they to select a third, who shall act in such appraisement in case the two shall fail to agree.

What does that mean, Mr. President? It means that if the Government of the United States in time of war, or in time of stress, needs the services of these vessels the owners of these vessels agree quite solemnly in writing that they will allow the Government to take them, provided the Government will pay the value of the vessels, which shall be fixed by impartial appraisers. I submit that without any such agreement the Government of the United States can do that, and it is entirely unnecessary to put that provision in here as a consideration from the shipowner in order to justify his receiving this bonus. It can be taken out of the bill, and yet the Government would have the same right in the event of war to use those vessels, either for colliers or for whatever purpose the Government might need them, on paying a reasonable compensation therefor, that it would have under this provision.

Mr. TELLER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Colorado?

Mr. MALLORY. Certainly.

Mr. TELLER. I should like to ask the Senator how long he thinks it would take for the Government to adjudicate and settle a claim of this character so that the Government might get a ship? I judge from that provision that the Government could not get a ship until they had paid for it.

Mr. MALLORY. I am inclined to think that it would be an absolute necessity that payment should be made before we could touch a ship. I think that would be the case now, however.

Mr. TELLER. I think the Government in time of stress has the right to take property.

Mr. MALLORY. It has the physical power to do it, whether or not it has the moral or legal right.

Mr. TELLER. But the Government is under obligation then

to pay for it. This provision would restrain the Government from taking it, no matter how great was the emergency.

Mr. MALLORY. Very possibly. I call attention to that provision simply because it strikes me as being only a make-weight—something put in there for the purpose of conveying the impression that the shipowner is going to do something of some value to the Government as a consideration for this bonus.

The second provision is:

Second. That said vessel shall carry, free of charge, the mails of the United States, when the Postmaster-General shall so require, for the whole or any part of a voyage for which subvention shall be claimed.

Vessels that are receiving a postal subsidy for transporting mail from this country to foreign countries are excluded from any of the benefits of this bill, and it is only the vessels that are not covered by postal subsidies that are to be treated by the Government as mail carriers under this provision.

But what class of vessels is it that reference is had to here? Mr. President, if you will read the report of the majority of the Commission you will find that the vessels contemplated to be built up and constructed under this provision of the bill are cargo carriers, tramps, corresponding to the tramps that do a great part of the commerce of the world, vessels ranging from 1,500 tons net to 3,000 tons, rarely larger, with a speed of from 8 to 10 knots—economical vessels carrying as small a number of men as possible. They are vessels that go to a port seeking cargo, without any ulterior destination in mind at the time they arrive at the port. They seek a cargo. They arrive at New York and get a cargo for Rio Janeiro, a cargo for Buenos Ayres, or for a port on the Mediterranean. It is indifferent to them. They will take a cargo wherever they can get a call.

Now, those vessels are slow. They have no certain destination until their charters are fixed. It strikes me as being absurd to think that they can ever be of any assistance to our Post-Office Department in sending our foreign mails to different parts of the world.

In addition to that, the minority of the Commission have called attention to the fact that this bill provides for ten new routes between the Pacific, Atlantic, and Gulf coasts of the United States and South America, Central America, Cuba, Africa, and the coast of Asia. I believe Australia is included already. There are ten new routes, in fact, proposed by this bill, which, with those already established—seven, I think, in number—ought to enable us to reach almost any port in the world by American mail lines, and there will be no possible excuse that I can see for the utilization of these slow-going tramp vessels.

Therefore, I put it down that this provision is one of those things intended rather to create an impression that something is to be done than to really accomplish anything. I wish it to be understood that I am not casting any reflection on the majority of the Commission. I think the majority of the Commission have done all they could do and have labored very hard to invent something that would be a burden to the shipowner, and if they have not been able to find it it is not their fault.

The third provides:

That upon each departure of said vessel from the United States at least one-sixth of the crew shall be citizens of the United States, or men who have declared their intention to become citizens, and of the deck force, excluding licensed officers, at least one-half shall be able seamen, who are hereby defined to be men who have had two years or more experience at sea on deck.

That provision is simply this: One-sixth of the crew of one of these tramps shall be citizens of the United States. I take it, Mr. President, that the ordinary tramp, if we do build them under this bill, will not have a crew of more than 21 men. They have to be run economically, as the tramps of the European nations are run, and I take it not one of them would carry more than 23, or at the outside, 24 men. Of course, if she gets to be a large ship of four or five thousand tons, it will carry a much larger number, for they have crews sometimes of as many as 40 or 50 men, but the smaller craft, which are those that do the transportation of the world, are vessels of from 1,500 to 2,500 and 3,000 tons and do not carry crews in excess of from 21 to 24 men. Their deck crews generally consist of just men enough to handle the work around the deck, to attend to and take care of the steering, and relieve each other on watch.

There is also a provision here to which I take exception. It is that which declares what an able seaman shall be. It is proposed to provide here by legislation that an able seaman shall be a man who has been at sea two years—

At least one-half shall be able seamen, who are hereby defined to be men who have had two years or more experience at sea on deck.

There are two kinds of seamen. There are the able seamen and the ordinary seamen. The able seaman is the man who is fully equipped to do any work aboard ship. He can splice, he can sew a sail, he can do anything that he is called upon on board ship to do. He is an all-round capable man; whereas the ordinary seaman is not by any means up to his acquirements. The ability to classify oneself as an able seaman arises as much from experience as from anything else. Certainly we can not make him an able seaman by legislation.

Mr. President, I think there is really more harm in this provision than appears on the surface. The able seaman commands better wages. He is in the line of promotion. He may be made boatswain on a ship that carries boatswains; he may be made a mate, whereas an ordinary seaman is not in the line of promotion. I think it is a mistake for us to say——

Mr. PERKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Florida yield to the Senator from California?

Mr. MALLORY. I do.

Mr. PERKINS. I should like to ask my friend from Florida if he does not think that provision is an improvement upon the present law? Anyone who has had two years' experience as a seaman at sea has learned to hand reef and steer, to splice ropes, to handle cables, and all that pertains to a ship and the rigging of a vessel. Anyone can ship as a landsman. The Senator himself is something of a sailor, and I in my earlier days had some experience. I have been shipmate with men who, though able seamen, could neither hand reef nor steer, who did not know the foremast from the mizzenmast, or the top-gallant yard from the spanker.

Mr. MALLORY. And they were generally made to regret that they did not before they got through with the voyage.

Mr. PERKINS. There is no question of that; but the object of this bill is, as I understand it, to encourage men to go to sea, to make them seamen, that they may properly man the ship and thereby protect property and life.

Mr. MALLORY. The point I make is that we already know what an able seaman is. As the Senator has said, he is a man who can hand reef and splice. That is the general definition of him.

Mr. PERKINS. Hand reef and steer.

Mr. MALLORY. Well, he can hand reef, splice, and steer. He can do anything necessary about the ship, whereas the ordinary seaman can not. It is proposed to abolish the distinction between them and declare that a man who has been at sea two years, whether he is able to do these things or not, shall be classed as an able seaman. You might just as well say that a man who has been at school or to college two years shall be an LL. D.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Florida yield to the Senator from New Hampshire?

Mr. MALLORY. Certainly.

Mr. GALLINGER. If the Senator will permit me, will he suggest a better definition? The Senator knows that he has been a party to the consideration of this bill. The majority felt that this requirement was a very great advance over the existing law. Now, if there is a better definition to be found, I am sure we would want to incorporate it in the bill.

Mr. MALLORY. I do not think it is necessary to define an able seaman at all, any more than it is to define a master of arts or any other individual who enjoys some distinction among his fellows for what he can do.

Mr. PERKINS. My friend knows that one who has been running a prairie schooner out in the West can now ship as an able seaman. There is no prohibition in the law to prevent him from doing it. But if this bill is enacted into a law he must have had two years' nautical experience.

Mr. MALLORY. Yes; I think it is possible for a man who has been running a prairie schooner to ship as an able seaman, but he would do it only once; he would regret that he did it. He would have to be very green, in my judgment.

Mr. GALLINGER. I ask the Senator simply for information, and as he knows, in entire good faith, if he thinks this bill would be improved by striking out that provision?

Mr. MALLORY. Yes, sir; that is my impression, after the word "seamen."

Mr. GALLINGER. That is a suggestion which I think ought to be taken into consideration. If the bill is going to be improved by taking out that requirement, we will consider it, but for my part it seems to me that it is a very wise provision to require that a man shall have had two years' experience on deck. He certainly must be a very stupid man if he does not learn to perform the requirements of an able seaman during those two years.

Mr. MALLORY. I think that if, without saying anything about being an able seaman, the bill provided that he should have seen two years' service on deck it would suffice.

Mr. GALLINGER. The thought that was in the mind of

some of us was that under existing law any man could ship claiming to be able seamen, whether he had had this service or not, and we require him to have had two years' experience. Of course, if he fails to come up to the requirements there is no law that would compel his retention in the service.

Mr. MALLORY. The first condition, Mr. President is:

That a vessel employed in the foreign trade shall maintain, during the period so employed, at least class A1 if a steam vessel and at least class A1½ if a sail vessel, as such classes are now established by either the Record of American and Foreign Shipping or the United States Standard Owners, Builders, and Underwriters' Association, or equivalent classification in any other register of shipping of at least equal merit.

I do not think that that is a very material requirement. A shipowner is going to see that his vessel is in a seaworthy and effective condition, and I hardly see any reason why this bill should be burdened with that requirement.

In passing, I should like to ask the Senator from New Hampshire why it is that there is a distinction between a steam vessel in the classification A1 and a sailing vessel A1½? I confess I do not know.

Mr. GALLINGER. Mr. President, I will simply say to the Senator that it goes without saying he knows a good deal more about these technical matters in relation to shipping than I do. He and the Senator from California [Mr. PERKINS] are the authorities in the Senate, I think, on those questions.

Mr. MALLORY. I will ask the Senator from California, then.

Mr. GALLINGER. I will first give an answer. I will say to the Senator that the Commissioner of Navigation was consulted about this matter, and other gentlemen who are very well versed in these questions. They gave it as their opinion that this was a proper distinction, and that that distinction ought to be placed in the bill. The Senator from California can very likely give a reason from the shipping standpoint that will be more conclusive than my suggestion.

Mr. PERKINS. Mr. President, I will state to the Senator from Florida as to the first proposition that a shipowner will keep his ship in proper condition, and therefore without classification, that that may be true to a certain extent; but he can not insure her in any insurance company unless the ship has that rating; and in order to have the rating she must be dry docked so often, and a survey held upon the ship.

Mr. MALLORY. The Senator misunderstands me. I do not question the necessity of her being rated, perhaps, so much as I do why the provision should be inserted here. They all have to be rated, of course.

Mr. PERKINS. Not having been a member of the Commission, I am unable to answer fully; but my impression is that there is a wide distinction between a steam vessel and a sailing vessel. The life of the boilers of a steam vessel is about eight years, and they have to be replaced by new boilers or repairs worked upon them that would amount in the aggregate to about 50 per cent of their value. A sailing vessel having no machinery or steam boilers, it is not required that they shall be replaced, but the requirement is simply to look after the fastenings of the ship, to see that her plates, keelsons, and frame are in proper condition. Therefore she has that classification. There is that difference in favor of the sailing vessel. No one understands better than my friend from Florida that the sailing vessel is propelled only by her sails, with no machinery. There is not the wear and tear or the strain upon a sailing vessel that there is upon a steamship. With her propeller, with her shaft, she is continually getting into trouble, and must be carefully looked after in order to maintain her classification in the bureau or the record book in which she is classed.

Mr. MALLORY. One would think from the reason assigned by the Senator from California that a sailing vessel would be classed A1 and a steamship A1½. I think there is much more reason for the steamship to deteriorate rapidly than the sailing vessel. However that may be, I appreciate the effort of the Senator from California, and I think there is undoubtedly truth in what he says.

The point I make on this paragraph is that there is no occasion to put it in here as a burden on the shipowner or a consideration for this benefit, because he will have to do it anyhow. If he wants to get cargo, he can not run his ship without being rated, whatever her rating may be, and he can not get insurance on his freight or on his hull and the owners of the cargo can get no insurance on the cargo unless the vessel is properly rated. Consequently I do not see that there is any consideration in requiring the shipowner to have the vessel rated.

Mr. GALLINGER. Now, if the Senator will permit me, is it not a fact that a great many vessels do go out without being classified, and are in service?

Mr. MALLORY. It used to be so in the English service, and in certain trades undoubtedly it is so to-day. It is the case in the timber trade particularly. They will take an old hulk that is possibly 30 or 40 or 50 years old and take in a cargo of timber because it will not sink. The practice which prevailed in England for years got so bad that the Plimsoll law had to be enacted by Parliament, which permits them to load only to a certain depth. But we have not found any necessity for that in this country. We have had no such experience as that that I know of or have heard of. In fact, I was discussing with some shipping people not long ago the advisability of establishing the Plimsoll mark, or something similar to the Plimsoll mark, for American ships. I found that there was no desire for it; that there was no demand for it in our foreign commerce, and I do not know that there is any in our coastwise commerce. Vessels would sometimes overload, undoubtedly, and in that way incur great risk; but the employment of a vessel the material of which is not well put together, that is weak structurally, that is liable to be wrecked because of improper construction, I think is extremely rare—so rare, in fact, that I have never heard of it.

Mr. GALLINGER. Then, if the Senator will permit me, inasmuch as we are proposing to pay a subvention to these vessels, does the Senator see any harm in our requiring them to be seaworthy vessels?

Mr. MALLORY. No; I do not see any harm in it; but I do not see any special good in it. The only point I make on it is that it amounts to nothing one way or another. You put it in merely as a makeweight to convey the impression that the shipowner has got something to do in order to get this money that is going to be paid to him, when in reality it does not amount to a row of pins whether he does it or not. That is my idea.

Mr. GALLINGER. On that point I can assure the Senator to the contrary. There has been no effort made by either the majority of the Commission or the committee to deceive Congress in reference to this matter. The Commission was of the opinion that it was desirable to make this requirement of vessels that received the subvention from the Government; that they ought to be seaworthy vessels, and that they ought to come up to some standard requirement. I can not for the life of me see why that is not a wise provision.

Mr. MALLORY. Well, I do not object to it except in the light in which I have put it. And, Mr. President, I want to be distinctly understood as casting no reflection on the majority of the Commission, who I believe are sincere, and I am satisfied that the Senator from New Hampshire is sincere, in believing that this requirement is worth something. In my own judgment it is worth no more as a consideration than if we were to require the master to read prayers to the seamen every morning at 9 o'clock.

The fifth requirement is as follows:

That all ordinary repair or overhauling of said vessel shall be made in the United States, except in cases where dry docking is necessary and no dry dock of sufficient capacity shall be within a distance of 500 miles of the location of the ship when the repairs shall be needed.

With reference to that, Mr. President, I will say that the ordinary repairs of our ships are necessarily made in this country. I speak of the ordinary repairs as distinguished from the extraordinary repairs. The ship comes over here to her home port to be discharged. She is painted, and it happens, perhaps, if she has been trading in southern waters, she has to be scraped, the barnacles and sea grass removed. She is then taken to a dry dock. That would probably under such circumstances be classed as ordinary repairs, and I hardly think it would be imposing any burden upon the shipowner to require him to do it. I think he would have his repairs done in this country anyhow.

As to the provision here of a dry dock of sufficient capacity within 500 miles, I confess the language of it is a little ambiguous. A shipmaster last evening called my attention to it, and the construction which he put upon it led me to think perhaps it would be well to call the attention of the chairman of the Commission to it. He seemed to think that that meant that the ship must be repaired at home under all circumstances, except in cases where dry docking is necessary and no dry dock of sufficient capacity shall be within the distance of 500 miles of the location of the ship when repairs shall be needed. To my mind that means if the vessel happens to be in Europe when the repairs are needed she can go into a foreign dry dock and be repaired there. I should like to ask the Senator from New Hampshire if that is his understanding of it?

Mr. GALLINGER. Will the Senator kindly repeat the statement he made?

Mr. MALLORY. It is the fifth provision, providing that—

All ordinary repair or overhauling of said vessel shall be made in the United States, except in cases where dry docking is necessary and no dry dock of sufficient capacity shall be within a distance of 500 miles of the location of the ship when the repairs shall be needed.

If there is any ambiguity about it, it ought to be corrected, if this bill is going to pass.

Mr. GALLINGER. Then the Senator's further suggestion was what?

Mr. MALLORY. That a shipmaster, a man who is interested in shipping, was reading it to me last night, and the construction which he put upon it was that the location of the ship would be such that he would have to have the vessel repaired in the United States. I do not see any reason for it, if that is the provision.

Mr. GALLINGER. This is the "ordinary repair or overhauling of said vessel." The Senator, I think, made the suggestion that under the provisions of this section a shipmaster abroad could go into a foreign dock. Was that it?

Mr. MALLORY. Yes; I think under this clause he can do it.

Mr. GALLINGER. I think if the vessel required overhauling it would be a very absurd thing to require him to cross the Atlantic or the Pacific to get to an American dock. I know of no reason why he should not go into a foreign dock under those circumstances.

Mr. MALLORY. That is my understanding of the meaning of this section. It is that ordinary repairs shall be done in this country, except in cases in which a vessel is not within 500 miles of an American dry dock. That is my understanding.

Mr. GALLINGER. That was the purpose of the Commission.

Mr. SPOONER. Would it not be better to insert the word "American" before the words "dry dock?"

Mr. GALLINGER. I think so.

Mr. SPOONER. It certainly is not plain as it is now.

Mr. MALLORY. Yes; I think that would be an improvement in the language.

Mr. GALLINGER. It occurred to me, and I meant to call attention to it. I think that is an omission in the bill. It should read "no American dry dock."

Mr. MALLORY. I think that would relieve it of all ambiguity.

Mr. GALLINGER. At the proper time I will move that amendment, if the Senator from Florida does not.

Mr. MALLORY. Yes, sir. Now, the sixth provision, Mr. President, is the one relating to the naval reserve, and is intended, I think, as the pièce de resistance in this bill. This Commission was organized and authorized to prepare a bill for the purpose of rebuilding our depleted merchant marine, and after much labor they have come in with a bill which provides for a naval reserve with incidental building up of the merchant marine. The naval reserve feature is adopted as a possible justification of the subsidy feature of the second section. The proportion of men who are required by the sixth section to be employed aboard American ships engaged in the foreign trade or deep-sea fisheries is as follows:

After July 1, 1908, one-eighth; after July 1, 1912, one-sixth; after July 1, 1917, one-fourth: *Provided*, That if the foregoing stated proportions of naval reserves can not be obtained at a foreign port with reasonable effort, as certified by the consul, other persons may be substituted until the first return of said vessel to the United States, without forfeiture of the subvention.

Now, the point that I would like to make to the Senator from New Hampshire on that is, Why was it necessary to provide a naval reserve in this bill at all? We could have provided a naval reserve without any subsidy bill. We could have provided these payments to all sailors who ship aboard ship in the coastwise trade and in the foreign trade. There are at least 50,000 American seamen who could be utilized for that purpose. I say, 50,000; there are 135,000 American seamen, taking in the Lakes. What we want is a reserve of men capable of going aboard our men-of-war and doing the duty exacted of the sailors on men-of-war.

It is true that among the crew of an ordinary modern man-of-war there are few of the men who are absolutely necessary on board a merchant sailing ship. Almost all the men aboard a man-of-war are machinists, electricians, men who have some mechanical skill, and who are intelligent and able to handle the machinery of guns, the machinery of engines, and things of that kind; and we could train them just as well on board the steamships that ply on the Lakes as we could on the steamships that ply on the ocean for those purposes. Consequently, I do not see why it was necessary that the naval-reserve feature should be tacked on this bill except for the purpose of giving it weight.

Mr. GALLINGER. The Senator asks me why this has been done. I confess to profound astonishment. The Senator sat with us through two summers as a member of the Merchant Marine Commission and considered this bill as a member of the Committee on Commerce of the Senate, and this is the first time I have heard him object to it or raise the question.

Now, Mr. President, it is well known that the Navy Department has been extremely anxious to have a naval reserve. In the last Congress we had a bill before the Senate looking to that end. It was not enacted into a law. In giving consideration to this question it seemed to the Commission that we did not need ships any more than we needed men, and that it was extremely important, in view of the interests of the Navy Department, if these two provisions could be combined, to get not only a bill that would rehabilitate to some extent at least the merchant marine, but likewise give us sailors and a naval reserve.

I do not think there was any ulterior purpose in this. I have never heard it suggested before by anybody. I think it is a very wise provision, and that it does ask from the shipowner something in return for the favor he gets from the Government, if this bill shall become a law.

Mr. MALLORY. Mr. President, I did not make any objection to this provision while I was a member of the Commission nor since the bill was presented to the committee, but there is no reason why I did not have in my mind this very point that I am making now. I would not move to strike it out of this bill. If this bill is going to become a law I want it to stay in there, because I think it is a better method of building up a naval reserve than would be the method which I have suggested. But at the same time I do not think it is so essentially better that this bill to rehabilitate the merchant marine should be made subservient to that purpose. The bill is to build up the merchant marine, not to furnish the Government with a naval reserve.

Practically the only point that is made, in my judgment, by the majority of the committee on these conditions is contained in that sixth provision. There is something there. You require a vessel to carry men, which is not necessarily the case ordinarily. You could not require it of an ordinary vessel, but you do give the ship that carries the men an inducement to do it by giving the men more wages than they could possibly receive in the open market. You are paying the average sailor $3 a month more than the wages he would probably demand in the port at which he ships. Consequently I am inclined to regard it as an improvement to some extent upon the measure that would propose to furnish a naval reserve by simply paying the men a bounty for serving aboard a deep-sea fisherman or in the coastwise and foreign merchant marine service without such a bill as this.

But that does not preclude me, Mr. President, from calling attention to the fact that it is not necessary at all, that it is not essential here, that it is rather in here really—I do not mean to say that it was done with intent to deceive, but that it was put in here for the purpose of giving some color of a reason why this donation from the Treasury should be given to the individuals owning ships.

The argument I make is that you take these first, second, and third sections and boil them down and you can come to no other conclusion than that this donation or this subsidy of $5 a ton to the merchant ship or the merchant owner is a clear gift, without any consideration, from the Treasury to the individual, for the purpose of enabling him to carry on his private business.

If that is so, then, Mr. President, I do not believe that there is a majority in this body, or in any body of intelligent Americans, who will support such a measure. The effort has been made to carry a similar measure through here certainly on two occasions since I have been in this body. It is true it passed this body on one occasion, but it failed to go through a body elsewhere, and has never become a law.

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Florida yield to the Senator from Colorado?

Mr. MALLORY. Certainly.

Mr. PATTERSON. Before the Senator leaves the sixth subdivision I should like to ask him whether outside of the proportion of reserves that shall constitute the crew of the vessel, first, one-eighth, one-sixth, and then one-fourth, the one-fourth being required after 1917, there is the right to constitute the crew of sailors of any other nation—that is, Norwegians, Italians——

Mr. MALLORY. The balance of the crew?

Mr. PATTERSON. I mean the balance of the crew.

Mr. MALLORY. Oh, yes.

Mr. PATTERSON. So the only members of the crew to whom higher wages are required to be paid than is paid for the crew of any foreign vessel would be this one-eighth, one-sixth, and one-fourth?

Mr. MALLORY. That is a fact. As it is to-day, you know, there is no restriction upon our employing a sailor of any nationality on board ship.

Mr. PATTERSON. Let me ask the Senator what the provision is in reference to officers? Are they all necessarily citizens of the United States?

Mr. MALLORY. Yes, sir; the officers are citizens of the United States now by law.

Mr. PATTERSON. How about engineers?

Mr. MALLORY. The engineers and the watch officers, as they are called.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Florida yield to the Senator from New Hampshire?

Mr. MALLORY. Certainly.

Mr. GALLINGER. I have no doubt that is an interesting colloquy and I should like to hear it, if the Senator from Colorado will turn in this direction.

Mr. PATTERSON. I was asking the Senator from Florida about the proportion of the crew of any vessel under this bill that must necessarily be American so far as the crew is concerned. First, one-eighth, then one-sixth, then one-fourth, are all that need be American citizens, and outside of that proportion they may go to any country to secure their sailors.

Mr. GALLINGER. Precisely as they do now.

Mr. PATTERSON. Yes; but the term "all officers" includes Americans as engineers?

Mr. GALLINGER. Under the law.

Mr. PATTERSON. And this applies simply to the crew?

Mr. GALLINGER. That is all.

Mr. MALLORY. Mr. President, on this question of a bald donation out of the Treasury, I have on divers occasions in this body called attention of Senators to the utterances of some of our wisest and ablest men, and I do not think that I am misplacing their utterances by again incorporating them in my remarks on this subject.

Justice Cooley, in his work on Taxation, page 89, edition of 1876, speaking on this subject, says:

> However important it may be to the community that individual citizens should prosper in their industrial enterprises, it is not the business of government to aid them with its means. Enlightened states leave every man to depend for his success and prosperity in business on his own exertions, in the belief that by doing so his own industry will be more certainly enlisted, and his prosperity and happiness more likely to be secured. It may therefore be safely asserted that taxation for the purpose of raising money from the public to be given or even loaned to private parties, in order that they may use it in their individual business enterprises, is not recognized as a public use. In contemplation of law it would be taking the common property of the whole community and handing it over to private parties for their private gain, and consequently unlawful. Any incidental benefits to the public that might flow from it could not support it as legitimate taxation.

Justice Miller, of the Supreme Court, in the course of the decision in the case of the Loan Association *v.* Topeka, 20 Wallace, page 655, said:

> The power to tax is, therefore, the strongest, the most pervading of all the powers of government, reaching directly or indirectly to all classes of the people. * * * This power can as readily be employed against one class of individuals and in favor of another, so as to ruin the one class and give unlimited wealth and prosperity to the other, if there is no implied limitation of the uses for which the power may be exercised. To lay with one hand the power of the Government on the property of the citizen, and with the other to bestow it on favored individuals to aid private enterprises and build up private fortunes, is none the less a robbery because it is done under the forms of law and is called taxation. This is not legislation. It is a decree under legislative forms.

Therefore, Mr. President, we have at least the authority of two very eminent Americans that if this bill proposes to do what I contend it does do—that is, to make a gratuitous donation to individuals for the purpose of carrying on their private business, with the idea that incidentally the public may be benefited, it is an invasion of the right of the citizen and is in violation of the fundamental principles of the system under which we live.

Mr. OVERMAN. Mr. President, I should like to ask the Senator a question, if it will not interfere with the line of his argument.

The VICE-PRESIDENT. Does the Senator from Florida yield to the Senator from North Carolina?

Mr. MALLORY. Certainly.

Mr. OVERMAN. I should like the Senator to give the reasons for the decline of our merchant marine. I have seen it stated that in 1860 we carried 80 per cent of our commerce in American bottoms, and now it is only about 10 per cent. That is a most astonishing decline if true, and I should like the Senator right here to give me the reason why it has declined.

Mr. MALLORY. I am inclined to think, Mr. President, that it has declined on account of the policy of the Republican party in dealing with the subject of ship subsidy and the advancement of our merchant marine.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Florida yield to the Senator from New Hampshire?

Mr. MALLORY. Certainly.

Mr. GALLINGER. I want the Senator from Florida to answer the Senator from North Carolina.

Mr. MALLORY. I have the authority of the Senator from New Hampshire on that, and I propose to read it.

Mr. GALLINGER. I shall be very happy to have the Senator read it. It is good gospel.

Mr. MALLORY. I will do so if I can find it here in his report.

Mr. GALLINGER. The Senator from New Hampshire said the Republican party had failed to extend protection to the sea as it had protected all our industries on land. That is the position the Senator from New Hampshire holds to-day.

Mr. MALLORY. I will read what the Senator from New Hampshire says. Anyhow, we can draw our conclusions from it:

OUR ONE UNPROTECTED INDUSTRY.

> Finally, there is need of American ships because the historic industry of ship owning and building for ocean trade has at least as good a right to national encouragement as any industry protected by the Government. From 1789 until shortly before our civil war American shipping in the foreign trade was in some form or degree protected, first by discriminating duties and tonnage taxes, and later by mail subventions. It is a matter of record that so long as it was protected it prospered. But, for some unconscionable reason, when the protective policy in general was strengthened and broadened by the political party which came into full power in 1861, adequate encouragement was denied to this one industry out of all our industries, and has been denied to the present time.
>
> The mere requirement that vessels of American register shall be American built, which is often loosely referred to as protection to shipping and as proof that our shipping has been "protected to death," is of itself no protection at all. If there were a tariff duty fixed so high as to prohibit American woolen manufacturers, for example, from purchasing foreign machinery, and if at the same time these woolen manufacturers, thus compelled to buy all their machinery at home or else go without, were absolutely denied so much as 1 per cent of protective duty on their finished product, it is not probable that woolen manufacturing would be described as a protected industry, or that many woolen mills would be built and operated under the flag of the United States.

That is the language, I believe, of the Senator from New Hampshire; and to my mind it is quite an indictment of the Republican party, which has practically been in control of the Government ever since the beginning of the decadence of the merchant marine.

Mr. GALLINGER. Well, Mr. President, there is another side to the question. The Senator's own party is somewhat responsible, as can clearly be shown. But I rose to ask the Senator a question on another point. The Senator says that this subvention is unconstitutional, and he reads from eminent authorities to show that it is unconstitutional. Now, I will ask the Senator what about the 200,000,000 acres of land that were given to the transcontinental railroads. Was that an unconstitutional gift?

Mr. MALLORY. I am inclined to think possibly it could not be entirely justified by the Constitution.

Mr. GALLINGER. I will ask the Senator what he thinks about the subsidy that we pay to the southern railroads for carrying the mails each year in our postal bills. Is it unconstitutional?

Mr. MALLORY. No; I do not think so. I vote for it every time.

Mr. GALLINGER. The Senator votes for it, no doubt. I ask the Senator what he thinks about the appropriation of half a million dollars to exterminate the boll weevil in the State of Texas. Is that unconstitutional?

Mr. MALLORY. No; I do not think it is.

Mr. GALLINGER. Is it not for private benefit?

Mr. MALLORY. I think it is for the public.

Mr. GALLINGER. Does not the money come from the taxpayers of the country? And is it not used in one State and for one interest?

Mr. MALLORY. I think it is for the public weal entirely. It is true it incidentally benefits the individuals who manage to get rid of the boll weevil. It is for the public weal that it is done.

Mr. GALLINGER. Does not the Senator think it is for the public weal to have vessels of the United States to carry our goods to foreign markets and promote our foreign commerce?

Mr. MALLORY. The distinction between them is this: I would think taking money out of the Treasury and paying it to the farmer as compensation to him for the loss of his cotton by the boll weevil would be a similar case exactly to this of taking money out of the Treasury to give it to a shipowner as compensation to him for loss by reason of the sharp competition of foreign shipowners.

Mr. GALLINGER. Does not the money reach the farmer's pocket indirectly?

Mr. MALLORY. I do not mean to say but what it does.

Mr. GALLINGER. What difference does it make?

Mr. MALLORY. There are a great many indirect ways of accomplishing things—roundabout ways.

Mr. GALLINGER. Is an indirect way to give a subsidy constitutional and a direct way unconstitutional?

Mr. MALLORY. I think you can in a roundabout way accomplish some things that you can not do in a direct way—that

is, you accomplish the result probably in a legitimate manner when you could not do it directly in a legitimate manner. But the Senator called my attention to the postal subsidy. I do not find any fault with the postal subsidy. I think that is one of the best features of this bill. The Senator knows that I acquiesced readily as a member of the Commission. The only fault I ever found with that is I do not think we give postal subsidy enough. I would vote readily to increase the subsidies that are provided for from the Gulf of Mexico, because I doubt very much whether you will establish the lines that are sought to be established to Brazil and Argentina on the small subsidy that is given. But the postal subsidy is a very different thing from a general subsidy or what is a plain, straightforward bounty. Postal subsidy is an extraordinary payment for an extraordinary service; and I think any man, no matter how strict he may be in his construction of the law and the Constitution, can reconcile himself to voting for a postal subsidy if it is a bona fide postal subsidy.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Florida yield to the Senator from New Hampshire?

Mr. MALLORY. Certainly.

Mr. GALLINGER. I was about to observe on that point that I chanced to be in the chair when the Senator discussed one or two features of the bill a little time ago, in which he said that this subvention was not sufficient to induce shipowners to operate their vessels; and he read the testimony of some shipowner in Texas to that effect. Of course if that is so, then no money will go out of the Treasury for this purpose. If they do not avail themselves of it, it costs nothing.

Now, as to the matter of postal subvention or subsidy. I am not frightened at the word "subsidy," although we did use the word "subvention." It means the same thing. The Commission have had assurances from a great many shipowners in the country that if this postal subvention is granted and these lines established that are named in the bill they will build ships and operate them under that subvention.

Mr. MALLORY. I am aware of that.

Mr. GALLINGER. Now, that is all I know about it.

Mr. MALLORY. I am aware of it; and I think the Commission acted wisely. Heretofore the matter has been left to the Postmaster-General to determine where the routes shall be. The Commission took testimony, examined into the necessities of the different sections of the country with regard to foreign mails, and established the routes themselves by this bill. I think they acted very wisely in doing it, and I am very glad it is incorporated in the bill, because if the bill is to be passed there will be at least one feature in it of which I can approve.

But, Mr. President, I called attention some time ago to the fact that this bill proposes to build cargo carriers, to provide for what are known as "ocean tramps" that seek cargo from port to port. It also provides for several lines of subsidized mail vessels to different ports. So far as the mail lines are concerned, I can see a vast benefit that may accrue to us from their establishment. I believe that the Australian line from San Francisco to Australia, which is a mail subsidized line, has increased the trade between the United States and Australia largely. I do not remember the percentage, but it is very large in the last few years. I believe that wherever we do establish an adequately provided mail line, with vessels plying regularly and with certainty, from a port of the United States to the port of destination and back, with regular sailing days and regular arrival days, you will see trade spring up, and we will have no further complaint of a want of communication with such countries.

But these poorly subsidized tramps that are sought to be provided for in this bill, in my judgment, will not be provided for, and I can not see under the sun how they can possibly get cargoes. They do not get enough subsidy to compete with a foreign vessel. Foreign vessels without the subsidy can beat them in the contest. Where they are to get their cargoes from, if you have them, is something I can not understand. You have to provide cargoes, Mr. President, for your ships or you will have no trade. It is one of the defects of any subsidy system that it does not make provision for the cargo.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Florida yield to the Senator from Georgia?

Mr. MALLORY. Certainly.

Mr. BACON. If the Senator from Florida will permit me, I desire to ask him a question, in the hearing also of the Senator from New Hampshire. As I understand the provisions of the bill, there are no exceptions whatever, but all seagoing vessels engaged in foreign trade will be entitled to receive a subsidy from the Government.

Mr. GALLINGER. If they choose to take it in preference to the postal subvention. They can not take both.

Mr. BACON. I understand they can not be paid for carrying the mails and at the same time be paid this subsidy.

Mr. GALLINGER. It is prohibited in terms by the bill.

Mr. BACON. The question to which I direct attention will not at all be affected by that suggestion, because it does not relate to that class of ships. We know generally that there are large enterprises in this country which transport their own products to foreign markets in vessels which are owned by the producers. I use the word "producers" in order to cover manufacturers, miners, or any other class of producers. These producers have their own lines of steamships to carry their own products to foreign countries.

If I am correct in my construction of the bill, any one of these large enterprises, with fleets of either steamers or sailing vessels engaged in the transportation of their own products, would be entitled to this subsidy. In other words, if a manufacturing enterprise had a steamer, say, of 2,000 or 3,000 tons, it would be entitled to receive out of the United States Treasury every year from ten thousand to fifteen thousand dollars, as the case might be, as an additional compensation, owing to the fact that the manufacturer carried his own goods to market. Am I correct in that?

Mr. GALLINGER. Of course there must be very few such instances.

Mr. BACON. I do not know, Mr. President, whether there are very few or not.

Mr. MALLORY. The Standard Oil Company is one.

Mr. BACON. I had that in mind.

Mr. GALLINGER. What is the second one?

Mr. FRYE. That is the only one there is.

Mr. MALLORY. The Great Northern Railroad.

Mr. BACON. The Standard Oil Company might be the only one, but we may very readily understand that it would be but a very short time before large enterprises, large producers, would see the very fine opportunities by which their business could be expanded in the construction of vessels to be engaged in the transportation of their own goods to foreign markets and receive very liberal additions to their income out of the United States Treasury when they are not really engaged in any public trade.

Mr. GALLINGER. I will say to the Senator from Georgia that this demonstrates the value of a debate such as we are having to-day. The Senator raises a point which is worthy of very serious consideration, and the difficulty suggested can be very easily cured in the bill, if it is thought desirable to do so.

Mr. BACON. I will not say any more about it, if the Senator from New Hampshire in charge of the bill considers the suggestion worthy of such consideration that it will evenuate in a change to cure that suggested evil. Until that has been determined, possibly it is not in order that I should say anything further on the subject.

Mr. PERKINS. Mr. President, if it will not interrupt the Senator from Florida, before he leaves this subject-matter I should like to ask him a question. We all have the same end in view. If the bill is defective, as has been stated, each of us is desirous of perfecting it. The Senator from Florida emphasized the fact that this subvention to new vessels would go mostly to tramp steamers, to freight steamers, and that, therefore, there would be no burden imposed upon the shipowners for the transportation of the mails. I have in mind the fact that we have no direct communication between any port in the United States and Brazil and the Argentine Republic. If my friend from Florida should desire to send a communication to Rio or to Buenos Ayres, the letter would go via Liverpool or London.

Mr. MALLORY. We have no direct mail communication to South America.

Mr. PERKINS. No; but would this not encourage tramp steamers to open up our trade with Brazil and the Argentine Republic? We are now sending agricultural implements to those countries, which go via Liverpool and London and other European ports. If under this subvention they can receive a difference sufficient to overcome the increased cost of operating American vessels over that which it costs to operate foreign vessels, surely lines would be inaugurated and successfully operated between New York and Philadelphia and ports in South America. Then, instead of our farming implements, our nails, and the other hardware which we manufacture and which finds a ready market in South America being shipped in foreign vessels, they would be transported in vessels built by American mechanics, flying the Stars and Stripes, and going directly from New York and other Atlantic ports to South American ports. Those vessels would also carry the mails. What I wish to ask

is, does not the Senator believe that this subvention would be a sufficient inducement to establish lines of American steamships?

Mr. MALLORY. No, sir; I would say that it would not. In my judgment it would be necessary, if you should subsidize vessels—tramp vessels—enough to justify their going from here to Brazil, that they should be able to get an outward cargo, and the chances are that they would not get it——

Mr. PERKINS. We bring coffee from there.

Mr. MALLORY. I am speaking of our exports to Brazil. They would not amount to $11,000,000 all told, while our imports amount to $75,000,000. Consequently, it is a question whether we could get any outward cargo; but even if we could get an outward cargo, the subsidy, in my judgment, is totally inadequate to compensate for the difference between the expense of running our ships and the expense of running foreign ships. We are going to establish some regular lines, and I believe that great good will grow out of it.

I would be glad to eliminate everything from this bill except the postal subsidy provision, and pass it in that way to-morrow, being under the conviction that it would add a great deal more to our commerce than any other feature of the bill, because of the regularity, the certainty, with which those vessels would come and go

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Florida yield to the Senator from Colorado?

Mr. MALLORY. I do.

Mr. PATTERSON. I call the attention of the Senator from Florida to section 6, and particularly to the eighth and eleventh subdivisions of that section. The section authorizes the Postmaster-General to establish certain ocean mail service, and subdivisions 1, 2, 3, 4, 5, 6, and 7 name, or apparently name, new routes for mail service. Then we come to paragraph 8, which reads:

> Eighth. From a port of the Atlantic coast of the United States to the United Kingdom and northern Europe, on steamships of the United States of not less than 20 knots speed, for a weekly service at a maximum compensation not exceeding $250,000 a year in addition to the compensation now provided pursuant to contract under the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce."

Then the eleventh paragraph reads:

> Eleventh. From a port of the Pacific coast of the United States via Hawaii and the Samoan Islands to Australasia, on steamships of the United States of not less than 16 knots speed, for a service once in three weeks at a maximum compensation of $217,000 a year in addition to the compensation now provided pursuant to contract under the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce."

I want to ask the Senator from Florida, or any other Senator who may be able to give the information, whether this is not a direct provision to pay to steamship companies, already under contract at a stipulated sum for a number of years, $250,000 additional to the contract price, without the performance of any additional service for the Government for that additional compensation?

Mr. MALLORY. That is it, I believe. That is the effect of it.

Mr. PATTERSON. How can that be justified? Will the Senator from New Hampshire kindly answer the proposition?

Mr. MALLORY. If the Senator from Colorado will permit me, I will call his attention to the report of the minority of the Committee on Commerce——

Mr. PATTERSON. I shall be very glad to have the Senator do so.

Mr. MALLORY. In that minority report the figures, so far as this additional aid to the American Line is concerned, are given, and I will state them.

The American Line, consisting of four ships, carried last year—this is an extract or compilation from this year's report of the Superintendent of Foreign Mails—the American Line, with four ships, transported 171,000,581 grams of letters and 1,015,571,931 grams of printed matter, making a total of 1,186,572,512 grams of letters and printed matter, and received therefor a compensation of $662,688. They made 45 trips to Great Britain and 42 to France under their contract, which includes carrying the mail to France as well as to Great Britain, making a total of 87 trips.

Now, the foreign lines, that are carrying the mails on the North Atlantic—the North German Lloyd, the Hamburg-American, the Cunard, and the White Star—carried 371,304,972 grams of letters and 1,946,921,063 grams of printed matter, making a total of 2,318,226,035 grams of printed matter and letters, for which they received $548,152.18. They made 195 trips to Great Britain and 46 trips to France, making a total of 241 trips, against a total of 87 on the American Line.

The foreign lines carried 1,131,653,523 more grams of mail matter than the American Line, and received $114,535.82 less money for the service. The American Line, to which this additional pay of $250,000 is proposed to be given by this bill, has been running under the act of 1891 under a contract of ten years for ten years past, and more, they renewed their ten-year contract only in last October; and after this showing, that they carried but little more than one-half of the mail matter which these foreign vessels carried and received considerably more compensation for doing it, we propose to give them as a donation $250,000. That is the fact. There may be some explanation of it which I have not been able to ascertain.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Florida yield to the Senator from New Hampshire?

Mr. MALLORY. With pleasure.

Mr. GALLINGER. This criticism is not unexpected. There is an explanation. We will take, for instance, the line on the Pacific coast via Hawaii and the Samoan Islands to Australasia, the great American steamship line operated by the Oceanic Steamship Company. That line is losing between three and four hundred thousand dollars a year, according to the testimony of men who must be believed. The company is seriously thinking of abandoning that line. I have noticed in the newspapers that that little nation called Japan has made a suggestion that they have a great steamship company there under very heavy subsidies from the Japanese Government that would like to take that line. That may be the ultimate result. Those who are at the head of the Oceanic Steamship Company say that unless they get some adequate help from the Government, which they do not get through the present postal-subvention law, that steamship company will, beyond a doubt, in the near future be abandoned.

The exports to Australasia have been increased enormously through the instrumentality of that American steamship line. Some of us thought that it was not wise to take any chances about this matter and that if we could save this line as an American line at this period, when our American merchant marine has been almost wiped from the seas, we ought to be willing to increase the subvention to about the point which was proposed in the postal-aid law of 1891 as it passed this body, but which was reduced in another. That is the reason we give for that.

Mr. PATTERSON. May I ask the Senator from New Hampshire what particular line he has in mind in the eighth subdivision?

Mr. GALLINGER. That I am coming to presently.

Mr. PATTERSON. And also the particular line he has in mind in the eleventh subdivision?

Mr. GALLINGER. The Oceanic Steamship Company's line in the eleventh, and the so-called "American Line" in the eighth subdivision.

Now, Mr. President, as to the American Line, the only line we are running across the North Atlantic; they have four great steamships, and though they are owned by a company which has a large number of foreign steamships, they have continued to fly the American flag over those four great steamships. But that company has not paid any dividends and has been very seriously considering the question, notwithstanding it has taken this contract, whether after a little it will not have to surrender it.

There is an added reason why the Commission, or the majority of the Commission at least, thought it was wise to give a little help to this line, and that is the fact that the British Government very recently has advanced money to build two additional great steamships for the Cunard Line, advancing the entire amount at 2¾ per cent interest. Then they give to those two steamships a subvention or subsidy or $1,100,000 a year for twenty years, and they are going to take the pay for the steamships out of the subsidy that they are giving to these ships. Under these conditions I do not believe that any American line on the North Atlantic can exist with the compensation that is given by the postal-aid law of 1891.

It is true they have renewed their contract. They either had to do that or hoist the British or French or German flag. I am glad that they have been patriotic enough to take the chances for a few years more; but the best information that we have received is that they have never paid dividends and that under existing conditions they can not possibly pay dividends.

Those are two reasons which those of us who placed this amendment in the bill give for our action. We may not have acted wisely, but I have frankly stated the matter to the Senate, and I have no doubt that my friends on the other side of the Chamber will give to the suggestion whatever weight it is entitled to.

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Florida yield to the Senator from Colorado?

Mr. MALLORY. I will yield to the Senator if he wishes.

Mr. PATTERSON. Then, Mr. President, this matter of a half million dollars, plainly stated, is this: Two steamship lines have existed for a number of years, one sailing from Atlantic ports and the other sailing from Pacific ports. They have had a contract with the Government, I think, perhaps, for a period of ten years for carrying the mails. Those contracts expired within the past year, and they remade those contracts with the United States for a period of ten additional years. Presumably they were anxious to get the contracts. They sought the contracts. They voluntarily entered into the contracts with the Government. Now, they come before Congress and state that their business is not such that they can continue to sail their ships under the American flag unless Congress will vote to them, for the identical service they have contracted to perform, the sum of half a million dollars in addition to the contract price; and, upon the representation of these steamship companies that they will go out of business, in the face of their contract, with contractual obligations existing, it is proposed to give them a half million dollars in addition to the contract price for the identical service they are obligated to perform under the contract.

If that precedent is established, Mr. President, I am inclined to think that there will be many people coming to Congress who have what they believe, or will pretend, are bad or nonpaying contracts, and insist that the Government shall voluntarily vote large additional contributions in order that they may be able to fulfill their obligations.

Mr. MALLORY. So far, Mr. President, as this North Atlantic line is concerned, I confess I do not see any possible excuse for this additional donation of $250,000, and if I am here when this bill comes up for action I shall move to strike out that provision and will offer an amendment to that effect, because it strikes me as being bad business, and not only bad business, but that it is done without any adequate reason being assigned.

The fact is alleged by the majority of the Commission that these so-called "American vessels"—they are under the American flag, but the company that owns them has many more vessels under foreign flags than it has under the American flag—have to do their work in the boisterous season of the year, as well as in the calmer stages of the year. That is rather a hardship, but they have recently renewed the contract after a ten years' experience, complaining, it is true, I believe, that they are not making any money out of it; but they have chosen to renew the contract, and here within two months after the renewal of that contract they appear by their representatives before our commission and ask for $250,000 additional, and it is proposed to be given to them.

Mr. GALLINGER. Now, Mr. President, will the Senator permit me to interrupt him just at that point?

The VICE-PRESIDENT. Does the Senator from Florida yield to the Senator from New Hampshire?

Mr. MALLORY. Certainly.

Mr. GALLINGER. It is true that these contracts have been renewed.

Mr. MALLORY. I am not attacking the Australasian company. I assented to the increase for that company.

Mr. GALLINGER. No; but the American Line——

Mr. MALLORY. I assented to the increase of compensation to the Australasian line because I believed that it was meritorious on the evidence that was brought out, but the increase to the other company strikes me as straining the limit of endurance.

Mr. GALLINGER. What I wanted more particularly to emphasize—perhaps I am wrong in my supposition on that point, and I should like to ask the Senator's opinion—is the position of the American Line that is running from New York four great steamships, the *St. Paul*, the *St. Louis*, the *New York*, and the *Philadelphia*. It is true they have renewed their contract. Their representations are that they are not making any money. Supposing those four steamships go under a foreign flag, is there any obstacle, legal or constitutional, in the way of the foreign government or the foreign country obligating itself to fulfill the contract that the American Steamship Line has given bonds to perform, and hence wiping out the American Line?

Mr. MALLORY. I have never seen one of the contracts. I do not know whether it is required that that service shall be done by vessels under the American flag. I am inclined to think the contracts do require that the service shall be performed by American vessels.

Mr. GALLINGER. If that is so, my point is not well taken.

Mr. MALLORY. I have never seen the contracts.

Mr. GALLINGER. I had the impression that such was not the case; that the companies simply bonded themselves to perform these services. That was my impression. I may be wrong.

Mr. FRYE. Mr. President——

The PRESIDING OFFICER (Mr. PERKINS in the chair). Does the Senator from Florida yield to the Senator from Maine?

Mr. MALLORY. I yield.

Mr. FRYE. I remember perfectly well that it was brought out in a former investigation of this matter that if, of the four ships in the American Line, two had remained under the British flag and the two new ones constructed here had been put under the British flag, this American Line would have received every year $127,000 more for the service than they receive now as an American line under the postal contract.

Mr. MALLORY. I do not know how that is. I have heretofore heard the Senator say that.

Mr. FRYE. That I found to be true at the time I stated it, at any rate.

Mr. MALLORY. I do not know how the Senator can make it out with these figures. Here we have four foreign lines, each line having a number of vessels, and they made 241 trips.

Mr. FRYE. I heard the Senator's figures when he gave them.

Mr. MALLORY. They made 241 trips in that year. They carried nearly twice as much mail matter as the other line, and yet their whole compensation was $114,535 less than the four ships in the American Line. If what the Senator says is correct, I do not see how his figures could possibly be reached, and yet they are taken from the report of the superintendent of foreign mails.

Mr. FRYE. But under the British law they receive a good many other payments of money besides the postal subsidy.

Mr. MALLORY. Oh, if the Senator means that the foreign steamers are getting pay from the other countries——

Mr. FRYE. Undoubtedly.

Mr. MALLORY. Then, of course, I will admit that. I do not know how much that is.

Mr. FRYE. I found it to be $127,000 a year, I remember.

Mr. MALLORY. Possibly that is so.

Mr. FRYE. They would have been better off under a foreign flag than under ours.

Mr. MALLORY. I was under the impression that the Senator was alluding to the pay they were getting from the United States Government.

Mr. President, the hour is getting late——

Mr. BACON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Georgia?

Mr. MALLORY. I yield.

Mr. BACON. Before the Senator concludes I should like to make an inquiry, to be answered either by the Senator from Florida [Mr. MALLORY] or the Senator from New Hampshire [Mr. GALLINGER], as may be most convenient for them. I do not profess to be familiar with this subject, and desire to have some information. If I understand correctly, the act of March 3, 1891, providing compensation for steamships engaged in carrying the mails on routes to be designated by the Postmaster-General, is still in force.

Mr. GALLINGER. It is still in force.

Mr. BACON. That act is in force. It is without limitation, if I understand it correctly, as to any foreign port, except as to the Dominion of Canada. In other words, as the law now stands the Postmaster-General is authorized to make contracts with any ship for the purpose of carrying the mails between the United States and any foreign port he may think of sufficient importance to put under the terms of this act, and receive therefor the compensation provided by section 5 of that act:

SEC. 5. That the rate of compensation to be paid for such ocean mail service of the said first-class ships shall not exceed the sum of $4 a mile, and for the second-class ships $2 a mile, by the shortest practicable route, for each outward voyage; for the third-class ships shall not exceed $1 a mile, and for the fourth-class ships two-thirds of $1 a mile for the actual number of miles required by the Post-Office Department to be traveled on each outward-bound voyage: *Provided*, That in the case of failure from any cause to perform, etc.—

That is the general provision of law now; that is, between the United States and any foreign port, except ports in the Dominion of Canada, the Postmaster-General is authorized to make a contract with steamship companies by which they will receive the compensation which I have just read. Am I correct in that view?

Mr. GALLINGER. Absolutely.

Mr. FRYE. Yes.

Mr. BACON. Now, as I understand, the fifth section of the pending bill proposes to give the Postmaster-General practically the same authority. In what particular does the fifth section confer any authority upon the Postmaster-General, and in what

particular does it give the opportunity for the opening of new routes which is not now given by the act of 1891?

Mr. GALLINGER. The only difference is——

Mr. BACON. I understand, if the Senator will pardon me a moment, that ships which would receive compensation under the fifth section of the pending bill would not receive the compensation provided by other sections of the bill.

Mr. GALLINGER. That is correct.

Mr. BACON. And that they would receive only the compensation which is specified in the act of 1891?

Mr. GALLINGER. There is no inhibition against any steamship company now accepting the terms of the postal-aid act of 1891, but it has been demonstrated by an experience of fourteen or fifteen years that that compensation is not sufficient to induce the investment of capital in new steamship lines. What is proposed by this bill is to establish certain specified lines, giving a specific compensation to those lines, which is somewhat in excess of the amount in the postal-aid law of 1891.

Mr. BACON. That is not done by section 5.

Mr. GALLINGER. No; not by section 5.

Mr. MALLORY. Section 5 relates to section 6.

Mr. BACON. Section 6 fixes the routes.

Mr. GALLINGER. Exactly.

Mr. BACON. Section 6 fixes the routes, but does not in any manner change the compensation.

Mr. MALLORY. No.

Mr. GALLINGER. There is a repealing clause, I will say to the Senator, which gets rid of the compensation fixed in the law of 1891 so far as these lines are concerned. The Senator will find it toward the close of the bill.

Mr. MALLORY. I call the attention of the Senator from Georgia to the fact that in section 6 these routes are classified and compensation for each route is fixed in the section.

Mr. BACON. I see that, and it does to that extent vary the present law.

Mr. MALLORY. Yes.

Mr. BACON. Now, Mr. President, if the Senator will pardon me, I desire to propound another inquiry.

The act of 1891 contemplates compensation according to the number of miles traveled. The present bill contemplates compensation by the time engaged in the service. In other words, under the act of 1891 they were paid so much per mile.

Mr. GALLINGER. That is under the act of 1891. Those are mail steamship lines. The provision regarding time is for cargo carriage.

Mr. BACON. But the point I am coming to is this—of course I should like to have a reason, and I presume it exists—why in the present bill the authors of it and those who support it think that the compensation by the time occupied in the service is preferable to the giving of compensation upon the basis of the number of miles traveled?

But before that I wish to make this suggestion for the information of Senators, if possible. I presume, without being a nautical man, it is true and well known that the cheapest service is the slowest service. In other words, a vessel which runs slowly does it at less expense than one which runs rapidly.

Mr. GALLINGER. That is undoubtedly true.

Mr. BACON. It is certainly true as to steamship lines, and I presume it is also in a modified degree true as to sailing vessels.

Now, I want to know upon what theory the bill proposes that a line of vessels which is run cheaply because it runs slowly and therefore does that much less work and is of that much less benefit to the commercial business of the world and of this country—why a vessel that is thus inferior in its accomplishments shall be considered entitled to the same compensation as one which runs rapidly and accomplishes more work? I should like to have the Senator from New Hampshire, if the Senator from Florida will pardon me, give the explanation of that which seems to me to be rather an unfavorable feature of this bill.

Mr. GALLINGER. I think the Senator is laboring under a misapprehension. Perhaps the Senator from Florida will make reply. If not, I will attempt to do so.

Mr. MALLORY. I do not think the Senator from Georgia has stated the fact.

Mr. GALLINGER. No; he has not.

Mr. BACON. I stated that I was not familiar with it, and for that reason I asked the Senator if I was correct in my statement, and I understood the Senator from New Hampshire to say I was.

Mr. GALLINGER. I did not mean to say that.

Mr. BACON. If the report gives a conclusion not be relied upon——

Mr. GALLINGER. What I meant to say is conveyed in my concluding sentence—that the Senator was laboring under a misapprehension.

Mr. BACON. I shall be glad to be corrected, then.

Mr. MALLORY. I do not think there is anything in the bill to indicate that a vessel which is slow shall receive as much compensation as a vessel which is fast. The tendency has been in the postal subsidies to cut down speed in all instances, because heretofore we have really not had any criterion to go by by which we could determine the relative value of speed in the postal subsidies. But there is no question about it that we can not have any 20-knot vessels now on any route except, perhaps, the North Atlantic route. I do not believe we ever will build any 20-knot——

Mr. BACON. Will the Senator pardon me for a moment, in order that I may ask him to explain that which I do not understand? Section 2 provides:

> That in the interest of the national defense and for the performance of the public services hereinafter specified, after July 1, 1907, the Secretary of the Treasury is hereby authorized and directed to pay, subject to the provisions of this act, out of any money in the Treasury not otherwise appropriated, to the owner or owners of any vessel hereafter built and registered in the United States or now duly registered by a citizen or citizens of the United States (including as such citizens any corporation created under the laws of the United States or any of the States thereof), subventions as hereinafter provided; that is to say, (a) the sum of $5 per gross registered ton for each vessel which has been engaged in the foreign trade by sea or the deep-sea fisheries for a period of twelve months, including time necessarily consumed in receiving or discharging cargo, or not to exceed two months in making annual or extraordinary repairs; (b) the sum of $4 per gross registered ton for each vessel which, during any twelve consecutive months, etc.

In other words, if I were correct in the statement upon which I predicated the conclusion, I do not understand that language. It seems to me that that language provides for the payment to a vessel, which shall be engaged for twelve months, of $5 per ton. If that is not being paid by the time, regardless whether or not it is a slow vessel or a fast vessel, then I do not understand the plain English language.

Mr. MALLORY. I beg the Senator's pardon. I was under the impression he was alluding to the postal subsidy.

Mr. BACON. No; I am not; I am alluding to this provision of the bill, and outside of the specific provisions which are made under the sixth section for the payment of postal subsidies, all of this money will be expended for the class of vessels which have no regular routes, which generally, as stated already by the Senator from Florida, go under the denomination of "tramps," and most of them are, I presume, slow vessels. I wanted one of the Senators, if possible, whichever one of them considers himself as most directly committed to the correctness of this provision, to explain how it is.

Mr. MALLORY. I hope the Senator does not think that I indorse this provision?

Mr. BACON. I do not.

Mr. MALLORY. I have been talking in vain all day if he thinks so.

Mr. BACON. I do not think so, and it is for the reason——

Mr. GALLINGER. Mr. President, I do not quite grasp what the Senator from Georgia has in mind. If the Senator is of opinion that we ought to have fixed a different rate for each vessel of different speed, we would have had a bill as large as the Revised Statutes which the Senator now has before him. All these vessels are of a slow type. They are cargo-carrying vessels.

Mr. BACON. But, if the Senator will pardon me, I can see no reason why in this case the question of mileage should not control. That need not involve the question of speed. I do not see why the question of mileage should not control rather than time consumed.

Mr. GALLINGER. That, of course, is a matter which is perhaps worthy of some consideration; but some of these vessels will doubtless run irregularly. They will take a cargo; they will go to one port, and there discharge a part of it and then go to another; and again they will run to some other port in the hope of getting some cargo. They will make triangular and quadrangular voyages.

Mr. BACON. That is exactly one of the things that I object to in this bill. It seems to me that if there is any one definite purpose which ought to be kept in view in a subsidy bill—if the Senator from Florida will pardon me for interfering with him in the course of his remarks—it ought to be a scheme by which trade is to be developed between this country and other specific countries, where we are assumed to need this particular encouragement.

Mr. GALLINGER. That is what we are trying to do in this bill.

Mr. BACON. But, if I understand this bill, it does not do it. If every ship that would seek to get the advantages of this bill should confine itself to the trade between the United States and England, Germany, and France, where we now have the principal trade, the money would be paid out of the Treasury

in the same way as if it were used in the encouragement of ships running to South America, where we desire to foster our trade.

Mr. GALLINGER. We propose to establish nine or ten specific lines that run to South and Central America, Africa, etc., for the purpose of developing trade.

Mr. BACON. That is under a different provision altogether.

Mr. GALLINGER. It is.

Mr. BACON. That is mail subsidy. I am speaking of the second section.

Mr. GALLINGER. In the very nature of things it would be impossible to provide that a cargo carrier should run to any given port; that it should traverse any specified route.

Mr. BACON. I think there is great difficulty in it, and I think it is one of the great inherent defects in the scheme.

Mr. GALLINGER. It is the best we could work out.

Mr. MALLORY. The Senator from Georgia has put his finger on what I think is one of the weakest spots of the bill. It is only necessary to read the report of the majority of the Commission to see that the majority themselves recognize the force of the objection to which the Senator from Georgia has just referred, because all the argument which the report contains is based upon the regularity of the communication which is to be established between this country and foreign countries.

Mr. GALLINGER. That is true of mail lines, but I think the Senator himself ought not to try to commit a majority of the Commission to the idea that in this matter of the cargo carriers that principle ought to prevail.

[At this point a motion that when the Senate should adjourn it would be to meet on Monday next intervened.]

Mr. MALLORY. Mr. President, the point made by the Senator from Georgia a few moments ago, to which I was adverting—namely, that this bill does not in its general subsidy provide for the establishment of regular lines—is a point which is, I think, a strong and a valid one. As I said at the outset of my remarks, you could hardly expect a tramp vessel to develop any commerce unless you put her in a position in which she could get a cargo, and unless you give her subsidy enough to enable her to compete with foreign vessels she is not going to get cargo. Then, if it is a fact that there is not subsidy enough in this bill to justify a tramp vessel in undertaking to run in competition with foreign tramps, the only hope you have arises from the postal subsidy lines created by the bill. It strikes me that the Senator from New Hampshire had that in his mind when he prepared this majority report, because in several instances he refers generally to the regularity and efficiency of the lines which would be established by this bill, without apparently referring to the postal subsidy at all. I refer to the suggestion on page 4 of the report:

> National subventions to American shipping will, of course, encourage shipowners and shipbuilders of New England, New York, Pennsylvania, Virginia, Louisiana, California, and Washington; but these ships, built and run regularly and efficiently for the carrying of American mails and commerce, etc.—

Covering both the cargo carrier and the mail carrier. It was evidently contemplated by the Senator from New Hampshire that they will develop the commerce of the country.

Again, on page 17 of his report, the Senator speaks of the establishment by Germany of the North German Lloyd, her main steamship line to China, Japan, and Australia, as being a subsidy line:

> This is no conjecture; it is based on the hard facts of actual experience. Twenty years ago Germany's trade with the Far East was almost nothing. Bismarck urged, and the Reichstag granted, a subvention of 4,400,000 marks a year to the North German Lloyd for a new steamship line to China, Japan, and Australia.

That was simply a postal subsidy. Germany does not establish any lines by general subventions. She gives no general subventions, unless she has done it in the last year. That is just such a line as we propose to establish with Central America, South America, and Cuba by this bill—postal subsidy—and it produces the results which are referred to in this report, and which are very great, undoubtedly, and such, I have no doubt, as our postal subsidy lines will develop if they are ever put in operation.

But, Mr. President, I do not intend to consume the time of the Senate in much more discussion.

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Florida yield to the Senator from Colorado?

Mr. MALLORY. Certainly.

Mr. PATTERSON. Before the Senator from Florida concludes, I wish to have a matter which gives me a little trouble explained, and I suppose it can be quite satisfactorily explained. The bill provides for subventions and also compensation. It provides for $5 per gross registered ton for vessels engaged in the foreign trade and the fisheries per year. It then provides that such a vessel receiving a subvention under this section shall not receive any other subvention, subsidy, or bounty from the Treasury of the United States, etc. Then, turning over to the sections that provide for the establishment of new postal routes, the language of the bill is that certain compensation shall be paid for carrying the mail upon those postal routes.

Is compensation for carrying mail either subvention, subsidy, or bounty? If it is not, then will not these mail steamship lines, those to be created and those already established, which are to be given additional compensation, receive this subvention in addition to the compensation for carrying mails?

Mr. MALLORY. I think not, Mr. President. I do not see any reason why there should be any such construction put upon it. It is clearly prohibited in both instances. Mail vessels are not to receive any other subvention than the mail subvention, and the vessels that receive the direct subsidy, or general subvention, as it is called, are to receive no other benefit.

Mr. PATTERSON. The provision is in section 2 that they shall receive no other subvention, subsidy, or bounty as compensation under the contract for carrying the mails.

Mr. MALLORY. It is all in this bill treated as mail subvention, whatever that may mean.

Mr. PATTERSON. Would it not make it much clearer if the word "compensation" was used?

Mr. MALLORY. It would probably make it much clearer, but I do not think there is any danger of anybody getting mixed on it, because you will observe that the word "subvention" is used all the way through in the bill. They have discarded the word "subsidy." It got into bad odor in this country, and they laid it aside and have taken up the word "subvention" instead.

Mr. President, I do not intend to consume any more of the time of the Senate in this desultory talk, but before leaving the subject I think it is proper I should express my views, or at least give some intimation of what I would do were I to be permitted to frame a bill for the purpose of rebuilding our merchant marine.

I am free to say that I have given the subject some thought, and I am very much inclined to favor the scheme that was generally outlined by the bill introduced by the distinguished Senator from Massachusetts [Mr. LODGE] about eighteen months ago in this body, a bill for the promotion of our merchant marine by a system of discriminating duties. I, however, do not think that a system of indirect discrimination will avail. I am decidedly in favor of direct discrimination, and I think that the opportunity is presented to the country to-day to avail itself of its tariff to build up the grandest merchant marine the world has ever seen, and to do it at a comparatively slight cost.

It is true that we have the bugaboo presented to us, whenever the question is broached, that we have a number of treaties which constrain us and which would become ineffective upon our taking this action. All those treaties are in a certain sense mercantile conventions, not in the broad sense treaties. They contemplated, when they were originally instituted, that they could be set aside on a year's notice, and many of them have been set aside from time to time by other nations. I do not remember now exactly how many there are, but when I last figured it out I think there were only twenty-three of those so-called treaties which stood in the way. Many of them are simply clauses in treaties, providing that reciprocity in our intercourse with each other in shipping matters shall be observed for a certain period of time, at the expiration of which time the agreement can be set aside after a year's notice, or will be set aside with no action unless the other side should take some affirmative action in the matter.

Now, to hurry on, Mr. President, the treaty trouble has had no terrors for me. It has had for the Commission. There seems to be a notion, not merely confined to the Commission, but among a great many people in this country, that if we should undertake to set aside those treaties we might meet with very bitter retaliation, the results of which no man could predict.

Mr. President, we have given the nations of the world all the excuse in the world to retaliate on us. We have the highest protective tariff in the world. We have shut out everything by a wall that prevents foreign nations from sending their goods to this country, and we have no good will at all among the nations. Whenever they can retaliate on us they are going to do it, and we must not be restrained by the idea that if we do something particularly offensive they are going to retaliate. They will retaliate on us whenever they can do so effectively and put themselves in a better position than they now occupy.

I have not time to dilate on that point, but I believe it can be demonstrated that we have no real reason to apprehend any calamity to this country, any injury to our trade or commerce, by reason of the abrogation of every one of the treaties now in existence on the subject of reciprocity in shipping.

I have taken the trouble to figure out a little here as to what would be the result in the event Congress agreed to abolish these treaties and to establish a direct discrimination as between us and the nations of the world in the goods carried by American ships and the goods brought to this country by foreign ships.

We are told also, with a considerable air of menace, that the countries of the world that we wish to build up trade with, the South American countries particularly, with which we have a very limited trade, when in fact we should have a large trade, are countries whose products come to this country largely on the free list, and in order to avail ourselves of a discriminating duty there we would have to put those articles on the dutiable list.

I have sufficient confidence, Mr. President, in the people of the United States to have no hesitation whatever in believing that they would sustain me in voting to put many of those articles which are now on the free list on the dutiable list if the object to be accomplished is the building up of the merchant marine. It is a patriotic object. It is one which every man who has the welfare and good name and honor and glory of his country at heart will approve; and I have no hesitation at all in committing myself to the principle that if it is necessary, or if it will result in building up the merchant marine for the United States, it is my duty to put on the dutiable list such articles now on the free list as will be necessary to effect that purpose.

Now, I take the item of coffee from Brazil. We import all that coffee free. The importations amount to 445,489 long tons. At one-tenth cent per pound that would amount to $997,896, which would give the shipmasters an opportunity to get a cargo in Rio Janeiro or in all the ports of Brazil at a rate of $2,240 per 1,000 tons less freight than a foreign competitor. In other words, an American ship with one-tenth cent per pound on coffee would have an advantage over the foreigner on a cargo from Rio Janeiro to the United States of $2,240 per 1,000 tons.

Mr. LODGE. Do I understand that the Senator means then to impose a duty on coffee in that case?

Mr. MALLORY. Yes; one-tenth of a cent. I would be willing to vote for it if by so doing I could effectually contribute to building up the merchant marine.

With sugar it is the same. On sugar we pay a duty. We have an average duty on sugar of 1.5 cents per pound, a pretty heavy duty. We import 1,763,338 long tons. At a reduction of one-tenth of a cent we would have a reduction of $3,949,878, which would allow the same difference exactly at one-tenth of a cent on the 1,000 tons that there is in the case of coffee. That is, an American vessel would be $2,240 better off with a cargo of a thousand tons than a foreign vessel, so far as the ports of the United States are concerned.

Now, take India rubber and gutta-percha unmanufactured. We have 42,238 long tons, valued at $42,214,135. The duty at 2 cents a pound would amount to $1,892,277, which would be divided among American shipowners.

Hides.—A large proportion of the hides that come to this country from South America, 188,564,013 pounds, come in free; 83,652,950 pounds come in under 15 per cent duty. The duty on the dutiable hides is $1,621,827. Two per cent duty on the hides now free would be $820,571, a reduction of one-third, or 5 per cent duty on the dutiable, $540,609, making a saving to the American of $1,361,180 on 121,704 long tons.

Now, there are four items—two of them are dutiable and two of them are free. The total tonnage of those articles would be 2,372,769, and the total difference between the established and the discriminating duties would be $8,201,231. I merely cite those as an illustration to show how a direct discriminating duty would work. I am satisfied, Mr. President, that, under a wise system of tonnage taxes, we would have no difficulty whatever in providing a return cargo. We would have a cargo from Argentina, Brazil, or Central America; and when it gets to the port of the United States for which it is destined the duty imposed on tonnage, which has in the past been imposed, would act as a check on foreign competition for outward cargoes. The American merchant marine under such a stimulus would increase and flourish as it did when it led the world, and I doubt very much if more than ten years would elapse before we would have our merchant marine again in the gratifying position it occupied in 1860.

ADJOURNMENT TO MONDAY.

During the delivery of Mr. MALLORY'S speech,

Mr. ALLISON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Florida yield to the Senator from Iowa?

Mr. MALLORY. Certainly.

Mr. ALLISON. At this time I should like to ask the Senator from New Hampshire if he expects to continue the debate on the pending bill to-morrow?

Mr. GALLINGER. I will ask the Senator from Florida what his wish is on that matter.

Mr. MALLORY. I did not catch what the Senator from Iowa said.

Mr. ALLISON. I have been told that there are two or three very important committees that desire to have long sessions to-morrow.

Mr. MALLORY. I expect to wind up my remarks to-day.

Mr. ALLISON. I understand.

Mr. GALLINGER. I will say to the Senator from Iowa that if the Senator from Florida concludes this evening I have no knowledge of any other Senator who desires to continue the debate immediately. There may be some Senator who has not suggested it, but I think I am safe in saying that probably no other Senator is prepared to continue the discussion to-morrow. If any Senator is prepared I wish he would indicate it.

Mr. ALLISON. If there is no pressure for a session to-morrow I would ask——

Mr. MALLORY. I will state that the Senator from Georgia [Mr. CLAY] to-day gave notice that he intended to address the Senate to-morrow.

Mr. CLAY. If the Senator from Iowa desires to have an adjournment until Monday——

Mr. ALLISON. I will not make the motion if it will interfere with any Senator.

Mr. CLAY. It will suit me to speak on Monday just as well.

Mr. FORAKER. I wish to make a suggestion.

The VICE-PRESIDENT. Does the Senator from Florida yield to the Senator from Ohio?

Mr. FORAKER. There are a number of very important committees——

Mr. MALLORY. I think I will go on and finish my remarks.

The VICE-PRESIDENT. The Senator from Florida declines to yield.

Mr. FORAKER. Does the Senator from Iowa propose to move an adjournment over?

Mr. ALLISON. I will not press what I intended.

The VICE-PRESIDENT. The Senator from Florida will proceed.

Mr. MALLORY. If the Senator from Iowa wishes to make the motion now, I am perfectly willing to yield.

Mr. ALLISON. In view of the notice given by the junior Senator from Georgia, I will not make the motion.

Mr. CLAY. I will state——

Mr. FORAKER. I will make it.

Mr. ALLISON. Very well; I shall be glad to have the Senator make it if he thinks it ought to be made.

Mr. FORAKER. I think it ought to be made. We have to-morrow a meeting of our committee about railway-rate legislation, and it is impossible for us to make any satisfactory progress in an hour's meeting of the committee. If we could meet and stay there two or three hours, we might get something done. I think it is more important that the committees should have a chance once in a while than that we should stay here in session all the while. If the Senator from Georgia wants to speak to-morrow——

Mr. CLAY. It will be equally convenient for me to speak on Monday. I am perfectly willing that the Senate shall adjourn from to-day until Monday, and on Monday, after the morning business is finished, I shall call up my resolution for the purpose of submitting a few remarks.

Mr. ALLISON. In view of what the Senator from Ohio has so well said, that it is of the utmost importance that the Committee on Interstate Commerce should have time to consider the rate bill, I think we ought to adjourn over to-morrow, because, for one, I am very anxious that that question shall at some reasonable time not very far distant be placed before the Senate. Therefore I move that when the Senate adjourns to-day it adjourn until Monday next.

The VICE-PRESIDENT. The Senator from Iowa moves that when the Senate adjourns to-day it adjourn to meet on Monday next.

Mr. GALLINGER. Mr. President, I know this is not a debatable motion, but I wish to ask unanimous consent to make a single observation.

The VICE-PRESIDENT. Without objection, the Senator will proceed.

Mr. GALLINGER. I appreciate perhaps the necessity for adjourning over until Monday, and yet I regret exceedingly losing two days in the consideration of the unfinished business. This is an important matter.

Mr. MALLORY. I hope the Senator does not think that this has been a day lost.

Mr. GALLINGER. No; not to-day, but Friday and Saturday. The Senator misunderstood me. I spoke of the loss of two days, which are Friday and Saturday. This measure has been before the Senate for five weeks now; in fact, it has been before the Senate for five years and more; and I do hope that at some reasonable time in the future we can get a vote on the bill.

I simply rose for the purpose of saying, Mr. President, that on Monday next I shall ask the Senate to agree to a time when a vote can be taken on the bill. I do not care whether it is three weeks, four weeks, five weeks, or six weeks from this time.

Mr. TELLER. I would suggest to the Senator that it is hardly fair to take up that question before the Senator from Florida gets through.

Mr. GALLINGER. I am not doing so. I am merely suggesting that on Monday next——

Mr. TELLER. Or on the motion of the Senator from Iowa.

Mr. GALLINGER. I beg the Senator's pardon; I am speaking by unanimous consent, and I think I can make a suggestion. I am not aware of any rule that inhibits me from doing so.

Mr. TELLER. No; but I think the Senator is mistaken when he says a motion to adjourn to a day certain is debatable. I think it is not.

Mr. GALLINGER. I understand that, and I obtained unanimous consent.

Mr. LODGE. The Senator from New Hampshire asked for unanimous consent and got it.

Mr. GALLINGER. What I did say was that on Monday next I would good naturedly ask the Senate, and I will appeal to the Senator from Colorado if necessary, in person, to permit a vote on this bill at some time in the future within reason.

Mr. TELLER. I will suggest that about the 1st of June would suit me.

Mr. GALLINGER. If that be so, I will suggest to the Senator from Colorado that there will be some reprisals.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Iowa that when the Senate adjourns to-day it adjourn to meet on Monday next.

The motion was agreed to.

EXECUTIVE SESSION.

After the conclusion of Mr. MALLORY'S speech,

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened and (at 5 o'clock p. m.) the Senate adjourned until Monday, January 22, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 18, 1906.

SOLICITOR FOR THE DEPARTMENT OF STATE.

James B. Scott, of California, to be Solicitor for the Department of State, vice William L. Penfield, resigned.

UNITED STATES ATTORNEYS.

George R. Walker, of Indian Territory, to be United States attorney for the southern district of Indian Territory, vice William B. Johnson, whose term expired January 13, 1906.

Ernest F. Cochran, of South Carolina, to be United States attorney for the district of South Carolina, vice John G. Capers, whose term expired December 16, 1905.

SURGEON-GENERAL IN THE NAVY.

Medical Inspector Presley M. Rixey, United States Navy, to be Surgeon-General and Chief of the Bureau of Medicine and Surgery in the Department of the Navy, with the rank of rear-admiral, for a term of four years from the 5th day of February, 1906.

APPOINTMENTS IN THE PORTO RICO PROVISIONAL REGIMENT OF INFANTRY.

To be second lieutenants with rank from January 17, 1906.

Felix Emmanuelli, of Porto Rico.

Daniel Rodriguez, of Porto Rico.

PROMOTIONS IN THE ARMY.

Cavalry Arm.

Second Lieut. Allen C. Keyes, Fourteenth Cavalry, to be first lieutenant from December 5, 1905, vice Enslow, Tenth Cavalry, resigned.

Second Lieut. John A. Pearson, Eleventh Cavalry, to be first lieutenant from December 28, 1905, vice Rhea, Seventh Cavalry, promoted.

Second Lieut. Charles Burnett, Fifteenth Cavalry, to be first lieutenant from January 3, 1906, vice Otis, Fourth Cavalry, dropped for desertion.

Artillery Corps.

Second Lieut. Gordon Robinson, Artillery Corps, to be first lieutenant from January 1, 1906, vice Deiss, resigned.

POSTMASTERS.

ALABAMA.

William Moseley to be postmaster at Decatur, in the county of Morgan and State of Alabama, in place of Floy Hinds. Incumbent's commission expires January 20, 1906.

CALIFORNIA.

Stephen D. Ballou to be postmaster at San Luis Obispo, in the county of San Luis Obispo and State of California, in place of Stephen D. Ballou. Incumbent's commission expired January 13, 1906.

Susan L. Drake to be postmaster at Colusa, in the county of Colusa and State of California, in place of Susan L. Drake. Incumbent's commission expired January 13, 1906.

George W. Holmes to be postmaster at Selma, in the county of Fresno and State of California, in place of George W. Holmes. Incumbent's commission expired January 16, 1906.

CONNECTICUT.

Adelbert W. Crane to be postmaster at South Glastonbury, in the county of Hartford and State of Connecticut. Office became Presidential January 1, 1906.

Nehemiah Jennings to be postmaster at Southport, in the county of Fairfield and State of Connecticut, in place of Nehemiah Jennings. Incumbent's commission expired January 16, 1906.

FLORIDA.

Francis B. Rainey to be postmaster at Wauchula, in the county of De Soto and State of Florida. Office became Presidential January 1, 1906.

GEORGIA.

Annie I. Burkhalter to be postmaster at Warrenton, in the county of Warren and State of Georgia. Office became Presidential January 1, 1906.

IDAHO.

Fred G. Havemann to be postmaster at Salmon, in the county of Lemhi and State of Idaho, in place of Fred G. Havemann. Incumbent's commission expires January 22, 1906.

ILLINOIS.

Henry F. Bader to be postmaster at East St. Louis, in the county of St. Clair and State of Illinois, in place of Henry F. Bader. Incumbent's commission expired January 16, 1906.

Ralph F. Bradford to be postmaster at Pontiac, in the county of Livingston and State of Illinois, in place of Ralph F. Bradford. Incumbent's commission expires January 31, 1906.

Ansel B. Case to be postmaster at Prophetstown, in the county of Whiteside and State of Illinois, in place of Ansel B. Case. Incumbent's commission expired January 9, 1906.

Russell W. Folts to be postmaster at Atlanta, in the county of Logan and State of Illinois, in place of Russell W. Folts. Incumbent's commission expired January 9, 1906.

Francis A. Freer to be postmaster at Galesburg, in the county of Knox and State of Illinois, in place of Francis A. Freer. Incumbent's commission expired January 9, 1906.

Harry L. Frier to be postmaster at Benton, in the county of Franklin and State of Illinois, in place of John T. Chenault. Incumbent's commission expired January 13, 1906.

William Graue to be postmaster at Elmhurst, in the county of Dupage and State of Illinois, in place of William Graue. Incumbent's commission expires January 23, 1906.

Eva Y. Hole to be postmaster at Ridge Farm, in the county of Vermilion and State of Illinois, in place of Eva Y. Hole. Incumbent's commission expired January 9, 1906.

Harrison P. Huntsinger to be postmaster at Pinckneyville, in the county of Perry and State of Illinois, in place of Harrison P. Huntsinger. Incumbent's commission expired January 13, 1906.

William A. Koenigstein to be postmaster at O'Fallon, in the county of St. Clair and State of Illinois. Office became Presidential January 1, 1906.

Arthur Merrill to be postmaster at Avon, in the county of Fulton and State of Illinois, in place of Arthur Merrill. Incumbent's commission expires January 21, 1906.

Calvin F. Randolph to be postmaster at Danvers, in the county of McLean and State of Illinois. Office became Presidential January 1, 1906.

Homer S. Sanford to be postmaster at Chatsworth, in the county of Livingston and State of Illinois, in place of Homer S. Sanford. Incumbent's commission expired December 12, 1905.

INDIAN TERRITORY.

Bruce McKinley to be postmaster at Eufaula, in District Twelve, Indian Territory, in place of John C. Belt. Incumbent's commission expires January 21, 1906.

INDIANA

Christopher Browand to be postmaster at Kendallville, in the county of Noble and State of Indiana, in place of George P. Alexander. Incumbent's commission expired January 9, 1906.

George E. Burbank to be postmaster at Oakland City, in the county of Gibson and State of Indiana, in place of George E. Burbank. Incumbent's commission expired January 9, 1906.

A. L. Kuhlman to be postmaster at Auburn, in the county of Dekalb and State of Indiana, in place of Thomas A. Carter. Incumbent's commission expired January 9, 1906.

Charles A. Rockwell to be postmaster at Cloverdale, in the county of Putnam and State of Indiana. Office became Presidential January 1, 1906.

IOWA.

Thomas F. Armstrong to be postmaster at Lenox, in the county of Taylor and State of Iowa, in place of Thomas F. Armstrong. Incumbent's commission expires January 20, 1906.

Frank E. Drake to be postmaster at Radcliffe, in the county of Hardin and State of Iowa, in place of Frank E. Drake. Incumbent's commission expires January 31, 1906.

John T. Hogan to be postmaster at Cherokee, in the county of Cherokee and State of Iowa, in place of James A. Henderson. Incumbent's commission expires January 20, 1906.

John B. Hungerford to be postmaster at Carroll, in the county of Carroll and State of Iowa, in place of John B. Hungerford. Incumbent's commission expires January 20, 1906.

Thomas D. Long to be postmaster at Manson, in the county of Calhoun and State of Iowa, in place of Thomas D. Long. Incumbent's commission expires January 21, 1906.

James H. Morrison to be postmaster at Seymour, in the county of Wayne and State of Iowa, in place of James H. Morrison. Incumbent's commission expires January 21, 1906.

Walter C. Ramsay to be postmaster at Belmond, in the county of Wright and State of Iowa, in place of Ezra S. Hubbard. Incumbent's commission expired December 16, 1905.

G. W. Stapleton to be postmaster at Spirit Lake, in the county of Dickinson and State of Iowa, in place of August F. Bergman. Incumbent's commission expires January 20, 1906.

Gardner S. Turrill to be postmaster at Jefferson, in the county of Greene and State of Iowa, in place of Gardner S. Turrill. Incumbent's commission expires January 31, 1906.

William H. Tyrrell to be postmaster at Waverly, in the county of Bremer and State of Iowa, in place of William H. Tyrrell. Incumbent's commission expires January 21, 1906.

Thomas Walpole to be postmaster at Storm Lake, in the county of Buena Vista and State of Iowa, in place of Thomas Walpole. Incumbent's commission expires January 21, 1906.

Clinton L. Zollinger to be postmaster at Ogden, in the county of Boone and State of Iowa, in place of Clinton L. Zollinger. Incumbent's commission expires January 20, 1906.

KANSAS.

David D. Beck to be postmaster at Scott, in the county of Scott and State of Kansas. Office became Presidential January 1, 1906.

E. M. Clark to be postmaster at Centralia, in the county of Nemaha and State of Kansas, in place of James C. Clark. Incumbent's commission expired January 16, 1906.

John N. Evans to be postmaster at Liberal, in the county of Seward and State of Kansas. Office became Presidential January 1, 1906.

John W. Nyce to be postmaster at Caldwell, in the county of Sumner and State of Kansas, in place of John W. Nyce. Incumbent's commission expired January 16, 1906.

Melville H. Soper to be postmaster at Horton, in the county of Brown and State of Kansas, in place of Melville H. Soper. Incumbent's commission expired January 16, 1906.

KENTUCKY.

James C. Florence to be postmaster at Stanford, in the county of Lincoln and State of Kentucky, in place of James C. Florence. Incumbent's commission expired January 13, 1906.

Lucy O. Mason to be postmaster at Adairville, in the county of Logan and State of Kentucky. Office became Presidential January 1, 1906.

James A. Miller to be postmaster at Wickliffe, in the county of Ballard and State of Kentucky. Office became Presidential January 1, 1906.

James T. Stephens to be postmaster at Hickman, in the county of Fulton and State of Kentucky, in place of James T. Stephens. Incumbent's commission expired January 13, 1906.

Thomas Sympson to be postmaster at Franklin, in the county of Simpson and State of Kentucky, in place of Thomas Sympson. Incumbent's commission expired January 13, 1906.

LOUISIANA.

George E. Eisely to be postmaster at Tallulah, in the parish of Madison and State of Louisiana. Office became Presidential October 1, 1905.

MAINE.

John F. Davis to be postmaster at Bridgton, in the county of Cumberland and State of Maine, in place of John F. Davis. Incumbent's commission expired January 16, 1906.

William Fennelly to be postmaster at Bar Harbor, in the county of Hancock and State of Maine, in place of William Fennelly. Incumbent's commission expired January 16, 1906.

Edward Harding to be postmaster at Gorham, in the county of Cumberland and State of Maine, in place of Edward Harding. Incumbent's commission expired January 16, 1906.

Frank M. Hume to be postmaster at Houlton, in the county of Aroostook and State of Maine, in place of Frank M. Hume. Incumbent's commission expired January 16, 1906.

Frank A. Knight to be postmaster at North Berwick, in the county of York and State of Maine, in place of Frank A. Knight. Incumbent's commission expired January 16, 1906.

John V. Lane to be postmaster at Augusta, in the county of Kennebec and State of Maine, in place of John V. Lane. Incumbent's commission expired January 13, 1906.

Oramel Murray to be postmaster at Pittsfield, in the county of Somerset and State of Maine, in place of Oramel Murray. Incumbent's commission expired January 16, 1906.

James H. Phair to be postmaster at Presque Isle, in the county of Aroostook and State of Maine, in place of James H. Phair. Incumbent's commission expired January 16, 1906.

Benjamin J. Woodman to be postmaster at Westbrook, in the county of Cumberland and State of Maine, in place of Benjamin J. Woodman. Incumbent's commission expired January 16, 1906.

MASSACHUSETTS.

Albert E. Brownville to be postmaster at Needham, in the county of Norfolk and State of Massachusetts, in place of Albert B. Dresser, deceased.

James C. Cooper to be postmaster at Chester, in the county of Hampden and State of Massachusetts, in place of James C. Cooper. Incumbent's commission expired December 17, 1905.

William E. Dunbar to be postmaster at Taunton, in the county of Bristol and State of Massachusetts, in place of William E. Dunbar. Incumbent's commission expired January 16, 1906.

Harold A. Foster to be postmaster at North Brookfield, in the county of Worcester and State of Massachusetts, in place of Harold A. Foster. Incumbent's commission expires January 21, 1906.

Henry B. Hildreth to be postmaster at Townsend, in the county of Middlesex and State of Massachusetts, in place of Henry B. Hildreth. Incumbent's commission expired January 16, 1906.

MICHIGAN.

George M. Clark to be postmaster at Bad Axe, in the county of Huron and State of Michigan, in place of John Ballentine. Incumbent's commission expires January 21, 1906.

Thomas Connors to be postmaster at Negaunee, in the county of Marquette and State of Michigan, in place of Thomas Connors. Incumbent's commission expires January 20, 1906.

Alfred Cruse to be postmaster at Iron Mountain, in the county of Dickinson and State of Michigan, in place of Alfred Cruse. Incumbent's commission expires January 20, 1906.

Robert G. Elliott to be postmaster at Munising, in the county of Alger and State of Michigan, in place of Robert G. Elliott. Incumbent's commission expires January 20, 1906.

George B. Faxon to be postmaster at Ovid, in the county of Clinton and State of Michigan, in place of George B. Faxon. Incumbent's commission expires January 20, 1906.

Benjamin B. Gorman to be postmaster at Coldwater, in the county of Branch and State of Michigan, in place of Benjamin B. Gorman. Incumbent's commission expires January 21, 1906.

Elmer W. Hall to be postmaster at Lawton, in the county of Van Buren and State of Michigan, in place of Elmer W. Hall. Incumbent's commission expires January 20, 1906.

Otto H. Mueller to be postmaster at Rockland, in the county of Ontonagon and State of Michigan. Office became Presidential January 1, 1906.

Frank E. Priddy to be postmaster at Adrian, in the county of Lenawee and State of Michigan, in place of Frank E. Priddy. Incumbent's commission expires January 28, 1906.

William C. Spreen to be postmaster at Watervliet, in the county of Berrien and State of Michigan, in place of William C. Spreen. Incumbent's commission expires January 20, 1906.

MINNESOTA.

Brayton S. Buckingham to be postmaster at Argyle, in the county of Marshall and State of Minnesota, in place of Brayton S. Buckingham. Incumbent's commission expires January 20, 1906.

Ida Erickson to be postmaster at Canby, in the county of Yellow Medicine and State of Minnesota, in place of Ida Erickson. Incumbent's commission expires January 20, 1906.

Josie Forde to be postmaster at Graceville, in the county of Bigstone and State of Minnesota, in place of Josie Forde. Incumbent's commission expires January 20, 1906.

Dennis F. McGrath to be postmaster at Barnesville, in the county of Clay and State of Minnesota, in place of Irvin S. Catlin. Incumbent's commission expires January 20, 1906.

H. H. Neuenburg to be postmaster at Olivia, in the county of Renville and State of Minnesota, in place of James M. Peckinpaugh. Incumbent's commission expires January 20, 1906.

John Schmelz to be postmaster at Springfield, in the county of Brown and State of Minnesota, in place of John Schmelz. Incumbent's commission expires January 20, 1906.

Ole A. Thoreson to be postmaster at East Grand Forks, in the county of Polk and State of Minnesota, in place of John R. Johnson. Incumbent's commission expires January 21, 1906.

Edwin E. Tuttle to be postmaster at Hastings, in the county of Dakota and State of Minnesota, in place of Edwin E. Tuttle. Incumbent's commission expires January 20, 1906.

MISSOURI.

Frank M. Filson to be postmaster at Cameron, in the county of Clinton and State of Missouri, in place of Frank M. Filson. Incumbent's commission expires January 22, 1906.

Theodore N. McHaney to be postmaster at Kennett, in the county of Dunklin and State of Missouri, in place of Theodore N. McHaney. Incumbent's commission expires January 22, 1906.

Oliver W. Neff to be postmaster at Nevada, in the county of Vernon and State of Missouri, in place of James M. McAnulty. Incumbent's commission expires January 22, 1906.

Robert C. Rhodes to be postmaster at Seymour, in the county of Webster and State of Missouri. Office became Presidential January 1, 1906.

Enoch T. Stark to be postmaster at Huntsville, in the county of Randolph and State of Missouri, in place of Elias S. Bedford. Incumbent's commission expires January 22, 1906.

Walter F. Thompson to be postmaster at Plattsburg, in the county of Clinton and State of Missouri, in place of Charles L. Porter. Incumbent's commission expires January 22, 1906.

NEBRASKA.

William J. Hildreth to be postmaster at Exeter, in the county of Fillmore and State of Nebraska, in place of Charles N. Phillips. Incumbent's commission expires January 20, 1906.

Carl Kramer to be postmaster at Columbus, in the county of Platte and State of Nebraska, in place of Carl Kramer. Incumbent's commission expires January 20, 1906.

Jehiel H. Secor to be postmaster at Madison, in the county of Madison and State of Nebraska, in place of Jehiel H. Secor. Incumbent's commission expires January 20, 1906.

Charles H. Snider to be postmaster at Tilden, in the county of Madison and State of Nebraska, in place of Charles H. Snider. Incumbent's commission expires January 21, 1906.

Dennis Tracy to be postmaster at Cedar Rapids, in the county of Boone and State of Nebraska, in place of Dennis Tracy. Incumbent's commission expires January 20, 1906.

NEW HAMPSHIRE.

Alfred E. Bean to be postmaster at Berlin, in the county of Coos and State of New Hampshire, in place of Alfred E. Bean. Incumbent's commission expires January 29, 1906.

Albert Clement to be postmaster at Antrim, in the county of Hillsboro and State of New Hampshire, in place of Albert Clement. Incumbent's commission expired January 16, 1906.

John H. Henry to be postmaster at Lincoln, in the county of Grafton and State of New Hampshire. Office became Presidential January 1, 1906.

Eri Oakes to be postmaster at Lisbon, in the county of Grafton and State of New Hampshire, in place of Eri Oakes. Incumbent's commission expired January 16, 1906.

William H. Small to be postmaster at New Market, in the county of Rockingham and State of New Hampshire, in place of William H. Small. Incumbent's commission expired January 16, 1906.

NEW JERSEY.

David M. Anderson to be postmaster at Gloucester City, in the county of Camden and State of New Jersey, in place of David M. Anderson. Incumbent's commission expires January 21, 1906.

NEW YORK.

Robert C. Bailey to be postmaster at Schoharie, in the county of Schoharie and State of New York, in place of Dawson Y. Wright. Incumbent's commission expired December 17, 1905.

William L. Crothers to be postmaster at Phelps, in the county of Ontario and State of New York, in place of Henry B. Whitney. Incumbent's commission expires January 21, 1906.

Ezra Sayre to be postmaster at Corinth, in the county of Saratoga and State of New York, in place of Theodore Elixman, removed.

Melvin J. Stearns to be postmaster at Massena, in the county of St. Lawrence and State of New York, in place of Melvin J. Stearns. Incumbent's commission expires January 21, 1906.

George Tremper to be postmaster at Rhinebeck, in the county of Dutchess and State of New York, in place of James C. McCarty. Incumbent's commission expires January 21, 1906.

Abram R. Wyckoff to be postmaster at Geneva, in the county of Ontario and State of New York, in place of Samuel D. Willard. Incumbent's commission expires January 21, 1906.

OHIO.

Clinton F. Bonham to be postmaster at Harrison, in the county of Hamilton and State of Ohio, in place of Clinton F. Bonham. Incumbent's commission expired January 16, 1906.

D. S. De Garmo to be postmaster at Niles, in the county of Trumbull and State of Ohio, in place of Ivor J. Davis, removed.

John J. Leedom to be postmaster at St. Paris, in the county of Champaign and State of Ohio, in place of John J. Leedom. Incumbent's commission expired January 16, 1906.

Arkinson B. Pond to be postmaster at New London, in the county of Huron and State of Ohio, in place of Arkinson B. Pond. Incumbent's commission expired January 16, 1906.

Onesimus P. Shaffer to be postmaster at Youngstown, in the county of Mahoning and State of Ohio, in place of Onesimus P. Shaffer. Incumbent's commission expired January 16, 1906.

PENNSYLVANIA.

John C. Burden to be postmaster at St. Marys, in the county of Elk and State of Pennsylvania, in place of John C. Koch. Incumbent's commission expires January 29, 1906.

Elisha S. Keeler to be postmaster at New Albany, in the county of Bradford and State of Pennsylvania. Office became Presidential January 1, 1906.

Starling W. Waters to be postmaster at Warren, in the county of Warren and State of Pennsylvania, in place of Starling W. Waters. Incumbent's commission expired January 13, 1906.

W. Day Wilson to be postmaster at Clarion, in the county of Clarion and State of Pennsylvania, in place of W. Day Wilson. Incumbent's commission expires January 28, 1906.

RHODE ISLAND.

Walter A. Hill to be postmaster at Phenix, in the county of Kent and State of Rhode Island. Office became Presidential January 1, 1906.

SOUTH CAROLINA.

John C. Hunter to be postmaster at Union, in the county of Union and State of South Carolina, in place of John C. Hunter. Incumbent's commission expired January 16, 1906.

George S. McCravy to be postmaster at Laurens, in the county of Laurens and State of South Carolina, in place of George S. McCravy. Incumbent's commission expired January 16, 1906.

Luther McLaurin to be postmaster at McColl, in the county of Marlboro and State of South Carolina. Office became Presidential October 1, 1905.

TENNESSEE.

Laden F. De Ford to be postmaster at Savannah, in the county of Hardin and State of Tennessee. Office became Presidential January 1, 1906.

Atlas M. Lee to be postmaster at Huntingdon, in the county of Carroll and State of Tennessee, in place of Atlas M. Lee. Incumbent's commission expires January 28, 1906.

Charles Parsons to be postmaster at Madisonville, in the county of Monroe and State of Tennessee. Office became Presidential January 1, 1906.

TEXAS.

Lon M. Barkley to be postmaster at Fort Worth, in the county of Tarrant and State of Texas, in place of George W. Burroughs. Incumbent's commission expires January 22, 1906.

Sallie E. Brooks to be postmaster at Bastrop, in the county of Bastrop and State of Texas, in place of Charles P. Ziegenhals. Incumbent's commission expired March 31, 1904.

Henry M. Carson to be postmaster at Pilot Point, in the county of Denton and State of Texas, in place of Henry M. Carson. Incumbent's commission expired January 16, 1906.

Augustus S. Davis to be postmaster at McGregor, in the county of McLennan and State of Texas, in place of Augustus S. Davis. Incumbent's commission expired January 16, 1906.

W. James Gilmore to be postmaster at Moody, in the county of McLennan and State of Texas, in place of W. James Gilmore. Incumbent's commission expired January 16, 1906.

Andrew R. Hill to be postmaster at San Saba, in the county of San Saba and State of Texas, in place of Andrew R. Hill. Incumbent's commission expired January 16, 1906.

Effie L. Houghton to be postmaster at Memphis, in the county of Hall and State of Texas. Office became Presidential January 1, 1906.

M. B. Howard to be postmaster at Sweetwater, in the county of Nolan and State of Texas, in place of William B. Howard. Incumbent's commission expired January 16, 1906.

August F. Loessin to be postmaster at La Grange, in the county of Fayette and State of Texas, in place of August F. Loessin. Incumbent's commission expired January 16, 1906.

Charles O. Nelson to be postmaster at Clifton, in the county of Bosque and State of Texas, in place of Charles O. Nelson. Incumbent's commission expired January 16, 1906.

J. F. McCarty to be postmaster at Comanche, in the county of Comanche and State of Texas, in place of Elisha B. Atterbury. Incumbent's commission expired January 16, 1906.

Mary W. Morrow to be postmaster at Abilene, in the county of Taylor and State of Texas, in place of Mary W. Morrow. Incumbent's commission expired January 13, 1906.

Edmund F. Seydler to be postmaster at Weimar, in the county of Colorado and State of Texas, in place of Edmund F. Seydler. Incumbent's commission expired January 16, 1906.

WASHINGTON.

Joseph W. King to be postmaster at Asotin, in the county of Asotin and State of Washington. Office became Presidential January 1, 1906.

WEST VIRGINIA.

James S. Posten to be postmaster at Elkins, in the county of Randolph and State of West Virginia, in place of James S. Posten. Incumbent's commission expired January 13, 1906.

Henry J. Rudkin to be postmaster at Burnsville, in the county of Braxton and State of West Virginia. Office became Presidential January 1, 1906.

Robert B. Watson to be postmaster at Cameron, in the county of Marshall and State of West Virginia, in place of Robert B. Watson. Incumbent's commission expired January 13, 1906.

WISCONSIN.

George Luecker to be postmaster at Brillion, in the county of Calumet and State of Wisconsin. Office became Presidential January 1, 1906.

L. L. Thayer to be postmaster at Bloomer, in the county of Chippewa and State of Wisconsin, in place of Henry Marshall. Incumbent's commission expires January 20, 1906.

Hugh H. Williams to be postmaster at Randolph, in the county of Dodge and State of Wisconsin, in place of Hugh H. Williams. Incumbent's commission expires January 30, 1906.

WYOMING.

William Pugh to be postmaster at Evanston, in the county of Uinta and State of Wyoming, in place of William Pugh. Incumbent's commission expires January 21, 1906.

Perry L. Smith to be postmaster at Rawlins, in the county of Carbon and State of Wyoming, in place of Perry L. Smith. Incumbent's commission expires January 21, 1906.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 18, 1906.

CONSUL-GENERAL.

Elmer E. E. McJimsey, of Missouri, to be consul-general of the United States at Callao, Peru.

SURVEYOR OF CUSTOMS.

Julius S. Starr, of Illinois, to be surveyor of customs for the port of Peoria, in the State of Illinois.

RECEIVERS OF PUBLIC MONEYS.

Charles C. Evans, of Kansas, whose term will expire January 29, 1906, to be receiver of public moneys at Colby, Kans.

Lewis J. Pettijohn, of Kansas, to be receiver of public moneys at Dodge City, Kans.

REGISTER OF THE LAND OFFICE.

Henry F. Millikan, of Kansas, whose term will expire January 29, 1906, to be register of the land office at Dodge City, Kans.

PROMOTIONS IN THE NAVY.

Capt. Asa Walker, an additional number in grade, to be a rear-admiral in the Navy from the 7th day of January, 1906.

Lieut. George W. Williams to be a lieutenant-commander in the Navy from the 1st day of July, 1905.

Lieut. Frank Marble to be a lieutenant-commander in the Navy from the 1st day of July, 1905.

Lieut. Edwin T. Pollock to be a lieutenant-commander in the Navy from the 15th day of December, 1905.

Lieut. William D. MacDougall to be a lieutenant-commander in the Navy from the 1st day of July, 1905.

Lieut. Clark D. Stearns to be a lieutenant-commander in the Navy from the 27th day of December, 1905.

Lieuts. James H. Rowen, Harry H. Caldwell, and Milton E. Reed to be lieutenant-commanders in the Navy from the 1st day of January, 1906.

Carpenters Frederick J. Simmonds and Matthew B. Pollock to be chief carpenters in the Navy, from the 10th day of January, 1906, upon the completion of six years' service, in accordance with the provisions of section 12 of the act of Congress approved March 3, 1899, as amended by the act of April 27, 1904.

POSTMASTERS.

FLORIDA.

Walter F. Mickle to be postmaster at Fort Myers, in the county of Lee and State of Florida.

ILLINOIS.

John C. Baker to be postmaster at Golconda, in the county of Pope and State of Illinois.

Jacob A. Bohrer to be postmaster at Bloomington, in the county of McLean and State of Illinois.

Joseph H. Braden to be postmaster at Rossville, in the county of Vermilion and State of Illinois.

William F. Calhoun to be postmaster at Decatur, in the county of Macon and State of Illinois.

Abraham L. Cox to be postmaster at Elizabeth, in the county of Jo Daviess and State of Illinois.

George N. Mason to be postmaster at Erie, in the county of Whiteside and State of Illinois.

Cornelius M. Ogden to be postmaster at Westville, in the county of Vermilion and State of Illinois.

William P. Slack to be postmaster at Carbondale, in the county of Jackson and State of Illinois.

James A. White to be postmaster at Murphysboro, in the County of Jackson and State of Illinois.

INDIANA.

John W. Baker to be postmaster at Columbia City, in the county of Whitley and State of Indiana.

Elliott E. Barnard to be postmaster at Delphi, in the county of Carroll and State of Indiana.

Edward H. Burns to be postmaster at Frankfort, in the county of Clinton and State of Indiana.

John G. Dunbar to be postmaster at Greencastle, in the county of Putnam and State of Indiana.

Jesse L. Dunning to be postmaster at Ligonier, in the county of Noble and State of Indiana.

James Edwards to be postmaster at Mitchell, in the county of Lawrence and State of Indiana.

Charles M. Eisenbeiss to be postmaster at Elkhart, in the county of Elkhart and State of Indiana.

Jasper N. Frist to be postmaster at Clinton, in the county of Vermilion and State of Indiana.

Robert B. Hanna to be postmaster at Fort Wayne, in the county of Allen and State of Indiana.

Lyman B. Holleman to be postmaster at Mount Vernon, in the county of Posey and State of Indiana.

John W. Graham to be postmaster at Bloomfield, in the county of Greene and State of Indiana.

John C. Gregg to be postmaster at Brazil, in the county of Clay and State of Indiana.

John W. Lough to be postmaster at Ladoga, in the county of Montgomery and State of Indiana.

William P. Masters to be postmaster at Seymour, in the county of Jackson and State of Indiana.

Benjamin L. McFarlan to be postmaster at Rushville, in the county of Rush and State of Indiana.

Jesse Parmenter to be postmaster at Wabash, in the county of Wabash and State of Indiana.

William O. Protsman to be postmaster at Vevay, in the county of Switzerland and State of Indiana.

Charles H. Reader to be postmaster at Corydon, in the county of Harrison and State of Indiana.

Frederick Schrader to be postmaster at Batesville, in the county of Ripley and State of Indiana.

B. W. S. Wiseman to be postmaster at Culver, in the county of Marshall and State of Indiana.

MICHIGAN.

Edwin O. Shaw to be postmaster at Newaygo, in the county of Newaygo and State of Michigan.

MISSISSIPPI.

William B. Martin to be postmaster at Indianola, in the county of Sunflower and State of Mississippi.

MISSOURI.

Levi Alexander to be postmaster at Kahoka, in the county of Clark and State of Missouri.

James C. Baker to be postmaster at Ridgeway, in the county of Harrison and State of Missouri.

Samuel B. Cropper to be postmaster at Jamesport, in the county of Daviess and State of Missouri.

Alfred Lowman to be postmaster at Smithville, in the county of Clay and State of Missouri.

John Marshall to be postmaster at Bonne Terre (late Bonneterre), in the county of St. Francois and State of Missouri.

NEW HAMPSHIRE.

George L. Crockett to be postmaster at Whitefield, in the county of Coos and State of New Hampshire.

Fred P. Dearth to be postmaster at Woodsville, in the county of Grafton and State of New Hampshire.

Frank L. Gilman to be postmaster at Laconia, in the county of Belknap and State of New Hampshire.

Ira A. Ramsay to be postmaster at Colebrook, in the county of Coos and State of New Hampshire.

Fielding Smith to be postmaster at Lancaster, in the county of Coos and State of New Hampshire.

Carleton E. Sparhawk to be postmaster at Walpole, in the county of Cheshire and State of New Hampshire.

NEW JERSEY.

George W. Heath to be postmaster at Bloomfield, in the county of Essex and State of New Jersey.

Charles F. Stevenson to be postmaster at Beverly, in the county of Burlington and State of New Jersey.

MONTANA.

Henry T. Errett to be postmaster at Anaconda, in the county of Deer Lodge and State of Montana.

OHIO.

James R. Barr to be postmaster at Cambridge, in the county of Guernsey and State of Ohio.

Rupert R. Beetham to be postmaster at Cadiz, in the county of Harrison and State of Ohio.

WISCONSIN.

Erick C. Bratlie to be postmaster at Westby, in the county of Vernon and State of Wisconsin.

Christian C. Dick to be postmaster at Manawa, in the county of Waupaca and State of Wisconsin.

Cyrus D. Emery to be postmaster at St. Croix Falls, in the county of Polk and State of Wisconsin.

William Milhaupt to be postmaster at New Holstein, in the county of Calumet and State of Wisconsin.

WYOMING.

Ivor Christensen to be postmaster at Hanna, in the County of Carbon and State of Wyoming.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 18, 1906.*

The House met at 12 o'clock noon.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

Eternal God, our Heavenly Father, we thank Thee for that sentiment deep down in the heart which at the opportune moment lifts men above the material and makes them heroes; which has symbolized the Cross of Calvary and made it the emblem of love, truth, righteousness, faith, hope, mercy, and peace; which has symbolized the flag of our country and made it the emblem of civil, political, and religious liberty; which is moving the hearts of our people to-day in a protest against the ruthless destruction of the good old ship *Constitution*. God grant that the appeal may be heeded, that the gallant old ship, with its thrilling story, may be preserved as an object lesson to future generations. In the name of Christ the Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE FRIGATE CONSTITUTION.

Mr. SULZER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. SULZER. I ask unanimous consent that the prayer of the eloquent Chaplain be printed in the RECORD of to-day's proceedings.

The SPEAKER. The Chair is of the opinion that it does not require unanimous consent.

Mr. SULZER. Then, Mr. Speaker, am I to understand that the prayer will be printed in the RECORD to-morrow?

The SPEAKER. It is impossible for the Speaker to prophesy whether there will be any to-morrow or not, but it does not require special action of the House to print the prayer in the RECORD.

Mr. SULZER. I move, Mr. Speaker——

The SPEAKER. The gentleman is not recognized for that purpose. In fact, the Chair will say to the gentleman that the prayer of the Chaplain is very frequently printed in the RECORD.

Mr. SULZER. Then I ask and I trust the prayer will be printed in the RECORD.

The SPEAKER. "Lest we forget." [Applause.]

Mr. SULZER. We must not forget the *Constitution*. [Applause.]

Mr. McCALL. Mr. Speaker, I ask unanimous consent to present, in the open House, the petition for the preservation of the frigate *Constitution*, and that that petition be read by the Clerk.

If I may be pardoned a very few words in explanation of my reason for asking that we deviate from our ordinary practice——

The SPEAKER. If there be no objection, the gentleman will be permitted to say what he desires to say. The Chair hears no objection.

Mr. McCALL. Mr. Speaker, after the prayer of the Chaplain, I doubt if it is necessary for "the gentleman" to say anything; but I feel impelled to take this course in view of the notable object of the petition and the character of the signers.

The petition asks for the preservation of the most glorious ship that ever floated the American flag—I think I may say the most historic war ship that ever sailed the ocean.

The Secretary of the Navy in his report to Congress made certain suggestions, and he based them upon the statement that only a small portion of the material in the structure of the present ship was a part of the vessel one hundred years ago. This is doubtless true, but the fact that the Secretary considered if material is, to my mind, proof that he is lacking in historical imagination. The imaginations of the people have endowed this ship with a personality and a life, and, as in the case of men and all other living things, her physical body has changed. Our affection has gone out, not to mere sticks of timber, but to a venerated personality, and notwithstanding the work of time and war, as she lies at the Charlestown Navy-Yard to-day, almost at the very spot where she first kissed the waters one hundred years ago, to the popular mind she is precisely the same ship as when she won her resplendent victories.

Nelson's flagship, the *Victory*, was an old ship before the *Constitution* was built, and yet she has been reverently and affectionately preserved by the British people, and during the Trafalgar Centennial she was the central object of all England. Shall we do less with "Old Ironsides?"

This artistic petition, with the beautiful drumhead painting, was prepared by a very talented artist, Mr. Eric Pape. It is signed by the governor and all the living ex-governors of our Commonwealth who have had an opportunity to sign it; by seventy mayors and ex-mayors; by twenty-five survivors of the crew which preserved her from capture in 1861, and received the thanks of Congress for that service; by twelve of the grandchildren of Bainbridge, and by descendants of Stewart and Hull, the heroes who commanded her when her three brilliant victories were won, and by Mrs. Susan L. Clark, nearly 90 years of age, now living in Boston, who is the daughter of the man who was fifer upon the *Constitution* in all of her three great battles. It is also signed by 30,000 citizens of the Commonwealth. These names were collected in less than three weeks. I believe the people of the country almost unanimously, if they had the opportunity, would add their names to this petition, and that it would shock their patriotism to have the suggestions of the Secretary carried out, either that the old ship be broken up or that she be taken out to sea and used as a target for American guns.

Certainly the carrying out of the last suggestion would shatter a celebrated legend of the Navy, for the sailors who fought upon her decks said that cannon balls could not penetrate the sides of the *Constitution*, and so they affectionately called her "Old Ironsides." Enshrined as she is in the hearts of the people, she should be preserved as a sublime object lesson in patriotism as long as she can be kept together, not merely from the fate that the Secretary of War suggested, but also the fate the poet Holmes so scornfully resented:

Her deck, once red with heroes' blood,
Where knelt the vanquished foe,
When winds were hurrying o'er the flood
And waves were white below,
No more shall feel the victor's tread
Or know the conquered knee—
The harpies of the shore shall pluck
The eagle of the sea!

[Great applause.]

The SPEAKER. The gentleman from Massachusetts asks that the petition be read at the Clerk's desk and that it be printed in the RECORD.

Mr. SULZER. Mr. Speaker——

The SPEAKER. Does the gentleman ask unanimous consent?

Mr. SULZER. Mr. Speaker, I ask unanimous consent for a few minutes.

The SPEAKER. The gentleman from New York asks unanimous consent that he may address the House. Is there objection?

There was no objection.

Mr. SULZER. Mr. Speaker, I thank the House, and I want to say very briefly that I agree with all that the distinguished gentleman from Massachusetts [Mr. McCALL] has said regarding the preservation of the frigate *Constitution*, popularly known and affectionately called by the American people "Old Ironsides." At the beginning of this session I introduced into this House a resolution protesting against the wanton destruction of "Old Ironsides." That resolution is pending before the Committee on Naval Affairs, and I am assured by the chairman of that committee that in the next naval bill there will be a provision carrying an appropriation of enough money to preserve and protect for future generations all that remains of this grand old frigate, whose brilliant achievements are so familiar to every student of the history of the American Navy. This good old ship must not be destroyed. The patriotic sentiment of America demands her preservation. So long as one of her planks remains she will represent an heroic and patriotic sentiment that is all that we are, all that we have been, and all that we hope to be. I am glad that in response to my resolution and the speech I subsequently made in favor of it there comes to this House this tremendous petition, signed by thousands and thousands of citizens of our country, many of whom are among the most distinguished names in all our land. This great petition should be received and referred to the Committee on Naval Affairs, and subsequently placed in the Smithsonian Institution.

Mr. Speaker, I am glad that the eloquent Chaplain of the House prayed this morning for the preservation of this good old ship. I want that prayer printed to-day in the RECORD. It was eloquent and patriotic. I rejoice that the people of this country—the liberty-loving people—have sent to this House this great patriotic petition, signed by so many eminent American citizens, whose love of all that is great and grand and glorious in our country has been aroused. I know that sentiment, and I know that the American people are against the ruthless and wanton destruction of "Old Ironsides." I know the patriotic sentiment of our people, I believe in it, and I fervently pray that it may live and animate every Member of this House, so that the appropriation to protect and preserve "Old Ironsides" will be carried, when it comes before us, by an overwhelming vote. [Applause.]

The SPEAKER. Is there objection made to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none.

The Clerk read the petition, as follows:

We, the undersigned, citizens of the Commonwealth of Massachusetts, respectfully petition your honorable bodies to enact such legislation as may in your wisdom be necessary to save and preserve from destruction and decay the ancient and renowned frigate *Constitution*, known as "Old Ironsides," in order that we and our posterity may be permitted to behold this precious relic of our first American Navy, and thereby be reminded of and inspired by her glorious history.

Your memorialists further represent that to the citizens of the United States an historical interest attaches to this old American frigate, such as attaches perhaps to no other ship in maritime annals, and as there is no demand or necessity for its demolition, we most earnestly pray that you save the *Constitution*.

Mr. DALZELL. Mr. Speaker, as supplemental to the eloquence of my friend from Massachusetts and my friend from New York, and the petition that has just been read, it seems to me appropriate to submit the following report from the Committee on Rules at this time.

The Clerk read the resolution, as follows:

Resolution No. 90.

Resolved, That the Committee on Naval Affairs is hereby directed to investigate the present condition of the U. S. S. Constitution to determine whether in the opinion of that committee an appropriation is justified for the continued maintenance of that ship; and if so, what amount will be required annually for this purpose, and further to report the amount which has been expended annually in maintaining the Constitution since she was put out of commission.

Mr. WILLIAMS. Mr. Speaker, I merely want to say that the resolution is a unanimous report from the Committee on Rules.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was considered and agreed to.

NATIONAL PARK AT MURFREESBORO, TENN.

Mr. HOUSTON. Mr. Speaker, I introduced into the House the bill (H. R. 11951) making a national park of the Stone River battlefield, near Murfreesboro, Tenn. There is a map made by a civil engineer, which I have embraced as a part of this bill, and I ask the unanimous consent of the House for an order that this map may be printed in the bill as a part of the bill.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that a map made by a civil engineer referred to in the bill introduced by him, and referred to the Committee on Military Affairs, shall be printed as a part of the bill.

Mr. MANN. Mr. Speaker, by reason of confusion on the floor it was not possible to hear what the gentleman said.

The SPEAKER. The gentleman from Tennessee——

Mr. MANN. I heard what the Speaker said, but I could not hear what the gentleman from Tennessee said.

Mr. HOUSTON. This is a bill introduced for the purpose of making a national park of the Stone River battlefield, near Murfreesboro, Tenn. A map has been made by a civil engineer defining the boundaries of the territory embraced, and it is an essential part of the bill, and necessary to determine and define the boundaries of the national park and the territory embraced therein, and I ask unanimous consent that the map be printed as a part of the bill.

Mr. MANN. What will be the cost of it?

Mr. HOUSTON. I am not prepared to answer as to the cost of it. It is usual, I am informed, to have maps printed as a part of bills of this kind. I will state that it is necessary in order to have the committee properly consider the bill that the map should be made a part of it.

Mr. MANN. How large a map will it be?

Mr. HOUSTON. I should say from 15 to 18 inches square, in the neighborhood of that, not over that.

Mr. PAYNE. Mr. Speaker, there is no necessity for having the map printed in the bill. The map can be referred to and the committee can have it for consideration with the bill.

Mr. HOUSTON. Mr. Speaker, I will state to the gentleman from New York [Mr. PAYNE] that by the terms of the bill the map is made a part of it and should go in as a part of the bill. It could not in its present form be introduced unless the map is a part of it. To leave out the map would require changing the bill.

Mr. MANN. Will the gentleman permit a question? Does the gentleman think that if this bill became a law it would be necessary to print the map as a part of the statute? And would not that be an innovation quite beyond precedent to put in a diagram as a part of a statute?

Mr. HOUSTON. I think not. I think there are statutes passed that have diagrams, perhaps maps, similar to this one in order to set forth definitely the boundaries of the space or territory covered.

Mr. MANN. Mr. Speaker, I have seen a great many statutes that I thought might be elucidated by being illustrated, but I never saw one yet that was.

Mr. HULL. Mr. Speaker, I think that of all the bills before the Military Committee for national parks in none of them has there been any map printed with the bill, but in all cases parties desiring the parks have submitted maps for the information of the committee, and in some of the reports I think there have been diagrams and maps printed with the report, but in no case do I remember of any map being printed with the bill.

Mr. HOUSTON. Mr. Speaker, I desire to say this, that this bill was introduced in the Fifty-seventh Congress, and this map was introduced as a part of that bill and was printed with the bill, and I have a copy of that now. This is the bill that was introduced in the Fifty-sixth Congress, and it was amended by this committee to the effect that the map be attached, and it was so attached and printed by the Fifty-seventh Congress.

Mr. HULL. I would call attention to the fact that we have never had a bill up of that kind.

Mr. HOUSTON. The bill was recommended for passage by the Committee on Military Affairs.

Mr. PAYNE. If it was done, then there is no reason why the map should be printed now. Why can't it be referred to the committee? And if the committee report and find that it is a necessary part of the bill, it can be reported in that way.

The SPEAKER. Is there objection?

Mr. PAYNE. I object.

Mr. HOUSTON. Mr. Speaker, if it is in order, I would like to make a motion that the House make an order ordering this map printed.

The SPEAKER. Such a motion would be in order only by unanimous consent.

Mr. HOUSTON. It seems that I can not get that. [Laughter.]

COMBINATION BETWEEN PENNSYLVANIA RAILROAD COMPANY AND OTHERS.

Mr. GILLESPIE. Mr. Speaker, I present the following privileged resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

Resolved, That the Attorney-General of the United States be, and he is hereby, requested to forthwith report to the House of Representatives, for its information, whether there exists at this time, or heretofore within the last twelve months there has existed, a combination or arrangement between the Pennsylvania Railroad Company, the Pennsylvania Company, the Norfolk and Western Railway Company, the Baltimore and Ohio Railroad Company, the Philadelphia, Baltimore and Washington Railroad Company, and the Northern Central Railway Company, and the Chesapeake and Ohio Railway Company, or any two or more of said railroad companies, in violation of the act passed July 2, 1890, and entitled "An act to protect trade and commerce against unlawful restraints and monopolies," or acts amendatory thereof; and the said Attorney-General is also requested to report to this House all the facts upon which he bases his conclusion.

Mr. PAYNE. Mr. Speaker, I make the point of order that that is not privileged. It asks for the opinion of the Attorney-General. I have no objection to the facts being asked for.

The SPEAKER. The gentleman from New York makes the point of order that this is not, under the rules, a privileged resolution. Does the gentleman from Texas desire to be heard?

Mr. GILLESPIE. Mr. Speaker, will the gentleman from New York [Mr. PAYNE] withhold his point of order for five minutes?

Mr. PAYNE. No; I shall not. I make the point of order, Mr. Speaker.

The SPEAKER. The Chair will hear the gentleman from Texas if he desires to address himself to the point of order. The Chair will hear him briefly.

Mr. GILLESPIE. Mr. Speaker, I desire to state that this resolution more than ten days ago was referred to the Committee on Interstate and Foreign Commerce, and that that committee has taken no action upon it. It calls for information. It calls for the facts—information as to whether or not such a combination exists between these railroad companies—and the conclusion of the resolution is that the Attorney-General be requested to report to this House all the facts upon which he bases his conclusion.

The SPEAKER. The Chair will call the attention of the gentleman from Texas [Mr. GILLESPIE] to the concluding clause of the resolution:

And the said Attorney-General is also requested to report to this House all the facts upon which he bases his conclusion.

Now, the Chair would be glad to hear from the gentleman answering the suggestion that the last two lines of the resolution—if the resolution were otherwise in order or not—under the precedent do not suggest that an opinion is also asked, which would destroy the privileged character of the resolution.

Mr. GILLESPIE. Mr. Speaker, I am not versed in parliamentary matters, but——

The SPEAKER. The Chair suggested to the gentleman that he would be glad to hear the gentleman upon this point. The House undoubtedly has power to call for facts. And under the rule, where a resolution privileged within the meaning of the rule is referred to a committee and is not reported within a certain time, it is in order to move to discharge the committee and bring the resolution before the House for consideration. But that rule applies to a resolution calling for facts and information. Now, the query the Chair puts to the gentleman is, Does not the concluding lines in these words "and the facts upon which he bases his conclusion" show that what is practically asked for is the conclusion or opinion of the Attorney-General or the head of the Department of Justice, and does not that destroy, under the rule, the privileged character of the resolution?

Mr. GILLESPIE. Mr. Speaker, a parliamentary inquiry. If the concluding portion of the resolution was so changed as to call for all the facts upon this question, as well as those upon which he bases his conclusion, would that be in order?

The SPEAKER. Well, the Chair would have to meet that question when it arose. We only can deal now, so far as the point of order is concerned, with the resolution with what it contains.

Mr. UNDERWOOD. Mr. Speaker, the point in question which seems to be in doubt in the Speaker's mind is, "And the said Attorney-General is also requested to report to this House the facts upon which he bases his conclusion." Now, Mr. Speaker, I contend this resolution does not call for a conclusion. It is not asking for the conclusion of the Attorney-General. What is it asking for? It is purely and simply asking for a statement of facts, which the House has a right to do.

Mr. PAYNE. Mr. Speaker, I wish to call the gentleman's attention to the first part of the resolution. It asks the Attorney-General to report whether these roads have violated a certain law. Now, that must be a conclusion or opinion of the Attorney-General as to whether they have violated the law or not. The whole resolution is founded upon the opinion or conclusion of the Attorney-General.

Mr. UNDERWOOD. I suggest to the gentleman from New York in reference to that case the clause the Speaker has called to the attention of the gentleman who offered the resolution is the determining clause in the resolution, which says what he wants. It says what this House wants if the resolution passes. And what is that? It does not ask for a conclusion. It asks for the facts; it asks for a statement. Here is the determining question in this case, Mr. Speaker. If the House passes this resolution, what answer will the Attorney-General make? Will he send to this House his conclusion in this case, or will he send to the House the facts that he considered in coming to this conclusion? Manifestly he will send to the House the facts that he considered when he came to his conclusion, because the gentleman calls for those facts very clearly in his statement where he says, "And is also requested to report to this House all the facts upon which he bases his conclusion."

The SPEAKER. The Chair is ready to rule. In reading the resolution without the last line the Chair might perhaps have a doubt as to whether it were a resolution of inquiry asking for facts or one asking for an opinion. Now, the Chair is perfectly clear that, under the precedents, if the resolution is to be made privileged, it must be a resolution of inquiry as to facts existing, something in esse. It seems to the Chair that a resolution asking an opinion from the head of a Department would not be privileged. While it is in the power, the Chair apprehends, for the House by resolution to ask an opinion of the head of a Department, it occurs to the Chair that such a resolution would not be privileged and would not come within the rule that is now invoked. But whatever the ruling of the Chair might be, were it not for the concluding line or lines of the resolution it is perfectly patent to the Chair that what is desired by the resolution is not the facts alone, if at all, but the conclusion or opinion of the Attorney-General. Therefore the Chair sustains the point of order.

FIVE CIVILIZED TRIBES OF INDIANS.

Mr. CURTIS. Mr. Speaker, I ask unanimous consent for the consideration of the bill (H. R. 5976) to provide for the final disposition of the affairs of the Five Civilized Tribes of the Indian Territory, and for other purposes.

The SPEAKER. The gentleman from Kansas asks unanimous consent for the consideration at this time of the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 5976) to provide for the final disposition of the affairs of the Five Civilized Tribes of the Indian Territory, and for other purposes.

The SPEAKER. As the Chair understands the request of the gentleman, he calls up the bill for consideration at this time under the rules of the House. The bill in on the Calendar of the Committee of the Whole House on the state of the Union, and if consent was given it would have to be considered in the Committee of the Whole House. Is there objection?

Mr. WILLIAMS. Mr. Speaker, pending the request, I understand it to be the case that the committee has come to the conclusion to so amend the bill that it will meet with the unanimous approval of the committee.

Mr. CURTIS. I so understand it.

Mr. WILLIAMS. I have no objection.

Mr. STEPHENS of Texas. Mr. Speaker, I think there are some amendments to this bill that should be made. There are numerous provisions in the bill that should be enacted at once; for instance, the schools in that Territory will close in February, and it is absolutely necessary that we should make some provision for winding up the affairs of the Five Civilized Tribes. We think the matter should be considered. I shall have some amendments to offer.

Mr. CURTIS. The gentleman will have time in which to offer his amendments.

The SPEAKER. Is there objection?

The motion of Mr. CURTIS was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 5976) to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes, with Mr. OVERSTREET in the chair.

The CHAIRMAN. The House is now in the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 5976, which the Clerk will read.

Mr. CURTIS. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. CURTIS. Mr. Chairman, in 1893 the first step was taken by Congress to change the conditions that existed in the Indian Territory. In that year a Commission was created to negotiate

with the Five Civilized Tribes and to report any progress they might make to Congress. This Commission was unsuccessful in making any agreement with the tribes, or either of them, for a number of years. In 1896, the Commission having been unable to make any agreement providing for the changing of conditions in the Territory, Congress authorized it to make rolls of the various tribes. Under that law very little, if anything, was done. The conditions were so bad in the Territory that by 1897 Congress concluded that drastic legislation was needed to change them. The Commission that was appointed reported a measure that did not meet with the approval of the committee, and nothing was done that year. But in 1898 a bill was prepared, introduced, and enacted into law authorizing the Commission not only to negotiate with the various tribes, but also to allot the use and occupancy of lands of the tribes to the various members, so as to give to each member his share of the lands of the tribe to which he belonged.

After this act was passed and the tribes were convinced that Congress was in earnest and intended to change the conditions then existing in the Indian Territory, they entered into agreements with the Commission. Those agreements were submitted to Congress and approved. Without going into detail, the treaties or agreements provided for a division of the lands among the members and for the settlement of all their affairs. Each agreement provided for the termination of the tribal government on the 4th of March, 1906.

So, gentlemen of the committee, it is important that this bill be passed, because when the 4th of March arrives there will be a great number of things to be disposed of in that Territory, and their settlement should be provided for. The first four sections of this bill contain all necessary provisions for the closing of the rolls of each tribe, and I think it only fair to the House to give a short statement as to what has been done toward closing the rolls. In the Choctaw and Chickasaw nations there were 66,217 applications for citizenship filed. Of these, 34,232 have been allowed, 2,860 remain undisposed of, of whom 1,539 are children who enrolled under the act of March 3, 1905, and the others have been rejected. There are on the rolls of these tribes 20,913 Indians, 2,105 intermarried whites, 2,105 freedmen, and 2,079 children. In the Cherokee Nation there were 46,464 applications, of which 36,000 of all classes have been enrolled, and there are 1,674 to be acted upon, and 2,730 intermarried whites, of whom 1,587 have a case pending in the Supreme Court of the United States to settle their rights. It is believed that these cases will be settled within a month or two. On the Cherokee rolls there are 32,781 by blood, 4,094 freedmen, and 1,143 intermarried whites.

Mr. CAMPBELL of Kansas. Mr. Chairman, will my colleague yield for a question?

Mr. CURTIS. Certainly.

Mr. CAMPBELL of Kansas. Have those of the Cherokee tribe who were slaves or the children of slaves, and who were removed from the nation without their consent, been enrolled, or has provision for their enrollment been made?

Mr. CURTIS. Mr. Chairman, I think ample provision has been made for their enrollment, and under the decision of the Secretary of the Interior a number of them who did not return within the time required by the treaty of 1866 have been enrolled; and I think it is only fair, in view of the fact that this section was prepared by the Department, to believe that it will carry out the same policy in regard to enrolling freedmen in the future that it has in the past. In the original act, known as the "Curtis Act," the Cherokee freedmen were to be enrolled in accordance with the decision of the Court of Claims rendered in 1896, and I believe the Department has been following that decision.

Mr. CAMPBELL of Kansas. I will ask my colleague, if the bill does not specifically provide for the right of those who were alienated from the Cherokee Nation, or removed from the nation without their consent, if not already enrolled, if he would object to an amendment making it clear that they, between now and the time of closing the rolls, might be enrolled?

Mr. CURTIS. My judgment is that section 3 of the bill already provides for their cases, and, as I said a minute ago, as the Secretary of the Interior has already determined that some who did not return within the six months can be enrolled if they make a proper showing that they were actually residents of the Territory at the time, required by the treaty, or that they returned as required by the terms of said agreement, there should be no trouble in the freedmen cases.

Mr. CAMPBELL of Kansas. Does my colleague think that all who were removed, as I have indicated, are amply provided for?

Mr. CURTIS. That is my judgment. Of course I do not know what the Secretary will hold under this section; but we have every reason to believe he will act in the future as in the past.

Mr. CAMPBELL of Kansas. Would my colleague object, then, to having such a provision made as will leave it beyond question?

Mr. CURTIS. I would object to any amendment to this section or any other section of the bill which is liable to open up the question and prevent a settlement of the rolls for any considerable number of months. These people have had since 1896 to file their application. They have had ample notice; and I shall object to any amendment the object of which is to delay the final settlement of the affairs of the Five Civilized Tribes. If a satisfactory amendment on that subject were offered, I should not object to it; but if it were offered and I thought it would delay the final settlement of the affairs of the Five Civilized Tribes, I should earnestly oppose its being adopted by the committee.

Mr. CAMPBELL of Kansas. I will state that I agree with my colleague, that no amendment should be made that would delay the closing up of the work of the Commission, but I think provision should be made for the protection of the rights of those to whom I have referred.

Mr. CURTIS. I suggest to the gentleman that he wait until we take the bill up by sections, and if he has any amendment to offer to that section, that he offer it after the section is read for amendment under the five-minute rule.

In the Creek Nation there are 20,120 applications; 17,054 have been enrolled and 1,818 are still pending, of whom 800 are children. On the Creek rolls there are 10,046 Indians, 5,599 freedmen, and 688 children under the act of March 3, 1905.

In the Seminoles the rolls have been virtually completed. There were 2,757 enrolled. Since the rolls were completed 348 children have been added under the act of March 3, 1895, and 50 applications for children are still pending. On the Seminole rolls there are 2,752 Indians, 112 freedmen, and 348 children under the act of March 3, 1905.

Mr. MURDOCK. Do the rolls show the percentage of full bloods?

Mr. CURTIS. We can not give the percentage of full bloods, because it is unknown. It is supposed that there are about 18,000 full-blood Indians in the Indian Territory.

Section 5 of the bill provides for the issuing of patents and deeds. Of course, it is absolutely necessary, and no discussion of it is required at this time. Section 6 provides that the chiefs may be continued, or such chiefs as are recognized by the Secretary of the Interior shall be continued, and authorized to sign deeds and transact certain other business for the tribes. That is necessary because the original agreements provided that the deeds shall be signed by the chief of the tribe.

Section 7 provides for the appraisal of certain timber sections in the Choctaw country.

Under the original agreement the pine-timber lands were not to be allotted and such lands were reserved, by the terms of the agreement, from allotment. In appraising and reserving the lands a few sections were overlooked. None of this land has been allotted, and so it is excluded from allotment and provision is made that if any person does take his allotment from the timber sections he shall take it at its appraised value, including the appraised value of the timber, so that he will have no advantage over other members of the tribe. Section 8 requires that the officer in charge of the various records after the 4th of March shall furnish to the members of the tribe copies of the record, and shall furnish them to the officers of the Government, and provides that any outside person desiring copies may secure them at a regular fee.

Section 9 makes all necessary provisions for the disposition of all records that may be in the hands of any officer of the tribes on the 4th of March, 1906, and requires that they be turned over to some officer to be named by the Secretary of the Interior.

Section 10 authorizes the Secretary of the Interior to assume control of the schools in the Indian Territory. This is the section referred to by the gentleman from Texas [Mr. STEPHENS] a few moments ago. The tribal governments expiring on the 4th of March, leaves, unless this act is passed, absolutely no provision for the education of the Indian children in the Indian Territory, and by this act we place the schools in the hands of the Secretary of the Interior and authorize him to use an amount of money necessary to maintain these schools, not greater than was used last year for the same purpose by each tribe. This provision is to continue until a State or Territory is organized, at which time the management of the schools is to be turned over to the State or Territory.

There are now in the Indian Territory 15,549 Indian children attending school. It cost last year to maintain those schools from funds owned by the Indian tribes $422,000. There were 20,686 white children attending schools outside of the cities

and towns in the Territory, and it cost this Government to maintain those schools $98,352.

The enrollment in the Choctaw Nation amounts to 11,330 children. There are 4 academies, 9 boarding schools, and 209 day schools. The cost of maintaining these schools last year was $138,000. The Chickasaws have 152 day schools, 12 day schools for colored children, and the total enrollment is 2,500. The cost last year was $125,000.

The Seminoles have 14 day schools for white and Indian children and 2 day schools for colored children, and the maintenance of the schools last year cost $15,000.

The Creeks have 7 boarding schools for whites and Indians, 3 boarding schools for colored children, 69 day schools for white and Indian children, and 38 day schools for colored children. The total enrollment is 6,786, and the total cost was $79,000.

In the Cherokee Nation there are 4 boarding schools, 117 day schools for Indians and whites, and 4 day schools for colored children; 129 day schools to which only Indians are admitted. The total enrollment was 13,274, and the cost was $133,000.

Section 11 of the bill provides for the collection of all revenues of the tribes by an officer to be appointed by the Secretary of the Interior. This is absolutely necessary, because after the 4th of March there will be no officer of the tribe authorized to collect the revenues that may be due to the tribes.

Section 12 provides for the sale of all the lots in the Choctaw and Chickasaw nations. I may state for the benefit of the House that there has been 62,958 acres of land reserved for towns in the Indian Territory. There are 300 towns in the five nations, with a population of 250,000.

In the Creek country there are 26 towns, with an acreage of 10,000 and a population of 52,000. In the Cherokee nation there are 53 towns, with an acreage of 9,000 and a population of 37,000. In the Chickasaw nation there are 131 towns, with an acreage of 23,000 and a population of 79,000. In the Choctaw nation there are 90 towns, with an acreage of 18,000 and a population of 80,000. The surveying of the town is practically completed and nearly all the work has been completed, except the collection of the money that may be due for the sale of town lots and settling of a few contested cases. The total amount collected for the sale of town lots to date is $2,087,504.

Section 13 provides for the sale of unleased coal and asphalt lands and deposits in the Choctaw and Chickasaw nations. I should state that the original bill provided for the sale of both leased and unleased lands. The subcommittee having charge of the bill proposed an amendment to the effect that parties holding leases—I will give the number in a few moments—should have a preferential right in buying lands covered by their leases, but the committee, after the statement was made showing the amount of revenues derived each year from the coal royalties, thought it best to reserve the leased land from sale, and so in this bill as reported provision is made for the sale of unleased land only.

At a meeting of the committee this morning an amendment was authorized, which will be offered by the gentleman from Iowa [Mr. LACEY], reserving all the lands from sale at this time and providing for the leasing of the unleased lands, so that all the coal and asphalt lands in the Choctaw and Chickasaw country may be placed on the same footing, and leaving the question of the sale of the land to some future Congress. It was thought, after due consideration, that this was best for all concerned, as to sell the unleased lands and leave the leased lands in their present condition would be a great injustice to men who have invested their money in that Territory, have developed the coal business, and are paying a royalty of 8 cents upon the coal.

Mr. MURDOCK. May I ask the gentleman from Kansas if there is any segregation of lands in the Indian Territory for school purposes?

Mr. CURTIS. There has been no segregation made by Congress except the lands used by the tribes. This bill does provide that the new Territory or new State, when organized, may buy the various school reservations. In the statehood bill it is provided that the new State shall have $5,000,000 in lieu of the land in the Indian Territory. All the school lands reserved for allotment for the use and benefit of the tribe must be disposed of by the terms of existing agreement, and so this bill provides for their sale.

There were 4,450 acres of the lands of the Choctaws and Chickasaws reserved from allotment because they were supposed to contain valuable deposits of coal and asphalt. There are 109 coal leases and 10 asphalt leases, covering 108,000 acres of land, which would leave 340,000 acres unleased coal lands in the Chickasaw and Choctaw country. The following statement gives full information in regard to the coal lands:

Output of coal, 1899–1905.

[Choctaw and Chickasaw lands: 450,000 acres reserved from allotment; 109 coal and 10 asphalt leases, covering 108,280 acres.]

Year.	Tons.	Royalty.
1899	1,404,442	$110,145
1900	1,900,127	138,486
1901	2,398,156	199,663
1902	2,735,365	247,361
1903	3,187,035	261,929
1904	3,198,862	277,811
1905	2,859,516	246,428

The coal royalty is 8 cents per ton.

There are 10 asphalt leases; royalty, $2,569.80 last year. The royalty is 60 cents per ton on refined, 10 cents on crude.

The coal operators pay a royalty of 8 cents per ton and the asphalt operators pay a royalty of 60 cents a ton on refined and 10 cents per ton on crude asphalt. In the Cherokee Nation there are 3,830 gas leases, only 1,294 of which have been approved, and the others are pending.

There are 18 coal leases; three have been sent up for approval. There are three marble and stone leases, and one only has been sent up for approval. There are four iron leases, none of which have been transmitted for approval; nine lead and zinc leases not acted upon. In the Creek country there have been filed 269 applications for oil and gas leases; 85 sent up for approval, and 184 are pending. There were 31 coal and asphalt leases, all sent up to the Secretary of the Interior for action; one limestone lease, upon which no action has been taken.

Section 14 authorizes any persons, corporations, or organizations for whom lands have been reserved to buy the same and secure an absolute title. Under the agreements they simply have the right to use them for the purposes for which they were reserved. The tribes go out of existence on the 4th of March, and your committee thought it best to provide that if the holders of the lands so reserved desired to buy and pay a consideration for the same they should be allowed to secure an absolute title.

Sections 15, 16, and 17 make necessary provision for the sale of all buildings and other property belonging to the various tribes and to provide for the sale of surplus lands and the final distribution of the funds of the tribes.

The Choctaws and Chickasaws have 11,000,000 acres of land, of which 6,000,000 acres have been allotted. Four million acres are to be disposed of. The Cherokees have about 4,400,000 acres subject to allotment. Three million five hundred thousand acres have already been allotted. It will take the 857,000 acres remaining to fulfill the agreement with the tribes in making allotment. The Creeks own 3,000,000 acres of land. Two million four hundred thousand acres are available for allotment. Six hundred and six thousand acres remain unallotted. Nearly all the patents have been issued to the members of this tribe and have been delivered. The Seminoles own 368,000 acres of land. All of it has been allotted except 18,900 acres, which will be equally divided among the children who are entitled to enrollment and to have allotments under the act of March 3, 1905. There are pending now only 2,776 contest cases growing out of the allotment of all that vast area of land—nearly 20,000,000 acres.

Mr. SULZER. Mr. Chairman, will the gentleman allow me to ask him a question?

Mr. CURTIS. Certainly.

Mr. SULZER. As I understand it, this bill has been unanimously reported from the committee.

Mr. CURTIS. Unanimously reported from the committee.

Mr. SULZER. And the Indians of the Indian Territory whom it affects are all in favor of it.

Mr. CURTIS. I could not say they are all in favor of it. Those that had delegations here did not object to it. They made suggestions or amendments which were accepted by the subcommittee. They were satisfactory to the Indians, and they claimed to be perfectly satisfied. Two of the tribes were not represented, or rather the representative was in the room, and when asked if he had anything to say, made no complaint and made no suggestions.

Mr. SULZER. Just another question along that line. Is the Commissioner of Indian Affairs in favor of this bill?

Mr. CURTIS. The Commissioner of Indian Affairs, the Secretary of the Interior, and the Dawes Commission and a committee appointed by the Secretary of the Interior have carefully gone over the bill; in fact, prepared most of its provisions. It can be called a "Department" bill.

Mr. SULZER. And in the judgment of the gentleman from Kansas this bill will really be for the benefit of the Indians and the tribes that the bill affects?

Mr. CURTIS. Not only for their benefit, but it is absolutely

necessary that it should be passed before the 4th day of March, and I want to state that I have simply taken up the time of the committee, not believing it is necessary at all, but in order that a few of the facts might be placed in the RECORD, so that if anything comes up in the future the data will be at hand to be used.

Mr. MURDOCK. In that connection I wish the gentleman would go into a résumé of what the Dawes Commission has done and explain to us if it is true or not, as stated, that the Dawes Commission in its work failed to provide roads for the Indian Territory.

Mr. CURTIS. The Dawes Commission would have no authority to provide roads. That is a question wholly for Congress and for the tribes, and in the treaties or agreements with the tribes where roads are provided for they have been established or laid out, but on the lands belonging to the other three there are no provisions in reference to roads, and it was thought best not to go into that question in this bill, as we hope that Oklahoma and the Indian Territory will soon be one great State of this Union, and then the new State can enact all necessary road legislation.

Mr. MURDOCK. I would like to ask the gentleman if, in his opinion, when Oklahoma and the Territory do become one State, Oklahoma will pay for the Indian Territory's roads?

Mr. CURTIS. I should say not, because under the road laws provision is made for the condemnation of roads, and it is paid out of a local fund, and I judge from what I know of the desire of most of the Indians that they would willingly donate sufficient land for all necessary roads.

Mr. MURDOCK. In what two nations have roads been provided?

Mr. CURTIS. I would not be sure, but my recollection is that the agreements with the Cherokees and the Creeks provide for the establishment of roads and highways. I started to say when interrupted by the gentleman from New York [Mr. SULZER] that the tribal funds are as follows:

Cherokee asylum fund	$64,147.17
Cherokee national fund	1,428,543.21
Cherokee orphan fund	374,679.31
Cherokee school fund	851,919.21
Total	2,729,288.90

To which must be added money derived from sale of town lots and other property.

Chickasaw national fund	$1,206,695.66
Chickasaw national fund	60,000.00
Total	1,266,695.66

To which must be added money from sale of lots and other property.

Choctaw general fund	$390,259.92
Choctaw general fund	348,523.00
Choctaw orphan fund	39,710.69
Choctaw school fund	49,472.70
Total	827,966.31

To which must be added town lots and other property.

Creek general fund	$1,473,562.95
Creek general fund	200,000.00
Creek general fund	275,168.00
Total	1,948,730.95

Add town-lot sales and other property.

Seminole general fund	$1,500,000.00
Seminole general fund	500,000.00
Seminole general fund	70,000.00
Total	2,070,000.00

Section 18 authorizes the Secretary of the Interior to bring all suits that may be necessary in order to settle up the affairs of any of the tribes. Section 19 removes all the restrictions upon the sale of lands owned by members of the tribe except full-bloods and minors and except as to homesteads. There has been considerable contest over this provision. A few years ago an act was passed removing the restriction upon all intermarried whites and the freedmen. The Department held that the right to sell did not include the right to lease. This bill as originally drawn and introduced excepted leases from the provision removing restriction, but the committee voted that the right to sell should include the right to lease, so the section was so amended by the committee. The degree of blood is to be settled by the rolls of the tribes, and I might state for the benefit of the House that the rolls give the quantum of blood of each member upon the rolls. Section 20 provides for making of leases. I should say, however, that section 19 authorizes the Secretary of the Interior to remove the restriction as to full-bloods upon proper application and showing. Section 21 provides for the sale of inherited Indian lands.

A few years ago a general provision was passed authorizing inherited Indian lands to be sold. The Department held that the provision did not apply to lands inherited in the Indian Territory, so the committee thought it necessary to add this section. The bill further provides that any Indian may make a will, because under the terms of agreement the courts in the Indian Territory, as I am informed, have held that an Indian in the Territory has no right to dispose of his property by will. The section added to the bill, 23, provides that they may make wills, and that the will of a full blood shall be acknowledged before a United States judge or before a United States commissioner. Your committee deem such a provision necessary in order to fully protect the interest of the full bloods. Your committee also recommended that the laws of inheritance, descent, and distribution for the Territory of Oklahoma be extended over the Indian Territory because it was thought they were better than the laws of Arkansas, which have heretofore been extended. There are a great many complications about the inheritance laws of Arkansas which I shall not attempt to discuss upon the floor of this House, because I am not a practicing lawyer at the Arkansas bar, and I might make some mistake, but I am advised by Arkansas lawyers that they do have a little trouble, and your committee thought it would be better to extend the laws of Oklahoma.

Now, gentlemen of the committee, in conclusion I want to call your attention to this fact: The Dawes Commission has passed upon the rights of nearly 90,000 Indians and to their interest in 20,000,000 acres of land. They have had many hard questions to settle, because upon their findings depended the rights of the various Indian applications to share in the division of the lands and moneys of the tribes.

They have passed upon 135,000 applications for enrollment. They have admitted some 90,000. Of all the applications—135,000—there are only 6,400 still pending. The officers of the Government have surveyed, platted, appraised, and sold the lots in 300 towns in that country. Those towns had a population of 250,000 people, and many of them had rights which had to be considered and settled. These towns cover 62,000 acres of land. They have allotted over 12,000,000 acres of land in the Indian Territory. They have looked after the interests of the tribes. And from the organization of the Dawes Commission down to the present time, the total cost to this Government in settling that vast estate—the greatest trust that any nation in the world has ever been called upon to administer—has been $1,925,000.

Much has been said about the Dawes Commission and the officers in the Indian Territory. There has been much said about the squandering of the money of the people. But I submit that no trust of that magnitude could be settled at that little expense by any private individual in this country or in any court of the United States of America. [Applause.]

Now, gentlemen of this committee, it is important that this legislation pass and become a law before the 4th of March next, and I hope this committee will act upon the sections as speedily as possible. I reserve the balance of my time, and am ready to yield to any gentleman on the other side. [Applause.]

Mr. MCNARY. Will the gentleman yield for a question?

Mr. CURTIS. Certainly.

Mr. MCNARY. I would like to ask him, owing to my ignorance of this matter and inability to get a report, they all being out, apparently, exactly what provisions have been made in regard to the coal, oil, and mineral lands?

Mr. CURTIS. I stated a moment ago, if the gentleman please, that in the original bill a provision was made for the sale of the leased and unleased coal lands. The committee determined it was best to reserve the leased lands from sale, and so provide in this bill for the sale of only the unleased coal lands. But at the meeting of the committee this morning a member of the committee was directed to prepare an amendment which will reserve from sale all of the coal lands and provide for the leasing of the unleased coal lands. The committee believed that the operators in the Territory who have invested their money were entitled to this protection, and that some policy should be adopted by this or some other Congress to dispose of all the coal lands at one time, so as to protect all of the interests of the parties having money invested there. The gentleman from Iowa [Mr. LACEY] is to offer the amendment.

Mr. MCNARY. Does that apply to the oil lands and asphalt lands and mineral lands?

Mr. CURTIS. It applies to the asphalt lands. But the oil in the Indian Territory goes to the owner of the land.

Mr. MCNARY. And the mineral land—the lead or other lands?

Mr. CURTIS. Coal and asphalt are the only minerals reserved from allotment.

Mr. MCNARY. May I ask also, as a matter of information, to what use are the funds which are derived from these leases

put? Is it a common fund, as it was in the past, or how are they going to be divided?

Mr. CURTIS. It is placed to the credit of the tribe as a common fund, and after all the necessary expenses that have been provided and to be paid out of that fund are paid the balance shall be divided among the members of the two tribes—the Chickasaws and Choctaws.

Mr. McNARY. And that will continue under these leases?

Mr. CURTIS. That will continue until we make some further disposition of the coal lands. I might say to the gentleman that I hope even in this Congress some provision will be made for the disposition of the coal and asphalt lands, so that we may settle all of the affairs of the Five Civilized Tribes within the next two years.

Mr. McNARY. One further question, Mr. Chairman. I find here a provision in section 16, page 15, as follows:

Provided, That the Secretary of the Interior be permitted to sell to any association or person 100,000 acres of land not valuable for agricultural, mineral, or timber purposes at not less than its appraised value, under such rules and regulation as he may prescribe, to be reserved for a game preserve only.

Mr. CURTIS. I am glad the gentleman called my attention to that provision. I had no note of it and overlooked it. The law as it is authorizes the Secretary to dispose of all unallotted lands. There will be in the Choctaw and Chickasaw country one or two million acres of land not fit for agriculture, mining, or for any other purpose, because of the fact that it is mountainous. The committee was advised the Secretary did not care to sell a tract of 100,000 acres to any one person or company without direct authority of Congress, and your committee thought that such land was worthless, practically, except for this purpose.

Mr. McNARY. Worthless for grazing? Could this be used for grazing?

Mr. CURTIS. It is worthless for grazing, so I am informed; and it was thought best by your committee to authorize the Secretary, in his discretion, to sell that amount to any person or company if he could find such a purchaser. I may state now that there is such a firm, a corporation, which desires to buy that amount of land to be used as a game preserve only, but the committee thought it best not to authorize the sale of that amount of land to a certain person or company, but to authorize the Secretary to sell to any person or company if, in his discretion, he thought it best to do so.

Mr. McNARY. Now, may I ask the gentleman, Mr. Chairman, why would it not be a fair amendment to that proposition to insert: "*Provided*, That if the land is used for any other purpose except as a game preserve it reverts back?"

Mr. CURTIS. Mr. Chairman, the committee considered that proposition, and we were faced with the fact that on the 4th of March tribal relations expired.

Mr. McNARY. The leases do not.

Mr. CURTIS. Well, the leases will be ended within a few years, and it was more than likely that if a game preserve was established it would last longer than the handling of the tribal property, and the question was raised, of course, to whom it should revert—to the tribes or to the United States Government—and the committee thought it best to leave that matter open. I will state for the committee that I have no objection to an amendment providing that if the land is not used, or ever be abandoned, for that purpose, it shall revert to the United States.

Mr. McNARY. I will suggest an amendment of that character. That would meet the only objection I have to the bill.

Mr. CURTIS. Well, the gentleman can prepare an amendment of that kind.

Mr. McNARY. I will offer an amendment for that purpose.

Mr. CURTIS. If the gentleman will offer an amendment of that character, there will be no objection on the part of the committee.

Mr. BEALL of Texas. I understood the gentleman to say that the rolls of the various tribes have been practically completed.

Mr. CURTIS. I gave the number of pending applications.

Mr. BEALL of Texas. Now, under the different acts to which the gentleman referred, as I understand it, applicants were required to present their applications within a specified time, with certain other limitations with respect to residence. Now, what effect will the provisions of this proposed bill have upon the rights of parties to make application for membership of these different tribes?

Mr. CURTIS. In my judgment, it prevents any further application.

Mr. BEALL of Texas. Well, I will ask this question: As the gentleman understands the existing law, can applications be filed now for admission into any of these tribes?

Mr. CURTIS. I should say no; and my judgment is that the first four sections of the bill are unnecessary, and that the Secretary now has the right to close these rolls any minute he pleases to order it; but the Secretary has asked to have the date for filing of applications and the closing of the rolls fixed by Congress. The object of the committee is to close the affairs of the Five Civilized Tribes as soon as possible.

As I said a few moments ago, the various citizens have had notice since 1896, ten years. It does seem to me, gentlemen of this committee, we have given them sufficient time.

Mr. FLOYD. The laws of inheritance have been changed from those of Arkansas to those of the Territory of Oklahoma. Does that apply to the Indians and whites or only to the Indian lands?

Mr. CURTIS. Well, of course, this bill was drawn only to apply to the Indians; but I submit the courts may hold that, as it extends the laws of Oklahoma over the Indian Territory, it applies to all the people of the Indian Territory, whites as well as Indians. The section reads:

Every person of lawful age and sound mind may by last will and testament devise all of his estate, real and personal, and all interest therein: *Provided*, That no will of a full-blood Indian devising real estate shall be valid unless acknowledged before a judge of the United States court for the Indian Territory, or a United States Commissioner: *Provided further*, That the law of the Territory of Oklahoma regulating the descent and distribution of real estate and other property shall apply to all real and personal property in the Indian Territory.

As I said a moment ago, there is a general provision, and my judgment is, while only legislating for the Indians, the courts may hold that the section applies to all the people and property in the Indian Territory.

Now, if there are no other questions, I am ready to yield to the gentleman from Arkansas or Texas, or any other gentleman who desires to speak upon this question.

If there are no further questions, I am ready to yield to the gentleman from Texas [Mr. STEPHENS] or to any other gentleman who desires to speak on the bill.

Mr. STEPHENS of Texas. Mr. Chairman——

Mr. CURTIS. How much time does the gentleman wish?

Mr. STEPHENS of Texas. I can not tell; not long.

The CHAIRMAN. The gentleman from Kansas [Mr. CURTIS] has five minutes remaining.

Mr. STEPHENS of Texas. I will take the floor in my own right, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas [Mr. STEPHENS] is recognized.

Mr. STEPHENS of Texas. Mr. Chairman, in the beginning or near the beginning of the last century, the Five Civilized Tribes lived on the east side of the Mississippi River. The Congress of the United States determined to remove them to the west. They set apart what is known as the "Indian Territory," that country now owned by the five tribes, as an Indian reservation, designating a certain portion of that Territory as the home of each tribe. Congress permitted these Indians to keep up their tribal relations, consisting in some cases of tribal chiefs and in others of governors.

That relation existed until about the year 1890, when Congress determined to change its Indian policy, to destroy these tribal relations, to do away with the Indian governors and legislatures, and to assume control of the Indian affairs through Congressional action.

It became necessary, in the judgment of Congress, to pass a bill to that effect, to create a commission to treat with these Indians as tribes, because they had always heretofore been treated as tribes, as a separate body of individuals, having separate and independent rights. This commission was known as the "Dawes Commission," because Governor and former Senator Dawes, of Massachusetts, headed it. That commission was in existence ten or twelve years. It has now gone out of existence, and is represented by Mr. Bixby, the late chairman of the commission. In a recent circular issued by him, and which I will put in the RECORD, it appears that there is much unfinished work for that commission to do. The object of the commission, mind you, was to ascertain two things: First, to secure treaties from these various Indian tribes agreeing to dissolve their tribal relations and agreeing to become citizens of the United States. That was made necessary for the reason that the United States patented all of these lands to all of these tribes of Indians, to each one of them separately, and, strange to say, according to Indian language and Indian ideas and customs, the language of those patents from the Government to the Indian tribes reads that the land shall remain their territory as long as grass grows and water runs. In order, then, to do away with that provision and to secure allotments, they had to make a new treaty. This Dawes Commission was charged with the duty of framing these new treaties. They did frame

them. These treaties provided that the Indians should have rolls made, and that after these rolls were made the land should be allotted to each individual Indian. That commission has performed about two-thirds of its work. There were 20,000,000 acres of land, in round numbers, and about 12,000,000 only have been allotted to these Indians, leaving, in round numbers, 6,000,000 acres of land still to be allotted to as many Indians as are entitled to it.

The decisions of the Federal courts and, I believe, of the Supreme Court show it to be the policy of the court that the Indians are regarded as the wards of the Government; that they regard the property of these tribes as a trust fund held by Congress, to distribute among the heirs of these various Indians.

There are 6,000,000 acres of land reserved. There are a number of heirs not yet determined, and I will read from the report of the Commission to show you that we have not yet done our work and show you that we have not yet carried out the provisions of the treaty. The treaties made by the Dawes Commission provided that we should make rolls of these Indians. We have not completed those rolls, and I will read from the report of the Commission to show you that fact. I have here the report of the Commission to the Secretary of the Interior for the year June 30, 1905. It states:

The Choctaw and Chickasaw nations have 66,217 applicants enrolled. Identified, 35,000; refused, 27,000; undetermined, 2,000, and, to sum it all up, the grand total of the five tribes, we find that there are 135,000 applicants and that there are still 13,155 undetermined cases.

I object to this bill and shall offer, at the proper time, an amendment reserving the right to keep these 6,000,000 acres of land from being sold and disposed of now until we see whether these 13,155 Indians can prove up their rights to citizenship and to enrollment.

This bill provides, as suggested to the gentleman from Kansas, that on the 4th of June of this year all Indians not enrolled shall be refused enrollment. Let me ask you, if you were an heir entitled to an estate and some legislative body or some court should say that unless you proved your title to the estate by some set time you should be deprived of your patrimony, would you not say that that was an unjust decision? And yet that is exactly what Congress is called upon in this bill to do, and what I apprehend the Members of this House will refuse to do when they understand this question.

Mr. PALMER. How long have they had to do it in?

Mr. STEPHENS of Texas. About twelve years; and these cases are on the way, some of them, to the Supreme Court of the United States. Here is what the Commission says about it:

Such cases as now remain in the hands of the Commission are those which depend on the outcome of pending litigation or the final decisions of the Department upon important legal questions, and it seems that after almost a decade of unceasing toil the task of adjudicating the rights of applicants for enrollment as members of the Five Tribes is about to be completed.

Mr. CURTIS. The gentleman does not contend that this bill interferes with any cases that are now pending in court? Those applications are already on file.

Mr. STEPHENS of Texas. Will the gentleman state the meaning of the language which was put in by an amendment over my objection in lines 7, 8, and 9, page 3?

Provided, That the rolls of the tribes affected by this act shall be fully completed on or before the 4th day of June, 1906, and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after said date.

Mr. CURTIS. The gentleman knows that the only people that could be affected by that are the unmarried whites whose cases are now pending before the Supreme Court, and I am told that we shall probably have a decision within the next month or two. I will state to the gentleman that I understand the parties are trying to reach an agreement which will settle the question outside of the courts. There is absolutely no danger with reference to those parties. I stated that if there was any question, that before this bill passed the Senate and the case was not decided the time could be extended as far as those people are concerned. What we want is to close the rolls.

Mr. STEPHENS of Texas. Then why put any date in that? Why not state that as soon as the cases are determined which are now legally filed the rolls shall be closed, and not state any particular date in the bill? The gentleman knows the delays that are incident to courts. Some of these cases are going to the Supreme Court of the United States, and yet the gentleman limits it to the 4th day of June. Probably the cases will not be argued by that time. I think it is a very unsafe proposition to put in a bill and ingraft upon a statute. There are 13,000 and more of these people whose rights would be affected by this provision, who have already filed applications. Two thousand of these are known as court-made citizens, and I will ask the gentleman from Kansas if it does not cut those out?

Mr. CURTIS. It cuts out all those that the court decided had no right, and I do not propose that their cases shall be reopened if I can prevent it.

Mr. STEPHENS of Texas. I understand the gentleman has all the time insisted that those men should be cut out.

Mr. CURTIS. I object to further padding of the rolls in the Indian Territory. There are thousands whose names have been put on the rolls without right, and I am opposed to having any more added.

Mr. STEPHENS of Texas. Will not the gentleman admit that under the act of Congress the courts had jurisdiction in making the rolls? Isn't that a fact?

Mr. CURTIS. There is no use in wasting time; that law has been repealed.

Mr. STEPHENS of Texas. Oh, I understand the gentleman's adroitness. Were not these 2,000 persons placed upon that roll under laws existing at the time?

Mr. CURTIS. Yes; but 90 per cent of them were placed there by fraud and perjury. It was afterwards investigated by the courts, and they were excluded from the rolls.

Mr. STEPHENS of Texas. What will become of the other 10 per cent, then, you admit must lose their rights?

Mr. CURTIS. I do not admit that.

Mr. STEPHENS of Texas. The gentleman made the statement that 90 per cent of them were fraudulent.

Mr. CURTIS. Many of the 10 per cent have been placed back on the rolls, and all of those who filed applications before December 1, 1905, have a right under this act to go on with their applications and have their cases acted upon.

Mr. STEPHENS of Texas. Why, then, do you place this allotment on the 4th of March?

Mr. CURTIS. Because we want to close those rolls.

Mr. STEPHENS of Texas. Is it necessary that an estate should be closed before you ascertain who the heirs are?

Mr. CURTIS. There is no trouble about that. We will ascertain by that time all the legal parties.

Mr. STEPHENS of Texas. They have been twelve years in court making up their evidence. I say there should not be some definite date set when these rolls should be closed, but all these persons should have a hearing before the Secretary of the Interior or before the Commissioner before the courts shall step in and cut them off absolutely from their inheritance.

There are others to which I wish to call your attention. There is this other matter. There are 6,000,000 acres of this land that is to be sold as surplus land. This bill provides that they shall be sold in unlimited quantities, giving the Secretary of the Interior if he sees proper the right to sell it to one man or one corporation. I offered an amendment, and I shall offer it again, that no more than 160 acres shall be sold to any one person or individual. There is rough land in that country, and after it is ascertained that it will not sell in blocks of 160 acres we can open the doors and sell it in larger quantities. A great deal of this land is valuable land worth from $10 to probably $50 per acre, and why should we permit corporations that have been existing there for years, organized for that very purpose, to beat these very Indians, which have obtained some kind of right from the Indians, and if you pass this bill you will give these men the benefits for which they have plotted and schemed for years. It should be restricted by the amendment, which I have framed and shall offer, to 160 acres to any individual or corporation.

It is in the interest of the country that they have farmers owning the soil and that they ought not to be surrounded by some corporation or some rich man who can buy thousands of acres. Why give the Secretary of the Interior unlimited authority to sell in unlimited quantities, when Congress for almost a century of its existence has limited the quantity to which an individual was entitled of our public domain to 160 acres, and required that man to live on it five years? That is the patrimony and inheritance of the people of the whole United States; and when we come, Members of this House, to administer an estate belonging to Indians we change the rule so that the Secretary of the Interior can take the Indians' land and sell it in unlimited quantities to anybody, a corporation or otherwise, to men who can buy the whole of it in one body. Why do you not treat the Indian as you have treated the white man, our own people? This is good farming country, one of the best portions of our vast domain left—about the only place where the farmer can go and secure a good home, where he can make a living farming without irrigation. Then why should we open a flood gate here and permit this land to be sold in unlimited quantities and under such terms and rules and regulations as the Secretary of the Interior may prescribe? Why not limit it to 160 acres of land?

Mr. MANN. Will the gentleman yield for a question?

Mr. STEPHENS of Texas. Certainly.

Mr. MANN. Where is this land?

Mr. STEPHENS of Texas. It is in the Indian Territory; you know where that is—west of the Mississippi, north of Texas, south of Kansas, and——

Mr. MANN. It does not refer to all the land in the Indian Territory?

Mr. STEPHENS of Texas. No; 6,000,000 of the 20,000,000 acres of land is known as "surplus land." These five tribes owned, in round numbers, 20,000,000 acres of land. Twelve millions have been already allotted, leaving now a surplus of 6,000,000 acres, and that surplus is supposed to be sold in unlimited quantities by the Secretary of the Interior.

Mr. MANN. Well, what is the character of that land, may I ask the gentleman?

Mr. STEPHENS of Texas. The greater portion of it is excellent farm land—the western and central portions. The eastern portion, next to Arkansas, is very rough and mountainous.

Mr. CURTIS. The gentleman from Texas does not claim that the land remaining unallotted is excellent farming land?

Mr. STEPHENS of Texas. A great deal will be good land.

Mr. CURTIS. I could not agree with the gentleman on that proposition.

Mr. MANN. What portion of the bill authorizes the Secretary of the Interior to sell in unlimited quantities?

Mr. STEPHENS of Texas. The gentleman from Kansas can give that.

Mr. MANN. I want to ask the gentleman about a committee amendment, printed on page 15 of the bill, proposing to sell a hundred thousand acres of land to anybody. What is that?

Mr. STEPHENS of Texas. They are people who want not a forest reserve, but a game reserve. They are people from my State and other States. These people propose to erect a game reserve. That is all the land they can get hold of in that country. At the present time the Secretary of the Interior has the right to sell it over our objections and protest, but this only gives these people the right to buy it as a game reserve instead of a cattle reserve or anything else.

Mr. MANN. It says "game reserve," and we have no legal definition of a game reserve in this country.

Mr. STEPHENS of Texas. No; I do not know whether it applies to wild game or game chickens, or something of that kind; I can not tell. I presume, however, it applies to wild game.

Mr. MANN. Does the gentleman know whether this amendment refers to just 100,000 acres to be sold to one person, or by terms is it permitted to be sold to any number of persons?

Mr. STEPHENS of Texas. Oh, I presume there will be a number of persons. As I understand, there is a company already formed.

Mr. MANN. As I read the amendment, it says:

Sell to any association or person 100,000 acres of land.

Mr. STEPHENS of Texas. That is correct.

Mr. MANN. They might sell the whole six millions to sixty people.

Mr. STEPHENS of Texas. That is what I am objecting to. The Secretary of the Interior can sell it all, and in that I say the bill is wrong. Now, you can prevent this if it can be sold in blocks of 160 acres, and at the end of two or three years the amount could be enlarged.

Mr. MANN. Suppose the Secretary of the Interior would sell to some person 100,000 acres of land and put in the deed that it was for a game preserve. Would the gentleman think that would affect the title so as to present the man from selling it for what he pleased?

Mr. STEPHENS of Texas. Not at all, after the title was passed.

Mr. MANN. It seems to me, I might say to the gentleman, that is the most remarkable provision I have ever seen in a bill coming to the House.

Mr. STEPHENS of Texas. I agree with the gentleman.

Mr. MANN. I supposed it was a committee amendment, and I supposed the gentleman was in favor of it.

Mr. STEPHENS of Texas. There are a great many things in this bill that the gentleman does not favor. I am pointing out some of them.

Now, with reference to public roads. The greatest necessity in that country, in my judgment, is the demand for public roads. I have drafted an amendment which I propose to offer at proper time providing that all deeds and patents hereafter made to allottees shall not convey the land within 30 feet of any section line, so that the land within 30 feet of the section line around the entire section will still belong to the Indian tribes. And it further provides that after a government has been established there, either a Territorial or State law, that the legislature may condemn this land and pay the Indians for it, and that the money shall be a part of the public school fund, thus providing means of having public roads in that country in the future. Now, some of the tribes in making the treaties with the Dawes Commission, as stated by the gentleman from Kansas [Mr. CURTIS], provided for public roads. Others did not, and there could be no objection, in my judgment, to this provision—letting the Indians retain the title to this land as a tribal title until it becomes extinguished through the Territorial or the State legislature and dedicated for public purposes of highways or roads. I believe these are about the only objections and amendments that I propose to offer to the bill.

Mr. CURTIS. Mr. Chairman, I ask for the reading of the bill by sections.

The Clerk read as follows:

Be it enacted, etc., That after the approval of this act no person shall be enrolled as a citizen or freedman of the Choctaw, Chickasaw, Cherokee, Creek, or Seminole tribes of Indians in the Indian Territory, except as herein otherwise provided, unless formal application for enrollment was made prior to December 1, 1905, and the records in charge of the Commissioner to the Five Civilized Tribes shall be conclusive evidence as to the fact of such application; and no motion to reopen or reconsider any citizenship case, in any of said tribes, shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days from date of the decision complained of: *Provided*, That the Secretary of the Interior may enroll persons whose names appear upon any of the tribal rolls and for whom the records in charge of the Commissioner to the Five Civilized Tribes show application was made prior to December 1, 1905, and which was not allowed solely because not made within the time prescribed by law.

Also the following committee amendment:

Page 1, line 13, strike out the words "within sixty days from date of the decision complained of" and insert in lieu thereof "on or before March 4, 1906."

The CHAIRMAN. The question is on the committee amendment.

The amendment was agreed to.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment which the Clerk will read.

The Clerk read as follows:

Provided, That all applications for enrollment now pending before the Commissioner shall be passed upon by him.

Mr. STEPHENS of Texas. That touches the point the gentleman suggests, "all applications for enrollment now pending before the Commissioner shall be passed upon by him." I would cut out the idea here, as I think the courts would hold, and as a plain reading of the text here shows, that these rolls must be arbitrarily closed on the 4th of June, and I do not see why he should have any objection to that amendment.

Mr. CURTIS. I object to the amendment for this reason: If we provide that all of these rolls shall be closed by a certain time the Secretary will put enough force at work to pass upon all the applications that were filed prior to December 1, 1905, and it authorizes him to do that within the time fixed, and to pass the amendment offered by the gentleman from Texas would simply mean to delay action.

Mr. PADGETT. Will the gentleman yield for a question?

Mr. CURTIS. Certainly.

Mr. PADGETT. The gentleman states that the Secretary of the Interior will put sufficient force on to complete the work and pass upon all of the applications before the 4th of March next. When does he expect to get the bill passed and have it become a law? What assurance has the gentleman as to the date?

Mr. CURTIS. I would say to the gentleman that this bill was prepared, that section of it, by the Department. They have the force to do the work, they know the number of cases, and they have asked for an appropriation so as to have the work done as soon as possible.

Mr. STEPHENS of Texas. Does not the gentleman think that all of these cases should be disposed of now, before the rolls are finally closed?

Mr. CURTIS. The law provides that the rolls shall be finally closed, or shall be completed on or before June instead of March.

Mr. STEPHENS of Texas. That is the contention I make. Why name that date?

Mr. CURTIS. Because it gives the Secretary plenty of time, and we want to close the rolls.

Mr. STEPHENS of Texas. Why is it more important to close those rolls than it is to let these Indians have the property that belongs to them?

Mr. CURTIS. They have had plenty of time. Any Indian who is entitled to property down there is going to get it, and the gentleman knows that as well as I do.

Mr. STEPHENS of Texas. But when they have acted in good faith—brought their cases before the courts of the country—what assurance is there that they will have their day in court?

Mr. CURTIS. They have had their day in court.

Mr. STEPHENS of Texas. What would the gentleman say if there were a proceeding in some probate court where he was one of the parties and he would be told that unless he proved his case within a certain time, say three months in the future, he would lose the suit?

Mr. CURTIS. I would go to work and get my proof in just as the gentleman from Texas would do. If they made it ten days, I would have it there within ten days.

Mr. STEPHENS of Texas. The Indian tribes are represented by attorneys, yet it is provided in this bill they can appeal their cases to the court, and if it takes two years to reach a decision of the Supreme Court and determine their rights, and in the meantime they should be barred, then what would become of the case?

Mr. CURTIS. The last part of the gentleman's question does not apply, because I think he will find under the original law the decisions of the citizenship court were final.

Mr. STEPHENS of Texas. Can not these cases be appealed to the court and are not many of them on their way to the Supreme Court?

Mr. CURTIS. They are in the Supreme Court—all that can be.

Mr. STEPHENS of Texas. Can the gentleman state whether the Supreme Court will pass on these cases before the 4th of June?

Mr. CURTIS. I have stated twice that it is the opinion of those who have looked into the question that the cases would be decided not later than March, and if they were not decided before this bill reaches the Senate for final action it can be amended so as to protect the interests of those people.

Mr. STEPHENS of Texas. Why not accept my amendment?

Mr. CURTIS. I do not propose to consent to putting in such an amendment without due consideration.

Mr. STEPHENS of Texas. There is nothing strange about this language; it simply provides that the cases pending before this Commission shall be determined; and what objection can you have to that?

Mr. CURTIS. They will be determined.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken; and the Chair expressed himself as in doubt.

The committee divided; and there were—ayes 7, noes 25.

So the amendment was rejected.

The Clerk read as follows:

SEC. 2. That for ninety days after approval hereof applications may be received for enrollment of children who were minors living March 4, 1905, whose parents have been enrolled in the Choctaw, Chickasaw, Cherokee, Creek, or Seminole tribes, or have applications for enrollment pending at the approval hereof, and for the purpose of enrollment under this section illegitimate children shall take the status of the mother, and allotments shall be made to children so enrolled. If any citizen of the Cherokee tribe shall fail to receive the full quantity of land to which he is entitled as an allotment, he shall be paid out of any of the funds of such tribe a sum equal to twice the appraised value of the amount of land thus deficient. The provisions of section 9 of the Creek agreement ratified by act approved March 1, 1901, authorizing the use of the funds of the Creek tribe for equalizing allotments, are hereby restored and reenacted, and after the expiration of twelve months from the date of the certificate for an allotment of land in the Choctaw, Chickasaw, Cherokee, Creek, or Seminole tribes, no contest shall be instituted against such allotment: *Provided*, That the rolls of the tribes affected by this act shall be fully completed on or before the 4th day of June, 1906.

The amendments recommended by the committee were read, as follows:

In line 11, page 2, after the word "applications," strike out "may" and insert "shall;" in line 1, page 3, strike out "twelve" and insert "nine;" in line 2, page 3, strike out the words "certificate for" and insert the words "original selection of," and in line 7, after the word "six," insert the following: "and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after said date: *Provided further*, That nothing herein shall be construed so as to permit any person to file an application for enrollment in any tribe where the date for filing application has been fixed by agreement between said tribe and the United States, and the application was not filed within the time required by said agreement."

Mr. CURTIS. I would like to perfect that last amendment by adding the word "hereafter" before the word "permit," in line 10.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all after the words "United States," in line 13 of the last amendment; so that it will read: "*Provided further*, That nothing herein shall be construed so as to hereafter permit any person to file an application for enrollment in any tribe when the date for filing application has been fixed by agreement between said tribe and the United States."

The CHAIRMAN. The question is on the amendment to the amendment.

Mr. STEPHENS of Texas. A parliamentary inquiry. Would it be in order to move to strike out the last provision after the word "provided," in line 5, down to the end of the section?

The CHAIRMAN. An amendment seeking to perfect the section would be the first in order.

Mr. STEPHENS of Texas. Then I hope the amendment will not be adopted, because it has that arbitrary date, fixing it so that these applications must be filed and concluded before the 1st day of June, 1906. That is the worst provision in the bill.

The CHAIRMAN. The Chair is of the opinion that these amendments ought to be divided and the amendment suggested by the gentleman from Kansas first voted upon.

Mr. STEPHENS of Texas. Down to the first proviso?

The CHAIRMAN. To the second proviso.

Mr. CURTIS. I would suggest that we vote on all the amendments except those on page 3 down to line 7, because there is no objection to those amendments.

Mr. STEPHENS of Texas. I have no objection to those.

The CHAIRMAN. Is there objection to taking the vote on these amendments on pages 2 and 3 down to line 7 on page 3?

Mr. STEPHENS of Texas. Line 5.

The CHAIRMAN. There are but two amendments on page 3 before that part of the section to which the gentleman from Kansas addresses his amendment.

Mr. STEPHENS of Texas. But there is an amendment on page 2, line 11.

The CHAIRMAN. That is true.

Mr. CURTIS. We can vote on those amendments. There is no objection to them, and I suggest that they be agreed to.

Mr. STEPHENS of Texas. I have no objection to anything but this fixing the date.

The CHAIRMAN. The question will first be taken on the amendment to line 11, page 2, and the amendment, in lines 1, 2, and 3 on page 3.

The question was taken, and the amendments were agreed to.

The CHAIRMAN. The question now is upon the amendment offered by the gentleman from Kansas to the committee amendment. The Chair will suggest that that amendment be again reported.

The Clerk read as follows:

On page 3, line 10, at the end of the line insert, before the word "permit," the word "hereafter."

The CHAIRMAN. The question is upon the amendment just read.

Mr. STEPHENS of Texas. I move to strike out all after the word "allotment," in line 5, down to the word "further," in line 10.

The CHAIRMAN. The Chair does not understand whether the gentleman from Texas understands that the committee amendment has been agreed to.

Mr. STEPHENS of Texas. I understand that they have been agreed to.

The CHAIRMAN. The Clerk will report the second part of the original amendment offered by the gentleman from Kansas.

The Clerk read as follows:

In lines 13, 14, and 15, page 3, strike out the words "and the application was not filed within the time required by said agreement."

The CHAIRMAN. The question is upon the amendment just read.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question now recurs on the gentleman's amendment as amended.

Mr. STEPHENS of Texas. I move to strike out all after the word "allotment," in line 5, down to and including the word "date," in line 9.

The CHAIRMAN. The question is on the amendment to the amendment.

The question was taken; and the Chairman announced that the ayes seemed to have it.

Mr. STEPHENS of Texas. Division!

The CHAIRMAN. The Chair will ask the attention of the gentleman from Texas. If the gentleman desires to offer an amendment to strike out all of that portion before the second proviso, that can be done after a vote upon the amendment which is now pending before the committee—that is, that amendment should be voted on, and if it should be voted down, then an amendment to strike out that part of the paragraph will be in order.

Mr. CURTIS. Now, Mr. Chairman, I hope the committee will vote for this committee amendment. I will state that I offered the amendment to strike out the last two lines so there would be no question about the bill relieving all persons who had filed their applications before December 1, 1905, whether they had filed them within the time required by the agreements or not. In fact it is an amendment to help out the gentleman from Texas, and I hope it will be agreed to.

Mr. STEPHENS of Texas. Mr. Chairman, I see that in the first part of this section there is this language:

That for ninety days after the approval hereof applications shall be received for enrollment of children who were minors, living March 4,

1905, whose parents have been enrolled in the Choctaw, Chickasaw, Cherokee, Creek, or Seminole tribes.

And so forth. Now, it says ninety days after the approval of this act. This act may not be approved for ninety days, as far as we know, and it may carry it over beyond the 4th of March. Now, your bill is self-contradictory. Suppose you pass over the 4th of June before you can get these children on the roll. Then the Secretary of the Interior can not put the children on the roll, whom you provide here shall be put on the roll, in the first part of the section. In the first part of the section you provide for putting certain persons on the roll, and in the last part you make it impossible to put them on the roll if it is after the 4th of June.

Mr. CURTIS. I will state to the gentleman, as I have stated before, the status of the Indian children. Their applications have all been filed, they are all on file now, and there is no question about the children, and they have until the 4th of June to act upon their applications, and I will state that nearly all of them have been passed upon. I gave the figures a few minutes ago.

Mr. STEPHENS of Texas. But the language is that they shall be received for enrollment, not enrolled. That means that the application shall be made that they shall be enrolled; then they have got to produce their proof, and suppose that is contested, and continues on from month to month as these contests do drag on, how will they get their names on the rolls before the 4th of June, which you make an arbitrary date?

Mr. CURTIS. There is no question about the children. As I stated before, the act which we passed some time ago provided for their enrollment, and the applications of nearly all have been filed and most of them acted upon.

Mr. CAMPBELL of Kansas. I should like to ask my colleague the effect of this proviso beginning in line 9:

Provided further, That nothing herein shall be construed so as to permit any person to file an application for enrollment in any tribe where the date for filing application has been fixed by agreement between said tribe and the United States, and the application was not filed within the time required by said agreement.

I should like to know what the provisions of that agreement are that are referred to here.

Mr. CURTIS. There are two agreements, one with the Cherokees, providing that the application shall have been filed before the 31st day of October, 1902, and the other with the Creeks, that the application shall be filed before the ratification of the agreement.

Mr. CAMPBELL of Kansas. Now, Mr. Chairman, I hope that that part of the amendment that refers to the agreement between the Indian tribes and the United States, that would bar the enrollment of Cherokee freedmen, filed prior to December 1, 1905, will not prevail. I have an amendment that I shall propose to section 4, covering the case of the Cherokee freedmen who have filed their applications for enrollment prior to the date I have indicated.

Mr. CURTIS. By putting in the word "hereafter," as I have suggested, I think the question of the gentleman is answered and the objection is removed. That will make it read "hereafter filed." By inserting the word "hereafter" and striking out the last line the Secretary is authorized to act upon all applications filed before December 31, 1905.

Mr. MANN. Where does the word "hereafter" come in?

Mr. CURTIS. After the word "to," in line 10.

Mr. CAMPBELL of Kansas. So it will read, "*Provided further,* That nothing herein shall be construed as to hereafter permit any person," etc. Well, doesn't that still give vitality to the agreement entered into between the Cherokees and the United States which prohibits the enrollment of applicants who did not make their applications prior to December, 1905?

Mr. CURTIS. It would apply to all who had not filed before that time.

Mr. CAMPBELL of Kansas. Even with the "hereafter" in?

Mr. CURTIS. Yes; in my judgment.

Mr. CAMPBELL of Kansas. Then I hope the amendment will not prevail, for the reason that there are Cherokee freedmen who did not make their applications prior to that time, but who have made application prior to December 1, 1905, and who, if they were Cherokee freedmen, are justly entitled to enrollment at this time. I sincerely hope that this part of the amendment will not prevail, and I wish that my colleague could see his way clear to so perfect this amendment as to fix the date as of the 1st of December, 1905, for the benefit of these Cherokee freedmen.

Mr. STEPHENS of Texas. I will ask the gentleman from Kansas if he doesn't think it would be better to strike out the arbitrary date and let all the cases that have been filed be determined before the rolls are closed?

Mr. CAMPBELL of Kansas. I agree that some time should be fixed for closing up the work of the Commission.

Mr. STEPHENS of Texas. Does not the gentleman think that the 4th of June next is entirely too short a time for the determination of all of these cases? There are thirteen thousand and more applicants.

Mr. CAMPBELL of Kansas. I am not referring to the closing up of the rolls; I am referring to the applications for enrollment.

Mr. STEPHENS of Texas. That is a part of this amendment, however.

Mr. CURTIS. Mr. Chairman I can not agree with my colleague [Mr. CAMPBELL]. I know of the cases referred to by the gentleman. The act of June 28, 1898, provides that the freedmen referred to by him should be enrolled in accordance with the decision of the Court of Claims. That court decided that the freedmen who were in the Cherokee Nation in 1866, July 19, should be enrolled, or those who voluntarily returned within six months.

Now, in passing upon the Curtis Act, which said that "no person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claimed citizenship," the Department has held that an application filed by freedmen who returned after six months, but who conclusively demonstrated to the Secretary or to the Commission that they were real residents or citizens of the Territory, but were temporarily absent and returned as soon as they could after the treaty of 1866, were entitled to the benefits of the treaty. This is my information. So it seems to me that, having had a decision of the Court of Claims which construed the rights of the Cherokee freedmen under the treaty of 1866, which was rendered in 1896; then having the further notice given in the act of 1896 which required them to file applications within three months; then the Curtis Act which gave them ample notice, and now, after all this, the bill provides for the consideration of all applications filed prior to December 1, 1905, these people have no right to complain, and if they have slept upon their rights I do not think we should open up the rolls to those who have filed their applications since December 1, 1905.

Mr. CAMPBELL of Kansas. Mr. Chairman, it does not occur to me that Congress should be bound in its legislation by the construction the Supreme Court has put upon legislation heretofore enacted. There were Cherokee freedmen in the Cherokee Nation in the spring of 1866 who found it a very unhealthy place in which to remain. They were absolutely forced out of the Territory.

Mr. PALMER. What are Cherokee freedmen?

Mr. CAMPBELL of Kansas. They were slaves who had been held in bondage by the Cherokee Indians, and they were freed by proclamation.

Mr. PALMER. What rights have they got?

Mr. CAMPBELL of Kansas. Under the treaty of 1866 they are entitled to allotment the same as the Indians. But, as I say, in the spring of 1866 these freedmen found it necessary to leave the Territory. Some of them were taken out of the Territory and into New Mexico. They were ignorant, and their children were ignorant. They never heard of the Curtis Act. They did not read the decisions of the Supreme Court construing the act of 1896. They knew nothing that had occurred affecting their rights under the treaty of 1866. Those who were old enough did know that the Cherokee Nation was an unhealthy place for them in the spring of 1866, and they left there, and those who had children took them with them.

Some of them have now returned; they have become citizens there, and they have filed their applications for citizenship, but because of a provision in the constitution of the Cherokee Nation making their enrollment prohibitory the Commission has refused to enroll them, for the reason that they had abandoned their citizenship in the Cherokee Nation. My contention is that the resolution which I have prepared, and which I will now read, ought to be adopted for the purpose of protecting these freedmen and their children:

Provided, That the roll of Cherokee freedmen shall include the names of all such persons as are mentioned in article 9 of the Cherokee treaty of July 19, 1866, who made application for such enrollment on or prior to December 1, 1905, who were taken from the nation or driven therefrom under circumstances which were beyond their control, and who did not, subsequent to August 11, 1866, make application for citizenship in any other tribe.

I am referring to men who made no application for citizenship in any other tribe in the Indian Territory; who made no application to go upon the rolls of any other nation in the Indian Territory.

Mr. PALMER. Have not these people ever had a chance to become enrolled?

Mr. CAMPBELL of Kansas. They have been barred from being enrolled by a provision in the constitution of the Cherokee

Nation which prohibits the enrollment of those who left the Cherokee Nation and became citizens elsewhere.

Mr. CURTIS. Let me state that over 4,000 of the freedmen have been placed on the Cherokee rolls.

Mr. CAMPBELL of Kansas. But those 4,000 probably are those who did not leave the nation in 1866.

Mr. PALMER. And your object is to give these people who were driven away, or who found the climate too unhealthy and have since come back and found it healthy, a chance to be enrolled.

Mr. CAMPBELL of Kansas. That is it exactly.

Mr. PALMER. I would like to ask the chairman of the committee what possible objection there is to that.

Mr. CURTIS. We have given the freedmen a chance to be enrolled since 1896. They have gone there by the thousand and filed application. Their rights have been looked into by several commissions appointed for that purpose, and under this bill those who filed their applications prior to December 1, 1905, have the right now to have their applications considered by the Department, and I do not feel that it is proper to open the rolls to those who have not already filed their applications.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas to the committee amendment.

Mr. CAMPBELL of Kansas. Mr. Chairman, I ask that the amendment be again reported.

The CHAIRMAN. Without objection, the amendment as amended will be again reported.

The amendment was again reported.

Mr. CAMPBELL of Kansas. Mr. Chairman, I move to strike out all after "enrollment," in line 11, and including the rest of that paragraph.

Mr. CURTIS. I hope that amendment will not be adopted.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out, after the word "enrollment," in line 11, the rest of paragraph.

The CHAIRMAN. The question is upon the amendment to the amendment offered by the gentleman from Kansas [Mr. CAMPBELL].

The question was taken; and the Chair announced that the noes seemed to have it.

Upon a division (demanded by Mr. CAMPBELL of Kansas) there were—ayes 7, noes 17.

So the amendment was rejected.

The CHAIRMAN. The question is upon the amendment as amended.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Chair would ask the gentleman from Texas if he desires to renew his motion which the Chair did not entertain a moment ago?

Mr. STEPHENS of Texas. I do. I move to strike out now that part of the section beginning after the word "allotment" down to the word "date," in line 9.

Mr. CURTIS. That amendment has been covered, has it not, by the vote which has just been taken?

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Texas.

The Clerk read as follows:

Page 3, lines 5 to 9, inclusive, strike out "*Provided*, That the rolls of the tribes affected by this act shall be fully completed on or before the 4th day of June, 1906, and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after said date."

Mr. STEPHENS of Texas. That, Mr. Chairman, is the amendment I have been arguing all the while that should be stricken out, and I hope the House will strike it out. Unless it does, these thirteen thousand who are on the way to the Supreme Court, or rather many of them are, and whose cases are pending before the Commissioner and Secretary of the Interior, will be absolutely cut out of enrollment and lose everything that they have there, while there are 6,000,000 acres of land that will be allotted to these Indians, and I see no reason why they should not be enrolled. These people are prosecuting their cases and endeavoring to get their names on these rolls. I see no reason for this great rush to close the rolls on the 4th of June. These people have spent time and money for years in this, and I think they should have the right to prove their right to citizenship without setting up any arbitrary date.

Mr. CURTIS. I hope, Mr. Chairman, that the amendment offered by the gentleman from Texas will be voted down. There are only 5,000 applications now pending. I have the report to the 1st of December, and they can be all acted upon within the time fixed by this bill, and if the House ever expects to close these rolls it should vote for the bill as it is.

Mr. REID. Have these applications been made to the Dawes Commission?

Mr. STEPHENS of Texas. These applications are pending before the Dawes Commission and before the Secretary of the Interior, including two thousand who have been made citizens by the United States courts of the Indian Territory whose citizenship was set aside by a court appointed or recently made by the United States known as the "citizenship court," and some of these cases are now on the way to the Supreme Court of the United States, and it will be impossible to try these cases and determine the rights of these parties before June the 4th, and if we set up this arbitrary time of June the 4th these parties will not be able to prove their cases.

Mr. CURTIS. I want to ask the gentleman from Texas if he does not know that the law which created the citizenship court provided that the decision of the citizenship court should be final and these people have nothing pending.

Mr. STEPHENS of Texas. That is true; but Congress passed an act creating a special court for the purpose of setting aside the judgments of individuals who have vested rights in any matter, and that is the question that they are now seeking to carry to the Supreme Court of the United States—how it will deprive the rights of more than 2,000 people, who hold valid existing outstanding judgments showing that they were citizens of the Indian Territory, by a court created by Congress. Now, these parties contend that that act was unconstitutional, and, once having been enrolled according to the act of Congress, that they could not be taken off the rolls arbitrarily, as was done by the court of citizenship.

Mr. CURTIS. Ninety per cent of whom were enrolled by fraud.

Mr. STEPHENS of Texas. It is very well for the gentleman to say that, and I asked him the question a while ago, what would become of the other 10 per cent that he proposes to disfranchise and take the law away from?

Mr. REID. The gentleman speaks of their not having a day in court. If their applications had not been thrashed out here for——

Mr. STEPHENS of Texas. They were thrashed out and obtained favorably judgment, and then this court was appointed by act of Congress to determine whether these judgments were valid, and they set them aside en bloc. The whole business was set aside upon two questions of law, and now they are seeking to revise these decisions and see whether or not these parties do not still own their property in the Indian Territory.

Mr. SLAYDEN. Will my colleague yield for a question?

Mr. STEPHENS of Texas. Certainly.

Mr. SLAYDEN. The gentleman's idea is to fix the date at some more distant time?

Mr. STEPHENS of Texas. My idea is that all of these cases should have their day in court in order to be heard, and that an arbitrary date should not be fixed beyond which they can not be heard.

Mr. SLAYDEN. Is it not practicable to fix a date at some future time, allowing them an opportunity to have their causes determined?

Mr. STEPHENS of Texas. I would be perfectly willing to fix a reasonable time, but I think the 4th of March of this year is unreasonable.

Mr. SLAYDEN. It is unreasonable.

Mr. LACEY. All of these men have had their day in court. There was so much fraud in the original transaction that Congress made a provision for a retrial or reexamination of these fraudulent cases, and on a retrial a certain proportion of them—I do not remember the exact number, but a very considerable part of them—were thrown out. They have had their day in court and the rolls have been purged. Now the purpose is to extend this time in the hope or under the suggestion that perhaps Congress may pass another act authorizing an appeal to the Supreme Court of the United States from the decision of the court annulling these judgments of citizenship. It is an old matter. It has been thrashed out in the House and Senate committees of this Congress for a number of years, but it is now finally closed. There is no court that they can go to.

Mr. SLAYDEN. Mr. Chairman, I will say to the gentleman from Iowa [Mr. LACEY] that my understanding of the statement of my colleague was that these people had been given certain rights, possibly that of citizenship, by Congress; that they had acquired vested rights.

Mr. LACEY. No; fraudulent decrees, giving them rights which have subsequently been set aside by the Congress, and are now absolutely outside of the rolls, with no power to get on the rolls.

Mr. SLAYDEN. Does the gentleman mean to say that what the gentleman from Texas says were "vested rights" have been declared not to have been rights?

Mr. CURTIS. Yes.

Mr. PALMER. What cases are pending in the Supreme Court?

Mr. LACEY. None of these claims whatever.

Mr. PALMER. I understood the gentleman to say there were cases in the Supreme Court.

Mr. CURTIS. There are the cases of 1,587 intermarried white citizens of the Cherokee Nation now pending in the Supreme Court.

Mr. LACEY. But not the class of claims referred to by the gentleman from Texas.

Mr. PALMER. Suppose that by the time fixed in this bill the decision has not been rendered, what are you going to do? Are you going to get the people off because the Supreme Court has not decided their cases?

Mr. CURTIS. Not at all. I am advised they will be decided in February or March, and then provision will be made for these 1,587 intermarried whites. I also stated further that there was a proposition now pending between the parties to settle the rights, or, I mean, the controversy, of these intermarried whites.

Mr. STEPHENS of Texas. What will be the result, if the gentleman will answer the question, if the Supreme Court should reverse these cases and order a new trial? How would it be possible for a new trial to be had if their rights had been fixed before the 4th of June?

Mr. CURTIS. As I said before, if the case is determined before that time there will be no trouble in having arrangements made for the enrollment for 1,587 intermarried whites. They probably will not order a new trial. It is simply a question of the construction of a treaty, and the decision will be final one way or the other, either that they are entitled to enrollment under that treaty or that they are not entitled to enrollment under it.

Mr. STEPHENS of Texas. Why would it not be better to just simply state that the rights of these individuals shall be determined? Why not give them that right?

Mr. CURTIS. It has been passed upon by the Commission, passed upon by the Secretary, and by the Court of Claims, and all decided against these gentlemen. The question is now pending in the Supreme Court, and a decision is expected in a short time.

Mr. PALMER. Suppose that the Supreme Court decided they had the right to be enrolled and they appealed later, then, with this bill passed fixing the time, when they went to the Supreme Court they would be met by the act of Congress saying that they could not make the application.

Mr. CURTIS. I have already said that if the question is not decided by that time I would be willing that the bill should be amended before it is finally passed. That would take care of the rights of these intermarried whites.

Mr. PALMER. Then all this would be dependent upon the decision. If the Supreme Court decided one way it would be a good law, and if they decided another it is a bad one.

Mr. PADGETT. I will ask the gentleman if we are not taking a chance by passing this law and leaving it to the other body to remedy the wrong that we have done?

Mr. CURTIS. The Supreme Court will carry out the provisions of that treaty.

Mr. PADGETT. Suppose the Supreme Court decides the other way?

Mr. CURTIS. As I have already said, if it does decide the other way, then provision can be made to meet it. The decision will be made before the term set in this bill expires.

Mr. PADGETT. Will you guarantee that?

Mr. CURTIS. If the decision is not made before this bill passes in the Senate, provision will be made for it.

Mr. PADGETT. How do you know?

Mr. CURTIS. I guess this House will have something to say about the passage of this bill.

Mr. PADGETT. But after we pass it, it will go to another body.

The CHAIRMAN. The committee will informally rise.

The committee informally rose, and the Speaker resumed the chair.

URGENT DEFICIENCY BILL.

Mr. LITTAUER, from the Committee on Appropriations, reported the bill (H. R. 12320) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with accompanying report, ordered to be printed.

Mr. FITZGERALD. I desire to reserve all points of order.

The SPEAKER. The gentleman from New York reserves all points of order

Mr. LITTAUER. I would like to give notice that I desire to take this bill up to-morrow after the reading of the Journal.

FIVE CIVILIZED TRIBES OF INDIANS.

The committee resumed its session.

Mr. CURTIS. Mr. Chairman, I desire the attention of the gentleman from Pennsylvania and the gentleman from Texas. We are entirely in good faith, and I will add to this amendment the following:

Provided, That nothing herein shall apply to the intermarried whites of the Cherokee applicants whose cases are now pending in the Supreme Court of the United States.

Mr. STEPHENS of Texas. Why not make it all tribes?

Mr. CURTIS. Because the gentleman from Texas knows just as well as I do that it is the intention to open up this question indefinitely for people whose cases have been finally settled, who have had full opportunities to present their claims in court, and who have no right to go there.

Mr. STEPHENS of Texas. Why, if you give the Cherokees that, will you not extend it to the other four tribes? Why not treat all of the tribes alike?

Mr. CURTIS. Because they are the only ones that have cases pending in the Supreme Court.

Mr. STEPHENS of Texas. I shall not object to the amendment.

Mr. CURTIS. I offer that amendment:

Provided, That nothing herein shall apply to the intermarried whites in the Cherokee Nation whose cases are now pending in the Supreme Court of the United States.

The CHAIRMAN. The Chair understands the gentleman merely to give notice that he will offer this amendment.

Mr. CURTIS. I ask unanimous consent to offer it now.

Mr. STEPHENS of Texas. I have no objection. It will better the bill to some extent.

The CHAIRMAN. There is an amendment now pending.

Mr. CURTIS. Let us vote that amendment down, and then I shall offer this amendment.

The CHAIRMAN. The question is on the amendment of the gentleman from Texas.

The question was taken, and the amendment was rejected.

Mr. CURTIS. Now, Mr. Chairman, I offer the amendment at the end of the amendment that was agreed to.

The CHAIRMAN. The gentleman offers the following amendment, which the Clerk will report.

The Clerk read as follows:

At the end of the section insert: "*Provided*, That nothing herein shall apply to the intermarried whites in the Cherokee Nation whose cases are now pending in the Supreme Court of the United States."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 6. That the principal chiefs of the Choctaw, Cherokee, Creek, and Seminole tribes, and the governor of the Chickasaw tribe, recognized by the Secretary of the Interior at the time of the dissolution of the tribal governments, are hereby continued in office for the purpose of executing patents, deeds, and other conveyances affecting lands belonging to said tribes, respectively, and to represent the tribes in such matters as may be referred to them by the Secretary of the Interior, and the Secretary of the Interior is hereby authorized to pay said executives, from the funds of the tribes, the salaries now prescribed by tribal laws, and such necessary traveling and incidental expenses, including clerical assistance, as he may approve, and such services shall continue until all deeds or patents to allottees shall be executed.

If any such executive shall refuse or neglect to perform the duties devolving upon him, he may be removed from office by the Secretary of the Interior, or if any such executive become permanently disabled the office may be declared vacant by the Secretary of the Interior, who may fill any vacancy arising from removal, disability, or death of the incumbent by appointment of a citizen by blood of the tribe.

If any such executive shall fail, refuse, or neglect, for thirty days after notice, that any instrument is ready for his signature, to appear at a place to be designated by the Secretary of the Interior and execute the same, such instrument may be approved by the Secretary of the Interior without such execution, and when so approved and recorded shall convey legal title.

The Secretary of the Interior may, upon the recommendation of the executives of the respective tribes, employ legal counsel for said tribes, and he shall fix the compensation to be paid such counsel and permit the employment of necessary clerical assistance and the payment of traveling and incidental expenses, including witness and marshal fees, and all expenditures hereunder shall be paid upon order of the Secretary of the Interior out of any funds of said tribes, respectively.

Should either of said executives fail to recommend a competent person for employment as counsel within such time as the Secretary of the Interior may prescribe, said Secretary may employ such counsel as he may deem necessary.

Mr. STEPHENS of Texas. Mr. Chairman, I have an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend section 6, page 6, by striking out all after the word "title," in line 13, down to the end of said section.

Mr. STEPHENS of Texas. Mr. Chairman, the object of that is to strike out the portion of this section providing that the Secretary of the Interior may, upon the recommendation of the

executives of the respective tribes, employ legal counsel for said tribes. That means on the recommendation of the chiefs and governors of those tribes.

And he shall fix the compensation to be paid such counsel.

I do not understand the reason of this language:

The Secretary of the Interior may, upon the recommendation of the executives of the respective tribes, employ legal counsel for said tribes.

Is it not a fact that the Secretary of the Interior has legal counsel in his Department whom he can send down there for the purpose of defending whatever rights these Indians may have against outsiders?

Mr. CURTIS. The Secretary of the Interior has no counsel that he can send to the Territory. He must call upon the Department of Justice, and in several cases where they have had suits pending it has been necessary to delegate special counsel, and it has been more expensive than it would have been for the Government to employ an attorney by the year.

Mr. STEPHENS of Texas. Is it not a fact that under the wording of this bill here the Secretary could not employ anyone unless these executive officers of these respective tribes should point out a particular man? Is it not a fact that the Secretary has no discretion at all?

Mr. CURTIS. No; I think it leaves it in his hands. If they do not recommend some one who is agreeable to him, he has a right to employ such counsel as he desires to do their legal work.

Mr. STEPHENS of Texas. Does not the gentleman know that there is a great scandal down in that country with reference to this matter?

Mr. CURTIS. I do know that there was an act passed, and I want to say to the gentleman that this provision of the bill was put in to shut that matter out and leave it in the hands of the Secretary of the Interior, instead of in the hands of the chiefs of the nations, so that there could be no fraud or scandal about it. That is why this section was drawn.

Mr. STEPHENS of Texas. Why not strike out these words then?

Mr. CURTIS. I am perfectly willing, but it is their property, and as long as they are willing to do what is fair and right they should have a right to recommend to the Secretary of the Interior the counsel whom they desire. He does not have to employ the man they recommend unless he sees fit to do so. As far as I am concerned, I have no objection, but I think they have a right to be represented.

Mr. STEPHENS of Texas. Is not D. H. Johnson one of the executive officers of these tribes?

Mr. CURTIS. I think so.

Mr. STEPHENS of Texas. And P. S. Moseley has been, has he not?

Mr. CURTIS. Yes.

Mr. STEPHENS of Texas. Are not the firm of Mansfield, McMurray & Cornish the representatives of some of these tribes?

Mr. CURTIS. They are the attorneys under contract with the Chickasaws and Choctaws, but their employment ceases on the 4th of March, 1906.

Mr. STEPHENS of Texas. Is the gentleman aware that at the May term, 1905, of the United States court for the southern district of the Indian Territory, sitting at Ardmore, the grand jury found an indictment against all these men, charging them with conspiring against the Indian tribes, for converting a great amount of funds to their use and benefit?

Mr. CURTIS. I know it just as the gentleman from Texas knows it. I read it in the newspapers, but that has nothing to do with the provision of this section, which was put in there at the request of the Department, so as to prevent any scandal or fraud in the future in the employment of counsel for the Indian tribes.

Mr. STEPHENS of Texas. One of these very men is to suggest counsel—one of these men who has been indicted for conspiracy. Does not the gentleman think it would be better to leave it in the hands of the Secretary of the Interior to employ competent counsel here in Washington? They have a legal department in the Interior, have they not?

Mr. CURTIS. If the gentleman will read the last part of the section, he will see that the Secretary has the right to act:

Should either of said executives fail to recommend a competent person for employment as counsel within such time as the Secretary of the Interior may prescribe, said Secretary may employ such counsel as he may deem necessary.

This seems to me to give ample protection, and, as I said to the gentleman a minute ago, if this committee thinks it best that these tribes shall have nothing to say about who shall be employed or shall not be consulted, it is perfectly satisfactory to me. I do not care whom they employ or who employs them.

Mr. FITZGERALD. May I make a suggestion?

Mr. CURTIS. Yes.

Mr. FITZGERALD. Would it not obviate the objection of the gentleman from Texas if you inserted after the word "competent" the word "satisfactory?"

Mr. CURTIS. I will consent to the amendment suggested by the gentleman from New York, to insert the word "satisfactory" after the word "competent," in line 23.

The CHAIRMAN. The Clerk will read the proposed amendment.

The Clerk read as follows:

In line 23, after the word "competent" insert the words "and satisfactory."

The CHAIRMAN. The proposition of the gentleman from Kansas is to perfect the amendment of the gentleman from Texas.

Mr. CURTIS. Yes.

The CHAIRMAN. The question is on the amendment to the amendment.

The question was taken; and the amendment was agreed to.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Texas as amended.

The question was taken; and the amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from Texas how much money was paid counsel in some cases?

Mr. CURTIS. I understand in the citizenship case it was left to be determined by the citizenship court, and after a hearing, all of which was in open court, they fixed the fee in those cases at $750,000.

Mr. MANN. The Indian court?

Mr. CURTIS. No; not the Indian court, but a citizenship court, a court appointed by the President of the United States and confirmed by the Senate, consisting of three judges.

Mr. MANN. Who were those judges?

Mr. CURTIS. I can not say, but I will refer you to the gentleman from Arkansas.

Mr. REID. I do not recall their names; they were from three different parts of the country. I was about to add this to what the gentleman from Kansas has said, that the fee as fixed was not so much as the contract required. The question arose in the citizenship court, and the citizenship court was given jurisdiction to investigate it and fix it. Their contract gave them a certain percentage of the amount saved to the Indian tribes. They saved a very large amount.

Mr. SHERMAN. Fifteen million dollars.

Mr. REID. And they did a great deal of work.

Mr. MANN. There are many ways of robbing the Indians, and I suppose a contingent fee is one of the slickest.

Mr. REID. I do not know anything about it——

Mr. MANN. I do not mean to say that there was any robbery in this case.

Mr. REID. I am sure there was not. I know these gentlemen, and they took proofs all over the South and saved the Indians a very large amount of money.

Mr. MANN. Who appointed the attorneys in that case?

Mr. CURTIS. The Indians themselves.

Mr. STEPHENS of Texas. Will the gentleman answer this question: Isn't it a fact that the legislative bodies in the last few months passed an act giving 10 per cent of all money derived from the sale of the lands, the lands that you are providing for selling now?

Mr. CURTIS. That is true, and those acts must be approved by the President of the United States. They have not been approved. I was informed that they had been disapproved, but not by the President. I have not talked with him about it, but I wish the gentleman from Texas to bear in mind that this section was prepared by the Department to shut out these kinds of contracts and leave the matter in the hands of the Secretary of the Interior.

Mr. LACEY. Why not take it out of the hands of these gentlemen? You leave it here for them to dictate.

Mr. MANN. Whatever the facts may be about the services rendered by these people, whether they rendered services under a contingent contract or not, I do not believe there is a Member in this House or a person in Washington who does not know that the payment of $750,000 out of the money due to these Indians for services rendered in saving money from the Government was exorbitant.

Mr. CURTIS. It was not saving the money from the Government. It was for saving money and property that would have gone to those who had secured enrollment by fraud—man, woman, and child who had been fraudulently placed upon the rolls of the tribes and would have been given property of the value of $15,000,000.

Mr. MANN. Under acts of Congress?

Mr. CURTIS. By fraudulent enrollment, and not by complying with the acts of Congress at all.

Mr. MANN. Under acts of Congress—saving these Indians money which they were liable to lose under acts of Congress either through faulty legislation or otherwise, possibly through the faultiness of human nature.

Mr. CURTIS. Not faulty legislation.

Mr. MANN. In any event, whatever it was under, it was not for services. It was highway robbery when these men were paid $750,000, and the gentleman believes it, although he can not very well say so probably at this time.

Mr. CURTIS. The gentleman may characterize the fee as he pleases; that is not a question for me to pass upon. But I want to say that those men and women and children were added to the rolls, not by any error in the law, not by any fraudulent Government official, but by reason of fraudulent officers, commissioners, and referees and perjured witnesses that were used in the Indian Territory, and by using in some cases notary seals for persons who had never been notaries, and other fraudulent acts too numerous to mention.

Mr. LACEY. Mr. Chairman, I would like to answer just a word to the gentleman from Illinois [Mr. MANN].

The CHAIRMAN. Does the gentleman yield?

Mr. MANN. I yield to the gentleman from Iowa.

Mr. LACEY. These fraudulent citizens have got upon the rolls. There was a contract made with certain attorneys to try and get them off the rolls. That contract provided a contingent fee. The percentage for that work was a certain per cent of the value of that citizenship right. As they were excluded—a large number were—the amounts were added together, and it made a very large fee. The amount was so extravagant that the Secretary of the Interior absolutely refused to pay—refused to approve of the contract at all giving the large sum that they would be entitled to as a contingent fee. Subsequently it was referred to a court to determine what the amount should be. The amount allowed, it seems to me, was excessive for the work done. Of course, it was inside the contract. The Secretary of the Interior made every effort to prevent it being paid through the courts, but finally it had to be paid. However, the amount was very much less than the contract which the attorneys had called for.

It seems to me, and I agree with my friend from Illinois [Mr. MANN], that the claim was an excessive allowance and more than the services could have been worth. These men, however, did render good service and successful service, but $750,000 was an excessive allowance, but it could not be avoided because it was allowed by the court.

Mr. CURTIS. The officers of the Department had nothing to do with that.

Mr. LACEY. Yes; and it was not an act of Congress, as my friend suggests. These citizens either had rights on the roll or had not rights. The question was as to whether these men were citizens or not, and it was not a faulty act of Congress. It was a claim of bogus citizens trying to get on the rolls, and it took a fight to keep them off and it cost something to keep them off, but it cost more than it ought to have cost.

Mr. BURKE of South Dakota. What would the attorneys have gotten if they had kept nobody off?

Mr. LACEY. The attorneys would have gotten nothing.

Mr. MANN. The attorneys, if they kept nobody off, would have been paid for their services, as they are always in such cases where they deal with anything in the way of a corporate body.

Mr. LACEY. Their contract was a contingent fee.

Mr. STEPHENS of Texas. Was the gentleman aware of the fact that a great many were kept off the rolls who were entitled to be on the rolls?

Mr. LACEY. And my friend from Texas thinks we ought to extend the time and let them get back on again, and it would probably require another contingent fee to get them off and keep them off.

Mr. STEPHENS of Texas. I will ask the gentleman this question: Is it not a fact, in the rolls now where Indians have allotments, that sometimes a husband is on the roll and his wife is off the roll, and that a father is on the roll and his children are off—that there are numerous cases of that kind?

Mr. LACEY. I have no doubt in this vast multitude of cases some injustice has been done. It cost us $750,000 of good money to purge these rolls, and my friend thinks we ought to pass a law by which they would still have a further chance to try to get back again. I do not think so. There may be some women and children excluded who ought to be on this roll, but——

Mr. STEPHENS of Texas. I think the payment of that $750,000 is the greatest outrage I ever heard of.

Mr. MANN. Mr. Chairman, I withdraw my amendment.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 10. That the Secretary of the Interior is hereby authorized and directed to assume control and direction of the schools in the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes, with the lands and all school property pertaining thereto, March 5, 1906, and to conduct such schools under rules and regulations to be prescribed by him, retaining the present system so far as practicable, until such time as a public school system shall have been established under Territorial or State government, and proper provision made thereunder for the education of the Indian children of said tribes, and he is hereby authorized and directed to set aside a sufficient amount of any funds, invested or otherwise, in the Treasury of the United States, belonging to said tribes, including the royalties on coal and asphalt in the Choctaw and Chickasaw nations, to defray all the necessary expenses of said schools, using, however, only such portion of said funds of each tribe as may be requisite for the schools of that tribe, not exceeding in any one year for the respective tribes the amount expended for the scholastic year ending June 30, 1905; and he is further authorized and directed to use the remainder, if any, of the funds appropriated by the act of Congress approved March 3, 1905, "for the maintenance, strengthening, and enlarging of the tribal schools of the Cherokee, Creek, Choctaw, Chickasaw, and Seminole nations," unexpended March 4, 1906, including such fees as have accrued or may hereafter accrue under the act of Congress approved February 19, 1903, Statutes at Large, volume 32, page 841, which fees are hereby appropriated, in continuing such schools as may have been established, and in establishing such new schools as he may direct, and any of the tribal funds so set aside remaining unexpended when a public school system under a future State or Territorial government has been established shall be distributed per capita among the citizens of the nations, in the same manner as other funds.

Mr. STEPHENS of Texas. Mr. Chairman, I offer an amendment to that section also.

The CHAIRMAN. The gentleman from Texas offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Page 9, line 8, after the word "aside," add the following: "All of the coal and asphalt land in the Choctaw and Chickasaw nations;" and after the word "asphalt," in line 11, add the word "lands;" and after the word "the," in said line, add the word "said."

Mr. CURTIS. I would like to have the gentleman explain that amendment.

Mr. STEPHENS of Texas. Mr. Chairman, beginning at the end of line 5, it would read this way:

And proper provision made thereunder for the education of the Indian children of said tribe, and he is hereby authorized and directed to set aside all segregated coal and asphalt lands in the Choctaw and Chickasaw nations and a sufficient amount of any fund, invested or otherwise, in the Treasury of the United States, belonging to said tribe, including the royalties on coal and asphalt land in the said Choctaw and Chickasaw nations.

My idea about that is this, Mr. Chairman: The great trouble about creating a new State, which I hope will be done in the Indian Territory and Oklahoma, is the fact that the Indians have no school funds. They have 400,000 acres of these segregated coal lands, the best coal in the entire Southwest. If we preserve these lands as a school fund, then it will more than equalize the amount of land that Oklahoma now has of school lands, and those two Territories will come in on an equality as far as schools are concerned. If we permit them to sell their lands, as suggested by the gentleman from Kansas in the bill—and I am glad it is stricken out—if those lands should be sold, then the Indians will come in as a burden to the future State of Oklahoma instead of a benefit to it. Not only that, Mr. Chairman, but it would be of benefit to the States of Texas, Kansas, Arkansas, and Oklahoma that these lands be leased instead of sold in a large body.

If these lands are sold in large bodies, as proposed, a few men, probably a half a dozen, will buy up these 400,000 acres of land, they will run railroads through them, and they will create a monopoly, and they will hold the entire southwestern country by the throat in a coal trust such as is known in the Eastern States here. They will be parallel. Now, understand, that if these school lands are reserved for a school fund, and we lease them and take the royalty on these lands from year to year, we will have a school fund that will more than educate the Indians. I do not propose to take the land away from the Indians, but that the land shall be segregated from the coal and asphalt to be sold separately for agricultural or any other purpose, and that the asphalt and coal deposit shall be kept as a permanent school fund on the royalty basis. I will further state that at the present time probably 100,000 acres of this land is already leased.

Mr. CURTIS. One hundred and eighty thousand.

Mr. STEPHENS of Texas. Can the gentleman from Kansas inform me of the amount of money that is being derived now from these royalties?

Mr. CURTIS. It was $248,000 last year.

Mr. STEPHENS of Texas. Two hundred and forty-eight thousand dollars from 180,000 acres of land. Take the same amount and these Indians would secure a magnificent amount of money from year to year. It would greatly benefit them as an educational fund; when if we divided it up and let them have their

money at the present time, and sell this land, and let it go into the hands of a coal trust, as I apprehend it will do, we then will not be in the position to equalize the conditions between Indian Territory and Oklahoma. And they should be equalized when we make a State out of this great Commonwealth, which I hope this Congress will do before adjournment. [Applause.]

Mr. CURTIS. Mr. Chairman, I hope the amendment offered by the gentleman from Texas will be voted down, and for this reason: We provide in this bill for a continuation of the school system in the Indian Territory at the expense of the Indian tribes until the State or Territory is organized. Last year there were four hundred and odd thousand dollars of the Indians' money used for the purpose of maintaining schools. Now, in the statehood bill we set aside $5,000,000 in cash and give it to the new State of Oklahoma in lieu of the land that it would naturally receive for school purposes if land had been set aside—the proper sections had been set aside—in the Indian Territory proper. So they get $5,000,000 in lieu of the land, and get it from the Government to offset the land, or in place of the land they would have received had it been owned by the Government instead of by the Indians. Now, it would not be fair to the Indians, in the face of the agreement we have made with them, to take this money of theirs that we have agreed to divide between them and create a school fund when the Government has already provided, or will provide in the statehood bill, a school fund of $5,000,000 for the Indian Territory. We provide in this bill a continuance of the present schools, at a cost of over $500,000 in the Indian Territory a year, and I hope the amendment will be voted down.

Mr. PALMER. Mr. Chairman, I would like to ask the gentleman from Kansas a question.

Mr. CURTIS. Certainly.

Mr. PALMER. What objection is there to saving this land which belongs to these Indians for school purposes? You say that in the statehood bill it is proposed to give the State of Oklahoma $5,000,000 in money in lieu of the land which otherwise would be reserved for school purposes?

Mr. CURTIS. If it had been an ordinary Territory, and if the Government had owned——

Mr. PALMER. What earthly objection can there be to saving these valuable lands—the asphalt and mineral lands—and reserving the rents of those lands for an everlasting school fund for the benefit of the children of that Territory? And why is it not better than to sell the land to speculators, either in patches of 160 acres or in patches of 100,000 acres, or in any other way?

Mr. CURTIS. I can not agree with the gentleman that the land will be sold to speculators. But the reason we should not use the money of the Indians and these coal lands is this: We have already agreed with the Indians to sell the coal lands and divide the money among the members of the tribes. And it was generally understood that when the tribal governments expired the new government would maintain the schools in the new State or Territory.

Mr. PALMER. You are leasing these lands now, as I understand, and the money is appropriated to school purposes. Why not let it go on?

Mr. CURTIS. Not now. They are to use it for any purpose. We had provided regular school funds out of which the schools are to be maintained, but there is a tax for school purposes when the Territory is organized, and we provide in this bill for the maintenance of these schools out of their funds until the State or Territory is organized.

Mr. PALMER. All that you get now under the law for these lands is some million dollars in this Indian Territory, which is about enough to run the schools one year, if they are properly run, in the State of Oklahoma.

Mr. CURTIS. But Oklahoma has already received a great donation for school purposes, and it was thought that the $5,000,000 cash would be an equivalent to the amount of land that the State should receive from that part known as the Indian Territory; and what right have the people to take the Indian's money and create a school fund for the State, especially when we have agreed with them to sell the property and divide the money among them?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken; and the amendment was rejected.

The Clerk read as follows:

SEC. 13. That all coal and asphalt lands and deposits in the Choctaw and Chickasaw nations, whether leased or unleased, segregated under or the sale of which has been authorized by any act of Congress, shall be sold at public auction under the direction of the Secretary of the Interior in bulk or in such parcels as he may determine to be for the best interests of the tribes and under regulations prescribed by him. All expenses, inclusive of necessary clerical assistance in the Department of the Interior, connected with and incident to such sale shall be paid from the funds of the Choctaw and Chickasaw tribes on deposit in the Treasury of the United States. Conveyances of lands sold under the provisions of this section shall be executed, recorded, and delivered in like manner and with like effect as herein provided for other conveyances.

The amendments recommended by the committee were read, as follows:

In line 1, after the word "all," insert the word "unleased." In line 2, after the word "nations," strike out the words in lines 2 and 3, "whether leased or unleased."

Mr. LACEY. I offer the following substitute for the committee amendment, being a substitute for the entire section. I want to state here that this is a committee amendment offered by them.

The CHAIRMAN. The Clerk will report the substitute.

The Clerk read as follows:

SEC. 13. All coal and asphalt lands, whether leased or unleased, shall be reserved from sale under this act until the existing leases for coal and asphalt lands shall have expired. And the Secretary of the Interior is authorized to lease the residue of the unleased coal and asphalt lands for mining purposes under rules and regulations to be prescribed by him, such additional leases to be limited in time so as to expire not later than the now expiring leases, and the royalties to be collected and applied by the Secretary of the Interior in the same manner as the royalties under existing leases. That upon the expiration of all such leases all coal and asphalt lands and deposits in the Choctaw and Chickasaw nations, whether leased or unleased, segregated under or the sale of which has been authorized by any act of Congress, shall be sold at public auction under the direction of the Secretary of the Interior in bulk or in such parcels as he may determine to be for the best interests of the tribes and under regulations prescribed by him. All expenses, inclusive of necessary clerical assistance in the Department of the Interior, connected with and incident to such sale shall be paid from the funds of the Choctaw and Chickasaw tribes on deposit in the Treasury of the United States. Conveyances of lands sold under the provisions of this section shall be executed, recorded, and delivered in like manner and with like effect as herein provided for other conveyances.

Mr. LACEY. Mr. Chairman, the situation as to these coal and asphalt leases is somewhat peculiar, and I wish to call the attention of the committee to it. There are about 113 leases, the maximum lease being 960 acres to any one lessee. These leases are now controlled by about 70 operating coal companies or partnerships. The minimum royalty under the leases is about $60,000 per annum. The actual royalty runs somewhere in the neighborhood of from $200,000 to $248,000 per annum. Section 13 as originally drafted authorized the sale of the leased lands, and that sale would carry the leases with it, and thus extinguish this annual income of the Indian tribes. We first proposed to amend it by reserving simply the leased land, so that the Indians would continue to get their royalty from the leased lands and sell the lands unleased. Attention was called by the operators interested in the leases to the fact that if the other lands were sold at anything like the figures of the highest bid heretofore made for the coal lands under sealed bids, they would only bring $7 to $8 an acre; that the new coal operators could buy those lands and practically drive the holders of the leased lands out of business, as they are compelled to pay 8 cents a ton under their leases, and the result would be that the Indians would be cut off from this royalty and the operators who are paying the royalty would be driven out of business.

There were two ways to meet this. One would be to allow the operators under the lease to buy the fee in the lands on which their leases are situated. That, however, might result in disposing of these lands at a great deal less than they, with the lease, would be worth, and we believed that it would have that effect. Another way to protect the Indian was by putting a reservation on the remainder of the coal lands from sale, but permitting them to be leased, the new lease to run no longer than the existing leases on the other lands.

This would prevent the difficulty which the coal lessees are complaining about, and it was concluded when the matter was submitted to the committee this morning that an amendment should be offered withdrawing all the coal and asphalt land, leased or unleased, and allowing the unleased land to be leased on leases not exceeding in time those now in existence, and when the leases run out for all the lands to be disposed of at the same time.

Mr. STEPHENS of Texas. I want to say to the gentleman that I did not understand that these lands were to be sold.

Mr. LACEY. They are to be sold when the leases expire.

Mr. STEPHENS of Texas. If I had known that I should have opposed this amendment. I do not think we ought to sell the lands; I think we ought to reserve them as a permanent fund.

Mr. LACEY. That would still be in the control of Congress. The leases will run for fifteen or twenty years. The whole matter will be under the control of Congress if it desires to make any change at that time. The original section 13 was drawn because Congress agreed with the Indians that it would sell the lands and give the Indians the money. The substitute would still carry out that arrangement with the Indians, but

would postpone it until the expiration of the existing leases. In the meantime the royalties would go to the Indians. If it is found better after a while not to sell the lands, Congress would have it in its control to withdraw them, but this section as now drawn carries out the agreement as heretofore made between the Government of the United States and the Indians.

Mr. PALMER. How many acres are leased?

Mr. LACEY. One hundred and eight thousand acres.

Mr. PALMER. At how much?

Mr. LACEY. Two hundred and forty-eight thousand dollars last year.

Mr. PALMER. How much a ton?

Mr. LACEY. Eight cents.

Mr. PALMER. It seems to me that is a mighty cheap lease.

Mr. LACEY. On the contrary, it is a very high lease. In Iowa much better coal is leased at usually six and a quarter cents a ton. That runs into money very fast. Let me say to the gentleman that the most dangerous mining in the United States to-day in coal mines is in the Indian Territory, on account of the gases and the fact that the coal runs in veins at a great angle. It has to be mined at an angle, and it runs in veins from 4 to 4½ feet. The veins are full of gas, explosions are frequent, and it requires great effort both on the part of miners and operators to protect life. So at 8 cents a ton for coal under these circumstances, with the difficulties that they have to contend with, is certainly a very fair price, in my judgment.

Mr. CLARK of Missouri. Mr. Chairman, I want to ask the gentleman from Iowa a question which is not relevant here, but as he is always ready to answer questions I may get the information. In what way can we get money to educate the white children in the Indian Territory?

Mr. LACEY. By an appropriation.

Mr. CLARK of Missouri. Well, I have a bill here appropriating $250,000.

Mr. CURTIS. We made an appropriation last year providing for the use of certain moneys for that purpose, and it has not all been expended yet.

Mr. CLARK of Missouri. I know that in the towns they have plenty of money, but there are many white children in the country, and the money will be exhausted by the 1st of March. I have a letter here from a young lady who went from my State out there to teach school, a very estimable young woman, and she says that the money to educate the white children will run out by the 1st of March.

Mr. CURTIS. I think she must be mistaken.

Mr. CLARK of Missouri. It is really a great hardship and outrage to have 300,000 or 400,000 white children grow up down there in absolute ignorance.

Mr. LACEY. I agree with the gentleman from Missouri on that question. Congress attempted to meet it by making a liberal appropriation last year and undoubtedly will do so again; but that is not involved in the question we have here.

Mr. CLARK of Missouri. I know that; I did not ask it as having anything to do with this.

Mr. MANN. Mr. Chairman, I would like to ask the gentleman from Iowa a question in my time. Under this proposed amendment there is to be a continuance of the leases, and how is the money to be distributed?

Mr. LACEY. This money goes into the tribal fund; they already have a large fund.

Mr. MANN. How long do the tribal relations continue?

Mr. LACEY. We propose to end them on the 4th of March.

Mr. MANN. Then how is the money to be distributed?

Mr. LACEY. To individual members of the tribe by the Government officials—Secretary of the Interior or the Indian Bureau.

Mr. MANN. And the Government has to keep track of all the descendants of these people for time immemorial?

Mr. LACEY. Yes; the rolls are made up, and that is the reason why the gentleman from Kansas and others have been so anxious to close the rolls.

Mr. MANN. Supposing the rolls are all made up and a man dies, who gets his money?

Mr. LACEY. His heirs.

Mr. MANN. Then the Government has to keep track of these matters?

Mr. LACEY. Certainly.

Mr. MANN. How long?

Mr. LACEY. Oh, they keep track of them themselves.

Mr. MANN. Oh, but the Government has to do it.

Mr. LACEY. I know, but the party the money is coming to will put in his claim and furnish the necessary proof, and the Government will have to administer upon these assets in that way until the money is finally distributed.

Mr. MANN. How long is this to continue?

Mr. LACEY. Until the money is all paid out.

Mr. MANN. Is there any arrangement when it is to end?

Mr. LACEY. No definite arrangement. That is the trouble about the amendment I now offer. It will necessarily delay that final distribution, but the reason why we take this view is because there will be so much more money coming to the Indians by that method than by immediately putting the property into the market and disbursing it.

Mr. MANN. Is it the intention as soon as possible to pay these Indians all that is due them?

Mr. LACEY. Yes.

Mr. MANN. And get rid of all this?

Mr. CURTIS. Yes; that is the intention, and but for this amendment I sincerely believe the whole matter could be arranged within the next two years. I hope some arrangement will be made to sell this land.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to ask whether this would be the proper time to move to strike out the last part of that amendment offered by the gentleman from Iowa [Mr. LACEY]—whether it is divisible?

The CHAIRMAN. Does the gentleman mean the latter part of the section?

Mr. STEPHENS of Texas. The latter part of the substitute.

The CHAIRMAN. The Chair thinks that the motion would recur first upon the committee amendment to the section, and then a motion to strike out a part of the substitue would be in order before the vote would be taken upon the substitute itself.

The question is upon the committee amendment to the section.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question now is upon the substitute.

Mr. STEPHENS of Texas. Mr. Chairman, I move to strike out that part of the substitute providing for the sale of this land—the last few lines.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Texas to the substitute.

The Clerk read as follows:

Strike out the following: "All coal and asphalt lands and deposits in the Choctaw and Chickasaw nations, whether now leased or unleased, segregated under or the sale of which has been authorized by any act of Congress, shall be sold at public auction under the direction of the Secretary of the Interior in bulk or in such parcels as he may determine to be for the best interests of the tribes and under regulations prescribed by him. All expenses, inclusive of necessary clerical assistance in the Department of the Interior, connected with and incident to such sale shall be paid from the funds of the Choctaw and Chickasaw tribes on deposit in the Treasury of the United States. Conveyance of lands sold under the provisions of this section shall be executed, recorded, and delivered in like manner and with like effect as herein provided for other conveyances."

Mr. LACEY. Mr. Chairman, I have no objection to that portion of this amendment going out, because it does not take effect for a good many years in the future. If this stays in, no further legislation will be needed. If it is stricken out, Congress will be compelled to act in the future. It is not very material whether it stays in or goes out.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas to strike out the language just read.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question now is on the substitute offered by the gentleman from Iowa.

The question was taken, and the substitute was agreed to.

The Clerk read as follows:

SEC. 16. That when allotments as provided by this and other acts of Congress have been made to all members and freedmen of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes, the residue of lands in each of said nations not reserved or otherwise disposed of shall be sold by the Secretary of the Interior under rules and regulations to be prescribed by him and the proceeds of such sales deposited in the United States Treasury to the credit of the respective tribes. Conveyances of land sold under the provisions of this section shall be executed, recorded, and delivered in like manner and with like effect as herein provided for other conveyances.

With the following committee amendment:

Provided, That the Secretary of the Interior be permitted to sell to any association or person 100,000 acres of land, not valuable for agricultural, mineral, or timber purposes, at not less than its appraised value, under such rules and regulations as he may prescribe, to be reserved for a game preserve only.

Mr. CURTIS. Mr. Chairman, to carry out an arrangement made with the gentleman from Massachusetts [Mr. MCNARY], I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Add at the end of section 16, on page 16, after the words "game preserve only," the following:

"*Provided further*, That if any association or person so purchasing 100,000 acres of land for a game preserve only shall not maintain it as a game preserve only such land shall revert to the United States, or if the Territory in which such land is situated shall be included in any State of the Union such land shall revert to such State and shall be used for the benefit of the school fund of such State."

Mr. MANN. Mr. Chairman, the question has not been put upon the original amendment.

Mr. CURTIS. That is the amendment which I agreed to offer during the general debate with Mr. MCNARY. If the gentleman prefers to vote for the amendment first, I think we can perfect the item and then vote upon it. I ask for a vote upon the amendment.

The CHAIRMAN. The question is on the amendment just offered by the gentleman from Kansas, which is an amendment to the committee amendment.

Mr. MANN. That is what I wanted to know, whether the amendment is an amendment to the amendment or an amendment to the section. I would like to suggest that in his amendment where he says "game reserve" that he say "game reserve only," as he says in the original amendment.

Mr. CURTIS. I have no objection to that.

The CHAIRMAN. Without objection, that word will be inserted at the proper place.

Mr. FITZGERALD. Mr. Chairman, I wish to inquire whether it is the purpose to permit the sale of more than one tract as a game reserve?

Mr. CURTIS. There was only one tract suggested to the committee. It came in just before the bill was reported, and because of the nature of the land the committee had no objection to allowing the Secretary to sell that amount if he thought it a good thing to do. The committee heard of but one organization, and it worded the amendment in general terms, so that if the Secretary thought best he might sell to any person who might apply.

Mr. FITZGERALD. I wish to inquire whether the gentleman favored the sale of more than one tract of 100,000 acres as a game reserve?

Mr. CURTIS. I beg the gentleman's pardon.

Mr. FITZGERALD. Does the gentleman favor the sale of more than one tract?

Mr. CURTIS. I do not think but one tract will be sold, and in my judgment that is all that should be sold.

Mr. FITZGERALD. Well, I call the attention of the gentleman to the language of this amendment, which is:

That the Secretary of the Interior be permitted to sell to any association or person—

Suppose several people applied?

Mr. CURTIS. In order to limit the matter, I am willing to consent to an amendment in line 24, after the word "person," and say "one person only of."

Mr. FITZGERALD. That would make only one tract possible to be bought?

Mr. CURTIS. Yes.

Mr. MANN. Mr. Chairman, in the effort to get this 100,000 acres of land for some particular corporation, the gentleman, whom I know would not do a thing that affected the public domain injuriously in his opinion, is willing to concede almost any amendment.

Mr. CURTIS. No.

Mr. MANN. The proposition is so vicious itself. Here the Government proposes, having adopted a policy for years through all of its life to not give to some particular individual or corporation a large part of the public domain—now you propose to give to one person 100,000 acres. For what? For a game reserve, and the gentleman says it ought to be limited to one person, because the land is worth nothing for anything else. I do not know whether they will strike oil on this land, and neither does the gentleman. Nobody knows what the land may be worth. Everybody knows that land in that portion of the country has immensely increased in value for various things, particularly oil and gas.

Mr. CURTIS. Not in this section.

Mr. MANN. In that section of the country, not in this locality. The gentleman makes a distinction between a section of the country which did not occur to me.

Mr. BUTLER of Pennsylvania. What is the reason of giving this tract of land to any one person?

Mr. MANN. I can see no reason for giving this tract of land in the shape of 100,000 acres of land to anybody. I think it is against the policy of the country to sell tracts of land to the extent of 100,000 acres to one person. It is contrary to every principle that we have indulged in in the distribution of the public domain.

Mr. CURTIS. Mr. Chairman, I would like to interrupt the gentleman right there.

Mr. MANN. I am glad to be interrupted by the gentleman.

Mr. CURTIS. And to state that the gentleman misstates my position in this matter. I do not care anything about this amendment.

Mr. PALMER. Then let us vote it out.

Mr. MANN. I thought myself the gentleman did not. I give the gentleman credit for being one of the best defenders of the public domain who ever came in this House, and I did not believe the gentleman cared whether the amendment stays in the bill or not. It is a vicious amendment and it should be voted out. Why should we give 100,000 acres of land to one person and not to another. Why should we make a game reserve in the Indian Territory and not in Dakota? Who knows what the land may be worth in the future for some purpose, a tract of land 6 miles wide and 25 miles long, and who knows how it may interfere with the rest of the land in that locality? There is no excuse for it.

Mr. STEPHENS of Texas. Will the gentleman permit me a question?

Mr. MANN. Certainly.

Mr. STEPHENS of Texas. I desire to state to the gentleman that this bill now permits the Secretary to sell it all, the 6,000,000 of acres, which I believe there is there, and I think this 100,000 acres is rather of a limitation. That is what I have been fighting for all day.

Mr. MANN. If it be true, as the gentleman from Texas suggests, that under this bill the Secretary of the Interior could sell the entire 6,000,000 acres of land to one person or to one corporation, the bill ought not to pass. I do not believe the gentleman from Kansas [Mr. CURTIS] would bring a bill into this House that would permit any officer of the Government to sell 6,000,000 acres of land to one corporation or one person.

Mr. LACEY. I would like to suggest to my friend from Illinois [Mr. MANN] that I have prepared an amendment to meet this, as follows:

Provided further, That agricultural lands shall be sold in tracts of not exceeding 160 acres to any one person.

Mr. SHACKLEFORD. While the gentleman is discussing that proposition, might it not be well to suggest that it be set aside as a forest reserve instead of as a game reserve?

Mr. MANN. If it is to be preserved as a game reserve the Government ought to buy it from the Indians and preserve it as a reserve for the Indians. It is a vicious proposition to say that the Government shall start in to permit individuals to own game preserves of 100,000 acres of land in this country. We will have the same proposition coming from the Rocky Mountains, or wherever else we have Government lands. A few years ago we passed an act here to give to the people of Nebraska the right to purchase 640 acres of land instead of 160 acres of land. I do not know whether it was proper or not, or whether it has worked advantageously or not. I know that Congress has been severely criticised for it, and it has been stated that it does not work well.

Mr. BUTLER of Pennsylvania. What consideration, if my friend will answer the question, is to be paid for this special privilege?

Mr. MANN. Whatever the man who is willing to buy it will pay for it.

Mr. CURTIS. Oh, no; at not less than its appraised value, under such rules and regulations as the Secretary will prescribe.

Mr. MANN. Well, that is the same thing. The gentleman himself says it is worth nothing. What appraised value will it have? If it is worth nothing, what appraised value has it? The appraiser will report that it is valueless. It remains to see what the gentleman is willing to pay for it. Who desires to start the Government upon the policy of inaugurating private game preserves? Why, there are plenty of millionaires in this country who will be glad if the Government enters upon a project which finds so much favor on the other side of the ocean—that of private game preserves—either at the expense of the Indians or the Government. It is a policy that ought not to be undertaken. I think the amendment offered by the gentleman from Kansas is proper, and the other ought not to be adopted.

Mr. CURTIS. I think it only fair to the committee to say that when this bill was up, and just before it was reported, this matter was presented. The resolutions of the Choctaw and Chickasaw legislatures, as I remember it, were presented, asking for this legislation. Members of the committee had no particular interest in it. They knew that there were millions of acres of land in that country which were valueless, or are supposed at this time to be valueless, for agricultural, grazing, timber, or mineral purposes, and they saw no objections to putting the provision in and letting the House take such action as it saw fit. The Indians themselves have asked for it, and the land is theirs to be disposed of. We put the provision in that it should be sold by the Secretary of the Interior, under the rules and regulations to be prescribed by him, because we knew that he would protect the interests of the Indians.

A good deal of objection has been urged against this bill

because we have left so much in the hands of the Secretary of the Interior. I believe I know the Secretary of the Interior as well as any member of this body, and I can say here that in all my experience with the Secretary of the Interior I have always found him anxious to protect the interests of the Indians of this country. And, so far as I am concerned, I am not afraid to leave this matter in his hands.

Mr. SHACKLEFORD. Will the gentleman allow me to ask him a question? Do you not think that it is a very improper precedent to confer upon these lordly or ducal people, whoever they may be, the special privilege of owning this property, a privilege that is not given to other people?

Mr. CURTIS. As I said to the gentleman from Illinois, so far as I am concerned I do not care anything about this amendment, but I think the House ought to act upon it.

Mr. SHACKLEFORD. Would not that policy be more fitting to the monarchial governments of Europe than to this country?

Mr. CURTIS. I do not have that understanding of it.

Mr. CAMPBELL of Kansas. I move to strike out the proviso.

Mr. FITZGERALD. Will the gentleman yield to me for a question?

Mr. CURTIS. Certainly.

Mr. FITZGERALD. I wish to ask the gentleman from Kansas whether he believes that without this provision in the bill the present Secretary of the Interior would sell 100,000 acres to any person or association?

Mr. CURTIS. I do not believe he would for that or for any other purpose.

Mr. FITZGERALD. And does not the gentleman believe that carrying that provision in the bill would in effect compel him to do that?

Mr. CURTIS. No; it simply permits him if he so desires.

Mr. MANN. He will take it as a command.

Mr. FITZGERALD. He would not do it unless Congress should indicate its consent.

Mr. CURTIS. I rather think he would not sell it.

Mr. BUTLER of Pennsylvania. At whose suggestion did that provision go into the bill? I am sorry I did not hear the gentleman's explanation.

Mr. CURTIS. The chiefs of the two nations that own the land sent us a resolution of the legislatures, asking that these lands be sold, naming the person to whom it was to be sold, or the organization; and the committee acting upon it struck out that part of it and provided that the Secretary might sell to any person or association.

Mr. REID. Mr. Chairman, I did not desire to have anything to say about this amendment until it has been treated in the spirit it has. In the first place, the gentleman from Illinois is mistaken about this being Government land. He treats it as if it were a part of the public domain. It is not. Mr. Chairman, this is a tract of land, generally understood to be absolutely valueless, that belongs to the Indians, who themselves are very anxious to sell it, and as quickly as possible. The Secretary of the Interior, I am informed, would like to sell as much of that character of land as he can at as good a price as he can. I happen to know that there were three, four, or five hundred gentlemen throughout this country, not yet associated, under the lead of Mr. Jack Gordon, of Paris, Tex., who negotiated with the two tribes—the Choctaws and the Chickasaws—for this land, thinking it would make a desirable game preserve, and wanted it for that purpose only. They in good faith went to the Indians who own this land, and the councils of the Choctaws and Chickasaws both passed resolutions, approved by their principal chiefs, to sell the tract of land at its appraised value under such rules and regulations as the Secretary of the Interior might establish for that purpose. He was unwilling to do that without the sanction of Congress. I do not know that I state it with authority, but I feel sure that he approves this provision. It being an unusual amount of land to sell to private individuals, I was informed by those looking after the matter that he had rather that Congress gave its sanction to it, guarding the measure with such restrictions as it might be thought would eliminate any possibility of speculation or any improper or ulterior motive.

It does not require the Secretary of the Interior to do anything. It simply gives him permission. "That the Secretary of the Interior be permitted" to sell this land, not to any particular individual. It is open to competition in the market of the world. If anybody will pay more for it, he would have a perfect right to purchase it. If it be found that the land is suitable for agricultural, timber, or mineral purposes, or is to be used for any other purpose than as a game preserve, the title reverts to the State or Territory. In my humble judgment, there is nothing in the bill by which fraud could be practiced, nor is there anything of inequity in this provision.

Mr. CAMPBELL of Kansas. I will ask the gentleman if it is not true that the coal land that is now being operated in the Indian Territory is wholly such land as the land that is proposed to be sold under this provision?

Mr. REID. The best information I can obtain upon that subject is that it is not true, that there is no coal whatever in this section of the country.

Mr. CAMPBELL of Kansas. I will ask you if the surface of these lands is not such as the land referred to?

Mr. REID. No, sir; I should say it is not. This is wild, mountainous land.

Mr. CAMPBELL of Kansas. Is it not true that much of the land operated down there as coal land does look wild and rough upon the serface?

Mr. REID. No, sir; I think not, if the gentleman wants my judgment.

Mr. CAMPBELL of Kansas. I have seen much of the coal land in the Indian Territory, and I know it would not be appraised as worth 25 cents an acre for any other purpose.

Mr. REID. I will not take issue with the gentleman. Permit me to proceed further; the gentleman's question is immaterial. If the land is valuable for coal or oil, it can not be sold under this provision for this purpose.

Mr. CAMPBELL of Kansas. Is it not true that this land has not been prospected for mineral purposes—coal, oil, or gas?

Mr. REID. I think it has.

Mr. CURTIS. The Department sent engineers to this country and they went all over the reservation and reserved all the land that they supposed was coal land, and none of the land supposed to contain coal was included in this reservation.

Mr. MANN. How many borings did they make?

Mr. CURTIS. I don't know, they were a long while at it, and it cost a good deal of money.

Mr. CAMPBELL of Kansas. Is it not true that much of the development in the Indian Territory in coal, asphalt, oil, and gas has been made by private individuals upon lands that the Government never declared contained either of those things?

Mr. REID. What does the gentleman from Kansas apprehend? The gentleman is perhaps afraid of the fact that coal may subsequently be discovered there.

Mr. CAMPBELL of Kansas. That is the idea.

Mr. REID. Well, if these gentlemen are not acting in good faith, if this land is not of the character that they represent it to be, and I am informed that it is, I do not want to stand for this provision, and I am perfectly willing that the gentleman shall insert a further amendment providing that if any valuable mineral, coal, or oil, or anything else of that character, be found on the land the title shall revert.

Mr. CAMPBELL of Kansas. Would not the gentleman favor a reservation of this as a Government game or forest reserve?

Mr. REID. I have no objection. I think it would be best that the Government should reserve it, but the gentleman would not expect this association of individuals to buy a game reserve from the Indians for the Government.

Mr. CAMPBELL of Kansas. Oh, not at all. I would prefer that the Government should purchase the land from the Indians at an appraised value and set it apart as a game and forest reserve.

Mr. REID. That is an independent proposition, but the Indians have millions of acres of land suitable for a Government reserve if the Government wants a forest reserve.

Mr. MANN. What kind of game is found there?

Mr. REID. I never hunted there, although I hope to some time. I understand that there is bear, turkey, deer, and that the streams are well stocked with fish. I have it from a gentleman who knows, a man whom I have every reason to rely upon, and he says the land is not suitable for anything else.

Mr. MANN. Then there are streams there?

Mr. REID. Yes.

Mr. MANN. How large a tract would this make—this 100,000 acres?

Mr. REID. I have not figured it out, but probably 4 or 5 miles one way and 6 or 8 another.

Mr. MANN. Yes; 6 miles one way and 25 the other. It would make one township 4 miles wide and 25 long, and there are nearly 25,000 acres in a township—not a very large game preserve for bear.

Mr. REID. No; but the gentleman will find bear in that country on less ground perhaps than in Illinois.

Mr. MANN. I expect if the gentleman found bear at all it would be on less ground than he wanted to find it.

Mr. REID. Now, I hope the gentleman will not take up any more of my time unless he actually wants information.

Mr. MANN. I will not, for I have not got the information I sought.

Mr. REID. Now, Mr. Chairman, if it was found not suitable for a game preserve under this provision it could not be sold. I ask the Clerk to read a letter which I send to the desk from the principal chief to Mr. Jack Gordon, of Paris, Tex.

The Clerk read as follows:

EXECUTIVE OFFICE, CHOCTAW NATION,
Kinta, Ind. T., March 28, 1905.

Mr. JACK GORDON, Esq., *Paris, Tex.*

DEAR SIR: I am in receipt of your communication with reference to you and your associates' desire to purchase 100,000 acres of mountain land in the southeast portion of the Choctaw Nation, to be used as a game preserve, and further stating that there is but one Indian allottee on the land you desire, and that you would make suitable compensation to him for his improvements in order that he might select land elsewhere, and that you and your associates would pay the appraised price fixed by the Government on the lands in question; and you further requested that this office advise you by letter whether or not the plan would be feasible and whether or not the Choctaw and Chickasaw nations would stand in the way of a consummation of the deal.

Answering for the Choctaw Nation, I desire to say that I am not inclined to oppose the plan you suggest to take over this land at the appraised value for several reasons, viz: The remoteness of the land from the railroad, absence of fertile soil, and scant facilities offered to settlers in that immediate region for a living will to my mind forever preclude any value being placed upon the same beyond that fixed by the Government.

The failure to realize even the surface value of our coal lands in the recent attempt to sell them convinces me that our mountain land will share even a worse fate when placed upon the market. I am therefore led to say that your offer is a reasonable one and that the Department should favorably consider it in the light of facts here presented.

Yours, truly, GREEN MCCURTAIN,
Principal Chief, Choctaw Nation.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. CURTIS. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that the time of the gentleman from Arkansas be extended five minutes. Is there objection?

There was no objection.

Mr. REID. That is a statement of facts in regard to the quality of the land made by the principal chief of the nation interested to the extent of two-thirds ownership, I believe, in this land. As he is interested in getting the best price possible, we can assume that he made his statement as strong as the facts would admit. But, as suggested by the gentleman from Kansas, the Secretary of the Interior has always been diligent to see that the Indians got a good price, and this provides that it shall be sold under such rules and regulations as the Secretary of the Interior may prescribe.

He may advertise it for bidders. He may not sell it at all, if he can not get a proposition that he thinks is to the advantage of the Indians—and I take it that after all that is what we are here to consider. If we are to dispose of the estates of these tribes to the best advantage to them, what boots it to us who becomes the purchaser of the land that belongs to them? I would not want to sell it out to speculators, or to somebody that would use it for improper or oppressive purposes, but here is a tract of land which it is said is unfit for other purposes, and it is our duty to get as much for that for the Indians as possible. It belongs to them; it does not belong to the Government. It is proposed by this provision to get more for that land than in any other way on earth. Mr. Chairman, I send to the desk a resolution adopted by the tribal councils, which I desire to have read.

Mr. SIMS. Mr. Chairman, before the paper is read, I desire to ask a question. Is there any pressing necessity for the immediate sale of this land?

Mr. REID. Yes; there is.

Mr. SIMS. Do the Indians need the proceeds immediately?

Mr. REID. Yes.

Mr. SIMS. Does the gentleman expect this land to go down in value if it is not sold now?

Mr. REID. It is expected that these tribes will dissolve on the 4th day of March, and it is proposed to make a State some day out there, and there are a number of reasons.

Mr. BURLESON. They will simply lose this opportunity to sell.

Mr. REID. Yes; that is it exactly; they will lose the opportunity to sell.

Mr. SIMS. This is to make a game preserve for private owners?

Mr. REID. Yes; they are not buying it for anybody else.

Mr. SIMS. Consequently they will exclude the Indians.

Mr. REID. Oh, there are quite a number of Indians who are members of this association.

Mr. SIMS. I mean those who are not members.

Mr. REID. They would exclude anybody not admitted as a member.

Mr. SIMS. We have been told from childhood up that the Indian values a hunting privilege better than anything else, and in fact he expects to go to the "happy hunting ground" when he dies. These Indians then, I understand, are anxious to sell their lands to deprive themselves of that privilege forever.

Mr. REID. Oh, I do not care to discuss that phase of it.

Mr. BURLESON. If this sale is not made, all the game there will be destroyed and there will be no hunting there at all.

Mr. SIMS. It will cut off the hunting by anybody else.

Mr. REID. Oh, I can not yield to the gentleman further. Mr. Chairman, I desire to have the resolution sent to the Clerk's desk read.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Resolution recommending that the Choctaw and Chickasaw nations be permitted to sell to Jack Gordon and his associates 100,000 acres of land for a game preserve only. (Proposed by Frank Folsom.)

Whereas there are thousands of acres of mountainous and rough lands in the southeastern portion of the Choctaw Nation that can never be of great value as agricultural land; and

Whereas it is the desire of Jack Gordon and his associates to purchase 100,000 acres of said land, all in one body, at its appraised value; and

Whereas there have been very little, if any, of the lands that it is desired to sell that have been allotted by any member of the Choctaw or Chickasaw tribe of Indians; and

Whereas when the selection of this reservation is finally and definitely located, Jack Gordon and his associates express their willingness and intention to satisfactorily settle with all allottees who may be found to have improvements located thereon; and

Whereas it is the purpose of this organization to create of this reservation a game preserve, for the purpose of preserving fish, game, and timber, and for no other purpose: Therefore, be it

Resolved by the general council of the Choctaw Nation assembled, That it is the sense of the Choctaw council that there could be no better disposition made of the lands desired by Jack Gordon and his associates than to dispose of the same at its appraised value; and the Congress of the United States is most earnestly solicited to take the necessary steps looking to the sale of this land to Jack Gordon and his associates at its appraised value: *Provided,* That if there shall be found to be members of the Choctaw or Chickasaw tribes of Indians who have selected their allotments within the boundaries of said reserve, who shall express their willingness in writing to release and relinquish their allotments and allot elsewhere, that their allotments be canceled upon payment by Jack Gordon and his associates satisfactory compensation for the improvements located thereon, and that such allottee be permitted to allot elsewhere; said lands to be set aside and definitely located by a commission consisting of three or more persons, one to be appointed by the principal chief of the Choctaw Nation, one to be appointed by the governor of the Chickasaw Nation, and one to represent Jack Gordon and his associates, whose duty it shall be to locate and to lodge with the Commissioner at Muscogee, Ind. T., within ninety days from the date of favorable action upon this measure by the Congress of the United States, legal and definite description of all the lands desired to compose this reservation which it is desired to sell, which shall be all in one body; and that the Congress of the United States shall make suitable provision with reference to the payment therefor; and that this resolution shall take effect and be in force from and after its passage and approval.

(This bill passed both houses of the Choctaw council and was approved by the principal chief on November 24, 1905, having passed the senate and house on November 23, 1905.)

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that his time be extended for five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the time of the gentleman from Arkansas be extended for five minutes. Is there objection?

There was no objection.

Mr. REID. Mr. Chairman, I am hopeful from the close attention given to the reading of this resolution that the Members are getting interested in the proposition. I do not know that there is anything further that I care to say.

Mr. JAMES. Mr. Chairman, I desire to ask the gentleman a question.

The CHAIRMAN. Does the gentleman from Arkansas yield?

Mr. REID. Yes.

Mr. JAMES. There is an objection made here that perhaps there may be mineral in this land—coal or iron or some sort of mineral. If this is to be used for hunting purposes only, what objection would the gentleman have to a reservation of mineral rights?

Mr. REID. None whatever. I have said that.

Mr. JAMES. When this ceases to be a hunting preserve what is to become of the land?

Mr. REID. It is to revert to the State or Territory for school purposes.

Mr. JAMES. And the gentleman has no objection to an amendment of that character?

Mr. REID. No.

Mr. PALMER. About what does the gentleman think this land would be appraised at?

Mr. REID. I have no idea. I could not say. I have never investigated that phase of the subject. I understand the Secretary of the Interior provides by some rules and regulations for competitive bids, and it is proposed by these people to pay its highest appraised value.

Mr. PALMER. Does the gentleman suppose the land will be appraised for more than 10 or 15 cents an acre?

Mr. REID. Oh, yes; there is no land down there so cheap as that.

Mr. MANN. What is it worth that for?

Mr. REID. For a game preserve. [Laughter.]

Mr. MANN. Nobody can make a game preserve except these men. I understand they can not sell it for any other purpose.

Mr. PALMER. If you owned this land yourself, 6 miles wide and 25 miles long, and did not know what was in it, would you sell it for 10 cents or 50 cents an acre?

Mr. REID. If the gentleman from Pennsylvania will permit, we do know something about what is in it. To be frank with the gentleman, I would like to see these people get the best price they can, and I will say further to the gentleman that I am quite sure the land will never be permitted to be sold for any such sum as that.

Mr. MANN. What is it worth?

Mr. REID. I have no idea, as I stated to the gentleman from Pennsylvania.

Mr. MANN. I understood the gentleman to state it was worth a good deal more than 10 cents an acre.

Mr. REID. If it were valuable, I presume it is.

Mr. MANN. What is it worth for a game preserve?

Mr. REID. I have no idea.

Mr. MANN. I am simply trying to get at the fact whether we could put a limitation—to say that if it is sold it must not be sold for less than a dollar an acre, or a dollar and a quarter an acre.

Mr. REID. Well, I have no objection to a limitation that would fix it at, say, a dollar an acre. It is probably worth a dollar an acre, in my judgment, but I will suggest to the gentleman if there is any merit in the proposition at all it is that these people are willing to buy and pay for it, and the Indians want to sell, and there ought not to be an unreasonable restriction. I am perfectly willing to leave it to the Secretary of the Interior, and the amendment is not required.

Mr. PALMER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PALMER. What is the status?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas [Mr. CURTIS], which is an amendment to the committee amendment.

Mr. PALMER. I give notice that I propose sometime or other, when it is in order, to move as follows:

Provided, That all gold, silver, coal, oil, asphalt, and other minerals, with the right to enter and remove the same, shall be reserved without liability for damages to the surface.

Mr. REID. Just state that again.

Mr. PALMER. Gold, silver, coal, oil, asphalt, and all other minerals.

Mr. REID. I am perfectly willing to accept that amendment.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. BUTLER of Pennsylvania. Mr. Chairman, I believe this more greatly concerns the pleasures of certain gentlemen than the treasuries of the Indians, because I am informed by the gentleman from Kansas [Mr. CURTIS], although it is in contemplation that this tribe shall be dissolved on March 4, that these lands will still belong to the Indians—will be the property of the Indians—and after they are disposed of, in a year or two or three years from this time, the proceeds of the sale may be divided among them. Is that true?

Mr. MANN. Let me suggest to the gentleman that they have already by this bill provided that part of this land shall not be sold for fifteen or twenty years.

The CHAIRMAN. The pro forma amendment will be considered as withdrawn.

Mr. WALDO. It seems to me this is the most remarkable proposition, to have the United States go into the business of furnishing 100,000 acres as a game reserve to anybody who wants to buy it. There is no limitation in here——

Mr. REID. The United States does not own the land.

Mr. WALDO. Well, it amounts to it. It can not be sold unless the United States says so, and they propose to sell it now. It is the most remarkable thing that the United States should now propose to anybody who wants to buy 100,000 acres of land in that country that the Secretary of the Interior shall say is not agricultural, mineral, or timber land that he can buy it provided they can agree on a price. Now, it seems to me, if we once start on any such proposition as that, that the whole of the Rocky Mountains will be sold for a game reserve, and there will not be a foot of land anywhere that the people of the United States or anybody can fish or hunt on unless they own it, and I for one am opposed to any such proposition as this. I do not believe the people of this country will approve of it.

The CHAIRMAN. The question is on the amendment to the amendment.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. JAMES. Division.

Mr. CURTIS. Mr. Chairman, I do not think the gentlemen understood the amendment they were voting upon.

The CHAIRMAN. Without objection, the Clerk will again report the amendment to the amendment.

Mr. CAMPBELL of Kansas. Mr. Chairman, may I ask that the amendment be again reported, so we may know what we are voting upon?

The amendment to the amendment was again reported.

Mr. MANN. Mr. Chairman, that purports to be an amendment to the bill. I do not wish any rights lost in that way. It is an amendment to the committee amendment, while it purports to be an amendment to the bill.

The CHAIRMAN. It is an amendment to the committee amendment as read. The question is on the amendment to the committee amendment.

The question was taken; and the amendment to the committee amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment as amended.

Mr. PALMER. Mr. Chairman, I believe I have an amendment that ought to come in somewhere.

The CHAIRMAN. The gentleman has simply said he would offer an amendment.

Mr. PALMER. I offer it now, if it is the proper time to offer it.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Provided, That all gas, gold, silver, coal oil, asphalt, and other minerals, with the right to enter and remove the same, shall be reserved without liability or damage to the surface.

The CHAIRMAN. To what portion of the section does the gentleman address this amendment?

Mr. PALMER. To come in at the end of the amendment just adopted.

The CHAIRMAN. The Chair is of the opinion that this amendment as offered by the gentleman from Pennsylvania will be in order after the committee has disposed of the committee amendment as amended.

Mr. LACEY. This is an amendment to the committee amendment, and this will be in the nature of perfecting that. This is to perfect the committee amendment.

Mr. MANN. The committee amendment should be further amended by adding that at the end.

The CHAIRMAN. The Clerk will again report the amendment offered by the gentleman from Pennsylvania [Mr. PALMER].

The Clerk reread the amendment.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Pennsylvania [Mr. PALMER], which has just been reported by the Clerk.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question now is on the committee amendment as amended.

Mr. MANN. While the amendment which has been adopted adds some to the safety of the original amendment, it does not at all affect the viciousness of the proposition. The gentleman from Arkansas [Mr. REID], who defended this amendment as ably as a man could do, says that there is a stream upon this ground with plenty of fine fishing in it. I think he said "a stream." Suppose there be a stream there, running 25 miles long, as will be the case probably, because that is the way they would have land along the stream, 25 miles long and one section wide. We are engaged in spending millions of dollars in the West to-day in saving water for irrigation purposes, and here we are, where we have water which perchance may be used for irrigation, proposing to give it to somebody as a private fishing preserve.

Mr. REID. Will the gentleman permit me?

Mr. MANN. Certainly.

Mr. REID. The trouble in that country is too much rain. There is no arid land in that section anywhere. We lost a crop there last year on account of too much rain.

Mr. MANN. There may have been too much rain in that country last year, but the record will show that in many years there has been too little rain in that country. Now, I want to say to the gentlemen in this House that my information has

been that, while this is called "a game preserve" it is intended for a gambling preserve.

Mr. REID. Has the gentleman any source or reason for believing that?

Mr. MANN. I have no source of authority for it except rumor that has come to me, but I should say it is extremely probable. What kind of game will be preserved on this tract of land 6 miles wide?

Mr. STEPHENS of Texas. Will the gentleman yield for a question?

Mr. JAMES. I would like to ask if the gentleman could gamble with any degree of pleasure in that country where bear were about?

Mr. MANN. I do not know. Men gamble where the tiger is; I do not know why bears should frighten them. [Laughter.]

Mr. CAMPBELL of Kansas. Would not their feet get cold?

Mr. MANN. That is what is behind the proposition, in my opinion. There are some very eminent gentlemen in favor of it, and who are in good faith in favor of it, but to give them that right, even if it were only a fishing preserve, I want the gentlemen of the House to go on record as far as they can as to giving 100,000 acres of land for such a purpose. I would like to have one myself, and so would every other gentleman if he should have a chance at one.

Mr. BUTLER of Pennsylvania. Let us amend the bill.

Mr. MANN. But if it is for the purpose of a gambling preserve it ought not to be considered for a moment, and I hope the amendment will be rejected.

Mr. JAMES. Maybe they are fishing for suckers out there.

Mr. FITZGERALD. Mr. Chairman, when this bill was introduced by the gentleman from Kansas [Mr. CURTIS] it did not have any provision for a game preserve in the bill. This provision has been inserted since the bill was introduced. The gentleman from Kansas has stated that while the Secretary of the Interior has power under the bill to sell any amount of this land he desires to any one particular person, that, in his opinion, the Secretary would not sell a tract of 100,000 acres of land to any person or game association for a game preserve.

It is only within ten years, Mr. Chairman, that the wonderful discoveries in gas and oil in the southern part of Kansas and in Oklahoma, not in the mountainous region, but on the plains, have been made there. The Government officials had made an investigation prior to that time, and they had not ascertained that these immense deposits of gas and oil were to be found in those tracts. Now they say that this is a mountainous section of the Indian Territory. The people down there, some five or six hundred thousand white people, have been so busy developing the natural resources of the level country that they have not had an opportunity to go into the mountainous regions to ascertain the natural wealth of those sections. It is natural for men seeking to develop new countries to go in and develop where it is easiest. As soon as the rush of people from the distant States into——

Mr. REID. I will ask my friend from New York if he understands that all of these valuable rights are reserved by this amendment. It is not proposed that they shall be disposed of.

Mr. FITZGERALD. I understand now, at the suggestion of members of this committee, these rights are to be preserved.

Mr. REID. The gentleman will pardon me for interrupting him again. It was suggested in the committee that made up the bill, and it was there discussed before the provision was put in. I think it is agreed that when we provide that it be sold under such rules and regulations as the Secretary of the Interior may prescribe we protect all those privileges, and his well-known jealousy of the Indian's rights assures us that that will be properly done. It was on that suggestion that we had this proposition made here.

Mr. FITZGERALD. As I was saying, Mr. Chairman, the men who go into a wild country naturally settle in the lowlands; and in the Indian Territory they have been developing the asphalt, the coal, the gas, and oil wealth of that country. Just as soon as there are no fields to be exploited in that portion of the country their attention will be directed to the mountainous region. It is said that this land is not valuable timber, agricultural, or mineral land. It is a mountainous country, with water on it; and there may be valuable water power there, the rights to which have not been covered in any amendment thus far suggested. It is, in my opinion, a vicious policy for the Government of the United States to have any part in any scheme to establish a game preserve, unless it is purely a governmental game preserve, where the people from all sections of the country, under proper regulations, would have the right to go in and hunt. This scheme initiates a new policy in this country, and to have the Government contribute in any way to taking up or making possible the holding of immense tracts of land is so contrary to all the institutions and traditions of the Government that I hope there will be no hesitancy on the part of anybody in voting against the proposed amendment.

The CHAIRMAN. The question is on the committee amendment as amended.

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. REID. Division, Mr. Chairman.

The committee divided; and there were—ayes 26, noes 35.

So the amendment of the committee as amended was rejected.

Mr. LACEY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

At the end of section 16 add the following: "*Provided further*, That agricultural lands shall be sold in tracts not exceeding 160 acres to any one person."

Mr. STEPHENS of Texas. Mr. Chairman, I have an amendment of the same character, but I hope the amendment of the gentleman from Iowa will be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was agreed to.

Mr. STEPHENS of Texas. Mr. Chairman, I send up the following amendment to the Clerk's desk.

The Clerk read as follows:

On page 15, line 20, after the word "tribes," amend by inserting the following: "*Provided*, That the surface ground of the segregated coal and asphalt lands in the Choctaw and Chickasaw nations shall be sold separately from the coal and asphalt under said lands. Said coal and asphalt deposits shall be, and are hereby, reserved for the use and benefit of said Indians as a permanent school fund. And it shall be the duty of the Secretary of the Interior to lease said coal and asphalt lands, under existing laws, and also to sell the land containing said deposits, under the law providing for the sale of excess Indian lands, reserving the coal and asphalt deposits in said lands for the purposes above mentioned: *And provided further*, That none of said agricultural lands shall be sold in quantities to exceed 160 acres to any one person or corporation, and no lease shall be made for mining purposes on said coal and asphalt lands or deposits to exceed 160 acres to any one person or corporation: *And provided further*, That no deed or patent hereafter issued to any allottee shall convey any title to any land within 30 feet of any section line, and 30 feet of land around the outside of every section of land shall be reserved to the tribes as commons for the purposes of ingress and egress to the lands of said allottees, subject, however, to be dedicated by the legislature of any Territory or State as public highways, and in the event of such dedication the lands so dedicated shall be paid for by such State, Territory, or county in such manner as such legislature and the Secretary of the Interior may agree upon; and the said Secretary shall represent said tribes and act as their agent in the dedication of such highways, under such rules and regulations as he may prescribe, and the money paid for the lands so dedicated shall constitute a part of the common school fund of such tribe."

Mr. STEPHENS of Texas. Mr. Chairman, the first part of this amendment provides that the surface ground of the segregated coal and asphalt lands in the Choctaw and Chickasaw nations shall be sold separately from the coal and asphalt under the said lands, and a reservation made of these minerals. That, to my mind, would be the best disposition that could be made of the 400,000 acres of segregated land. As I said this morning in my opening remarks on this matter, it appears to me that, in order to make this a great State in connection with Oklahoma, there should be some provision made for the education of the children, and there can be no better provision than this magnificent body of land of 400,000 acres that has underlying the valuable deposits of coal and asphalt. This amendment goes to the effect that the land shall be separated from the coal and the asphalt, the surface sold for farming purposes the same as the excess lands; that the mineral deposits shall be leased to any corporation or person who desires not exceeding 160 acres. It strikes me that this would be the best disposition that we could make of this property.

The next amendment has been already suggested by the gentleman from Iowa [Mr. LACEY]. The third amendment is:

Provided further, That no deed or patent hereafter issued to any allottee shall convey any title to any land within 30 feet of any section line.

That provides for highways in that country. The great trouble with the Indian Territory is that the Indian lands are being allotted and leaving no provision for highways. This would leave 30 feet from the section line on each side, making 60 feet for a road, and that land is reserved to the Indian tribe for future legislation by the Territory or State, so that the Indians would get pay from the State or Territory when dedicated for public purposes. The Indians would receive the benefit of their own highways, and I see no objection that anyone could have to either amendment.

Mr. CURTIS. Mr. Chairman, I hope the committee will not agree to the amendment offered by the gentleman from Texas. In the first place, as I said a few moments ago, we provide in the statehood bill a fund of $5,000,000 in lieu of school lands in the Indian Territory, and it would be unfair to the Indians to take the coal lands, of the value of ten or fifteen million dollars, and

turn them over to support schools that ought to be supported by the State. The Indians own this coal, and we have agreed to sell it for them and to deposit the money to their credit, and when their affairs are finally disposed of, to divide it among the members of the tribe, and we ought to keep that agreement. We have no right to take ten or fifteen million dollars that belong to the Indians and give it to the new State or to the Territory, and we ought to keep our agreement and sell these lands.

This committee voted a few minutes ago for an amendment reserving the leased and unleased coal lands from sale at this time, so that Congress can in the future make some disposition of them as it sees fit. Why not leave the whole question open and let Congress at a future day provide for the disposition of these coal lands? I say to Members of this House that I hope some provision will be made for their sale as soon as possible, so that the affairs of the tribe may be settled. I ask for a vote, and I hope the amendment of the gentleman from Texas will be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was disagreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 18. That the Secretary of the Interior is hereby authorized to bring suit in the name of the United States, for the use of the Choctaw, Chickasaw, Cherokee, Creek, or Seminole tribes, respectively, either before or after the dissolution of the tribal governments, for the collection of any moneys or recovery of any land claimed by any of said tribes, whether such claim shall arise prior to or after the dissolution of the tribal governments, and the United States courts in Indian Territory are hereby given jurisdiction to try and determine all such suits, and the Secretary of the Interior is authorized to pay from the funds of the tribe interested any costs and necessary expenses incurred in maintaining and prosecuting such suits: *Provided*, That proceedings to which any of said tribes is a party pending before any court or tribunal at the date of dissolution of the tribal governments shall not be thereby abated or in anywise affected, but shall proceed to final disposition.

Mr. STEPHENS of Texas. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

On page 17, between lines 8 and 9, insert: "*Provided further*, That any person or persons, firm, corporation, or company having any claim of any nature whatever against the Choctaw, Chickasaw, Creek, or Seminole tribe of Indians, respectively, may file suit before the Court of Claims of the United States at any time within ninety days after the passage of this act, and the Court of Claims of the United States at Washington is hereby given jurisdiction to entertain, try, and determine all such suits.

Any person or persons, firm, corporation, or company having a claim against the Choctaw, Chickasaw, Cherokee, Creek, or Seminole tribe of Indians and fails, neglects, or refuses to file suit for the same before the United States court of appeals at Washington, D. C., within ninety days after the passage of this act shall be forever barred.

Mr. STEPHENS of Texas. The reason for that is that this section provides that the Secretary of the Interior may bring suit for these Indians against anyone who owes them money, but there is nowhere any provision that when the tribes owe money to any parties and the tribes go out of existence that you can collect the money. There may be outstanding debts. I know of none. I know of no warrants or indebtedness whatever, but it does seem to me a strange provision that the Indians are permitted to bring suit for money owing to them, and yet if they are owing anyone that person is without remedy in law. It seems to me this amendment ought to be adopted in order to make this bill perfect.

Mr. CURTIS. Mr. Chairman, the gentleman surely does not understand this bill. Section 11 provides for the payment of all legal claims against these tribes, and provides that the Secretary of the Interior shall investigate them and pay them. The effect of this amendment would be to open up the Court of Claims to parties who have claims, who have been coming before Congress for forty years in an attempt to get into some court to prosecute old and unjust claims against the Indians. It would be an outrage upon these tribes to permit people to bring suits in the Court of Claims against them. All manner of claims could be trumped up against them under the amendment offered by the gentleman from Texas if it was adopted, and I sincerely hope it will be voted down. We have provided amply in section 11 for the payment of every lawful claim that any citizen may have against the Five Civilized Tribes or either of them.

Mr. STEPHENS of Texas. I should like to ask the gentleman why he thinks the Secretary of the Interior should pass upon these claims. Why not permit the opening of the courts to them? It would be a judicial question.

Mr. CURTIS. The gentleman knows that for years people with old stale claims have been trying to get into the Court of Claims and mulct these Indian tribes, if they could. We believe that the Secretary of the Interior is honest, and that he will carefully investigate every claim that is filed, and that he will render such judgment as he thinks fair and proper in the case. We think it is proper to leave it in his hands.

Mr. STEPHENS of Texas. Why do you give the tribes the right to go into the courts? Why do you leave the courts open to them, and close the courts against the tribes?

Mr. CURTIS. Because there is no other way that a claim of the Indians can be collected. I hope the amendment will be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. STEPHENS].

The amendment was rejected.

The Clerk read as follows:

SEC. 19. That all the restrictions upon the alienation of lands of Indian allottees of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes, except Indians of full blood and except minors, are, except as to "homesteads," hereby removed, and all restrictions upon the alienation of lands of allottees of said tribes who are full-blood Indians, except minors and except as to "homesteads," may be removed by the Secretary of the Interior under such rules and regulations as he may prescribe, but the removal of the restrictions upon alienation shall not in any manner affect leases, and for the purpose of this section the quantum of Indian blood possessed by any member of said tribes shall be determined by the rolls of citizens of said tribes approved by the Secretary of the Interior. Full-blood Indian allottees of said tribes may alienate any of the lands allotted to them, except homesteads, with the consent and approval of the Secretary of the Interior, and not otherwise, and all laws or parts of laws inconsistent with the provisions of this section are hereby repealed: *Provided*, That the lands upon which restrictions are removed shall be subject to taxation and the other lands shall be exempt from taxation as long as the title remains in the original allottee.

The following committee amendments were read:

Page 16, line 16, after the word "alienation," add the words "and leasing."

Page 16, line 24, strike out after the word "prescribe" down to and including the word "leases" in line 25, same page.

Page 17, line 12, after the word "allottee," add: "*Provided further*, That full-blood members of the Choctaw and Chickasaw tribes are hereby authorized to sell their surplus lands as follows: One-fourth in acreage in one year, one-fourth in acreage in three years, and the balance in five years from the passage of this act."

The CHAIRMAN. If there be no objection, the three committee amendments will be voted upon in gross.

Mr. MURPHY. I want to offer an amendment as a substitute for the section.

The CHAIRMAN. The gentleman from Missouri offers an amendment in the nature of a substitute, which the Clerk will read.

Mr. FITZGERALD. Mr. Chairman, before that is done I wish to make an inquiry. Are the committee amendments adopted?

Mr. CURTIS. Mr. Chairman, ought not the committee amendments be voted upon before the substitute is considered?

The CHAIRMAN. They have priority.

Mr. CURTIS. Then, I ask for a vote on the committee amendments. The gentleman can offer his amendment afterwards.

The CHAIRMAN. The substitute will properly be considered after the committee amendments have been voted upon. The Chair suggested that if there was no objection the three committee amendments would be voted upon in gross.

Mr. FITZGERALD. I wish to make an inquiry regarding the three committee amendments.

Mr. CURTIS. Certainly.

Mr. FITZGERALD. That is, whether the authorization to the full-blood members of the Choctaw and Chickasaw tribes, on page 18, to dispose of their lands requires the approval of the Secretary of the Interior?

Mr. CURTIS. No, sir; and this provision follows the language of the treaty. I might say both agreements that were made with the Chickasaws and the Choctaws give the members the right to sell their surplus lands, as is provided in this amendment, except the provision agreement fixed the date at the issuance of the patent, while this amendment fixed the date at the passage of this act.

The CHAIRMAN. The question is on the committee amendments.

Mr. COOPER of Wisconsin. Mr. Chairman, I want to ask the gentleman from Kansas this question: It has been the uniform policy of the Government, has it not, to permit Indian allottees to alienate their lands for twenty or twenty-five years?

Mr. CURTIS. Yes; until a few years ago.

Mr. COOPER of Wisconsin. Did not that removal of that restriction go through this House without one in twenty Members of the House knowing that that law had been changed?

Mr. CURTIS. I think not. It was discussed on the floor, if I recollect, by the gentleman from Texas [Mr. STEPHENS] and the gentleman from Arkansas [Mr. LITTLE].

Mr. COOPER of Wisconsin. I have spoken to a great many Members and they were very greatly surprised when they ascertained it.

Mr. CURTIS. It was also opposed, according to my recollection, by the gentleman from New York [Mr. SHERMAN] and myself, and it was up for some time.

Mr. MURPHY. This only applied to negroes, to freedmen.

Mr. CURTIS. It applied to the intermarried whites—freedmen.

Mr. MURPHY. Yes; among the Cherokees.

Mr. CURTIS. No restrictions have been removed as to the full-blood Indians, and this does not remove it as to full bloods, but the restrictions are removed by this act upon Indians less than full blood.

Mr. COOPER of Wisconsin. But the policy of the Government has been up until very recently, when that restriction was removed, to prevent that alienation for twenty or twenty-five years.

Mr. CURTIS. The item referred to by the gentleman from Wisconsin only applied to freedmen and intermarried whites.

Mr. COOPER of Wisconsin. The removal only applies to them?

Mr. CURTIS. Yes.

Mr. COOPER of Wisconsin. But now you remove that as to the Cherokee, Creek, and Seminole tribes, except Indians of full blood, and then you permit the Secretary of the Interior to do away with that restriction.

Mr. CURTIS. Yes; as to the full bloods.

Mr. COOPER of Wisconsin. In his discretion.

Mr. CURTIS. That is the present law. There was a law passed three or four years ago authorizing a full-blood Indian to file an application with the Indian agent, and if, upon investigation, he found the Indian was qualified that he should so recommend to the Department, and that would give the Secretary of the Interior a right to remove the restriction. That is the law to-day.

Mr. COOPER of Wisconsin. How much is a homestead for these Indians?

Mr. CURTIS. In all except the Chickasaws and Choctaws 40 acres. That is, in the three tribes—the Seminoles, the Cherokees, and the Creeks—it is 40 acres, and in the Chickasaws and Choctaws 160 acres.

Mr. COOPER of Wisconsin. Does the gentleman consider 40 acres of land is sufficient for a homestead?

Mr. CURTIS. I do; and that is more than many of them will farm.

Mr. COOPER of Wisconsin. Of course the committee has investigated the matter very thoroughly——

Mr. CURTIS. This provision, except the leasing clause, was sent to the committee by the Department of the Interior, and the provision was prepared by a committee organized for the purpose of preparing a bill to finally dispose of the affairs of the Five Civilized Tribes.

Mr. COOPER of Wisconsin. In my judgment, the policy of absolutely prohibiting the alienation by the Indian allottees of their lands for twenty-five years was founded in wisdom, and, in my judgment, the removal of the restriction will result in the getting away of the land from nine out of ten Indians in a very short time; and I think the urgent appeals for it by some of the lobbyists who talked to me about it in previous years, when I first came here, was that the Indians did not know enough to take care of themselves. Of course the natural conclusion would be that the man thought it was better to take away what little they did have and so prevent them absolutely from taking care of themselves.

Mr. CURTIS. Mr. Chairman, heretofore when land has been allotted the Indian has simply been allowed a homestead. That is why restrictions have not been removed. All the surplus land has been sold by the Government and the money deposited to the credit of the tribe. But in the Five Civilized Tribes the land belonged to the tribe. The tribes have their patents.

Now, we provide for the allotment of a homestead just as we did with the other Indians, and in this bill we prevent him from selling the homestead. The restrictions are not removed as to the homestead. We treat him just as we did the Indian on the Indian reservation, but we permit him to sell the surplus land, while in the other cases the Government has sold the surplus land for him; because it is his land we permit him to sell it. In the other cases the Indians did not have patents. There are only a few tribes left which have patents to their lands as tribes.

Mr. COOPER of Wisconsin. But with the Chickasaws and Choctaws——

Mr. CURTIS. They have a patent. But the agreements with them provided that their surplus lands could be sold as provided in this amendment and this provision, except the part in regard to leasing and the amendment in regard to the Choctaws and Chickasaws, was drawn at the Department.

Mr. LACEY. The bill provides in section 19 that the Choctaw, the Chickasaw, the Cherokee, the Creek, and the Seminole tribes, except Indians of full blood, may sell their lands, except the homesteads.

Mr. CURTIS. Yes.

Mr. LACEY. And the full-blooded Indians may alienate their lands, except homesteads, with the approval of the Secretary of the Interior.

Mr. CURTIS. Yes.

Mr. LACEY. Now, it is provided that the full-blooded members of the Choctaw and Chickasaw tribes are authorized to sell their surplus lands in a certain way. What is there peculiar about the situation of the Choctaws and Chickasaws that would entitle them to this greater privilege as compared with the Cherokees, the Creeks, and the Seminoles?

Mr. COOPER of Wisconsin. That is what struck me as peculiar.

Mr. CURTIS. That matter was fought out in the committee. The position taken by the subcommittee was voted down, and a majority of the House Committee voted against the report of the subcommittee and directed that we place an amendment in this bill authorizing the Choctaws and Chickasaws to sell their surplus lands as was provided in their agreements.

In each agreement with the Chickasaws and Choctaws—the original agreement and the supplemental—we provided that they could sell one-fourth of the surplus land one year after patent had been issued, one-fourth in three years, and the remaining one-half in five years.

Mr. MANN. That is put in not because they were to make the sale, but because of the agreement to do it.

Mr. CURTIS. Because of the agreement made with those people and ratified by a majority of the tribe.

Mr. MANN. Of course the agreement we made is not any act, or we would not confirm it.

Mr. CURTIS. These agreements were very good; they were carefully considered.

Mr. MANN. But not legal.

Mr. CURTIS. Not unless we ratify them, and we had to pass an act of Congress. They were ratified by act of Congress.

Mr. MANN. I presume there is nothing there that binds anybody so we could not put a provision in the bill. Now, what I wanted to ask the gentleman was whether this required the approval of anybody?

Mr. CURTIS. It does not.

Mr. MANN. How much do any of these Indians own?

Mr. CURTIS. The homestead of the Choctaws and Chickasaws will be 160 acres, and they probably will have, if you include this vast territory in the mountains, 400 acres apiece, that would be about 240 acres over and above their homestead.

Mr. MANN. I have heard it said some families had over a thousand acres.

Mr. CURTIS. Families, yes; but this goes to each individual man, woman, and child; each will have on an average 400 acres apiece.

Mr. MANN. So that a family might easily dispose of 2,000 acres of land.

Mr. CURTIS. No; minors can not sell.

Mr. MANN. It would be in the neighborhood of seven or eight hundred acres of land that they could sell.

Mr. CURTIS. I should say so.

Mr. MANN. Absolutely at any price they wish, whether drunk or sober.

Mr. CURTIS. Yes, sir.

Mr. MANN. Does not the gentleman think it is a little dangerous to let these people holding that land be allowed to sell to any speculator who comes along and gets hold of them and gets a deed out of them?

Mr. CURTIS. When the provisions were consented to by the Dawes Commission and the Department I thought a mistake had been made, but the Department favored the agreement. It was almost impossible to make an agreement with these Indians, they wanted the provision put in, they voted for it as a tribe, and it was ratified by a majority, and I thought as it was their own land and they wanted to do it, and as it was satisfactory to the Commission which had been there looking up their affairs it was only proper to agree to it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CURTIS. I ask unanimous consent to have additional time to answer these questions.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that his time be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Now, you propose to sell one-fourth at a time and one-fourth at another time?

Mr. CURTIS. Yes.

Mr. MANN. What is the reason of that—that it will not sell for as much?

Mr. CURTIS. That is so they could not get rid of it all at one time.

Mr. MANN. That is to keep the price down.

Mr. CURTIS. Oh, I beg your pardon, this was so he could not sell 400 acres of land at one time; that if he was inclined to sell and squander it he could not do it all at one time.

Mr. MANN. So that it would not all go at once.

Mr. CURTIS. And it is more likely if he sells small tracts at different periods he will use the money in improving his homestead.

Mr. MANN. Instead of having one grand spree, keep the spree running for five years.

Mr. CURTIS. Give him a few.

Mr. MANN. What are the agreements to which the gentleman referred that the Indians ratified?

Mr. CURTIS. Under the old policy treaties were made with Indian tribes, but the act of 1871 provided that no further treaties should be made with them, and since that time the Government has dealt with them by entering into agreements. Under the old treaties the Indians in the Indian Territory were promised patents to their lands, and such patents were issued to each of the Five Tribes. As I said in my opening remarks, conditions became such in the Indian Territory that a change was necessary. Large tracts of land were in the possession of intermarried whites, half-breeds, etc., and in order to change the conditions Congress thought it necessary, to protect the rights of all, to make agreements with them. That was in order to remove all questions of doubt and to make a division of their lands and property which would be legal. And so the commissioner to the Five Civilized Tribes was authorized to negotiate agreements with these tribes. They did enter into negotiations.

Mr. MANN. On behalf of the Government?

Mr. CURTIS. On behalf of the Government the agreements were entered into and were submitted to and ratified by a majority of the members of the tribes, and were ratified by Congress, and the lands of the tribes have been allotted according to the terms of the various agreements.

Mr. MANN. I am asking the gentleman what the agreements were.

Mr. CURTIS. One provision was that the Choctaws and Chickasaws should have the right to sell the surplus land as provided herein, the agreements provided for dividing the lands, the appraisement of all the lands, the selection of homesteads, the making of rolls—in short, to do all that was necessary to change the lands and moneys from tribal to individual holdings.

Mr. MANN. Is it the intention of this amendment to so operate by law to fulfill one agreement with the Indians?

Mr. CURTIS. Exactly; taking the words of the agreement. I yield to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. In the original bill it is proposed that this agreement, permitting these Indians of the full blood to sell their lands, can really be carried out by getting special authority in each case, depending on these reports from the Secretary of the Interior. Now, if we do not adopt this last amendment, all of the Indians who really ought to dispose of their lands can have opportunities to do so; and I ask my friend from Kansas [Mr. CURTIS]—and I ask him because I feel that his intimate knowledge of the situation there is worth a great deal to us—whether it would not be well to leave out this last committee amendment at the end of section 19 and adopt the other amendment?

Mr. CURTIS. I want to say to the gentleman from Iowa that, as he no doubt remembers, the subcommittee of which I had the honor to be the chairman reported leaving out the provision in regard to the Choctaws and Chickasaws. It was the full committee that recommended putting it in. My judgment is that we ought to strike it out; but, gentlemen, I have been instructed by the committee to present this bill, and I am defending the bill as I was directed to report it.

Mr. LACEY. Does the gentleman not think it would be a good thing to strike it out?

Mr. CURTIS. I should not have reported leaving it out if I had not thought it the proper and best thing to do. It was put in the bill, as I say, by a vote of the majority of the members of the committee as a committee amendment, and I am here defending the committee bill. If you desire my opinion of it, I will say the best thing for the Chickasaws and Choctaws would be to treat them the same as you do the Indians of the other three tribes.

Mr. BUTLER of Pennsylvania. That is the gentleman's opinion as a man, and not as a Member of Congress?

Mr. CURTIS. No; it is my opinion as both.

Mr. BUTLER of Pennsylvania. I want the gentleman's opinion as an individual.

Mr. CURTIS. It is my opinion as a man and as a Member of Congress, but I am presenting this bill as chairman of a subcommittee selected to present the committee bill.

Mr. BUTLER of Pennsylvania. The gentleman, then, is really going against his own knowledge?

Mr. CURTIS. I am presenting a committee amendment, which personally I do not think best, and when my opinion was asked I gave it, but it would hardly be proper for me to present a bill for the committee and oppose the amendments which had been voted to it by a majority of that committee. The amendment is here for the action of this committee.

Mr. LACEY. I ask, Mr. Chairman, that we have a separate vote on the last amendment, because I think we ought to knock it out.

The CHAIRMAN. Is a separate vote demanded on either one of the committee amendments?

Mr. LACEY. Yes, sir; on the last one.

Mr. BUTLER of Pennsylvania. Let us understand what the amendment is. I ask unanimous consent that it may be reported.

The CHAIRMAN. The Clerk, without objection, will report the third amendment.

The Clerk reread the amendment.

Mr. STEPHENS of Texas. Gentlemen, I hope this language will not be striken out of this bill.

Mr. CURTIS. Mr. Chairman, let me suggest that we vote on the other two amendments first.

The CHAIRMAN. The question is on the committee amendments to this section, except the amendment just read by the Clerk.

Mr. BUTLER of Pennsylvania. This does not include the authority to sell the land.

The CHAIRMAN. The vote as now proposed does not include the amendment that has just been read by the Clerk.

The question was taken; and the amendments were agreed to.

Mr. CURTIS. Mr. Chairman, I offer this amendment: On page 17, line 19, strike out the word "section" and insert in lieu thereof the word "act."

The Clerk read as follows:

On page 17, line 19, strike out the word "section" and insert in lieu thereof the word "act."

The CHAIRMAN. The question is on the amendment just offered by the gentleman from Kansas.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment relating to the proviso, commencing on line 6 and ending at line 10.

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. STEPHENS of Texas. I ask for a division, Mr. Chairman.

The committee divided; and there were—ayes 4, noes 18.

So the amendment was rejected.

The CHAIRMAN. The gentleman from Missouri offers the following substitute, which the Clerk will report.

The Clerk read as follows:

Insert as a substitute for section 19 the following:

"That the restrictions on the alienation and taxation of land in Indian Territory, both as to adults and minors, except as to the homestead of those shown by the records of the Commission to the Five Civilized Tribes to be of full Indian blood, be, and the same are hereby, removed.

"That this act shall not be construed to permit any minor to lease or dispose of his allotment, except through a legally appointed guardian, and then only in the manner prescribed by law for the estate of minors in force at the time in said Indian Territory."

Mr. MURPHY. Mr. Chairman, I have spent three years in the Indian Territory, and I came from there to Congress. I was acting as attorney for one of these tribes, and I think I know something about their ability to transact their own affairs. And I want to say that when I hear Members talking about robbing the Indians, or that they do not know how to take care of their own affairs, I know they were never in the Indian Territory. If one of those gentlemen would walk along the streets in any town in that beautiful country and meet one of these men they call "Indians," he would not know he was an Indian. There are no blanket Indians in Indian Territory. We have made them United States citizens in two acts; and yet we say to them, after heretofore allowing them to have their own courts and government, to pass upon life and liberty, they all of a sudden have become so incompetent that they can not take care of one little parcel of land. This substitute provides that they may dispose of all their lands except the homestead—the 40 acres of the Creek Nation and the different homesteads of the other various tribes—that they may dispose of all of the surplus to whom they see fit. It provides that the minor's land, except

that of the minor full blood, may be disposed of by the guardians in the manner provided by law at the time of that sale.

Now, the restrictions, so far as the Creek Nation is concerned, have been removed from the freedmen—the negro—who knows as much about taking care of his own affairs as any negro in any State. Then, I ask you, why the necessity of saying to the freedmen of these tribes that you shall still hold 40 acres more for twenty-one years?

Mr. CAMPBELL of Kansas. Mr. Chairman, I will ask my friend if in his experience of three years in the Indian Territory he did not observe that many of the full bloods who selected their allotments were brought in to the officer of the Government who had charge of the allotments by some real estate agent, and if the Indian did not testify that he had his fare paid and that his hotel bill had been paid by this same land agent?

Mr. MURPHY. Yes, sir; I saw that; and I further saw, under the rules and regulations of the Secretary of the Interior removing the restrictions upon the sale of a town site there, full blood Indians who could not read or write that were led in there by these people and paid $10,000 in cash.

Mr. CAMPBELL of Kansas. Now, I will ask the gentleman further if it is not true that a large majority of these full blood Indians do not know where the allotments are that they have had made in many instances?

Mr. MURPHY. No; I do not belive that.

Mr. CAMPBELL of Kansas. I will ask if it is not the fact that their allotments have been selected for them by the land agents, and that they have been taken to the allotments by the land agents, and that they had not seen the land until taken to it by the land agents for the first time?

Mr. MURPHY. I do not know. I have heard that outside of the Indian Territory.

Mr. CAMPBELL of Kansas. I have heard it inside of the Indian Territory.

Mr. MURPHY. I have not. But now you take the minors' land away. Here are minors that own allotments and yet they are in an orphan asylum in the Indian Territory, being supported by the Indian government, their allotment being leased by some guardian; yet they are not suffered to sell it, and are reaping no benefit from it.

This land could be sold and the proceeds probably invested in a better form, when they could be educated and be made better citizens of the United States.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask unanimous consent that the gentleman from Missouri may have five minutes more.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman be extended five minutes. Is there objection?

There was no objection.

Mr. LACEY. I should like to ask the gentleman from Missouri a question.

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Iowa?

Mr. MURPHY. Certainly.

Mr. LACEY. As I understand, the gentleman was for several years the attorney for the Creek Nation.

Mr. MURPHY. Yes.

Mr. LACEY. And perhaps the gentleman still has some interest for them, so far as may not be inconsistent, of course, with his Congressional duties.

Mr. MURPHY. No; I do not own a foot of land in the Indian Territory, and do not expect to.

Mr. LACEY. Very well, then.

Mr. MURPHY. I am glad the gentleman asked me that question.

Mr. LACEY. I should like to ask him, as having represented that nation up to the time when he became a Member of Congress, whether in his opinion it is for the best interests of the Indians of the Creek Nation to give them unlimited power of alienation?

Mr. MURPHY. Yes; and I think they desire it themselves.

Mr. LACEY. Of course they desire it, but does not the gentleman think that a very large number of them would soon become public charges if unlimited power of alienation were extended to them?

Mr. MURPHY. No, sir; I do not, but I think that unless you do remove the restrictions upon the sale of their lands that they will become public charges.

Now, we are talking about bringing in this country as a State. How are we going to raise taxes unless you remove the restrictions upon the alienation and taxation of the land there? For instance, I think the gentleman from Kansas [Mr. CURTIS] will agree with me that, upon an average, an Indian family will be composed of a man, his wife, and five children. I think that is the average. Take the full bloods, under the bill as at present constituted, and not one foot of the land belonging to that family can be sold, and there will be 800 acres.

Mr. LACEY. I think the gentleman overlooks the features of the bill. The main body of the bill provides that they can sell, but they must first get the authority of the Secretary of the Interior, which can be given in the cases to which he refers.

Mr. MURPHY. Supposing he refuses the authority to sell?

Mr. CAMPBELL of Kansas. That would be evidence of some good reason why they ought not to sell.

Mr. MURPHY. Let me ask the gentleman something else. If you remove the restrictions to selling the land, does that remove the restrictions on taxation?

Mr. LACEY. Perhaps not. It may not.

Mr. MANN. If the land is sold, is it not to be taxed?

Mr. LACEY. Oh, I misunderstood the gentleman. Of course, when the land is sold and the title passes to somebody else, then the land will be taxed.

Mr. CURTIS. The act provides that the lands upon which restrictions are removed shall be subject to taxation, and that the other lands shall be exempt from taxation as long as title remains in the allottee.

Mr. MURPHY. Does that mean restrictions removed by the Secretary of the Interior or restrictions removed here?

Mr. CURTIS. It means all restrictions. When they are removed the land becomes subject to taxation.

Mr. MURPHY. I believe it is for the best interests of every Indian in the Indian Territory, except for the 40-acre homestead, the homestead of the full blood, to allow him to sell his surplus land, and not tie him up, as is wanted to be done, and let him, as they say, spend his money piecemeal. But if the restrictions are removed by the Secretary of the Interior, will not the money be turned over to him in a lump sum, so that he can squander it all at once? But I do not believe, Mr. Chairman, that they would squander their money in that way.

Mr. CAMPBELL of Kansas. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Kansas?

Mr. MURPHY. I do.

Mr. CAMPBELL of Kansas. I will ask the gentleman if it is not a fact that the agents of the Secretary of the Interior ascertain the particular ability of the individual Indian to alienate his land before he is permitted to alienate it by order of the Secretary?

Mr. MURPHY. I understand that they have an agent of that kind who does that, who goes upon the land and ascertains the value of the land—an "appraiser," as he is called. I understand that to be the fact; yes.

Mr. CAMPBELL of Kansas. Then there is no danger of loss to the Indians where the Secretary permits the sale?

Mr. MURPHY. I do not know whether there would be or not, but I do know of tracts that have been sold in this way that could have been sold at a public sale, at a sale in the market, for a thousand or fifteen hundred dollars more than was obtained at the sale under these rules and regulations.

Mr. MANN. That is what we are afraid may happen in the future.

Mr. MURPHY. Yes; but they could have got more upon the open market.

Mr. MANN. But if they had unlimited power of alienation there would be no such thing as a sale upon the open market.

Mr. MURPHY. I will tell the gentleman from Illinois that I believe 90 per cent of the Indians outside of the full bloods—yes, I will say 99 per cent—are as competent to transact their own business as any average white man in the United States.

Mr. MANN. If the gentleman had said "as the gentleman from Illinois," it would not have proven anything at all, as far as the sale of land was concerned.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. CURTIS. Mr. Chairman, I hope the amendment offered by the gentleman from Missouri will be voted down. It is more objectionable than the amendment which was voted down a few minutes ago. He would have us remove all restrictions from the Indians in the Indian Territory, and notwithstanding the fact he has been the attorney for the Creeks for three years, I can not help saying that he is mistaken about the situation. It is true that there is not a blanket Indian in the Indian Territory, but there are a good many Indians in the Creek Nation who are just as bad off as the blanket Indians upon other reservations in the United States, and who need the protection of the Government just as much now as many blanket Indians upon other reservations in the country.

Here just the other day I took a member of the tribe to the White House, who represents 2,000 Creek Indians of the Crazy

Snake band, a band of Indians who have held out against all treaties and agreements of every kind. The gentleman from Missouri will not say that members of the Crazy Snake band of Indians are fit to handle their own business and that all restrictions should be removed from their lands.

Gentlemen, the thing to do is to vote for this bill as it is, leaving to the Secretary the right to remove restrictions in such cases of full bloods as he thinks best.

I ask for a vote.

Mr. STEPHENS of Texas. Mr. Chairman, I think that the amendment of the gentleman from Missouri should prevail. I do not believe that placing the matter in the hands of the Secretary of the Interior will be for the best interests of that country. It is the universal objection of the people of the country that the Secretary has the control of these Indian affairs down there, because he is so far away that it is impossible to get him to act promptly. They get an opportunity to sell, but before the authority of the Secretary can be obtained so much time elapses that business accumulates and the opportunity passes by. We should have some other means of arriving at the disposition of those lands. If the courts of the country had the right to remove those restrictions it would be much better; but the Indians themselves have come to Congress time and again and asked that they be given the right to sell and dispose of their own lands, and but a few minutes ago this House refused to permit the Indians to sell their lands under rules and regulations that they had already prescribed—that is, one-fourth in one year, one-half in two years, and the balance in five years. That was voted out of this bill, and it is certainly wrong, because the Indians themselves, speaking through their tribal organizations, in their proper relations to this Congress, and the matter being ratified by Congress by treaty agreement, have been permitted by that agreement to alienate their lands.

Now, here comes Congress, which is wiser than the Indians, and says that they shall not alienate their lands. If you turn the country loose, let the Indians control their own property, it would be better for the Indians and better for the white people of that country.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Missouri.

The question was taken; and on a division (demanded by Mr. MURPHY) there were—ayes 6, noes 22.

So the substitute was lost.

The Clerk read as follows:

SEC. 20. That after the approval of this act all leases and rental contracts of allottees and freedmen of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes shall be in writing and subject to approval by the Secretary of the Interior, and shall be absolutely void and of no effect without such approval: *Provided*, That the Secretary of the Interior may remove, under rules and regulations to be prescribed by him, this restriction upon leasing from all allottees and allotted lands except as to homesteads of allottees of Indian blood and freedmen, and lands allotted to freedmen of the Choctaw and Chickasaw tribes shall be considered "homesteads," and shall be subject to all the provisions of this or any other act of Congress applicable to the "homesteads" of the citizens of the Choctaw and Chickasaw tribes: *Provided further*, That allotments of minors and incompetents may be rented or leased under order of the proper court with the approval of the Secretary of the Interior.

With the following committee amendments:

In line 12, page 18, after the word "of," insert the words "full blood" and strike out the words "and freedmen."

Beginning in line 16, after the word "approval," strike out all down to and including the word "tribes" in line 24.

In line 25 strike out the word "further."

On page 19, lines 1 and 2, strike out the words "with the approval of the Secretary of the Interior."

The CHAIRMAN. The question is on agreeing to the several committee amendments.

The amendments were considered, and agreed to.

Mr. REID. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

On page 18, line 13, after the word "tribes," insert the words "for a period of more than twelve months."

Mr. REID. Under the provisions of the bill as it stands all contracts for the lease of lands must be approved by the Secretary of the Interior. That embraces the ordinary rental contract from year to year, and my information is it is impracticable and puts an impediment on the freedom of contract that inures to the disadvantage of the Indian. It seems to me that the Indian can not be very materially injured by being permitted to make his own contracts for one year. Of course, if it was for a long period of time he might be defrauded. But it takes considerable time to provide a lease, send it up here to Washington, have it approved by the Secretary of the Interior, and have it returned. There have been many complaints of contracts of that kind requiring approval by the Secretary being delayed, and in many instances it has resulted in the Indian not being able to rent his land.

Mr. CURTIS. I hope the amendment, Mr. Chairman, will be voted down.

The question was taken, and the amendment was lost.

The Clerk read as follows:

SEC. 21. That if any allottee of the Choctaw, Chickasaw, Cherokee, Creek, or Seminole tribe die without successor, seized of all or any portion of his allotment prior to the final distribution of the tribal property, and such fact shall be known by the Secretary of the Interior, the lands allotted to him shall revert to the tribe and be disposed of as herein provided for surplus lands; but if the death of such allottee be not known by the Secretary of the Interior before final distribution of the tribal property, the land shall escheat to and vest in such State or Territory as may be formed to include said lands.

With the following committee amendments:

In line 4, page 19, after the word "die," insert the word "intestate."

In line 5 strike out the word "successor" and insert the words "widow, heir or heirs, or surviving spouse."

The CHAIRMAN. The question is on agreeing to the committee amendments to section 31.

The question was taken, and the committee amendments were agreed to.

The Clerk read as follows:

SEC. 22. That the adult heirs of any deceased Indian of either of the Five Civilized Tribes whose selection has been made, or to whom a deed or patent has been issued for his or her share of the land of the tribe to which he or she belongs or belonged, may sell and convey the lands inherited from such decedent; and if there be both adult and minor heirs of such decedent, then such minors may join in a sale of such lands by a guardian duly appointed by the proper United States court for the Indian Territory. And in case of the organization of a State or Territory, then by a proper court of the county in which said minor or minors may reside, upon an order of such court made upon petition filed by guardian. All conveyances made under this provision are to be subject to the approval of the Secretary of the Interior, under such rules and regulations as he may prescribe.

With the following committee amendments:

In line 24, after the word "reside," insert the words "or in which said real estate is situated."

In line 2, page 20, after the word "provision," insert the words "by heirs who are full-blood Indians or minors."

Mr. MURPHY. Mr. Chairman, I want to offer the following amendment, which I send to the Clerk's desk. It is an amendment to the committee amendment.

The Clerk read as follows:

Strike out of the committee amendment, page 20, line 2, the words "or minors."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri.

Mr. MURPHY. Mr. Chairman, I can not see the necessity for having the courts pass upon the sale of the minors and then have them sent to the Secretary of the Interior to be approved.

Mr. CURTIS. The committee amendment only applies to minors who are full bloods. It is thought best to leave all the full bloods in the hands of the Secretary, and I hope the amendment will be voted down.

The CHAIRMAN. The question is on agreeing to the amendment to the committee amendment.

The question was taken, and the amendment to the committee amendment was disagreed to.

The CHAIRMAN. The question is on agreeing to the committee amendments to the section.

The question was taken, and the amendments were agreed to.

Mr. STEPHENS of Texas. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend section 22, page 19, in line 20, by striking out the word "minors" and substituting the word "heirs" therefor; and in line 24 strike out the words "minor or minors" and insert the word "heirs" in lieu thereof; and on page 20 and line 3, after the word "the," add the words "court appointing such guardian," and strike out the words "Secretary of the Interior under such rules and regulations as he may prescribe."

Mr. STEPHENS of Texas. Mr. Chairman, that would make the section read as follows:

SEC. 22. That the adult heirs of any deceased Indian of either of the Five Civilized Tribes whose selection has been made, or to whom a deed or patent has been issued for his or her share of the land of the tribe to which he or she belongs or belonged, may sell and convey the lands inherited from such decedent; and if there be both adult and minor heirs of such decedent, then such heirs may join in a sale of such lands by a guardian duly appointed by the proper United States court for the Indian Territory. And in case of the organization of a State or Territory, then by a proper court of the county in which said heirs may reside or in which said real estate is situated, upon an order of such court made upon petition filed by guardian. All conveyances made under this provision by heirs who are full-blood Indians or minors are to be subject to the approval of the court appointing such guardian, under such rules and regulations as he may prescribe.

Now, we have the strange condition of affairs here in this bill that we have a United States court assuming the guardianship of adult heirs of deceased Indians, and these adult heirs may be three-fourths white, as far as we know, but they are

adult heirs of deceased Indians, who get the lands that formerly belonged to the deceased Indians. Now, we provide that these may go into the proper United States court, that they may have the guardians appointed for them, and then further provides that in case of the organization of a State or Territory, then by a proper court of the county in which said minor or minors may reside, or in which said real estate is situated, upon an order of such court made upon the petition filed by the guardian. After the conveyances are made by the United States courts, or the Territorial or State courts, then they must go to the Secretary of the Interior here in Washington and have these orders of courts affirmed. What do we have now in this country? I understood we always had three branches of government—the executive, the legislative, and the judicial.

Here we have the judiciary supervised by an executive in the city of Washington—running two departments together. I do not understand why this should be done. When we leave the matter of appointing these guardians with the courts, why not let the courts ratify the deeds or make the deeds and control the whole matter? Why let the Secretary of the Interior or any other man here in the Department overrule the courts of the country?

Mr. CURTIS. Mr. Chairman, I am bound to say that I do not believe the gentleman from Texas [Mr. STEPHENS] has carefully read this section. He does not understand it if he has. There is no provision for the appointment of a guardian for adult heirs. It provides that the adult heirs may sell for themselves, and if there are minors, the minors may join in the sale by a guardian, to be appointed by a court. The guardian is appointed only for the minor. The last part of the section retains in the hands of the Secretary of the Interior the control of the property belonging to full bloods, because in other sections of the bill we have reserved to the Secretary control of the land owned by full-blood Indians, and the last section only applies to full-blood Indians and full-blood minors.

Mr. STEPHENS of Texas. Are not their rights dedicated in the courts, and does it not come under their supervision?

Mr. CURTIS. We do not take it away from the Secretary of the Interior in any place in this bill, and I am of the opinion and a majority of the committee agreed, that the Secretary should continue to control the land of the full-blood Indian.

Mr. STEPHENS of Texas. Suppose the Secretary overrules the judgment and decree of the court and holds they are invalid? Then you have two branches of the Government fighting each other.

Mr. CURTIS. There is no danger of that. Mr. Chairman, I now ask for a vote.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Amend by adding a new section, as follows:

"SEC. 23. Every person of lawful age and sound mind may by last will and testament devise all of his estate, real and personal, and all interest therein: *Provided*, That no will of a full-blood Indian devising real estate shall be valid unless acknowledged before a judge of the United States court for the Indian Territory or a United States commissioner: *Provided further*, That the law of the Territory of Oklahoma regulating the descent and distribution of real estate and other property shall apply to all real and personal property in the Indian Territory."

Mr. FITZGERALD. Mr. Chairman, I desire to inquire why the law controlling Oklahoma is inserted here? For a great many years it has been the custom to extend over this country Mansfield's Digest, which is the law of Arkansas.

Mr. CURTIS. The laws of Arkansas in reference to inheritance are very complicated, and a great deal of trouble has arisen in the Indian Territory over the disposition of inherited property, but I believe with the amendments we have put in line 5, page 19, that we might very well leave the lands to be disposed of under the laws of Arkansas.

Mr. FITZGERALD. My understanding is that most of the men practicing law in the Indian Territory are thoroughly familiar with the provisions of the Arkansas law, which is Mansfield's Digest——

Mr. CURTIS. I doubt that very much, from what I have heard some of them say.

Mr. FITZGERALD. Where is that Oklahoma law——

Mr. REID. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 20, strike out lines 11, 12, 13, and 14.

Mr. REID. Mr. Chairman, that enables us to meet the objection raised by the gentleman from New York——

Mr. CURTIS. I will state to the gentleman, I am perfectly willing that his amendment may be agreed to, in order to hurry the bill along.

The CHAIRMAN. The question is on the amendment just offered by the gentleman from Arkansas.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question now is on agreeing to the amendment as amended.

The question was taken, and the amendment as amended was agreed to.

The Clerk concluded the reading of the bill.

Mr. COOPER of Wisconsin. Mr. Chairman, I want to ask the gentleman, in line 5, page 19, appear the words "widow or surviving spouse." What is the difference between a widow and surviving spouse?

Mr. CURTIS. I will refer that to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. That is very simple; in some cases there is a widow and in some cases a widower.

Mr. BUTLER of Pennsylvania. Is a spouse a widower?

Mr. LACEY. Oh, yes; he is after his wife is dead.

Mr. CURTIS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to; and accordingly the committee rose, and, the Speaker having resumed the chair, Mr. OVERSTREET, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 5976, and had directed him to report the same with certain amendments to the House, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

Mr. CURTIS. Mr. Speaker, I move the previous question on the bill and amendments to its passage.

The question was taken, and the previous question was ordered.

The SPEAKER. Is a separate vote demanded on the amendments? If not, the vote will be taken in gross.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; was read the third time, and passed.

On motion of Mr. CURTIS, a motion to reconsider the last vote was laid on the table.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Military Affairs was discharged from the further consideration of the bill (H. R. 10707) to provide for the improvement in breeding of horses for general-purpose uses, and to enable the United States to procure better remounts for the cavalry and artillery service, and the same was referred to the Committee on Agriculture.

ENROLLED JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following joint resolution:

H. J. Res. 68. An act relating to the contingent expenses of the House of Representatives.

LEAVE OF ABSENCE.

By unanimous consent, Mr. SAMUEL was granted leave of absence for three days, on account of important business.

Mr. CURTIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 44 minutes p. m.) the House adjourned, to meet to-morrow, Friday, January 19, 1906, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Fernandina Harbor, Florida—to the Committee on Rivers and Harbors, and ordered to be printed, with the illustrations.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Petaluma Creek, California—to the Committee on Rivers and Harbors, and ordered to be printed, with illustrations.

A letter from the Secretary of War, recommending legislation to establish a system of discipline for the general hospital at Fort Bayard, N. Mex.—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a favorable recommendation, a draft of a joint resolution extending

the time for the completion of the highway bridge across the Potomac—to the Committee on the District of Columbia, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from the committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. GRONNA, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 321) to provide for the extension of time within which homestead settlers may establish their residence upon certain lands which were heretofore a part of the Uinta Indian Reservation, within the counties of Uinta and Wasatch, in the State of Utah, reported the same without amendment, accompanied by a report (No. 291); which said bill and report were referred to the House Calendar.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 8984) to amend the laws governing labor or improvements upon mining claims in Alaska, reported the same with amendment, accompanied by a report (No. 292); which said bill and report were referred to the House Calendar.

Mr. PRINCE, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 8965) to provide for the appropriate marking of the graves of the soldiers of the Confederate army and navy, and for other purposes, reported the same with amendment, accompanied by a report (No. 294); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHERMAN, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 11783) for the establishment of town sites, and for the sale of lots within the common lands of the Kiowa, Comanche, and Apache Indians, in Oklahoma, reported the same with amendment, accompanied by a report (No. 295); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CAMPBELL of Kansas, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 4468) to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895, reported the same without amendment, accompanied by a report (No. 296); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4470) to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895, reported the same without amendment, accompanied by a report (No. 297); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6451) granting an increase of pension to Adam Wucher, reported the same with amendment, accompanied by a report (No. 246); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7418) granting an increase of pension to Fritz Miller, reported the same with amendment, accompanied by a report (No. 247); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3380) granting an increase of pension to George W. Wilburn, reported the same with amendment, accompanied by a report (No. 248); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6144) granting a pension to Eli Brazilton, reported the same with amendment, accompanied by a report (No. 249); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4827) granting an increase of pension to Thomas E. Morrow, reported the same with amendment, accompanied by a report (No. 250); which said bill and report were referred to the Private Calendar.

Mr. GUDGER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3605) granting an increase of pension to Albert Lathrop, reported the same with amendment, accompanied by a report (No. 251); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5644) granting an increase of pension to George J. Wilcox, reported the same with amendment, accompanied by a report (No. 252); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1952) granting a pension to Axel A. M. Natt och Dag, reported the same with amendment, accompanied by a report (No. 253); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 611) granting an increase of pension to John H. Cassidy, reported the same with amendment, accompanied by a report (No. 254); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5170) granting an increase of pension to David R. Pringle, reported the same with amendment, accompanied by a report (No. 255); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 530) granting an increase of pension to George E. Ross, reported the same without amendment, accompanied by a report (No. 256); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1213) granting a pension to John Breden, reported the same with amendment, accompanied by a report (No. 257); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10522) granting an increase of pension to Charles H. Everitt, reported the same without amendment, accompanied by a report (No. 258); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2811) granting a pension to Angie A. Marvin, reported the same with amendment, accompanied by a report (No. 259); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1059) granting an increase of pension to Elijah Spangler, reported the same with amendment, accompanied by a report (No. 260); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 724) granting an increase of pension to John A. Coulter, reported the same with amendment, accompanied by a report (No. 261); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1925) granting a pension to Rebecca J. H. Rupe, reported the same with amendment, accompanied by a report (No. 262); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1554) granting an increase of pension to Samuel B. Spinning, reported the same with amendment, accompanied by a report (No. 263); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1136) granting an increase of pension to William D. Stauffer, reported the same with amendment, accompanied by a report (No. 264); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1131) granting an increase of pension to George Sargent, reported the same with amendment, accompanied by a report (No. 265); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5015) granting an increase of pension to Edwin R. Goodell, reported the same with amendment, accompanied by a report (No. 266); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7231) granting a

pension to Samuel O'Toole, reported the same with amendment, accompanied by a report (No. 267); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6941) granting an increase of pension to Alice Gearkee, reported the same with amendment, accompanied by a report (No. 268); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7240) granting a pension to Glawvina A. Pinnell, reported the same with amendment, accompanied by a report (No. 269); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6977) granting an increase of pension to Alfred S. Isaacs, reported the same with amendment, accompanied by a report (No. 270); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4391) granting an increase of pension to William John Stewart, reported the same with amendment, accompanied by a report (No. 271); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6992) granting an increase of pension to Mary Duffy, reported the same without amendment, accompanied by a report (No. 272); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6227) granting an increase of pension to Samuel J. Jones, reported the same with amendment, accompanied by a report (No. 273); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6448) granting an increase of pension to Samuel A. Shaw, reported the same without amendment, accompanied by a report (No. 276); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7001) granting an increase of pension to Andrew M. Dunham, reported the same with amendment, accompanied by a report (No. 275); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4732) granting an increase of pension to James Scrogum, reported the same without amendment, accompanied by a report (No. 276); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6947) granting an increase of pension to Charles Washburn, reported the same with amendment, accompanied by a report (No. 277); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8242) granting an increase of pension to John Alves, reported the same with amendment, accompanied by a report (No. 278); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10308) granting an increase of pension to Dillon F. Acker, reported the same with amendment, accompanied by a report (No. 279); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10266) granting an increase of pension to William H. Morris, reported the same with amendment, accompanied by a report (No. 280); which said bill and report were referred to the Private Calendar.

Mr. GUDGER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8043) granting an increase of pension to Lafayette Dodds, reported the same with amendment, accompanied by a report (No. 281); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7420) granting an increase of pension to Michael Wren, reported the same without amendment, accompanied by a report (No. 282); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7607) granting an increase of pension to Anna M. Smith, reported the same with amendment, accompanied by a report (No. 283); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11310) granting a pension to Emma Aldred, reported the same without amendment, accompanied by a report (No. 284); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10623) granting an increase of pension to Joseph L. Bostwick, reported the same with amendment, accompanied by a report (No. 285); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4964) granting an increase of pension to Nancy Stillwell, reported the same with amendment, accompanied by a report (No. 286); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4708) granting a pension to William T. Wiley, reported the same with amendment, accompanied by a report (No. 287); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1797) granting a pension to James H. Cole, reported the same with amendment, accompanied by a report (No. 288); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10611) granting a pension to John J. Brewer, reported the same with amendment, accompanied by a report (No. 289); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SULZER: A bill (H. R. 12305) relating to the salaries of the President and Vice-President of the United States—to the Committee on Appropriations.

By Mr. BUTLER of Tennessee: A bill (H. R. 12306) to pension all soldiers, sailors, and militiamen who served in the Army or Navy of the United States for thirty days in any of the Indian wars, and who were honorably discharged therefrom, at the rate of $12 per month, and also placing the widows of such soldiers, sailors, and militiamen who married prior to June 27, 1890, upon the pension rolls of the United States at the rate of $8 per month—to the Committee on Pensions.

Also, a bill (H. R. 12307) to pension all soldiers, sailors, and militiamen who served in the Army of the United States for sixty days in the war with Mexico, and who were honorably discharged therefrom, at the rate of $20 per month, and also placing the widows of such soldiers and sailors who were married prior to June 27, 1890, upon the pension rolls of the United States at the rate of $12 per month—to the Committee on Pensions.

By Mr. FLETCHER: A bill (H. R. 12308) authorizing and directing the Secretary of the Treasury to accept a certain tract of land in the city of Minneapolis and for the erection thereon of a postal substation—to the Committee on Public Buildings and Grounds.

By Mr. SIMS: A bill (H. R. 12309) authorizing the Commissioners of the District of Columbia to prescribe penalty of imprisonment for violating police regulations, and for other purposes—to the Committee on the District of Columbia.

Also, a bill (H. R. 12310) regulating the speed of automobiles in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. MAYNARD: A bill (H. R. 12311) to provide for the acquirement, by condemnation, of lands at Cape Henry, Virginia, for the purpose of fortification and coast defense—to the Committee on Appropriations.

By Mr. DAVEY of Louisiana: A bill (H. R. 12312) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to increase the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. JENKINS: A bill (H. R. 12313) for the establishment of a signal station on Devils Island, Lake Superior, Wisconsin—to the Committee on Interstate and Foreign Commerce.

By Mr. WATKINS: A bill (H. R. 12314) to amend an act approved February 3, 1905, authorizing the construction of a bridge across Red River at Shreveport, La.—to the Committee on Interstate and Foreign Commerce.

By Mr. SHERLEY: A bill (H. R. 12315) to establish a fish-hatching and fish-culture station in Jefferson County, State of

Kentucky—to the Committee on the Merchant Marine and Fisheries.

By Mr. FRENCH: A bill (H. R. 12316) to prevent cruelty to animals while in transit by railroads or other means of transportation from one State or Territory or the District of Columbia, and repealing sections 4386, 4387, 4388, 4389, and 4390 of the United States Revised Statutes—to the Committee on Interstate and Foreign Commerce.

By Mr. CALDER: A bill (H. R. 12317)) to provide for the warranting and retirement of pay clerks in the Navy—to the Committee on Naval Affairs.

By Mr. HUNT: A bill (H. R. 12318) to limit the effect of the regulation of interstate commerce between the several States in goods, wares, and merchandise, wholly or in part manufactured by convict labor or in any prison or reformatory—to the Committee on Labor.

By Mr. UNDERWOOD: A bill (H. R. 12319) to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved March 3, 1903—to the Committee on Immigration and Naturalization.

By Mr. LITTAUER, from the Committee on Appropriations: A bill (H. R. 12320) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes—to the Union Calendar.

By Mr. COOPER of Wisconsin: A bill (H. R. 12321) to amend section 1 of an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901—to the Committee on the District of Columbia.

By Mr. BARTHOLDT: A bill (H. R. 12322) to increase the limit of cost for the purchase of a site for the erection of a post-office building at St. Louis, Mo.—to the Committee on Public Buildings and Grounds.

By Mr. HOWELL of Utah: A bill (H. R. 12323) to permit the State of Utah to select lands in any abandoned military reservation in Utah—to the Committee on the Public Lands.

By Mr. MOUSER: A bill (H. R. 12324) to further amend section 3 of the act for the relief of certain volunteer and regular soldiers of the late war and the war with Mexico, approved March 2, 1889—to the Committee on Military Affairs.

By Mr. BYRD: A bill (H. R. 12325) to enlarge the foreign markets for American cotton and cotton products—to the Committee on Foreign Affairs.

By Mr. COOPER of Wisconsin: A bill (H. R. 12326) to amend an act of Congress approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes"—to the Committee on Insular Affairs.

By Mr. BURTON of Ohio: A joint resolution (H. J. Res. 83) for a report, and so forth, on the preservation of Niagara Falls—to the Committee on Rivers and Harbors.

By Mr. WEEKS: A resolution (H. Res. 154) for the appointment of a special committee to make investigation as to the lack of discipline in the Naval Academy at Annapolis—to the Committee on Rules.

By Mr. MORRELL: A resolution (H. Res. 155) authorizing the Doorkeeper of the House to appoint an additional messenger—to the Committee on Accounts.

By Mr. BUTLER of Pennsylvania: A resolution (H. Res. 156) authorizing the chairman of the Committee on Pacific Railroads to appoint a janitor to said committee room—to the Committee on Accounts.

By Mr. GILLESPIE: A resolution (H. Res. 157) requesting information from the President of the United States concerning certain railroads—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 12327) granting an increase of pension to Harriett J. Levis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12328) granting an increase of pension to Phillips S. Fletcher—to the Committee on Invalid Pensions.

By Mr. ANDRUS: A bill (H. R. 12329) to amend the military record of George W. Bryant—to the Committee on Military Affairs.

Also, a bill (H. R. 12330) granting an increase of pension to Hester A. Van Derslice—to the Committee on Invalid Pensions.

By Mr. BABCOCK: A bill (H. R. 12331) granting an increase of pension to Daniel J. Miller—to the Committee on Invalid Pensions.

By Mr. BARCHFELD: A bill (H. R. 12332) granting an increase of pension to John D. Lloyd—to the Committee on Invalid Pensions.

By Mr. BENNET of New York: A bill (H. R. 12333) granting a pension to Joseph Fobair—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12334) granting a pension to Fannie Watts—to the Committee on Invalid Pensions.

By Mr. BIRDSALL: A bill (H. R. 12335) granting an increase of pension to Godfrey Bowman—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 12336) granting an increase of pension to Margaret A. Montgomery—to the Committee on Invalid Pensions.

By Mr. BUCKMAN: A bill (H. R. 12337) for the relief of Henry C. Block—to the Committee on Claims.

By Mr. BUTLER of Tennessee: A bill (H. R. 12338) granting a pension to William Boyd—to the Committee on Invalid Pensions.

By Mr. BURKE of Pennsylvania: A bill (H. R. 12339) granting an increase of pension to Charles T. Murray—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12340) removing the charge of desertion against the name of William H. Barker—to the Committee on Military Affairs.

By Mr. CALDER: A bill (H. R. 12341) granting a pension to Eva P. Lorigan—to the Committee on Pensions.

By Mr. CAMPBELL of Ohio: A bill (H. R. 12342) granting a pension to Jonathan Budd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12343) granting a pension to Ethelbert Crouse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12344) granting an increase of pension to Andrew I. Sproul—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12345) granting an increase of pension to James Turner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12346) granting an increase of pension to Abraham D. Stouffer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12347) granting an increase of pension to Samuel Palmer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12348) granting an increase of pension to Joseph Berger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12349) granting an increase of pension to Edgar M. Barber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12350) granting an increase of pension to Joseph J. Haley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12351) granting an increase of pension to John Foltz—to the Committee on Pensions.

Also, a bill (H. R. 12352) granting an increase of pension to Andrew Lybold—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12353) granting an increase of pension to Jacob Little—to the Committee on Invalid Pensions.

By Mr. CANDLER: A bill (H. R. 12354) granting an increase of pension to Tillman T. Herridge—to the Committee on Pensions.

By Mr. CHANEY: A bill (H. R. 12355) granting a pension to Thomas B. Thompson—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 12356) for the relief of Emeline E. Musgrave—to the Committee on Claims.

Also, a bill (H. R. 12357) granting an increase of pension to Thomas S. Coley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12358) granting an increase of pension to Samuel Hicks—to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 12359) for the relief of Isaiah Heylin McDonald—to the Committee on Military Affairs.

Also, a bill (H. R. 12360) for the relief of George W. Leonard—to the Committee on Claims.

Also, a bill (H. R. 12361) for the relief of Albert J. Mohn—to the Committee on Military Affairs.

Also, a bill (H. R. 12362) granting a pension to Henrietta Walker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12363) to correct the military record of Joseph P. Leiter—to the Committee on Military Affairs.

By Mr. COOPER of Wisconsin: A bill (H. R. 12364) granting a pension to Lodema Cooley—to the Committee on Invalid Pensions.

By Mr. COOPER of Pennsylvania: A bill (H. R. 12365) granting an increase of pension to Nehemiah Brundege—to the Committee on Invalid Pensions.

By Mr. DAVIS of West Virginia: A bill (H. R. 12366) for the relief of Andrew J. Weese—to the Committee on Claims.

Also, a bill (H. R. 12367) for the relief of the county court of Randolph County, W. Va.—to the Committee on War Claims.

By Mr. DAWES: A bill (H. R. 12368) for the relief of Guernsey County, Ohio—to the Committee on Claims.

By Mr. DIXON of Montana: A bill (H. R. 12369) for the re-

lief of the heirs of Warren S. Baxter, deceased—to the Committee on Claims.

By Mr. DUNWELL: A bill (H. R. 12370) granting an increase of pension to Mary E. Randolph—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 12371) to correct the military record of Charles Lester Evans—to the Committee on Military Affairs.

Also, a bill (H. R. 12372) granting an increase of pension to J. Morgan Seabury—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12373) granting an increase of pension to Hiram Maltbie—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12374) granting an increase of pension to Henry E. Phelps—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12375) granting an increase of pension to William D. Brooks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12376) granting an increase of pension to Charles M. Wade—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 12377) granting an increase of pension to Francis C. Pollay—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12378) granting a pension to Hannah Westbrook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12379) granting an increase of pension to Reuben G. Wescott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12380) granting an increase of pension to Byron Pierce—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12381) granting an increase of pension to William T. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12382) to refund legacy taxes illegally collected from the estate of Henry C. Spaulding, deceased—to the Committee on Claims.

By Mr. FOSS: A bill (H. R. 12383) granting an increase of pension to Eleanor N. Sherman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12384) granting an increase of pension to Andrew Dunning—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12385) granting an increase of pension to John M. Southworth—to the Committee on Invalid Pensions.

By Mr. GARRETT: A bill (H. R. 12386) to remove the charge desertion from the record of John J. Knott and grant him an honorable discharge—to the Committee on Military Affairs.

Also, a bill (H. R. 12387) to amend and correct war records so as to muster in and muster out of the service of the United States Army W. H. Parker, of Gibson County, Tenn., and to grant him an honorable discharge—to the Committee on Military Affairs.

Also, a bill (H. R. 12388) granting an increase of pension to Harvey T. Dunn—to the Committee on Invalid Pensions.

By Mr. GILBERT of Indiana: A bill (H. R. 12389) granting an increase of pension to Isaiah B. McDonald—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12390) granting an increase of pension to John W. Raynor—to the Committee on Invalid Pensions.

By Mr. GILLESPIE: A bill (H. R. 12391) granting an increase of pension to J. Frederick Edgell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12392) for the relief of Thomas H. McDermett—to the Committee on Pensions.

Also, a bill (H. R. 12393) granting an increase of pension to William Hardy—to the Committee on Pensions.

Also, a bill (H. R. 12394) granting an increase of pension to Naomi Sheek—to the Committee on Pensions.

By Mr. GLASS: A bill (H. R. 12395) to pay to the heirs of J. H. McVeigh, deceased, the sum of $10,375—to the Committee on War Claims.

By Mr. GRAFF: A bill (H. R. 12396) granting an increase of pension to James Hutchinson—to the Committee on Invalid Pensions.

By Mr. HENRY of Connecticut: A bill (H. R. 12397) granting an increase of pension to Mary M. Perkins—to the Committee on Invalid Pensions.

By Mr. HOAR: A bill (H. R. 12398) granting a pension to Bridget T. Elliott—to the Committee on Invalid Pensions.

By Mr. HUGHES: A bill (H. R. 12399) granting an increase of pension to William T. Osborn—to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 12400) granting an increase of pension to Charles H. Sweeney—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 12401) granting a pension to Martha Brewer—to the Committee on Invalid Pensions.

By Mr. LAW: A bill (H. R. 12402) for the relief of the heirs of those killed by the explosion at Fort Lafayette, February 19, 1903—to the Committee on Claims.

Also, a bill (H. R. 12403) granting a pension to Lydia A. Fiedler—to the Committee on Invalid Pensions.

By Mr. LINDSAY: A bill (H. R. 12404) granting a pension to Lillian V. McGrath—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: A bill (H. R. 12405) granting an increase of pension to Harrison C. Plummer—to the Committee on Invalid Pensions.

By Mr. McKINLEY of Illinois: A bill (H. R. 12406) granting an increase of pension to Enoch Fritter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12407) granting an increase of pension to Robert Bivans—to the Committee on Invalid Pensions.

By Mr. MACON: A bill (H. R. 12408) for the relief of the estate of John Holleman, deceased—to the Committee on War Claims.

By Mr. MADDEN: A bill (H. R. 12409) for the relief of Mary C. Mayers—to the Committee on Claims.

By Mr. KINKAID: A bill (H. R. 12410) granting an increase of pension to Lizzie G. Reynolds—to the Committee on Pensions.

By Mr. MOUSER: A bill (H. R. 12411) granting a pension to Sarah J. Garner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12412) granting an increase of pension to John W. Gillen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12413) granting an increase of pension to Romanes Binkley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12414) granting an increase of pension to William F. Howard—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: A bill (H. R. 12415) granting an increase of pension to Elizabeth Bodkin—to the Committee on Invalid Pensions.

By Mr. PATTERSON of Pennsylvania: A bill (H. R. 12416) granting an increase of pension to Benjamin Keller—to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 12417) granting an increase of pension to Samuel G. Raymond—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12418) granting an increase of pension to Thomas P. Crandall—to the Committee on Invalid Pensions.

By Mr. PUJO: A bill (H. R. 12419) for the relief of Alonzo L. Boyer, of Avoyelles Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 12420) for the relief of Blaize Motte—to the Committee on War Claims.

Also, a bill (H. R. 12421) for the relief of Florimand Izard—to the Committee on War Claims.

Also, a bill (H. R. 12422) for the relief of G. S. Cheves—to the Committee on War Claims.

Also, a bill (H. R. 12423) for the relief of the estate of Jean Louis Malvean, deceased—to the Committee on War Claims.

Also, a bill (H. R. 12424) for the relief of the estate of Louis Malvean, deceased—to the Committee on War Claims.

Also, a bill (H. R. 12425) for the relief of the estate of Emile Lambert, deceased—to the Committee on War Claims.

Also, a bill (H. R. 12426) for the relief of the estate of Jean Baptiste Rabot, deceased—to the Committee on War Claims.

Also, a bill (H. R. 12427) for the relief of the estate of Joseph Gradengo, deceased—to the Committee on War Claims.

Also, a bill (H. R. 12428) for the relief of the estate of George Neck, sr., deceased—to the Committee on War Claims.

Also, a bill (H. R. 12429) for the relief of the estate of Dr. Joseph Moncla, deceased—to the Committee on War Claims.

Also, a bill (H. R. 12430) for the relief of the estate of Jean Marie Tatin, deceased—to the Committee on War Claims.

Also, a bill (H. R. 12431) for the relief of the heirs of Jean Baptiste Malvean, deceased—to the Committee on War Claims.

By Mr. RHINOCK: A bill (H. R. 12432) to correct the rating of the pension of Henry Shonert—to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 12433) granting a pension to John B. Moulder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12434) granting an increase of pension to Benjamin T. Ayers—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 12435) for the relief of the estate of Thomas Jackson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 12436) for the relief of the legal representatives of William A. Crawford, deceased—to the Committee on War Claims.

By Mr. SMALL: A bill (H. R. 12437) for the relief of the estate of the late Jesse R. Stubbs—to the Committee on the Judiciary.

By Mr. SAMUEL W. SMITH: A bill (H. R. 12438) granting an increase of pension to Mrs. E. E. Baxter—to the Committee on Invalid Pensions.

By Mr. SMITH of Arizona (by request): A bill (H. R. 12439) for the relief of George Ivers, administrator of William Ivers, deceased—to the Committee on War Claims.

By Mr. SULLOWAY: A bill (H. R. 12440) granting an increase of pension to Jonas H. Colomy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12441) granting an increase of pension to Moses B. Davis—to the Committee on Invalid Pensions.

By Mr. TIRRELL: A bill (H. R. 12442) to correct the military record of Henry Butterfield—to the Committee on Military Affairs.

Also, a bill (H. R. 12443) granting an increase of pension to Nathaniel Southard—to the Committee on Invalid Pensions.

By Mr. TOWNSEND: A bill (H. R. 12444) granting an increase of pension to Henry F. Turner—to the Committee on Invalid Pensions.

By Mr. VAN DUZER: A bill (H. R. 12445) for the relief of P. S. Corbett, deceased—to the Committee on Claims.

By Mr. VAN WINKLE: A bill (H. R. 12446) to correct the military record of John Hunter—to the Committee on Military Affairs.

By Mr. WATKINS: A bill (H. R. 12447) for the relief of E. A. Givens—to the Committee on War Claims.

Also, a bill (H. R. 12448) for the relief of the estate of Jacob A. Wolfson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 12449) for the relief of the estate of Emile Rost, deceased—to the Committee on War Claims.

Also, a bill (H. R. 12450) for the relief of the estate of Jacob Israel, deceased—to the Committee on War Claims.

Also, a bill (H. R. 12451) for the relief of the estate of Phillip Poete, deceased—to the Committee on War Claims.

By Mr. WILLIAMS: A bill (H. R. 12452) for the relief of F. P. Brower—to the Committee on Claims.

Also, a bill (H. R. 12453) granting a pension to William Cross—to the Committee on Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 12454) for the relief of the heirs of Sanmord H. Chamblee—to the Committee on War Claims.

By Mr. CALDERHEAD: A bill (H. R. 12455) granting an increase of pension to John Jacoby—to the Committee on Invalid Pensions.

By Mr. FOSTER of Indiana: A bill (H. R. 12456) to remove the charge of desertion from the military record of William C. Goodman—to the Committee on Military Affairs.

Also, a bill (H. R. 12457) granting an increase of pension to George W. Craig—to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 12458) granting an increase of pension to Thomas J. Saylor—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 728) for the relief of La Fayette & Bro.—Committee on the Post-Office and Post-Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 4052) for the relief of W. M. Brevard & Co.—Committee on the Post-Office and Post-Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 4579) for the relief of W. T. Morgan—Committee on the Post-Office and Post-Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 4846) for the relief of the estate of P. M. M. Alexander—Committee on the Post-Office and Post-Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 8699) for the relief of James A. Carroll—Committee on the Post-Office and Post-Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 9145) for the relief of John M. Vandiver—Committee on the Post-Office and Post-Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 9540) for the relief of Walter L. Stowell—Committee on the Post-Office and Post-Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 9713) for the relief of Hattie P. Spicer—Committee on the Post-Office and Post-Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 11303) granting a pension to Joseph Matthews—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11670) granting an increase of pension to Mary B. Minton—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 12285) granting a pension to Mary C. Kirkland—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Grange No. 1285, against the tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of municipalities of Porto Rico, for right of self-government exclusively—to the Committee on Insular Affairs.

By Mr. ADAMS of Wisconsin: Papers to accompany bills H. R. 11048 and 8144, granting an increase of pension to Richard Gogin and Ada J. Laffwell—to the Committee on Invalid Pensions.

By Mr. BARCHFELD: Petition of the Oakland Board of Trade, for a new post-office building for Pittsburg—to the Committee on Public Buildings and Grounds.

By Mr. BARTHOLDT: Paper to accompany bill for relief of *General Slocum* survivors—to the Committee on Claims.

By Mr. BRADLEY: Paper to accompany bill for relief of *General Slocum* survivors—to the Committee on Claims.

Also, petitions of the Neversink Chemical Works and the Buckley Chemical Company, against the tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Association for the Protection of Commerce, relative to Ambrose channel—to the Committee on Rivers and Harbors.

By Mr. BUCKMAN: Petition of the Organization of *General Slocum* Survivors, for relief by Congress—to the Committee on Claims.

Also, paper to accompany bill for relief of Epaphroditus Waite—to the Committee on Military Affairs.

By Mr. BURLEIGH: Paper to accompany bill for relief of Henry S. Stowell—to the Committee on Pensions.

By Mr. BURLESON: Paper to accompany bill for relief of *General Slocum* survivors—to the Committee on Claims.

By Mr. BURNETT: Papers to accompany bill granting a pension to Fannie Watts—to the Committee on Invalid Pensions.

By Mr. CALDER: Petition of the Organization of *General Slocum* Survivors, for relief by Congress—to the Committee on Claims.

By Mr. COOPER of Wisconsin: Petition of the Milwaukee College Endowment Association, for a national forest reservation in the White Mountains—to the Committee on Agriculture.

Also, petition of the Milwaukee Outdoor Art and Improvement Association, for a national forest reservation in the White Mountains—to the Committee on Agriculture.

By Mr. DEEMER: Petition of citizens of Sebring, Tioga County, Pa., against the tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. DRAPER: Petition of George E. Briggs, president of the Prohibition Club, against all bills to make denaturized alcohol free of tax—to the Committee on Ways and Means.

Also, petition of the Association for the Protection of Commerce, for an appropriation to deepen Coney Island channel—to the Committee on Rivers and Harbors.

By Mr. DUNWELL: Petition of the Minerva Club, of New York City, for increase of President's salary—to the Committee on Appropriations.

Also, petition of the Maritime Association of New York, for an appropriation to deepen the Coney Island channel—to the Committee on Rivers and Harbors.

By Mr. DWIGHT: Petition of citizens of New York State, against spoliation of Niagara Falls—to the Committee on Foreign Affairs.

Also, petition of Bagless & Berkalew, the South Branch Manufacturing Company, Corbett & Stuart, and H. C. Collier & Sons, of Binghamton, N. Y., against bill H. R. 7079—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of *General Slocum* survivors—to the Committee on Claims.

By Mr. ESCH: Petition of the Union League Club, for repeal of the duty on art works—to the Committee on Ways and Means.

By Mr. FITZGERALD: Petition of the Minerva Club, of New York, to raise the President's salary—to the Committee on Appropriations.

Also, petition of the Maritime Association of the Port of New York, for an appropriation to deepen the Coney Island channel—to the Committee on Rivers and Harbors.

By Mr. FOSS: Petition of Lieut. Andrew Dunning and Maj. John M. Southworth, for an increase of pension—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of Armbruster & Needham, for two kinds of mail matter only—to the Committee on the Post-Office and Post-Roads.

Also, petition of Grand Division, Order of Railway Conductors, about rate legislation—to the Committee on Interstate and Foreign Commerce.

By Mr. GAINES of West Virginia: Petition of 152 citizens of Montgomery, W. Va., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of King Philip Lodge, No. 32, Improved Order of Red Men, of Villa, W. Va., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of Amelia R. Randolph—to the Committee on Invalid Pensions.

Also, petition of Roseville Council, No. 29, Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. GARRETT: Paper to accompany bill for relief of W. H. Parker—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Harvey T. Dunn—to the Committee on Invalid Pensions.

By Mr. GILLETT of Massachusetts: Petition of Harmony Council, No. 9, Order United American Mechanics, of Springfield, Mass., favoring restriction of immigration—to the Committee an Immigration and Naturalization.

By Mr. GOEBEL: Petition of Queen City Lodge, No. 109, Brotherhood of Railway Carriers, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. HAMILTON: Petition of the Organization of *General Slocum* Survivors, for relief by Congress—to the Committee on Claims.

By Mr. HARDWICK: Petition of the Georgia Dairy and Live Stock Association, relative to extermination of the cattle tick—to the Committee on Agriculture.

By Mr. HENRY: Petition of Mount Vernon Council, No. 10, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. HIGGINS: Petition of Division I, Ancient Order of Hibernians, of New London, Conn., for a monument to Commodore Barry—to the Committee on the Library.

Also, petition of the East End Parliament of Norwich, Conn., against commercial spoliation of Niagara Falls—to the Committee on Foreign Affairs.

By Mr. HINSHAW: Petition of the Commercial Club of Omaha, for bill S. 1345, for reorganization of the consular service—to the Committee on Foreign Affairs.

By Mr. HITT: Paper to accompany bill for relief of *General Slocum* survivors—to the Committee on Claims.

By Mr. HOAR: Paper to accompany bill for relief of Bridget T. Elliott—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: Petition of citizens of Martinsville, N. J., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Organization of *General Slocum* Survivors, for relief by Congress—to the Committee on Claims.

By Mr. HOWELL of Utah: Paper to accompany bill for relief of *General Slocum* survivors—to the Committee on Claims.

By Mr. KETCHAM: Petition of Mahopac Grange, against the tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. KLINE: Paper to accompany bill for relief of *General Slocum* survivors—to the Committee on Claims.

By Mr. KNAPP: Paper to accompany bill for relief of Martha Brewer—to the Committee on Invalid Pensions.

By Mr. LITTAUER: Petition of the Minerva Club, of New York City, for increase of the President's salary—to the Committee on Appropriations.

Also, petition of the Organization of *General Slocum* Survivors, for relief by Congress—to the Committee on Claims.

By Mr. MACON: Paper to accompany bill for relief of Henry A. Geduldig—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Thomas B. Davis—to the Committee on Pensions.

Also, paper to accompany bill for relief of Joseph Dougal—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of John Halleman—to the Committee on War Claims.

By Mr. MADDEN: Paper to accompany bill for relief of Mary C. Mayers—to the Committee on Claims.

By Mr. McCARTHY: Petition of the University of Nebraska, for Mesa Verde National Park—to the Committee on the Public Lands.

By Mr. McKINLAY of California: Petition of stock raisers, for modification of existing law regarding transportation of stock—to the Committee on Interstate and Foreign Commerce.

By Mr. OVERSTREET: Paper to accompany bill for relief of Elizabeth Bodkin—to the Committee on Invalid Pensions.

Also, petition of the Manufacturers' Association of Indianapolis, Ind., for bill H. R. 7079—to the Committee on Ways and Means.

By Mr. PATTERSON: Paper to accompany bill for relief of Benjamin Keller—to the Committee on Invalid Pensions.

By Mr. PAYNE: Paper to accompany bill for relief of Charles H. Dunning—to the Committee on Invalid Pensions.

By Mr. PUJO: Petition of the Organization of *General Slocum* Survivors, for relief by Congress—to the Committee on Claims.

Also, petition of Integrity Lodge, No. 159, Brotherhood of Locomotive Firemen, for bills H. R. 239 and 9328 and S. 1657—to the Committee on Interstate and Foreign Commerce.

By Mr. RHODES: Petition of W. S. Townsend et al., of Potosi, Mo., against liquor selling in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. RYAN: Petition of the Maritime Association of the Port of New York, for an appropriation to deepen the Coney Island channel—to the Committee on Rivers and Harbors.

Also, petition of the Organization of *General Slocum* Survivors, for relief by Congress—to the Committee on Claims.

By Mr. SMITH of Maryland: Resolutions of Nanticoke Council, No. 110; Rock Hall Council, No. 149; Banner Council, No. 11, and Columbia Council, No. 40, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SULZER: Petition of the Organization of *General Slocum* Survivors, for relief by Congress—to the Committee on Claims.

Also, petition of the Woman's Christian Temperance Union of Amboy, N. J., for retention of the canteen law—to the Committee on Military Affairs.

By Mr. TIRRELL: Papers and statement to accompany bill granting an increase of pension to Nathaniel Southard—to the Committee on Invalid Pensions.

By Mr. TOWNSEND: Petition of the Michigan State Grange, against the tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. VAN WINKLE: Petition of Clinton Council, Junior Order United American Mechanics, of Jersey City, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. WATKINS: Paper to accompany bill for relief of estate of Jacob Israel—to the Committee on War Claims.

By Mr. WANGER: Petition of J. Franklin Fritz et al., against reduction of the tax on colored oleomargarine—to the Committee on Agriculture.

Also, petition of Pipesville Council, No. 620, Junior Order United American Mechanics, of Bucks County, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Dr. H. M. Bellows and other residents of Huntingdon Valley, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Grange No. 620, Patrons of Husbandry, of Bucks County, Pa., against the tax on denaturized alcohol—to the Committee on Ways and Means.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 19, 1906.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

CHANGES OF REFERENCE.

Mr. PAYNE. Mr. Speaker, House bill No. 12076 was referred to the Committee on Ways and Means. The committee has directed me to report it back to the House and ask that it go to the Committee on Insular Affairs. Undoubtedly the mistake was made because of the title of the bill, which amends the act to temporarily provide revenue for the island of Porto Rico, and for other purposes. The bill relates exclusively to "other purposes," which is civil government, and not to revenue.

The SPEAKER. The gentleman from New York asks that reference of House bill No. 12076 be changed from the Committee on Ways and Means to the Committee on Insular Affairs. Is there objection?

There was no objection.

Mr. GRANGER. Mr. Speaker, I ask that the Committee on Public Buildings and Grounds be discharged from the consideration of the bill (H. R. 195) to establish a fish-cultural station in the State of Rhode Island, and that the same be referred to the Committee on Merchant Marine and Fisheries.

The SPEAKER. The gentleman from Rhode Island asks for change of reference of bill H. R. 195 from the Committee on Public Buildings and Grounds to the Committee on Merchant Marine and Fisheries. Is there objection?

There was no objection.

By unanimous consent, the Committee on Invalid Pensions was dischaged from further consideration of the bill (S. 21) granting a pension to Mary G. Bright, and the same was referred to the Committee on Pensions.

By unanimous consent, the Committee on Invalid Pensions was discharged from further consideration of the bill (S. 2082) granting an increase of pension to Elizabeth T. Carpenter, and the same was referred to the Committee on Pensions.

URGENT DEFICIENCY BILL.

Mr. LITTAUER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of House bill No. 12320, making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes.

Pending that motion, I would like to endeavor to make an agreement on the time for general debate.

Mr. LIVINGSTON. Mr. Speaker, the Members on this side have had so little time to look into this bill that we are not prepared now to say if the debate shall be confined to one hour or to six hours, but I want to say to the gentleman from New York [Mr. LITTAUER] that within an hour after we get into the Committee of the Whole I think we can agree upon time.

Mr. KEIFER. Mr. Speaker, in connection with the proposed arrangement there are one or two clauses in the urgent deficiency bill that we desire to take up at the time we reach them with the understanding, if it be agreeable, that we are to have on both clauses, one particularly in which I am interested, an hour at the time when it is reached, and not to be taken up in the general discussion.

Mr. LIVINGSTON. We will have no trouble about that.

Mr. KEIFER. I am seeking, Mr. Speaker, to have the agreement on one clause, and that we shall have one hour to discuss it when it is reached in the pending bill, instead of under the five-minute rule. It is the clause in relation to paying the cost of transportation of silver coin by the Government.

Mr. LITTAUER. Mr. Speaker, I have no objection to the fullest discussion in connection with every item of this bill, but it seems to me at this time to make an agreement that there should be a general debate on any one clause extending over one hour is somewhat unnecessary. We will give all the time necessary to consider it. I hope it will not take an hour.

Mr. KEIFER. Then let it take such part of it only as is necessary.

Mr. LITTAUER. I will give the gentleman any time he may desire to consider it. I hope it will not take an hour.

Mr. KEIFER. Then let it take such part of it only as is necessary.

Mr. LITTAUER. I will give the gentleman any time he may desire.

Mr. TAWNEY. I think there will be no difficulty in the Committee of the Whole, when the item referred to by the gentleman from Ohio is reached, in giving him all the time he wants under that rule by unanimous consent.

Mr. KEIFER. If there is no objection, I am willing to leave it stand in that way.

The SPEAKER. The question is on the motion of the gentleman from New York [Mr. LITTAUER] that the House resolve itself into the Committee of the Whole House on the state of the Union for consideration of H. R. 12320. Is there objection?

The motion of Mr. LITTAUER was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 12320) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes, with Mr. SHERMAN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12320, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 12320) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes.

Mr. LITTAUER. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. LITTAUER. Mr. Chairman, the urgent deficiency bill presented for the consideration of the committee this morning contains appropriations amounting to $15,215,503.75. A comparison with the amount carried in the urgent deficiency bill last session of $262,500 calls for some little explanation. In the second, or short, regular session of Congress the urgent deficiency bill contains only such items of great urgency as demand immediate attention on the convening of Congress in December. That bill usually passes the House before the holiday recess, and, of course, must be shortly thereafter followed by the general deficiency bill, which, in turn, must become law before the 4th of March. Consequently items of general deficiency not of extreme urgency are gathered together in the general bill. In the first, or long, session of Congress the general deficiency bill becomes a law, as is the custom, only in the very last days of the Congress, frequently at a time near the end of the fiscal year—I hope that will not be the case this year—leaving but a short time before the end of the fiscal year for which deficiencies make provision. Consequently in the first session of Congress the urgent deficiency bill contains all items of deficiency, urgent or otherwise, which have been presented to Congress through submission from the Departments, and hence the unequal comparison of figures first referred to. I would state, in addition, that the urgent deficiency bill of the first session of the last Congress carried an appropriation of little less than a million dollars more than the present bill.

Deficiencies considered in this bill cover practically the entire field of governmental expenditure with but very few exceptions, and yet they segregate themselves naturally into a few classes—four classes—three of which require but little scrutiny by your committee, while the fourth demands most exhaustive examination.

Mr. HARDWICK. Mr. Chairman, I desire to ask the gentleman from New York a question.

The CHAIRMAN. Does the gentleman from New York yield?

Mr. LITTAUER. Certainly.

Mr. HARDWICK. I understand the gentleman to say that this bill carries practically the same amount that was carried on the last bill of a similar character, on which a provision was made that there should not be any more deficiencies except where contracts or appropriations are made under existing law. I desire to ask the gentleman if the act of March 3, 1905, has been complied with by the various Departments?

Mr. LITTAUER. The act of March 3, 1905, will receive considerable consideration before we get through, but I would state, in answer to the gentleman's question, that we have in this bill a deficiency appropriation for the isthmian canal for the current year of $5,340,786.

Mr. HARDWICK. I desire to ask the gentleman one other question. In such instances as that law not being complied with, if there are such, has this other provision been complied with: "And all such appropriations shall be adhered to except when waived or modified in specific cases by written order of the Executive Department or other Government establishment having control of the expenditure?"

Mr. LITTAUER. We have notices of such a thing in some instances.

Mr. HARDWICK. Just one further question, following the exact words of the statute, in some instances you had and in others not. Let me read the act.

Mr. LITTAUER. I have the act.

Mr. HARDWICK—

And all such appropriations shall be adhered to except when waived or modified in specific cases by written order of the Executive Department or other Government establishment having control of the expenditures.

Was that done in each case?

Mr. LITTAUER. It was done in each case. It was developed in the hearings, and in our hearings we gave particular attention to that provision.

Mr. HARDWICK. Will the gentleman take up that subject fully in the course of his remarks?

Mr. LITTAUER. Certainly.

Mr. GAINES of Tennessee. I want to ask the gentleman if he leaves out of this bill the fund to pay for the transportation of silver dollars?

Mr. LITTAUER. It is true the deficiency submitted for that purpose is omitted.

Mr. GAINES of Tennessee. Well, now, before the gentleman

resumes his seat, I wish he would kindly tell us why that is done.

Mr. LITTAUER. Would not the gentleman permit me to suggest that we wait in our discussion until the time arrives when we will take that item up in the bill in the regular way? The gentleman from Ohio [Mr. KEIFER] has given notice that he desires to be heard on that subject.

Mr. GAINES of Tennessee. The gentleman is making a general statement about the bill, and explaining the bill, and I am in hopes that he will explain that also. It is a matter of considerable importance.

Mr. LITTAUER. Mr. Chairman, I will proceed by stating that among these classes of deficiencies found in this bill are, first, deficiencies that arise from the operation of the statutes where the obligation to provide is positive under the law. There are many such items in this bill; for instance, to provide deficiencies for jurors in the United States courts, compensation provided by law; to provide deficiencies for fees and expenses of weighers, gaugers, and storekeepers in the internal-revenue service, whose employment is dependent on the number of distilleries in operation, and whose fees and expenses are authorized by law. Our work in connection with such deficiencies is simply to determine that there is deficiency under the law and then provide for it.

Next come deficiencies to cover judgments rendered against the United States and submitted to Congress according to law, from the Court of Claims and from the Spanish Treaty Claims Commission, and Indian depredation claims. Our duty in connection with these is purely perfunctory; we simply look into the incidents of the judgment. I would call the attention of the committee to two judgments allowed this year that, perhaps, it is well to direct attention to. One is for $650,132 for royalties because of the use of the Harvey process in hardening steel armor plate, a judgment of the Court of Claims, confirmed by the Supreme Court, an indefinite naval expenditure that I trust will not often be repeated.

The other judgment is for $300,000 to the executors of the estate of the late Cornelius Vanderbilt, moneys paid under wrongful assessments of the inheritance tax—internal revenue.

Then comes a class which is termed "certified deficiencies"—deficiencies passed upon by the auditors of the various bureaus of the Government, and which come to us practically in the shape of judgments, and they are treated as such by your committee.

Mr. HARDWICK. May I ask the gentleman a question?

Mr. LITTAUER. Certainly.

Mr. HARDWICK. In view of the act to which I have referred, have we a right to treat them as such, unless the chiefs of the bureaus authorize them?

Mr. LITTAUER. These judgments concern not the present year, to which the amendment to the Revised Statutes the gentleman refers to applies, but to years gone by. These certified deficiencies are of two classes. The first are deficiencies arising because of a lapse of unexpended appropriations of previous years—unexpended balances that have been covered into the Treasury. The committee will bear in mind that the "covering-in act" provides that an appropriation any part of which is unexpended two years after the fiscal year in which it was appropriated shall be covered into the Treasury, and that no claim for deficiency shall be allowed on account of that item unless by reappropriation. Then comes the other class of certified deficiencies, certification being made after the total amount of the appropriation has been exhausted. This seems to be the general practice of auditors, and I am advised has warrant in law. It has, however, appeared to me a very bad practice to permit auditors to pass upon accounts after the total amount of appropriation has been disbursed. It seems to me that deficiencies under such circumstances become nothing but mere claims.

Luckily, through the operation of the amendment to the statute made last year, such certification can not further recur. The limitation placed upon deficiencies in the last deficiency bill makes the expenditure of money for deficiencies illegal after an appropriation has been exhausted, and consequently the old practice, I am happy to say, must now come to an end. One of the auditors before us declared that, of course, such deficiencies could not be considered by any auditor in the future.

Mr. HARDWICK. Will the gentleman allow me?

Mr. LITTAUER. Certainly.

Mr. HARDWICK. Does not this bill carry items that would be prohibited by the very law to which the gentleman refers?

Mr. LITTAUER. Wherever we found that the law applied, we dropped those items very quickly.

Mr. JONES of Washington. Will the gentleman from New York allow an interruption?

Mr. LITTAUER. Yes.

Mr. JONES of Washington. In the bill, on page 34, there is an item like this: "To reimburse the postmaster at Tonopah and Goldfield, Nev., for expenditures for clerk hire, rent, fuel, lights," etc. That is not an appropriation for a deficiency already provided for by law, is it?

Mr. LITTAUER. It is an appropriation for an emergency, and it is an additional amount to be granted to men who have, under extraordinary circumstances, in order to conduct the public business, been compelled to pay out of their own pockets amounts that they seek to be reimbursed for.

Mr. JONES of Washington. I have had a bill here ever since I came to Congress, unanimously reported from the Committee on Claims, to reimburse a man in Spokane for moneys paid out in this way on an emergency, and I would like to get it into this bill if possible.

Mr. LITTAUER. We then come to the important class of deficiencies, the largest in number, those toward which our examination must be most carefully and exhaustively directed, the class of anticipated deficiencies—amounts submitted to Congress from the different Departments and bureau chiefs needed and required to complete their work for the current fiscal year. Under this class of anticipated deficiencies has arisen a variety of abuses. Some of them are not only well defined, but very often repeated. They have crept into departmental management and into general conduct of expenditure. The principal abuse arises from the fact that the annual estimates are presented to Congress often in a careless, incomplete, and ill-considered condition, and that to such an extent that it has become a departmental custom as soon as an appropriation bill passes the House of Representatives for the Departments to scrutinize its items carefully in order to determine what further appropriations are needed, and then rush over to the Senate in their endeavor to have them included in the bill there, and their usual success there results in a long string of amendments when the bill is returned to the House for conference.

It is but frank to say that there seem to be in these anticipated deficiencies some items where committees of Congress, evidently with a view to keeping down the total amount of their bills to such sums as they believe Congress will want to allow, do not make proper provision for well-defined and almost necessary expenditure. Be these instances in the preparation of the bills as they may, when it comes to administration we have aggravations in the way of abuses of much more considerable character. We find that whenever we cut down or when generally we cut down the amounts estimated for for any given object to what, in the judgment of Congress, is ample provision for a given and specific work, those in charge of bureaus arbitrarily proceed to expend amounts under the appropriation as though their estimates had been allowed in full, giving no attention to the mandate contained in the appropriation determined by Congress. And then what happens? At the next session of Congress they come here with either an anticipated or an actual deficiency, and to our questions why, with good management, they could not have kept their expenditure within the limits set by Congress, they give us general and unsatisfactory reasons, but always wind up with the statement that unless this deficiency be allowed the work of the Government in relation thereto must stop.

Mr. JAMES. Mr. Chairman, will the gentleman allow a question?

The CHAIRMAN. Will the gentleman from New York yield to the gentleman from Kentucky?

Mr. LITTAUER. Yes.

Mr. JAMES. On page 46, line 16, I notice an item for payment for contesting seats in Congress in contest entitled "Koonce against Grady," act March 3, 1905, $1,000. When was this contest, and who is it gets the thousand dollars, Koonce or Grady?

Mr. LITTAUER. Mr. Chairman, I must say that I am at a loss to answer that. It was an item that came to us under the head of audited claims and our attention was not particularly drawn thereto. I will look it up and let the gentleman know a little later.

Mr. JAMES. There was no such contest as that in the Fifty-eighth Congress.

Mr. LITTAUER. I will look that up and let the gentleman know in a few moments.

Mr. LITTLEFIELD. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Maine?

Mr. LITTAUER. Yes.

Mr. LITTLEFIELD. I would like to inquire of the gentleman from New York, in the line of his last statement that these

Departments go right on expending the money without any reference to the appropriations made, on the basis of estimates given rather than the appropriations—I would like to inquire whether in the face of all these deficiencies the committee has been advised of what action the heads of these Departments took under the legislation of last winter, whether they furnished the committees with the necessary certificates that authorized these deficiencies?

Mr. LITTAUER. Wherever a waiver has been made we have been notified of it, and consequently have taken the item up. Because of the frequency of such waivers we propose now to amplify the law, and I will show the gentleman from Maine how we mean to do it.

Mr. LITTLEFIELD. I notice the amendment, and I think it is apt for that purpose, but I would like to make this further inquiry: Do I understand that all the items included in this bill are items that have been——

Mr. YOUNG. Mr. Chairman, I rise to a point of order. This dialogue is doubtless interesting, and we would like to hear it.

The CHAIRMAN. The gentleman from Michigan rises to a point of order. The committee will be in order.

Mr. LITTLEFIELD. I will say for the information of the distinguished gentleman from Michigan that I understand the chairman of the committee is prepared in the general debate in connection with the amendment proposed to go into the matter about which I have been inquired in somewhat of detail, and I have no doubt all Members of the House are very anxious to get information, and I will not further insist upon questions at this time.

Mr. LITTAUER. Now, this continual practice of carelessly considered estimate, anticipated deficiency granted, followed by certified claims, etc., has been permitted to grow to such an extent until it had practically become a custom in the Departments to pay little or no attention to amounts appropriated. In other words, bureau chiefs were following out their own sweet will and their judgment as to expenditures and were not being confined at all by the limitation set upon appropriations by Congress.

Mr. GROSVENOR. Mr. Chairman, I would like to call the gentleman's attention to a statement which I read in a newspaper and which he will no doubt recognize, if it were a true statement. It was stated that one of the chiefs of divisions, perhaps who was supporting a deficit of $5,000 in the last appropriation bill, not in this one, was inquired of how they came to expend that money. His statement was that they needed it, and he said that they had estimated for the whole amount of it and that Congress arbitrarily cut it down and that they went forward and spent the money. I would like to know of the gentleman if that is a fact.

Mr. LITTAUER. It seems to me I remember that very instance in connection with the printing of a very elaborate volume, which was afterwards taken out of the hands of the Department.

Mr. GROSVENOR. I suppose under our admirable system of appointment for life that gentleman is still holding the position?

Mr. LITTAUER. No; he has been appointed to Calcutta. This custom had gone on to such an extent that we had such aggravating examples as the gentleman from Ohio has just referred to before us, so that in the last session your Committee on Deficiencies determined to amend the law, or, rather, to amplify it, though it appeared plain to us that statute 3697 ought to have covered and prevented such a practice. The old statute, which is found on the fourth page of the report, provided that—

> No Department of the Government shall expend in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year and involve the Government in any contract or obligation for the payment of money in excess of such appropriation unless such contract or obligation be authorized by law.

This statute became observed, as far as we could find out, generally in the breach, and we determined to do what we could, even though it be of drastic fashion, to put an end to this system of coercive deficiencies, and for that purpose amended the law. We fixed the penalties for its violation as removal from office, fine, or imprisonment, providing in part that—

> All appropriations made for contingent expenses or other general purposes shall, on or before the beginning of each fiscal year, be so apportioned by monthly or other allotment as to prevent undue expenditures in one portion of the year that may require deficiency or additional appropriation to complete the service of the year, and all such apportionments shall be adhered to.

Providing further for a waiver of this restriction only when, in the judgment of a head of a Department it became necessary. In our hearings this year it developed that for the first time bureau chiefs realized that Congress meant to insist that its appropriations should be followed and not exceeded; that it meant to take back control of appropriations into its own hands.

Mr. CLAYTON. May I ask the gentleman, do I understand him to say that that statute which he has just referred to is continued to be violated and is now violated by the heads of bureaus notwithstanding the admonition of Congress?

Mr. LITTAUER. I meant to say the old statute, not as it was amended last year, but in previous years when the statute did not provide penalties for its violation of dismissal from office, fine, or imprisonment. Then the statute was practically a dead letter.

Mr. CLAYTON. Well, is the amended statute now being violated?

Mr. LITTAUER. I believe the amended statute is being followed about as closely as a new statute can be followed.

Mr. TAWNEY. If the gentleman will permit me, I will say that, in the judgment of the committee, it is not being violated in the letter, but it is being evaded in spirit, and we propose to amend so as to prevent that evasion.

Mr. CLAYTON. You propose to amend it so as to prevent evasion in the future?

Mr. TAWNEY. Yes.

Mr. LITTAUER. Why, this practice became so thoroughly settled in the Departments that some of them can hardly realize to this day that we enacted a new law last year controlling their former practices, and I have before me a submission for an actual deficiency for 1905 and an anticipated deficiency for 1906 from the State Department, one of the worst offenders in the past, which reads as follows:

It—

The Department—

> respectfully urges that the provisions of the act of March 3, 1905, should not apply to the contingent expenses of the diplomatic and consular service, if it were the intention of Congress that it should.

Mr. GAINES of Tennessee. Will my friend yield for a question? The gentleman from Minnesota [Mr. TAWNEY] has just stated that the law was evaded. You are trying to prevent that hereafter?

Mr. LITTAUER. There is a clause in the law that I will explain to the gentleman.

Mr. GAINES of Tennessee. Who evaded it, and why?

Mr. LITTAUER. As the law now stands, it is within the privilege of a head of a Department to waive the limitation placed in this act, when in his judgment it should be waived. We felt there might grow up a custom under that privilege of waiver that we wanted to control, as far as good administration would permit us, and consequently we offer in this bill the following amendment, which I think will well serve our purpose:

> All such apportionments shall be adhered to and shall not be waived or modified except upon the happening of some extraordinary emergency or unusual circumstance, which could not be anticipated at the time of making such apportionment.

And it further declares that—

> In case said apportionments are waived or modified as herein provided the same shall be waived or modified in writing by the head of such Executive Department or other Government establishment having control of the expenditure, and the reason therefor shall be fully set forth in each particular case and communicated to Congress in connection with estimates for any additional appropriation required on account thereof.

Mr. GAINES of Tennessee. I infer from the proposed law that some Department has considered that these extraordinary occasions have arisen which would excuse them for evading the law. What were those extraordinary occasions?

Mr. TAWNEY. If the gentleman will permit me, under existing law it is competent for a departmental officer to waive the apportionment for any cause or for any reason, but he must in that case submit to Congress the reasons for the waiver. Now, the defect in the existing law is that it does not define the ground upon which the right of waiver may be exercised, and we proposed to define that ground by specifying that apportionments shall not be waived unless upon the happening of some extraordinary emergency or unusual circumstance which could not be anticipated at the time the apportionment was made.

Mr. GAINES of Tennessee. The gentleman stated just now that the Department in some instances had evaded the law.

Mr. TAWNEY. The spirit of the law. I will answer the gentleman——

Mr. LITTAUER. Taking advantage of the waiver. Now, we have an item in this bill that perhaps will illustrate it. The Department of Justice has an account for miscellaneous expenditures. A waiver was made under that account.

Mr. GAINES of Tennessee. What is that item?

Mr. LITTAUER. That is the item on page 28.

Mr. GAINES of Tennessee. What is it?

Mr. LITTAUER. I will just describe it to the gentleman. The miscellaneous expenditure account was large enough for its regular purpose, but the Attorney-General waived it in

order that a portrait of the late Attorney-General might be paid for out of that fund.

Mr. GAINES of Tennessee. How much did it cost?

Mr. LITTAUER. It cost $2,615.

Mr. GAINES of Tennessee. He evaded the law to buy a picture costing that amount?

Mr. LITTAUER. I can not answer that question. We have inserted a provision in this bill that this waiver is not to be made or appropriation modified except on the happening of some extraordinary emergency.

Mr. GAINES of Tennessee. Does the gentleman think that is an extraordinary emergency, the buying and hanging anybody's picture in the Attorney-General's office?

Mr. LITTAUER. I do not. I do not think that hereafter the Attorney-General will do that.

Mr. GAINES of Tennessee. Who was he?

Mr. LITTAUER. It was in the year 1906.

Mr. Chairman, I believe that the House will approve of this further limitation. In order that the House may regain its control over appropriations, which evidently has lapsed, and in order that the Departments may understand that such moneys, and such moneys alone as we appropriate, will be at their service to carry on the work of the Government.

Mr. GAINES of Tennessee. I wish the distinguished gentleman who is making such an able and plain statement of the bill should take particular cognizance of what is an extraordinary occasion in the mind of the Attorney-General, to wit, to putting up a picture of an Attorney-General in his office.

Mr. LITTAUER. The present law does not require an "extraordinary" occasion. I thought I made it plain that in the amendment we insert in the clause we curtail this privilege in the future in order that it may cover extraordinary occasions.

Mr. GAINES of Tennessee. And this is a sample of an extraordinary occasion, ordering and paying for this picture.

Mr. PAYNE. The gentleman from Tennessee does not yet understand that the present law says nothing about extraordinary occasions.

Mr. GAINES of Tennessee. The gentleman is explaining to us what was an extraordinary occasion and gave that as an item where the Department had evaded the law.

Mr. LITTAUER. But it is proposed now to amend that.

Mr. MADDEN. The gentleman from New York was just trying to show to the House that the committee was proposing to amend the law so that no such condition could arise except on extraordinary occasions.

Mr. GAINES of Tennessee. And cited this as an instance of an extraordinary occasion.

Mr. LITTAUER. I stated this instance as one of those modifications of the law, and I state that in the future the law will curtail that as far as good administration of the Department will permit; and in curtailing it we refer as plainly as our language will permit us to do so "that hereafter there shall be no waiver or modification except upon some extraordinary emergency or unusual circumstance."

Mr. ADAMS of Pennsylvania. I would like to ask the gentleman if it is not the invariable custom to have portraits of the going-out Attorney-General painted and hung in the Department?

Mr. LITTAUER. Well, if it is, Congress ought to appropriate for that portrait, and not appropriate for it in a miscellaneous expenditure without knowing what that miscellaneous expenditure covers. I was trying to bring the attention of Congress to the fact that it is our fixed purpose to state the purpose of this deficiency, and we appropriate specifically for it.

Mr. ADAMS of Pennsylvania. All that might be; but if it is a custom to paint these portraits when the case arises, whether from the decease or resignation of an Attorney-General, would it not be considered an extraordinary occasion, owing to the custom of the Department, to paint this portrait?

Mr. LITTAUER. I do not think so, and it can not occur in the law as we seek to amend it. Under the law as it stood when it was ordered it was a proper order, in the judgment of the Attorney-General.

Mr. ADAMS of Pennsylvania. That is what I am trying to develop, and I must say that I think the gentleman has been unfortunate in giving an illustration or example of the operation of the law.

Mr. SIMS. Will the gentleman tell us how they paid for it and what reason they have given? The gentleman has characterized it as an evasion of the law.

Mr. LITTAUER. I have not at all. They have simply paid it out, and I give it as an illustration of a case now permitted under the law, and properly so, and which we hope in the future to curtail by an amendment which we are offering to this bill.

Mr. SIMS. And the gentleman was asked to please name one of these evasions, and he did so.

Mr. TAWNEY. The gentleman must remember when the apportionment was waived under the existing law they could expend that for any contingent expense that, in the judgment of the Attorney-General, was legitimate.

Mr. SIMS. And cited this as an instance of it.

Mr. GAINES of Tennessee. I asked the gentleman from Minnesota wherein this law has been evaded, and the gentleman from New York gave this picture item as an example of evasion.

Mr. PAYNE. I hope the gentleman will not call it evasion in that sense.

Mr. LITTAUER. It would be an evasion if the present bill passes. Then it would be an evasion.

Mr. SIMS. We are dealing with the subject of evasion.

Mr. TAWNEY. He did not make it that broad.

Mr. BEALL of Texas. Will the gentleman from New York yield?

Mr. LITTAUER. Certainly.

Mr. BEALL of Texas. I understood the gentleman from New York to say that the expenditure of these amounts of money in the cases of appropriation was an evasion of the spirit, at least, of the act of 1905.

Mr. LITTAUER. In the first place, it was an expenditure in excess of the apportionment made under the appropriation, and the law as it reads was as follows:

> Except when waived or modified in specific cases by the written order of the head of the Executive Department or other Government establishment having control of the expenditure.

So it gave the head of this Executive Department the right to waive any provision whenever he wanted to.

Mr. BEALL of Texas. Will not the gentleman concede that if the head of the Department waived the apportionment to such a purpose it was an evasion of the spirit of the act of 1905?

Mr. LITTAUER. I regret that so much has been made of this particular item. I simply brought it up to show why we felt from our hearings and the development of the matters brought before us that we should circumscribe the waivers more than does the present law. Now, the Attorney-General in waiving this is positively within the law.

Mr. BEALL of Texas. Will the gentleman yield for a further question?

Mr. LITTAUER. Certainly.

Mr. BEALL of Texas. Does not the gentleman think that the best way to impress upon the heads of the Departments the fact that Congress has legislated upon this subject would be to omit making appropriations for some of these items in which they have violated, if not the letter, at least the spirit of the law?

Mr. LITTAUER. That is precisely what we have done in this bill where we have felt that the spirit of the law was violated.

Mr. BEALL of Texas. Are there not many items in the bill where you make appropriations where the apportionment has been waived?

Mr. LITTAUER. There are instances, and we have felt that they were justified in making them.

Mr. GAINES of Tennessee. Mr. Chairman, may I interrupt the gentleman?

Mr. LITTAUER. Certainly.

Mr. GAINES of Tennessee. My information is that the expense for this portrait was charged up to the contingent fund, and it created a deficiency in it.

Mr. LITTAUER. Let me read to you:

> DEPARTMENT OF JUSTICE,
> *Washington, December 11, 1905.*
>
> The apportionment of the appropriation "Contingent expenses, Department of Justice, miscellaneous items, 1906," for the month of July, 1905, is hereby waived, for the reason that under my direction there was paid therefrom the cost of a portrait of ex-Attorney-General P. C. KNOX, now United States Senator.
>
> W. H. MOODY, *Attorney-General.*

Mr. GAINES of Tennessee. I think the picture should have been put in the office; that is right and proper; but the law should not have been evaded, if it were, by taking public funds that were not appropriated to do this particular thing.

Mr. LITTAUER. It seems to me the action of the committee is worthy of being upheld. We have a good deal of this oil-painting business going on about the Departments. We know that in the House when we want to hang the picture of a Speaker in the Hall we contribute ourselves.

Mr. PERKINS. Will the gentleman state who the artist was that received this $2,600?

Mr. LITTAUER. I do not know.

Mr. PERKINS. The gentleman does not know whether it was a famous artist or not.

Mr. LITTAUER. No. Now, Mr. Chairman, I have called attention to everything I desire at this time, with the exception that we have omitted from this bill a great variety of items, the total amount of which is $2,592,320; and that we have followed the uniform custom of the Committee on Appropriations to include no claim, nothing except deficiencies that have been audited, even though they be recommended by the head of a Department. Mr. Chairman, I will reserve the balance of my time.

Mr. LIVINGSTON. Mr. Chairman, I yield to the gentleman from Arkansas [Mr. BRUNDIDGE].

Mr. BRUNDIDGE. Mr. Chairman, I desire to call attention to some of the items in this bill that strike me as being a little peculiar and worthy of challenge in the Committee of the Whole. In the first place, I agree with the gentleman from New York [Mr. LITTAUER] that there should really be no deficiencies in the appropriations for the present year. Under the existing law it is really difficult to understand how the heads of the different Departments of this Government could have a deficiency in their respective Departments without subjecting themselves to the serious penalties imposed by the law, passed by this House a year ago, which not only provides for the dismissal from office in the event of a deficiency, but also for fine and imprisonment besides.

Notwithstanding the severe penalties imposed by that statute, we find this year the usual deficiencies in the Departments have come to this House, and in many instances we find them absolutely increased over a year ago. This condition Congress has attempted in the past to regulate and control. They hope to be able to control it in the future by offering to the House an amendment to the statute which I hope will be adopted, and which I believe will be productive of much good if it is adopted. Yet, at the same time, my experience in the past thoroughly convinces me, and I believe now that a year hence we shall be confronted by our same old friend, the urgent deficiency bill, probably in the same form that it appears to us now. It is nothing less than a reckless, extravagant, and in many instances a criminal expenditure of public money that can find no justification either here or elsewhere.

But one of the great questions that Congress has got to deal with is whether or not the heads of the different Departments of this Government shall control Congress and go on making expenditures in excess of appropriations and in violation of law, or whether Congress will assert its rights and give the different heads of the Departments of this Government to understand that when they have once appropriated such funds as they deem necessary for the defraying of the expenses of this Government that Congress means what it says, and those appropriations shall not be exceeded except in cases of extraordinary emergencies.

Mr. CLAYTON. Mr. Chairman, I would ask the gentleman how he would suggest that Congress shall make its desire known to these Departments that they shall keep within the appropriations made by Congress?

Mr. BRUNDIDGE. There is but one way on earth that I know of. Congress has heretofore, as I have stated, a year ago, passed an act making it both a crime and removal from office with fine and imprisonment, and now finds that there has been a violation of that law by almost every head of the Departments of this Government. The only thing to do in my judgment is to refuse to make the appropriation where they have expended money in excess of that authorized by law.

Mr. CLAYTON. Then the law has been violated flagrantly.

Mr. BRUNDIDGE. Undoubtedly, and has been so admitted.

Mr. CLAYTON. And yet there have been no prosecutions, and no removals from office?

Mr. BRUNDIDGE. No; and there are not likely to be any.

Mr. CLAYTON. And the only remedy the gentleman thinks that Congress has is to withhold these deficiency appropriations.

Mr. BRUNDIDGE. Yes; where they have been made directly in violation of the statute law.

Mr. WANGER. Does the gentleman advocate the adoption of the amendment reported by the committee, or does he favor an amendment to that amendment?

Mr. BRUNDIDGE. I am decidedly in favor of the amendment offered by the committee, and I will say to the gentleman that I also favor, if this practice is continued beyond this point (and I would not hesitate to vote for it now), a refusal of the House to appropriate money to meet expenditures where they have been made in violation of the statute.

Mr. CLAYTON. Let me ask the gentleman one more question. Could not a further remedy be made if Congress should deprive the heads of these Departments of all discretion, such as has been mentioned here during the progress of this debate, and allow them to expend no money for any purpose except that specifically appropriated for that particular purpose?

Mr. BRUNDIDGE. I will say to the gentleman from Alabama [Mr. CLAYTON] that that is practically the law now.

Mr. CLAYTON. Yes; but Congress provides and has been providing in the bills carrying these appropriations that this provision of law can be suspended in the discretion of the head of the Department.

Mr. BRUNDIDGE. But that was in case of emergency only. Of course this House under no circumstances could undertake to say, or would undertake to say, that such an emergency might not at some time arise in some Department that would justify it.

Mr. CLAYTON. Who is to be the judge of the emergency?

Mr. BRUNDIDGE. Undoubtedly that must be left to the head of the Department.

Mr. CLAYTON. Then it is left to his discretion?

Mr. LIVINGSTON. To be reviewed by Congress.

Mr. BRUNDIDGE. To be reviewed, of course, by the House.

Mr. CLAYTON. And the gentleman is of the opinion that this abuse in the particular about which we are talking will continue in the future as it has in the past.

Mr. BRUNDIDGE. The gentleman does not quite understand me. I do not complain so much of the abuse of the law as I do of the utter failure to comply with the law at all. And this, I fear, will continue.

The gentleman from Alabama [Mr. CLAYTON] will understand that Congress has no power to dismiss the head of a Department from office. That properly belongs to those who are charged with the responsibility of enforcing the law as they find it on the statute books, and that branch of it belongs to the Judiciary Department of this Government. And, in my judgment, every officer whose duty it is to enforce the law ought to be held to the strictest account.

Mr. GAINES of Tennessee. Who is the head of a Department to whom the gentleman alludes—who is he in person?

Mr. BRUNDIDGE. Oh, the gentleman understands I am not alluding to any particular Department—the head of the Agricultural Department, the head of the Navy Department, the head of the War Department, the State Department—the heads of all the Departments.

Mr. GAINES of Tennessee. What do you mean by "the head of the Navy Department," or War Department—the Secretary of the Navy and the Secretary of War?

Mr. BRUNDIDGE. Undoubtedly so.

Mr. GAINES of Tennessee. You do not allude to subordinates at the head of the different Departments?

Mr. BRUNDIDGE. I do not understand subordinates are charged with the disbursing of this money or any part of it.

Mr. LITTAUER. Moreover, the waiver must be by the Secretary.

Mr. BRUNDIDGE. Certainly.

Mr. CLAYTON. But no dismissals have occurred and, in the opinion of the gentleman, none will occur?

Mr. BRUNDIDGE. That is correct.

Mr. HUMPHREYS of Mississippi. The law provides that the head of the Department may make this waiver.

Mr. BRUNDIDGE. The head of the Department may make a waiver of the apportionment provided by Congress and extend it beyond the appropriation to meet an emergency.

Mr. HUMPHREYS of Mississippi. Is that in the statute or is that the construction of the law by the head of a Department?

Mr. BRUNDIDGE. That is the law now and this amendment seeks to strengthen it.

Mr. GAINES of Tennessee. Just one other question and I have finished. As a matter of fact, was the money for the purchase of this Knox picture actually paid before it was reported to Congress?

Mr. BRUNDIDGE. Oh, I understand it was; I will come to that a little later on. Now, Mr. Chairman, there is one other matter to which I desire to call the attention of the House, and which, in my judgment, needs rectifying, and needs it badly, at our hands. This committee felt itself not vested with the power to incorporate into this bill any statute or any change of existing law that would effect a remedy, but it has been made apparent to the committee that during the last year this Government expended the sum of $900,000 for the transportation alone of coal from this country to the Philippine Islands—a vast sum, indeed. When questioned for information as to why this enormous expenditure was made and this wonderful increase, we supposing, of course, that it might have come from the fact that we had thoroughly stocked all places with coal in our foreign possessions, we learned that such was not the case, but that on account of an act passed by Congress a year ago requiring and directing coal shipped to our insular possessions to be shipped in

American bottoms—a bill that undoubtedly appealed to this House as the means of protecting American industries, a bill intended to encourage home shipowners, a bill intended to encourage our own people, a bill intended to give to them an advantage over the foreigner, innocent in its appearance, apparently fair upon its face, a bill that appealed to the Americanism of every man in this House—and yet the fact has developed and remains undisputed that prior to the passage of this bill this Government had been shipping coal in foreign bottoms to the Philippine Islands at a cost of $4.50 a ton. Immediately after the passage of the bill requiring it to be shipped in American bottoms the price rose and has remained ever since that day not less than $7.50 a ton, or $3 increase in the price of transportation of a ton of coal from the United States to the Philippine Islands by reason of the law requiring it to be transported in American bottoms. We expended last year for that purpose alone more than $900,000. This bill carries to-day an appropriation for the same purpose of $500,000, and that no doubt will be inadequate to meet the expense.

This statute, in my judgment, needs to be repealed. The interests of the taxpayers of this Government demand when we are shipping coal from this country for the use of the American Navy we should ship it as cheaply as possible [applause on the Democratic side], and especially in view of the fact that up to this time no coal has been discovered upon the Philippine Islands and the information is that none will be discovered suitable for the use of the Navy while it is in the waters adjacent to the Philippine Islands.

Mr. GOULDEN. Will the gentleman allow me a question?

Mr. BRUNDIDGE. Certainly.

Mr. GOULDEN. I want to know who was benefited by that large increased cost per ton of shipping coal to the Philippines?

Mr. BRUNDIDGE. Why, the few owners, undoubtedly, of the American ships; certainly nobody else.

Mr. GOULDEN. Well, it went to Americans and American industries, then.

Mr. BRUNDIDGE. It did, but we were paying them $3 a ton more for transportation than we were paying to foreign bottoms. For myself I am opposed to it; I do not know how the gentleman may stand.

Mr. GOULDEN. I am in favor of encouraging American shipping, but not by a direct subsidy or bounty.

Mr. HUMPHREYS of Mississippi. Who was it paid by?

Mr. BRUNDIDGE. It was paid directly by the Navy Department.

Mr. HUMPHREYS of Mississippi. It was paid by Americans as well as to them.

Mr. GOULDEN. The bill came through my committee, that is why I ask the question.

Mr. BRUNDIDGE. The gentleman is correct in assuming that a few Americans were benefited, and I presume we will continue that benefit to a favored few at the expense of the great mass of the American people. This is a subsidy pure and simple and of the worst kind. [Applause on the Democratic side.] I love Americans and am proud of the fact that I am an American citizen, but I frankly state that I have no respect for any American who takes advantage of his position to fleece his Government.

There is one other matter worthy of note. This bill carries an appropriation of $1,500,000 for the collection of the internal revenues of this country.

Mr. Chairman, that branch of this Government is likewise not free from criticism, it is not free from fault in my humble and candid opinion. It is disclosed by the report of the Secretary of the Treasury which has recently been issued, and can be had by each and every Member of this House, and has been sent them, that in connection with the internal revenue of this country this Government is engaged in a transaction that absolutely staggers with awe and astonishment the average business man of this or any other country. Fifty-one ports of collection to-day established and in full operation in this country, for which Congress is annually making an appropriation to defray the expenses of, are expending more money than their receipts amount to. If the sum expended was simply trival, if the discrepancy was simply slight, it would cut, in my judgment, but little figure. But such is not the case.

Let me call the attention of the House to a few of the most striking and startling places where this expenditure exceeds the receipts. For instance, at Albemarle, N. C., the amount collected by the United States Government for the last fiscal year was a total sum of $5. In order to collect this $5 it cost the people of this Government $1,660.04, or $321 for every dollar that we collected. At Annapolis, Md., this Government collected for the past fiscal year $5 more, and in order to collect it we expended nine hundred and twenty-nine dollars and a few cents.

Mr. WILLIAM W. KITCHIN. Is the gentleman from Arkansas prepared to offer a remedy for that?

Mr. BRUNDIDGE. Absolutely. I will come to that later on.

Mr. WILLIAM W. KITCHIN. That we abolish those ports?

Mr. BRUNDIDGE. Undoubtedly so.

Mr. WILLIAM W. KITCHIN. If those ports were abolished what would prevent goods from being smuggled into this country through them, and thus defeat the Government out of tariff revenues?

Mr. BRUNDIDGE. Simply this: Let the officers at the adjoining or nearest port see to it, by some agent that may be sent there at the proper time, that the law is not violated.

Mr. WILLIAM W. KITCHIN. Will it not require the constant attendance of some officer at one of these ports in order to prevent smuggling?

Mr. BRUNDIDGE. In my judgment, absolutely no.

Now, Mr. Chairman, at Barnstable, Mass., this Government collected last year $438.80, and in order to collect that we paid $3,532. At Beaufort, N. C., for the last fiscal year this Government did not collect one cent of internal revenue. The governmental expenditures at that point were $1,400.01, and we did not get a cent in return. At Castine, Me., we collected $47.10 at the cost of $382.77. At Easton, Md., we collected $57.10, and to do so we paid out $2,402.18. At Wolfboro, Me., we collected $2,029, which cost this Government $6,891.75. At Aquina, Oreg., we did not collect a cent, at a cost to the Government of $1,040.75.

Mr. RICHARDSON of Alabama. Will the gentleman from Arkansas allow me to make an inquiry?

Mr. BRUNDIDGE. Certainly.

Mr. RICHARDSON of Alabama. As I understand the gentleman's position, he desires to abolish those ports because so little money is collected at such great cost. Now, suppose he would apply the same principles to the star route post-offices; what does he think would become of them?

Mr. BRUNDIDGE. Oh, but the gentleman can not apply this to the same plan as that of the post-offices. A post-office becomes a necessity because of the fact that it is useful to the people of the country. This is not a necessity—never has been a necessity—and it serves no other or more useful purpose than the employment of a few governmental agents at the Government's expense, who have absolutely not a thing on earth to do, not even to the writing of their names or the signing of a report. [Applause on the Democratic side.] This particular character of Government graft might well be dispensed with.

Mr. SIMS. I would like to ask the gentleman a question, and that is, if he ever heard of a post-office being maintained where a letter was never received or mailed?

Mr. BRUNDIDGE. I never did. It would be abolished long before it reached that stage.

Mr. RICHARDSON of Alabama. But the gentleman has heard of a great many of them that did not pay and were maintained.

Mr. BRUNDIDGE. Oh, certainly; and ought to be maintained.

Mr. MACON. Will the gentleman permit me to interrupt him and ask him if he knows of a single post-office, I do not care how inferior, whose postmaster receives any salary whatever except what he gets by the cancellation of stamps in that office?

Mr. WILLIAM W. KITCHIN. If you abolish the Albemarle district and Beaufort post-offices——

Mr. BRUNDIDGE. I do not want to abolish their post-offices.

Mr. WILLIAM W. KITCHIN. I meant custom-houses, of course, in North Carolina. My information is that the nearest custom-house would be 200 miles from Beaufort Harbor, and under the gentleman's plan an officer would be sent from there to Beaufort.

Mr. BRUNDIDGE. I said an agent could be sent there.

Mr. WILLIAM W. KITCHIN. Well, does the gentleman think that an agent living 200 miles away could maintain such supervision over the entrances into that harbor as to prevent smuggling?

Mr. BRUNDIDGE. I certainly do, where the receipts at that port do not exceed $5; I do not care whether the agent is 200 or 500 miles away.

Mr. WILLIAM W. KITCHIN. It might be, if you had no agent there, thousands of dollars' worth of goods might come in unlawfully. They would be slipped in.

Mr. BRUNDIDGE. Then the gentleman ought to change the law, and instead of providing for a collector of revenue at these ports, provide for men to be placed at certain given points to prevent the smuggling of goods into this country.

Mr. WILLIAM W. KITCHIN. That would not be practicable. Frequently we maintain guards around some valuable

treasure at enormous expense, yet we have no injury. We expend millions for protection, when, as a matter of fact, we lose nothing, from the fact that we are protecting the property.

Mr. BRUNDIDGE. So far as that is concerned, I will say to the gentleman from North Carolina, that is only a supposition. It has never been demonstrated, that I have ever seen or heard of, that such a condition of affairs ever existed, or was likely ever to exist. It has never been shown that these agents by remaining at these ports have saved the Government any considerable sum of money or any money at all by their presence, and until that has been demonstrated I for one am certainly opposed to paying $1,400 to maintain a collector at a port where the total receipts are only $5 a year.

Mr. WILLIAM W. KITCHIN. I agree with the gentleman that the expense ought to be diminished. I think an officer to do the proper duties there could be obtained for less than the present expense.

Mr. BRUNDIDGE. I express the hope, Mr. Chairman, to this House that there will be incorporated in this bill accompanying this appropriation of $1,500,000 and passed by the House a provision that no part of this sum shall be either used or expended at any port of the United States where the expenditure exceeds the receipts for the past fiscal year.

Mr. LIVINGSTON. May I suggest to my colleague that the objection raised by the gentleman from North Carolina does not hold good? If the custom-house is abolished no goods can be brought into the town unlawfully, because the mayor of the town will control that; but there are coastwise ships coming in and going out that must have clearances. They can not get clearances without an official. Therefore when you abolish the ports to which reference is made there must be a deputy collector or a deputy agent to give clearance to the ships ligitimately going there.

Mr. BRUNDIDGE. Now, Mr. Chairman, there are fifty-one of these ports, and I shall ask, without taking the time to read them, that I may have permission to have a list of them printed with my remarks in the RECORD.

The list referred to is as follows:

List of ports at which customs expenses exceeded receipts for the fiscal year ended June 30, 1905.

Name of port.	Receipts.	Expenses.	Number employed.	Cost of collecting $1.
Albemarle (Elizabeth City), N. C	$5.00	$1,606.94	2	$321.388
Annapolis, Md	5.00	929.41	2	185.882
Apalachicola, Fla	1,237.87	3,629.45	4	2.932
Barnstable, Mass	438.80	3,532.42	7	8.050
Beaufort, N. C		1,400.01	2	
Beaufort, S. C	607.85	3,278.72	4	5.394
Brazos de Santiago (Brownsville), Tex.	5,594.89	40,131.37	31	7.173
Bridgeton, N. J	491.99	1,411.01	5	2.868
Burlington, Iowa	176.44	456.15	2	2.585
Burlington, N. J	50.61	206.77	2	4.086
Cairo, Ill	47.10	382.25	1	8.116
Castine, Me	682.64	4,503.34	6	6.597
Chattanooga, Tenn	42.73	502.55	2	11.761
Cherrystone (Cape Charles City), Va	5.00	1,001.13	4	200.226
Eastern (Crisfield), Md	57.10	2,402.18	3	42.070
Edgartown, Mass	461.72	2,762.71	4	5.984
Frenchmans Bay (Ellsworth), Me	208.07	3,584.90	5	17.229
Galena, Ill	12.00	403.86	1	33.655
Georgetown, S. C	266.79	583.50	3	2.187
Great Egg Harbor (Somers Point), N. J.	41.59	1,115.25	2	26.815
Humboldt (Eureka), Cal	635.86	2,806.39	1	4.414
Kennebunk, Me		95.17	2	
La Crosse, Wis	25.54	363.42	2	14.229
Little Egg Harbor (Tuckerton), N. J		303.25	1	
Machias, Me	701.98	4,299.77	5	6.125
Michigan (Grand Haven), Mich	6,470.61	9,315.81	14	1.440
Nantucket, Mass		370.55	1	
Natchez, Miss		500.00	2	
Oregon (Astoria), Oreg	13,771.24	14,198.65	12	1.031
Paducah, Ky		450.05	2	
Pamlico (Newbern), N. C	1,607.54	6,130.08	5	3.813
Patchogue, N. Y		474.90	2	
Plymouth, Mass	1,027.24	1,417.89	2	1.380
Port Jefferson, N. Y		12.00	2	
Portsmouth, N. H	537.21	4,595.19	6	8.554
Rock Island, Ill	111.09	741.60	2	6.676
Saco, Me	26.71	484.65	2	18.145
Sag Harbor, N. Y	12.95	877.22	4	67.739
St. Marys, Ga	7.23	606.81	1	83.929
Salem and Beverly (Salem), Mass	1,631.10	5,868.66	6	3.598
Sandusky, Ohio	2,669.20	4,281.02	9	1.604
Southern Oregon (Coos Bay), Oreg	29.60	1,252.13	2	42.302
Tappahannock, Va	5.62	702.75	2	125.044
Teche (Brashear), La	87.48	3,069.20	3	35.085
Vicksburg, Miss		513.65	1	
Waldoboro, Me	2,029.21	6,891.75	7	3.396
Wheeling, W. Va	94.94	624.50	2	6.578
Wilmington, N. C	4,598.07	6,511.77	5	1.416
Wiscasset, Me	726.83	3,308.50	3	4.552
Yaquina, Oreg		1,040.75	2	
York, Me	2.50	253.67	1	101.468
Total	47,242.94	156,185.67		

Mr. JOHNSON. Before the gentleman sits down I should like to ask him a question.

Mr. BRUNDIDGE. Certainly.

Mr. JOHNSON. Does the report of the Secretary of the Treasury show how many people are employed at these various ports?

Mr. BRUNDIDGE. Oh, yes; running from two to fourteen at each one.

Mr. JOHNSON. Is there any information before the Appropriations Committee to justify employing such a large number of people where absolutely no business is done?

Mr. BRUNDIDGE. Only this: It is contended, along the line of the argument made or suggested by the questions of the gentleman from North Carolina [Mr. WILLIAM W. KITCHIN], that there might be violations of the revenue law if they were not maintained there; but it is only a supposititious case.

Mr. JOHNSON. Will the gentleman allow me to ask him another question?

Mr. BRUNDIDGE. Of course.

Mr. JOHNSON. If it be true that only $5 or a less sum is collected in customs duties, it must also be true that there are no ships from foreign ports coming to these ports. Is that true?

Mr. BRUNDIDGE. Undoubtedly so.

Mr. JOHNSON. Then there could not be any goods brought in, because there were no ships from foreign countries sailing to these ports.

Mr. BRUNDIDGE. Except that they anticipate that some might come in at some time in the future.

Now, Mr. Chairman, there are two or three more items in this bill to which I desire to call the attention of the committee before I take my seat. In the original estimates submitted to your committee was a provision of $10,000 to pay a deficiency for transporting silver coin to the different banks of the country. That was reported to be necessary. The committee have seen fit to eliminate that and to strike it out. I hope to see that provision reinstated in this bill. I hope so for the reason that I believe it to be useful and beneficial. I believe it to be equitable and just. I am not unmindful of the fact that there is some reason and force in the argument made by certain members of the committee and certain Members of this House that the Government should not expend money to transport one particular coin of this Government or one particular class of money while it is refusing to do the same with all other classes of currency and coin issued by the United States Government. But for this particular expenditure, in my judgment, there is a good and valid reason that does not apply to gold coin or any other currency, and that is this: I live in a country using much silver. It is necessary for change.

During the period of the year when our farmers are engaged in gathering their cotton and marketing it the demand for the silver dollar, the half dollar, and the quarter, to use as a circulating medium for the purpose of furnishing necessary change to meet the demands of commerce in those particular parts of the country, almost exceeds the supply. A bank in a town where there is a subtreasury can and always has had the right to go to that subtreasury and acquire this change free of expense. This appropriation was intended to place banks situated in the interior and away from towns having subtreasuries upon an equal footing with those financial institutions that were so fortunate as to conduct their business in towns where subtreasuries are located, and where their wishes could be complied with without expense to them. In order to place all sections of the country upon an equal footing, North and South, East and West, in order to meet the demands made by commerce, in order to supply the needs of the people who are defraying the great expenses for maintaining this Government it was provided that the United States Treasury should pay the expense of transporting this change to the different banks of the country. Officials of the United States Treasury have stated before the committee that they believed this provision to be just and equitable. They believe it should be continued. They believe it in the interest of fairness and justice to the different sections of this Government; and as a further reason it has been pointed out to the committee that the United States Government for the past year made in the coinage of silver, by reason of its gains in the seignorage, more than a million dollars, or more than ten times the amount that it cost to transport this change to the different banks of the United States. This is the only money in existence to-day out of which the United States Treasury makes a profit and a gain by the coinage of it. The Government gains nothing by the coinage of gold or by the issuing of silver certificates or gold certificates, but in the coinage of silver the Government has a net profit annually to exceed a million dollars.

Mr. GAINES of Tennessee. I am glad my friend is discussing that matter. I have been informed that the Committee

on Appropriations have left out of this bill the usual appropriation to pay for the transportation of silver dollars. Now, is that——

Mr. BRUNDIDGE. Silver coin generally—dollars, half dollars, quarters, and all.

Mr. GAINES of Tennessee. Why are they doing that?

Mr. BRUNDIDGE. Because the majority of the committee believe that all of the money of this Government, gold and silver, should be placed upon the same footing under the law in the matter of transportation.

Mr. GAINES of Tennessee. Have we not had a law since about 1873 as to minor coin and a law since 1857 as to the Mexican-Spanish coins that went into our money circulation?

Mr. BRUNDIDGE. I so understand it.

Mr. GAINES of Tennessee. That is the way the statute reads, as I understand it.

Mr. LITTAUER. There is no statute. It is just an annual appropriation.

Mr. GAINES of Tennessee. We have had it, starting in 1857, as stated.

Mr. BRUNDIDGE. I have not looked up to see about the statute or the date of it, but I do know that the Assistant Secretary of the Treasury before the committee testified that in making that shipment they were operating under existing law.

Mr. GAINES of Tennessee. Of course it is existing law. Now, they have been trying to get this appropriation cut out for ten years—ever since I have been in Congress—and your colleague, Mr. McRae, once told me that ever since he had been in Congress they had been trying to do the same thing, and yet Mr. CANNON, when he was chairman of the Appropriations Committee, never dropped it out. Now, why do you all drop it out?

Mr. BRUNDIDGE. If it is dropped out, it will be dropped out over my protest and against my vote.

Mr. GAINES of Tennessee. Mr. CANNON was the head of your committee for a number of years and he always kept it in. Now, either he was unwise in leaving it in or you are unwise in cutting it out.

Mr. BRUNDIDGE. I hope to see the appropriation stay in the bill, for I believe it to be absolutely fair and just.

Mr. BURLESON. I desire to state, as bearing on the inquiry of my colleague, that since 1797 there has been a provision of law for the transportation of minor coin and subsidiary coin.

Mr. THOMAS of North Carolina. Will the gentleman from Arkansas permit me to interrupt him for one moment?

Mr. BRUNDIDGE. Yes.

Mr. THOMAS of North Carolina. I do not want to take too much of your time, but I want at this particular time to reply to a statement which I understand my friend from Arkansas made in his speech with reference to the abolition of certain customs ports.

Mr. BRUNDIDGE. Yes; I am sorry the gentleman was not here to hear what I said.

Mr. THOMAS of North Carolina. I was not in the Hall at the time. I want to say to the gentleman from Arkansas that I have given that matter very full and careful investigation. I understand that, among other ports which the gentleman from Arkansas mentioned, he referred to the port of Beaufort, N. C.

Mr. BRUNDIDGE. That is true.

Mr. THOMAS of North Carolina. That is one of the ports in my district. Now, I want to say to the gentleman that while the statement of the Secretary of the Treasury does show that, taking certain years, the expenditures exceed the receipts—I have forgotten the exact figures.

Mr. BRUNDIDGE. Are you referring to Beaufort, North Carolina or South Carolina?

Mr. THOMAS of North Carolina. To Beaufort, N. C. Taking the receipts for a number of years, the Secretary in his report endeavors to show that the expense of collecting $1 is very much greater than the receipts. Now, I want to say to the gentleman from Arkansas and to the House, from my investigation of the facts with reference to the port of Beaufort, in which I am particularly interested, and with reference to all these ports, that if you will take not one year or two years or a few years, but take a long series of years, it will be found that the expenses and receipts balance. For instance, if the gentleman will pardon me for one moment further, at the port of Beaufort there was on one occasion a cargo of railroad iron brought into that port, and the customs duties upon that cargo of iron alone were sufficient to pay the expenses of that port for a series of years; and, as stated on the floor of the House during the debate upon this same question in the last Congress by the gentleman from New York [Mr. PAYNE], the abolition of these ports or the putting of a deputy collector at these ports instead of a collector of customs would mean an encouragement to smuggling. Even if the expenses of these ports exceed the receipts for a series of years, I contend that it is to the interest of the Government that they should not be abolished, and that they should have a collector of customs there to prevent smuggling. That was the view taken by the gentleman from New York [Mr. PAYNE], as I understand, in the last Congress.

Mr. BRUNDIDGE. If the gentleman will pardon me for a moment, he will appreciate the fact that I do not care to yield to him to make a speech or argument in my time. He can do that in his own time.

Mr. THOMAS of North Carolina. I beg the gentleman's pardon. I would not have interrupted him except to defend a port in my district.

Mr. BRUNDIDGE. The gentleman can do that in his own time. The gentleman has stated that he has made a careful investigation of this port, and that while the receipts were sometimes less than the amount expended, yet that they would generally average up to about the same. I want to say to the gentleman, while I do not question his having scrutinized the matter and made a thorough investigation, I want to call his attention to the fact that the report of the Secretary of the Treasury says that during the past fiscal year not a single cent was collected at Beaufort, N. C., and there was an expense of $1,400 paid to two employees, or $700 apiece.

Mr. THOMAS of North Carolina. Mr. Chairman, that may be so, and yet my investigation shows that this does not apply to that port alone, and if you take a long series of years the receipts will about even up with expenses. And there are many duties imposed upon collectors of customs at Beaufort and similar ports besides collection of duties on imports.

Mr. GAINES of Tennessee. Will the gentleman from Arkansas allow me to read one word from the statutes?

Mr. BRUNDIDGE. Yes; but let it be brief.

Mr. GAINES of Tennessee. I will now read the statute authorizing the shipment of this silver coin, so the gentleman will see that he is supported in his contention by the law as it was, and I never heard of its being repealed.

Mr. BRUNDIDGE. Oh, I had no question about that. I am much obliged to the gentleman from Tennessee, however, for furnishing me with the citations from the statutes.

Mr. JONES of Virginia. Will the gentleman permit me a question?

Mr. BRUNDIDGE. Certainly.

Mr. JONES of Virginia. I want to ask the gentleman if it is not true that the customs officers at these ports which he has enumerated have not other duties to perform in addition to the collection of customs duties? For instance, do not a great many vessels get their licenses at these ports, and are not the records kept there, and whenever there is a transfer of any vessel or an interest in any vessel is not the deed or other conveyance recorded at these offices?

Mr. BRUNDIDGE. I am glad the gentleman has asked the question. Similar questions have been asked before. I will say frankly that so far as the hearings before the committee revealed the fact it was not shown that they were maintained on account of any other business now in existence or heretofore existing. The different ports were maintained in anticipation that some crime might be committed, or for fear some party would violate the law in landing vessels and imports into the country. It was an anticipated necessity and not an actual necessity.

Mr. JONES of Virginia. Will the gentleman pardon me again? I know, too, that there are subports of some of these offices, and that the Secretary of the Treasury, acting under a discretion vested in him, has frequently abolished some one or more of them, and that such action has been followed by their reestablishment in a very short time. The Treasury Department has been made to see that its action had worked a great injustice to a very large class of our most worthy citizens. In the cases I refer to it was shown that hundreds of masters of vessels engaged in our coastwise trade had been subjected to great hardship, to great cost and inconvenience. The gentleman knows, of course, that there are post-offices in the United States, maintained for the convenience of their patrons, that are not self-sustaining, and it is for the same reason that these small customs offices are maintained. No vessels engaged in our foreign trade ever go to these ports, but there are hundreds—yes, thousands—of small craft engaged in the coastwise trade, the records relating to which are kept in customs offices, which never collect a dollar of tariff duties simply because they are not located at great ports of entry. It is absolutely necessary that small customs offices shall be maintained for the convenience of the masters and owners of small craft engaged wholly in coastwise trade. The law requires that these vessels shall be licensed, that when transferred or mortgaged the evi-

dence of such transfer or mortgage shall be recorded in the customs office of the district, and therefore it would be nothing less than an outrage to put customs offices only at ports of entry and at distant, inconvenient, and, in some instances, practically inaccessible points. A customs office, or at least a subport, may serve an indispensable purpose and yet not collect a dollar of public revenue.

Mr. BRUNDIDGE. I want to say to the gentleman from Virginia frankly, to create that necessity, he ought to be able to show that these men can not get their licenses from other ports where the receipts do exceed the expenses.

Mr. JONES of Virginia. Does the gentleman think his statement is broad enough to admit of such an interpretation? Does the gentleman think the United States should require every owner of a vessel to procure a license, and then if he disposes of an interest in that vessel, that he shall be required to go in person—and I understand he has to go in person—and have the evidence of such transfer recorded in a customs office which is hundreds of miles away—thousands, if you please—because the establishment of such a rule as he would lay down would prevent there being one nearer?

Mr. BRUNDIDGE. That is a contingency that will never arise.

Mr. JONES of Virginia. I understand the gentleman to hold that every vessel owner and master should be required to deal with the nearest customs port the customs duties collected at which make it self-sustaining, even if, in order to do so, he would be required to cross the continent.

Mr. BRUNDIDGE. In view of the fact that we have so many of those ports that do pay expenses all over the country such a contingency as the gentleman speaks of would never occur.

Mr. JONES of Virginia. I know of offices where vessel men would have to go 100 or 200 miles, even more than that, if required to go to a port at which customs duties are collected. There are customs offices located upon bays and rivers which could not be dispensed with without entailing great loss upon the masters and owners of the vessels owned in those localities, notwithstanding that they are not located at ports of entry for foreign-going vessels.

Mr. THOMAS of North Carolina. And let me add that where the law requires them to take out licenses and transfers it is a hardship to compel them to travel even 100 miles.

Mr. BRUNDIDGE. Well, that is an honest difference between the gentleman and myself, and I take the other view of the case.

Mr. KAHN. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. BRUNDIDGE. Certainly.

Mr. KAHN. In the State of California, at Monterey, they are developing very large oil fields, and they are shipping that oil direct to the Hawaiian Islands. They want to get a customhouse there or a subport of entry. At the present time the owners of the vessels engaged in the trade have to take their ships clean up to San Francisco to get a clearance. It is a very heavy expense. Does the gentleman think that Monterey ought to be denied a deputy collector, or something of that sort there, so that they can clear their vessels right from Monterey?

Mr. BRUNDIDGE. Unless it could be maintained without costing the Government from $500 to $1,400 for every dollar that was paid at that port, I undoubtedly do.

Mr. LIVINGSTON. I would like to suggest to the committee, Mr. Chairman, that there is not a scintilla of deficiency in this bill abolishing any port or regulating any port whatever.

Mr. BRUNDIDGE. Mr. Chairman, in that respect the bill in my judgment is defective. That is what I am talking about. There ought to be a provison in it to that extent.

Mr. FINLEY. Do I understand the gentleman's position to be that, unless a port pays into the Treasury as much as the Government pays out for expenses, or approximately as much, it should be abolished?

Mr. BRUNDIDGE. In my judgment, yes.

Mr. FINLEY. Has the gentleman considered the amount of exports from the number of these ports in many instances that they are very large, and is it not a fact that the fact that these ports do exist is an aid to commerce and to shipping to a very large amount and far in excess of any cost to the Government?

Mr. BRUNDIDGE. In answer to that I will simply say to the gentleman from South Carolina [Mr. FINLEY] that this committee had no information whatever as to the amount of goods exported from these several ports, but my information has always been that the total business done there, imports and exports, was exceedingly small indeed.

Mr. FINLEY. The gentleman is aware that on exports the Government receives nothing?

Mr. BRUNDIDGE. I understand that, and I would be very glad indeed to have the evidence of the amount of exports. I would say to the gentleman that I have before me evidence indisputable of the amount of imports, showing that it is nothing.

Mr. FINLEY. If the gentleman will take the ports on the Gulf, all of them, and on the Atlantic coast south of Norfolk, or including Norfolk, I think the gentleman will agree with me.

Mr. BRUNDIDGE. Mr. Chairman, I simply desire to call the attention of the committee and of the House to this matter, because I believed and I still believe it to be a useless and needless expenditure of public money.

Now, there is one other item that struck me with some force, provided for in this bill, and that is the item of $2,650 by which a deficiency was created in the United States Treasury, for the painting of a portrait of ex-Attorney-General P. C. Knox, and the present Attorney-General sends in to the committee the statement that he had that portrait painted of the ex-Attorney-General, who is now a Senator from the great State of Pennsylvania. I am aware of no law, I am advised of no provision of statute, that has ever authorized or ever should authorize the head of any one Department of this Government to have painted at the expense of the people of this country a portrait of the man whom he succeeded. It is, of course, a valuable contribution, no doubt, to the art of the country, for which we have paid the magnificent price of $2,650, and this for the portrait of the distinguished ex-Attorney-General, now the Senator from Pennsylvania.

Mr. PADGETT. Will the gentleman submit to a question?

Mr. BRUNDIDGE. Certainly.

Mr. PADGETT. Does the gentleman not think that if we establish it as a precedent for this one that the present Attorney-General when he goes out of office can have his successor have one painted of him?

Mr. BRUNDIDGE. Oh, undoubtedly it will be done; but, Mr. Chairman, I say doubtless this may be a valuable contribution to the art of the country and to the people who are lovers of art; but to the plain, average citizen of the country, to the man who bears the burden of paying the taxes and paying the bills and standing the expense, it will be indeed hard for him to recognize the wisdom of this policy that authorizes the head of any Department to have painted in defiance of law, without authority, a portrait of the man whom he succeeds or the portrait of anyone else.

Mr. JONES of Virginia. May I ask the gentleman if that is not subject to a point of order?

Mr. BRUNDIDGE. It may be; but in this bill it is stipulated that this deficiency now exists because of the fact that the portrait has been painted—the money has been expended—therefore it is necessary that this House should provide for this $2,650 in order to make good the deficiency that now exists.

But, Mr. Chairman, in view of the fact that the expenditure was made without authority of law when none existed or has existed, I sincerely hope and trust that this committee and this House will begin at some point at some time to give these gentlemen to understand this character of expenditure of public money does not now and will not in the future meet the approval of a majority of the Members sent to represent their constituents upon the floor of this House.

Mr. JONES of Virginia. Now, may I ask the gentleman if this item is not subject to the point of order; if there is no existing law providing for it?

Mr. BRUNDIDGE. I think the gentleman is correct. At the same time it is distinctly shown that the money has already been expended by the present Attorney-General of this Government. But, Mr. Chairman, whether the item is subject to the point of order or not, I hope and trust that it may be stricken from this bill, and I believe it will be the part of wisdom to do it, or otherwise a practice that is, in my judgment, both vicious and extravagant will neither be stopped nor checked. So long as expenditures of public funds are made in keeping with this item, so long as the revenues of the country are thus expended, it may be to gentlemen of this House no matter of astonishment or surprise that great public utilities and necessities, like the building and construction of public buildings that are needed in every State of this Union, must go unbuilt and undone. Rivers of the United States must go on choked with their own sand, unimproved, not taken care of, in order that wild, extravagant, and useless expenditures of public money can thus be carried on year after year. Honest indebtedness—claims that this Government has owed and been owing for more than forty years, the justice of which has never been questioned and the

correctness of which has never been doubted—must remain unpaid because we are told that we must have economy in the expenditure of public money, and yet, Mr. Chairman, while that condition of affairs exists we find the most outrageous, flagrant, extravagant expenditure of public funds carried on through every Department of this Government.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BRUNDIDGE. I ask for a few minutes more, Mr. Chairman.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent that his time be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BRUNDIDGE. Now, Mr. Chairman, there is one other item in this bill to which I desire to direct attention. This bill carries with it an appropriation of $5,340,000, I believe, to be expended for the Panama Canal, and it must be understood that this is in addition to the $50,000,000 spent in the beginning. It has been the hope of myself, and especially the Members of the South and a majority of the Members of this House, that we might witness some speedy construction of this great canal that meant so much to the commerce of this country and its business interests, but it must come to every gentleman as it has come to me as a matter of some regret and surprise to know that when this sum of money shall have been appropriated and spent we shall have expended more than $26,000,000 in Panama draining sloughs, digging ditches, but not canals; building sidewalks, paving streets, building hotels, fighting mosquitoes, and constructing waterworks, trying to improve the health conditions in Panama so that somebody can live there long enough to engage in the building of it, and yet when this $76,000,000 shall have been expended we are only given the hope that they will then have progressed far enough and only far enough to be able to determine what character of canal we will have. If, Mr. Chairman, it takes $76,000,000, if it takes a year in the future to reach the point where this Government shall determine only what character of canal we are to have, whether a sea level or lock and dam, then, in my judgment, the child is not yet born who will live long enough to witness any substantial headway made in the completion of the Panama Canal. After spending $76,000,000 not one shovel of dirt has been thrown—rather a discouraging situation, indeed. I do not believe that this bill is the proper place where this appropriation should be made. It is here. I do not question the existing law. I doubt if it is subject to a point of order, yet, at the same time, for myself I would have preferred that this appropriation had been made in an entirely different way and manner.

There is just one other great question demanding attention at our hands to which I desire to direct attention before I conclude my remarks, and that is the public demand made upon this Congress that we shall without delay revise in a proper manner the present schedules of the Dingley tariff law. The pressing necessity for such revision is now almost universally admitted, and if we could only do this and then succeed in passing a bill to regulate and control the charges of railroads so as to make them do equal justice to all sections and classes, we would go down in history as having done more good for the country generally than any other Congress that has assembled here in the past twenty years. Mr. Chairman, when we recall to mind the recent utterances of the President upon this subject of tariff revision, both in his speeches and through the public press, it is to me a matter of sincere and genuine regret that in his recent message to Congress he did not see proper to call attention to the pressing necessity for such legislation. Can it be possible that those favoring the stand-pat policy, by which we are given to understand that the great army of consumers must go on and continue to submit to being robbed, have scored a victory over such a bold and strenuous a personage as the present occupant of the White House? While fearing the worst, let us still hope that such is not the case.

The present tariff law is the most unjust and unequal measure that has ever disgraced the statutes of this Government, for not only is it unequal, but in its operation it absolutely becomes sectional; it affords ample protection to one section of the country while it withholds it from another. For instance, the wheat grower of the North and of the East has the products of his farm protected from any kind of outside competition by a tax of 25 cents a bushel on wheat; the corn raisers of the North and West are likewise protected by a tax of 15 cents a bushel on corn and 20 cents a bushel on meal. But how fares the cotton planter of the South? He is forced to sell the products of his fields in the open markets of the world and in competition with every other country known. As a consequence millions of dollars' worth of cotton is being annually imported into the United States and sold in our markets, and, in addition to this, he is forced to pay a tax of six-tenths of a cent per yard on all the bagging he wraps his cotton with and five-tenths of a cent per pound on all the ties he ties it with. Since the passage of this law in 1897 the cotton planters of the South have been forced to contribute annually to the bagging and tie trust over $1,500,000. If such unjust and unreasonable exactions as these should be made upon all sections and all farmers alike, does any sane man believe for one moment that it would stand for one single year? I do not, and in behalf of my people I now protest against the heavy and unreasonable burdens it places upon them. I hope the day is not far distant when we shall come out into a sweeter, purer, and better atmosphere, when every American citizen shall enjoy equal rights and advantages, with special privileges to no class or section. [Applause.]

Mr. GROSVENOR and Mr. LIVINGSTON rose.

The CHAIRMAN. For what purpose does the gentleman from Ohio rise?

Mr. GROSVENOR. I rose for the purpose of being recognized to make a few remarks on the items of the bill being discussed on the other side.

The CHAIRMAN. The Chair will recognize the gentleman from Ohio at another time. The gentleman from Georgia, the senior member of the minority on the Committee on Appropriations, is now recognized.

Mr. LIVINGSTON. Coming back, Mr. Chairman, to the abuse of appropriations by the Departments and Government officials, I want to make this suggestion:

The Departments are not alone to blame for the custom that has grown up, of overreaching appropriations made by Congress. Since my connection with the committee, fifteen or sixteen years, we have often encouraged rather than discouraged deficiencies. It was a well-recognized fact for years that if we wanted to make an impression of economy, or if we had a short session and were in a great hurry, we cut appropriations rather than investigated them and said: "Oh, well; they could go to the Senate or they could come in with a deficiency." It was understood in the Departments that they could come with a deficiency, and the custom has grown up until it has become a part of our system. The Departments have become the appropriating authorities, and all the committee has had to do for the last few years is to write in the bill whatever they may estimate as deficiencies. We had a clause a year ago put into the law, section 3679, to remedy this evil, but we discovered that it did not remedy it. It is quite a lengthy provision, but the sum and substance of it is this——

Mr. CLAYTON. Mr. Chairman, may I interrupt the gentleman to ask him if he thinks the practice to which he has just referred is good practice, and one that ought to be adhered to?

Mr. LIVINGSTON. Does the gentleman mean the practice——

Mr. CLAYTON. Of encouraging, as the gentleman said, these Departments to expend money without an appropriation, and then have the Committee on Appropriations come in and make it up by way of a deficiency appropriation.

Mr. LIVINGSTON. No, Mr. Chairman, I not only do not think that proper, but I think it is dangerous, and tends to extravagance. Mr. Chairman, it is impossible for an appropriation committee to be hurried upon a bill that carries millions and millions of dollars if you want good service. The Department of War and the Department of the Navy have millions of dollars involved in a bill. How can you tell where to cut and what amount should be cut unless you pay attention to every single item in the bill and understand the whole administration of the Department? Now, that grows partly out of your short session, which Congress should remedy. This country has become too large, its business too large, for any two months and a half or three months' session of Congress. A great many of these deficiencies come in that way, because you hurry your committee, you hurry the House, you hurry the Senate, and you must get through by the 4th of March, as a matter of course; and then a great many of these deficiencies have been encouraged by the practice of the committee and by the practice of the House or the Senate of saying, "We have not time to take it up now; come in with your deficiency." Your committee endeavored a year ago, and the House indorsed the action, to stop it. The provision that was passed did not stop it.

Mr. GAINES of Tennessee. Will the gentleman yield to me for a question?

Mr. LIVINGSTON. I think the gentleman will be satisfied if he will let me go on a minute further. As I said, the provision did not stop it, and it was not only not stopped, but it was evaded. And it will be evaded again, in my opinion.

Mr. KAHN. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from California?

Mr. LIVINGSTON. Certainly.

Mr. KAHN. I have listened with a great deal of interest to what the gentleman has said. The Constitution, however, provides that Congress shall meet on the first Monday in December and the Congress expires by limitation on the 4th of March. Now, how would the gentleman meet that constitutional provision?

Mr. LIVINGSTON. The Constitution says, Mr. Chairman, Congress shall meet on the first Monday in December until otherwise ordered. You have nothing to do but pass a simple resolution or bill changing the dates. That is what you have to do, and is what you should do.

Mr. GAINES of Tennessee. In regard to the question the gentleman was discussing a moment ago, I will say that the House did, with remarkable unanimity, indorse that reform measure of last winter. The House had witnessed the crying evil of which the gentleman has been speaking—the administration of the law in the Departments, or rather its nonadministration—and, notwithstanding the condemnation of that evil, now, as I understand the gentleman, he says the officers down there deliberately and persistently disobeyed not only the law we enacted last fall, but they otherwise have done wrong—evaded the law.

Mr. LIVINGSTON. No; I did not use the language the gentleman from Tennessee has used. That is, in effect——

Mr. GAINES of Tennessee. That is what the gentleman meant to say, was it not?

Mr. LIVINGSTON. I said this, that it did not stop the abuse. The present law has not effected what we supposed it would. I did say, in my opinion, in instances it was purposely evaded. We have evidence of that.

Mr. GAINES of Tennessee. Will you give the evidence of that?

Mr. LIVINGSTON. I have. I do not like to be personal. Mr. Chairman, it is an absolute necessity. To begin with, we must give deliberation, not only in the committee room, but on this floor, and you do not do it, and you know you do not do it; and there is no use blaming everything on the Departments. We have had this bill for twelve days, I think, before the committee, and perhaps we have given more thought to it than any bill for years. We have stricken out two and a half millions of money, and the question to-day is whether some of it ought not to have been given. You do not know, and this House will not try to know. Suppose there ought to be put in this bill an amount that you do not put into it, and it passes that way, and you put this rule on the heads of the Departments, why, you see, at once there is a corresponding obligation upon the Appropriations Committee and upon the House to put into the bill everything the heads of the Departments ought to have and must have. If you will do that to start with, and then put this rule on them, you can not make it too stringent; but if we are to slash and cut indiscriminately without judgment and then put this rule on the Departments and hold them down to it, why the administration of the Government in the various Departments must suffer and will suffer. I think, Mr. Chairman, the language we have adopted in this report made to the House will come nearer to correcting the abuse than the language in the old measure. I wish to say that I do not think it will completely do it. The abuse has grown from year to year until it is as strong as the Department and more powerful than your committee and more powerful than the House and Senate combined. I do not know whether this measure will do it or not. It is an experiment; it may do it, it may not do it.

Now, take the agricultural appropriation. I do not remember the page in the printed bill. I take the copy of the bill we passed in the committee room. They made a deficiency of $135,000 and sent it over to the committee. The chairman of the committee immediately wrote a letter to the Secretary of the Department, wanting to know if, under the rule, he made that allotment, or if he did not make that allotment, who did make it; and if he did make it, if he made it in a certain prescribed manner, why he did not live up to it. He wrote the same letter to other Departments. What do you suppose we get as an answer? Well, "We spent so much money in the first quarter, and then we spent so much money in the second quarter, and we found out in the third quarter we did not have sufficient funds." "Why did you not allot it so as not to spend more money in the first and second quarters, so as to create a deficiency in the third?" "Well, we needed the money." There it is. Upon his judgment, they needed the money, not upon our judgment or the action of the House; and they have run these Departments in that way until I do not know when you will get them out of the rut. I do not think the penalty of the act amounts to anything. It is a fine of $100 and imprisonment for a month. Well, no head of a Department would want to go to prison, and he would come in and deny the authority of Congress to put him in, and Congress can not put anybody in prison and can not fine anybody. That is a matter that would have to go to the courts. I do not think that it is a thing that you will accomplish.

The Department of Agriculture asked for a deficiency of $135,000. They wanted in addition $20,000 for a specific purpose—microscopic inspection of pork. We ascertained he had had a microscopic inspection regularly, but it turned out that the pork packers wanted to rush a whole lot of pork into Germany before the tariff took effect on the 1st day of March, and therefore he asked for $20,000 to permit that shipment. Well, we gave it to him, but did not give the $135,000 for other purposes.

Now, let us see the effect of that. He ought not to have had the deficiency of $135,000, but he has it. And suppose, as he intimated, that the investigation of scab in sheep and mange in cattle and many other things should be stopped because of lack of appropriation, and, as he suggested, the stopping of the business will cause the disease to recover the territory that had been cleared of it. Why, you will lose three times the $135,000. Therefore, when you talk about these deficiencies, and as a remedy the refusing to appropriate for them, you must remember the Government is involved. You are involved. The whole country is involved. If money is misappropriated or wrongfully disbursed and a deficiency occurs, the question is, Shall the Government suffer by it? I do not think the Government should suffer. I think we ought to find a remedy other than refusing to appropriate.

There is, Mr. Chairman, growing up in the Departments of the Government a habit of paying money out of one fund for another purpose. We are trying to stop it, and it is impossible to make appropriations as they ought to be made and keep them within the limits which the Appropriations Committee and this House place upon them unless you can prevent the disbursing officers, under orders from the heads of Departments, from doing that thing. For instance, the gentleman from New York [Mr. LITTAUER] gave you an instance of that kind that stirred up the House—a case where the head of a Department took from the contingent fund. That action made a deficiency of $2,650, and your committee had to make it good. What could we do except to put it back? Rather than see the Department of Justice go lame, we had to put it back. If we had failed to appropriate, that would have been no remedy. That would not have corrected the abuse at all. You must adopt some other measure to do that. There is another trouble——

Mr. PADGETT. Will the gentleman submit to a question just there?

Mr. LIVINGSTON. Yes.

Mr. PADGETT. Suppose the Congress refuses to appropriate for it. Will it not have to be made good by the officer?

Mr. LIVINGSTON. I think not. They are not bonded.

Mr. PADGETT. But on his settlement does he not have to make a settlement with an auditor?

Mr. LIVINGSTON. No, sir.

Mr. PADGETT. Are not his accounts audited?

Mr. LIVINGSTON. A departmental head has no accounts to audit. He does nothing but draw an $8,000 salary and disburse that. Public funds are paid out by his order.

Mr. PADGETT. Who paid out this money?

Mr. LIVINGSTON. It was paid by the United States Government.

Mr. PADGETT. Upon what warrant?

Mr. LIVINGSTON. Through the disbursing officer, upon the order of the head of the Department.

Mr. PADGETT. Does he have authority to order money paid out of the Treasury without authority of law?

Mr. LIVINGSTON. That is just what we have been talking about. It is an abuse which has grown up in the Government, and it ramifies every single part and parcel of its administration, and I suggest, gentlemen, that it is not so easy to get at it. It is like a disease that has fastened its fangs upon the human system. You have the disease; how are you going to get rid of it? I want to suggest that not by one jump or leap can you get rid of it. It will take time to do it, and perhaps you will have to adopt some other measure than the one we have suggested; but this is the best suggestion we could get hold of for the present. As time goes on, and as the evil becomes more plainly discerned and analyzed, we may be able to get some very simple remedy that will correct it. It was suggested by my colleague on my right here a moment ago that you dismiss the officer. How are you going about it to dismiss a Cabinet officer? The Con-

stitution provides that those officers can be impeached. We could impeach him——

Mr. PALMER. No; you could not. [Laughter.]

Mr. LIVINGSTON. Well, I have accomplished my purpose, gentlemen. It is no frolic to get rid of this trouble, and if you think so you try it. In my humble opinion, our contingent funds in all the Departments are abused. Not that I mean to say that they commit graft or theft, but when a contingent fund is put at the mercy of a disbursing officer it is like giving a child more money than he wants for a trip uptown and back. He will surely spend the balance of it before he gets home. Your committee are trying to hedge that trouble. Whether we will accomplish it or not, I do not know. Now, about pensions, Mr. Chairman——

Mr. HEPBURN. Before the gentleman proceeds to that, may I ask him a question?

Mr. LIVINGSTON. Yes.

Mr. HEPBURN. If you will look at page 50, line 15 and following lines, you will find the language:

> Any person violating any provision of this section shall be summarily removed from office, and may also be punished.

And so forth. I would like to ask the gentleman if, in his opinion, in order to remove an officer under that provision it would be necessary that there should be a judgment of ouster by a court?

Mr. LIVINGSTON. I must confess that I am not lawyer enough to answer that question.

Mr. HEPBURN. Would it not be better to put in that provision an amendment that would require the President or the head of a Department, whoever was the appointing officer, summarily to dismiss that offending officer?

Mr. LIVINGSTON. I think that would be a good amendment.

Mr. PALMER. Suppose they should then refuse or fail to remove him?

Mr. HEPBURN. Oh, then you would be without remedy; but if we put in here a mandatory provision of the statute, probably the President or other officer would do it.

Mr. PALMER. Is it not a rather lamentable expression of weakness that the Congress of the United States, the law-making power, is not able to make a law to remedy this evil?

Mr. LIVINGSTON. It is a condition of affairs into which we have naturally drifted, and you can not weed it out in a day, or a month, or a year. That is all there is to it. Congress should have the nerve to do it effectually and early.

Mr. MACON. Will the gentleman yield for a question?

Mr. LIVINGSTON. Yes.

Mr. MACON. If we were to defeat this bill, would not that weed it out?

Mr. LIVINGSTON. No, sir.

Mr. MACON. Do you think it would come again?

Mr. LIVINGSTON. If you defeat this bill, you will weed out the administration of your Government.

Mr. MACON. In what way?

Mr. LIVINGSTON. Everything will stand still and stagnate.

Mr. MACON. We shall make appropriations for the running of the Government in the general appropriation bills, which will come up hereafter.

Mr. LIVINGSTON. That will not cover this. This is a deficiency that comes between now and the end of the fiscal year. This is to supply deficiencies from now until June 30. The regular appropriation bills will take up the expenses of the Government after June 30 for the succeeding twelve months.

Mr. MACON. Then you think it will clog the wheels of the Government to that extent?

Mr. LIVINGSTON. The title of the bill indicates the absolute necessity for its passage. It is a deficiency. At home you have your larder and your smokehouse, and when you get up some morning and your wife says there is no meal and no meat in the larder, it is a deficiency that you have to meet. Do you think you can put it off until the end of the year?

Mr. MACON. If I have eaten too much the night before, I always do without my breakfast.

Mr. LIVINGSTON. We have to supply the deficiency; that is all there is about it. I want to suggest to the chairman of the Committee on Appropriations and to my colleagues on the committee that this bill should be amended on the floor of this House, so as to reach the subs who make up the estimates. I think you catch my idea. The chief of a division makes up the estimate for his division, and that estimate is passed up to the head of the Department, to the Secretary of War, for instance, and he either O. K.'s it or cuts it. It comes down to the Secretary of the Treasury, and he either O. K.'s it or cuts it; but the men who are at fault in the first instance are the men who make the original estimates, and if you are going to put the brakes on the head of the Department, you ought to put some punishment on the head of the chief of division who makes these estimates, knowingly and willfully, against the law.

I was about to refer to the pension appropriation in this bill, $3,500,000. Mr. Chairman, I am surprised that there should be a deficiency in the pensions. With a roll complete at the beginning of the year, with the amount that each pensioner draws fixed by law, it seems to me that an estimate ought to be made to a dollar. But the Commissioner says there are a great many pensions that come in after they put in their estimates. And while he did not say so, he smiled, and I suppose he referred to the conduct on this floor in granting pensions by the wholesale and with but little scrutiny or investigation. This is true, however, to some extent with this bill. Order No. 78 is responsible for a part of it. When you analyze that order No. 78, it is a lovely thing. They can turn it over one way and look at it and it is one thing. Turn it over the other way and look at it and it is a very different thing. What is it in substance, Mr. Chairman? It is this, and the action of this House last year tied up your Pension Commissioner hand and foot, and to-day he can not execute the law as you intended it. It is this, that when a man gets to be 62 years of age, if he is shrewd and smart and has an attorney who has discretion, he puts in his application on the ground that "I am 62 years of age." If he says, "I have rheumatism," that ruins his claim. Because, under the law, if he mentioned any other disability except his age he has to go before an examining board, and under the old law, if that examining board reports that he has not rheumatism, his age does not avail him, and he goes out.

If he goes in through the open door of 62, if there is nothing else to the contrary he goes in and he marches up until he is 65, and then under the present law he is entitled to $8, provided there is nothing shown to the contrary. Then at 65 he has evidence enough, as I say, to give him $8. He gets to be 68, and if there is nothing to the contrary he gets $10, your purpose evidently being to make a service pension of this kind. When a man gets to be 62 years old, whether he is as strong as Samson or as weak as water, he is to be pensioned, absolutely independently of every physical or mental disqualification. When he is 65, he shall be pensioned at $8, and when he is 68 he shall be pensioned because he is 68 and for no other reason. And when he is 70, he shall be pensioned at $12; that evidently was the purpose. But when that bill comes before you, if you intend to carry out that idea you should amend your law.

Now, Mr. Chairman, after the transportation of coal, to which the gentleman from Arkansas [Mr. BRUNDIDGE] alluded, it has got to be a very expensive thing for the United States Government. Our colonies—excuse me, our possessions abroad [laughter]—must be coaled and our vessels must be coaled in the waters of the Orient. Our colliers are too small and carry too small an amount of coal. They are fitted purposely to follow our Navy and supply our vessels everywhere and anywhere it is necessary. I want to suggest to this House and to the Naval Committee that if they will provide in the next bill for the building of some colliers suitable to transport coal instead of ships to fight with they will have done a sensible thing. If you are going to transport your coal exclusively in American bottoms, you will pay seven dollars and a half a ton unless you get more of them. You have destroyed all the competition that we had when we were shipping coal at four dollars and a half a ton, and now we are paying in this bill seven dollars and a half for coal to the Philippines. The question came up whether we could get coal in the Philippines, and there was an estimate made of $50,000 to buy a strip of 300 acres of land full of coal at the water's edge and the War Department almost convinced us that we ought to buy it and have it exploited, but we did not do it.

But, gentlemen, this is a question that is coming up to you one of these days, and what are you going to do about coal? Are you going to pay seven dollars and a half for transportation—pay two dollars and a quarter for the coal here and then pay seven dollars and a half to ship it? Are you going to depend on the few small vessels to furnish you coal in Hawaii and then fill up the bins of coal abroad? You have got to stop appropriating money to build battle ships and provide ships to haul coal to your possessions.

Mr. KAHN. Is it not a fact that the colliers are being built in the navy-yards?

Mr. LIVINGSTON. I do not know about that.

Mr. KAHN. I know of one being built at Mare Island yard.

Mr. LIVINGSTON. Those colliers are not to transport coal, they are fleet colliers. We want some large vessels to transport coal to Porto Rico, Hawaii, and the Philippines.

Mr. Chairman, there was a tacit agreement between us that we would not discuss the Panama appropriation or the isthmian canal appropriation at this time, but would ask that when we

come to that item in the bill we should have two hours, or longer, set apart to discuss that.

Mr. SMITH of Kentucky. Now, will the gentleman from Georgia answer my question?

Mr. LIVINGSTON. Yes.

Mr. SMITH of Kentucky. I notice on page 33 of the bill a provision for the payment of the actual expenses of the district judges when required to hold court outside of their district.

Mr. LIVINGSTON. Ten dollars a day.

Mr. SMITH of Kentucky. I want to ask the gentleman whether the committee of which he is a member investigated to ascertain whether they were still collecting the $10 a day or whether they were collecting only the actual sums actually expended by them?

Mr. LITTAUER. We had nothing in the hearings on that matter.

Mr. SMITH of Kentucky. The gentleman will remember that the House at the last session in the general deficiency bill provided for a penalty for a judge certifying to more than he had actually expended for holding court outside of his district. That clause, I think, perhaps, was left out later in conference.

Mr. LIVINGSTON. I think that was stricken out.

Mr. SMITH of Kentucky. The language that was placed in the sundry civil bill was different from what the law had been before. The word "actual" was inserted in it, so as to bear an interpretation that they were not to collect any more than their actual expenses, not exceeding $10 a day.

Mr. LIVINGSTON. That language is here:

For pay of bailiffs and criers, not exceeding three bailiffs and one crier in each court, except in the southern district of New York: *Provided*, That all persons employed under section 715 of the Revised Statutes shall be deemed to be in actual attendance when they attend upon the order of the courts: *Provided further*, That no such person shall be employed during vacation; of reasonable expenses actually incurred for travel and attendance of district judges directed to hold court outside of their districts, not to exceed $10 per day each, to be paid on written certificates of the judges, and such payments shall be allowed the marshal in the settlement of his accounts with the United States of reasonable expenses actually incurred for travel and attendance of justices or judges who shall attend the circuit court of appeals held at any other place than where they reside, not to exceed $10 per day, the same to be paid upon written certificates of said judge, and such payments shall be allowed the marshal in the settlement of his account with the United States; of meals and lodgings for jurors in United States cases, and of bailiffs in attendance upon the same, when ordered by the court; and of compensation for jury commissioners, $5 per day, not exceeding three days for any one term of court, $85,000.

Mr. SMITH of Kentucky. Does the gentleman know whether this sum is limited to their actual expenses or whether they have gone on just as they did before, charging $10 a day?

Mr. LIVINGSTON. Between the time we had the matter before the House last session and this date, we do not know.

Mr. HENRY of Texas. Does not the gentleman think that the court of impeachment has decided by its judgment in the Swayne case that they are entitled to the $10 a day?

Mr. LIVINGSTON. Well, I thought there was more politics in that decision than anything else.

Mr. SMITH of Kentucky. I beg leave to suggest to the gentleman from Texas [Mr. HENRY], as well as the gentleman from Georgia [Mr. LIVINGSTON], that whatever the decision in the Swayne case may have meant, this provision of the law was made subsequent to that, and it was made in view of the holding in that case.

Mr. LIVINGSTON. I should like very much, Mr. Chairman, if the gentlemen on the floor who are lawyers would look carefully into this paragraph, on page 33 and at the top of page 34, because our purpose was to stop dishonesty, and if this language will not cover it we will accept an amendment.

Mr. SMITH of Kentucky. The language is all right; but I desire to learn as to whether the committee which has recommended the appropriation has limited the amount to the actual expenses or whether they have allowed $10 a day in this appropriation.

Mr. LIVINGSTON. No; it is limited to the actual expenses, to be certified by the judge.

Mr. SMITH of Kentucky. I understand that. They are required to certify their actual expenses; but I think if the committee did not do so, without reflecting on the committee, that it would have been well for the committee to have investigated the question and ascertained whether they were still going on certifying $10 a day straight or whether they were certifying their actual expenses—$6, $7, $8, or whatever it may have been.

Mr. LIVINGSTON. The individual members of the committee may have done so.

Mr. SMITH of Kentucky. I would be glad to know if any investigation of that kind is made.

Mr. UNDERWOOD. I would like to ask the gentleman from Georgia [Mr. LIVINGSTON] if this language is not merely the reenactment of the law as it now stands?

Mr. LIVINGSTON. Practically.

Mr. UNDERWOOD. What was the purpose of putting it in the bill at this time?

Mr. LIVINGSTON. It is the law. We usually reproduce the law—carry it from bill to bill.

Mr. UNDERWOOD. It is only in there as a matter of custom. It is really the law to-day?

Mr. LIVINGSTON. Yes.

Mr. SMITH of Kentucky. I would suggest to the gentleman that this is the law as it was placed in the sundry civil bill at the last session of Congress for the first time. It is not the language of the law prior to the enactment of the sundry civil bill at the last session.

Mr. UNDERWOOD. But the provision that was put into the sundry civil bill was put in there as an enactment of law, and therefore it is a law on the statute books and it is not necessary to reenact it now.

Mr. SMITH of Kentucky. Oh, certainly; I agree with that.

Mr. LIVINGSTON. I now yield to the gentleman from North Carolina [Mr. THOMAS].

Mr. THOMAS of North Carolina. Mr. Chairman, I wish to take advantage of the latitude allowed in general debate upon the urgent deficiency bill to set forth again the claims of the harbor of Beaufort, N. C., in my district, which is one of the best natural harbors upon the South Atlantic coast, for continued and further improvement by the National Government. The last river and harbor bill passed by Congress and signed by the President, of the 3d day of March, 1905, carried the following items for Beaufort Harbor and Inlet:

Improving harbor at Beaufort, N. C.: For maintenance, $2,000.

Improving Beaufort Inlet, North Carolina, in accordance with the report submitted in House Document No. 563, Fifty-eighth Congress, second session, with a view to securing a channel 20 feet deep, $45,000.

APPROPRIATION OF $45,000 SECURED.

Under the appropriation of $45,000 to deepen and widen the bar or entrance to the harbor of Beaufort, work has already been begun by the Government, and the steam suction dredge *Cape Fear* is now at work in the harbor under this particular item. During the last Congress, as every member of the Committee on Rivers and Harbors of the House of Representatives knows, while the bill was being framed in committee and upon the floor of the House, in season and out of season, I advocated this appropriation for the purpose mentioned in the act, and finally succeeded in having the same incorporated in the river and harbor bill. The river and harbor bill originated in the House and was passed by the House before any action was taken by the Senate whatsoever. The item of $45,000 for the improvement of Beaufort Harbor, which was put in the bill in the House through my direct efforts, was retained in the bill when it reached the Senate, and thereupon became a law. There has been some question raised as to whom credit was due for securing this appropriation, and the rumor has been persistently circulated that others than myself were entitled to the credit for securing this appropriation. I think the following letter, the original of which I have in my possession and a copy of which I herewith incorporate in my remarks, will set at rest any question whatever as to the fact that credit is due me as the Representative of the Third district of North Carolina, in which is included the harbor of Beaufort, for securing this appropriation.

The letter from Hon. THEODORE E. BURTON, chairman of the Committee on Rivers and Harbors, is as follows:

COMMITTEE ON RIVERS AND HARBORS,
HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., January 31, 1905.

MY DEAR MR. THOMAS: It has been brought to my attention that a statement has been made to the effect that the item of $45,000 for dredging the bar and providing a channel to Beaufort was decided upon by the Committee on Rivers and Harbors at the instance of others than yourself. I dislike to say anything upon the occasional rumors of this kind, but in justice to all concerned I feel bound to state the facts. You brought to my attention the report on the inland waterway in North Carolina, in which was contained an estimate for the Beaufort improvement. The fact that there was an estimate upon which we could base an appropriation had not before occurred to me or been suggested by anyone; also no one but yourself advocated this improvement, and whatever credit belongs to anyone for obtaining action by this committee clearly belongs to you. I am thoroughly familiar with the facts and can speak, not only for myself, but for the other members. I make this statement in justice to all parties concerned. Frequently rumors like that to which I have referred obtain circulation, and in such instances I have felt constrained to correct any erroneous statements which may have been made.

Very respectfully, yours, T. E. BURTON.

I would not allude to the matter again except that I am informed that the rumor has been persistently circulated that the appropriations were secured through the influence of Senator ALDRICH and others. Mr. BURTON, chairman of the Committee on Rivers and Harbors, one of the fairest, best, and ablest men in the House, needs no corroboration, but the other members of that committee will corroborate his statements.

But, Mr. Chairman, I am more interested in securing the appropriation for Beaufort Harbor, and in the continuance of the work under the appropriation, and in securing additional appropriation for the harbor of Beaufort and its tributary waters than I am as to any matter personally concerning myself. Representing the county in which the harbor of Beaufort is located, the county of Carteret, at one time in the State legislature, having lived in that county for a number of years, familiar with the needs of the people of the county and the magnificent resources of the county and the great advantages of this great harbor, I have only an eye single to the welfare of the people and the improvement of this great outlet to the Atlantic Ocean. I wish you to see, and I urge upon Congress now, the importance of the continuance of the improvement which has been begun under my appropriation of $45,000 secured in the last Congress. When the last river and harbor bill was pending before the Committee on Rivers and Harbors of the House, I took occasion to investigate fully, while familiar with them in a general way, the exact facts in regard to the improvement of the harbor of Beaufort in former years and the history of the harbor. I obtained all the facts and data with reference thereto from the Chief of Engineers, having in charge river and harbor improvements at the War Department in Washington. Upon these facts, in part, together with the prospective improvement and advantages of the harbor, I based my appeals for the initial appropriation of $45,000 under which the improvement of this harbor has again been started.

In addition to the $45,000 appropriation, this harbor is entitled in the future to even larger appropriations in view of the fact that it has now become the terminus of a railway, the Atlantic and North Carolina Company, which, running in connection with the Southern Railway, makes a through line of railway from the Atlantic coast to the mountains of North Carolina, from eastern North Carolina to western North Carolina, thereby carrying out the old idea of Governor Morehead, of our State, that we should have an unbroken through line of railway from the coast to the mountains for the carrying of our freight and the linking together of every section of the grand old Commonwealth of North Carolina.

It is worthy of further and additional appropriation and improvement also because it will be the terminus of the great proposed inland waterway from Norfolk, Va., to Beaufort, N. C., the project of my colleague, Hon. JOHN H. SMALL, for which he has wrought so long and effectively, and in which project I have given him my hearty cooperation and assistance. In a former Congress I set forth fully the advantages of this great inland waterway and the necessity for its construction to avoid the dangers of Cape Hatteras and to protect the commerce of the country in time of peace and the Government in time of war.

IMPORTANCE OF BEAUFORT HARBOR.

The entrance from the sea is the first one of importance to be found going south from the Chesapeake capes. The importance was recognized at an early day, and the entrance was fortified by the General Government, Fort Macon being on the southern side. It has of late years become of more prominence, being on or near the lines of proposed water communication along the coast of North Carolina.

Beaufort Harbor * * * is not only the terminus of the Atlantic and North Carolina Railway, and the natural outlet of the inland commerce conveyed by the neighboring chains of water communication, but is also of great value as a harbor of refuge to vessels overtaken by storms on this, the most dangerous part of the coast of the United States. The bar forms a depth of 15 feet at mean low tide. This soon deepens sufficiently to give a channel of good width, and nowhere less than 25 feet in depth, to Morehead City, the railroad terminus. The tidal range is here between 3 and 4 feet. (Annual Report of the Chief of Engineers for 1882, p. 1096.)

APPROPRIATIONS TO DATE.

The improvement of this harbor by the General Government was begun under an appropriation of $5,000, made by the act of July 4, 1836, with which funds spur jetties of large stone were built on the east and south of Fort Macon at that point. Work was resumed in 1881, when the erosion at the throat of the inlet was causing serious deterioration of the inside channel and threatening deterioration of the bar channel. The governing low-water depths were 15 feet on the bar and 2 feet to Beaufort.

The original project of 1881 was to stop the erosion at the inlet by jetties at Fort Macon and Shackelford Point, and to dredge to 9 feet depth at low water and 200 feet width the channel from the Bulkhead channel to Beaufort, and to 6 feet depth and 100 feet width the channel from North River to Beaufort; modified in 1887 by postponing the dredging from North River and by reducing the proposed dimensions of Bulkhead channel to 5 feet depth and 100 feet width; modified in 1890 by increasing the proposed depth of the Bulkhead channel to 7 feet. As amended, this project is completed. The sum of $148,843 has been spent on it.

The existing project of 1896 includes the maintenance of jetties and sand fences at Fort Macon and Shackelford Point and the maintenance of channel across Bulkhead shoal to Beaufort Harbor.

Amount expended on present project for maintenance, $8,734.95.

The erosion at the inlet has been stopped and the sand banks at Fort Macon and Shackelford Point have been built up and strengthened by means of sand fences. The 7-foot channel across Bulkhead shoal has deteriorated to a present low-water depth of about 3 feet. The governing low-water depths are 11½ feet on the bar and 3 feet to Beaufort. The tidal range varies from about 3½ feet at the inlet to about 2 feet at Beaufort.

Appropriations to date.[a]

Date.	Amount.	Aggregate.	Date.	Amount.	Aggregate.
July 4, 1836	$5,000	$5,000	August 11, 1888	$35,000	$125,000
			September 19, 1890	15,000	140,000
March 3, 1880	30,000	30,000	July 13, 1892	10,000	150,000
August 2, 1882	25,000	55,000	June 3, 1896	5,000	155,000
July 5, 1884	20,000	75,000	June 13, 1902	3,000	158,000
August 5, 1886	15,000	90,000	Sales	350	158,350

[a] To these appropriations must be added the $47,000 under act of 1905.

I will insert in my remarks, Mr. Chairman, also the following statistics:

Comparative statement of commercial statistics.

[From annual reports of the Chief of Engineers.]

Calendar year—	Tons of freight transported.
1880	25,000
1890	46,675
1891	69,330
1892	55,070
1893	62,913
1895	30,522.25
1896	38,807
1897	34,930
1898	38,781
1899	39,356
1901	72,183.4
1902	78,983
1903	60,800

NOTE.—Statistics for the years not mentioned since 1880 are not given in the annual reports of the Chief of Engineers.

STATISTICS OF BUSINESS, COMMERCE, INDUSTRIES, ETC., OF THE TOWN OF BEAUFORT, N. C.—LETTER OF CITIZENS OF BEAUFORT, N. C.

[From pages 1458 and 1459 of the Annual Report of the Chief of Engineers for 1904.]

JUNE 29, 1903.

DEAR SIR: At a mass meeting of the citizens of the town of Beaufort held in the town hall on the 3d day of June the undersigned were appointed a committee to secure data and statistics of the business, commerce, industries, and different enterprises of the town of Beaufort and the county of Carteret, N. C., to be forwarded to you, in reference to the project of the inland waterway from Chesapeake Bay to Beaufort, N. C.

Beaufort is a thriving town on the eastern coast of North Carolina, the county seat of Carteret County. According to the last census, it has a population of 2,185; it is the third oldest town in North Carolina; was incorporated in the year 1722 as a port of entry by the English Government; it has a fine natural harbor, and notwithstanding the fact that it has never been deepened by the Government, yet vessels drawing 14 and 15 feet of water can come in with safety. Vessels have entered this harbor in the past drawing as much as 25 feet of water; in fact, Beaufort Harbor was the rendezvous of the United States fleet in 1864, in charge of General Butler, when the attack was made on Fort Fisher, and also the later one in charge of General Terry. This latter fleet contained near 300 vessels. By a reference to a recent report of the United States engineers in regard to the Beaufort Harbor it can be seen that with an outlay of from $60,000 to $100,000 the harbor can be deepened so that vessels drawing 25 feet of water can come into our port.

The town of Beaufort is only about a half hour's run from the sea, and the harbor is landlocked on all sides, and makes a good refuge for vessels from storms in any and all directions.

The county of Carteret is a very fertile county. The principal industries are fish, oysters, clams, and other sea products; farming, trucking, timber interests, etc.

The Gulf Stream is within 19 miles of our coast, and owing to its nearness truck and early vegetables can be raised at least two weeks earlier than they can be raised within 30 miles in the interior. Our soil is capable of raising cotton, corn, hay, rice, potatoes, vegetables, and numerous other products.

There was listed for taxation in June, 1902, in the county 157,903 acres of land; 1,956 town lots. The aggregate value of the real and personal property was, in round numbers, $1,000,000. The report from the custom-house for the port of Beaufort shows 225 registered vessels, with a gross tonnage of 2,675 tons. There are at least eight times as many smaller craft, which are engaged in commerce in the county, not registered in the custom-house, they being under custom-house tonnage. The amount of the gross sales of the merchants in Carteret County for the year ending December 30, 1903, aggregates in round numbers about $1,000,000; the amount of gross sales for the town of Beaufort aggregates $200,000; the number of vessels engaged in the oyster business in the county, dredgers, 54; smaller craft, 1,000. The number of licenses issued for oystermen for the year ending 1902 was 766.

The different commodities handled in the county for the year ending December 31, 1902, were as follows:

Cotton	bales	2,500
Cotton seed	bushels	7,500
Tobacco leaf	pounds	25,000
Rice, rough	bushels	2,000
Grain	do	100,000
Hay	tons	100
Potatoes	bushels	200,000
Vegetables	pounds	1,000,000
Cattle	head	2,000
Horses	do	3,000
Hogs	do	5,000
Poultry	do	50,000
Eggs	dozen	500,000
Fish	pounds	60,000,000
Oysters	bushels	1,000,000
Turpentine, crude	barrels	1,000
Clams	bushels	75,000
Wood	cords	200,000
Timber	feet	25,000,000
Lumber	do	20,000,000
Shingles	number	1,000,000
Fertilizers	tons	10,000
Machinery	pounds	100,000
Merchandise, general	tons	500,000
Passengers	number	20,000
Coal	tons	1,000
Peanuts	bushels	10,000
Fish oil	barrels	10,000

In gathering the above statistics the committee have in some instances been unable to get definite figures and have had to estimate the same. The estimates are very low.

With the inland waterway we feel confident that this business would increase treble.

All of which is respectfully submitted.

J. H. POTTER,
C. P. DEY,
W. S. CHADWICK,
W. F. DILL,
C. D. JONES,
J. S. CAFFREY,
CHAS. L. ABERNATHY,
Committee.

Col. CHARLES J. ALLEN, *Corps of Engineers, U. S. Army, President of the Board of Engineers having under consideration the project of an inland waterway from Norfolk, Va., to Beaufort Inlet, North Carolina.*

SURVEY UPON WHICH LAST APPROPRIATION WAS BASED.

When the matter was agitated of making a fresh start upon the improvement of Beaufort Harbor I made also a thorough investigation of the various surveys which have been made for the improvement of the harbor. I could find none upon which to base an appropriation at first, but after many days of examination and effort I obtained from the Annual Report of the Chief of Engineers for 1904 an estimate for an appropriation of $45,000, contained in the survey of the inland waterway from Norfolk to Beaufort Inlet. The Chief of Engineers stated in that report of 1904 (pp. 1404 and 1415) as follows:

The bar at Beaufort Inlet, though subject to changes, as are all the bars on this coast, is one of the least unstable. It has a great advantage over Ocracoke and the other inlets on Pamlico Sound, in that there is no interior bar, and once the ocean bar is passed deep water is found. At present there is a channel 14 feet deep at low water. The distance between 20-foot contours inside and outside of the bar is about 4,200 feet, and between 30-foot contours about 5,800 feet.

Beaufort Inlet.—In the three preceding divisions of the waterway [Norfolk to Beaufort Inlet] the estimates have been based upon an excavation to 17 feet below the assumed mean low water. Here, however, on account of exposure to the ocean swells, it is thought well to increase the depth of excavation to 20 feet, and on this depth the estimates will be based. From the 20-foot curve inside to the 20-foot curve on the ocean side of the bar is about 4,200 feet, and the excavation required is about 300,000 cubic yards.

From experience on a similar bar at the mouth of the Cape Fear River it is assumed that the dredging can easily be done by a hydraulic dredge and at a cost not exceeding 15 cents per cubic yard. It is estimated, therefore, that the cost of the improvement of this bar will amount to $45,000. Its annual maintenance should not exceed one-third of this. The tidal oscillation is between 3 and 4 feet.

I thereupon called to the attention of Mr. BURTON, chairman of the Committee on Rivers and Harbors, the estimate in the survey of the inland waterway and succeeded in having the Committee on Rivers and Harbors incorporate the appropriation of $45,000 in the bill. This appropriation of $45,000, according to the report of the Chief Engineer, taking into consideration the range of the tide, which is between 3 and 4 feet, will give a depth upon Beaufort bar of 23 to 24 feet, conforming the depth of the bar to the depth in the channel from the bar past Fort Macon and up to the railroad piers at Morehead City, the terminus of the railroad.

Now, Mr. Chairman, I think I have shown how the last appropriation for this harbor was secured, all former appropriations, the importance of the harbor, as shown by its commercial statistics, and its prospective development, in view of the recent progress and development of that section of our State and in view of the fact that it will eventually become, I hope, the terminus of the great inland waterway from Norfolk to Beaufort. I feel that I can not too strongly urge upon the Committee on Rivers and Harbors and upon the House of Representatives the continued improvement of this great haven for the shipping of the coast. The first harbor south of Cape Hatteras and the farthest harbor to the north from the Panama Canal, when that canal is constructed, as it will be, carrying through it the commerce and shipping of the world, there is no question in my mind that the harbor of Beaufort will become the most important upon the South Atlantic coast. Coaling stations will be placed there, because ships going across the ocean to Europe will not round Cape Hatteras, but coal at Beaufort Harbor and then cross the Atlantic Ocean to their destination. Continue this improvement, make additional appropriations, and build up here a safe and commodious haven for the shipping and commerce of our coast, and every dollar expended by the Government will be amply repaid in the benefits which will accrue.

THE RIVERS AND HARBORS CONGRESS.

Within the past few days there was held in the city of Washington a great convention, known as the "Rivers and Harbors Congress," consisting of delegates from all over the country, from the Atlantic to the Pacific coast. I was present, not only as a Representative in Congress, but as a delegate to this convention, appointed by the governor of my State, and took great interest in its proceedings. Resolutions adopted by this great rivers and harbors convention or congress recommended the appropriation of $50,000,000 instead of about $25,000,000 annually for rivers and harbors and set forth advantages which would accrue to the country from continued improvement of its waterways.

The whole drift of the times is in the direction of extending facilities for transportation by water and water-borne commerce. This is evinced by the construction of the great ship canal between the Great Lakes and the Mississippi River, by the recent reconstruction of the great Erie Canal across the State of New York, and by the agitation in behalf of the Delaware and Chesapeake Canal, the inland waterway from Norfolk to Beaufort, and waterways all over the country. In my judgment, the Government can not better expend money than in giving the additional facilities by water required by the increased commerce, not only of the south, but the whole country, and there is no part of the Atlantic coast which is more entitled to consideration by the National Government than the great natural harbor of Beaufort.

Mr. LIVINGSTON. Mr. Chairman, I yield the floor to the gentleman from New York [Mr. LITTAUER].

Mr. STERLING. Mr. Chairman, will the gentleman from Georgia yield to a question?

Mr. LIVINGSTON. I have yielded the floor, Mr. Chairman, and I am perfectly willing to answer the question if the Chair will recognize me for that purpose.

Mr. STERLING. The gentleman may have suggested a remedy for these evils he speaks of in exceeding the appropriations. If he did I did not hear it. Has the gentleman suggested in his remarks a remedy?

Mr. LIVINGSTON. The committee has—very forcibly.

Mr. STERLING. I mean anything in addition to what the committee has suggested. I have read the report of the committee.

Mr. LIVINGSTON. Yes; I suggested in addition the dismissal of the officer guilty and the dismissal of the subofficer who made the estimate.

Mr. STERLING. I think the report includes that also.

Mr. LIVINGSTON. No, sir.

Mr. STERLING. The last page, I think, of the report provides for the dismissal of the officer.

Mr. LIVINGSTON. Yes; I see that. That refers to the head of the Department. It ought to include the subofficer who makes up the estimate.

Mr. STERLING. I came in when I thought the gentleman was speaking of some remedy he was suggesting which was not included in the report.

Mr. LIVINGSTON. I was saying more emphatically that it was hard to find a remedy, and perhaps we had not found a remedy yet.

Mr. MCNARY. Mr. Chairman——

Mr. LIVINGSTON. Mr. Chairman, I yielded the floor. I think the gentleman from Ohio [Mr. GROSVENOR] was promised the floor when I yielded.

Mr. GROSVENOR. Mr. Chairman, I do not care to occupy any time.

Mr. FITZGERALD. Mr. Chairman——

The CHAIRMAN (Mr. CAPRON in the chair). For what purpose does the gentleman rise?

Mr. FITZGERALD. I desire to be recognized.

Mr. LIVINGSTON. The gentleman from New York [Mr. FITZGERALD] is a member of the committee, and he has a right to the floor.

The CHAIRMAN. The Chair will state that the occupant of

the chair who preceded the present occupant of the chair directed that after the gentleman from Georgia [Mr. LIVINGSTON] had concluded the gentleman from New York [Mr. PERKINS] was to be recognized. The gentleman from Georgia [Mr. LIVINGSTON] has remaining eighteen minutes, if he desires to yield.

Mr. LIVINGSTON. Mr. Chairman, I reserve that time.

Mr. FITZGERALD. I understood, Mr. Chairman, that I was to be recognized after the gentleman from Ohio, who was to follow the gentleman from Georgia. That was my impression, but whatever the Chair does, however, will suit me.

Mr. LIVINGSTON. I will say, Mr. Chairman, that the gentleman is a member of the committee and has a right to the floor.

The CHAIRMAN. The Chair is endeavoring to follow the arrangement made by the previous occupant of the chair.

Mr. TAWNEY. Mr. Chairman, the gentleman from New York, being a member of the committee, of course has the right to the floor in preference to a Member not a member of that committee. If he desires to go on I think the gentleman from New York [Mr. PERKINS] will yield, or has no desire to take up his time.

Mr. FITZGERALD. I wish to do anything that will accommodate everybody. I desire to discuss the bill, but if my colleague from New York [Mr. PERKINS] wishes to occupy some time of not a great length, I will yield in favor of him.

Mr. TAWNEY. The gentleman in charge of the bill was to yield, I think, twenty minutes to the gentleman from New York.

Mr. PERKINS. Mr. Chairman, I wish to state that it makes no difference to me when I occupy the floor. I wish, however, to state that I do not propose to say anything about the appropriation bill. I am to be recognized for thirty minutes—possibly I might ask for forty—to speak on something of importance, but not relating to appropriations. Now, of course, I yield to a member of the committee.

The CHAIRMAN. The Chair understands that the gentleman from New York [Mr. FITZGERALD] is recognized for thirty minutes.

Mr. FITZGERALD. Mr. Chairman, this bill is entitled "A bill to supply urgent deficiencies for the fiscal year ending June 30, 1906, and for prior years." It is essentially a bill to supply urgent deficiencies. In the past it has not always been the practice to confine the items in this bill to what would be indicated in the title. The Committee on Appropriations this year has endeavored to confine the items in this bill to what are essentially urgent deficiencies for the present or for past fiscal years. There were submitted to Congress estimates of so-called "urgent deficiencies" aggregating $17,807,824.52. A number of the items submitted to Congress for inclusion in the bill were not in any sense items that could be properly designated as urgent deficiencies for the present or past fiscal years. There were, however, some items which unquestionably should be carried in this bill. There was an item of $3,500,000 for pensions for the present fiscal year, a sum that was not included in the estimates for the present fiscal year for one reason or another, and which, under the law, is required for the work of the Pension Bureau for this fiscal year. There was an item of $1,500,000 for the collection of revenue——

Mr. TAWNEY. I will correct the gentleman by saying it is not for work of the Bureau, but it is for paying pensions.

Mr. FITZGERALD. Well, that is practically the chief work of the Bureau, to provide for the beneficiaries of the pension laws, and the money is required to pay persons who, under the law, now are, and will be until the 1st of July next, entitled to compensation under the pension laws. There is another item of $1,500,000 for the collection of revenues and $1,399,275.45 to pay judgments of the Court of Claims. These, in my opinion, are unquestionably items which are properly on an urgent deficiency bill. There is also an item of $5,340,786 for the Isthmian Canal Commission. Whatever the opinion of anybody else may be, I am quite clear that this item also is properly upon an urgent deficiency bill at this time. It is not forgotten that at the beginning of this session of Congress the Isthmian Canal Commission asked an appropriation of $16,500,000 to carry on the work of the canal up to the 30th of June, 1906. Because the Commission had not submitted proper estimates, also because of some criticisms which were made, not necessary now to detail, Congress appropriated only $11,000,000 of the amount asked, which it was estimated would carry the work of the Commission until about the 1st of April, 1906.

The Commission has since submitted a more or less detailed estimate of the moneys required for its work for the balance of the fiscal year. It is a deficiency, because this work is a public work in progress, a public work that is authorized, and the money heretofore granted is not sufficient for the present fiscal year. The money is required in order that the work shall not cease. The Commission has submitted to the committee information that it has been compelled to accept largely upon the judgment of the Commission as to the amount that will be required. The committee has separated the amounts and apportioned for specific purposes, having warned the Commission to be very careful to see that they obtained or submitted estimates for sufficient amounts for each particular purpose for which they were asking money. That makes of the total items in this bill which are unquestionably urgent deficiency appropriations $11,740,061.45. In addition there were estimates submitted for $6,067,763.07. The committee allowed $3,475,442.30, and disallowed items amounting to $2,592,320.70. Some of the items allowed, in my judgment, were proper and needed, and should be allowed. Some have been allowed which, perhaps, if it had rested with me, I would not have given at this time.

There are, however, estimated deficiencies, most of which, in my judgment, should not have been carried on this bill, and would not have been submitted if the law had been properly observed, aggregating almost three and one-half millions of dollars.

The deficiencies for which provision is made are due to several causes, deficiencies of an urgent character arising, for instance, as in the case of the Pension Bureau, where it was impossible to estimate the amount required, because impossible to say how many persons would be entitled to pensions. Such deficiencies as have been created by unusual occurrences in the transaction of the business of a bureau, by emergencies unforeseen that require urgent appropriations of a deficiency character, such as have arisen from the prevalence of severe storms during the past few months which have carried away a number of light-ships and which require additional and immediate appropriations to enable the Light-House Board to replace these ships in their proper stations.

Another class of deficiencies have arisen from the complete ignoring on the part of officials in the different Departments of the action of Congress. This has been the practice: The Departments have estimated that they would require a certain amount of money to conduct their Departments during the coming fiscal year. Those estimates have been submitted to Congress. Congress has scrutinized them and determined, in many instances, that only part of the amount determined upon by the particular Department should be allowed for the next fiscal year. Instead of revising their plans for the coming fiscal year, instead of readjusting the business which they intended to carry out, in many cases the officials have gone on exactly as if Congress had not cut their appropriations, and have expended money upon the theory that, although all they asked was not given to them at that time, there would be no doubt that they would get it as soon as they asked for it. That was very apparent to the committee in the consideration of this bill, and I will refer to two instances. One was that already referred to in connection with the Department of Agriculture; the other was that of the Treasury Department, which had asked for a certain sum of money for janitors and assistant custodians.

The Department was allowed a sum of $1,330,000, $45,000 less than was estimated. The chief clerk of the Department notified the Secretary of the Treasury that they required the amount estimated, but not allowed, in order to carry the number of men then on the pay rolls; that if the amount appropriated was apportioned and expended accordingly the amount available would be $45,000 less than planned to be expended by the Department during the present fiscal year; that it would be necessary to discharge some of the men then employed and to get along with less help. The Secretary and his chief clerk reasoned and acted in this way: "We will proceed," they said, practically, "with the number of men we now have and do the best we can, and take our chances upon getting from Congress this other $45,000 as a deficiency, although they have denied it to us now."

In my judgment, that action and actions of that character are utterly indefensible. They unquestionably are contrary to law. Some members of the committee may say, "Why are not these men punished by dismissal, by imprisonment, or by fine, under the provisions of the amendment of last year" so often mentioned in this debate. There was in that amendment a serious defect, which the committee has attempted to correct. In my judgment the proposed change will not cure the defect, and it requires a further provision. After a careful consideration of the amendment proposed by the committee, in my judgment it is necessary to frame some provision along these lines, that before the head of the Department, who is a Cabinet officer, shall waive any apportionment, there shall be submitted to him by the head of the bureau who recommends the waiver a recommendation in writing that the apportionment be waived or that the deficiency be created; and if then the apportionment is waived, or if then a deficiency is created, the head of the Department, and the man upon whose recommendation the waiver was

made, shall be subject to the penalty provided if the waiver is unjustifiable or the deficiency unwarranted. It is utterly idle to imagine that any member of any Cabinet will be dismissed because he has erroneously or improperly or illegally waived such apportionments, even though it be in defiance of the law.

Mr. SMITH of Kentucky. I would like to ask the gentleman one question right there.

Mr. FITZGERALD. Yes, sir.

Mr. SMITH of Kentucky. I would like to know upon what the gentleman bases that kind of a statement, that a Cabinet officer could not be punished when he violated law and that a subordinate officer would be punished?

Mr. FITZGERALD. It is based upon my experience in life. I *do not know* of any man who will ever be President of the United States who would dismiss from his Cabinet a member of it who, having certified in writing that an apportionment made as required by law should be waived, would tell the President that in his judgment it was necessary. And yet Congress might decide that the waiver was improper and believe it unlawful.

I need not go into recent history to justify the assertion that a President will stand up for members of his Cabinet, regardless of what other people think he should do. But if we place the responsibility where it should be placed, upon the heads of the bureaus, who go to the heads of the Departments and say that it is necessary to waive the apportionments and assures the Department head that otherwise the work can not be properly conducted, if he misleads the head of his Department, he will be quickly removed from office when the pressure comes to punish the offender, and in this way the offenders will be reached. As it is proposed to amend the law, it is apparent that no one will be reached. The provision is: "Anybody violating any provision of this section shall be summarily removed from office and may also be punished."

Mr. MANN. Can the gentleman easily point out what the changes made in the existing law are in this proposed amendment?

Mr. PALMER. The gentleman will find it pointed out in the report.

Mr. FITZGERALD. If the gentleman will take the report coming from the committee and will examine it, he will find out much more satisfactorily than can be stated the changes that are to be made.

Mr. MANN. I hoped to get it in the RECORD in some shape.

Mr. FITZGERALD. The law at the present time provides this: That the appropriation shall be apportioned so that no undue expenditure shall be made at any part of the year, or so as to have equal expenditures for different periods, and that the apportionment shall be followed during the fiscal year, and shall not be waived except in writing by the heads of the Departments. I think that is a fair statement of the law at present. The committee suggests an amendment that provides that these appropriations shall be so made as to prevent an expenditure in one portion of the year—and this is the part of the amendment—" which may necessitate a deficiency or additional appropriation to complete the service for the fiscal year for which said appropriations are made," and this is the important part of the change to be made:

> And all such apportionments shall be adhered to and shall not be waived or modified except upon the happening of some extraordinary emergency or unusual circumstance which could not be anticipated at the time of making such apportionment.

That change, it is believed, will prevent what happened at the beginning of the present fiscal year, when some of the Departments, in effect, made the apportionment in such a way that they would have a deficiency in the last quarter and rely upon getting the additional money, although disclaiming any intention of creating deficiencies.

There is another reason why these deficiencies are created, due to a long-continued and vicious practice. The chiefs who prepare and submit the estimates for the conduct of the different branches of the Government for the fiscal year submit their estimates in what might be said to be an automatic manner. They have been submitting the same estimates for the same work for a number of years, and they have been coming to Congress every year for exactly the same amount in the deficiency bill. For instance, for five years, if I recollect aright, the Commissioners of the District of Columbia have asked for $45,000 for fuel for the schools of the District, and every year they have been here asking for a deficiency of $30,000.

Mr. MANN. On that point——

Mr. GAINES of Tennessee. Will the gentleman tell us how much of that coal was purchased from plain individuals, or how, or from whom.

Mr. FITZGERALD. As I recollect the statements in the hearing, the Commissioners advertise for bids, and they have been purchasing here in the District from some local dealers.

Mr. GAINES of Tennessee. Well, I know that is how it appears on its face, but has the gentleman looked up the different parties whom they bought it from, and is it true as a matter of fact that they bought it from the coal combination that is in the city, as it was when there were 6 feet of snow here?

Mr. FITZGERALD. I can not answer that question at this time, but I hope by the time the District of Columbia appropriation bill comes up I may find an opportunity to know more about it than I do now. I am on that subcommittee, and I shall have an opportunity to find that out, and I do not want to be diverted too far from the points of my statement to the House.

Mr. GAINES of Tennessee. Go ahead.

Mr. FITZGERALD. At this time they asked $30,000 for the purchase of additional fuel for the schools, because if they do not have it the schools will have to be closed. The contracts are already made, and this additional $30,000 should properly have been asked for the present fiscal year and allowed in the regular District appropriation bill.

Mr. MANN. Now, if the gentleman will pardon me, is that an appropriation that is covered by the purview of this law? Are they required under the present statute to make an allotment of that appropriation so as to determine how much shall be paid for fuel each quarter, may I ask the gentleman?

Mr. FITZGERALD. I think they are.

Mr. MANN. So that if they have no money on hand when Congress is about to meet, or in session, or any other cause, and all their fuel is exhausted, they must close the schools or let the children freeze in the rooms?

Mr. FITZGERALD. Not at all.

Mr. MANN. How else?

Mr. FITZGERALD. They ask for an additional sum and we generally give it.

Mr. MANN. But under the amendment?

Mr. FITZGERALD. They would still get it. I am stating this one case of a deficiency being created in the Departments from the fact that they have never asked Congress and have never submitted an estimate to Congress for the amount of money that they know would be required during the fiscal year. They have come in year after year with an estimate for $45,000 for fuel. The committee has granted $45,000 for fuel. They come in then at the next session and say there is a deficiency in our fuel fund of $30,000, and they receive the $30,000. What they should have done the first time they found out that $75,000 would be required during the year for fuel was to submit an estimate for $75,000 and have it allowed.

Mr. MANN. That was part of their business. The gentleman has not heretofore been on the Committee on Appropriations or the subcommittee concerning the appropriations of the District; and now that he is on, and knowing the gentleman as I do, I think there will be a little better method pursued. It is also a part of the business of that committee to ascertain how much money is needed for fuel in the District, and, as a matter of fact, they call the Commissioners before the committee and asked them the question; and yet, knowing that they needed more money, they deliberately have brought in and we have passed an appropriation for a smaller amount, we knowing that the probabilities were they would come in and ask for a deficiency appropriation if we had cold weather. Now, does the law provide that the schools shall be closed? That is what I want to know.

Mr. FITZGERALD. No.

Mr. MANN. I think it does.

Mr. FITZGERALD. I do not know whether it does or not, to be frank, and it is not material to this discussion.

Mr. MANN. It may be material to the question whether a point of order is raised on a proposition to amend this section.

Mr. TAWNEY. If the gentleman from New York will permit me to suggest to the gentleman from Illinois on this particular item of $30,000 deficiency, one of the Commissioners came before the committee and admitted that the estimate for the purchase of coal during this fiscal year was made below what was known to be actually required, to keep down the amount of the District appropriation, and also because it had heretofore been the practice always to come to Congress to make up the deficiency, which they knew at the beginning of the fiscal year or at the time of making their estimates would be necessary for the next fiscal year. Now, this proposed amendment will simply require the Commissioners when making their estimates for the next fiscal year to make their estimate on the basis of what will be required, and not with the view of having their general appropriations as small as possible, with the expectation and intention of coming to Congress for a deficiency appropriation.

Mr. MANN. Of course everybody will agree that that is

correct, but let us be frank about it. It has been the habit of the Committee on Appropriations to make their bills just as small as possible, sometimes for campaign purposes and sometimes for other and better purposes, and to rely upon deficiency bills; and I have not the slightest doubt that originally these Commissioners came in and asked, time and time again, for the full amount, and had it cut down, and had to come in for a deficiency appropriation. Now, I am not complaining about that, but what I want to know is whether if that happens we have got to close the schools on account of it?

Mr. TAWNEY. Certainly not.

Mr. MANN. You will, if the construction——

Mr. TAWNEY. If the estimate is made in good faith, on the basis of past experience and on their judgment as to what will be required, and if the weather then is such as to consume more coal than could reasonably be anticipated, the consumption would be at the beginning of the fiscal year for which the estimate was made, it would be an extraordinary occasion, and it would be an unusual circumstance that would justify the Commissioners in coming to Congress for a deficiency.

Mr. FITZGERALD. If the gentleman from Illinois will pardon me, I wish to say this: He has complained that in times past Congress has not given the amount asked. These men have estimated year after year that $45,000 would be sufficient to supply fuel. Now, my experience in this House has been such that I have never been alarmed as to whether the Commissioners or the Department officials have been asking enough. I have always been trying to ascertain whether they have not been endeavoring to obtain more than they required, and I doubt whether any member of any committee in the House has ever had the idea suggested to him that perhaps somebody, through fear or under the influence of any other motive, has failed to ask what he needed. The trouble has been they have asked a good deal more than they actually needed.

Mr. MANN. Wait until our mutual friend from Missouri presents the case of the school-teachers to this House.

Mr. TAWNEY. I just want to quote from the testimony of the Commissioners on this point to verify what I said a moment ago with respect to their practice:

> Mr. WEST. If you will glance at the figures furnished in the bill, you will see that for the last five years Congress has appropriated the same amount for fuel for the public schools—$45,000. The custom has grown up of continuing the estimates at the same amount—$45,000—and coming to Congress for a deficiency.
>
> Mr. LITTAUER. Do you submit $45,000 always?
>
> Mr. WEST. I think that is the way it is done. I will ask Mr. Courts.
>
> Mr. COURTS. Yes; the estimate runs in that way.
>
> Mr. WEST. It has grown up as a custom, not that $45,000 will foot the bills, but that amount is put in at the outset, and then we come to Congress for a deficiency.

Now, I agree with the gentleman from New York [Mr. FITZGERALD] that the Departments are not entirely responsible for this policy of coercive deficiencies. Congress itself is responsible to a certain extent, to the extent at least of the appropriation committees—not alone the general Appropriation Committee, but all those committees having jurisdiction of appropriations, because of their cutting down the estimates below what they believe to be honestly needed for the public service in order that they make a smaller appropriation under a general bill. But that is only a very small part of the evil or the cause of the evil.

Mr. MANN. If the gentleman from New York will yield——

Mr. FITZGERALD. Certainly; the continuity of my speech is spoiled now. [Laughter.]

Mr. MANN. Oh, no; nothing could spoil the speech of the gentleman from New York; his speeches always scintillate with brilliancy. The proposition the chairman of the Committee on Appropriations makes—and gentlemen will understand that I am not criticising the Committee on Appropriations either now or in the past—is that the Committee on Appropriations must appropriate enough in advance to meet practically all emergencies. Now, we are having a very mild winter, and I take it it will cost less for fuel this year in Washington than it does ordinarily. Are we every year to make an appropriation in advance supposed to be based on the coldest and longest winter in Washington, or shall we make an appropriation of a normal amount of fuel to be used and rely on the deficiency if one is needed? It seems to me it will be less extravagant, at times, to make a deficiency appropriation where needed, under certain circumstances, than to appropriate in advance all that may possibly be used.

Mr. FITZGERALD. If the gentleman will pardon me, there is no trouble about the coal question; that is the simplest one of all the evils. The District Commissioners receive a certain appropriation for coal. They advertise for bids, agree to purchase the coal at so much a ton, and they can make their contracts for the entire appropriation and have it delivered any time they please. If the coal is used up in the schools, there will be no trouble about their obtaining more money for the purchase of more coal. I was only using this as an illustration of one of the causes of these deficiencies.

There is a fourth reason, and that is the one that has been referred to in this colloquy, and that is the action of the different committees of Congress in knowingly refusing to give different bureaus the money required for the public service. I do not wish to reflect on any particular committee, but I have in my mind an incident that came up when the naval appropriation bill was under consideration last year. It appeared that one bureau which, I think, for eight years had been given a contingent fund of $30,000 year after year by transfer in the Department, had got an additional $10,000. I offered an amendment on the floor to increase that contingent fund from thirty to forty thousand dollars so that the bureau could have the money absolutely required, and this committee, because the Naval Committee did not suggest the amendment, could not see any good in it and defeated it. Such action has encouraged the creation of deficiencies in the Departments. Whatever is required for the proper conduct of public business in an economical manner should be readily given. It does not make any difference whether it will make appropriations so large as to create a political issue or not. I believe that in this House we should face these things manfully. Whichever party may be in power ought to give the Government all the money necessary for the proper conduct of the public business, and I doubt very much whether such action could be made an issue that would result in defeating a political party in a campaign.

There is another cause for these deficiencies. Some of the heads of bureaus have submitted estimates for their work during the coming fiscal year without knowing or having the slightest conception of how much money would be required to conduct the business of their office. They have given a guess, they have hazarded an estimate, they have taken the chance that if the amount asked was not sufficient more would be given, and if it was more than necessary it would be turned into the Treasury if no way could be found to use it. Anyone who has read the hearings before some of the committees know that frequently bureau officials have been unable to give any reason whatever to justify the appropriations that they were asking.

Mr. LITTLEFIELD. Do I understand from the gentleman that his committee, under these circumstances, go on and make appropriations in accordance with the estimates, or do they cut them down under the circumstances he has just disclosed?

Mr. FITZGERALD. Let me say this to the gentleman, that in the past I have not been a member of this committee.

Mr. LITTLEFIELD. I so understood it.

Mr. FITZGERALD. What we will do in the future I dislike to prophesy, but if I have any knowledge of any official coming in with an estimate that he can not justify, I will oppose the appropriation asked, and if I be overruled I shall give my reasons and make my objections here on the floor.

Mr. LITTLEFIELD. Well, I think it is the duty of the gentleman to do so.

Mr. FITZGERALD. Now, Mr. Chairman, I have stated what I believe to be the causes of deficiencies, and I shall state them again so as to summarize them: First, emergencies in the conduct of the public business that could not be foreseen and which necessitate urgent deficiency appropriations; second, deficiencies that arise by official ignoring of the plain wording of the statutes not to create deficiencies by officials spending money in defiance of the action of Congress in refusing to appropriate money for the purpose for which they estimated; third, the practice of making automatic estimates which those who submit them know will not be sufficient for the purpose of carrying on the business of their Departments; fourth, the action of Congress in refusing to give the amounts necessary for the proper conduct of the public business; fifth, estimates that are submitted by men with absolutely no knowledge whatever of what the bureaus require and who can not give justification for the amounts which they ask.

Mr. Chairman, that covers, so far as I am concerned, what I wish to say as to the causes of these deficiencies and what I believe to be the remedy that could be applied to obviate them. Change the proposed amendment of the law so as to require a certification by the heads of a bureau to a member of the Cabinet that a waiver was necessary, and if that resulted in a violation of law the subordinate submitting it should be punished by dismissal from the service. It may sound strange, yet it is true that it appears in the hearings before the committee in this session of Congress that some of the chief clerks and heads of bureaus remarked jocosely that if we did not allow the sums they asked for perhaps they would have to go to the peniten-

tiary. It is necessary for Congress to impress upon the men in the administrative offices of the Government that Congress means just what it says in the law, and that if these men do not comply with it they will not only be dismissed from the public service, but they shall be punished as this law provides; and the sooner the men on duty in the Departments in Washington realize that the more quickly shall we be rid of these requests for deficiency appropriations.

There was a request for an appropriation in the nature of a deficiency which the committee did not allow. If I had had my way, I should have allowed it, at least some of it. I refer to the appropriation for the Bureau of Steam Engineering in the Navy Department. The appropriation, I think, was $3,900,000.

Mr. LITTAUER. I think it was more than $4,000,000.

Mr. FITZGERALD. They asked a deficiency appropriation of $1,000,000. I may say before I start to cover that ground that a very peculiar thing developed in the consideration of this bill—that every Department official proceeded upon the theory that this law forbidding deficiencies was intended to apply to everybody else but himself, and they were at pains to explain that while this law might properly be applied to other Departments of the Government, it could not be applied to their particular Department of the Government. That was the prevalent belief that ran through the Departments. Without intending at all to reflect upon him, the attitude of the Secretary of State himself, a very eminent lawyer, in my opinion one of the ablest lawyers in this country, a man whom I highly esteem, is characteristic of the Department officials. In the communication asking for a deficiency appropriation for the contingent fund of his Department he stated that he hoped that this law would be changed so as not to affect his Department of the Government, "if it ever were intended that it should do so." The law is clear as day. Its meaning could not be misunderstood. These Department officials have not yet been impressed with the conviction that Congress was sincere when it enacted that law, and if there be anything that I can say upon this occasion which will bring home to them a very firm conviction that serious results will come from their violation of the law, I wish to say it now, so that this abuse, which has grown to such an alarming extent and for which it is difficult to place responsibility, may be obviated.

As I was saying, however, the Bureau of Steam Engineering requested $1,000,000 for the purpose of continuing the work of its department. This Bureau of the Navy Department is one with which perhaps I am somewhat familiar. It has charge of the repairs of the machinery of all vessels in the naval service. Vessels in commission undergoing the strain of active service will from time to time require repairs to their machinery. These repairs are expensive. Overhauling costs a great deal of money; and with the great fleet that we have in commission it is necessary to keep it in an efficient condition. It must always be ready for emergencies. As to whether money allowed this Bureau has been wisely distributed during the present fiscal year or not I shall not discuss, but I call the attention of the committee to the fact that Admiral Rae, Chief of the Bureau of Steam Engineering, stated to the subcommittee in charge of the bill that the amount of money that he had left on the 1st of January, 1906, $1,600,000, would not keep the ships going, that the monthly proportion which would be required for the machinery and the running of the ships would exceed the amount he had available.

I believe that some money should be allowed to that Bureau under the circumstances disclosed. There are throughout the country a number of navy-yards at present occupied with important work upon the vessels of the Navy, and if some appropriation be not made it will not only stop work in the Steam Engineering Department, but because that work is stopped it will practically stop work in every other bureau in the navy-yards and make impossible the continuance of work there upon vessels now out of commission.

Mr. Chairman, the cost of the transportation of coal has already been discussed quite fully. It is my intention to offer, when that point in the bill is reached, an amendment that the money herein appropriated for the transportation of coal for the Navy shall be expended regardless of any law requiring coal now to be transported in American bottoms. Before the passage of the law requiring coal to be carried in American bottoms it cost $4.87 a ton—that was the highest price paid—to transport coal from New York to Manila. Pocahontas coal, the best coal obtainable for the Navy, costs here $2.50 a ton.

Since the passage of that law it has cost on the average $7.50 a ton for such transportation. In the fiscal year ending June 30, 1905, about $900,000 was expended to transport coal to the Philippine Islands. If the law requiring it to be transported in American bottoms had been in effect it would have required over $1,200,000. I am opposed to the continuance of such a law.

There was some discussion before the committee about some matters connected with the Panama Railroad to which I wish to refer. There has been considerable discussion regarding the congestion of freight on the Isthmus, and, as Members know, the difficulty has been attributed by the Secretary of War and by the Canal Commission to the action of the Pacific Mail Steamship Company. The Secretary says that they refuse to handle the freight; that they leave the port with only half cargoes or third cargoes, and in other ways contribute to the congestion there, so that——

Mr. MANN. You mean the Pacific Mail Steamship Company?

Mr. FITZGERALD. Yes; which I understand is controlled by the Southern Pacific Railroad Company. So that as a result of the congestion that is claimed to exist there terminal charges for labor on the west coast of the Isthmus, a charge in the operating expenses of the Panama Railroad, have increased from three to eleven thousand dollars a month. I have here a dispatch to the Washington Star, dated at San Francisco, January 17, 1906, in which it is reported that Mr. R. P. Schwerin, vice-president and general manager of the Pacific Mail Steamship Company, said yesterday:

> The Pacific Mail is in no wise responsible for congestion on the Isthmus. On the contrary, our ships have been compelled to lie over at Panama for eighteen, nineteen, and twenty days, when they should remain at Panama not more than a week. And we have had to work early and late at this end of the line trying to keep them on their schedule. I do not know the cause of the congestion on the Isthmus, for I have not been there. I know, however, that the Pacific Mail is just as keenly interested in the Panama trade as it ever was. It is true that some of our steamers have come away from Panama without full cargoes, but the reason for it is they have not been given the freight.

Who is responsible for the condition there I am unable to say, but very evidently there is a gross congestion of freight on the Isthmus which should not exist. I have been inclined to believe that the Panama Railway Company (which is owned entirely by the Government of the United States) or the Isthmian Canal Commission, or whoever has jurisdiction of the matter, is not entirely free from fault, because I have here one of the Consular and Trade Reports, issued by the Department of Commerce and Labor, under date of January 4, 1906, treating of the causes that make it impossible to extend the export trade of this country, which contains a letter from a shipper who blames the Panama Railway Company for the obstruction of freight and the impossibility of successfully continuing in the export trade. This passage from this report says:

> Another instance: A customer on the west coast of Central America writes me that our goods give perfect satisfaction and himself and friends would like to make up some large orders for us, but unfortunately he finds it impossible to use any more of our goods because the Panama Railroad Company charged him $5 gold per package for transporting goods across the Isthmus (40 miles), and this prohibits him from using American goods. Had the Panama Company been even moderately extortionate in their charges we might have developed quite a trade in this country, but they have killed the bird which would have laid many a golden shekel for them.

Mr. TAWNEY. Will the gentleman state the author of that letter?

Mr. FITZGERALD. It is an extract, I believe, written by the manager of the Page Woven Wire Fence Company, addressed to the American Exporter, and published in a report issued by the Bureau of Manufactures of the Government.

Mr. TAWNEY. What date?

Mr. FITZGERALD. January 4, 1906.

Mr. STEPHENS of Texas. Will the gentleman permit me a suggestion? I have examined this matter to some extent and find that the reasons given for the blockade of freight there is that the railroads have not cars enough to control and carry the freight of the Government, which freight is given priority over commercial freight. Commercial freight must wait until the Government has been served; and that is the reason given for it.

Mr. MANN. Will the gentleman permit me to state that while it may be true that the railway rates are too high, that the railway rates have been more than cut in two—that is, the local railroad rates—for transit across the Isthmus since the Government acquired control?

Mr. TAWNEY. I wish to say to the gentleman from New York [Mr. FITZGERALD] that immediately after the adjournment of the committee yesterday, when the gentleman made the same statement that he has just made here, I communicated with the Secretary of War for the purpose of ascertaining what the local rate on the railroad from Colon to Panama is at the present time; and in reply I received the following dispatch, which I would like to have go in the RECORD in connection with this statement, although it is not yet as definite as it will be by

information which will be furnished later. The dispatch is as follows:

WAR DEPARTMENT, *January 18, 1906.*

Hon. JAMES A. TAWNEY, *House:*

Your dispatch received. Can not believe the statement to be true. The freight rates from New York to Panama via Colon, over the Panama Railroad Steamship Line and the railroad, were on the 1st day of July last reduced 50 per cent. A greater reduction was allowed for Canal Commission merchandise, but in order to prevent discrimination the Commission merchandise now pays the same rate as the public. A very material reduction has been made in the local rates on the Panama Railroad, but the percentage I am not able to state. Have telephoned to the New York railroad office for a definite statement upon the subject, and upon receiving answer will immediately advise you.

WM. H. TAFT, *Secretary of War.*

Mr. FITZGERALD. I am glad to have that go into the RECORD at this time for this reason: The Secretary of War and the officials of the Isthmian Canal Commission attribute the congestion on the Isthmus to one cause; the Pacific Mail Steamship Company attributes the congestion there to the employees of the railway company, which company is owned entirely by the Government, or to the employees of the Canal Commission. The Bureau of Manufactures, which was established for the purpose of issuing reliable information to those desiring to engage in the export trade of the country, issues a statement which is an official notice, that a Government railroad, a railroad owned by the Government of the United States, maintains such exorbitant freight charges that it is impossible for anybody successfully to export goods from this country by way of the Panama Railway to the west coast of South America.

Mr. MANN. If the gentleman will pardon me, I do not quite understand how this man can know what the railroad rates are from Colon to Panama. He would not ship goods from New York—the Page Woven Wire concern is located in Pittsburg—to Colon and then expect them to ship from Colon to Panama on a separate bill of lading. And I apprehend that the gentleman who wrote the letter knew absolutely nothing about the freight rates.

Mr. FITZGERALD. That may possibly be true.

Mr. MANN. It is evident on the face of it that it could not be true.

Mr. FITZGERALD. It may possibly be true, but the person to whom that criticism should be addressed is the head of this Bureau, who put his official sanction upon this letter by quoting it in an official report issued for the information of the manufacturers and exporters doing business in this country. I am not responsible for this Bureau.

Mr. MANN. The gentleman understands that the head of the Bureau is a very nice gentleman, who has been in the newspaper business so long that possibly he is not always able to distinguish between facts and sensationalism.

Mr. FITZGERALD. I am inclined to believe that that is another reason why the people of this country should change the administration of the government.

Mr. MANN. Now, let me say in reference to the Panama Railroad Company, it is undoubtedly true that freight is congested there now. It is easy to understand how it could not be otherwise. We are shipping great quantities of freight to the Isthmus for use in connection with the construction of the canal. At the same time we are double tracking the road, which to a certain extent interferes with the present track that is there. So while we are putting upon them an extra amount of freight, we have less track room than we had before. And it is perfectly self-evident that there will be a congestion there, as there is in Pittsburg now, and as there is in many other places in the country now for a time. When we succeed in getting our double-track road, it will be all right, and we would have gotten it a little quicker, I may say, if we had made an appropriation of $15,000,000 before the holidays than we will now.

Mr. FITZGERALD. Oh, no.

Mr. MANN. Oh, yes.

Mr. FITZGERALD. If the gentleman will pardon me, we appropriated all the money they can use up to the 1st of April in the $11,000,000, and they can not possibly use the $5,000,000 we are giving in this bill until after the 1st of April, and they will have it in ample time to use for that purpose.

Mr. MANN. I believe that is practically true. That they will not use any more than they can is very evident.

Mr. FITZGERALD. They never intended to use it before the 1st of April.

Mr. MANN. They intended to if they could.

Mr. FITZGERALD. I beg the gentleman's pardon; they say they will not use quite within $150,000 by the 1st of April of the amount that we have already allotted them in the $11,000.000.

Mr. MADDEN. Mr. Chairman, I think I heard the gentleman say a few moments ago that the cause of the congestion at the termini of the Panama Railway was not caused by the refusal of the Pacific Mail Steamship Company to take the freight.

Mr. FITZGERALD. No; I did not say that, if the gentlemen will pardon me. I stated that the Secretary of War attributed the congestion to that cause, and then I read a dispatch of the general manager of the Pacific Mail Steamship Company, in which he attributed the congestion to the officials under the Secretary of War. I am not vouching for the veracity of either statement.

Mr. MADDEN. Did the gentleman read the testimony of the Secretary of War, in which he said that he had letters from the president of the Isthmian Canal Commission, in which three specific instances were cited in which the steamship company refused to take freight?

Mr. FITZGERALD. I read that, and also read his statement that he would send the letters to the committee, but although I searched the hearings carefully I have not been able to find the letters to which he referred.

Mr. TAWNEY. The letters are in possession of the chairman of the committee. They came too late to be printed in the additional hearings; but I will present them to the House.

Mr. FITZGERALD. I suggested that the Secretary and the officials of the Commission had attributed the congestion to the Pacific Mail Steamship Company, and the general manager of the Pacific Mail Steamship Company attributed the congestion to the officials of the Government. I am not characterizing either statement; but I think there is enough here to require the committee that has jurisdiction of this matter carefully to scrutinize the matter at some time. It is not the duty of the Committee on Appropriations. I also stated that I believe that perhaps the Panama Railway Company might itself be somewhat to blame, and I read an extract from the report issued on the 4th of January this year by the Bureau of Manufactures to substantiate the belief I had in that respect.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask unanimous consent that the gentleman may be allowed to continue his remarks for twenty minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the time of the gentleman from New York be extended for twenty minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MADDEN. I would like to suggest this question, Mr. Chairman, that the testimony before the committee shows that after having loaded freight from the Panama Railway terminus in one of the Pacific Mail steamships the captain of the ship undertook to unload it again, and wanted to refuse to take that freight, on the theory that they had discontinued landing at certain ports to which they had previously been in the habit of going, and that the management of the railway company refused to allow him to unload the freight. Is not that the fact?

Mr. FITZGERALD. That is exactly true; and I will say to the gentleman that my belief is this, that there have been faults on both sides, and that the greater publicity given to transactions between this company and Government officials will result in much improvement in the service, unless these gentlemen are a little too sensitive to criticism.

There is but one other matter to which I desire to refer, and that is the provision of the bill repealing the 8-hour law so far as work on the isthmian canal is concerned. I am opposed to the repeal of the law itself on principle, but I am more opposed to the repeal of the law so far as it applies to this particular work, because of the extraordinary reasons assigned in the request by the chairman of the Canal Commission and by the Secretary of War.

Mr. SIMS. I would like to ask the gentleman if it is not subject to a point of order, and would it not go out on a point of order.

Mr. FITZGERALD. It changes existing law.

It appears from the hearings that there are two pay rolls on the Isthmus; one is the so-called "gold pay roll" and the other the "silver pay roll." They pay some men $1.04 an hour for eight hours' work, and some 80 cents an hour for eight hours' work.

Mr. MADDEN. That is a day. Eighty cents a day.

Mr. FITZGERALD. One dollar and four cents a day, and eighty cents a day in gold. I inadvertently said hour for day. That on the silver basis makes the men on the gold pay roll get $2.08 a day, and the men on the silver pay roll get $1.60 a day in silver. That is, the silver of the country is worth 50 per cent of the gold.

Mr. LITTAUER. If the gentleman will allow me to correct his figures, the pay of the men on the so-called "silver roll," the common-laborer roll, varies from 20 cents an hour to 26 cents an hour, according to the proficiency of the laborer.

Mr. FITZGERALD. In silver, 20 cents an hour. When they are first put to work, it appears they are paid 20 cents an hour in silver.

Mr. MANN. When we were down there a year ago, they were paying 15 cents an hour.

Mr. LITTAUER. The pay is so far in excess of what these same men get in any country that they come from, these Jamaicans, that they are all trying——

Mr. FITZGERALD. That they are all trying to get back to the countries from which they come.

Mr. LITTAUER. And then as soon as their holidays are over they try to get back to the canal. The testimony shows that 2,000 Jamaicans went home to celebrate the Christmas holidays; that they had accumulated money and went home to spend it; and now 500 of them have gone back and the rest of them are trying to get back.

Mr. FITZGERALD. Well, I wish to state my objection to the change in the eight-hour law.

Mr. GAINES of Tennessee. You say some of the laborers are paid in silver and some in gold. Why is that so?

Mr. FITZGERALD. I am unable to state exactly, though I believe it is a condition that is necessary because of the currency in existence there, and these men are paid in silver, I believe, because it is the money to which they are accustomed in the place where they live.

Mr. STEPHENS of Texas. They prefer it because they are familiar with it.

Mr. GAINES of Tennessee. Are they given in silver the equivalent of gold?

Mr. MANN. They use silver on the Isthmus. Whatever money they are paid in, silver is the money in circulation on the Isthmus. People who go from this country there insist on being employed on the gold basis, which is the basis in use in this country. When they are paid and wish to spend their money, they transfer it into silver.

Mr. GAINES of Tennessee. What I am trying to get at is, there are some laborers to whom you pay your 50-cent dollars and some who are paid 100-cent dollars.

Mr. MANN. The ordinary laborers are all paid in silver.

Mr. GAINES of Tennessee. The other laborers are paid in our dollars?

Mr. MANN. Yes.

Mr. GAINES of Tennessee. Why do you make this distinction?

Mr. MANN. On the Isthmus all the money in circulation is silver.

Mr. GAINES of Tennessee. If you pay one man on one basis, why should you not pay another man on the same basis?

Mr. FITZGERALD. If the gentleman will permit me, I think I can state this satisfactorily and then preceed.

Mr. GAINES of Tennessee. Very well.

Mr. FITZGERALD. These people are accustomed to the Mexican currency, as I understand it. They understand what a dollar in Mexican money means. That dollar in Mexican money, in silver, is only 50 cents according to our standard. If our officials offered them 50 cents on a gold basis, they would think they were getting half the amount they were entitled to. If they are offered a dollar in silver, or 20 cents in silver, which they understand, there is no dispute about it. That 20 cents in silver is equivalent to 10 cents in this country with the gold basis. Now I hope that is clear and that I may proceed with my speech.

Mr. GAINES of Tennessee. Let me ask you a question.

Mr. FITZGERALD. Go ahead.

Mr. GAINES of Tennessee. If you are paying them in 50-cent dollars, in silver dollars that are only worth 50 cents, why do you not give them $2 in silver, so as to equalize them with the laborers who are paid our gold dollars? That is the proposition.

Mr. FITZGERALD. If the gentleman will permit me, the men who are on the gold roll, as they call it, are not given any undue advantage over these men. Their rate of wages is fixed upon the standard that they understand, and where a man on the gold roll is paid a dollar, he gets a dollar as we understand it. When a man on the silver roll gets a dollar, he gets really 50 cents as we understand it, but a dollar as it is understood where he comes from or where this Mexican silver is in use.

Mr. PRINCE. Each gets like pay for like work.

Mr. FITZGERALD. Certainly, except that I guess our mechanics who go down there expect to get a little more pay; but each man is paid what he agrees to work for. That is the thing to be borne in mind.

Mr. PRINCE. Like pay for like work.

Mr. FITZGERALD. These laborers are paid 20 cents an hour on a silver basis, or $1.60 a day on a silver basis, which in this country would mean 80 cents a day. After they are there for some time and show their proficiency they are advanced to 26 cents an hour, silver, or $2.08 a day in silver, or $1.04 a day on the gold basis, as we understand it. Now, they are charged by the Government officials who have charge of that matter there 27½ cents in gold for their lodging and keep. That makes 55 cents a day out of the $1.60 a day, silver, that they get for their work.

Mr. JOHNSON. Does the Government keep the boarding house?

Mr. FITZGERALD. Well, these houses are built and maintained by the Government, and whatever the arrangement is, the cost to these men under the supervision of the Government is 55 cents silver per day out of their $1.60 in silver per day that they get.

Mr. JOHNSON. Is that money taken by the Government? Does the Government run the whole business?

Mr. FITZGERALD. Yes; everything is done by the Government in connection with this work, unless I am very much mistaken.

The suggestion is made that the eight-hour law be repealed so far as this canal work is concerned. They say if the law is repealed they will work these men ten hours a day and reduce the compensation per hour and in that way increase the amount of work they can get for the money they pay.

I am not very familiar with the condition of these Jamaica blacks that are used down there, but it seems to me an inhuman proposition that these men should be compelled to work longer and be paid less than they are now getting for a shorter day; in other words, that they be compelled to work ten hours a day for less than 80 cents, as we understand it, when it takes them about 27½ cents, as we understand it, to keep themselves, and that makes no allowance whatever for the keep of their families, a number of whom, I understand, are there. They say—the Government officials—that sixteen hours a day are too many hours for a man to sleep, and there is nothing else for him to do down there practically except to sleep and work, and it appears in the hearings that these officials say that the way to keep these negroes out of devilment is to work them longer and they will be more healthy. They say that on the plantations in Jamaica these men work from daylight until sunset, but the work is of an entirely different character. In the Canal Zone no one can work as well or as long as in cooler climes.

Mr. ADAMS of Pennsylvania. I would like to ask the gentleman, does he not think that the Government is under an obligation to build this canal as cheaply as it can?

Mr. FITZGERALD. Yes.

Mr. ADAMS of Pennsylvania. Does not the gentleman think that it ought to get its labor as cheaply as it can?

Mr. FITZGERALD. No; I am opposed to this theory of obtaining labor as cheaply as you can. I believe every man is entitled to a living wage, wherever he is situated, and I am opposed to this Government attempting to take advantage of these miserable people who live in a tropical country and to work them like slaves in the building of this canal. For my part, I would sooner have the canal cost $100,000,000 more, so long as these men are treated as men and not as mere brutes.

Mr. ADAMS of Pennsylvania. I am glad to get this answer from the gentleman. It is such a splendid Republican statement for the protection of labor.

Mr. FITZGERALD. I do not care whether it is Democratic or Republican, or anything else; I believe it is humanitarian, and we ought to be for what is decent and manly. I recollect sixteen years ago when the city of New York was building its great aqueduct, and I remember the North Carolina negroes and the Virginia negroes who had been brought up there and put to work in making the excavations through the solid rock, and I remember the miserable hovels in which they were compelled to live, just shacks with bunks four or five high, and that under the surveillance of the people of a great city, an intelligent, patriotic, and humane people; and when I recall the conditions that existed then and imagine what may exist on this Isthmus if a free rein be given, I want to say that if I can prevent it the law as it applies to the Isthmus for the building of this canal will not now be changed.

I have tried just to summarize some facts, Mr. Chairman. I do not care to detain the committee at this time with other reasons that impel me to entertain the views I do on this matter. If the eight-hour law be repealed, there is nothing to prevent these men being worked more than the proposed ten hours. According to the theory of the officials all that would be necessary would be to determine how long the men should sleep and work them the rest of the time; because they say there is no possible manner in which a man can amuse himself down there, and they practically divide the time into three parts—working time, eating time, sleeping time. So far as I am concerned, regardless of where these people come from, regardless of whether they be American citizens or aliens, whether they come from the Orient or from the Tropics, I believe that

all of the safeguards, all of the protecting force of this great Government should be extended around them and that we should treat them in a manner that will commend itself to civilized men throughout the world, and reflect undying credit and glory upon ourselves. [Applause.]

Mr. LITTAUER. Mr. Chairman, I yield thirty minutes to my colleague the gentleman from New York, Mr. PERKINS.

Mr. PERKINS. Mr. Chairman, it is curious to consider the changes which sometimes come in the meaning of words, the changes, and often the sad changes, that come in accepted beliefs. We see that a people professing a pure faith at the shrine of reason, but in course of time prostrated in superstition before a meaningless fetich. The pure faith imparted by the apostles in the hands of the doctors and the schoolmen becomes an unmeaning formula. Mr. Chairman, the doctrine of protection was taught in this country early and it was taught by great men. Hamilton and Clay believed that to have a great nation it was necessary to have great manufacturing industries. They said that a nation that was agricultural and nothing else could not become one of the great commercial nations of the world, and that legislation should be had to build up, if necessary, to assist the manufacturing industries of the land. Time went on and another argument was furnished, because in this country the wages paid to laboring men were higher than in any other country, and it was said that there should be such protection as would measure the difference between the higher wages which the American manufacturer did pay—between the higher wages which the American manufacturer ought to pay—for the benefit of the land and of its workingmen.

Now, I think I have stated what we may call the pure doctrine of protection, the faith that was given us by the fathers. Such laws were passed; great industries were built up in this land. It has been claimed time and again that to some extent, at least, to a large extent, probably, the great development of industry was due to the effect of protective tariff legislation, and it has also been said, by friends and foes, that to develop, to increase manufacturing industries was the reason and the justification of protective laws. We now witness some things that make us wonder whether perhaps a rational belief has turned into a superstition; whether the doctrine of protection, instead of being regarded with wise reverence has not become a fetish to which we bow in unintelligent fear.

When a great manufacturing industry, when great manufacturing industries, come before the Congress of the United States and say there is a provision in the tariff law which instead of doing them good does them harm, and when they are told that the tariff is so sacred a thing that not one jot or tittle can be changed, even if it cripples an industry, then we ask: Is that following out the theory of the protective law that was intended to build up industries? Mr. Chairman, when Balak bade Balaam to curse the people that came from Egypt and covered the face of the earth Balak said to him: "Behold, I took you to curse my enemies, and behold thou hast blest them altogether." Shall the reverse of that be said, Mr. Chairman? Shall the great manufacturers say to us: "You were bidden to bless us, and behold you are cursing us altogether?"

No one can question that the shoe manufactories of the United States are a great industry. Their product annually is from two hundred millions to three hundred millions of dollars, and that is a great industry even in this great land. They employ nearly 100,000 people, and they furnish sustenance in that way to nearly 500,000, and that is a great number even in this populous land. This request for modification in the tariff has been spoken of as if it were a Massachusetts request, and gentlemen say in the House, "Massachusetts? Why does Massachusetts ask this and ask that?" The request comes, Mr. Chairman, from the manufacturers of boots and shoes from the Atlantic to the Pacific. There were here two or three months ago representatives of this industry that came from Massachusetts, that came from New York, that came from Rochester, the city I represent, that came from Chicago, in the State of Illinois; that came from Milwaukee, in the State of Wisconsin; that came from Minneapolis and St. Paul, in the State of Minnesota; that came from St. Louis, in the State of Missouri. Two of the greatest of the manufacturers were from the State of Missouri, from the city of St. Louis.

It is perfectly apparent, Mr. Chairman, that the question of the tax upon hides is not a local question. Such an industry is entitled to consideration, and if the provisions of the tariff are not intended to protect manufacturing industries, upon what basis do such laws stand? The first question which I shall discuss is, Does this tax upon hides harm anybody? because if it does not, why, that is the end of it. It is not very hard to show that. There has been much talk about what difference the tax upon hides made in the cost of a pair of shoes. Some have given higher figures and some have given lower figures. In the first place, we may say, Mr. Chairman—and this is unfortunate—that the extra cost resulting from the tax upon hides falls chiefly upon the cheaper classes of shoes. For some reason, the wisdom of which certainly is difficult to divine, there is no tax on calfskin, there is no tax on sheepskin; the only tax that is imposed is the tax on cattle hides, principally, of course, a tax upon the hides of steers.

That leather is chiefly used in the manufacture of the cheaper classes of shoes. So if there is any harm, it comes in the very worst place that it could come, not on the higher-priced shoes, but on the lower-priced shoes. There have been many estimates of the difference resulting from the tax on hides. Persons have testified—I have heard great shoe manufacturers say that has amounted to a difference of 5 cents a pair. I think, Mr. Chairman, that statement is overstated, and for my argument I would much rather put it lower than higher. It makes a difference of a cent and a half, we will say, on each pound of hides. It is an underestimate to say that it makes a difference on the average in a pair of shoes of 2 cents. I will concede for this argument that the only extra expense in the cost of the manufacture of a pair of shoes by reason of the tax on hides is 2 cents and no more. Some gentlemen say, what is 2 cents a pair?

I will show to you, Mr. Chairman, what 2 cents a pair means. The average price of a pair of shoes for the manufacturer taking all sorts is, we may say, roughly, $2; it is not over that. Two cents on $2 is 1 per cent. The average profit of the shoe manufacturers of the United States does not exceed 5 per cent of the business. The shoe manufacturers, it must be remembered, do not keep up the price by any great combination. There is one great industry that comes before the American Congress which is not a combination or a trust to keep up prices and gain great profits from an artificial combination. The price of boots and shoes is fixed by a vast number of competitors in an absolutely free market. There are no proceedings by the Attorney-General against the boot and shoe trust. They sell their boots and shoes in open competition, every man with another, and so instead of the great margin of profit that is obtained by some industries, which certainly are more favored by the American Congress than the boot and shoe industry, they sell on an average profit of 5 per cent. The extra cost of hides is 1 per cent. The result of the protective legislation of Congress is to absorb 20 per cent of the entire profit of the boot and shoe industry.

Mr. FOSTER of Vermont rose.

The CHAIRMAN. Does the gentleman from New York yield?

Mr. PERKINS. Oh, certainly; I will yield to anyone.

Mr. FOSTER of Vermont. You are commingling the 2 per cent and the 5 per cent.

Mr. PERKINS. I beg your pardon, I said 2 cents a pair was 1 per cent of the cost.

Mr. FOSTER of Vermont. One per cent of the cost——

Mr. PERKINS. The average profit is 5 per cent of the cost.

Mr. FOSTER of Vermont. But you do not mean to say by that they only make 5 cents an average on a pair of shoes?

Mr. PERKINS. Oh, not at all. If a pair of shoes cost $2, it is safe to say the average profit to the manufacturer would be 10 cents. The extra cost resulting from the hide is 2 cents, which takes 20 per cent of the amount that he would make.

Mr. LITTLEFIELD. That is assuming he gets all the profit in case the tariff is taken off hides?

Mr. PERKINS. Precisely; that is another question.

Mr. LITTLEFIELD. And you are proposing to work the proposition out?

Mr. HOLLIDAY. Your proposition, then, is to remove the tariff on hides, not for the purpose of reducing the cost of shoes to the consumer, but for the purpose of enhancing the profit to the manufacturer.

Mr. PERKINS. I was taught that the principle of the protective tariff was to build up and assist American industries, and, as I understand, to assist an industry is to enable it to make money.

Mr. FOSTER of Vermont. In that connection, of course.

Mr. PERKINS. What they will do with it we will see about afterwards.

Mr. FOSTER of Vermont. In fixing the tariff all industries are considered, not simply the manufacturer. The farming industry is equally of importance in the eye of the tariff maker as the business of the manufacturer.

Mr. PERKINS. Certainly. Now, let us illustrate what this tax amounts to.

Mr. TIRRELL. The cheap shoe that the gentleman has referred to is the one where there is the greater burden by reason of the imposition of this tax?

Mr. PERKINS. That is what I understand.

Mr. TIRRELL. Now, a cheap brogan shoe is made in my

town, and the cost of making it is from 70 to 90 cents. So if the gentleman will figure on that basis, his argument will be much stronger than the one he is advancing.

Mr. PERKINS. I understand, of course, that some of these cheap shoes cost less than $2, and in these, it must be said, the extra cost of the duty on hides, as my friend from Massachusetts has justly said, is much more than 1 per cent, but I gave the average on all sorts of shoes, because there are other shoes—shoes costing two and one-half to three dollars, where the extra cost resulting from the higher price of the hide would be a much less percentage.

Mr. LITTLEFIELD. The 70 or 90 cents was labor cost?

Mr. PERKINS. The whole cost.

Mr. LITTLEFIELD. Material and labor and everything?

Mr. PERKINS. Yes. Now, Mr. Chairman, let me put this before the committee in another way, because I have heard so many say, "Oh, you gentlemen who are talking about hides; it is a little thing; why do you want to bother us all the time talking about hides? Talk about something that is of importance." Now, let us see what this 2 cents a pair, which is not an overestimate, amounts to. In the United States in the production of last year it amounted to $4,000,000. The shoe manufacturers in the United States paid last year on account of this duty $4,000,000, figuring it at 2 cents on each pair of boots and shoes they manufactured. Is that nothing? Can we turn to a great industry and say, "We can not pay attention to your demands; we think they are of small importance," when they cost that industry annually $4,000,000?

Why, Mr. Chairman, we all remember in the last Congress we wanted a public-building bill. It was said it would cost about five or six millions of dollars, and we were told by the leaders of this House that this great country, the United States of America, could not stand an extra expense of five or six millions of dollars. And yet they turn around and say to one industry of the land, "If it only cost you $4,000,000, we can not interfere with our legislation in order to attend to a matter like that."

Now, Mr. Chairman, I will say no more about what the burden of the tax is. Let us see who gets the benefit of the tax. My friend from Vermont [Mr. FOSTER] suggested a minute ago that we must consider these things in all their lights. Surely we must. The boot and shoe men are not the only men in the country. Who gets the profit of the imposition of a tax that costs that industry $4,000,000?

Mr. Chairman, that seems to me so simple that I can hardly believe a man can doubt where it goes. There was our friend from New Jersey the other day, a well-known farmer and agriculturalist, who informed us that he had slaughtered four steers, that he sent the beef down to the local markets, that he sent the hides to the local markets, and he figured he had gotten from 50 cents to a dollar, perhaps a little more, extra for the hide. I presume he did, and certainly we are all glad to benefit the Member from New Jersey. But, Mr. Chairman, even to benefit him to the extent of $5, I do not think it is fair to take $4,000,000 out of an industry. There are in this country few cattle, a very few, which are slaughtered by the farmer. The beef is sold separately and the hide. It seems to me entirely probable that the man who takes the hide and sells it by itself, having first sold his beef somewhere, should get—and I presume he does get—the benefit of this tax. If so, he gets 50 cents, a dollar, or a dollar and a half more per hide.

Mr. HOLLIDAY. Mr. Chairman, I would like to ask the gentleman, at this point, if it is not true that the farmers get an enhanced price for their cattle by reason of the enhanced price for their hides? And is not that included in the money paid for the cattle by the dealers?

Mr. PERKINS. Mr. Chairman, that is not true.

Mr. NORRIS rose.

The CHAIRMAN. Does the gentleman from New York [Mr. PERKINS] yield to the gentleman from Nebraska [Mr. NORRIS]?

Mr. PERKINS. I will yield, but I think it only fair that my time be extended.

Mr. NORRIS. We will extend your time. If it is true that the farmer does not get an enhanced value for his steers by reason of this tariff on hides, then what benefit will the shoe manufacturer get by taking it off? I suppose that the gentleman is going to contend that the middleman in the cattle business gets that profit.

Mr. PERKINS. Why, certainly.

Mr. NORRIS. He would not reduce his price with the tariff on, but if the tariff be taken off, if that be true he would, which I am not admitting.

Mr. PERKINS. Certainly; he would have to meet the price of the South American hides with no tariff on; now he meets them with a tariff of 15 per cent on.

Mr. NORRIS. If that position be true, the only advantage that this legislation which you propose would have would be to take away the profit that goes to the middleman in the cattle business and give it to the man who manufactures shoes.

Mr. PERKINS. I think that is a fact. I think it would take it away from Armour & Co. and the members of the great beef combination and give it to those who employ a hundred thousand citizens in their manufactures.

Mr. NORRIS. Of course I do not admit that.

Mr. PERKINS. I am only yielding to a question and not to an argument.

Mr. NORRIS. You do admit that in all instances where the farmer kills a steer and sells the hide separately from the meat he himself gets the benefit?

Mr. PERKINS. I think he ought to; I presume he often does. I do not know how far that price is controlled. I do not know how far the packers control that.

Mr. STERLING. I wish you would explain to us why it is that the farmer does not get the benefit of the tariff when he sells a carload of steers or a trainload of steers, as well as when he sells a single steer?

Mr. PERKINS. If the gentleman will wait a minute, I intend to come to that.

Mr. FOSTER of Vermont. Before getting away from this point I would like to just ask a further question in this connection. All through what we usually speak of as the Eastern States these packers have no establishment by which they sell steers, so is it not true that all through the East these hides are sold very largely by the individual producer?

Mr. PERKINS. No. I can only tell by what is done by the people of Rochester.

Mr. FOSTER of Vermont. You are speaking of the city. You do not raise steers in that city.

Mr. PERKINS. We have a country round about that raises steers. The business of raising steers in Monroe County has practically gone out of existence, because all the beef that is consumed there is brought in from Chicago.

Mr. FOSTER of Vermont. I am talking of what is done in the country in the East.

Mr. PERKINS. Ten years ago they raised steers; now they do not.

Mr. FOSTER of Vermont. But where they do raise them, I say, all through the East where they are, they have got concerns, I will say to the gentleman, and there is a little concern right in my own town that buys them by the hundreds of thousands every year.

Mr. PERKINS. Hundreds of thousands of what?

Mr. FOSTER of Vermont. Domestic hides.

Mr. PERKINS. You do not buy the hides of hundreds of thousands of steers slaughtered in Vermont.

Mr. FOSTER of Vermont. No; but from the farmers in the East. That is what one concern does.

Mr. PERKINS. I presume you get a good many from the farmers of Chicago.

Mr. FOSTER of Vermont. I would like to go a little further. I would like to take the State of Missouri. The State of Missouri is a great steer-producing State.

Mr. PERKINS. It is.

Mr. FOSTER of Vermont. I would like to know, for information, and I would like to have the gentleman tell us, if he can, what proportion of the steers of that State go into the hands of those packers there living, and what part are slaughtered in that State, and the profits on the sales of the hides of which go to the producers. That is my question, Mr. Chairman, precisely.

Mr. BURLESON. In the same connection I am a little inclined to agree with the gentleman that the beef trust is the chief beneficiary of the tariff upon hides. When the gentleman reaches that part of his discussion, I would like him to explain if he can why, when the Dingley tariff bill was formulated, the argument was used that the farmer and stock raiser were to be benefited by this tariff.

Mr. PERKINS. As I understand, there were two or three Senators from small Western States who thought they would be benefited by this and held up the bill unless a tariff on hides went in. It was not in the McKinley bill. Mr. McKinley did not believe in it; Mr. Blaine did not believe in it. But I have always been told that two or three Senators from some of the small western mountain and mineral States held up the Dingley bill until they got that duty on hides because they thought it would be some advantage to them.

Mr. BURLESON. They were mistaken about it, and the farmer and stock raiser were handed a gold brick.

Mr. PERKINS. Yes; I think so; and it is not the first time. either, that the farmer has been handed a gold brick.

Mr. BURLESON. We agree with you thoroughly on that; they were handed a gold brick in the entire Dingley bill.

Mr. PERKINS. I do not know about the Dingley bill, but I have in mind other bills.

Now, gentlemen, let us look to universal experience, to what we all know, to get some information. Does not everyone in this House know that there goes up a constant wail, and that the complaint has gone up just as strongly since the tax on hides as it ever did before concerning two things: First, that the people who buy beef have to pay too much? Certainly every gentleman in this House has heard that; and, secondly, that the men who sell steers do not get enough. Certainly there is not a Representative from the Western States who has not heard that. So it appears that the connection between the price for which animals sell and the price for which their products are sold is not very close.

Does any gentleman think that if the people who buy the bulk of the steers, and who have obtained a higher price for beef, will not give the benefit of that to the man who raises the steers—does any gentleman think that those same men, who will not give a cent more for steers when they put up the price of beef, will say, "If we can get a dollar more for hides, we will see that you get the full benefit of it?" If gentlemen believe that, there is no use in arguing further on that question. Here is the gentleman from North Dakota, whom I do not see here now, who in the last session introduced a resolution which he certainly supported by very strong argument, as to the manner in which the price of steers was controlled by the great packers, and he seemed to show that between the price at which beef was sold and the price for which cattle were bought there was no close or intimate connection. Does that show that the man who sells the steer gets the benefit of that part of the price of the animal?

Mr. HOGG. May I ask you a question?

Mr. PERKINS. You may. You know a great deal more than I do about all these things, and so, probably, I will not be able to answer your question.

Mr. HOGG. I know very little except what affects my people. Do you believe that removing the tariff on hides will benefit the man who raises the steers?

Mr. PERKINS. I think he will not get a single cent less for them.

Mr. HOGG. Do you wish the tariff on your manufactured shoes removed?

Mr. PERKINS. We do not care a bit for it.

Mr. HOGG. You are willing to have that taken off?

Mr. PERKINS. Certainly. I do not know how it is about the cheaper grades, but I know that for the better grades of shoes they can be made in competition with any country in the world. We can not compete with Europe, I think, in making sabots, but our people have not yet got to the point where they wear sabots.

Mr. GARDNER of Massachusetts. I wish to take issue with the gentleman from New York, because I would not be willing to stand here and admit that the shoe manufacturers of Massachusetts were willing to have the duty on the finished product removed. Sixty-five per cent of the manufacturers in my district would be, but the other 35 per cent could not stand it. They will concede a reduction, but they can not consent to the entire removal of it. It is not correct to say they do not care a snap for it.

Mr. PERKINS. Of course, everybody understands that I am not speaking for the gentleman from Massachusetts or for his constituents. I simply answer for myself and for those whom I represent.

Mr. GARDNER of Massachusetts. I thought the gentleman was speaking for the shoe trade.

Mr. PERKINS. No; I have no right to speak for any other Member here, and it is unnecessary that I should.

Mr. LITTLEFIELD. What particular part of the shoe trade do you speak for, may I ask?

Mr. PERKINS. I will say that I understand that when it comes to the better class of boots and shoes they can be made more cheaply in the United States, and a man can get more for his money in a good class of American boots and shoes than he can get anywhere else in the world; and the proof of it is this: That boots and shoes are made in this country, after paying the duty on hides and all other duties, and then they are sent over and sold in London and in Paris, not cheaper than they are sold in this country as some products are, but they are sold for the price that they are sold in this country, and the cost of shipping them besides. And people buy them there. If the price of them was too high they could not be sold.

Mr. LITTLEFIELD. Will the gentleman allow me a moment?

Mr. PERKINS. Yes; although I hope to get through by 5 o'clock.

Mr. LITTLEFIELD. You will excuse me——

Mr. PERKINS. It is always a pleasure to yield to the gentleman.

Mr. LITTLEFIELD. You will excuse me if I suggest that in that very interesting statement you have made you have not answered my question at all. What I should like to know is what particular branch of the shoe trade do you speak for when you say they are willing to have the tariff taken off of manufactured shoes? Now, I have shoe manufacturers in my district, and I would like to know what particular manufactories you speak for. If you speak for the leather trade, all right. If you speak for your part of it, why, likewise, all right.

Mr. PERKINS. I can only speak from what I have heard many shoe manufacturers say.

Mr. LITTLEFIELD. If the gentleman will excuse me, will he please inform the House where these shoe manufacturers are located who are willing to have the tariff taken off from manufactured shoes?

Mr. PERKINS. I can say where sixty-five prosperous manufactories are located, and that is in the city of Rochester, representing $15,000,000 output.

Mr. LITTLEFIELD. And they are willing to have it taken off?

Mr. PERKINS. They can compete against the shoemakers of the world.

Mr. LITTLEFIELD. That does not quite answer the question. Are they willing to have the tariff taken off?

Mr. PERKINS. If it was necessary to have it taken off to get a reduction that will be of benefit to them, I will say yes. I do not suppose they want the tariff taken off shoes and the tariff kept on hides.

Mr. LITTLEFIELD. Do I understand that the shoe producers in Rochester are willing to exchange the tariff they now have on their product for the tariff on hides, if the tariff on hides can be repealed?

Mr. PERKINS. Yes.

Mr. MANN. Does not the gentleman mean that the tariff on leather also has to be taken off?

Mr. PERKINS. Precisely.

Mr. LITTLEFIELD. Oh, the gentleman did not say that.

Mr. PERKINS. Whether it is necessary also to take off the tariff on leather, turns on a very simple question. If leather can be sold in this country in a free market, the shoe manufacturer will get the entire benefit of the reduction of the duty and will buy hides and the product of hides coming from South America at 15 per cent less. If in the leather business a combination can control the entire product of manufactured leather, then the gentleman will see that there is a possibility—I do not say that they will exercise it, but there will be a possibility—if they can buy the whole output and sell the entire product, of obtaining for their own benefit such portions of this duty as they can. For myself I say that we will meet that when we come to it. We do not know that there is any such combination or ever will be, and my own belief is that any combination that has to meet the free importation of goods will find its hands pretty full if it attempts to keep up artificial prices in this line or in any line.

Mr. MANN. Does not the gentleman know that the so-called "beef trust" is also very largely interested in the so-called "leather trust?"

Mr. PERKINS. I know it is said so, but just the same they came down here and said they were willing to have the duty on manufactured leather go off.

Mr. MANN. Can the gentleman state whether the bulk of the sole leather comes from abroad or whether it is produced in this country?

Mr. PERKINS. A great many hides come from this country and the excess comes from other countries. I do not think the bulk of the sole leather comes from abroad, but a large portion of it does.

Mr. LITTLEFIELD. The gentleman does not mean in the shape of leather; he must mean in hides.

Mr. PERKINS. I mean in hides.

Mr. MANN. In the shape of hides, of course.

Mr. PAYNE. I think the bulk of it is sole leather. Thick sole leather comes from abroad, comes from tropical countries, where such hides are necessary for the protection of the animals from insects.

Mr. MANN. The gentleman understands that we do not produce sole leather in the North, where the bulk of our sole leather is. I wanted, if I could, to find out from the gentleman just where he stood. A number of us have shoe manufacturers in our districts, and we ought to have some unanimity of sentiment

if we are going to do anything. I would like to know whether the gentleman's manufacturers are willing to take the duty off shoes and continue to pay duty on sole leather?

Mr. PERKINS. I think if they could get the duty off hides they would not bother about the duty on leather.

Mr. MANN. The duty on sole leather. That is not hides.

Mr. PERKINS. I know that perfectly well. I said I thought if they could get the duty off hides they would take chances on sole leather.

Mr. MANN. My understanding has been that the duty on sole leather was more of a hardship on the shoe manufacturers than the duty on hides.

Mr. PERKINS. The gentleman understands that what they buy is sole leather. The shoe manufacturer does not buy hides. The hide is turned into leather and he buys the leather. The theory is, of course, if you reduce the price of hides you reduce the price of leather.

Mr. GARDNER of Massachusetts. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Massachusetts?

Mr. PERKINS. Yes.

Mr. GARDNER of Massachusetts. Is it not true that the Central Leather Company, of which Mr. Ballentyne and his brother-in-law, Mr. Armour, are the promoters, have secured the American Hide and Leather Company, a competing company, and is in a position to maintain the prices on sole leather so long as the 20 per cent duty is permitted them by the United States? And is it not true, contrary to information which is given here, that the greater part of our sole leather that goes into good shoes is made from packer hides and not from imported hides, and that practically no sole leather whatever is imported?

Mr. PERKINS. No hides that are made into sole leather——

Mr. GARDNER of Massachusetts. I will say this: That the Argentine hides are imported, but they are of a very inferior class and go into what we call red leather. It is true they are sometimes bleached and put into a fair class of shoes—a class of shoes with which we are quite familiar from the advertisements. They sometimes use Argentine hides, but the fact is that the hides which go into the sole leather, which go into the shoes that each one of you gentlemen have on here, almost without exception comes from packer hides.

Mr. STERLING. Mr. Chairman, I would like to ask a question.

The CHAIRMAN. Does the gentleman yield?

Mr. PERKINS. Yes.

Mr. STERLING. Does the gentleman hold that if the tariff is removed from hides it would make this class of cheaper shoes of which he speaks any cheaper to the consumer?

Mr. PERKINS. I do not know that it would. I am not arguing that now. I am arguing simply the question of what the effect is of the duty on hides to manufacturers and who gets the benefit.

Mr. STERLING. The gentleman said a while ago that this cheaper class of shoes is the class of shoes that was bearing the burden of this tariff.

Mr. PERKINS. In answer to that—and then, with the permission of gentlemen, I think I shall ask them to allow me ten minutes without interruption, in which time I can finish what I have to say, and then I shall be very happy to discuss it with them—in answer to the question put by the gentleman from Illinois, when it comes to the effect of an increase of cost, and when this reaches the consumer, the gentleman knows that is one of the most difficult questions. There is often a small increase in cost to the manufacturer, and no increase in cost to the consumer. That frequently occurs.

On the other hand, there are frequently times when the cost of the manufacture being pushed up so high, the percentage of profit being brought down so low, the manufacturer finally turns round and says that he will endeavor to get the cost out of the consumer. The cost came out of the consumer in the various rises in the price of coal. There is no doubt about that. That we all know from actual experience. I do not say that if 2 cents were taken off the cost of shoes necessarily or probably a shoe that is now selling at $2 would then sell at $1.98. I think it is most unlikely. But I say, as to this item of cost to the manufacturers, that the time comes sooner or later when either the manufacturer quits the trade or he makes the consumer pay more, and when he makes him pay more for the price of shoes, if the price of shoes is pushed up ultimately, as a result of the effect of this duty, it will not go up 2 cents as we all know, but when it goes up it will go up 5 cents or 10 cents a pair.

Whether he ought to do it, whether it is right or wrong, I am not here to say, but we are discussing as practical men a practical business question.

Now, in the ten minutes which I have asked for, if the gentlemen will kindly give them to me, I want to appeal to another argument as to whether the man who raises the steer gets the benefit of the duty on hides. I think it is not an overstatement to say that 99 per cent of the cattle that are slaughtered in the United States are sold on the hoof. Of course, occasionally there is a man who slaughters his steer and, as I have said, sells the hide separately and sells the beef separately, but I think it is not an overstatement that 99 per cent of the cattle sold in the United States are sold on the hoof. They are sold by the pound. The meat that is in them, the hide that is on them, the water that has very recently been pumped into them—all go to form an entirety of weight upon which the price is based.

We will say the price of steers would be naturally 6 cents a pound. The difference in the value of a steer resulting from the increased cost of the hide, the increased value of the hide, at 15 per cent, calling the hides, say, 10 cents a pound, would be about one-sixteenth of 1 cent per pound of the steer. Does any gentleman here really believe that when the agent of the great packers go out and buy steers by the hundreds of thousands they say that the fair price of the beef is 6 cents a pound, but we remember that by reason of the duty on hides we will get on this animal for the hide as a by-product about a dollar and a half more on the whole animal that perhaps sells at $90, and so, instead of giving you 6 cents a pound, the price of a steer at Kansas City shall be six and one-sixteenth cents a pound? Such a phenomenon, Mr. Chairman, has never been seen in all the annals of all the records of the sales of steers in any of the great emporiums.

Let us look at another thing. Of course the selling price of cattle at the great centers is the price of cattle everywhere. If a man has a steer on his own farm, he has to sell it at the price that is fixed at the great centers, as is the case with wheat and any other commodity. Has the price of steers gone up by reason of the duty on hides? I can read figures here for half an hour, but I will only take half a dozen. I think I have taken the figures fairly, because I have endeavored to make a fair statement to-day before this House and not a garbled statement.

A garbled statement does no man good and no cause good. In 1893, for instance, before there was any duty on hides, steers were selling at 6 cents; hides at 9 cents. In 1897 beef was selling at 5 cents and a fraction as the average price for some months; hides at 9 cents. In 1899, after the duty was on, hides at one portion of the year were selling at 11 cents, in December, 1900, running up to 13 cents, and steers were selling on the hoof at 6 cents per pound, just what they were selling at when hides were bringing 9 cents a pound.

Well, now, Mr. Chairman, if any gentleman, in the face of these figures, sees fit to say the benefit of the tax on hides has gone to the man who sells the steer it seems to me that you might tell him two and two make four and he would question the statement. I am a good enough Republican to still believe in Mr. Blaine as a great Republican. When this same item was up in the McKinley bill, I believe the man who did most to keep it out of the McKinley bill was Mr. James G. Blaine, and I have here his statement protesting against a duty on hides, in which he said:

> It will yield a profit only to the butcher, the last man who needs it.

That was in 1890. Since that time has grown up the great combination of beef packers in the West and Central West, and certainly if the butcher would get the benefit in 1890, in 1905, with these great combinations, he would get it more. If he was the man in 1890 who needed it least he needs it still least when he is helped by vast combinations against which I have nothing to say except certainly they do not need to be the beneficiaries of the protective tariff. [Applause.]

Now, Mr. Chairman, just a word more on one or two other subjects, on which I will be very brief. I had no idea of wearying the committee so long. But there are one or two things I want to suggest, because I have introduced many times—not with very sanguine hopes, but in the confidence that sooner or later, some time later, but some time, the right will prevail—a bill taking off the tax on lumber, about which I want to say just one word.

Now, that is very simple. There is not a man in this House whose mail is not flooded, and properly flooded, with papers from forestry conventions, from forestry congresses, with speeches from the President of the United States down to the humblest ranger, protesting against the great harm done by cutting off with too great rapidity the forests of the United States. There is not anybody who does not know that much harm has been done already, and that more harm will be done in the future, and it certainly does seem strange that when on

one side we are told of the evil from the too rapid stripping of the forests of the United States, the evil to agriculture, the evil to every interest, we should at the same time insist upon hindering coming into this country any foot of wood that would save the consumption of a foot of wood cut from the forests of this land. Furthermore, who pays that tax? That is simpler than the tax on hides.

Mr. LITTLEFIELD. May I make a suggestion to my friend right here? If I get the purport of the argument the gentleman is now making, it is that the more you eliminate the lumber industry the more you perpetuate the forests. That is the substance of it, is it not?

Mr. PERKINS. I say that the fewer trees that are cut off the more will remain standing. [Laughter.]

Mr. LITTLEFIELD. The more you eliminate the lumber industry and the manufacture of the trees that are cut off, the more trees you will have standing. Now, the gentleman can get that proposition in the original Wilson report that accompanied the Wilson bill, where they justified the removal of the tariff on the lumber on the ground that while the industry might be eliminated the forests would be preserved.

Mr. PERKINS. Well, this thing I can say, Mr. Chairman, and it will be quite clear. Everybody knows the price of building a frame house is much more than it was a few years ago. There are hundreds of thousands of people in this land who build houses that are made of lumber, and anything that will reduce the price of lumber will be of benefit to a very large portion of the population of the United States. No man can deny that a reduction in the cost of lumber that will cheapen the cost of building a frame house will benefit a great number of people.

Now, who gets the benefit of hemlock selling at, say, twenty-four or twenty-five dollars per thousand, perhaps, when it used to sell at twelve or thirteen dollars per thousand? This statement certainly no man can contravene, that the great bulk of the forests of the United States, the great bulk of the timber lands, belong to a few, a comparatively few, very rich men and very rich corporations. I do not say that it is any crime for a man to be a very rich man; it is no crime for a corporation to be rich and powerful; but I say, Mr. Chairman, that when a duty is kept upon the protective tariff of the United States, the benefit of which goes to a very few men who are very rich, the cost of which falls upon a very great number of people who are not rich at all, that form of protective law in my humble judgment, will not last forever. [Applause.]

Now, Mr. Chairman, I have talked longer than I should, and I will say one thing in closing. I have talked about hides, and I wish to add that I have only expressed views that met the approval, without speaking of others, of William McKinley and James G. Blaine. I am a very humble member of the Republican party, and the mantle of McKinley and Blaine as protection leaders is certainly quite broad enough to cover me.

In the second place, the county which I have the honor to represent in Congress gave the largest majority for Theodore Roosevelt of any county in the great State of New York. If we are not Republicans, I do not know who are Republicans. The city which I represent adds largely to the wealth of the United States; the county which I represent adds largely to the majority of the Republican party, and we have a right to come here like good citizens and good Republicans and ask for legislation that shall not do us harm, but good. [Loud applause.]

Mr. BURTON of Ohio. Mr. Chairman, there are doubtless many Members of this House who are disappointed to learn that a deficiency bill has been brought in appropriating an amount in excess of $15,000,000. It was thought that the provision incorporated in the appropriation bill last winter, imposing severe penalties upon officials who involved the Government in exxpenditures without authority from Congress, would very materially diminish appropriations for deficiencies in the future. An analysis of this bill, however, gives ground for the assertion that very material improvement has been made by the legislation of last winter. The aggregate amount of this bill, something over $15,000,000, is still less by $12,000,000 than the deficiency appropriations of the last session of Congress, and less by $7,000,000 than those of the year before. While, no doubt, another deficiency bill will be brought in before the close of the session, there is every indication that it will not include a very considerable amount. It should also be noticed that in this bill there are several items belonging to permanent appropriations or of an exceptional nature, which go far to make up the amount.

In the first category are $1,500,000 for the expenses of collecting revenue from customs, $1,400,000 for payment of judgments by the Court of Claims, and $3,500,000 for payment of pensions; in the second, an amount in excess of $5,000,000 for the construction of the isthmian canal. So that the total amount of deficiencies proper, not for necessary and extraordinary expenditures or exceptional in their nature, included in this bill amounts to only $3,475,000.

There is one thing, however, upon which we ought all to agree, and that is the adoption of the proposed amendment, which makes more severe and more comprehensive the penalty for those officials who authorize the expenditure of money not authorized by Congress. It seems that the provisions of the bill of last winter, though to an extent effective, are nevertheless not absolutely effective. There are some deficiency appropriations which are unavoidable. They are made up of expenditures required for the essential operations of the Government, the extent and the expense of which can not be anticipated. They should not include operations not authorized by Congress or the enlargement of those already existing. The most troublesome class of deficiencies arises from instances in which executive officers of the Government authorize expenditures clearly not within the contemplation of Congress; and in this connection it should also be said it is not the right of an executive officer to create a standard of expenditures based upon his own ideas as to what the efficiency of the service requires or the promptness with which the work should be done. If that were allowed, we would have a multitude of different standards, according to the different ideas in each Department or Bureau of the Government.

While a certain number of deficiency appropriations are absolutely necessary and can not be avoided, it must be conceded that they are dangerous to an orderly and economical administration of affairs, and should in every possible way be avoided. Under existing laws, 188 objects—at least that is the number enumerated in a report made in 1893—are provided for by what are called permanent or indefinite appropriations. No action is necessary on the part of Congress to provide for their payment.

Mr. TAWNEY. Two hundred and twenty.

Mr. BURTON of Ohio. I am corrected by the gentleman from Minnesota, chairman of the Appropriations Committee. The number is 188, as stated in the report of 1893.

Very careful provision has been made for these necessary and essential expenses of the Government. In the list is included interest on the public debt, expenses of national loans, including the printing of the currency of the country, refunding the national debt, the sinking fund, the refunding of moneys erroneously received, drawbacks under the tariff act, payment for stamps which have been destroyed or burned or improperly canceled.

There are kindred provisions for expenditures under the War and Interior Departments. We may find an excellent illustration under the Navy Department. Sixty dollars is allowed to a seaman on a boat sunk or destroyed by fire, as an allowance for his clothing. That allowance is payable out of the Treasury without any appropriation.

Mr. LITTLEFIELD. Other than this permanent annual appropriation.

Mr. BURTON of Ohio. It is included in permanent appropriations and requires no action by Congress. The question may well be raised whether we have not too many of these indefinite and permanent appropriations. The argument in favor of them is that the operations of government which are essential should be carried on with just as little embarrassment as possible; that whenever there is a claim or expenditure, payment for which is provided by law, such payment should be made without waiting for the action of Congress. There is another argument based upon methods of legislative procedure, namely, that it is desirable to eliminate, as far as possible, the consideration of appropriations undisputed in their nature, so that the efforts of committees and the time of the House in Committee of the Whole may be given to subjects upon which questions of policy annually arise.

There are glaring incongruities in the law. There is an amount appropriated by a permanent appropriation for the collection of customs—$5,500,000 a year, if I am not incorrect in the figures, or $2,750,000 semiannually—while for the collection of internal revenue and the expenses connected with that department appropriations have to be made each year. So the collection of these two kinds of revenue is provided for in a manner entirely different.

Mr. TAWNEY. Will the gentleman allow me to interrupt him right there?

Mr. BURTON of Ohio. Certainly.

Mr. TAWNEY. I want to say, for the information of the

committee, that the House in the last Congress, in an appropriation bill, passed a provision repealing the permanent appropriation for the collection of the customs revenue, but in the Senate it was stricken out, and the House was unable to have its way in regard to it.

Mr. BURTON of Ohio. Possibly the gossip in regard to that subject may be true, and possibly not. It is to the effect that that provision for a permanent appropriation for the customs service was enacted at a time when it was feared that some future Congress would be unfriendly to the tariff and would very much hamper the administration of the customs law. At any rate, the provision was made more than thirty years ago.

One of the dangers of deficiency bills is that executive officers who have sent in their estimates, after those estimates have been carefully considered by Congress and certain items recommended by them have been rejected, will, unless the law is very severe, go ahead and expend the amounts which they recommended, notwithstanding the adverse action of Congress. It is fit and proper that by the severest penalties we should provide against that possibility. It is for this Congress to determine what provision shall be made for the different Departments and branches of the public service. The responsibility rests with us. In the early days of the Government executive officers exercised a larger degree of liberty than now. On a former occasion I stated to the House that the first appropriation bill, in 1789, occupied only twelve and a half lines. For the first eleven years of the Government appropriation bills were very brief; all expenses were provided in one bill for a time. It was not until the year 1800 that a rule was enforced for the presentation of estimates and accounts of what money had been expended. Before then it was within the power of heads of Departments to appoint subordinates, to create offices, to raise salaries, and apportion the amounts for their respective Departments; but under later methods, as well as under any well-regulated system of finance, the tendency has been toward greater minuteness and examination of details by Congress. Divers measures have been passed; in 1868, one forbidding the transfer of appropriations from one branch of the public service to another. This had a sweeping effect. Senator Sherman, in some remarks in 1870, made the assertion that it was the plan of the Admiral of the Navy to build a navy from amounts that were left over in the Navy Department from appropriations made in the civil war and succeeding years. By the statutes of 1870 and 1874 other provisions were enacted by which, after a lapse of two years, barring certain exceptional classes of appropriations, money unexpended was to be covered back into the Treasury. And it is desirable that we should still further continue this same tendency by holding the executive officers of the Government to the strictest responsibility. The phraseology used in the proposed amendment is, "Executive Department or other Government establishments of the United States," because by a decision of the Attorney-General "Executive Department" was not considered broad enough.

There is one serious objection to deficiency appropriations to which I wish to call the attention of the committee. It is based upon the method of consideration of money bills by different committees. Whether it is wise or not the appropriation bills are apportioned among divers committees. It was not so formerly. In a deficiency bill, in the very nature of the case, questions can be considered by only one committee. Everything focuses on that committee—Post-Office, Agriculture, Army, Navy—every distinct branch of the Government for which there is expenditure and for which the committee makes report. It must inevitably be the case that many of the reports and estimates relating to deficiencies must be considered by a committee which did not have the original consideration of the items of appropriation to which they relate, and which can not have as thorough and complete information on the subject as the one to which it was first submitted. There are other subjects on which perhaps I might speak to the committee, but as the hour is late I do not wish to weary your patience.

I want to say in closing that if there is one duty that rests on this House of Representatives it is to guard the public purse. If we abdicate that responsibility we destroy the greatest field of usefulness which belongs to us. In the development of modern civilization greater liberty has been obtained, greater privileges for the people, from the control of expenditures by the representatives of the people than in any other way. Writs of habeas corpus may have been provided to secure the freedom of the subject or citizen, but in those triumphs that tend to build up the individual and destroy despotic or irresponsible power the most important step has been the giving more and more to the representatives of the people the right to determine for what objects expenditures shall be made and how much shall be expended. The body that is nearest to the people can not shirk this responsibility. This is not said in criticism of any other branch of the Government. It is merely said to emphasize the fact that a duty rests here which we must perform or the whole machinery of this Government will get out of gear. We shall be efficient and worthy of confidence or inefficient and lacking in our duty in proportion as we scrutinize the public expenditures and make sure that they are applied to purposes which approve themselves to our judgment and to the judgment of the people. [Applause.]

Mr. HILL of Connecticut. Mr. Chairman, before the gentleman sits down, I would like to ask him if he has ever given consideration to the proposition of some one committee in the House making practically a budget and assigning to the various other committees that make appropriations an amount beyond which they shall not go, and that total assignment being made on the basis of the estimated revenue, or whether he thinks it would be wise to keep right on, each independent appropriation committee expending or reporting for expenditures such amounts as they see fit? I refer to the gentleman's own committee, as well as to the Committee on Military Affairs and the other appropriation committees.

Mr. BURTON of Ohio. I desire to say that I do not wish to make any remarks here with a view to increase the prerogatives of my own committee. That must take care of itself. I have advocated a committee, made up of the chairmen of the different committees of appropriations, to meet together and keep in touch with the situation and consider the total amount of revenue, the total amount of expenditure, and the share which should be apportioned to each.

Mr. PERKINS. That, of course, is the procedure of the English Parliament.

Mr. BURTON. Practically; it is more concentrated there.

Mr. PERKINS. Yes; but it is practically that.

Mr. LITTLEFIELD. That goes by cabinet largely.

Mr. PERKINS. Yes.

Mr. LITTAUER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12320—the urgent deficiency bill—and had come to no resolution thereon.

Mr. LITTAUER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned, to meet to-morrow, Saturday, January 20, 1906, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Annie Mahar, remarried widow of Theodore S. Loveland, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Wilford Cubbage against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John E. Butler against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Bennett Defrensbrock against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Barton A. Holland against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of Commerce and Labor, transmitting with a favorable recommendation a draft of a bill regulating the salmon fisheries of Alaska—to the Committee on the Territories, and ordered to be printed.

A letter from the Secretary of State, requesting that Rear-Admiral C. H. Davis be empowered to accept certain gifts from the British and Russian ambassadors—to the Committee on Foreign Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmit-

ting a copy of a communication from the Secretary of War submitting an estimate of appropriation for proving ground at Sandy Hook, New Jersey—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for the asylum for insane Indians at Canton, S. Dak.—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. RUSSELL, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 2159) authorizing the Jasper and Eastern Railway Company, its successors and assigns, to construct and operate a railroad bridge across the Sabine River, in the States of Texas and Louisiana, reported the same without amendment, accompanied by a report (No. 335); which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 8428) to regulate the construction of dams across navigable rivers, reported the same without amendment, accompanied by a report (No. 337); which said bill and report were referred to the House Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 1747) to authorize the Mobile Railway and Dock Company to construct and maintain a bridge or viaduct across the water between the end of Ceder Point and Dauphin Island, reported the same with amendment, accompanied by a report (No. 338); which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 7085) authorizing the Pea River Power Company to erect a dam in Coffee County, Ala., reported the same with amendment, accompanied by a report (No. 339); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11263) to authorize the construction of a bridge across the navigable waters of St. Andrews Bay, reported the same without amendment, accompanied by a report (No. 340); which said bill and report were referred to the House Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 297) to authorize the construction of dams and power stations on the Tennessee River at Muscle Shoals, Alabama, reported the same with amendment, accompanied by a report (No. 341); which said bill and report were referred to the House Calendar.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 11045) to amend an act entitled "An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania," approved February 21, 1903, reported the same with amendment, accompanied by a report (No. 342); which said bill and report were referred to the House Calendar.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 431) to open for settlement 505,000 acres of land in the Kiowa, Comanche, and Apache Indian reservations, in Oklahoma Territory, reported the same with amendment, accompanied by a report (No. 343); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 8107) extending the public-land laws to certain lands in Wyoming, reported the same without amendment, accompanied by a report (No. 344); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 1123) granting an increase of pension to Sarah Emaline Finklea, reported the same without amendment, accompanied by a report (No. 298); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1124) granting an increase of pension to John J. Grant, reported the same with amendment, accompanied by a report (No. 299); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1125) granting an increase of pension to Francis Ann Batchelor, reported the same with amendment, accompanied by a report (No. 300); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 1283) granting an increase of pension to Epsy Ann Austin, reported the same with amendment, accompanied by a report (No. 301); which said bill and report were referred to the Private Calendar.

Mr. CAMPBELL of Kansas, from the Committee on Pensions, to which was referred the bill of the House (H. R. 1953) granting a pension to Susan S. Theall, reported the same with amendment, accompanied by a report (No. 302); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 2113) granting an increase of pension to L. B. Jackson, reported the same with amendment, accompanied by a report (No. 303); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 2795) granting a pension to Emma Auger, reported the same with amendment, accompanied by a report (No. 304); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 4215) granting an increase of pension to John A. Roberts, reported the same with amendment, accompanied by a report (No. 305); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4218) granting a pension to John M. Williamson, reported the same with amendment, accompanied by a report (No. 306); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 4607) to restore to the pension roll the name of Annie Gaebel, reported the same with amendment, accompanied by a report (No. 307); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 4738) granting an increase of pension to Henry Roberts, reported the same with amendment, accompanied by a report (No. 308); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4739) granting an increase of pension to Lawrence B. Smith, reported the same with amendment, accompanied by a report (No. 309); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 4822) granting an increase of pension to Gabriel Smith, reported the same with amendment, accompanied by a report (No. 310); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 4879) granting an increase of pension to John W. Roache, reported the same with amendment, accompanied by a report (No. 311); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 5957) granting a pension to Henry J. Steck, reported the same with amendment, accompanied by a report (No. 312); which said bill and report were referred to the Private Calendar.

Mr. CAMPBELL of Kansas, from the Committee on Pensions, to which was referred the bill of the House (H. R. 6143) granting a pension to James Eiffert, reported the same with amendment, accompanied by a report (No. 313); which said bill and report were referred to the Private Calendar.

Mr. PATTERSON of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R.

6147) granting a pension to Maud O. Worth, reported the same with amendment, accompanied by a report (No. 314); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 6228) granting an increase of pension to Jonathan H. Terrell, reported the same with amendment, accompanied by a report (No. 315); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 6859) granting a pension to Eva B. Koch, reported the same with amendment, accompanied by a report (No. 316); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 7636) granting a pension to John J. Meeler, reported the same with amendment, accompanied by a report (No. 317); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 7665) granting an increase of pension to Wesley J. Banks, reported the same with amendment, accompanied by a report (No. 318); which said bill and report were referred to the Private Calendar.

Mr. PATTERSON of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 7939) granting an increase of pension to Elizabeth T. Carpenter, reported the same without amendment, accompanied by a report (No. 319); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 8090) granting a pension to Emma H. Benham, reported the same with amendment, accompanied by a report (No. 320); which said bill and report were referred to the Private Calendar.

Mr. HOGG, from the Committee on Pension, to which was referred the bill of the House (H. R. 8944) granting an increase of pension to William H. Lorance, reported the same with amendment, accompanied by a report (No. 321); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9253) granting a pension to Vallie A. McMillin, reported the same with amendment, accompanied by a report (No. 322); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9579) granting an increase of pension to John G. Harris, reported the same with amendment, accompanied by a report (No. 323); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10551) granting an increase of pension to Ezekial Polk, reported the same without amendment, accompanied by a report (No. 324); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11096) granting an increase of pension to Sion B. Glazner, reported the same with amendment, accompanied by a report (No. 325); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11324) granting an increase of pension to Sarah E. MacGowan, reported the same with amendment, accompanied by a report (No. 326); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11415) granting an increase of pension to Victoria Bishop, reported the same with amendment, accompanied by a report (No. 327); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 2143) granting an increase of pension to Angelina Hernandez, reported the same without amendment, accompanied by a report (No. 328); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1444) granting a pension to Dora H. Kuhns, reported the same without amendment, accompanied by a report (No. 329); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1201) granting an increase of pension to Sarah A. Preston, reported the same without amendment, accompanied by a report (No. 330); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1040) granting an increase of pension to James Sloan, reported the same without amendment, accompnied by a report (No. 331); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 574) granting an increase of pension to Lee H. Buckland, reported the same without amendment, accompanied by a report (No. 332); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 386) granting an increase of pension to Orange G. Jones, reported the same without amendment, accompanied by a report (No. 333); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 327) granting an increase of pension to Walter Barney, reported the same without amendment, accompanied by a report (No. 334); which said bill and report were referred to the Private Calendar.

Mr. BUTLER of Pennsylvania, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 9297) for the relief of Henry E. Rhoades, assistant engineer, United States Navy, retired, reported the same without amendment, accompanied by a report (No. 336); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. ESCH: A bill (H. R. 12459) to increase the limit of cost for the purchase of site and the erection of a public building at Eau Claire, Wis.—to the Committee on Public Buildings and Grounds.

By Mr. GARDNER of New Jersey: A bill (H. R. 12460) repealing an act entitled "An act to extend the time for presenting claims for additional bounties" and its amendments and extensions, so far as they limit the time for presenting claims for additional bounties granted to soldiers by the twelfth and thirteenth sections of the act of July 28, 1866—to the Committee on War Claims.

By Mr. SPERRY: A bill (H. R. 12461) increasing the limit of cost of public building at Meriden, Conn.—to the Committee on Public Buildings and Grounds.

By Mr. KNAPP: A bill (H. R. 12462) to provide for the erection of a light-house on Independence Point, Chaumont Bay, New York—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 12463) to provide for the erection of a light-house on the Isle of Soals, on Six Town Point, Lake Ontario—to the Committee on Interstate and Foreign Commerce.

By Mr. ROBERTS: A bill (H. R. 12464) for the relief of laborers, mechanics, and other employees of the United States Government injured, and the families of those killed, without fault of their own, while in the discharge of their duties—to the Committee on Claims.

By Mr. ANDREWS: A bill (H. R. 12465) to amend an act approved February 24, 1905, entitled "An act to amend an act approved August 13, 1894, entitled 'An act for the protection of persons furnishing materials and labor for the construction of public works'"—to the Committee on the Judiciary.

By Mr. HAMILTON: A bill (H. R. 12466) to amend section 10 of an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes," approved May 28, 1896, by striking out the words "not to exceed two dollars per day" and inserting "not to exceed three dollars per day"—to the Committee on the Judiciary.

By Mr. FRENCH: A bill (H. R. 12467) for the appropriation of $7,500 for paving in the streets adjoining the United States Government building at Boise, Idaho—to the Committee on Public Buildings and Grounds.

By Mr. McNARY: A bill (H. R. 12468) establishing a maximum rate of duty on all goods, wares, and merchandise imported into the United States—to the Committee on Ways and Means.

By Mr. BROUSSARD: A bill (H. R. 12469) to amend an act fixing the grade of veterans of the civil war—to the Committee on Military Affairs.

By Mr. GILBERT of Indiana: A bill (H. R. 12470) to establish a court of patent appeals—to the Committee on Patents.

By Mr. SPARKMAN: A bill (H. R. 12471) to amend section 4707 of the Revised Statutes of the United States—to the Committee on Invalid Pensions.

By Mr. GOULDEN: A bill (H. R. 12472) to amend section 4463 of the Revised Statutes, relating to the complement of crews of vessels, and for the better protection of life—to the Committee on the Merchant Marine and Fisheries.

By Mr. GUDGER: A bill (H. R. 12473) to establish a fish-hatching and fish-culture station in the Tenth Congressional district of North Carolina—to the Committee on the Merchant Marine and Fisheries.

By Mr. ALLEN of Maine: A bill (H. R. 12474) to construct a bridge across the Eastern Branch of the Potomac River—to the Committee on the District of Columbia.

Also, a bill (H. R. 12475) to extend the time for the construction of the East Washington Heights Traction Railroad—to the Committee on the District of Columbia.

Also, a bill (H. R. 12476) to extend the asphalt paving on Pennsylvania avenue—to the Committee on the District of Columbia.

By Mr. RHODES: A bill (H. R. 12477) to establish a national military park to commemorate the battle of Pilot Knob, Mo.—to the Committee on Military Affairs.

By Mr. STEPHENS of Texas: A bill (H. R. 12478) to amend section 4386 of the Revised Statutes of the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. GOULDEN: A bill (H. R. 12590) to determine and regulate the salaries of officers, teachers, and other employees of the board of education for the public schools of the District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 12591) to provide for the control, administration, and support of the public schools of the District of Columbia—to the Committee on the District of Columbia.

By Mr. BATES: A bill (H. R. 12592) amending the national-bank act of 1864, for the better security of national-bank deposits—to the Committee on Banking and Currency.

By Mr. JENKINS: A bill (H. R. 12593) granting an increase of compensation to circuit and district judges of the United States—to the Committee on the Judiciary.

By Mr. ROBINSON of Arkansas: A bill (H. R. 12594) authorizing the Federal Government to take charge of, care for, and suitably mark the graves of Confederate soldiers—to the Committee on Military Affairs.

By Mr. McNARY: A joint resolution (H. J. Res. 84) authorizing and directing the President of the United States to instruct the delegates from the United States to the next Pan-American Congress on matters concerning reciprocal trade relations—to the Committee on Ways and Means.

Also, a joint resolution (H. J. Res. 85) authorizing and directing the President of the United States to instruct the delegates to the next Pan-American Congress concerning better means of commercial communication between the various American countries—to the Committee on the Merchant Marine and Fisheries.

By Mr. MONDELL: A joint resolution (H. J. Res. 86) proposing an amendment to the Constitution of the United States extending the right of suffrage to women—to the Committee on the Judiciary.

By Mr. HUMPHREY of Washington: A resolution (H. Res. 158) directing the Secretary of War to furnish the House of Representatives certain information relative to the transport service—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 12479) for the relief of Serapio Romero, late postmaster at Las Vegas, N. Mex.—to the Committee on Claims.

By Mr. BARCHFELD: A bill (H. R. 12480) granting an increase of pension to James McKenna—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12481) granting an increase of pension to John E. Erbe—to the Committee on Invalid Pensions.

By Mr. BURKE of Pennsylvania: A bill (H. R. 12482) granting an increase of pension to Samuel B. McLean—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12483) granting an increase of pension to Joseph Spahr—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 12484) for the relief of Mrs. S. V. Burks, late postmaster at Vinemont, Ala.—to the Committee on Claims.

By Mr. BUTLER of Tennessee: A bill (H. R. 12485) for the relief of George W. Raney—to the Committee on Military Affairs.

By Mr. BROUSSARD: A bill (H. R. 12486) granting a pension to Jules J. Toffier—to the Committee on Pensions.

By Mr. BROWN: A bill (H. R. 12487) for the relief of Indian traders Marion Wescott, F. F. Green, and J. A. Leige, assignee of Joseph F. Gauthier, a Menominee Indian trader, with the Menominee Indians of Wisconsin—to the Committee on Indian Affairs.

By Mr. CAMPBELL of Kansas: A bill (H. R. 12488) for the relief of William Saunders—to the Committee on Military Affairs.

By Mr. CHANEY: A bill (H. R. 12489) to clear the military record of Michael Darrigan—to the Committee on Military Affairs.

By Mr. COUSINS: A bill (H. R. 12490) granting an increase of pension to John W. Heffman—to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 12491) granting a pension to Ellen A. Mealia—to the Committee on Invalid Pensions.

By Mr. DAVIS of West Virginia: A bill (H. R. 12492) granting an honorable discharge to Benjamin F. Helmick—to the Committee on Military Affairs.

By Mr. DAVEY of Louisiana: A bill (H. R. 12493) for the relief of the estate of Patrick McCormack, deceased—to the Committee on War Claims.

By Mr. DAWSON: A bill (H. R. 12494) granting an increase of pension to John H. Crane—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12495) granting an increase of pension to Mary E. Morgan—to the Committee on Invalid Pensions.

By Mr. DEEMER: A bill (H. R. 12496) granting an increase of pension to Hurlbutt L. Farnsworth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12497) granting an increase of pension to Allen M. Haight—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12498) granting an increase of pension to Charles F. Runnels—to the Committee on Invalid Pensions.

By Mr. DICKSON of Illinois: A bill (H. R. 12499) granting a pension to Miles Borrick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12500) granting an increase of pension to William Cook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12501) granting a pension to Thomas Brassie—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12502) granting an increase of pension to John Lynch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12503) granting an increase of pension to Henry F. Hinman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12504) granting an increase of pension to Joseph Mahaffey—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 12505) granting an increase of pension to James Dean—to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 12506) granting an increase of pension to John T. Howell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12507) granting an increase of pension to George W. Collier—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12508) granting an increase of pension to Madison J. Morgan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12509) granting an increase of pension to Benjamin Botner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12510) granting an increase of pension to John McWhorter—to the Committee on Pensions.

Also, a bill (H. R. 12511) granting a pension to Susan Murphy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12512) granting a pension to Elizabeth Phelty—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12513) granting a pension to T. J. Ingram—to the Committee on Pensions.

Also, a bill (H. R. 12514) granting a pension to Arrenee Nolen—to the Committee on Pensions.

Also, a bill (H. R. 12515) granting a pension to Absalom Grubb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12516) granting a pension to James S. Randall, jr.—to the Committee on Pensions.

Also, a bill (H. R. 12517) granting a pension to William Bays—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12518) for the relief of William B. Estes—to the Committee on Military Affairs.

Also, a bill (H. R. 12519) for the relief of Allison Wilson—to the Committee on Military Affairs.

By Mr. GARDNER of New Jersey: A bill (H. R. 12520) granting an increase of pension to Hamilton M. Roney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12521) granting an increase of pension to Alice Eddy Potter—to the Committee on Invalid Pensions.

By Mr. GRANGER: A bill (H. R. 12522) granting a pension to Mary E. Becking—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12523) granting an increase of pension to Gancelo Leighton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12524) granting an increase of pension to James Hann—to the Committee on Invalid Pensions.

By Mr. HENRY of Connecticut: A bill (H. R. 12525) granting a pension to Jennie P. Clapp—to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 12526) granting an increase of pension to Solomon Johnson—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 12527) for the relief of Dr. J. J. Crunk, of Marshall County, Tenn.—to the Committee on War Claims.

By Mr. HOWELL of Utah: A bill (H. R. 12528) to reimburse G. B. Haight for supplies furnished in fighting fires on the Uintah Forest Reserve in Utah in 1903—to the Committee on Indian Affairs.

Also, a bill (H. R. 12529) granting a pension to Marcelina S. Groff—to the Committee on Pensions.

Also, a bill (H. R. 12530) granting an increase of pension to Jesse W. Elliott—to the Committee on Pensions.

By Mr. JONES of Virginia: A bill (H. R. 12531) granting a pension to Charles Collins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12532) granting an increase of pension to Zachariah George—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12533) granting an increase of pension to Zadick Carter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12534) granting an increase of pension to Richard Reynolds—to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 12535) granting a pension to Mary Gloudon—to the Committee on Invalid Pensions.

By Mr. KLEPPER: A bill (H. R. 12536) for the relief of James H. Birch—to the Committee on War Claims.

By Mr. LACEY: A bill (H. R. 12537) granting an increase of pension to Charles W. Mathews—to the Committee on Invalid Pensions.

By Mr. LORIMER: A bill (H. R. 12538) granting an increase of pension to Francis R. Jewell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12539) granting an honorable discharge to Nelson J. Blatherwick—to the Committee on Military Affairs.

By Mr. MARTIN: A bill (H. R. 12540) granting an increase of pension to Morris J. James—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12541) granting an increase of pension to Edward V. Miles—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 12542) for the relief of T. T. Ricketts and L. C. Ricketts, of Hamilton County, Tenn.—to the Committee on Claims.

Also, a bill (H. R. 12543) to correct the military records so as to muster in and out of service in United States Army James Kirkland—to the Committee on Military Affairs.

By Mr. PATTERSON of North Carolina: A bill (H. R. 12544) for the relief of Thomas D. Meares, administrator of Armand D. Young, deceased—to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 12545) granting an increase of pension to F. E. Sprague—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12546) granting an increase of pension to Augustus Young—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12547) granting an increase of pension to Stephen J. Saddler—to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 12548) granting a pension to Nancy J. Berry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12549) granting a pension to Hannah St. John—to the Committe on Invalid Pensions.

Also, a bill (H. R. 12550) granting a pension to Delos W. Story—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12551) granting an increase of pension to Hezekiah Evans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12552) granting an increase of pension to William D. Woodruff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12553) granting an increase of pension to Hezekiah Evans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12554) granting an increase of pension to William Larraby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12555) granting an increase of pension to William C. Day—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12556) granting an increase of pension to Joseph W. Coppage—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12557) granting an increase of pension to John C. Berry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12558) to remove the charge of desertion from the record of Luther Cline—to the Committee on Military Affairs.

By Mr. RHINOCK: A bill (H. R. 12559) for the relief of Telisha Webb—to the Committee on Invalid Pensions.

By Mr. SMITH of Texas: A bill (H. R. 12560) for the relief of John C. Lynch—to the Committee on the Judiciary.

By Mr. SPARKMAN: A bill (H. R. 12561) granting a pension to Francis M. McClendon—to the Committee on Pensions.

Also, a bill (H. R. 12562) granting an increase of pension to John F. Porter—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 12563) granting an increase of pension to Andrew L. Hook—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 12564) for the relief of Hannah B. Sabiston—to the Committee on Claims.

By Mr. TRIMBLE: A bill (H. R. 12565) granting an increase of pension to Jeremiah Kincaid—to the Committee on Invalid Pensions.

By Mr. TYNDALL: A bill (H. R. 12566) for the relief of F. V. Lesieur—to the Committee on War Claims.

Also, a bill (H. R. 12567) for the relief of Mary L. F. McDowell—to the Committee on War Claims.

Also, a bill (H. R. 12568) for the relief of James T. Anderson—to the Committee on Military Affairs.

Also, a bill (H. R. 12569) granting an increase of pension to Nelson Petry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12570) granting an increase of pension to Caroline Smith—to the Committee on Invalid Pensions.

By Mr. WALDO: A bill (H. R. 12571) granting a pension to Alexander Spaulding—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12572) granting a pension to Judson E. Walker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12573) granting a pension to Catherine E. Jennings—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12574) granting an increase of pension to Jacob R. Burkhardt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12575) granting an increase of pension to James S. Jordan—to the Committee on Invalid Pensions.

By Mr. WILSON: A bill (H. R. 12576) granting a pension to Elnora J. Boyer—to the Committee on Invalid Pensions.

By Mr. WOOD of New Jersey: A bill (H. R. 12577) granting an increase of pension to Cornelius S. Abrahams—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 12578) granting an increase of pension to John B. Craig—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12579) granting an increase of pension to Warren Littlefield—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 12580) granting an increase of pension to Charles E. Youtt—to the Committee on Invalid Pensions.

By Mr. GAINES of West Virginia: A bill (H. R. 12581) granting a pension to Amelia R. Randolph—to the Committee on Invalid Pensions.

By Mr. GILLETT of Massachusetts: A bill (H. R. 12582) granting an increase of pension to Myron G. Watrous—to the Committee on Invalid Pensions.

By Mr. MEYER: A bill (H. R. 12583) granting an increase of pension to Elizabeth L. H. Labatt—to the Committee on Pensions.

Also, a bill (H. R. 12584) granting an increase of pension to William R. Guion—to the Committee on Pensions.

By Mr. MONDELL: A bill (H. R. 12585) granting an increase of pension to Robert La Fontaine—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12586) granting an increase of pension to Edward C. Farrell—to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 12587) granting an increase of pension to Nellie F. O'Kane—to the Committee on Pensions.

Also, a bill (H. R. 12588) granting an increase of pension to Joseph B. Dickinson—to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 12589) granting an increase of pension to Ezekiel C. Kempton—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 10707) to provide for the improvement in breeding of horses for general-purpose uses and to enable the United

States to procure better remounts for the cavalry and artillery service—Committee on Military Affairs discharged, and referred to the Committee on Agriculture.

A bill (H. R. 12393) granting an increase of pension to William Hardy—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 12398) granting a pension to Bridget T. Elliott—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the American Federation of Catholic Societies of the Territory of Hawaii, on conditions therein—to the Committee on the Territories.

By Mr. ACHESON: Petition of the Newcastle Chamber of Commerce, the town council of New Brighton, and the Beaver Falls Board of Trade, for the Ohio River and Lake Erie ship canal—to the Committee on Railways and Canals.

By Mr. ALEXANDER: Petition of the Erie County Society for the Prevention of Cruelty to Animals, of Buffalo, N. Y., against change in law governing transportation of live stock—to the Committee on Interstate and Foreign Commerce.

Also, petition of the A. B. Smith Chemical Company, of Buffalo, N. Y., against bill H. R. 7079—to the Committee on Ways and Means.

By Mr. ANDREWS: Resolution of the town council of Silver City, N. Mex., and the board of trustees of Gallup, N. Mex., favoring the Hamilton joint statehood bill—to the Committee on the Territories.

By Mr. BARCHFELD: Petition of the United States Club, of New York, for works of art duty free—to the Committee on Ways and Means.

Also, resolution of the United States Club, of New York, favoring the President's ideas on the Philippines—to the Committee on the Territories.

Also, petition of George E. Briggs, against various free-alcohol bills—to the Committee on Ways and Means.

By Mr. BARTLETT: Petition of the Georgia Dairy and Live Stock Association, for extermination of the fever-bearing cattle tick—to the Committee on Agriculture.

Also, petitions of the Association of Commissioners of Agriculture of the Southern States, the Interstate Association of Live Stock Boards, the North Carolina State Farmers' Convention, the North Carolina State Board of Agriculture, and the American Veterinary Medical Association, for aid to exterminate cattle tick—to the Committee on Agriculture.

Also, petition of the Savannah (Ga.) Pilots' Association and Forest City Harbor, No. 36, of the American Association of Masters and Mates, against bills H. R. 5281 and 5283—to the Committee on the Merchant Marine and Fisheries.

By Mr. BENNETT of Kentucky: Paper to accompany bill for relief of *General Slocum* survivors—to the Committee on Claims.

Also, petitions of Burtonville Council, Junior Order United American Mechanics; citizens of Kentucky, and Independent Order of Odd Fellows, Lodge No. 82, of Farmers, Ky., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BURKE of Pennsylvania: Resolution of the Union League Club of New York, favoring the President's views on Philippine matters—to the Committee on the Territories.

Also, petition of the Union League Club of New York, against duty on works of art—to the Committee on Ways and Means.

Also, petition of the Pittsburg Board of Trade, for the Ohio River and Lake Erie ship canal—to the Committee on Railways and Canals.

By Mr. BURLEIGH: Petition of Bagaduce Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BUTLER of Tennessee: Paper to accompany bill for relief of George W. Raney—to the Committee on Military Affairs.

By Mr. BUTLER of Pennsylvania: Petition of Chatham Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. CAMPBELL of Kansas: Paper to accompany bill for relief of Mr. Saunders—to the Committee on Military Affairs.

Also, petition of 12 citizens of New York and vicinity, for relief of survivors of the *General Slocum* disaster—to the Committee on Claims.

By Mr. CHANEY: Paper to accompany bill for relief of Michael Dorigan—to the Committee on Military Affairs.

By Mr. COOPER of Wisconsin: Petition of the Union League Club of New York, favoring repeal of duty on works of art—to the Committee on Ways and Means.

Also, resolution of the Union League Club of New York, indorsing the views of the President on Philippine matters—to the Committee on the Territories.

Also, paper to accompany bill for relief of *General Slocum* survivors—to the Committee on Claims.

By Mr. DALZELL: Petitions of the Pittsburg Board of Trade, the Dravo Waterways Improvement Association, the Federal Title and Trust Company, the town council of New Brighton, the Rochester borough council, and the McKeesport Merchants' Association, for bill H. R. 6003—to the Committee on Railways and Canals.

Also, petition of the Pittsburg Board of Trade, for a new post-office building at Pittsburg—to the Committee on Public Buildings and Grounds.

Also, petition of the Newcastle Chamber of Commerce, in favor of bill H. R. 6003—to the Committee on Railways and Canals.

Also, petitions of Newcastle (Pa.) Chamber of Commerce, the North Side Board of Trade of New York, and the First National Bank of Beaver, Pa., for bill H. R. 6003—to the Committee on Railways and Canals.

Also, petition of the Central Prohibition Club, of Pittsburg, against legislation on free alcohol—to the Committee on Ways and Means.

Also, petition of Vine Cliff Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. DARRAGH: Petition of the Elk Rapids Iron Company, against tax-free ethyl alcohol—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of William Ostermann—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of George G. Brail—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Andrew La Farge—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Elias Johnson—to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: Petition of the Faribault Furniture Company, for bill H. R. 7079—to the Committee on Ways and Means.

Also, petition of the Interstate Association Live Stock Sanitary Board and the American Veterinary Medical Association, for extermination of cattle tick—to the Committee on Agriculture.

By Mr. DAWSON: Petition of Damon Lodge, No. 10, Knights of Pythias, of Davenport, Iowa, against commercial spoliation of Niagara Falls—to the Committee on Foreign Affairs.

By Mr. DIXON of Montana: Petition of Washington Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. DRAPER: Petition of the Medical Jurisprudence Association of New York, for reorganization of the Medical Department of the United States Army and Navy—to the Committee on Military Affairs.

Also, petition of physicians of New York, against adulteration of drugs and food—to the Committee on Agriculture.

By Mr. ESCH: Petition of business men of Black River Falls, Wis., against reduction of duties on sugar from the Philippines—to the Committee on Ways and Means.

By Mr. FRENCH: Petition of 23 citizens of New York and vicinity, for relief for *Slocum* survivors—to the Committee on Claims.

By Mr. FOSTER of Indiana: Petition of Jefferson Division, No. 154, Brotherhood of Locomotive Engineers, against control of railway rates by Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of the Portland Cordage Company, for two kinds of mail matter only—to the Committee on the Post-Office and Post-Roads.

Also, petition of George E. Briggs, against free-tax alcohol bill—to the Committee on Ways and Means.

By Mr. GARDNER of Michigan: Petition of citizens of Michigan, against tax on ethyl alcohol—to the Committee on Ways and Means.

Also, petition of citizens of Michigan, against repeal of the canteen law—to the Committee on Military Affairs.

By Mr. GILBERT of Indiana: Petition of W. W. Canada et al., for better protection of railway postal clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. GRAHAM: Petition of Deaaton Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Woman's Club of Ben Avon, Pa., for preservation of Niagara Falls—to the Committee on Foreign Affairs.

Also, petition of the Union League Club of New York, against duty on art works—to the Committee on Ways and Means.

Also, petition of Vine Cliff Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Union League Club of New York, favoring the President's views on the Philippines—to the Committee on the Territories.

By Mr. GRANGER: Petition of Rocky Hill Grange, No. 27, Patrons of Husbandry, of Rhode Island, for increase in appropriation for experiment stations—to the Committee on Agriculture.

By Mr. GREENE: Petition of 17 citizens of New York and vicinity, for relief for survivors of the *General Slocum* disaster—to the Committee on Claims.

By Mr. GUDGER: Paper to accompany bill for relief of Arthur Haire—to the Committee on Pensions.

Also, petitions of Asheville Typographical Union and Bostic and Hendersonville councils, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of Nathan Coward—to the Committee on Pensions.

By Mr. HILL of Connecticut: Petition of Uncas Council, No. 25, Order United American Mechanics, of Bridgeport, Conn., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. HINSHAW: Petition of Strure, Schroer & Koch, of Deshler, Nebr., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. HITT: Petition of the Illinois State Horticultural Society, against selling other vinegars under name of apple vinegar—to the Committee on Agriculture.

By Mr. HOUSTON: Paper to accompany bill for relief of J. M. Timmins—to the Committee on War Claims.

Also, paper to accompany bill for relief of W. H. Tuck—to the Committee on War Claims.

By Mr. HOWELL of Utah: Paper to accompany bill for relief of G. B. Heght—to the Committee on Indian Affairs.

By Mr. HUFF: Petition of George E. Briggs, against passage of the bill to remit tax on denaturized alcohol—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Banner Council, No. 310, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. JAMES: Petition of citizens of Kentucky, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. JONES of Virginia: Paper to accompany bill for relief of Richard Reynolds—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Zachariah George—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Charles Collins—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Frederick Carter—to the Committee on Invalid Pensions.

By Mr. KAHN: Petitions of Abraham Lincoln and U. S. Grant councils, Junior Order United American Mechanics, of San Francisco, Cal., for restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Union League Club of San Francisco, favoring a 5 per cent rebate to State on sale of public lands—to the Committee on the Public Lands.

Also, petition of the Sempervirens' Club, of California, against commercial spoliation of Niagara Falls—to the Committee on Foreign Affairs.

By Mr. KNOWLAND: Paper to accompany bill for relief of Carlotta E. Hooper—to the Committee on Pensions.

Also, petition of the Chamber of Commerce of San Francisco, for passage of bill H. R. 7043—to the Committee on Military Affairs.

By Mr. LACEY: Petition of 17 citizens of New York and vicinity, for relief of *General Slocum* survivors—to the Committee on Claims.

By Mr. LAFEAN: Paper to accompany bill for relief of Clara H. Winters—to the Committee on Invalid Pensions.

By Mr. LILLEY of Pennsylvania: Petition of various business firms of Pennsylvania, against passage of bill to remove duty on denaturized alcohol—to the Committee on Ways and Means.

By Mr. LINDSAY: Petition of the Minerva Club, of New York, for increase of the President's salary—to the Committee on Appropriations.

Also, petition of the Society of Medical Jurisprudence of New York, for reorganization of the medical departments of United States Army and Navy like other countries—to the Committee on Naval Affairs.

Also, petition of the Arbuckle Brothers Company, of New York, for bill H. R. 10090—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Association for the Protection of the Commerce of the Port of New York, to deepen Coney Island channel—to the Committee on Rivers and Harbors.

Also, petition of the Maritime Association of the Port of New York, for an appropriation to deepen Coney Island channel—to the Committee on Rivers and Harbors.

Also, petition of the Medal of Honor Legion, of Brooklyn, N. Y., for bill H. R. 54—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of the *General Slocum* survivors—to the Committee on Claims.

Also, petition of the Military Order of Foreign Wars of the United States, New York Commandery, favoring bill S. 11—to the Committee on Military Affairs.

Also, petition of Edward Janeway et al., of New York, against food and drug adulteration—to the Committee on Agriculture.

By Mr. LORIMER: Petition of citizens of Chicago, Ill., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. LOUD: Petition of citizens of Michigan, for repeal of the duty on hides—to the Committee on Ways and Means.

By Mr. McCALL: Petition of the Boston Chamber of Commerce, for a new light-ship at Hedge Fence Shoals and new vessels for the Hen and Chickens and Nantucket shoals stations—to the Committee on Rivers and Harbors.

By Mr. McKINNEY: Petition of 18 survivors of the *Slocum* disaster, for relief by Congress—to the Committee on Claims.

By Mr. McMORRAN: Petition of James H. Reed et al., for untaxed denaturized alcohol—to the Committee on Ways and Means.

By Mr. MACON: Paper to accompany bill for relief of H. A. Geduldig—to the Committee on Invalid Pensions.

By Mr. MADDEN: Petition of the Bisbee Chamber of Commerce, for a new post-office building—to the Committee on Public Bulidings and Grounds.

By Mr. MARSHALL: Petition of 17 citizens of New York and vicinity, for relief for survivors of the *General Slocum* disaster—to the Committee on Claims.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of Madison M. Kilgore—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of L. C. Ricketts—to the Committee on Claims.

Also, paper to accompany bill for relief of James Kirland—to the Committee on Military Affairs.

By Mr. NEEDHAM: Petition of 14 survivors of the *General Slocum* disaster, for relief by Congress—to the Committee on Claims.

By Mr. PADGETT: Paper to accompany bill for relief of heirs of Henry J. Binkly—to the Committee on War Claims.

By Mr. ROBINSON of Arkansas: Paper to accompany bill for relief of Levander Jenkins—to the Committee on War Claims.

By Mr. RYAN: Resolution of the Union League Club of New York, favoring repeal of import duties—to the Committee on Ways and Means.

Also, resolution of the Association for the Protection of Commerce, favoring improvement of Coney Island channel—to the Committee on Rivers and Harbors.

By Mr. SCOTT: Resolution of Kansas City Lodge, Independent Order of Odd Fellows, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SMITH of Kentucky: Paper to accompany bill for relief of Henry Morris—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: Petition of citizens of Orlando, Fla., for international arbitration—to the Committee on Foreign Affairs.

By Mr. SPERRY: Petition of the Business Men's Association of Waterbury, Conn., favoring reorganization of the consular service—to the Committee on Foreign Affairs.

By Mr. SULZER: Petition of 26 physicians of New York City, against adulteration of food and drugs—to the Committee on Agriculture.

Also, petition of the Society of Medical Jurisprudence of New York, for reorganization of the Medical Department of the Army—to the Committee on Military Affairs.

Also, petition of the Association for the Protection of Commerce, for an appropriation to deepen Coney Island channel—to the Committee on Rivers and Harbors.

Also, petition of the Union League Club, favoring passage of the Philippine bill—to the Committee on Ways and Means.

Also, petition of the Union League Club, against duty on art works—to the Committee on Ways and Means.

Also, petition of 34 citizens of New York and vicinity, for relief for victims of the *General Slocum* disaster—to the Committee on Claims.

By Mr. VAN WINKLE: Paper to accompany bill for relief of John Hunter—to the Committee on Military Affairs.

By Mr. WEISSE: Petition of George E. Briggs, against a law to remit the tax on ethyl alcohol—to the Committee on Ways and Means.

Also, petition of the Milwaukee Outdoor Art and Improvement Society, for a national forest reserve in the White Mountains—to the Committee on Agriculture.

By Mr. WOOD of New York: Paper to accompany bill for relief of George W. Elliott—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Cornelius S. Abrahams—to the Committee on Invalid Pensions.

Also, petitions of Success, Charter Oak, and Jenny Jump councils, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January 20, 1906.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

FEDERAL COURT AT GRAND ISLAND, NEBR.

Mr. NORRIS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3127) providing for the holding of Federal court at Grand Island, Nebr.

The SPEAKER. The gentleman from Nebraska asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 3127) providing for the holding of Federal court at Grand Island, Nebr.

Be it enacted, etc., That from and after the passage of this act there shall be a term of the circuit and district courts of the United States within and for the State and district of Nebraska held in the city of Grand Island, in said State, commencing on the second Monday of April in each year: *Provided, however*, That suitable rooms and accommodations are furnished for the holding of said courts at said place free of expense to the Government of the United States.

Mr. CLARK of Missouri. Mr. Speaker, I would like to inquire whether this is a unanimous report of the Committee on the Judiciary?

Mr. NORRIS. In reply to the gentleman I will say the Judiciary Committee made a unanimous report on this bill at the last session of Congress, the bill being then before the committee. It passed this House, but it was not considered in the Senate, and was reintroduced into this Congress and is now before the House with another unanimous report from the Committee on the Judiciary.

Mr. CLARK of Missouri. One other question. How much expense does it add?

Mr. NORRIS. No expense whatever. It provides there shall be none.

Mr. HENRY of Texas. I did not understand to what bill the gentleman referred.

Mr. NORRIS. The bill provides for the holding of a term of the United States court at Grand Island, Nebr.

Mr. HENRY of Texas. Oh, yes.

Mr. NORRIS. It is a unanimous report of the committee.

Mr. HENRY of Texas. Yes; I will state my recollection is the Committee on the Judiciary unanimously agreed on the bill. I recollect reporting it myself. There is no objection to it.

The SPEAKER. Is there objection? [After a pause]. The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. NORRIS, a motion to reconsider the last vote was laid on the table.

PRINTING IN RECORD OF RESOLUTIONS OF AN ALASKAN CONVENTION.

Mr. CUSHMAN. Mr. Speaker, I ask unanimous consent at this time to present and to have printed in the RECORD the resolutions of the Alaskan convention recently held, they being very brief and setting forth their needs and desires as they see them.

The SPEAKER. The gentleman from Washington asks unanimous consent to have printed in the RECORD resolutions of an Alaskan convention. Is there objection?

Mr. PAYNE. Mr. Speaker, reserving the right to object——

Mr. CLARK of Missouri. What kind of convention was this?

Mr. CUSHMAN. I will say to the gentleman that this was a convention held by the people of Alaska at which seventy-two delegates from all over that immense Territory were present.

Mr. CLARK of Missouri. There was no politics in it?

Mr. CUSHMAN. It was absolutely nonpartisan.

Mr. LIVINGSTON. What was the purpose of the convention?

Mr. CUSHMAN. The purpose was twofold. First, to get an expression from the people all over Alaska setting forth what they consider to be their needs in the matter of legislation, certain changes in the mining law, additional appropriations for various purposes, building roads, etc., being a succinct statement of what they considered necessary. Second, the selection of three informal delegates to come to Washington City to present their needs as best they might to the Committee on the Territories.

Mr. PAYNE. Mr. Speaker, I do not like to object to these requests, but they are coming in here almost every day asking to print some memorial or something else in the RECORD, and I think we had better adhere to the rules of the House, that have worked well for years, and I do not know why this should be made at this time an exception.

Mr. LACEY. Let me suggest to my friend from New York that Alaska is not represented on the floor, and they have sent a committee here to talk about the various Alaskan affairs, and this resolution shows the standing these parties coming here have, and whatever strength they may have, and it ought to be put in the RECORD, so as to be easily ascertained, instead of merely going formally through the petition box.

Mr. CUSHMAN. And also, Mr. Speaker, the resolution, when printed, ought to be of great value and assistance to the House Committee on the Territories, as being the most concise and succinct statement from the people of Alaska as to what they consider they need that has yet been made.

Mr. GAINES of Tennessee. Mr. Speaker, I hope the gentleman from New York [Mr. PAYNE] will not object to this.

Mr. CUSHMAN. It is very brief.

Mr. PAYNE. Mr. Speaker, not to prolong the debate, I will say that it can very easily be gotten into the RECORD under the rules of the House, and I do not know why we should set them aside in order to get it in. If it is necessary to have it printed for the Committee on Territories, I will say that I remember the other day they got leave to print what was necessary for the use of the committee. So I will have to object.

Mr. GAINES of Tennessee. I hope the gentleman will withdraw the objection. It was necessary for him to go to Alaska a few years ago to get information. Here we may get knowledge without anyone going there.

The SPEAKER. The gentleman from New York [Mr. PAYNE] objects.

BRIDGE ACROSS THE SABINE RIVER.

Mr. BROOCKS of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The SPEAKER. The gentleman from Texas asks unanimous consent for the present consideration of a bill (S. 2159) of which the Clerk will read the title.

The Clerk read as follows:

An act (S. 2159) authorizing the Jasper and Eastern Railway Company, its successors and assigns, to construct and operate a railroad bridge across the Sabine River, in the States of Texas and Louisiana.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read at length.

The bill was ordered to a third reading, read the third time, and passed.

Mr. BROOCKS of Texas. Mr. Speaker, I move to reconsider the vote by which the bill was passed, and also move that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

URGENT DEFICIENCY BILL.

Mr. LITTAUER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of H. R. 12320—the urgent deficiency bill—and pending that motion I would like to inquire of the gentleman from Georgia [Mr. LIVINGSTON] whether

we can not come to an agreement this morning to close the general debate at the end of one hour, permitting the gentleman from Georgia to control one-half of the time and one-half to be controlled by myself.

Mr. LIVINGSTON. Mr. Speaker, I think we could end it in an hour on this side. I do not know how much time the gentleman desires on his side.

Mr. LITTAUER. Does the gentleman require a full hour on his side?

Mr. LIVINGSTON. I think so.

Mr. LITTAUER. Mr. Speaker, then I make the motion that general debate be closed within two hours, one hour to be controlled by the gentleman from Georgia and the other hour to be controlled by myself.

The SPEAKER. The gentleman from New York [Mr. LITTAUER] asks unanimous consent that general debate be closed upon this bill within two hours. Is there objection?

There was no objection.

The motion of Mr. LITTAUER that the House resolve itself into the Committee of the Whole House was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of H. R. 12320—the urgent deficiency bill—with Mr. SHERMAN in the chair.

The CHAIRMAN. The House is now in the Committee of the Whole House on the state of the Union for the consideration of the bill the title of which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 12320) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes.

Mr. LITTAUER. Mr. Chairman, I yield five minutes to my colleague from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Chairman, on the 19th of December last, on the report of the Committee on Accounts, I called attention to the fact, which had existed before that time, that the stenographers to committees are frequently engaged and outside stenographers were employed and that the fees of the latter ought to be limited to some amount.

Since that time I have received a letter, which I will send to the desk and ask to have read. It seems that the state of affairs which I criticised has been remedied almost absolutely by legislation of two years ago, and that last session of Congress only about $800 was spent for outside work. I ask to have the letter read in justice to this corps of official stenographers to committees.

The Clerk read as follows:

OFFICIAL STENOGRAPHERS TO COMMITTEES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., January 6, 1906.

Hon. SERENO E. PAYNE,
Chairman Committee on Ways and Means,
House of Representatives.

DEAR SIR: Regarding the statement made by yourself in debate in the House on December 19 last as to large bills for outside stenographic work before your committee, permit us respectfully and in perfect good nature to suggest that the condition you referred to did exist prior to three years ago, but does not exist now. Two years ago the corps of committee stenographers was increased from two members to four, and in consequence of that increase only $853 was paid out by the House for all committees at the last session for outside stenographic work. That work was not done by ourselves because at the time we were engaged in reporting hearings before other committees.

At the last session no money whatever was paid out for such service before your committee, and at this session thus far no outside work has been done for any House committee.

If further details concerning this subject are desired, it will give us pleasure to supply them.

We have the honor to be, yours, very respectfully,

W. J. KEHOE,
M. R. BLUMENBERG,
JOHN D. CREMER,
H. F. DODGE,
Committee Stenographers.

Mr. LITTAUER. Will the gentleman from Georgia use part of his time now?

Mr. LIVINGSTON. I yield twenty minutes to the gentleman from Mississippi [Mr. HUMPHREYS].

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I have no intention of discussing this appropriation bill. I have asked this concession of time in order to protest against an Executive order issued by the Secretary of the Treasury through the Commissioner of Internal Revenue. An order which, in my opinion, is not necessary for the orderly and efficient conduct of his Department, which is not calculated to promote the public convenience and security, and which has proven to be a very serious obstacle to the enforcement of the criminal laws in the several States. In order that the House may understand at the outset just what these objections are, I will say that, acting under the authority of the Revised Statutes, the Secretary of the Treasury has issued an order to the several deputy internal-revenue collectors forbidding them to give copies of special tax receipts issued to retail liquor dealers for use in prosecution before the State courts. The authority for making this order is contained in sections 161 and 251 of the Revised Statutes, which are as follows:

SEC. 161. The head of each Department is authorized to prescribe regulations, not inconsistent with law, for the government of his Department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, and property appertaining to it.

SEC. 251. The Secretary of the Treasury shall make and issue from time to time such instructions and regulations to the several collectors, etc., as he shall deem best calculated to promote the public convenience and security and to protect the United States as well as individuals from fraud or loss, etc.

I do not question the authority of the Commissioner to make this order, because the Supreme Court of the United States has already passed on it and upheld it in the case of Boske *v.* Comingore (177 U. S.), but I do protest against the exercise of the authority in the manner and to the extent to which this order goes. It is a long order, and I will not read it all, but here is an extract from it, and the particular part of it about which I am complaining:

Collectors are hereby prohibited from giving out any special-tax records or any copies thereof to private persons or to local officers, or to produce such records or copies thereof in a State court, whether in answer to subpœnas duces tecum or otherwise. Whenever such subpœnas shall have been served upon them, they will appear in court in answer thereto and respectfully decline to produce the records called for on the ground of being prohibited therefrom by the regulations of this Department.

Mr. FOSTER of Vermont. Mr. Chairman, if the gentleman will permit me to interrupt him. You do not understand that the public is denied access to the list of internal-revenue taxpayers in each district, do you?

Mr. HUMPHREYS of Mississippi. No, sir.

Mr. FOSTER of Vermont. This list is kept in the proper office of the district?

Mr. HUMPHREYS of Mississippi. Yes, sir.

Mr. FOSTER of Vermont. And that is open to inspection?

Mr. HUMPHREYS of Mississippi. Yes, sir.

Mr. FOSTER of Vermont. By anyone who cares to go and make a list or make a copy of the persons who pay this tax?

Mr. HUMPHREYS of Mississippi. That is true. It is true because the statute requires it. It was the intention of the Congress that these facts should not be kept secret, and in my opinion for that reason, and for that reason only, they are open to inspection. What I object to is the refusal of the officer who has this list to testify in a State court or to give a copy either of the list which the law requires him to keep or a copy of the tax receipts which he has issued. Without this rule he would be required to do that; without this rule, in fact, and without this amendment—for the rule is in effect an amendment to the statute—he did refuse, and the courts required him to furnish copies. That came up in a case from the State of Connecticut, In re Hirsh, reported in the seventy-fourth Federal Reporter. The protection of privilege is extended to these records by an order of the Treasury Department and not by the rules of evidence; and against that I protest.

I can understand why the records of the internal-revenue collector's office should be protected against the process of the subpœna duces tecum. At any rate, I am making no complaint against that protection now. I believe under the decisions of our court their records would be sufficiently protected against any undue annoyance by reason of this subpœna without the interposition of this rule.

Under the statutes of a number of States the possession of a special-tax receipt which the revenue collector issues to retail liquor dealers is prima facie evidence of a sale of liquor, and before the Secretary made the order which I am now criticising the revenue collectors could be forced to give copies of these receipts for use in prosecutions in the State courts, and this order of the Secretary was promulgated solely for the purpose of extending the protection of privilege to these records. This, I believe, is an unwarranted use of the authority which the statute gives to the Secretary, "to make regulations which he shall deem best calculated to promote the public convenience and security and protect the United States, as well as individuals, from fraud and loss."

There are two reasons why public records are protected from scrutiny by the processes of the courts, and two reasons only. This whole matter was thrashed out in this country many years ago in the trial of Aaron Burr, down at Richmond, when Chief Justice Marshall presided at that court. There was an application made there for a subpœna duces tecum against Thomas Jefferson, then President, for certain papers. After the whole matter had been most elaborately and fully discussed before the court, Chief Justice Marshall decided that even the Presi-

dent of the United States could be required to testify, and that the subpœna could go against him. The two reasons, and the only two reasons, which give to public records the protection of privilege are, first, that it may result in such inconvenience to require the officers to leave their executive offices and carry with them their records as to interfere materially with the proper performance of the duties of their office; and for that reason they may reply to the subpœna that it is not possible to obey it without neglecting public business. The courts hold that this relates to the return, to the answer that may be made, and has no reference to the authority of the court to issue the subpœna. It was further held that if the President could not attend as directed or that the records could not be taken from their proper offices, he had a right to answer the subpœna by a certified copy of the record, and that that would be a complete answer.

The other reason is that if public records were subject to the processes of all the courts, it might result in making public secrets of the Government which should not be made public; and the courts have held that in such case the officer summoned may answer the subpœna by the statement that the public interests require that the matter be kept secret.

If the rule of the Secretary be amended—and I have introduced a bill for that purpose, so as to require the revenue collectors to give copies of the tax receipts which he issues—then the first reason will not apply. He will not have to leave his office, and his records will not have to leave the office. Now, as to the other reason, that it might make public certain records which ought to be kept secret. In reply to the gentleman from Vermont a few moments ago I stated that the statute requires the collector of internal revenue to publish an alphabetical list of those who pay the retail liquor-dealer's tax, so that there is therefore no secret which may be divulged. The secret is already made public. What he does refuse to do is to give a copy of that list or to give a copy of the receipt which he issues. Here is the statute as it is to-day, and I propose to amend it by adding the words "and shall make and preserve," etc. I will read the section as it would be if amended:

SEC. 3240. Each collector of internal revenue shall, under regulations of the Commissioner of Internal Revenue, place and keep conspicuously in his office, for public inspection, an alphabetical list of the names of all persons who shall have paid special taxes within his district, and shall state thereon the time, place, and business for which such special taxes have been paid.

Now, I propose to amend by adding these words:

and shall make and preserve a duplicate of the tax receipt or receipts issued to any person, company, or corporation, and upon application of any person he shall furnish a certified copy thereof, as of a public record, for which a fee of $1 for each 100 words or fraction thereof in the copy or copies so requested may be charged.

The protection of privilege, Mr. Chairman, is a very sacred one, and should be guarded with great jealousy. In the very earliest stages of the processes which finally ripened into the common law it became necessary in the administration of justice to declare certain communications to be privileged even from the scrutiny of the courts. Among the first of these were statements made by a client to his attorneys, but the reason for this was then and is now apparent. Lawyers are officers of the court, and in order that they may not be hampered and handicapped in the discharge of their very high office it is necessary that in their conferences with their clients there be the fullest and freest communication, and to this end their clients must know that under the rules of law the attorney not only can not be required, but will not be permitted to divulge any secrets which they may communicate to him. But there are exceptions even to this rule. The protection of privilege is denied even to this character of communications when they relate to an *intended* offense against the law.

Wharton, in his Criminal Evidence, after laying down the rule I have just stated, adds this:

It is scarcely necessary to add that when the lawyer connives at the criminal purpose he so far loses his professional character as to preclude him personally from claiming any privilege.

In some of our States communications to the holy father made at the confessional are privileged, but even in these States the courts have held that protection of privilege does not extend to communications made under such extraordinary conditions if they refer to some offense intended or disclose some crime contemplated. Under the rule, however, which the Secretary of the Treasury has made for the internal-revenue collectors the protection which is denied to the lawyer, to the secret confided to the priest, is secured to the whisky dealer who declares his intention to the internal-revenue collector to engage in the business of law breaking for the revenue he expects to get out of it. The excuse which is given for this order—I say excuse, because it is not entitled to be called a reason—is that the information which the applicant for this special tax receipt gives the Government is given under compulsion, and therefore it would not be fair for the Government to divulge the secret which it forces from him.

Now, Mr. Chairman, it is not under compulsion at all, and the Government owes the man who takes it no duty whatever. He is not required to engage in the illicit business. He determines that matter for himself, and the only compulsion the Government subjects him to is to comply with certain rules relating to his application for the tax receipt after he has finally determined to embark in his unlawful enterprise. Let us examine the matter critically and see if the Government owes him any sort of duty or any sort of protection. Under our first internal-revenue act of 1794 these taxes were called "internal-revenue license." They were called "license" in the act of 1813. They were called "license" in the act of 1864. Perhaps due to that fact certain parties claimed that they had a right, if they had a Federal license, to engage in the business of a retail liquor dealer without reference to State laws. Others claimed that the States alone had the right to issue license to retail liquor dealers, and therefore any Federal law on the subject was unconstitutional and the tax could not be collected. The whole matter was thrashed out in the License Cases, reported in 5 Wallace, and the court held that there was no authority earthly given or attempted to be given to the man who paid the tax; that he took it with the full understanding that he had no right from it to go into a State and engage in the business of a retail liquor dealer against the laws of the State. The Congress, however, to prevent any further possible misconception in the mind of any man who paid this tax that he was being licensed by reason of the fact that the tax was called a license, in 1866 amended the law and struck out the word "license" and inserted the words "special tax," so that since then no man who pays that tax can have any reason, in the face of the express decisions of the Supreme Court and in the face of the amendments of the act itself by Congress, to suppose that the Government of the United States is undertaking to authorize him in any manner, shape, or form to go into the States and violate the statutes of the States.

Mr. HENRY of Texas. Will the gentleman permit me to ask him a question?

Mr. HUMPHREYS of Mississippi. Certainly.

Mr. HENRY of Texas. Has the court ever decided that the fact that any individual paid this tax and a receipt was issued to him operated as a license to this individual to go into a prohibition State or a local-option district and engage in the business of retail liquor selling?

Mr. HUMPHREYS of Mississippi. No; the court in the cases reported in 5 Wallace, the "License cases," as they are called, has decided exactly the contrary—that it is no authority earthly to any man to go into the States and violate the State law.

Mr. HENRY of Texas. I understand they have so decided.

Mr. ADAMSON. Will the gentleman allow me to ask him a question?

Mr. HENRY of Texas. One moment. Has the gentleman from Mississippi some bill on the subject of these receipts that are issued? I was not in the Hall when the gentleman commenced his remarks.

Mr. HUMPHREYS of Mississippi. Yes; I have a bill. I introduced it in the Fifty-eighth Congress, and it went to sleep in the committee room of the Committee on Ways and Means. I reintroduced it in this Congress, and it is asleep yet. I hope to wake it up, if I can. The bill simply amends section 3240 of the Revised Statutes, which provides that the internal-revenue collectors shall keep an alphabetical list, and so forth. It provides, in addition to that, that they shall give a certified copy of the special-tax receipts when they are called for and when the fee required is paid.

Mr. HENRY of Texas. Does the bill prohibit the person to whom the receipt is issued from engaging in the business of retailing liquor in local-option precincts or prohibition States?

Mr. HUMPHREYS of Mississippi. The special-tax receipt does not authorize anybody to engage in the whisky business anywhere. The statute now on the statute book provides that the payment of this tax shall in no way be taken as authority or a license to sell whisky in the States where there is local option or in States where the laws forbid its sale. I will read the statute:

SEC. 3243. The payment of any tax imposed by the internal-revenue laws for carrying on any trade or business shall not be held to exempt any person from any penalty or punishment provided by the laws of any State for carrying on the same within such State, or in any manner to authorize the commencement or continuance of such trade or business contrary to the laws of such State or in places prohibited by municipal law; nor shall the payment of any such tax be held to prohibit any State from placing a duty or tax on the same trade or business for State or other purposes.

Mr. HENRY of Texas. I think that is right, and that is in conformity with the present law, which authorizes the State to

act on this question under their police power, along the lines of the Hepburn and Dolliver bill reported by the Judiciary Committee last winter.

Mr. HUMPHREYS of Mississippi. Well, the Hepburn and Dolliver bill invites me to go into pretty deep water. I will not discuss that at this time.

Mr. HENRY of Texas. I did not mean to precipitate a discussion of the Hepburn-Dolliver bill, but I will state that the Committee on the Judiciary unanimously reported a bill last session which I think all the Members of Congress could stand on.

Mr. ADAMSON. I would like to ask the gentleman a question, Mr. Chairman.

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Georgia?

Mr. HUMPHREYS of Mississippi. I do.

Mr. ADAMSON. Is there any law or Department order forbidding the furnishing of this information by the Federal officials to the State courts?

Mr. HUMPHREYS of Mississippi. There is an absolute order which I have just read, and which was evidently made in response to a decision of the Federal court in Connecticut, which required the local collector of internal revenue to give the information. Prior to that time there was a letter issued by the Commissioner of Internal Revenue in which he gave it as his opinion that these local collectors of internal revenue were not required to give any information to the State courts and that they should refuse. The court said that that was the Commissioner's opinion, but it was not the opinion of the court, and held that it was not the law. Then the Commissioner of Internal Revenue issued this order, which he was authorized to do, and which the court has since held he had a right to do, and in this opinion (Boske v. Comingore, 177 U. S.) they held that having the authority to issue this order, the order had the force and effect of law and absolutely forbids the local revenue collectors from giving this information.

Mr. ADAMSON. And your bill would annul that order?

Mr. HUMPHREYS of Mississippi. My bill would; my bill requires him to give the information.

Mr. ADAMSON. And requires the information to be given under a certificate?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. ADAMSON. Does not the gentleman think that the mischief can be remedied, in case his bill passes, by legislation on the part of the several States fixing the admissibility and weight of the certificate as evidence?

Mr. HUMPHREYS of Mississippi. A number of States have taken the matter up and have legislated that the payment of the tax and the possession of this receipt is prima facie evidence that the party paying it and holding it is engaged in the retail liquor business.

Mr. ADAMSON. The only thing necessary to make a perfect remedy in these States is to pass your bill?

Mr. HUMPHREYS of Mississippi. Yes; that is all, and the only thing that stands in the way is the rule issued by the executive department which runs counter to the rules of evidence that have prevailed in this country and in England from the foundation of the common law to this good day.

Mr. NORRIS. What is the date of that order?

Mr. HUMPHREYS of Mississippi. I do not know the date, and I do not know it on purpose, for this reason: That if I knew the date it was issued I would know whether it was issued by a Democrat or a Republican, and I would not make the inquiry because I did not want to know. It is not a partisan question, and I do not think partisanship ought to enter into it. It was made by either a Democrat or a Republican, and which, I decline to investigate to find out.

Mr. NORRIS. It evidently was not made by a Prohibitionist. [Laughter.] I think the bill that the gentleman introduced is a proper one, but it occurred to me that the Treasury Department would not make a rule that would be effective against the order of the court.

Mr. HUMPHREYS of Mississippi. It occurs to me to be so too; but in the case of Boske *v.* Comingore, which came up from the State of Kentucky, where an assessor was attempting to get certain information from the internal-revenue collector as to the amount of whisky some distiller had in the bonded warehouse, the court held that it could not be done because of this order which the Commissioner had issued. In another case, In re Lamberton, in 124 Federal Reporter, Judge Rogers, of Arkansas, decided that this order had the force and effect of law, and he said he decided it with regret; but the rule had been made, and the authority for making the rule had been upheld in Boske *v.* Comingore, and therefore he was helpless, and that nothing short of legislation could remedy it.

To return, Mr. Chairman, to the point I was discussing before I was diverted by these interruptions, that it is unfair to the party who pays this tax to give information that may lead to his conviction.

In view of the statutes which I have read and the opinion of the courts holding that the taxpayer has no authority to sell liquor derived from the payment of this tax, the internal-revenue collector declares, in effect, to every applicant for this special tax, when he issues him his receipt, that he takes it with the distinct understanding that the Government of the United States is in no way, manner, shape, or form giving him authority to carry on his business in defiance of the State laws, and it is folly to say under such circumstances that the Government owes him a duty to protect him against any proceeding which the State authorities see proper to institute if he does engage in an unlawful business. The statute, however, goes further than this: It provides, as a matter of law, that the revenue collectors must make public the fact that the applicant has paid the tax required of retail liquor dealers, and must further state at what place the applicant proposes to do business. I will reread the section as it stands to-day:

SEC. 3240. Each collector of internal revenue shall, under regulations of the Commissioner of Internal Revenue, place and keep conspicuously in his office, for public inspection, an alphabetical list of the names of all persons who shall have paid special taxes within his district, and shall state thereon the time, place, and business for which such special taxes have been paid.

This being true, how can the Secretary of the Treasury justify this rule which says, in effect, to the State authorities: "Richard Roe has declared to us that he is going into your State and engage in the business of retail liquor dealer. I have the record evidence of that fact in my office. You are entitled to it under the rules of evidence which have come down to us from the time whence the memory of man runneth not to the contrary. These rules are commended for their justness, for their fairness, for their accuracy, by the wisdom of all the judges who have adorned the bench of this country, and no legislator has ever dared to propose a bill that would change them; but what the legislators dared not do, what the jurists would not do, I have done by an executive order to prevent the conviction of men who have deliberately entered upon the business of violating your State laws for the money there is in it to them."

Mr. CLAYTON. Now, the gentleman wants to stop the sale of intoxicating liquors in prohibition districts. In other words, he wants to give force and effect to the local laws of particular communities in particular States governing the traffic in liquor. That is the object of the gentleman's bill—to enforce the State laws. Now, wouldn't it be better to pass another bill pending in this House which prohibits the internal-revenue department from issuing a license, or a tax receipt, in any community where the State authorities have either prohibition, or have the dispensary, or any other regulation in conflict with the license system? Would not that measure be better and more effective than yours?

Mr. HUMPHREYS of Mississippi. Mr. Chairman, in answer to that I will say this: That I introduced a bill providing for that very thing in the early part of the Fifty-eighth Congress, and I soon discovered that it had no earthly chance of passing, and for this reason, that it was insisted by a number of gentlemen here, whose opinions I respected, that if you refused to issue a man a receipt for a tax which he offered to pay you could not then punish him for a failure to pay the tax.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CLAYTON. I ask unanimous consent that his time be extended.

The CHAIRMAN. By special order the time is in the control of the gentleman from Georgia [Mr. LIVINGSTON].

Mr. LIVINGSTON. I have only forty minutes left on this side, but I will grant the gentleman five minutes more.

Mr. HUMPHREYS of Mississippi. Now, Mr. Chairman, if the gentlemen will pardon me just one second, I am not seeking to get aid of the Federal Government in enforcing any State law whatever. I simply ask the Federal Government to get out of the way of the State and let the State enforce its own laws. [Applause.] The Secretary of the Treasury has issued an order, as I say, that is contrary to the rules of evidence that have always prevailed. Those rules have come down to us from the fathers. They have stood the test of time. The Secretary of the Treasury, in my opinion, ought not to be permitted to run counter to them unless there is an absolutely all-compelling necessity therefor.

Mr. CLAYTON. That is exactly my position. I am not opposed to the bill offered by the gentleman from Mississippi, but if the Department of Internal Revenue were forbidden to issue licenses or tax receipts in those localities where the State law

forbids the licensing or the sale of liquor, would not that cure the whole evil? There would be no Federal license and no State license, and that would stop the traffic, and it would be the enforcement of the home rule in the particular communities.

Mr. HUMPHREYS of Mississippi. Now, if the gentleman will allow me—because I have but a moment more—I say I introduced a bill along that line, and I wish it had become a law; but I soon found I had run up against a brick wall which I did not think I would ever get through, and I adopted this other method that I believe will accomplish the same thing, because if a man knows that the possession of a certificate is prima facie evidence of guilt, under the State law, and that when he pays his tax the State can get a copy of that certificate and present it to the next grand jury, if he has sense enough to run a blind tiger, he will have too much sense to pay the tax, and we will then have him between the devil and the deep blue sea. Mr. Chairman, I want to say that I am not making this as a prohibition speech. It is not a prohibition measure at all. I do not say that because I think it would lessen its merits if it were, understand me, but because I think that it might lessen its chances of success in this body. [Laughter.]

Mr. Chairman, Secretary Taft delivered an address before the graduating class at the Yale law school last summer upon the administration of the criminal laws in our country. It was a great speech, in every way worthy of the great man who delivered it, the great subject it treated, and the great occasion which prompted it. In this address he lamented the fact that the administration of the criminal law in the United States was a public scandal. He there made the startling announcement that in 1885 there were 1,808 homicides committed in the United States. Of that number, 108 were executed. In 1904 there were 8,482 homicides committed in the United States, and of that number only 116 were executed. No wonder the great Secretary exclaimed that the administration of the criminal law in this country was a disgrace to civilization. He laments the tendency of the courts to interpose technicalities between the defendant and his just punishment, and concludes with the direful prophecy that "nothing but a radical improvement in our administration of criminal law will prevent the growth in the number of lynchings in the United States, that bring the blush of shame to every lover of his country."

The President of the United States on his recent trip through the South spoke at a banquet given in his honor in Little Rock, Ark. In his remarks that night, following the good precedent set him by Governor Taft, he recalled the days of Jeffreys and the Bloody Assizes, when, under the Stuarts, it became necessary to throw around the citizen every possible technicality to guard him against the tyranny of the king, but he reminded his audience that our lot had fallen upon happier times; that the power of the king had now been supplanted by the power of the people; that then the law provided the death penalty in more than 200 cases of breach of the laws, but we had softened the rigor of these barbarous laws since sovereignty had been wrested from the king. I conclusion he said:

It is right to remember the interest of the individual, but it is right also to remember the interest of that great mass of individuals embodied in the public, in the Government. It is unfortunate that we have permitted practices that were necessary three hundred years ago for the protection of innocent people to be elaborated, to be perverted, so that they become a means for allowing criminals to escape the punishment of their criminality. We urgently need in this country methods for expediting punishment, methods for doing away with delay, methods which will secure to the public an even chance with the criminal. I do not ask any more. If we can get an average of just 50 per cent of the criminals, we will be pretty nearly all right, and we will give the public an even chance with the criminal whose offense is against the public.

These are two great speeches and both struck a popular chord, but if these gentlemen are dead in earnest about this matter, and nobody doubts that they are, if they really desire to strike down the technicalities which are being thrown between criminals and the law, and I am quite sure they do, they have it in their power to take a long stride in the right direction. They will have to make no pilgrimage to Arkansas, nor to the great site of learning in the East to find a subject "meet for repentance." If they wish to do a little real, genuine, effective missionary work along these lines, let them begin close at home. Let them take the gentleman who sits with them around the council table, the Secretary of the Treasury. Let them take him "separate and apart," as the law puts it, and have a heart-to-heart talk with him, and if they can not effect a treaty with him they may at least make a "temporary arrangement"—a sort of modus vivendi—and induce him to set aside this order, or at any rate modify it so that the State courts may have a "square deal" until Congress can act on the matter. Then the President may have his wish that the public have an even chance with the criminal.

Mr. Chairman, when Governor Taft made that speech last summer everybody in this country was shocked at the revelations he made. One thousand eight hundred and eight homicides in 1885; 8,482 in 1904! This, Mr. Chairman, is nothing short of appalling. I wish it were not true, but it is. I wish I could deny that it held true in my own State. I wish I could stand in my place here and deny that it is true of my own district, but I can not. The blood of more murdered men is crying out to-day against their brothers than ever before in our history. We all lament it, but we can not deny it.

'Tis true: 'tis true 'tis pity;
And pity 'tis 'tis true.

Mr. Chairman, the opinion prevails in Mississippi that the most fruitful source of murder there is the "blind tiger," especially among the negroes. A distinguished judge from that State was here a few days ago, and he told me he believed a majority of the homicides were due to illicit whisky sales. He gave that as his opinion after thirteen years as prosecuting attorney and four years as judge over a criminal court. Four other judges have written me since this bill was introduced, giving their estimates of homicides traceable to blind tigers, averaging, perhaps, 35 per cent. One very distinguished judge, who has made and is still making a most vigorous fight against these crime-breeding pests, says he believes they are the most fruitful source of homicides in his district, and he concludes his letter with this earnest sentence:

If there is any power in the State or National Government to suppress them [the blind tigers], it is nothing short of cruelty to the people of Mississippi, and especially to the negroes, to fail to exercise that power.

From the last report of the Commissioner of Internal Revenue I find that the number of persons paying taxes to the Federal Government as retail liquor dealers is 557 in Mississippi, 640 in Maine, 3,024 in Kansas, 4,582 in Iowa, and 781 in North Dakota. The report only shows payments by States and not by counties, so that it is not possible to tell how many are paid in prohibition counties in States where local-option laws are in force. As stated, there are 557 persons in Mississippi who paid this tax last year, while only 123 were licensed to retail liquors under the laws of that State. In other words, 434 men in the State of Mississippi are engaged in an outlawed business, which is responsible, according to the judges of our criminal courts, for at least a third of the homicides committed there, and a Federal officer, who has in his office the proof which would land the last mother's son of them behind the bars, sets at naught the process of the courts and declines to testify, in his tender solicitude for their imaginary rights. The President thought it of sufficient importance to call for special mention in his message, that the Indians should be protected against "boot legging." Are the citizens of the several States who have outlawed the liquor business entitled to less consideration?

Now, Mr. Chairman, we have heard some very fine talk in this House recently about the people who refused to give evidence before the legislative committee in New York touching the scandals in the management of the great insurance companies. If we are really sincere in our condemnation of these recalcitrant witnesses let us pass this bill, and so prevent the Commissioner of Internal Revenue from setting them a bad example any longer. [Applause.]

Mr. LIVINGSTON. Mr. Chairman, I yield fifteen minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Chairman, I desire to address myself to a proposition which is omitted entirely from the present bill in so far as it covers the paying for the transportation of silver dollars to the people and banks by the Government of the United States. We have had such a provision as to dollar pieces since 1881 or 1882. It was incorporated in one of the appropriation bills at that time, I dare say at the instance of Mr. Sherman, who was Secretary of the Treasury. I must be brief, because my time is limited. This expense has been paid out of the gain, or seigniorage, that has come into the Treasury of the United States by reason of the coinage of silver dollars. There has been no loss to the Government of the United States by reason of this expense. There has been a gain, a profit from the silver coinage, which we have used to pay this expense. If you will look at page 29 of the Mint report, which I have in my hand, for 1905, you will find there the amount of this profit.

SEIGNIORAGE ON SILVER COINAGE.

The balance of profits on the coinage of silver on hand in the mints June 30, 1904, was $64,716.64.

The total seigniorage on the coinage of silver during the fiscal year 1905 was $2,772,830.44, of which $93.07 was from the coinage of standard silver dollars, $2,771,652.88 from the coinage of subsidiary silver coins, $1,059.75 from the recoinage of Hawaiian silver coins, and $24.74 from the recoinage of Porto Rican silver coins into United States subsidiary coins.

Including the balance on hand at the mints July 1, 1878, the net seigniorage on silver coined from that date to June 30, 1905, aggregated $135,799,153.08.

The seigniorage on standard silver dollars under the act of July 14, 1890, from August 13, 1890 (the date the act went into effect), to June 30, 1905, was $52,834,843.05.

The amount of seigniorage deposited in the Treasury during the fiscal year was $2,837,402.91, leaving a balance on hand at the mints on June 30, 1905, of $144.17.

Now, Mr. Chairman, for a number of years, up to 1885, the expense of this transportation was paid directly out of this profit. In recent years, since 1890, say, all of this gain is paid into the Treasury of the United States, and Congress has made an "appropriation" direct to pay for this transportation.

There is no difference in paying into the Treasury this profit money and paying it out for this transportation and paying it out direct before it is turned into the Treasury.

This profit amounted up to June last to $135,799,153.08. This last year it was nearly $3,000,000.

Why do you need this transportation? It is simply because the banks and individuals throughout the United States who want the silver dollar per se and who do not want to use the paper dollar per se and not the silver certificate want the dollar piece sent to them, and they will not pay the freight or the expenses in so doing, so Mr. Secretary Sherman, seeing the wisdom of encouraging the use of the actual silver dollar as early as 1878, when the law was somewhat doubtful as to his power to do it, issued this order:

TREASURY DEPARTMENT,
Washington, September 3, 1878.

Paragraph 1. The Treasurer of the United States has been directed upon the receipt by him from any person of a certificate issued by any Assistant Treasurer, designated depositary, or national bank designated as a public depositary of the United States, stating that a deposit of currency has been made to his credit in general account of the sum of one thousand (1,000) dollars, or any multiple thereof not exceeding ten thousand (10,000) dollars, to cause a shipment to be made from some mint of the United States to the person in whose name the certificate is issued of a like amount of standard silver dollars, the expense of transportation to be paid by the mint.

Par. 2. Until further notice, upon receipt by the Treasurer of the United States of United States notes or national-bank notes sent for redemption, in multiples of $1,000 and not exceeding $10,000, standard silver dollars will be returned under the provisions of this circular.

Par. 3. The sole purpose of this circular is to facilitate the circulation of standard silver dollars for all purposes as currency, but not to authorize their issue for the purpose of being used directly in making those payments to the Government which are required to be made in coin or for deposit to obtain silver certificates, and officers receiving deposits of currency authorized herein are expected, so far as practicable, to see that the object specified is carried out.

Par. 4. Shipments as above indicated, however, will be made only to points in the United States reached through established express lines by continuous railway or steamboat communication.

JOHN SHERMAN, *Secretary.*

Now, I call the language in paragraph 3 to the attention of the committee; particularly do I call it to the gentlemen who live in the South and in the West, where silver money is mostly used in lieu of this rotten, microbe-eaten, disease-carrying paper money we must and do use, that we must get rid of at this Congress. The people down South, the laborers, the negroes, the cotton growers, the cotton buyers, and people out West, and farmers in particular, want the silver dollar and the Government, to encourage its actual circulation, to pay the freight to put and keep it in circulation. So Mr. Sherman said:

The sole purpose of this circular is to facilitate the circulation of standard silver dollars for all purposes as currency, etc.

Gold, they do not want or use, is small and easy to carry. The silver is heavy, they do want and use, and yet too heavy to carry, but both are coined by the Government.

Mr. Chairman, from away back in 1795 we have had a law wherein the Government has paid with this seigniorage and charged to the Mint, as proposed now, for the transmission of copper, for the transmission of the cent piece, for the transmission of the nickel piece and fractional coins, and then in 1857 we enacted a similar law covering Mexican and Spanish dollars which we utilized at that time. We paid for this transportation out of this profit money. Then in 1873, when we codified our coinage laws, we continued these laws.

I will here insert a letter from Mr. Roberts, Mint Director, on this subject. He says:

TREASURY DEPARTMENT,
OFFICE OF DIRECTOR OF THE MINT,
Washington, January 11, 1906.

Hon. L. N. LITTAUER,
House of Representatives.

DEAR MR. LITTAUER: If I had known before going before you yesterday that the distribution of small coins was to be considered, I would have refreshed my memory upon some points. It has been some years since I have given the matter any attention, and my recollection was not very clear. To-day I have been looking over the statutes and refer you to the following record:

The first act providing for the distribution of copper coins is that of March 3, 1795, in which the Treasurer is directed to distribute them to the branches of the United States Bank, and in States where it has no branch to the "collector of the principal town in such State," same to be done at the risk and expense of the United States.

The revision of the coinage laws made in 1837 (January 18) provides that the copper coins may, at the discretion of the Director of the Mint, be delivered in "any of the principal cities and towns of the United States at the cost of the Mint for transportation," the cost to be defrayed from the proceeds of the coins. This is a sweeping provision.

The act of April 22, 1864, providing for the present cent piece, directs that they shall be paid out by the Mint and "such other depositaries as the Secretary of the Treasury may designate," expense to be met from the profits of the coinage. This is a more restricted authority.

The act of May 16, 1866, authorizing the 5-cent nickel, contains practically the same provision for distribution as that last referred to.

The codification of the coinage laws, known as the act of February 12, 1873, makes practically the same provision for the distribution of the minor coins as that made by the act of January 18, 1837, to wit, that they are to be delivered in any of the pricipal cities and towns of the United States at the cost of the Mint. This provision is in force to-day, and the cost of such deliveries from the Mint in the last fiscal year was $26,036.32. These coins have been delivered at the expense of the Mint ever since the act of 1873 went into effect.

I find, upon examination, that the provision in the sundry civil bill of 1898 to which Mr. Courts referred yesterday relates only to the distribution of minor coin from the Treasury and subtreasuries. Up to that time all shipments had been made from the Mint, and considerable embarrassment had been experienced by the Treasury from the fact that the subtreasuries were obliged to redeem these coins, but had no authority to ship them. The result was that coinage and shipments were going on at the Mint when the coins were really redundant and accumulating in the offices of the Treasury. The Secretary of the Treasury accordingly asked for authority to make shipments from the latter. Since Mr. Courts has spoken of the opinion I gave at that time, I think I recall having been asked as to the wisdom of distributing these coins at the public expense, and I expressed the general opinion that it was advisable. It would appear from Mr. Courts's statement that the committee did not know that distribution was going on from the mints.

In the matter of subsidiary silver coins I find that I was not quite accurate in my statement of yesterday. The act of February 21, 1853, contains the first provision for the distribution of these coins, and it provides for their shipment only to "assistant treasurers, depositaries, and officers of the United States." Prior to the passage of this act the fractional silver coins were aliquot parts of the dollar and a full legal tender. They were now reduced in weight and made limited tender. This accounts for the change of policy in their distribution.

The act of 1873 contains precisely the same provision for distribution as that of 1853. The resumption act (January 14, 1875) provides for the issue of these coins "through the mints, the subtreasuries, public depositaries, and post-offices of the United States."

The sundry civil bill of March 17, 1881, contains the first general provision applying not only to subsidiary silver coins, but to dollars, by which the Secretary of the Treasury was instructed to transport them free of charge when requested to do so. You are familiar with these enactments since.

In this connection I may add that Secretary Sherman seems to have considered, as far back as 1878, that he had authority to deliver the dollars at the expense of the Treasury. I am inclosing herewith a copy of the circular issued by him.

I can see two reasons for the delivery of subsidiary silver and copper coins at the expense of the public, viz:

First. Congress has made these coins of limited tender. Beyond an amount required to meet current needs they are an unavailable asset to a bank. They are not good in the legal reserves required by law. There is therefore no danger that the banks will abuse the privilege of free shipment, as in the case of silver dollars, the latter being a full legal tender and good in the reserves are frequently shipped solely to suit the convenience of the banks, although the communities into which they are shipped may already have a surfeit of that denomination. The president of an important bank in Portland, Oreg., told me last month that it was the common practice of the smaller banks in the State of Oregon, when wanting money from San Francisco or the East, to have silver dollars shipped in at the Government expense, and that these coins accumulated in the banks of Portland beyond their storage facilities, compelling them to make shipment out at their own expense. There is a steady movement of dollars from the Treasury into the smaller towns of Oregon, and then out through the Portland banks back to the Treasury. The transportation of any form of full legal-tender money at the Government expense may be abused in this manner, because full legal-tender money is available for all purposes, while these small coins are available for only a specific purpose. If all legal-tender money were transported free, all shipments between subtreasury cities and between distant sections of the country would be made at the public expense. The congestion of funds at New York at certain seasons would be promoted and the disturbance caused by their withdrawal at other seasons enhanced.

The fact that small denominations are of limited tender and not good in the legal reserves will make the banks in any case naturally cautious about applying for them, but they will do so more freely if the shipments are without cost, and as there is a large profit on these coins, the Government is interested in promoting their circulation and recoups itself through the enlarged demand. It is only doing what an enterprising individual would do if he had a monopoly of the issue. The public is also more certain of generous accommodation in all parts of the country.

Second. It is not proposed to discontinue distribution from the mints to the ten offices of the Treasury. This distribution gives direct service to the business men of Boston, New York, Philadelphia, Baltimore, Washington, New Orleans, St. Louis, Chicago, Cincinnati, and San Francisco. The present system extends this particular service rendered by the subtreasuries to all the communities of the country and puts the latter on an equality with the former in this respect. If this service is discontinued, the pressure for additional subtreasuries will be increased.

I am inclosing a pamphlet copy of the coinage laws, and would refer you to pages 14, 36, 39, 46, 49, 56, 57, and 67.

Respectfully,

GEO. E. ROBERTS,
Director of the Mint.

Then when we attempted to increase the output of standard silver dollars, in the wisdom of Congress, a Democratic House, I believe, with a Republican Senate, inserted a provision to pay for this transportation out of funds in the Treasury, but this bill

omits this provision as to silver dollars for the first time since 1881 or 1882, so that hereafter when an individual, or when a banker, or when a corporation, desires to get silver money to pay a debt, or send it to do so, he must pay the freight himself, which means that the silver money, instead of circulating as silver dollars per se to the amount of $66,000,000, will be piling up in the Treasury and their circulation hindered.

Treasurer Treat recommended this appropriation be dropped for all coins, but Mr. Secretary Shaw does not ask that this appropriation be dropped while every Congress since this law was started has continued it.

Without a single exception in the committee, I know for ten years, and in the House, we have been invariably contesting this matter, and yet the wisdom of it has been indorsed by the law being continued and yet now it is left out, and let me say here to you gentlemen that I want to economize. In your just reformations I want to help you. I voted against this southern subsidy steal we have been paying for twenty years for the Southern Railway and others that run to my home and south, and I will try to help you save money whenever you should justly. I would be willing to stop this expense now if I thought it was wise, but it is not. You know as well as that I am standing here that Mr. Secretary Shaw is now having trouble about not only the amount of money but the transmission of it around over the country. Every morning he wakes up, I dare say, and sends for the New York papers to see the condition of the market, yet by withdrawing this appropriation we tie up one of the means by which he is carrying on the prosperous condition, if you want to call it that, of our finances.

We are tying one of the main arteries that supplies finances to the South, where the great cotton market is situated, tying up the beef raisers and the beef packers and the western people and keeping them from getting the money that is best and cheapest for them to use and curtailing the best means of using silver coin. Now, I say that it is not fair to Mr. Secretary Shaw to go along and take a string, as it were, and tie one of the main arteries of finance in this country. It is not wise. It might cause a jar or panic in finance and curtail our money in circulation.

Aside from that, gentlemen, it is no loss to the Government. As I have shown here, we have gained, including the balance on hand at the mints July 1, 1878—that is, the seigniorage on silver—from that date to June, 1905, an aggregate of $135,799,153, that we have actually gained by coining silver money. The only thing I have ever heard of the United States engaging in where there is an actual showing of an actual gain is in the coinage of silver dollars. We paid for this expressage and paid for this transportation out of the seigniorage, or we can do so. I believe my distinguished friend, who has been honored by his people sending him back here to Congress and who used to be Speaker of this House, was in Congress when this first provision was started. It finally was put on in the Senate in a bill reported by Senator Beck, of Kentucky, and it has remained the law ever since.

Now, Mr. Chairman, you know as well as I that Mr. Speaker CANNON, one of the great financiers of this House and of the country, and who used to be a free-silver man, as I am now, has always continued this appropriation. He has never brought in a bill here to curtail this means of saying that the bankers and the great corporations of the country, the plain people of the country, the cotton growers of the country, the farmers of the West and elsewhere, shall have this heavy money shipped for them when they want to use it.

A bag of silver money, counted and stamped by the Government, can be used in the bag to pay debts as well as a single dollar handed over the counter, and the Government ships it around in a bag for that purpose, and thus aids the actual use and circulation of the dollar coinage and the small coins.

This also puts people away off from the Treasury and subtreasury on a parity with those near by, who can get money of all kinds when they want it.

If you say the express charges are extortionate, and I think they are, reduce them. If you say this is a "graft" for the transportation company, outlaw the graft and punish the offenders, but do not punish an unoffending people who want this money hauled for them in the regular course of their business. Mr. Chairman, I yield back my unused time. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CONNER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 343. An act concerning a public building in Selma, Ala.

URGENT DEFICIENCY APPROPRIATION.

The committee resumed its session.

Mr. LIVINGSTON. Will the gentleman from New York [Mr. LITTAUER] yield some part of his time now? Mr. Chairman, if you please, how much time have we remaining on this side?

The CHAIRMAN. Twenty-five minutes.

Mr. LITTAUER. Mr. Chairman, I yield ten minutes to the gentleman from Ohio [Mr. GROSVENOR].

The CHAIRMAN. The gentleman from Ohio is recognized for ten minutes.

Mr. GROSVENOR. Mr. Chairman, I did not intend to take any part in the general debate on this appropriation bill, but I am inclined to do so, nevertheless, because of certain unfinished remarks that I myself made in the beginning of the debate on the Philippine tariff bill, and by reason of some very remarkable statements made by the gentleman from New York [Mr. PERKINS] yesterday upon the topic about which I have spent some labor and which I left in a somewhat unfinished condition.

I note in the official report of the gentleman's speech that he seems to place his opposition to the tariff on hides, which seems to me to be one of the smallest and most insignificant of all the complaints that have ever been made of the Dingley tariff bill, upon a ground that I think upon reflection neither the gentleman from New York [Mr. PERKINS] nor anybody else will stand. The gentleman's argument aims at this proposition, that if there was no tariff on hides there would be a greater profit to the manufacturer. Now, that alone is not a sufficient justification for this tariff and is not alone a sufficient justification for any man to favor a protective tariff upon raw material. That I may not be charged with misrepresenting the gentleman, I will read what he said:

It is perfectly apparent, Mr. Chairman, that the question of the tax upon hides is not a local question. Such an industry is entitled to consideration, and if the provisions of the tariff are not intended to protect manufacturing industries, upon what basis do such laws stand?

That he may not be able to say that he intended that it should mean manufacturing interests and everybody else, I will read from his colloquy with the gentleman from Indiana [Mr. HOLLIDAY], in which he expressly places his opposition to the tariff on hides to the fact that the manufacturers could make 1 per cent or 2 per cent greater profit if the tariff was off of hides than he can make as it is now. But nowhere, so far as I am able to find, does he place his opposition upon the broad ground that the tariff on hides is not necessary for the promotion of the shoe industry and adds to the cost of the article, and thereby oppresses the consumer in the United States.

That is a defective support of the tariff principle that is injurious and harmful to every lover of the doctrine of which I profess to be a follower. And the gentleman from Indiana [Mr. HOLLIDAY] expressly drove the matter home upon him and compelled him to admit that his objection was the objection that he could not manufacture shoes at quite as high a profit; and the same result came from the colloquy with the gentleman from Vermont [Mr. FOSTER].

Now, again, his argument was most unfair, in my judgment, possibly inadvertently so, when he speaks about the fact that there is no tariff, as he says, on sheepskins and calfskins, and that it is levied upon the heavy hides out of which and connected with which is manufactured the cheaper article of shoes. What is the difference, Mr. Chairman, between the sole leather used in the $6 shoe and the sole leather used in the $2 shoe? What is the difference? What shoe could be manufactured without the use of sole leather; and on that this hide tariff is levied. But again; how much of the heavy leather or leather manufactured out of the hides that are used in this country is leather that is used exclusively in the manufacture of shoes? Only a proportion of it; how large I am not able to say; but I do know that a very large proportion of this very heavy leather manufactured out of these heavy hides is used for all sorts of leather purposes not included in the manufacture of boots and shoes—belting of every description, and a vast number of commercial articles are manufactured out of the hides. Therefore the argument of the gentleman falls to the ground.

But, Mr. Chairman, I took this time rather for the purpose of very thoroughly illuminating the CONGRESSIONAL RECORD with the condition of the Massachusetts, and New England, and Ohio, and Chicago, and every other man engaged in the shoe and boot industry; and as an indication of what I will put into the RECORD I state that there is not an industry in the United States of America to-day that is prospering more generally than the boot and shoe industry. I will show that in every State in this country where there is any considerable manufacture of the article the owners of the manufacturing industries have prospered, and in this year of our Lord 1906 they are boasting throughout every State of New England and

the West and the Middle States of the growth of their industry and the tremendous prosperity that has come to them. I was astonished and amazed. A gentleman sent this to me from Boston on yesterday, calling my attention to four or five pages that summarized from all these places the results of the growth and prosperity of this industry. Now, Mr. Chairman, without occupying any further time, I ask unanimous consent that along the particular line which I have chosen I may be permitted to extend my remarks in the RECORD.

There was no objection.

Mr. GROSVENOR. I print here certain reports from various shoe-manufacturing towns and cities published in the Boot and Shoe Reporter, a pamphlet published in Boston. These extracts come from the issue of January 10, instant:

NINETEEN HUNDRED AND FIVE AS A BUSINESS YEAR—VOLUME OF TRADE IN LEADING CENTERS—PROSPECTS AND CONDITIONS FOR 1906.

INTRODUCTION.

The year 1905 will go on record as one of exceptional prosperity for the shoe and leather industries, as far, at least, as the volume of business is concerned. The canvass of the leading shoe-manufacturing centers proves beyond doubt that the demand has grown much faster than the normal rate of increase for the population, which is proof that there has been a marked improvement in the general business and industrial conditions, giving a larger value of production in all lines of industry, which adds to the general wealth, while the earnings of the workers in turn give a larger consuming power and a larger demand for all the products.

It is a peculiarity of the shoe and leather industries that the production of their raw material in hides and skins can not be increased or diminished to meet the changes in the demand, as is the case with the materials for other industries. Hence when the exceptional demand comes for the finished products there is necessarily the corresponding scarcity of the hides and skins, which as surely result in the higher prices. Then, as it is more difficult to advance the prices of the finished products, there is for the time being an unsatisfactory condition for profits in manufacturing.

The basis of all business, however, is the demand for the products, and if demand is lacking, it is of small import as to whether the cost of the materials is higher or lower. Given the demand, prices must eventually regulate themselves to afford a fair margin for the work of production, and the higher cost of the materials must be a minor consideration.

The reports given herewith all show the increased demand with the increased volume of production. The records of the shoe shipments from Boston show 5,100,038 cases for 1905, against 4,730,332 cases for 1904 and 4,258,207 cases for 1900. This is an increase of nearly 8 per cent for the five years, while the normal increase in the population is less than 25 per cent for the year. This indicates something of the increased demand due to the better conditions with the mass of the people, and proves that prosperity is not a question of low prices.

The progress as shown by the reports herewith is certainly gratifying. The increase fairly corresponds with the developments of other industries, and shows that the shoe and leather men are getting a share of the general prosperity, which will make the old year memorable.

LYNN—FORTY MILLIONS' WORTH OF FOOTWEAR—THAT IS THE ESTIMATED BUSINESS FOR LYNN FOR 1905.

The figures presented herewith are estimates of the Lynn shoe production for 1905. The board of trade has prepared no statistics, the Manufacturers' Association has not yet compiled its reports, and the estimate of the shoe product is obtained by reckoning a 10 per cent increase as to the number of shoes made in 1905 over 1904, the 1904 production being 21,511,092 pairs. The average value per pair is estimated by increasing the value per pair by 10 per cent. The board of trade having fixed $1.50 per pair as the average per pair in 1904, a 10 per cent increase over that makes an average value of $1.65 per pair for 1905. These estimates are very conservative when the increased business done the past year is considered. Here are the figures: $40,000,000, value of shoe and boot product; $10,000,000, value of cut stock product; $6,000,000, value of upper leather product; $1,000,000, value of boot and shoe findings product; $13,000,000, value of machinery, lasts and patterns, cartons, shoe forms, and other supplies made by Lynn firms; 23,662,201, estimated total number of pairs of shoes made; $1.65, estimated total average value per pair; $39,042,631.65, value of total product on above estimates.

Some manufacturers think the increase in volume greater than 10 per cent, but a 10 per cent increase figures close to the increase in shipments from the Boston market, 8 per cent.

Other manufacturers think that $1.65 is a low average value. This average value must be largely a guess. Lynn makes everything from cheap infants' shoes to the finest women's goods, and such special foot wear as storm boots at $15 per pair.

BROCKTON—GREAT BUSINESS IN 1905—NEARLY 700,000 CASES MADE, REPRESENTING 15,000,000 PAIRS, VALUED AT $38,000,000.

The record of Brockton's shoe shipments for the year 1905 is one which surpasses any previous year in the city's history. The shipments of 692,138 cases, representing 14,228,000 pairs, valued at $38,070,000, makes a new record in the shoe-factory production of the city. The production of this great number of shoes, figured on the basis of 300 working days in the year, means the turning out of 47,246 pairs a day, 5,526 pairs an hour, 87 pairs a minute, or about a pair and a third every second, all completed and ready for shipment.

This remarkable showing is one which is highly creditable to Brockton shoe manufacturers. It emphasizes the position which Brockton occupies as a leading center for the production of men's fine shoes, and brings to the notice of the shoe world in an unmistakable manner the preeminence of Brockton shoes.

The average value per pair of the goods made in this city during the past year is $2.50—a higher average than has ever before been reached in Brockton foot wear. Year by year this average has been steadily mounting upward, until now it touches high-water mark. From this time forward Brockton will be known as the center for the production of fine shoes and a city which sets the styles in this class of foot wear for the entire country.

As the past year has been one of universal prosperity, the outlook for the coming year is equally satisfactory. In the face of the closest competition and paying the highest prices for labor, Brockton continues to grow and prosper, and to give to all who are connected with this industry, as well as to the city in general, a development which is one of the most remarkable of any city in the United States. The demand for fine shoes is constantly increasing; and Brockton's product is steadily growing along these lines. Retailers and consumers can depend upon obtaining from this city shoe goods which represent the acme of style, as well as the most excellent workmanship. All the factories in Brockton are busily employed for the spring season; and there is every reason to look forward to an output for 1906 which will show an important increase over that of 1905.

HAVERHILL—LARGEST IN ITS HISTORY—$20,000,000 BUSINESS FOR 1905—GOOD PROSPECTS FOR THE NEW YEAR.

The largest year's business in the shoe industry of the city was that which was transacted for 1905. The number of cases shipped from Haverhill during the past twelve months was 418,418, an increase of 8,443 cases over 1904—which latter was also a record-breaking year. In these cases were 16,736,720 pairs, representing a money value of $20,000,000.

The foregoing figures are reliable, furnishing as they do from official sources, and representing without any padding, the output of Haverhill's shoe factories during 1905. That this output exceeded all previous records in the city's history is a matter of gratification to the members of the local trade, as well as to the city in general. Haverhill was never so prosperous as at the present time. All available skilled help is employed on full time and at good wages; and the factories almost without exception have sufficient orders to keep them busy for many weeks to come.

The outlook, therefore, for the coming year is a rosy one. With added factory accommodations, which are needed at this time and which it is hoped will soon be forthcoming, Haverhill manufacturers will be in shape to serve their trade to better advantage than ever before, and to give them a quantity, as well as a quality, of foot wear which will represent the best efforts of experienced shoe manufacturers and the best workmanship in all departments which can be obtained in any shoe center of the United States.

Haverhill, which has long been celebrated for the production of women's shoes, is not only increasing in the production of this class of work, but is now turning out a great amount of men's foot wear. This is an important addition to the output of the factories and one which is bringing many customers from the wholesale and retail trade in all parts of the United States. From all present indications the coming year will see the largest business transacted in Haverhill's history, and put into the shade even the great business which has been done during 1905.

NEW YORK—HEAVY BUSINESS FOR 1905—PROSPECTS FOR COMING SEASON COULD NOT BE BRIGHTER.

Two facts stand out prominently in a survey of the shoe and leather industry for the year just ended. One is that the raw materials entering into the shoes has ruled at unprecedentedly high figures. The other is that from the manufacturer to the consumer all have been able to secure fair values. A retrospect discloses a healthy condition in all sections of the manufacturing, jobbing, and retail districts of the greater city. It is a great satisfaction that during the past year, although many difficult circumstances had to be met, all interested in this industry have survived and prospered.

The one feature of the shoe business which stands out more prominently than any other is the increased demand for goods of the better grades. This tendency was noticed in 1904, but the year 1905 witnessed a much more emphatic demand for higher grade foot wear. The manufacturers and jobbers here state, as do also the retailers, that the demand for the best goods that could be produced has been general throughout the country. The reason for this may be found, they claim, in the fact that nearly every section has been blessed with prosperity, labor has been fully employed, and all coarse grains have commanded higher prices than other years.

In no line of manufacture does New York's leadership show itself more strikingly than in the production of high-class foot wear. Some of the leading makers of fine foot wear of the country are located here, and the hold that New York shoe manufacturers have gained upon the retail shoe merchants of the country and all over the country is one of the most interesting facts connected with New York shoe manufacturing. New York shoe manufacturers are recognized as style creators; the extent of their operations enables them to present styles and shapes sometimes as much as a whole season ahead of manufacturers in other localities. In matters of style and designs is seems to be generally acknowledged that New York shoe manufacturers are far in the lead of manufacturers in other cities.

For two years past shoe jobbers and manufacturers, as a rule, enjoyed a trade large in volume, and showing a heavy increase over the traffic of several preceding years, but, in the majority of instances, business has been transacted on a somewhat small margin of profit, not admitting of gains which may be fairly considered legitimate and reasonable. This has been more especially and markedly the case during the last six months. The general policy, particularly with the jobbers, has been to maintain and increase the volume of business, though this necessitated selling on an only slightly remunerative, and even in some instances practically unremunerative, basis.

While this course has been, to some extent, the result of voluntary and deliberate choice, still dealers in general claim no especial credit for it, and admit that in pursuing it they made a virtue of necessity, it being a question of doing business in this manner or of not doing it at all. Increased sales, however, have compensated in a large measure for the smaller margin of profit attached to individual sales. This year has been an exceptional one for heavy trade. When one considers that the aggregate volume of traffic for 1904 was fully 20 per cent larger than that for 1903, and that 1905 showed an increase over 1904 of probably about 25 per cent, which is, according to the estimate of one of the most conservative jobbers on Duane street, the business for the year seems little less than phenomenal.

A good beginning is not everything, for a year that was to be so remarkable opened with a dull month. Immediate business was in a very dormant condition, and sales of spring foot wear only fair, though larger than in January, 1904. The increase in the volume of spring orders held out through the first two months of the year, and the aggregate of sales for January and February was considerably increased over the preceding year, but profits showed a decrease, if anything. The long continuance of severe winter weather and late opening of spring were unfavorable for spring business during April and May and reduced the number of sales. Fall orders of a very gratifying nature, however, began to appear early, for while buyers were at first conservative and showed little tendency to stock heavily, even in the face of probable advances, they soon changed their views to considerable extent, and a more or less general desire to purchase before advances should

be made without doubt exerted a strong influence in increasing the number and size of early fall orders.

By the middle of June orders booked for fall were of sufficient volume to warrant local manufacturers in increasing their facilities for production, and distinctly augured that uninterrupted activity which has since prevailed at the factories, amounting at times to positive pressure. From the close of the midsummer between-seasons periods until about the 1st of November unusual activity prevailed, but since then the mild, dry, unseasonable weather has exerted an unfavorable effect upon immediate business, which, perhaps, with rain, snow, and cold seasonable weather, would have fallen somewhat below the mark on account of the more than unusually heavy early buying.

The remarkably unseasonable weather has had a detrimental and even serious effect on the business of the jobber and retailers. The latter have stocked up with winter shoes and rubbers, for which they have little or no call as yet. Last year millions of pairs were sold before this, but the lost trade of the past seven weeks can not be fully made up however severe the coming winter may prove to be. There are no specially new features in the styles of shoes. All manufacturers have, as by common consent, adopted practical styles and shape lasts, which jobbers and retailers have appreciated, as it must eventually save them from serious loss.

Another excellent feature of the past year has been the fact that collections were never better. Buyers have been only too anxious to take up their bills and secure every advantage that was to be obtained by prompt payments of same. This indicates more than anything else the healthy trade conditions existing throughout the country, and is one of the strongest arguments in favor of a large business to come during at least the early part of 1906.

ROCHESTER—OUTPUT IN 1905—A LARGE INCREASE IS NOTED AND 1906 PROSPECTS THE BEST.

By careful inquiry among the manufacturers of shoes in Rochester, most of whom stated their gross output of shoes for the year, the others estimated, I find that the total value is upward of $10,000,000. This includes infants' shoes, the production of which is 90 per cent of all made in this country, and amounts close to half a million dollars a year. There are three or four soft-sole makers whose product is over a hundred thousand dollars each, and there are more than twenty soft-sole makers.

The new factories in course of erection, additions to others, and increased mechanical facilities in many indicate that the output for 1906 should, with fairly good general business conditions, exceed the year by 20 to 30 per cent. The only difficulty in realizing such an increase will be that of labor. Help is scarce now, but the manufacturers say that the improvements in machinery will help them materially and that they will be able to make quite an increase in their output with the natural increase of operatives due to the fast growing population of the city.

PHILADELPHIA—A RÉSUMÉ—THE SHOE BUSINESS AND ITS ALLIED LINES IN PHILADELPHIA FOR 1905, WITH THE GENERAL EXPECTATION FOR THE COMING YEAR.

For the year 1905 in the shoe and leather business of Philadelphia and vicinity the showing is most decidedly one of progress. There have been some lines in which this progress has not been so marked as in others, but it would be difficult to find a single one in which there has been anything like retrogression.

That the amount of business done in glazed kid, for which the city of Philadelphia is the market center of the United States, was not during the year as heavy as it might have been, is of course known and admitted, but this has been due to a great extent to the unprecedented popularity of the shiny stocks, such as patent colt, chrome tanned patent sole leather, and the like. Of course there was also a great demand for patent kid, but this assisted rather than hurt the activity of the glazed kid manufacturers.

In shoe manufacturing the past year has shown steady advances as far as the Philadelphia trade is concerned. All of the factories have made better showings than the 1904 figures for both the spring and fall seasons. This advance may be 10 per cent or as high as 35 per cent. It varies in different instances, which for obvious reasons may not be given more specifically, but in all of them there is the same story of better business for this year than for the year that went before. Several of the manufacturers within the past year found it necessary to increase the size of their plants or move into buildings that would better accommodate their business, since in these instances the demand for their shoes had proved greater than the then capacity of the plants to get the goods out.

Yet, withal, it is questionable whether there was an advance in profits equal to the increase in business. That the manufacturers made money goes without saying, but it is quite likely that in many of the instances the advance in the cost of raw material and a slower response in the advance of the finished product cut the profits on some of the lines turned out, so that although there have been no losses, yet the percentage of money gain is not equal for the year to the percentage of business gain.

What is true of the manufacturing business is equally true of the wholesale trade in Philadelphia. There have been advances of considerable size throughout the entire trade. Of course these have been greater with the larger houses, not only actually but in proportion. The larger houses have been in a position to buy heavier in the face of advances and have been in better position to present their goods to their customers. In consequence, the largest percentage of increase, as well as the largest volume of business shown for the past year, has for the most part been with the more important houses.

The outlook for the spring trade, from the point of view of the Philadelphia wholesale merchant, based upon the spring orders that are on hand, is excellent. These orders show a great increase in early business over that of last year. There is a possibility that some of this is speculative on the part of the retail buyer, who fears still further advances in the cost of shoes, and if this is so there may be a slump in sales later on, but this is only a conjecture for which there can not in the nature of things at the present time be either affirmation or denial. As the matter stands, the public generally is very optimistic, holding that with the general prosperity of the country, lots of work, and good wages, there is bound to be an increased demand for shoes, as for all other styles, and makers are framing up their business in accordance with this view.

BALTIMORE, MD.—THE YEAR'S BUSINESS—1905 A YEAR OF DEVELOPMENT IN ALL BRANCHES OF THE SHOE TRADE, WHICH IS NOW GREATER THAN BEFORE THE FIRE.

At this time a review of business conditions of a given section for the year just past is always interesting, inasmuch as it demonstrates the progress made in the industry discussed during the period named. So an outline of the development of the shoe trade in Baltimore during 1905 would be apropos at the present time.

In manufacturing circles the situation has been one of continuous expansion. Some of the factories since the fire have so outgrown their present quarters that it has been necessary to take larger quarters in new buildings erected since the catastrophe, while others, by rearrangement of present plants, have been able to meet the growing demand of their business without more radical changes.

But in all of the manufacturing establishments there have been advances in the volume of business during the past year, none showing less than 10 per cent and most of them more than that, when the volume of business is being considered. Owing to unsettled market conditions, the advancing cost of materials without as quick a response in the finished product, there may have been a somewhat smaller percentage of profit during the latter half of the year, but with conditions readjusted as they are for the spring trade this will be overcome.

Of the spring outlook it may be said that there is every prospect of a good showing in all respects. There have already been a great many spring orders taken, a showing that is greater than for the corresponding period of last year by a generous margin, and from the reports of the salesmen, all of whom are on the road, it is likely that this state of affairs will be continued.

The wholesale shoe trade, like that of the shoe manufacturer of Baltimore, has closed up a year of development and progress that in all ways has been most satisfactory. The great Baltimore fire without doubt affected all lines of industry, and since that time the trade has been recovering not slowly, but by leaps and bounds. It is safe to say that 1905 saw the last effect of the fire, as far as the shoe trade is concerned, overcome, and the people in the wholesale houses are looking forward to the coming year as one in which they will make a showing that is better than anything that they have ever done, not alone since the fire, but in their past histories.

Many of the houses have increased their selling force, covering a wider range of territory and covering it with greater thoroughness, and the trade of the city has been enriched by the establishment of permanent selling agencies from eastern and other factories, some of which carry stock on the floor.

All of this tends to make Baltimore more than ever a shoe center—that is, particularly the logical one for the nearer South and the immediate West—and the houses of the city are shaping their policy with a view to develop this territory, most desirable in all respects and available constantly.

CHICAGO—GREAT TRADE GROWTH—VALUE OF SHOES AND LEATHER MANUFACTURED DURING YEAR ENDING 1905.

Chicago presents the following statistics as a record of the past year's growth, as compared with the previous year of 1904:

Values of manufactures.

	1905.	1904.
Hides	$49,280,000	$36,000,000
Tanneries	13,500,000	11,250,000
Boots and shoes	28,000,000	25,000,000

Values of wholesale trade.

	1905.	1904.
Boots and shoes	$114,400,000	$101,700,000
Leather and findings	10,492,000	9,400,000

Manufacturers and wholesalers report to the writer that they are more than pleased with the results for 1905, and the prospects for 1906 are most flattering, indeed; that there is a general belief there will be an increased manufacture of both shoes and leather, and a much larger increase in the selling of boots and shoes at wholesale. The prospects are most encouraging for the new year.

ST. LOUIS—1905 SHOWS INCREASE—WIDESPREAD PROSPERITY AND LARGE, OPEN STOCKS HELP IN BREAKING OF RECORDS.

Referring to the large increase in the volume of business transacted in the local market during the past year, the managers of the houses on Washington avenue aver that business has increased each month and that each month's record has broken the best records for any given month of the previous year. The causes of the great avalanche of orders which have come to the local manufacturing market during the past year can be traced to the widespread and phenomenal prosperity of the great West and Middle West, and to the large, open stocks always kept on the floor by the manufacturers.

Some of the manufacturers have recorded increases as large as 33⅓ per cent, while others have increased their business fully 35 per cent. Present orders for spring are being filled on an increased basis per pair, and this will result in many retailers selling shoes to the consumer at an advance ranging from 20 cents to 30 cents per pair. Business is being done almost a month in advance of previous years. This advancement of the selling season is traced to the advances in leather, as well as to the fear of further advances in the near future.

Many of the representatives of the houses assert that their firms have made greater gains in the Eastern States than they have in the western territory. The opinion is prevalent that the coming year will see a great enlargement in the territory of the local market, and that the prosperity of 1905 will be duplicated twofold in 1906. Unseasonable weather conditions did much to restrict business during the past year.

Leather has advanced from 25 per cent to 40 per cent over the prices of a year ago. There has been a steady rise in prices, with no setback throughout the year. Hides are now selling at the highest price since 1872. Manufacturers are now down to hardpan, and must have supplies to meet the demand for orders already booked. The volume of leather consumed exceeds that of any previous year, and conservative estimates place the increase at something over 19 per cent.

CINCINNATI—A GREAT YEAR WAS 1905—OVER 13,000,000 PAIRS OF SHOES MADE.

Of the various industries of the Queen City none have made greater strides during the past year than the shoe and leather industry. Interviews with Cincinnati's twenty-three shoe manufacturers and a careful comparison of the data furnished shows that even with a conservative

estimate the increase in the volume of her product over that of 1904 is from 20 to 25 per cent.

In round numbers, the Cincinnati shoe manufacturers have produced for the year 1905 approximately 13,380,000 pairs of men's, women's, infants', and children's shoes. The value of the output of the local factories for 1905 is estimated at $23,415,000. The daily output is estimated at about 41,600 pairs.

The shoe manufacturers of the Queen City, without an exception, state that the outlook for next season's business is highly encouraging, and that even in the face of higher prices they expect their business for next fall to show heavy gains over that for spring delivery. Every one of the factories in Cincinnati is running to its full capacity. A number of the concerns have already moved into larger quarters, and those occupying old plants are arranging to occupy new buildings before the close of the year 1906—all of which is a glowing tribute to the high popularity of the Cincinnati-made shoe.

The majority of the dealers in leather as well as the manufacturers report an increase of about 15 per cent in the output over the year 1904. For the year 1904 the sales for Cincinnati are approximated at $10,000,000. With this as a basis and the percentage of increase as reported by the various concerns, the output for the year 1905 would be approximately $11,000,000, Cincinnati being ranked as the largest leather market west of New York. The local tanners of leather state that the output of leather has been curtailed to some extent by the great scarcity of hides, and that the prospect for the ensuing year would be much better for the manufacturers of leather if they were able to secure sufficient raw material. Still, the enormous business done the past season by the shoe manufacturers on orders for spring delivery has made the outlook brighter than it has been for years.

MILWAUKEE—A PROSPEROUS YEAR—INCREASES RECORDED IN EVERY LINE—MANUFACTURERS AND WHOLESALERS JUBILANT.

Milwaukee shoe manufacturers and wholesalers have prospered during the year 1905. The tanners, leather, rubber, and findings men have also done a largely increased business. Following is a table indicative of some of the good things accomplished:

Lines.	Establishments.	Employees.	Wages paid.	1905 product.
Leather	13	3,800	$926,789	$20,000,000
Boots and shoes	20	5,000	1,489,643	9,876,489

Manufacturers and wholesalers predict a big showing for the coming year. In spite of the hindrances in the shape of prices and unseasonable weather, local men in the shoe district predict that the coming year will bring a trade boom to this market. The soundness of the money market and all that pertains to the financial welfare of the territory tributary to Milwaukee form the keynote of statements by the leading shoe and leather men.

In a general way the territory tributary to this market has enjoyed a larger measure of prosperity than in any former year. There have been few failures in business, and consequently the losses to the banks have been nil. Collections were never better. Country consumers are in better financial condition that at any time in the history of Milwaukee's leading business men. Retailers are not overstocked, and are buying liberally for future delivery.

The manufacturers of boots and shoes have been up against the strong advances in hides and the natural advance in leather which has followed. The result of it all is a cost of about 25 per cent more for the local manufacturer of boots and shoes. The difference in price is readily understood when it is known that the hides which cost 9 cents a pound in most cases have advanced to 16 cents. The trade during the busy months of the year found stocks of heavy shoes almost entirely sold out, and big orders coming from the Western States had to be partially filled from odd lots or turned down. The whole country seems to be engaged in a race to lay in stocks of footwear, and the Milwaukee volume of trade is increasing right along.

Do these reports show that it is necessary or important to disturb the peace of the country and arrest this flood of great prosperity while we enter the domain of revision?

Mr. LIVINGSTON. I yield five minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Chairman, there has been a considerable amount of criticism against the attempt of the southern cotton producers to reduce the cotton acreage and diversify crops. This criticism has been along the line that it would result in a large increase in the growth of cotton in the colonies of Great Britain, France, and Germany, and I wish to read now an article from the Crop Reporter of January, 1906. The Crop Reporter is a publication of the Bureau of Statistics, under the authority of the Secretary of Agriculture, and therefore official. It shows the result of the efforts of these several countries to increase the growth of cotton, from which it certainly appears that the southern cotton grower has nothing to fear in the direction of these efforts. Therefore I will not take up the time of the House, but ask that the article be printed as a part of my remarks.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The article is as follows:

COLONIAL COTTON.

From original and official sources of information it is possible to compile a statement of the production of commercial cotton in the colonies of European countries, and the bare statement of the facts indicates how little there is to be expected from "colonial cotton" in new areas as a competitor of the upland cotton of the United States for many years to come. Old cotton areas, such as the British East Indies, French Indo-China, and the Dutch East Indies, are out of the problem, although these regions are included in the accompanying tabular statements.

BRITISH COLONIES.

Excluding the British East Indies, the production or exports of cotton for all British colonies, dependencies, and protectorates (not including Egypt) amounted in 1904 to 7,670 bales of lint of 500 pounds gross weight. This is mostly commercial cotton, and nearly half of it came from western Africa, in the Nigeria region. The West Indies and British Guiana contributed 1,626 bales, and Cyprus and Malta, in the Mediterranean Sea, contributed 1,463 bales; from eastern Africa were exported 609 bales; from central Africa and Uganda, 642 bales; from southern Africa, 3 bales, and from Australasia, 18 bales.

The British colonial cotton crop of 1904, mostly commercial, excluding British East Indies, was three times the crop of 1903. If the entire increase in all British colonies, except the East Indies, is to be accredited to efforts of the British cotton manufacturers to become independent of the upland cotton of the United States, which is not to be assumed fully, the sum of the results of their efforts for one year (1904) amounts to 5,073 bales, and less than half of this cotton is at all like the upland cotton of this country.

COLONIES OF FRANCE.

A statement for four years has been prepared for the cotton producing and exporting colonies of France. From the total of these it is proper to exclude French Indo-China, which is not at all implicated in the problem of producing cotton in new colonial regions and had a commercial crop of 13,679 500-pound bales in 1903.

Most of the colonial-grown cotton of France, outside of Indo-China, is exported after ginning. The latest information obtainable is for 1903, during which year as many as 76 bales of 500 pounds gross weight were exported from French colonies, and nearly all of this was exported from Tahiti. Mayotte exported a little over 1 bale and Senegal a little over 2 bales. Madagascar has hardly more than half a bale to its credit, and Guadeloupe less than 1 bale.

EFFORTS IN GERMAN COLONIES.

According to the prospectuses of the German Association of Manufacturers to promote cotton growing in the colonies, which have been widely published as accomplished facts, the quantity of colonial-grown cotton for commercial purposes might be expected to exceed by far the actually reported quantities.

The statements with regard to the German experiments in regions in western Africa are often extremely conflicting, although emanating from professedly trustworthy sources. The official statements are that in 1904 German East Africa exported 868 bales of 500 pounds gross weight; Togo, 499 bales; or, these two colonies together, 1,367 bales. To this may be added the German colony New Guinea, from which (Bismarck Archipelago) 240 bales were exported in 1903. Thus the cotton exports of German colonies amount to 1,607 bales of lint reduced to the equivalent of 500 pounds gross weight.

German experiments have been made in Kamerun and in German Southwest Africa, but their success in any degree is still in doubt.

A few cotton-growing experiments have been made in the Italian East Africa colony of Somali, but no definite results. The Italian colony of Eritrea exported about eight 500-pound bales in 1904.

LESS THAN 10,000 BALES.

In the United Kingdom, Germany, and France there are associations of cotton manufacturers for the purpose of promoting the production of cotton in new regions in the colonies of these countries, and the total evidence of their accomplishment in 1904 for the United Kingdom, Germany, and Italy, and in 1903 for France, is as follows:

	Bales of 500 pounds (gross weight).
United Kingdom	7,670
France	76
Germany	1,607
Italy	8
Total	9,361

The above total would be far from making conspicuous a cotton-growing county in Georgia.

The average value per pound of the colonial-exported cotton at the ports of export is 6.09 cents for France, 6.62 cents for Germany, and 5.26 cents for Italy.

OTHER COUNTRIES.

No cotton is produced in the West Indian possessions of the Netherlands and of Denmark, nor in Spanish Africa nor, as far as appears, is any commercial cotton produced in the Portuguese colonial possessions.

The Dutch East Indies have produced cotton from time immemorial, and, although they are not to be reckoned with the colonial efforts of the United Kingdom, Germany, France, and Italy within the last few years, their cotton production for export is given in the accompanying table. The commercial cotton of the Dutch East Indies is exported mostly to Singapore, Hongkong, and Japan, and its amount in 1903 was 12,632 bales of 500 pounds gross weight.

Production of cotton in the various British possessions, 1903 and 1904.

Possessions.	Calendar year— 1903.	1904.a
Colonies and dependencies.	*Pounds.*	*Pounds.*
British India b	1,267,245,200	1,402,827,200
Ceylon	c 151,704	c 177,568
Queensland	d 1,500	d 25,832
Fiji	----------	e 70
Natal	----------	1,500
Lagos	c 289,841	c 862,912
Gold Coast	c 10,443	c 57,661
Sierra Leone	c 1,120	c 28,267
Gambia	c 1,560	c 59,828
Bahamas	c 6,375	c 8,571
Jamaica	c 3,000	c 14,466
Turks and Caicos Islands	c 315	----------
St. Vincent	c 43,302	c 123,178
St. Lucia	----------	c 2,390
Barbados	550	191,861
Grenada	c 301,010	c 314,342
Leeward Islands	c 59,391	c 116,118
Trinidad and Tobago	----------	c 1,577
British Guiana	c 62	c 1,785
Malta	c 136,245	c 164,904
Cyprus	330,554	534,254

Production of cotton in the various British possessions, etc.—Cont'd.

Possessions.	Calendar year— 1903.	1904.[a]
Protectorates.		
British Central Africa	[c] 56,897	[c] 285,185
British East Africa		291,200
Uganda		[c] 21,566
Southern Nigeria		[c] 285,639
Northern Nigeria		[c] 287,233
Total	1,268,639,159	1,406,688,107
Total, except East Indies	1,242,255	3,683,339

BALES OF LINT, 500 POUNDS GROSS WEIGHT.

Geographic groups.	*Bales.*	*Bales.*
East Indies	2,651,458	2,935,156
Australasia	1	18
Southern Africa		3
Eastern Africa		609
Central Africa and Uganda	119	642
Western Africa	634	3,309
West Indies and South America	866	1,626
Cyprus and Malta	977	1,463
Total	2,654,055	2,942,826
Total, except East Indies	2,597	7,670

[a] In some cases subject to revision.
[b] For the twelve months ending Mar. 31 of the years following those stated.
[c] Exports; production figures not available.
[d] Unginned cotton.
[e] Lint cotton.

Quantity and value of the cotton exported from the colonies of France, 1900–1903.

Colony and calendar year.	Pounds.	Value.
Ginned cotton.		
French Indo-China:		
1900	1,992,570	$164,001
1901	3,408,324	315,298
1902	4,067,488	356,082
1903	5,022,468	351,747
1904		291,374
Seed cotton.		
1900	1,213,843	40,311
1901	981,548	41,912
1902	3,770,882	148,552
1903	4,568,387	79,987
Mayotte:[a] *Ginned cotton.*		
1903	644	27
Senegal:		
1903	556	39
Seed cotton.		
1900	141,764	2,482
1901		
1902		
1903	1,742	30
Madagascar:[a]		
1903	276	19
Somali coast: *Ginned cotton.*		
1900	1,603	56
1901		
1902	238	8
1903		
Guadeloupe:		
1900	22	2
1901	2,410	211
1902	88	8
1903	428	19
Tahiti:		
1900	114,746	6,839
1901	52,344	3,208
1902	37,770	2,199
1903	34,156	2,093
Foregoing colonies:		
1900	2,108,941	170,898
1901	3,463,078	318,717
1902	4,105,584	358,297
1903	5,058,252	353,925
Seed cotton.		
1900	1,355,607	42,793
1901	981,548	41,912
1902	3,770,882	148,552
1903	4,570,405	80,036
Ginned cotton.		
Foregoing colonies except French Indo-China:		
1900	116,371	6,897
1901	54,754	3,419
1902	38,096	2,215
1903	35,784	2,178
Seed cotton.		
1900	141,764	2,482
1901		
1902		
1903	2,018	49

[a] None exported from Mayotte and Madagascar in 1900, 1901, and 1902.

Quantity and value of cotton exported from the colonies of the German Empire, 1900–1904.

Colony and calendar year.	Ginned cotton. Quantity.	Value.
German East Africa:	*Pounds.*	
1900	24	$1
1901	240	22
1902	818	50
1903	20,485	1,740
1904	414,778	29,510
Togo:		
1900	(a)	(a)
1901	(a)	(a)
1902	(a)	(a)
1903	70,786	9,005
1904	238,472	11,994
German New Guinea:		
1902	6,021	780
1903	114,506	9,318

[a] Not separately stated. Included with cotton manufactures.

Quantity and value of cotton imported into Italy from Eritrea, 1900–1904.

Calendar year.	Ginned cotton. Quantity.	Value.
	Pounds.	
1900	5,732	$251
1901	4,409	174
1902	11,023	434
1903	11,244	492
1904	3,748	197

Quantity and value of cotton exported from the Dutch East Indies, 1900–1903.

Calendar year.	Pounds.	Value.
Ginned cotton.		
1900	(a)	(a)
1901	25,219	$2,299
1902	13,810	1,259
1903		
Seed cotton.		
1900	20,469,298	559,867
1901	13,134,909	239,508
1902	11,778,766	214,779
1903	18,114,065	330,299

[a] Not available.

Mr. LIVINGSTON. I have no other request for time on this side of the House, and I yield back the twenty minutes I have for the purpose of closing the debate. But before that is done, Mr. Chairman, I want to suggest to the gentleman in charge of the bill on the other side—can not we have an hour when we come to the Panama Canal item?

Mr. TAWNEY. It is understood that there is to be general debate when that provision is reached.

Mr. LIVINGSTON. Very well, Mr. Chairman; with this understanding I yield back my twenty minutes.

Mr. LITTAUER. I yield the balance of my time to the gentleman from Minnesota [Mr. TAWNEY].

Mr. TAWNEY. Mr. Chairman, in the preparation of the bill now under consideration the subcommittee of the Committee on Appropriations having jurisdiction of deficiency appropriations gave the utmost consideration to all of the items submitted by the Departments to Congress for deficiency or emergency appropriations. We spent eight or nine days in the consideration of these estimates and in the preparation of this bill. There was perhaps greater necessity for scrutiny in respect to these estimates than heretofore. The law enacted by the Fifty-eighth Congress is applicable to all general and miscellaneous appropriations, and therefore, to explain to the House what we knew and expected the House would want explained fully, we believed it was our duty to the House to obtain all the information possible on the subject of deficiencies for the current fiscal year.

It was stated yesterday that in the matter of public expenditures there has been some evasion of the law by some Departments of the Government. I made that statement myself in answer to a gentleman on the other side, and other gentlemen also made the statement. I think the facts justify the statement, and even justify a stronger statement than that which was made.

The deficiency estimates submitted to us (and I am now speaking of deficiencies that come under the provisions of the law enacted by the last Congress) aggregated $6,067,763.07. The deficiencies in annual and miscellaneous appropriations

carried in this bill aggregate only $3,476,042.30, or, in other words, the amount of deficiencies allowed by the committee is $2,591,721.77 less than the estimates we were asked to appropriate for as deficiencies.

Our first inquiry was whether or not this law, which was intended to prevent what a Cabinet officer before the subcommittee very aptly described as "the policy of coercive appropriations," had been complied with or not. This inquiry was necessary to determine whether the estimated deficiencies were legal or illegal. Some question has arisen in this debate on several of these deficiency items with special reference to that question. I will take up an estimate submitted to us by the Secretary of the Navy, which illustrates how this law can be evaded and emphasizes the necessity for an amendment to the law.

The Secretary of the Navy transmits to the Secretary of the Treasury, in accordance with law, an estimated deficiency of $1,000,000 in the appropriation made by the last Congress for maintenance and repairs of machinery. Now, that estimated deficiency is attempted to be justified by the Secretary of the Navy in this way: The Chief of the Bureau of Steam Engineering submitted to the Secretary, in a letter dated November 20, 1905, four months after the beginning of this fiscal year, the following:

Your attention is respectfully invited to the provisions of section 3679 of the Statutes at Large, prohibiting the expenditure of money by any department of the Government in excess of the amount appropriated, and to a consideration of the fact that the appropriation for the Bureau of Steam Engineering for the current fiscal year is not enough—

Now, mark you—

is not enough to keep the machinery of our ships in that good condition which should be characteristic of all war ships.

On that the Secretary of the Navy waived the apportionment of this appropriation, which apportionment was made before the beginning of this fiscal year, or less than four months previous. That waiver was made under date of November 27. The apportionment was made June 30, or shortly prior to June 30, 1905. On November 27 the then head of the Bureau informed the Secretary of the Navy that the appropriation was not sufficient to meet the demands of the service in his Bureau, and the Secretary of the Navy upon that representation waived the apportionment, allowing the head of the Bureau to expend the entire appropriation, if necessary, in the next two months, irrespective of the apportionment that was made at the beginning of the fiscal year and irrespective of the appropriation made by Congress.

Mr. GRAFF. Is there anything disclosed in the hearings to justify the belief that there was any sudden emergency or contingency upon which that waiver could be reasonably said to be based?

Mr. TAWNEY. Nothing whatever was disclosed in the hearings that would indicate an extraordinary emergency or even an unusual circumstance. The fact is the last Congress appropriated an amount slightly less than the Department estimated would be necessary for this service, but the apportionment was made in compliance with the law, and in less than four months after the apportionment was made it was waived, in accordance with the letter of the law, and the expenditure of that appropriation is now being made, and has since that time been made, just as though this law was not on the statute books.

Mr. RIXEY. I suppose the chairman of the committee is referring to the Bureau of Equipment?

Mr. TAWNEY. I am referring to the appropriation for the Bureau of Steam Engineering.

Mr. RIXEY. For coal?

Mr. TAWNEY. For maintenance and repairs of machinery.

Mr. RIXEY. I suppose the same argument applies to the question of coal and the maintenance of coal depots, of which I have just been making some investigation. In regard to that Bureau, the appropriation last year was $2,750,000. The Department is now asking a few hundred thousand dollars, $500,000, I believe, additional for 1906.

Mr. TAWNEY. One million two hundred and fifty thousand dollars is what they are asking for.

Mr. RIXEY. Now, as there is about one-half of this fiscal year remaining, would it not be better for Congress, if it means to enforce the law which it passed, to strike out that provision for the deficiency and let the Bureau of Equipment, or whatever Bureau has charge of that, go on and apportion its fund for the balance of the year?

Mr. TAWNEY. That is a matter that will be considered when that item is reached under the five-minute rule. The reasons for allowing the amount will be fully explained. We had the admiral in charge of that Bureau before us, and his testimony in respect to the necessity for the million-dollar appropriation was made.

Mr. RIXEY. I will state that the same bureau chief has been before another committee, and he has explained why this deficiency occurred. It is in the extra cost of transportation of coal in American bottoms. But it seems to me from what I could gather that this Bureau has been laying up an unusual supply of coal, and if that policy were changed to some extent, it might get along with the appropriation which it has for 1906.

Mr. TAWNEY. Now, this estimated deficiency of $1,000,000 for the Bureau of Steam Engineering, or for the maintenance and repairs of machinery, was not allowed by the committee because the evidence clearly showed that if this appropriation as made had been expended as contemplated by Congress it would have been amply sufficient to meet the requirements of that service. Why did it not? In my judgment, based upon the evidence submitted to the committee, we have to-day two systems of naval construction, two policies in respect to the construction of the Navy. One authorized by Congress, and another authorized by the Secretary of the Navy and paid out of the appropriation for maintenance and repairs of machinery. Acting under this latter appropriation the Secretary has ordered what, in the Navy Department, is called "overhauling of battle ships and other naval vessels."

We have been informed that several naval vessels have been ordered out of commission, or are soon to be ordered out of commission, for the purpose of "overhauling," and owing to this unusual expenditure we have an estimated deficiency in this appropriation of $1,000,000.

While the Secretary has obeyed the letter of the law by apportioning this appropriation and then waiving it, he has not complied with the spirit of it for the reason that he does not justify the waiver except by the reason that he believed it necessary to keep the machinery in good repair. That necessity, if it exists at all, existed when the apportionment was made as well as when, four months thereafter, it was waived. He thereby makes his Department the judge of the standard of public expenditure rather than Congress.

It is not, in my judgment, either right or just, or contemplated under our system of government, that the heads of Executive Departments or the Departments themselves should fix the standard of public expenditure, but that this is the function of Congress, and when so fixed that standard must be followed by the Departments.

Mr. Chairman, when Congress made the appropriation for the Bureau of Steam Engineering, or the appropriation for the maintenance and repairs of machinery, it was the duty of the Secretary of the Navy to insist on that apportionment being carried out unless some extraordinary emergency or unusual circumstance had occurred which rendered it necessary for him to waive it.

Mr. PALMER. What do you propose to do about it?

Mr. TAWNEY. We propose to amend the law in this respect. The law as it reads to-day requires apportionment of all general and miscellaneous appropriations by monthly allotment or otherwise. This was required by Congress to obviate the necessity for a deficiency or additional appropriation. And then the law says:

All such apportionment shall be adhered to—

That is the present law, and then it reads—

except when waived or modified in specific cases by the written order of the head of Executive Department or other Government establishment having control of the expenditure.

There is the weak point in the law. It authorizes the Department to waive the apportionment, which apportionment must be made for the purpose of avoiding the necessity for the deficiency or emergency appropriation, and then says that all the Department is required to do in order to justify the waiver is to give Congress the reason for that waiver, not defining the grounds upon which the waiver may be exercised.

Now, we propose to remedy it by striking out that language and inserting the following: "And all apportionments shall be adhered to and shall not be waived or modified, except upon the happening of some extraordinary emergency or unusual circumstance which could not be anticipated at the time of making such apportionment."

That is what Congress means and that is what Congress ought to do and what the Department ought to observe in expending the appropriations we make. When Congress makes an appropriation for the public service, or for any specific branch of the public service, the administrative officer charged with the duty of expending that money should, in the interest of economy and in the interest of the public service, so apportion that appropriation as to meet the ordinary conditions and demands of the service throughout the entire fiscal year. In that case there

would be no deficiencies and, in my judgment, the public service would not suffer.

If the appropriation is not sufficient, and in consequence of that fact the public service suffers, the administrative officer is not to blame, but the Congress of the United States is responsible for it. Heretofore they have not allowed Congress to assume this responsibility. They have gone on and expended their appropriations upon the basis of their estimates and their judgment as to what the public expenditure should be and then come to Congress and tell us that unless they can get a deficiency appropriation the public service will inevitably suffer. Under stress of that kind we have been heretofore practically coerced into making appropriations for the deficiency or to provide the money for the remainder of the fiscal year.

Mr. PALMER. What is there in this amendment which the gentleman proposes that will remedy the difficulty? Will not the bureau chiefs and heads of Departments go right on and ignore the law just as they have been doing before?

Mr. TAWNEY. No; I say they have not ignored the law. In this case the gentleman from Pennsylvania [Mr. PALMER] will observe that the apportionment was made in accordance with the law. Subsequently, and long before half of the year had expired, the apportionment was waived in compliance with the law, and the reason for the waiver submitted to Congress, thereby complying with the letter of the law. This reason is given by the Bureau chief in the first instance and subsequently adopted by the Secretary of the Navy—that in view of the fact that the appropriation for the Bureau of Steam Engineering for the current fiscal year—and mark this language—is not sufficient to keep the machinery of our ships in that good condition which should be characteristic of all battle-ship machinery——

Mr. PALMER. Will the gentleman permit an interruption?

Mr. TAWNEY. Now, just a moment. In the judgment of the Secretary of the Navy Congress failed to appropriate enough to meet his standard of what the expenditure in his Department should be. Now, then, under this amendment, if adopted, he could exercise the right of waiver after the apportionment is made only upon the happening of some extraordinary emergency or unusual circumstance which he could not anticipate at the time of making such apportionment.

Now, then, if that emergency happened, if anything happened which the head of the Department or which Congress did not anticipate and could not anticipate at the time of making the apportionment, requiring an extraordinary expenditure in order to protect the property of the United States or in order to perform the service of the Government, there ought to be that opportunity of waiver, and if that right of waiver is exercised then we require that he must submit to Congress the reason for the waiver which would show the particular circumstances under which he assumed to exercise that right of waiver. When they come here giving their reasons for the waiver it is competent then for Congress to determine whether or not the emergency was of that extraordinary character or the circumstance so unusual as not to enable him to anticipate it when making the apportionment and, accordingly as we determine, give or withhold the deficiency appropriation, or take such steps as we may deem necessary in the premises.

Mr. PALMER. That is just the point. He makes the deficiency. The gentleman's complaint is that they have been ignoring the law, or that they have been keeping the letter of the law but ignoring the spirit of the law. But the gentleman anticipates that hereafter if they do not adhere to the letter of the law then Congress can refuse to appropriate for the deficiency if the public service shall not be thereby crippled.

Mr. TAWNEY. I desire to say that this amendment expresses the spirit of the law as well as the letter of the law, and when it is adopted I would like to know how they are going to evade it.

Mr. PALMER. What is the gentleman going to do about it if they go on and make the deficiency?

Mr. TAWNEY. Well, the penalties are the penalties fixed by the law to-day. The committee does not attempt to amend the penalties of the existing law; we did not feel that it was necessary or that we would be satisfied in proposing to amend the penal provision of the statute.

Mr. PALMER. The penalty attached is that any person violating any provision of this section shall be summarily removed from office, and may also be punished by a fine of not less than $100 or by imprisonment for not less than one month. Does the gentleman think that is an adequate penalty or that that penalty would ever be enforced, and, if so, who is to enforce it?

Mr. TAWNEY. I think the penalty prescribed, that of removal from office, is alone sufficient to restrain the head of any one of these Departments from waiving an apportionment, unless the facts under which the right of waiver existed justify his doing it.

Mr. PALMER. But who is to do the removing?

Mr. TAWNEY. Under the law as it now stands, it would be by a judicial proceeding. It could be instituted by Congress. For that matter, the courts could be given jurisdiction of the subject-matter of removal in any particular case.

Mr. PALMER. You do not think the President of the United States would ever remove a Cabinet officer for failing to perform his duty in this respect? You do not think a head of a Department would ever remove a chief of one of the divisions for failing to perform his duty in this respect, especially if he had indorsed him?

Mr. TAWNEY. I think that a man who is qualified to be at the head of one of these great executive departments of our Government would hesitate a long time before running the chances of being removed for a violation of the law with the administration of which he is charged.

Mr. GAINES of Tennessee. Could Congress remove a Cabinet officer?

Mr. TAWNEY. Yes.

Mr. PALMER. Ought not the penalties to be made somewhat more specific?

Mr. TAWNEY. I agree with the gentleman from Pennsylvania. If I had been drawing the law myself as an original proposition the penalties would have been made more specific; but we thought if we would go to the extent of defining the grounds upon which the right of waiver should be exercised, and then require them to report to Congress in each specific case the grounds upon which they exercised the right of waiver, they would not take any chances in the exercise of the right unless they could come within the grounds that the law specified.

Mr. PALMER. Are you willing to accept an amendment to your amendment here making these penalties a little more specific?

Mr. TAWNEY. Well, the penalty feature of the law is the law to-day. If the gentleman chooses to draw or amplify the criminal feature of the present law, he can prepare his amendment and I have no objection to the matter at all; but the committee did not want to enter upon the domain of amending the criminal part of a statute. We were simply dealing with the administrative part of it.

Mr. PADGETT. Will the gentleman submit to another question?

Mr. TAWNEY. Certainly.

Mr. PADGETT. On page 28, under "Department of Justice," there is an appropriation of $2,615 to pay for the painting of a portrait. Was that in either the spirit or the letter of any existing statute authorizing the expenditure to create a deficiency?

Mr. TAWNEY. Well, that question, I would answer, Mr. Chairman, is one that the gentleman can answer as well as I can. Now, I will explain what I mean by that. The payment for the portrait of ex-Attorney-General Knox was made out of an appropriation for the contingent expenses of the Department of Justice. Congress has, in a large measure, left to the discretion of the Attorney-General and other heads of Departments to determine what are contingent expenses; and because of the custom in the Department or otherwise, if, in his judgment, this item legitimately belonged to the contingent expenses of the Department of Justice the Attorney-General was justified in paying the money out of the particular appropriation. But I want to say this, in justice to the committee—for there was some criticisms on the part of gentlemen here yesterday of the committee putting this item into this bill—estimates for this appropriation came to the committee in this form.

For miscellaneous expenditures, including telegraph, fuel, light, foreign postage, labor, repairs to building, care of grounds, books of reference, periodicals, and other necessaries directly ordered by the Attorney-General, $2,615.

Now, accompanying this estimate, and this is what I want to say in justification of the course the committee has pursued in putting the item into the bill in the language it has—accompanying the estimate is this letter from the Attorney-General, which was read yesterday by my colleague in charge of the bill [Mr. LITTAUER]:

DEPARTMENT OF JUSTICE,
Washington, December 11, 1905.

The apportionment of the appropriation "Contingent expenses, Department of Justice, miscellaneous items, 1906," for the month of July, 1905, is hereby waived, for the reason that under my direction there was paid therefrom the cost of a portrait of ex-Attorney-General P. C. KNOX, now United States Senator.

W. H. MOODY, *Attorney-General.*

Now, if we should have appropriated for this deficiency in the language submitted by the Department there is not a man in this House who would have known that that appropriation was for the purpose of reimbursing the contingent fund of the Department of Justice on account of the payment for this portrait, because the language which was sent to us referred to miscellaneous expenditures, including certain things, and not specifically mentioning the real purpose for which the appropriation was intended, and in the judgment of the committee we felt it was due the House that it should know what the appropriation was for and that the appropriation, if made at all, should be made in the open.

Mr. PADGETT. I think the committee was right about that. Now, this further question: Do you, as chairman of the committee, think that this is a legitimate expenditure properly chargeable to a miscellaneous appropriation?

Mr. TAWNEY. I understand that it is the custom in all of the Departments, and has been for some years, that when a retiring head of a Department or retiring bureau officer leaves his position, or soon thereafter, if not before, his portrait adorns the wall of the office in which he serves, and that expenditure has heretofore been paid out of the contingent fund appropriated by Congress for the use of the Department; and I do not think any man can justify it.

Mr. SMITH of Iowa. Will the gentleman permit me to ask this question: This payment has been openly audited, has it not?

Mr. TAWNEY. It has been openly audited.

Mr. SMITH of Iowa. So that for a long period of years there is at least a mitigation of the matter, inasmuch as the auditor for the Department in question has always audited these accounts; so that they have not been charged with concealment, inasmuch as there has been no concealment?

Mr. TAWNEY. So far as that is concerned, I do not think there has been any concealment of the fact.

Mr. GAINES of Tennessee. As a matter of fact, the gentleman has said that such an item as this has not been brought before the House as it is brought now for the last ten years.

Mr. TAWNEY. I do not think that the item has been brought to the House in this form.

Mr. GAINES of Tennessee. This is the first time, and I think that the committee deserves credit for doing it. Will the gentleman kindly tell me to what extent this matter of picture hanging and oil painting at the expense of the Government is going on?

Mr. TAWNEY. If the gentleman will go into the Departments, as he frequently does, he will observe that the portraits of the Cabinet officers, at least the Cabinet officers of Presidents Cleveland, Harrison, and McKinley, or, at least, most of them, have been painted and are adorning the walls of their respective offices to-day. I do not know how far back it extends, but for many years, and remember I am not criticising it, I am only criticising doing by indirection that which Congress would not allow to be done directly.

Mr. GAINES of Tennessee. It goes down to the subordinates, it seems to me.

Mr. TAWNEY. As the gentleman from Iowa said a moment ago, these accounts must be audited, and to that extent the transaction is an open transaction, and perhaps is a determination by the law department of the Treasury Department that it is a legitimate item of miscellaneous expenditure; but in the judgment of the committee it is not. Although this payment having been made and there being a deficiency, we simply appropriate now to reimburse the fund that we appropriated in the last Congress, and which would have been sufficient but for the payment for this portrait.

Mr. GAINES of Tennessee. Will the gentleman pardon me just an instant? On page 1265 of the RECORD of yesterday the gentleman from New York [Mr. LITTAUER] said:

> We have a good deal of this oil-painting business going on about the Departments. We know that in the House when we want to hang the picture of a Speaker in the Hall we contribute ourselves.

That is, private subscription. But it seems to me this is going on in all of the Departments, and almost any subordinate can get his picture hung up. That is my idea, at least. I do not know whether it is correct or not.

Mr. TAWNEY. We hope by this discussion, if in no other way, to put a stop to the practice.

Mr. MANN. Does not the gentleman think that the practice should extend sufficiently in that, whereas when we require the picture of a Speaker to be hung in the lobby of the House, we shall not require him to pay for it?

Mr. TAWNEY. I think so.

Mr. MANN. Does not the gentleman think that the Government is big enough to furnish a portrait or painting of the Presidents of the United States and the Speakers that have to be hung on the walls?

Mr. GAINES of Tennessee. Exactly. I think it ought to be done. Let us have the law say so.

Mr. TAWNEY. Most emphatically do I answer in the affirmative.

Mr. GAINES of Tennessee. Now, it is a mere matter of judgment of the officer in charge.

Mr. LITTAUER. Let us have it specifically appropriated for, whenever such a case comes up, and not hang portraits in every room of every Department of the Government.

Mr. MANN. It can not continue much longer——

Mr. GAINES of Tennessee. We are constantly growing great men in this country, because there is one from Illinois now.

Mr. RIXEY. I would like to ask the chairman of the committee a question. I want to ask him whether under the amendments the gentleman suggests, that "in case said apportionments are waived or modified as herein provided, the same shall be waived or modified in writing by the head of such Executive Department or other Government establishment having control of the expenditure"—whether the provision "or other Government establishment having control of the expenditure" does not authorize other Government officials other than the heads of Departments?

I call his attention, as an instance where it might, it seems to me, have that effect, to the case of the Marine Corps, that is under the Navy Department, and yet I think the expenditures of that establishment are under the control of the general in charge.

Mr. TAWNEY. I would say, in answer to the gentleman, that under a decision rendered by the Attorney-General the question of what constitutes an executive department and what is a governmental establishment is very clearly defined. It was in view of that decision that we modified and changed the language of the existing law with respect to this particular provision, making it applicable to Executive Departments and the heads of other governmental establishments as defined by the Attorney-General. Now, the Attorney-General's decision, as I recollect it, is that an executive department is a department presided over by a Cabinet officer. Take, for example, the postal service independent of the Post-Office Department; that is a governmental establishment. Take the Government Printing Office; that is a governmental establishment. The Smithsonian Institution is a Government establishment, as contradistinguished from a department under the jurisdiction of a Cabinet officer—that is, as we understand the decision of the Attorney-General.

Mr. MANN. And the Interstate Commerce Commission?

Mr. TAWNEY. The Interstate Commerce Commission is also a governmental establishment.

Mr. RIXEY. Is it not a matter of fact that all these are under the executive head of a Cabinet officer?

Mr. TAWNEY. They are not. The Government Printing Office is not under any Cabinet officer; and that is the basis of the decision. The Interstate Commerce Commission is not under any Cabinet officer.

Mr. RIXEY. It seems to me that this provision is a pretty broad one.

Mr. TAWNEY. It is pretty broad, and is intended to be broad. We have served notice on those charged with the duty of administering the expenditure of public appropriations that the Congress of the United States has fixed the standard of public expenditure, and that the Department must govern itself accordingly, and that if, in consequence, the public suffers, Congress and not the Department is responsible.

Mr. RIXEY. It is broad in that, and it is also broad in this: That there are a great many heads of establishments that we know waived this provision of the law. In regard to the Navy Department, there are eight bureaus, and, as I remember the law, the heads of these bureaus have practically the power of controlling every amount apportioned for those bureaus. Now, it is the idea, I understand, of the chairman of the committee in regard to the Navy Department and all of its bureaus, and possibly of the Marine Corps, that waiver must come from the Secretary himself.

Mr. TAWNEY. Certainly it must. Now, there is only one other item I want to call attention to.

Mr. MANN. May I ask the gentleman, before he leaves this subject, what is meant by the happening of some extraordinary emergency or unusual circumstance that could not be anticipated? What sort of a legal construction would the gentleman give to that proposition? What kind of a conscience must the officer have when he makes the waiver under that language?

Mr. TAWNEY. I suppose the gentleman from Illinois knows just as well as any of us do that we are making appropriations

annually to provide for the ordinary administration of the public affairs and to meet the ordinary expenses incident to that administration. We appropriate for the Navy. Take, for example, the appropriation for maintenance and repairs of machinery. Now, that appropriation is based upon past experience in the handling and operating of battle ships and other ships belonging to the Navy.

If, through the negligence of some commanding officer or other cause, these ships meet with an accident unusual in the operation of naval vessels in time of peace that could not be reasonably anticipated from past experience and would constitute an extraordinary emergency and unusual circumstance. Take, for example, the accident that happened in New York Harbor only recently, where there were four or five of our battle ships all tangled up in a knot for a little while. Fortunately no very serious damage resulted, but that would be an extraordinary emergency or unusual occasion if the ships had been damaged to such an extent as to make necessary the expenditure of a million dollars or the balance of all this appropriation. Then, in that case the Secretary of the Navy would be justified in waiving the apportionment and making the expenditure, because the accident would be something that could not be reasonably anticipated when the apportionment was made.

Mr. MANN. If the gentleman will stop with unusual circumstance or extraordinary emergency, and cases that could not be anticipated when these accidents happen, that would do. But every gentleman in the House here knows that there will be various accidents in the Navy Department and to its machinery next year. We anticipate this. This is not something that is extraordinary and that we do not anticipate. We expect accidents and expect collisions. We all know that two naval vessels will come together during the year.

Mr. SMITH of Iowa. But we can not anticipate in which allotment period that will occur.

Mr. MANN. That is true; but this must be an emergency that could not be anticipated.

Mr. TAWNEY. If the gentleman from Illinois will permit me: If these accidents that he refers to are accidents that we always anticipate, as he says, then they are fully provided for in the regular appropriation for the Navy.

Mr. MANN. Well, perhaps they are not.

Mr. TAWNEY. Then if they are not, they are extraordinary and would authorize the waiver of the allotment of the appropriation. In that case more money than we appropriated would be necessary for the service, including such accidents or extraordinary emergencies.

Mr. MANN. If the gentleman will pardon me, we anticipate that there will be various expenditures. We anticipate that there will be various accidents to machinery, and repairs of machinery. We make an appropriation, but we can not anticipate how many accidents will happen. But how can you say that any particular accident could not be anticipated, when we have made an appropriation to cover that very identical thing? Now, how much conscience will the executive officer have? Will not this be——

Mr. TAWNEY. The gentleman will have to appeal to higher authority for an answer to that question. I can not answer it.

Mr. PALMER. You are not an authority on conscience? [Laughter.]

Mr. MANN. It will become a mere pro forma matter, if the gentleman leaves it in the language that he has it in the bill.

Mr. TAWNEY. In conclusion, Mr. Chairman, I will call attention briefly to a statement I have prepared, showing or tending to show the effect of the present law. The urgent deficiency bill of the Fifty-eighth Congress carried deficiencies for identically the same Departments and for the same purposes that are covered in this bill, which are deficiencies arising in the annual appropriation bill—$7,556,606.15. Now, that bill in the aggregate carried over $16,000,000, but all of this sum was not appropriations that we term deficiencies arising in annual and miscellaneous appropriations. Now, the deficiencies, since the enactment of this antideficiency law, which we have reported in this bill, are $3,476,042.30, or, in other words, the deficiencies in the annual appropriations and the miscellaneous appropriations for the current fiscal year are less than one-half what they were in the urgent deficiency bill of the Fifty-eighth Congress.

Mr. MANN. I have no doubt——

Mr. TAWNEY. I do not say this reduction is entirely due to this law, but that marked reduction is an indication of what this law has accomplished along the line of compelling the Departments to keep within the standard of public expenditure which Congress has fixed by its appropriations. Now, there is only one other item that I want to call attention to——

Mr. STERLING. What would be the result if Congress should fail or refuse to make appropriations for the several items contained in this bill, or some of them? They have been paid, as I understand it.

Mr. TAWNEY. No; some of them are anticipated deficiencies.

Mr. STERLING. This picture has been paid for?

Mr. TAWNEY. Yes.

Mr. STERLING. What would be the result if Congress should amend this bill, refusing to appropriate that item?

The CHAIRMAN. The time of the gentleman from Minnesota has expired. The time for general debate has now expired.

Mr. TAWNEY. I will answer the gentleman's question under the five-minute rule.

The CHAIRMAN. The Clerk will read the bill.

The Clerk, proceeding with the reading of the bill, read as follows:

DEPARTMENT OF STATE—FOREIGN INTERCOURSE.

To supply a deficiency in the appropriation "Contingent expenses, foreign missions," for the fiscal year 1905, including all objects mentioned under this title of appropriation in the diplomatic and consular appropriation act for the fiscal year 1905, $21,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I think it would be well for the very distinguished gentleman in charge of the bill to explain at the outset a few of these items, so that the members of the committee may understand how these deficiencies arise. Here is one that contains as little information on its face as any I can think of.

Mr. LITTAUER. Mr. Chairman, I am very glad indeed to respond to the interrogation of the gentleman. The first item reached in the bill is $21,000 for contingent expenses of foreign missions for the year 1905. There is another item for the contingent expenses of United States consulates at the bottom of the same page, which belongs in the same category. According to the audited accounts of the Auditor for the State Department, these sums of money have been expended. The appropriation became exhausted. The officers of the Government were obliged to pay the contingent expenses of their offices during the last quarter of the fiscal year last passed out of their own pockets, and—this is the statement of the Department—the Department will therefore require for their relief, to enable the Auditor to settle up the accounts at diplomatic and consular offices for the contingent expenses of the fiscal year which ended June 30 last, additional appropriations for foreign missions $21,000, and for United States consulates $30,000. This applies to 1905, the year previous to the limitation placed upon deficiencies in the last bill. These were actual deficiencies, and we inserted them in the bill.

At the same time the Department of State advised us that the appropriation made for this same purpose last year was not sufficient to carry on the work of the Department and that it would need immediately further-anticipated deficiency amounts. Those we refused to insert, believing it was the duty of the Department to so apportion the amount appropriated by Congress as to keep within the limits of that appropriation.

Mr. MANN. If the gentleman will pardon me, I agree with the purpose of the Committee on Appropriations. The appropriations for this service, of course, are not made through the gentleman's committee.

Mr. LITTAUER. They are carried on the diplomatic bill.

Mr. MANN. Now, we have two items in the bill—one for deficiency for 1905, and the next item is for a deficiency for the same purpose in 1904. Here is going to be the result if the law is enforced about deficiencies in the future. We have a deficiency of $21,000 for one year, over $22,000 for the next year, expenses legitimately incurred, I suppose, over and above the amount allowed by the Committee on Foreign Affairs in the House. You now cut that down and what is the result?

Mr. LITTAUER. We do not cut it down; we refuse to appropriate the deficiency.

Mr. MANN. You very properly, from the standpoint of your committee, refuse to make an appropriation which, if it belongs anywhere, belongs originally in another appropriation bill. In respect to that I think it is wise judgment, but it has a bearing upon your proposition.

Mr. LITTAUER. This brings us back again to the question of having the Appropriation Committee annually estimate these contingent expenses. The Department of State, both for foreign consulates and for foreign missions, has demanded deficiency year after year, and, in my opinion, no proper estimate has been made, based upon past experience, in the beginning of the year, so that the committee in charge of the matter appropriating for this purpose could allow a sum that would be sufficient or 10 or 20 per cent more than sufficient.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LITTLEFIELD. Mr. Chairman, I would like to have the time of the gentleman extended in order to ask him a question.

The CHAIRMAN. Does the gentleman from Maine move to strike out the last word?

Mr. LITTLEFIELD. I do. I would like to inquire whether, as to this particular appropriation that is now being discussed, the Department of State made any allotment under the law adopted at the last session?

Mr. LITTAUER. In writing, stating that such allotment had been made.

Mr. LITTLEFIELD. Has the committee in its possession the written order of the Department changing the allotment so as to allow the expenditure?

Mr. LITTAUER. In the item being now discussed; it is for a deficiency in the year that ended in 1905, where no waiver was required according to law.

Mr. LITTLEFIELD. And does that apply to both items?

Mr. LITTAUER. That covers both items. We, however, did have estimates for deficiencies for the present year, and those were refused, believing that the Department should confine itself to its apportionment and the amount appropriated.

Mr. LITTLEFIELD. In other words, that the Department should run its business in accordance with the appropriation rather than the estimate. I agree with the gentleman on that proposition. Now, I would like to make another inquiry. Is it or not a fact that the appropriation committee has in its possession, in the case of deficiencies for this fiscal year, the necessary correspondence showing the circumstances under which these deficiencies have arisen?

Mr. LITTAUER. Each submission of deficiency, anticipated or actual, during the year 1906 has been accompanied by a transcript of the order of waiver; not in all cases, but in many cases.

Mr. LITTLEFIELD. Then I would like to make this suggestion, because I think the House is anxious to understand the circumstances under which deficiencies have arisen. Members understand that the amendment placed on the appropriation bill at the last session was predicated on the hypothesis that we could trust the discretion of the heads of Departments for one year and we would see what they would do. I would like to know what they have done. I want to see now the correspondence between the Secretary of Agriculture and the chairman of the committee, and I want to say that in my judgment, if I am correctly informed, it is not satisfactory as to the circumstances under which it was made.

Mr. LITTAUER. I think if the gentleman will look into the bill he will see that that was refused.

Mr. LITTLEFIELD. I do not mean to say that it is not satisfactory as far as the chairman of the committee is concerned, because it is. I think he discharged his proper duty in his part of the correspondence, but I do not think the circumstances given by the Secretary of Agriculture are adequate or sufficient. What I would like to have done is to have the committee insert in the RECORD, if we do not get through with this bill to-day, all that correspondence, so that we can see it and know what we are talking about. Let the House see it if we do not get through with this bill to-day. Put it in the RECORD, so that over Sunday we can see under what circumstances these apportionments were waived.

Mr. LITTAUER. The gentleman only wants this in connection with the Department of Agriculture?

Mr. LITTLEFIELD. Every Department of the Government that has had occasion to make any waiver.

Mr. LITTAUER. That would make a large book.

Mr. LITTLEFIELD. Very well; we ought to have it if we can get it. These are important matters. We want to know whether we are appropriating this money or whether it is the Departments that are appropriating it.

I want to know whether we regulate the expenditure or whether they do.

Mr. TAWNEY. Permit me to make this suggestion to the gentleman, that the correspondence he refers to is all contained in House documents, about 1,800 copies of which are printed, all for the use of the Members of the House. If the gentleman will refer to the report of the committee on this bill, he will see the number of each one of these House documents, and if he will send a page to the document room he can obtain a copy of each one of them, and he can take them home with him to-morrow and study them, because they give all the information he would have if they were printed in the RECORD.

Mr. LITTLEFIELD. But it would be vastly more convenient for the Members——

Mr. TAWNEY. Just as it is in this form of document. They can put them in their pockets and take them home.

Mr. LITTLEFIELD. I think it is more convenient for us to have this correspondence in the RECORD. Of course, I do not insist upon it.

Mr. TAWNEY. If he will look at the report of the gentleman in charge of this bill he will see there the number of all of the documents transmitting the deficiency items.

Mr. LITTLEFIELD. Oh, I see; beginning House Documents Nos. 53, 58, etc. So that all we have to do is to call on that gentleman for all of these documents.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LITTLEFIELD. I ask unanimous consent that his time may be further extended for three minutes.

The CHAIRMAN. The gentleman from Maine asks unanimous consent that the time of the gentleman from New York may be extended for three minutes. Is there objection?

There was no objection.

Mr. LITTLEFIELD. If I understand the distinguished chairman of the committee correctly, all we have to do is to call for these various documents, and we will get precisely the information I have been inquiring for, so that we will be advised in relation to all these items.

Mr. LITTAUER. That is as far as the Committee on Appropriations is advised in connection with each submitted deficiency.

Mr. LITTLEFIELD. Has the Committee on Appropriations been advised with reference to all these items that relate to the year 1906 by the heads of Departments, as to whether or not they have or have not complied with the law?

Mr. TAWNEY. As to the deficiency estimates which come under the provisions of this law—that is, the annual and miscellaneous appropriations—the gentleman will find all the information in these documents the committee has, and in almost all cases there has been a waiver, and the reasons for the waiver are stated. I do not know whether the gentleman was here a moment ago when I called attention to the language of the waiver in the Navy Department.

Mr. LITTLEFIELD. No; I was not.

Mr. TAWNEY. That is all in this document, and he will get all the information that the committee has.

Mr. LITTLEFIELD. My inquiry is this: Whether all of the Departments that are calling now for a deficiency for the year 1906 have complied with the provisions of the law and have given the committee the evidence thereof in the case of all of the items?

Mr. LITTAUER. They have not done so in connection with all of the items, but as a rule, at least, those submissions for deficiencies where the waiver has not been plainly stated have usually been dropped out.

Mr. LITTLEFIELD. Then they are not in the bill?

Mr. LITTAUER. No.

Mr. LITTLEFIELD. What I want to inquire about is as to items in the bill. Are there any items there as to which they have not given that information? If there are, we ought to vote them out.

Mr. LITTAUER. I do not remember just at this moment that there is a single item in the bill that has not been covered by a proper waiver—yes, there is; for instance, the deficiency item to add $30,000 for fuel for the schools in the District of Columbia. That was not properly waived.

Mr. TAWNEY. It was not waived at all, it was not apportioned.

Mr. LITTLEFIELD. Of course the gentleman will appreciate this fact. The reason for my making this inquiry is this, that if there are such items, when we reach them I think it is the duty of the House to examine into them and investigate and ascertain whether or not any Department of this Government has intentionally and deliberately violated a statute, and if there has been such violation, then we ought to strike out the appropriation and ought not to continue to appropriate. I do not want to interrogate the gentleman as to every item in this bill, and if he will specify a little later the particular item as to which there has neither been a compliance of the law nor excuse therefor, then we can tell whether we ought to allow it.

Mr. LITTAUER. This bill was framed practically with that idea in view.

Mr. LIVINGSTON. Permit me to say that it ought to have been done.

Mr. LITTLEFIELD. Then I will inquire about every item if I have to do so.

The CHAIRMAN. The time of the gentleman has expired. The pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

To enable the President to meet unforeseen emergencies arising in the diplomatic and consular service, and to extend the commercial and

other interests of the United States, to be expended pursuant to the requirement of section 291 of the Revised Statutes, $50,000, or so much thereof as may be necessary, no part of which sum shall be disbursed for services rendered or expenses incurred within the District of Columbia.

Mr. LITTAUER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, line 6, after the word "Columbia," insert "except for the entertainment of foreign dignitaries."

Mr. TAWNEY. Mr. Chairman, I suggest that the language be changed. I suggest to my colleague that he change it to "except for the entertainment of visiting representatives of foreign governments."

Mr. WILLIAMS. Mr. Chairman, I want to reserve the point of order upon that amendment.

Mr. LITTAUER. I was about to explain the amendment.

Mr. LIVINGSTON. I hope the gentleman will change the language.

Mr. TAWNEY. I make the point that the point of order comes too late.

The CHAIRMAN. The Chair thinks the point of order was taken late, as discussion had commenced upon the subject.

Mr. WILLIAMS. If the Chair heard me trying to get the attention of the Chair too late, it was not my fault. I was endeavoring to secure the attention of the Chair to the best of my ability.

Mr. LITTAUER. Mr. Chairman——

Mr. WILLIAMS. Do I understand the point of order is reserved?

The CHAIRMAN. The Chair does not so understand.

Mr. WILLIAMS. Now, Mr. Chairman, just the moment the Clerk had finished reading the amendment I arose and addressed the Chair. At that time the gentleman from Minnesota [Mr. TAWNEY] arose, and his voice, perhaps being stronger, might have drowned mine out, but I was doing the best I could. I could not make the point of order before the Clerk had read the amendment.

The CHAIRMAN. The Chair of course accepts the statement of the gentleman from Mississippi. If he was attempting to gain the attention of the Chair, the Chair did not hear him. With that statement, of course the Chair withdraws the ruling that the point of order comes too late, and the point of order is reserved.

Mr. ALEXANDER. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. ALEXANDER. I ask to have the amendment again reported.

The CHAIRMAN. Is there objection to the re-reporting of the amendment? If not, the Clerk will again report the amendment.

The amendment was again read.

Mr. LITTAUER. Mr. Chairman, I desire to call the attention of the committee to the paragraph to which this amendment applies. It applies to unforeseen emergencies arising in the diplomatic and consular service and to extend commercial and other interests of the United States, to be expended pursuant to the requirements of section 291 of the Revised Statutes. The appropriation was $50,000. Now, in the diplomatic bill of this year a provision was added that reads this way:

The Secretary of State is authorized to apply, in his discretion, such portions of the appropriation for contingent expenses, foreign missions, for the fiscal year ending June 30, 1906, to the maintenance, driving, and operating such carriages or vehicles as may be necessary for the use of the Assistant Secretaries of the Department of State in the duties officially devolving upon them, and further to apply upon the order of the President such proportion of any fund which may properly be applied to the entertainment of visiting functionaries of foreign governments to such temporary hire of carriages as may be required for the use of such Assistant Secretaries in emergencies arising in connection with the necessary entertainment of such functionaries of foreign governments in the United States, or in such other emergencies as may require such expenditures to be made.

Mr. GAINES of Tennessee. Who wrote that bill?

Mr. LITTAUER. That is part of the diplomatic appropriation bill passed by the Congress last year. Now, in the legislative bill we have for a number of years been attempting to control the use of private carriages, except by the heads of Departments and the President, and this has been the attempt, or rather the success, of the State Department to have the carriages for their Assistant Secretaries exempt, as they had to come back to the Appropriations Committee for a deficiency in this regard caused largely by the peace treaty conference held at Portsmouth, for which we were advised $26,000 out of the $50,000 appropriated last year had been used. We sought to bring——

Mr. GAINES of Tennessee. Did that bill become a law as you read it?

Mr. LITTAUER. It is the law. We sought to bring the Assistant Secretaries of State, who had been permitted the use of carriages under the paragraph to enable the President to meet unforeseen emergencies arising in the diplomatic and consular service—we sought to have the regulation of the use of carriages as far as we could placed on the same plane as it is in all the other Departments, and consequently we omitted all that part of the present law, and moreover allowed the $50,000 for the general expenditure in connection with unforeseen emergencies. Now, then, it appeared that part of this fund must necessarily be spent on the visiting representatives of other governments here in the District of Columbia.

We had at first confined it to the District of Columbia. When our attention was called to that necessity the amendment which I offered became necessary, and I would ask permission, Mr. Chairman, that the language be changed to conform with the law as it now stands, "except for the entertainment of visiting functionaries of foreign governments."

Mr. LITTLEFIELD. Does not the gentleman think that "representatives" of foreign governments a little better than the word "functionaries?"

Mr. LITTAUER. I will accept the language "representatives of foreign governments."

The CHAIRMAN. The Clerk will read the amendment.

The Clerk reread the amendment.

Mr. WILLIAMS. Mr. Chairman, I rise for the purpose of making a point of order, which I reserve. I have, of course, no objection to the entertainment of ambassadors and functionaries.

The CHAIRMAN. The Chair is ready to rule unless the gentleman from Mississippi desires to be heard.

Mr. WILLIAMS. I have no objection to that. We can make an appropriation whenever it is required for that purpose. I do not think this is a deficiency, and I make the point of order that it is new legislation.

Mr. MANN. Mr. Chairman——

Mr. LITTLEFIELD. I want to make an inquiry.

The CHAIRMAN. The gentleman from Maine [Mr. LITTLEFIELD] first arose.

Mr. LITTLEFIELD. I have just one inquiry to make. I would like to inquire of the gentleman from New York [Mr. LITTAUER] under what circumstances this deficiency of $50,000 arises? The gentleman has already called attention to the peace conference, which amounts to about $20,000.

Mr. TAWNEY. The Japanese and Russian war.

Mr. LITTAUER. There is expended out of this fund the pay of emergency clerks in connection with the Bureau of Reciprocity. That amount is $7,760.62.

Mr. LITTLEFIELD. What I want to know is how there happens to be a deficiency in that?

Mr. WILLIAMS. A parliamentary inquiry, Mr. Chairman. It is all out of order. Has the Chair ruled on the point of order?

The CHAIRMAN. The Chair has not, but the Chair is ready to rule. The gentleman from Maine [Mr. LITTLEFIELD] is not discussing the point of order.

Mr. MANN. I wish to call the attention of the Chair to the fact that the provision already in the bill is a limitation on the appropriation, and this is merely excepted from the limitation, and clearly is not subject to the point of order.

The CHAIRMAN. Clearly the gentleman from Illinois [Mr. MANN] is correct. This is a limitation on the appropriation which the amendment attempts to perfect. The Chair overrules the point of order. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. LITTLEFIELD. Mr. Chairman, I move to strike out the last word, and make this inquiry of the gentleman from New York: I would like to have the gentleman explain the circumstances under which this whole deficiency of $50,000 arises. The matter of the expenditure of this $7,000 for the reciprocity clerks is all right, so far as it goes, but it is stopping there, and does not show any deficiency. How does it happen that when they apportion this expenditure over the whole year they were obliged to change the apportionment, or the larger part of it, in the earlier part of the year?

Mr. LITTAUER. The extraordinary occurrence at Portsmouth.

Mr. LITTLEFIELD. It amounts to $26,000.

Mr. LITTAUER. And we had the visit here of the Prince of Battenburg.

Mr. LITTLEFIELD. How much was that?

Mr. LITTAUER. I am informed the total amount expended in his entertainment was $4,700.20.

Mr. LITTLEFIELD. Those are things I can see could not be properly anticipated. How about the others?

Mr. TAWNEY. It was explained to the committee, I would say, that there was a great deal of service in connection with our relations with certain foreign governments.

Mr. LITTLEFIELD. Incidental to these matters?

Mr. TAWNEY. Incidental to the war between Japan and Russia.

Mr. LITTAUER. There is a balance now left over. Yet that appropriation is not expended, but it is anticipated there would be in the early future necessity for more money than is yet unexpended, and that in view of the coming of some very important gentlemen from foreign nations, including the Chinese——

Mr. LITTLEFIELD. Then it is not a deficiency at all?

Mr. LITTAUER. It is an anticipated deficiency.

Mr. LITTLEFIELD. I make the point of order, then, if the committee have included here——

Mr. MANN. It is a deficiency for this fiscal year.

Mr. LITTAUER. This is a submission on an appropriation that the amount appropriated will not carry through for the present year, giving the reasons and requesting an amount necessary to carry on the work of the Bureau without detriment.

Mr. LITTLEFIELD. In other words, that an event is to happen, and when the event happens they have not the money to pay for it.

Mr. LITTAUER. That is the whole point.

Mr. LITTLEFIELD. And the committee are satisfied, under the circumstances, that all this expenditure is germane?

Mr. LITTAUER. We are.

Mr. LITTLEFIELD. Then I have no objection.

Mr. ALEXANDER. I desire to ask the gentleman from New York a question in reference to these transactions. Under what other appropriations are paid the expenses of foreign representatives?

Mr. LITTAUER. There is no other. It is the only fund under which the expenses of entertaining foreign representatives can be paid.

Mr. ALEXANDER. What kind of entertainment does this presume?

Mr. LITTAUER. Such as the President may determine upon.

Mr. ALEXANDER. It does not include their entertainment in the White House?

Mr. LITTAUER. "So as to enable the President."

The Clerk read as follows:

That not to exceed $5,000 of the unexpended balance of the appropriation of $20,000 made by the sundry civil act of March 3, 1905, for furnishing complete the legation buildings in Peking, China, may be used for improving the legation grounds at Peking, China.

Mr. LITTLEFIELD. I will ask the gentleman if this is a deficiency?

Mr. LITTAUER. It is not a deficiency. It transfers a certain amount which has been appropriated for the building and the inclosure owned by the United States at Peking, China. A sum was left over, and the State Department advised us that the condition of the ground there is so very bad that in order to make the establishment presentable $5,000 of unexpended balance should be permitted for this use.

Mr. LITTLEFIELD. And there is no other appropriation?

Mr. LITTAUER. This is an appropriation for the furnishing of the legation building in Peking.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For the following additional force to be employed in redeeming the national currency (to be reimbursed by the national banks) for the balance of the fiscal year 1906, namely: For six expert counters, at the rate of $900 each per annum; six expert counters, at the rate of $800 each per annum; and one charwoman, at the rate of $240 per annum; in all, $4,350, or so much thereof as may be necessary.

Mr. MACON. Mr. Chairman, I move to strike out the last word, so that I may get some explanation of this appropriation. It strikes me from what we have heard here in this House about the heads of Departments exceeding their authority under existing law that it will be good policy to have this appropriation explained to know whether the Departments are creating new officers to draw salaries.

Mr. LITTAUER. This is an appropriation to cover work in connection with the redemption of the national-bank currency. The number of counters employed depends upon the amount of national-bank currency redeemed. An extraordinary proportion of this work has been going on, and it is practically a cumulative one, but it has been extraordinary lately, and there have been details from the Bureau of Engraving and Printing to help out the work. The congestion is very great at the Treasurer's office in this work. A very good case has been made out as to the necessity of this extraordinary employment, and I will say they are paid out of a fund assessed upon the national banks.

Mr. MACON. That is the question I would like to ask, Why is it that the Government is to be reimbursed by the national banks? Why is it not just as easy for the national banks to advance the money for the Government as the Government to advance it for the national banks?

Mr. GAINES of Tennessee. I think I can answer the gentleman. The money is already advanced, and you simply fix the salary. The money is already paid in by the national banks.

Mr. MACON. Mr. Chairman——

Mr. LITTAUER. No; I think the United States pays this money and the banks reimburse the Government.

Mr. GAINES of Tennessee. But the banks are liable for it.

Mr. LITTAUER. It is for handling the national-bank redemption.

Mr. MACON. Mr. Chairman, I would like to know who has the floor?

The CHAIRMAN. The gentleman from Arkansas has the floor. To whom does he yield?

Mr. MACON. I was trying to ask the gentleman in charge of the bill a question when I was interrupted.

The CHAIRMAN. The gentleman from New York attempted to answer the gentleman's question.

Mr. MACON. I ask the simple question, Why does it become necessary that the Government of the United States should advance money to pay the officials to do service for which the national banks will ultimately pay?

Mr. LITTAUER. It is done under the authority of law covering such redemption, by statute.

Mr. LIVINGSTON. If the gentleman will permit me, I will state that the reason why it is done is because the amount that it costs the national banks can only be ascertained after the work has been completed, and when the work is done an account is rendered to them.

Mr. LITTAUER. That may be the reason, but the operation is under authority of law and controlled by the statute.

Mr. LITTLEFIELD. I move to strike out the last word.

The CHAIRMAN. The gentleman from Maine moves to strike out the last two words.

Mr. LITTLEFIELD. Yes; the last two words, simply for this purpose. I understand, after the explanation of the gentleman, that this does not create any additional burden upon the United States Government; but I should like to inquire whether the bill itself contains any provisions creating additional offices? I have not had time to look it all through.

Mr. LITTAUER. It does.

Mr. LITTLEFIELD. Can the gentleman give them to us?

Mr. LITTAUER. Only one, I believe, an assistant to the Chief of the Bureau of Manufactures.

Mr. LITTLEFIELD. Can the gentleman, without too much trouble, give us, before we get through with the bill, a memorandum of the offices created and the amount of salaries attached thereto by this bill?

Mr. LITTAUER. I think that is the only one.

Mr. LITTLEFIELD. In order to be entirely frank about it, I want to state that my reason is that I have had occasion recently to investigate the question of the creation of offices on appropriation bills, and as soon as I get an opportunity I am going to discuss that question; and I will say here now briefly that the habit of creating offices, with the salaries attached thereto, has increased enormously during the last four or five years as compared with the eight or ten years prior to 1897. A little later I want to call the attention of the House to that, and for that reason I wanted to know whether this bill is subject to that criticism.

Mr. LITTAUER. The entire work of the Government has increased enormously during the last few years, based upon the total amount of appropriations.

Mr. LITTLEFIELD. But there is no increase in the work of the Government that can legitimately account for the discrepancy in the increase in the offices created.

Mr. GAINES of Tennessee. Mr. Chairman——

Mr. STEPHENS of Texas. I should like to ask the gentleman from New York [Mr. LITTAUER] if it would not be well to amend by putting the word "bank" between the words "national" and "currency" there?

Mr. GAINES of Tennessee. Mr. Chairman——

The CHAIRMAN. The gentleman from Tennessee has the floor.

Mr. GAINES of Tennessee. I will yield it for the purpose of allowing this question to be answered, if gentlemen will not take up all my time.

Mr. LITTAUER. I did not understand the suggestion of the gentleman from Texas.

Mr. STEPHENS of Texas. That the word "bank" be inserted before the word "currency."

Mr. LITTAUER. I think "national currency" is the proper title of it.

Mr. STEPHENS of Texas. Is that the legal definition?

Mr. LITTAUER. Yes; I think so.

Mr. GAINES of Tennessee. Mr. Chairman, I was in the Treasurer's office this morning, and he spoke to me about these necessary experts. I asked him if he had all the help that he needed to carry out a clean-money law, if we passed one, and he said he did, except that he needed, I think, seven—I see here the number is placed at eight—expert counters, to count the dirty, rotten, filthy, bacteria-carrying, disease-breeding paper money that is flooding the country with disease. [Applause.] You gentlemen see how important it is. If you would just see this money coming in down there you would think some foreign animal had come in and died, to judge by the smell.

Mr. LITTLEFIELD. May I make a suggestion that will facilitate the suggestion of my friend from Tennessee?

Mr. GAINES of Tennessee. You can always do that.

Mr. LITTLEFIELD. I learned recently on the question of bacteria that when discovered in Germany they were "Germs;" in France, "Parisites;" in Ireland, "Mike-robes," and when they were gone not to return they were then "Back-teria." [Laughter.]

Mr. GAINES of Tennessee. Why, if we stop the circulation of this dirty money we will prevent a great many of these defalcations that we hear about. In many cases I have little doubt that the bacteria get hold of some of the public funds and run off with them. [Laughter.] At all events, Mr. Chairman, it is very necessary to have these eight clerks. Right on that point I desire, with the permission of the committee, to print in the RECORD some correspondence on this subject from a Boston merchant.

The CHAIRMAN. If there be no objection, the letters referred to by the gentleman from Tennessee will be printed in the RECORD.

There was no objection.

The letters are as follows:

JANUARY 13, 1906.

Hon. JOHN W. GAINES,
House of Representatives, Washington, D. C.

DEAR SIR: We learned through the public prints that you are preparing to introduce a bill in the House that will provide for more speedy retirement of Government paper when it becomes dirty than is now the practice. We are very much interested in this proposed measure, as for the past three years we have been giving to customers in our store as change new money, both bills and coin—that is, money that has never before been circulated. We were at first led to take this step at an expense to ourselves, because it was a novel practice and because we believed that the trading public would appreciate and respond to our effort to prevent the danger of contagion from infected paper money and coin. The policy of giving out such new money has proved to be extremely popular, and we think that the general adoption of the plan would follow the passing of such a measure as it is reported that you are about to introduce.

Since we first became interested in this subject of clean money we have collected some literature on the subject which has been taken from scientific and medical journals, etc. If it would interest you to look over any of this literature, we shall be glad to put it in your possession.

We shall also be glad to learn whether we can give you any assistance of any other character.

Yours, very truly,

WM. FILENE'S SONS COMPANY,
By T. R. SIMPSON.

WM. FILENE'S SONS COMPANY,
Boston, January 18, 1906.

Hon. JOHN W. GAINES,
House of Representatives, Washington, D. C.

DEAR SIR: Replying to your letter of the 15th, we wish to advise you that we have received the copies of your House bill No. 5302 and that we shall be glad to give you all the support we can toward the passage of this bill. During the last two days we have written to each one of our Massachusetts Representatives, advising them of our interest in your bill and inclosing a sheet showing briefly the different arguments that have been made in scientific and medical journals in favor of a cleaner circulating medium. We inclose herewith copy of this statement.

Please be assured that we shall consider it a privilege to help you in any manner possible toward the passage of this bill, and shall be glad if you will advise us of any assistance that we may be able to render.

Yours, very truly,

WM. FILENE'S SONS COMPANY,
T. R. SIMPSON.

REFERENCES TO PRINTED ARTICLES ON THE SUBJECT OF CLEAN MONEY.

[Boston Medical and Surgical Journal, March 9, 1905, p. 293.]

Contains report of address made by Doctor Darlington, president New York City board of health, before a subcommittee of the House Committee on Banking and Currency, on the danger incurred through the circulation of unclean money. Doctor Darlington reported the discovery of diphtheria germs on paper money thirty days after it had been inoculated. Also found bills in circulation containing 73,000 living bacteria.

[Columbus Medical Journal, Vol. XI.]

Contains lecture delivered by J. C. Graham, M. D., before the Columbus Academy of Medicine, January 23, 1893, on "A bacteriological study of soiled paper money." Reported experiments made with old bills of various series showing immense number of bacteria on each bill. Also made tests demonstrating that cholera and anthrax germs will develop on paper money.

[The Institute (Hahnemann Medical College), 1893–1895.]

Suggests that "Money, which people are striving to get in order to sustain life, may be the very means of infecting many of them."

[Revue De Hygiene (Paris, 1905, XVII), 693–702.]

Contains article, "The bacteria existing on the surface of pieces of Money," by Dr. H. Vincent. The following statements are made: "Submitted to continual handling all pieces of money in their travels across all countries and among all classes of society, encounter an infinite number of micro-organisms which they receive and transmit by turns. No object is, perhaps, so much as they, susceptible of contamination direct or indirect through the saliva, matter from sores, pathologic secretions of all sorts, the ground, the dust, and everything banks all dirty paper money, worn-out silver coins, and battered coins.

[Dry Goods Economist, May 13, 1905.]

We are not taking sides with the microbe or no microbe theory, but the time has come for retailers to make it a rule to send to the banks all dirty paper money, worn-out silver coins, and battered coins.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn.

The Clerk proceeded with the reading of the bill, as follows:

Collecting the revenue from customs: To defray the expenses of collecting the revenue from customs, being additional to the permanent appropriation for this purpose, for the fiscal year ending June 30, 1906, $1,500,000.

Mr. MACON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by adding the following: "*Provided*, That no part of the sum herein appropriated shall be used for the payment of expenses of a customs office where the expenses of said office are in excess of the revenue receipts therefrom."

Mr. TAWNEY. Mr. Chairman, I make the point of order.

Mr. GARDNER of Massachusetts. Mr. Chairman, I make the point of order that that changes existing law.

Mr. MACON. I desire to be heard on that, Mr. Chairman, if the gentleman will reserve his point of order.

Mr. GARDNER of Massachusetts. I reserve the point of order in order to allow the gentleman to discuss it. Mr. Chairman, I desire to ask that the amendment be again read.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again read the amendment.

Mr. GARDNER of Massachusetts. Mr. Chairman, I should be perfectly clear that this was obnoxious to the last part of the second section of Rule XXI if it applied to any part of the permanent appropriation which is provided by section 3687, Revised Statutes. I am not clear, from the reading of the amendment, whether or not it is obnoxious to the point of order, but as the point of order has been reserved I should like to discuss the question for the five minutes which are allowed me, on the merits of the matter.

The CHAIRMAN. If the gentleman does not wish to discuss the point of order, the Chair prefers to rule upon it. It is apparent to the Chair that the amendment proposed is a limitation on the appropriation, and is not obnoxious to the rule; therefore the Chair overrules the point of order. Now, the Chair will recognize the gentleman from Massachusetts to discuss the merits of the amendment.

Mr. GARDNER of Massachusetts. Mr. Chairman, the different custom-houses that have been established for a very long time are governed by different conditions. Now, if any of these custom-houses are affected by this additional appropriation, it will work a very great injustice in the existing state of affairs. There are in the district I represent certain custom-houses which I think would be seriously interfered with if they should suddenly find themselves, by an item in the appropriation bill, unable to pay the current expenses which they have already been authorized to contract. If it is desired, as the following section in this bill seems to indicate, to dispense with these custom-houses, either by combining them or abolishing them, let Congress decently chloroform the patient and not try to exterminate him by starving him to death. [Laughter.] But so far as inserting an amendment like this in an urgent deficiency bill is concerned, I think it quite wrong.

Mr. MACON. Mr. Chairman, within the few minutes at my disposal I desire to answer some of the arguments that have been expressed here in advocacy of a custom-house where they pay nothing in receipts, and yet burden the people greatly with taxation. For instance, take one that was mentioned by a member of the committee, the gentleman from Arkansas [Mr. BRUNDIDGE], the one in North Carolina, where the expense for maintaining that particular custom-house is $1,400 per annum and not a single cent of revenue is received therefrom—I do not understand how anyone could justify such an act as that.

Yesterday it was mentioned here in reply to the gentleman from Arkansas [Mr. BRUNDIDGE], who offered some arguments against such a condition, that a post-office sometimes had to be maintained at an expense; in other words, that the receipts from a post-office were not sufficient to defray the expenses thereof. I undertake to say that there is not a post-office in the United States—I do not care how inferior it may be—where it does not receive a single cent to defray any part of the expenses of the maintenance of that office. We know, sir, that the postmasters in the interior places are paid from the cancellation of stamps, and the only part of his salary that the Government pays is the value of the paper that the stamps are printed upon and the amount that it has to pay for the printing of them.

Here is a custom-house that is a charge upon the Government to the amount of $1,400 per year—enough to maintain a family or eight or ten, in order to support one individual, when he does not collect a single cent to go into the Treasury as a return for his services. Hence, sir, I say that that kind of condition ought to be obnoxious to every fair-minded individual. It was also argued here that the reason we had to maintain customs offices at points like the one mentioned was because there would be some smuggling if they did not have the customs officer there. That, sir, is not tenable. We do not have a custom-house at every point on our coast, east and west, that can be reached by vessels, and if they are going into the smuggling business, why don't they go to some point where they can land and put their smuggled goods upon our shores and yet evade the custom-houses as now constituted or located?

Mr. LIVINGSTON. May I make a suggestion to the gentleman?

Mr. MACON. Yes.

Mr. LIVINGSTON. I do not think the gentleman's amendment goes far enough. If you abolish, which this amendment practically does, the collection of customs at any point where the expenses are more than the revenues——

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. LIVINGSTON. Mr. Chairman, I ask unanimous consent that his time may be extended for five minutes.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that the time of the gentleman from Arkansas be extended for five minutes. Is there objection?

There was no objection.

Mr. LIVINGSTON. There must be an official there for other purposes. There must be licenses granted from that place; there must be ships sailing from there doing coastwise business, and there are other things that must be attended to by some Government official. The gentleman's amendment ought to go further and provide for that by a deputy appointed there for special occasions by the nearest collector of the port.

Mr. MACON. Then I would be changing existing law.

Mr. LIVINGSTON. Well, the gentleman is doing so now.

Mr. MACON. No, sir; I apprehend under the ruling of the Chair that I am not; I am simply putting a limitation upon an appropriation.

Mr. LIVINGSTON. And that is the reason he lets you in.

Mr. MACON. And I want to tell the gentleman right here, sir, that if this amendment is adopted it will be the abolishment of all those offices in the United States where we are paying as much as $1,400 to collect nothing, or as much as $300 to collect $1.

Mr. LIVINGSTON. But why does not the gentleman go further and provide for the other part of the service to be attended to? That is all I suggest to him.

Mr. MACON. We will cross that bridge when we get to it. We want to limit this appropriation now. As I understand, it is the only way that you can touch this proposition at this particular time on a general appropriation bill.

Mr. HUMPHREYS of Mississippi. Will the gentleman yield for a question?

Mr. MACON. Certainly, sir.

Mr. HUMPHREYS of Mississippi. Allow me to suggest, along the line he was speaking a minute ago, in regard to the objection that some post-offices of the country did not pay the expenses, is it not a fact post-offices are established for entirely different purposes; not for the purpose of raising revenue, but for the purpose of serving the people in another way, so that the objection heard on yesterday does not lie?

Mr. MACON. Certainly. The post-offices were established for different purposes than that of bringing revenue into the Government. They were established for the purpose of accommodating the people by taking their mail to them, no matter how remotely they might be domiciled, and therefore the comparison was unfortunate when it was lugged into the argument yesterday comparing the post-offices, instruments for carrying the mail to the humblest sections of our country, with an institution which requires the payment of as much as fourteen hundred dollars per annum to some one who does not do a solitary thing for the Government. That is what I am complaining of—complaining of the system, sir—a system that takes as much as fourteen hundred dollars from the taxpayers of the country and gives it to a single individual who does not do a continental thing to earn a single penny of it.

Mr. GARDNER of Massachusetts rose.

The CHAIRMAN. Does the gentleman from Arkansas yield to the gentleman from Massachusetts?

Mr. GARDNER of Massachusetts. Mr. Chairman, I was awaiting recognition to move to strike out two more words, because I can not in the form of a question state what I wish to state to the House.

Mr. MACON. Mr. Chairman, we find this evil existing all over the United States. I have pointed out one in the section of country from whence I come. Members who represent districts in which these evils exist object to my amendment because they want the pay of fourteen hundred dollars a year to go to some constituent of theirs. I thank God I am not built in such form as to want the taxpayers of this country to pay anything to maintain a citizen living within the confines of my district where he gives them nothing in return. I believe, sir, that it is an evil that ought to be abolished, that ought to be accursed everywhere, it makes no difference whether it is located in the South, in my particular Congressional district, or in any other particular section of this country or particular Congressional districts. Whenever any species of legislation or whenever any species of conduct of the Government of this United States seeks to impose a burden on the many for the purpose of benefiting a single individual or a very few individuals, I say it becomes obnoxious to the point that it ought to be cursed by the voters of this great country, and certainly by the intelligent Representatives whom they have sent to this House to vote for their benefit and not vote to injure them in any degree. [Applause on the Democratic side.]

Mr. PAYNE. Mr. Chairman, no doubt there is something here that ought to be remedied, but the amendment offered by the gentleman from Arkansas affords no remedy whatever. These salaries for these collectors are provided by law, and no matter whether we appropriate for them in this bill or not the United States is legally liable for every dollar of salary, and they can go to the Court of Claims and recover it, but if the amendment was effective to wipe out these offices, then the Congress would do a great injury to the collection of revenues from customs. A great many of these officers are necessary whether they collect a dollar or not. There is one port, I think Brownsville, in Texas, where the expenses are some $40,000 more than the revenues collected, and yet that port is absolutely necessary to prevent smuggling along the border, and we could not get along without it. We would lose a great deal more than we would gain if we struck out this salary and allowed smuggling to become a lucrative business along that border. Now, that is the case with some other ports. Then there are some ports where it is necessary to have a collector and to have an office for the entrance and clearance of vessels, and we must maintain those. This amendment would not wipe out these places; it would simply postpone the payment of the salary until after a judgment of the Court of Claims; but, Mr. Chairman, the Committee on Ways and Means have had a bill under consideration that will effect a remedy. I have been authorized by that committee to report that bill favorably, and expect to report it and get consideration of it in the House in a very few days. That bill, I think, will prove an adequate remedy and a real remedy for this trouble.

Mr. MACON. Will the gentleman permit me to interrupt him and say I am powerful glad to hear it? [Applause on the Democratic side.]

Mr. PAYNE. I am powerful glad that the gentleman is powerful glad, so that I hope I shall have his support when we get the bill here before the House. Now, I think this amendment ought to be voted out for the reason that I have stated—that is, it furnishes no adequate remedy; it only embarrasses these officials, and if it would do what the gentleman wants to accomplish, the abolition indiscriminately of these ports where the cost of collection is more than the money collected, it would do a grave injustice to the shipping interests of the country, and also open up the door for fraud upon the Treasury of the United States.

Mr. MACON. Will the gentleman allow me to interrupt him once more and offer to trade with him? I will withdraw my amendment if the gentleman will report his bill right away.

Mr. PAYNE. I can not report it at this moment, but I will report it very promptly.

Mr. MACON. If the gentleman promises to report it promptly I will withdraw my amendment.

The CHAIRMAN. Does the gentleman from Arkansas withdraw his amendment?

Mr. MACON. Yes, sir.

The Clerk read as follows:

That section 3687 of the Revised Statutes of the United States is repealed to take effect from and after June 30, 1907, and the Secretary of the Treasury shall, for the fiscal year 1908, and annually thereafter, submit to Congress, in the regular Book of Estimates, detailed estimates of the expenses of collecting the revenue from customs.

The CHAIRMAN. The point of order is reserved. If the gentleman does not care to make it, the Chair will rule on it.

Mr. GARDNER of Massachusetts. Then I make the point of order without further discussion.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Transportation of silver coin: To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Transportation of silver coin" for the fiscal year 1905, $3,426.65.

Mr. KEIFER. Mr. Chairman, I desire to offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Ohio [Mr. KEIFER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

For transportation of silver coin, including fractional silver coin, by registered mail or otherwise, $10,000; and in expending this sum the Secretary of the Treasury is authorized and directed to transport from the Treasury or subtreasuries, free of charge, silver coin when requested to do so: *Provided*, That an equal amount in coin or currency shall have been deposited in the Treasury or such subtreasuries by the applicant or applicants. And the Secretary of the Treasury shall report to Congress the cost arising under this appropriation.

Mr. HILL of Connecticut. Mr. Chairman, I shall be compelled to make a point of order against that amendment. It is not authorized by existing law.

The CHAIRMAN. The gentleman from Connecticut [Mr. HILL] makes the point of order against the amendment.

Mr. KEIFER. Mr. Chairman, I want to be heard on it.

Mr. HILL of Connecticut. Mr. Chairman, I will reserve the point of order.

Mr. KEIFER. Mr. Chairman, I want to be heard on the point of order first.

Mr. LIVINGSTON. I will suggest that while the gentleman from Connecticut was making the point of order the gentleman——

The CHAIRMAN. The gentleman from Connecticut was on his feet when the Clerk was reading the amendment.

Mr. KEIFER. Mr. Chairman, I would like to know on what theory the gentleman makes the point of order. That is the reason I would like to have him talk first. Then I would like to be heard.

Mr. HILL of Connecticut. The gentleman is too good a lawyer to expect that I am going to prove a negative. I make the point of order on the ground that the appropriation is not authorized by existing law, and if he thinks it is, his business is to prove it first. I will refer to Rule XXI, and make the point of order on that, as follows:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress; nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

I make the point of order, basing it on section 2, each and every clause from beginning to end showing that the amendment is out of order.

Mr. KEIFER. Mr. Chairman, I think the closing part of the gentleman's statement was a very proper one for him to make, because it is not possible for this point of order to be sustained against anything he could name, so he says he wants it to be ruled out of order under each and all of them. No one of them applies, as we will see. In the first place, the amendment does not change existing law, and it is an appropriation that comes clearly within this second paragraph of Rule XXI, as follows:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

Now, this amendment is to make an appropriation in pursuance of existing law. Does the gentleman deny that?

Mr. HILL of Connecticut. Certainly I do. Of course I do, and I ask the gentleman to submit any law he can find in justification of this amendment.

Mr. KEIFER. I am prepared to do that. As the gentleman is unable to find anything in support, I suppose I will be driven to look up the law for him. On the 3d of March, 1905, the sundry civil appropriation bill was passed, providing an appropriation relating to the transportation of silver coin for the fiscal year ending June 30, 1906. I will hand him the statute if he prefers to read it. That expressly provides for the transportation of the coin of this country at the expense of the Government, and we appropriated, under the terms of that law, $120,000 to do it for the whole of that fiscal year.

Mr. LIVINGSTON. Silver coin.

Mr. KEIFER. I should say silver coin and all of them. The gentleman is right about that. And we then appropriated $120,000 to do that. Now, the Secretary of the Treasury sent an estimate to Congress and the Committee on Appropriations, saying that for the purpose of carrying out that particular law he had to have $10,000 more money; and my amendment just sent up is to give that $10,000 to carry on the law of March 3, 1905. Perhaps I had better read the statute. I will say that the provision put in the appropriation act would read precisely, save as to the amount, in the words contained in the amendment, without a change in the law, without a change of punctuation. I better read. The Chair has the amendment.

For the transportation of silver coin, including fractional silver coin, by registered mail or otherwise, $120,000—

Now, the amendment adds $10,000; that is all—

and in expending this sum the Secretary of the Treasury is authorized and directed to transport from the Treasury or subtreasuries, free of charge, silver coin when requested to do so: *Provided*, That an equal amount in coin or currency shall have been deposited in the Treasury or such subtreasuries by the applicant or applicants, and the Secretary of the Treasury shall report to Congress the cost arising under this appropriation.

Now, Mr. Chairman, the amendment that was sent up was to complete the transportation of silver coin for the fiscal year ending June 30, 1906.

Mr. BURLESON. Will the gentleman permit an interruption?

Mr. KEIFER. Certainly.

Mr. BURLESON. I desire to call the gentleman's attention to the fact that the act of March 17, 1881, carried a general provision for the transportation of subsidiary coin and silver coin at the expense of the Government, and ever since that day every sundry civil bill has carried an appropriation for this purpose. That is a general provision.

Mr. KEIFER. The gentleman is right about it. But wait a moment, please. Earlier than 1881, as early as 1878, the law was held to be that the Government should pay for transporting silver coin, and it is unchanged, including the act that my friend the member of the committee refers to. From 1878 to the present hour it has been the law of this country that silver coin should be carried at the expense of the Government.

Mr. HILL of Connecticut. Will the gentleman pardon me? Will he not admit that prior to the time of which he speaks the law provided that the transportation should be from the profit fund, and that that law still exists, and this is an entirely different provision?

Mr. KEIFER. Well, I did not expect to debate this amendment for the purpose of entertaining the gentleman on the question of old existing laws. There was an act of 1853 that had some limitations. It was only for the shipments to assistant treasurers and depositories and officers of the Goverment; but that law was amended. After the act of 1878 was passed that provided for the coinage of silver dollars, the act of February 28, 1878, as I recollect it—John Sherman was Secretary of the Treasury—in September, 1878, he gave a construction to the then existing law that has never since changed, in which he said that the Government was authorized to send silver dollars out for distribution at the cost of the Government. It will be found in the hearings before the subcommittee of the House of Representatives for our Committee on Appropriations.

Mr. HILL of Connecticut. Mr. Chairman, if the gentleman will pardon me a moment, he does not claim that the circular of Mr. Sherman, Secretary of the Treasury, was issued under any such provision as that under which is authorized the transportation of silver coin. I have read the law, and it is in existence, and it is a very different proposition from this entirely.

Mr. KEIFER. Mr. Chairman, the gentleman would like to question Secretary Sherman's knowledge of the law.

Mr. HILL of Connecticut. Not at all.

Mr. KEIFER. We followed that law from 1878 down to the present hour.

Mr. HILL of Connecticut. If the gentleman will pardon me, I am not questioning Mr. Sherman's knowledge of the law, but I am questioning the knowledge of the gentleman as to the law under the provisions of which Secretary Sherman issued that circular.

Mr. KEIFER. Now, Mr. Chairman, what is troubling the

gentleman is that we fell into a custom here that has run through the period largely since 1878, in making appropriations for the transportation of silver coin, of simply reenacting the same thing every year and sometimes twice a year. On the 3d day of March, 1905, you reenacted that law twice. You put it into the sundry civil bill that became a law on that day and you put it into the deficiency bill that became a law on that day, so you reenacted it twice the same day in the same Congress, and it is in force now. My amendment is to appropriate $10,000, the exact sum that the Secretary of the Treasury says is necessary to carry out the provisions of the existing law, which require him to send, upon the call of individuals or banks, silver coin, standard silver dollars, and subsidiary silver coin free wherever they may be asked for.

That is the status, and it is in pursuance of that request of the Secretary, that estimate of the Secretary, in carrying out the act of March 3, 1905. In some instances they have only put a clause in the deficiency bill, saying "to continue the appropriation." That is, in effect, a reenacting of it, and it has so stood and still stands; so that my amendment, which is to make an appropriation of $10,000, is in pursuance of existing law, unchanged for at least fifty years.

Mr. HILL of Connecticut. I think if there is one thing that is pretty thoroughly established in this House it is that no item can be placed in an appropriation bill until it has been previously authorized by some law. If it is so placed it is subject to a point of order, and at least one has gone out of this appropriation bill on a point of order. What the gentleman from Ohio [Mr. KEIFER] claims as his authority for this amendment is the following, and I ask Members to consider this——

Mr. KEIFER. Will you allow me to make another suggestion on a proposition that I omitted? And then you can answer. In other words, I wish to call the attention of the Chairman to another clause of this second paragraph of Rule XXI, which clearly also brings this amendment in as in order. I read:

Unless in continuation of appropriations for such public works and objects as are already in progress.

So my amendment is to provide for a continuation of an appropriation for an object already in progress. The clause just before the place where I desire the amendment to come in is to pay for an indebtedness that has grown up in the year 1905, growing out of a deficiency, and I now want to provide for the same thing for this fiscal year.

Mr. HILL of Connecticut. Mr. Chairman, the authority which the gentleman cites is as follows. I read from the sundry civil bill of last year:

Transportation of silver coin: For transportation of silver coin, including fractional silver coin, by registered mail or otherwise, $120,000; and in expending this sum the Secretary of the Treasury is authorized and directed to transport—

And so forth.

We gave authority for the expenditure of $120,000; not a cent more or a cent less. It authorized the performance of no duties whatever by the Treasury Department, except to carry out that expenditure of that money in a certain way. It was no authority of law which would justify the insertion of a like item in an appropriation bill this year, if the point of order was raised against it. Now, I will give the authority——

Mr. KEIFER. In order that you may not make a speech on a matter that is not before the committee, allow me to say that this is not an appropriation for the fiscal year that is coming, but for the existing one.

Mr. HILL of Connecticut. It is for duties yet to be performed, to be authorized by this appropriation of $10,000. I raise no point of order against the amount that has actually been contracted for, which is already provided for in the bill, but it is against the gentleman's amendment appropriating for future services to be rendered and for which he wishes to pay, and for which there is no authority of law whatever and never has been.

Now, Mr. Chairman, to justify that I call the Chairman's attention, on page 345 of the Manual, to the question of "public works," to which the gentleman refers. The ruling was as follows:

A public work or object, to come within the terms of the rule, must be actually in progress.

This is for work to be done in the future. It is not to pay for what has already been done, but for work that is yet to be done, and the gentleman now wants to authorize the Treasury Department to do it by giving them $10,000 with which to do it. Let me quote another decision:

By public works and objects already in progress are meant tangible matters, like buildings, roads, and not duties in an executive department.

Precisely covering this case.

An amendment for an enlargement of a general service of the Government is not in order under the clause relating to the continuation of a public work or object.

That exactly fits this case.

On page 353, Mr. Chairman, under the head of "Changing existing law:"

The enactment of positive law where none exists is a change of existing law.

And at the bottom of the same page I call the gentleman's attention to this statement, for this covers the whole ground:

An appropriation for an object in an annual appropriation bill makes law only for that year and does not become existing law to justify a continuance of the appropriation.

Mr. Chairman, that exactly fits this case. I will call the gentleman's attention to a precedent: Four or five years ago an appropriation was put in authorizing the appointment of an international commission and carrying an appropriation of $100,000. No point of order was made against it on that year. It was renewed the second year, and the point of order was made and sustained that there was no authorization, the only thing being an appropriation made the preceding year. I do not care if you can trace this appropriation back to the time of Adam, unless you can find an authorization for the first one and for each succeeding one it can not stand against a point of order that there is no authorization.

Now, the gentleman cited certain references as to the experience of the Government in years gone by. I admit them all and that the law—existing law—authorizes the use of the profit fund from minor coinage in distributing that class of money and the use of the profit fund from the coinage of silver for distributing that. Those authorizations stand unchanged. But this is simply an item inserted from time to time, providing only for the year and the amount for which it is passed, and we shall only be doing over again what we did last year if we appropriate now $10,000 for additional work. The amount of $3,500 or $3,600 carried in this bill reported by the committee is in accordance with existing law. But this amount for future work is not authorized by any law on the statute book of the United States, and I make the point of order against it.

Mr. KEIFER. Mr. Chairman, this is an important matter, and I would like very much to answer the gentleman. If the last statement of the gentleman is true absolutely, and I am not certain but that it is, the amendment is clearly in order, because he says there is a law that now authorizes the Government to pay for subsidiary coin. If that is so, this applies to that. But, Mr. Chairman, let me say further: The gentleman says there is no existing law, and he reads from the act that I read from. I want to read the first paragraph of the sundry civil bill passed March 3, 1905.

The CHAIRMAN. The Chair has that provision before him.

Mr. KEIFER. Well, if the Chair is ready to rule in my favor, I do not want to take the time. [Laughter.] But I want to call the attention of the Chair to another proposition. The gentleman read one on page 353 of the Rules and Manual, and he says it is subject to his point of order, because this is found:

The enactment of positive law where none exists is a change of existing law within the meaning of the rule.

But under this provision in the sundry civil bill, which says that this is an appropriation for the purpose of paying the expenses of the Government for the fiscal year ending June 30, 1906, the Secretary of the Treasury wants $10,000 to help him through under existing law for the purpose of carrying this out, and therefore it does not change existing law, but continues existing law exactly as before. Now, this other clause I want to urge for fear the gentleman from Connecticut did not read it carefully or think about it himself:

An appropriation for an object in the annual appropriation bill makes law only for that year, and does not become existing law to justify the continuance of an appropriation.

Now, Mr. Chairman, if we were dealing with any other fiscal year than the one ending June 30, 1906, then he would be right; but as we are not, but dealing with the present fiscal year and the present law carrying out the present existing conditions, that point of order must fail.

Mr. LIVINGSTON. Mr. Chairman, I think the whole matter can be encompassed in two or three words. On March 3, 1905, we passed an appropriation bill for $120,000 for the transportation of silver coin from the subtreasuries to the banks on their demand, they returning other money in lieu of it. Now, then, that measure is good until June 30, 1906. It is an incomplete measure until 1906. Before the Appropriations Committee came an estimate for $10,000 additional to execute that mandate of Congress that lasted until June 30, 1906, and the committee turned it down, and this proposition is to take that estimated

deficiency and execute that law and make it complete to June 30, 1906, and that is all there is in this proposition.

The CHAIRMAN. The Chair is ready to rule. The question presented is somewhat new, and has been argued, it seems to the Chair, with considerable ingeniousness and force by the gentleman from Ohio [Mr. KEIFER] and stated with very great clearness a moment ago by the gentleman from Georgia [Mr. LIVINGSTON]. Whether the provision in the sundry civil act of March 3, 1905, would have been obnoxious to the rule had the rule been invoked at the time it is not necessary now to say. So far as anything which has been presented to the Chair is concerned, it would seem that that would have been ruled out had the point been made, but the point was not made, and the provision in the sundry civil act is the law until the 1st of July, 1906. The amendment offered by the gentleman from Ohio [Mr. KEIFER] is to a bill which provides for making appropriations to supply urgent deficiencies for the fiscal year ending June 30, 1906, so that it does seem to the Chair that that is an appropriation asked for to carry out the provisions of the law which will be in effect until June 30, 1906. Of course, had the provision been made on the sundry civil bill to apply to the fiscal year ending June 30, 1907, there would be no question about its being out of order, so far as appears from anything here presented; but presented as an amendment to the deficiency bill for the year ending June 30, 1906, it seems to the Chair that the amendment is in order, and the Chair overrules the point of order.

Mr. KEIFER. Mr. Chairman, when this bill was taken up and we were about to commence the consideration of it I called attention to this part of the bill and asked to have an arrangement made by which, during the consideration of the bill by clauses under the five-minute rule, we were to have time enough to carefully discuss it. So, Mr. Chairman, in view of what was then said and agreed to, I ask that the measure may be discussed and time allotted to the discussion—not to me alone—for one hour. That will be in pursuance of the suggestion which was made on yesterday morning. It is one of the most important matters that have appeared here for some time.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that he be given one hour to discuss this——

Mr. KEIFER. No; that there be given to the discussion of it one hour. I would not ask for the hour myself.

The CHAIRMAN. To be controlled or divided in what way?

Mr. KEIFER. Half on one side and half on the other.

The CHAIRMAN. That is under the control of the Chair. The gentleman from Ohio asks unanimous consent that there be devoted to the discussion of this provision and amendment one hour, the division of the time to be in the control of the Chair.

Mr. TAWNEY. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TAWNEY. Mr. Chairman, is it competent in the Committee of the Whole to provide by unanimous consent for general debate on any proposition? It would be, undoubtedly, competent for the Committee of the Whole to give to the gentleman from Ohio as much time as that committee may desire to give.

The CHAIRMAN. It is competent for the committee to fix the time for discussing any special provision of the bill.

Mr. TAWNEY. My reason for asking the question is this: There is another very important provision in this bill and I desire to know whether it is within the power of the Committee of the Whole to do this.

The CHAIRMAN. In the absence of the mandate made by the House before going into the Committee of the Whole, it is competent for the committee to make such a rule as the gentleman now asks to have made by unanimous consent.

Mr. KEIFER. And it is only carrying out what the House agreed to before we went into committee.

Mr. TAWNEY. Oh, I understand that.

Mr. KEIFER. And let it be clearly understood that I am not asking for an hour for myself, but for half an hour on one side and half an hour on the other.

The CHAIRMAN. The Chair will again put the request. The gentleman from Ohio asks unanimous consent that there be given to the discussion of this section and the amendment offered by him one hour. Is there objection?

Mr. MANN. Mr. Chairman, I would like to ask whether that is to be under the five-minute rule?

Mr. KEIFER. Oh, no.

Mr. MANN. Then, Mr. Chairman, I ask the gentleman to modify his request so that there will be half an hour on each side. Let him control half an hour and let the gentleman from Connecticut [Mr. HILL] control half an hour.

Mr. HILL of Connecticut. Oh, no; let the gentleman from Iowa [Mr. SMITH], a member of the committee, control half an hour.

The CHAIRMAN. The Chair will then state the request as the Chair now understands it—that there be given one hour to the discussion of this subject, one half of the time to be controlled by the gentleman from Ohio [Mr. KEIFER] and the other by the gentleman from Iowa [Mr. SMITH], a member of the Committee on Appropriations. Is there objection to that request? [After a pause.] The Chair hears none and it is so ordered. The gentleman from Ohio is recognized for thirty minutes.

Mr. KEIFER. Mr. Chairman, this matter is of grave importance to the country. In the first place, let me say that it is always unwise to put into an appropriation bill at all a clause that is to change any well-settled law of the land, and it is especially dangerous to do it on an appropriation bill when it may slip through quietly and leave harm to result. The bill itself does not disclose its object. It is an awfully innocent looking measure, but it is quiet and still on the subject of paying the transportation of silver coins of the United States from the Treasury and subtreasuries of the United States to banks or corporations or individuals that may desire to have it. It has been the policy of this Government to do that with reference to silver coin, and especially subsidiary silver coin, ever since we have had any considerable amount in the United States. It has already been stated that in 1878, after the act of February 28, 1878, went into effect, that the Secretary of the Treasury then interpreted the law to be such as to authorize him to issue a circular to the Treasurer and subtreasuries of the United States directing them to send out the silver coin to whomsoever might desire it at the cost of the Government; but let us see a little about what is to be its effect. If we did not do this, we would contract the circulating medium of this country. First, the silver dollars and next, and perhaps still more important, the subsidiary silver coin.

We have in this country issues of silver dollars under the acts of 1878 and 1890, $578,303,848. The seigniorage arising as a benefit to the Government under the act of 1878 was $69,887,532.29, and under the act of 1890 was $64,277,453.71, a total of $134,164,898. That was what the Government made in the matter of coinage under those two acts. Now, in addition to that—I can not give the figures; it is not necessary—we have now of subsidiary silver coins $105,539,966, on which the seigniorage was proportionately very much larger, so that we may safely say that the seigniorage to the Government has reached substantially $200,000,000. It is objected that paying the cost of transporting silver coin is an unnecessary expense to continue. It has always been the policy to pay this cost out of the seigniorage. Now, let us see. Of this large amount of silver coins, over $578,000,000 under the two acts, we have in circulation outside of the Treasury of the United States of silver dollars generally about eighty millions. Looking to the report I could give the exact figures, but we have about eighty millions on an average. It runs down in midsummer to about $70,000,000 and up to the highest point of about $80,000,000. Assuming that we have that much now, we have in circulation of these silver dollars about $1 to every inhabitant of the United States, and we have cribbed up in the treasuries of the United States six dollars and a little more for every inhabitant of the United States, so following the past as a guide we are keeping circulated in this country about eighty millions of our silver dollars, and we are keeping circulated in this country also about $100,000,000 of subsidiary silver coin. By that I mean the half-dollars, quarters, and 10-cent pieces, not including the nickels and 1-cent pieces that do not come in it.

Now, gentlemen say that the banks get the advantage of this. That is not true. The banks do not get any advantage of it in a general way. It is the people who get the benefit of it. Any individual in the United States, ever since the act of 1878, at least, has had the right to send and get all the silver dollars he pleased. Some men say there is an objection that this runs in the interest of the express companies that carry for the United States. If you will repeal the law or fail to enforce the law, you allow the express companies to charge the individual and the companies just about four times as much for the same amount of silver that is sent out under the Government, so they will profit that much more if silver is continued to be shipped, which I doubt. It is a bad execution of the law that they complain of rather than of the law. That is not fair at all. Some of them give an instance and say the contract they made with the express companies was not carried out so as to work fairly. Then make a good contract and not strike down a good law. But here is the situation. It is inequitable. I take my own State to begin with. The bankers and individuals in the city of Cincinnati could get all the silver they want for nothing by calling for it.

The bankers and individuals in the city of Cleveland, in the city of Toledo, in the city of Dayton, in the city of Columbus, in the city of Springfield, and other places, if we fail to carry out this law, will have to pay expressage on their silver to get on a par with their brethren in the city of Cincinnati. The city of Cleveland has probably a million silver dollars and will want more. They can only get more by paying expressage for it. Pittsburg is in the same situation. I presume Pittsburg gets its silver dollars from Philadelphia, so they would have to pay the expressage from Philadelphia, and Philadelphia bankers, like New York bankers, can go to the subtreasury and get it for nothing.

Now, this matter of distributing the money is another proposition. You go into the Northwest, to St. Paul or Minneapolis, in Minnesota, and to banks farther west, extending out, if you please, to near the Pacific Ocean, and they must send to Chicago to get the silver dollars which their people use, and pay for expressing it, if we fail to carry out the laws existing ever since we have had any silver dollars worth shipping anywhere.

So you go into the southern country. The people down there like it, people that work in the fields, in agriculture—the hands prefer a silver dollar, because they can keep it cleaner and better. You go into the mines of Ohio, Pennsylvania, Indiana, Illinois, and the miner wants silver and is paid in silver. Many a time they pay fifty thousand and sixty thousand dollars out in silver on one pay roll, but you require the people who pay it to pay their own expressage on it, and so on. I need not run this out. You will be able to understand this quite satisfactorily without my elaborating. But the friends of this measure say, "We will issue silver certificates in lieu of it." We are economists now and we will not expend this $10,000 for the balance of the fiscal year ending June 30, 1906, because of that fact. It is easy of demonstration, Mr. Chairman, that if you do not appropriate this $10,000 to carry out existing law you ought to get up a deficiency bill at once and call it "an urgent deficiency bill providing an appropriation of $300,000 to enable the Secretary of the Treasury to issue sixty or seventy million dollars more of silver certificates." You will want every dollar of it. They will cost about $5,000 to every million dollars issued, which will be required if you leave this amendment out. You will want another deficiency appropriation bill, and mighty quick.

Now, gentlemen say that we have the silver certificates; but we have not. Five million forty-three thousand six hundred and three dollars in silver certificates are in the Treasury of the United States, but they are needed for purposes of exchange in keeping out the amount of silver certificates that have already been issued. So you must commence running the printing presses. You must buy sheets. You must get more employees up there. You must start in this new work in order that you may save the little sum of $10,000 here, and expend at least $300,000 more in order to carry it out, or contract the circulating medium at once to the extent that the people would not submit to expressing, at their own expense, the Government money out to the places where it is needed from time to time. This is a process that goes on all the time. It has cost about $130,000 a year to transport this silver money for a number of years, and it is likely to continue. But gentlemen, in their economy, want to stop it, so that it will not go out, and we will have a contraction of the money in circulation in the country, or we must spend $300,000 to avoid it, and get silver certificates for a large part of it.

Now, another proposition, Mr. Chairman. If we had the silver certificates printed and substituted, and we discredited our silver money and put it all in the Treasury, it would cost more annually to keep the silver certificates in circulation and redeem and change and reissue the mutilated and worn-out and destroyed money than it would cost to pay this transportation of silver coin to the people who want it. We are not dealing with the question of economy; we are dealing with a question that is to give some portions of the country an advantage over others. If they do not like silver in New York or Philadelphia or Cincinnati, or where they have subtreasuries and can get it easily, they do like it out on the plains, they like it in Texas, they like it out in the mountains among the miners, they like it among the southern people generally—I think I know—and my people like it. The workmen in the shops—and we have many of them in the city of Springfield, Ohio—almost always prefer to be paid on pay day with some silver.

Mr. KAHN. We have nothing but silver out in California.

Mr. KEIFER. And my friend from California [Mr. KAHN] says they have nothing but silver out there. Those who live around the subtreasury can get it easily, but if you get out at one or the other end of that great State they would have to send it out by private express companies, and so on. So you see somebody would have the advantage, and there is no reason for it. But the main question, Mr. Chairman, the great question, the grave one, is whether this great Government of the United States shall discredit its own money, $578,000,000 and more. Shall we do it?

Whether it was wise or not to coin silver there is no occasion to stop now and discuss. I believe it was wisely done. I believe that silver filled its office and will fill it in the future. I voted for, and have never changed my mind on, the silver act of 1878, and have been persistently against the free coinage of silver all my public life; and we have given under the act of 1878 and the act of 1890 this large sum of money. We should send it out wherever we can and credit it as far as we can.

Mr. HILL of Connecticut. Will the gentleman pardon a question?

Mr. KEIFER. Certainly.

Mr. HILL of Connecticut. Does the gentleman claim that it discredits the gold dollar because the Government does not transport it free of cost all over the United States?

Mr. KEIFER. It is the standard of money, and there is a large part of that in the banks and in the Treasury—a very large part of it—and it does not discredit it, because it is not the common people's money at all.

Mr. HILL of Connecticut. Then why not let the silver certificate that stands behind the silver dollar be transported free of charge? Why not let the gold dollar and the gold certificate and the Treasury note and the greenback all be transported free of charge?

Mr. KEIFER. When the gentleman gets over his great interest in economy about this item and wants to carry all the money of this country free, let us appropriate money enough to carry it free to the people who call for it, and then I may join him. [Loud applause.]

I am not so sure that I could join with him, but if he will wait for an answer until we get to it I will answer that when we come to it. It is sufficient now to know that we are dealing with silver money and the contraction of the money. I did not finish the point I was making; because if you do not carry the subsidiary silver coin to the people of this country, you will be placed where they can hardly get along without it. There are $105,000,000 of it. It has always been carried free. My friend agrees to that. Now, we propose on an urgent deficiency bill to cease to carry it.

Mr. HILL of Connecticut. Does the gentleman really mean what he says?

Mr. KEIFER. Assuredly, I mean it.

Mr. HILL of Connecticut. Does he not know, whether we pass this appropriation bill or not, the subsidiary coins will be distributed by the Government throughout the United States?

Mr. KEIFER. Certainly they will, but it will be paid for at individual expense.

Mr. HILL of Connecticut. Not at all.

Mr. KEIFER. The gentleman is mistaken. This provision is exactly like the provision in the sundry civil appropriation bill passed on March 3, 1905, and we include the expense of carrying subsidiary silver. Now it is proposed to carry none of it, not one single standard silver dollar nor subsidiary silver dollars. If I had time I would like to ask him where there is to be a dollar of money that is to carry the subsidiary silver after the present appropriation of $120,000 is exhausted.

Mr. HILL of Connecticut. Under the law—under the silver profit fund.

Mr. KEIFER. There is no such law. The law I have referred to and read expressly appropriated $120,000 to carry all kinds of silver coin, and we are short $10,000 for this fiscal year—short that amount for carrying the silver coins. There is no such law as the gentleman speaks of, and if there is we have been ignoring it all along the line. Look at the amendment. Look at the last sundry civil bill, and you will find the provision for carrying the subsidiary silver coin in both in the same words precisely. It seems to me that this is the most extraordinary legislation ever proposed. We are simply here for the purpose of carrying out existing law when we are dealing with an appropriation bill like this.

Now, Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman has eight minutes remaining.

Mr. SMITH of Iowa. Mr. Chairman, when the coinage of the standard silver dollar was authorized by the so-called "Bland-Allison Act" of 1878 the only provision relative to the issuance of silver certificates was that the holder thereof might deposit 1,000 silver dollars or any multiple thereof and receive silver certificates in denominations of $10 and upward therefor. There was then no provision that the United States Government might issue silver certificates upon the stock of silver coins in

the Treasury of and belonging to the United States. This law required peremptorily that the Secretary of the Treasury take from two to four million dollars out of the Treasury of the United States and invest it in bullion and coin that bullion into standard silver dollars. It made no specific provision as to how those standard silver dollars were to be put into circulation among the people of the United States; and no sooner was the coinage of them entered upon than these dollars commenced to pile up in the Treasury, consuming the revenues of the country in the purchase of bullion and involving in a way the business of the Government.

Under these circumstances, in September, 1878, the Secretary of the Treasury announced the policy of shipping these coins to all parts of this country in exchange for any other form of currency, at the expense of the Government. That, in place of dignifying silver, put the badge of disgrace upon the standard silver dollar. It said that the Government of the United States was willing to pay the express charges to anyone within the limits of the United States who would consent to take these standard silver dollars and turn over to the Treasury any form of money known to the laws of the United States; and now it is solemnly insisted that if we remove that provision, if we say that the standard silver dollar is just as good as any other money issued by the United States Government, and we are unwilling to pay anybody anything to exchange other forms of money for the standard silver dollar, that that is putting the badge of degradation upon the standard silver dollar.

Mr. KEIFER. You are the only man who has said that so far.

Mr. SMITH of Iowa. It is insisted that it is degrading the standard silver dollar to change this rule, when in point of fact it is dignifying the standard silver dollar to say that the United States regards every form of United States money as of equal value and will pay nothing to anybody to exchange one form for another form that may be in the Treasury of the United States. [Applause.]

Mr. GAINES of Tennessee. Will my friend yield a moment? I am very glad to hear the gentleman defending the silver dollar, but I meant to ask him this: Did the fathers who passed the act of 1795 place copper in the same predicament, including the cent, the nickel, and fractional coin in later years?

Mr. SMITH of Iowa. I am not going back to the fathers at all. I am going back to the act of 1878, and no farther.

Mr. GAINES of Tennessee. I will go back farther when the opportunity is presented.

Mr. SMITH of Iowa. Shortly after this policy was promulgated by the Secretary of the Treasury, of paying these express charges upon standard silver dollars in September, 1880, the Treasury Department determined by construction that it had the right to issue silver certificates upon the coin in the Treasury belonging to the Government of the United States, and from that day to this there has been no substantial trouble in making the silver in the Treasury substantially and practically available. But what have we succeeded in doing in all these years? We paid the express charges to send out from the Treasury more than 730,000,000 of standard silver dollars, and we have usually outstanding about 10 per cent of that, or $73,000,000. We have paid the express charges on ten times as many standard silver dollars as we are able to keep in circulation. It is a very nice thing for the express companies, and it is a nice thing perhaps for some other people. It is a nice thing perhaps for an eastern bank, when it wants to ship money into the West to move the crops, in place of paying the express charges itself, to deposit the money in a subtreasury and compel the United States to pay the expense of that transportation. The record will show that of the $44,000,000 shipped last year by the Treasury $27,000,000 were shipped in the five months when we were moving the crops of this country. Talk about graft! The whole system of paying these express charges for the privilege of exchanging one form of our money for another form of our money is nothing but graft in the interest of the express companies and of the bankers who want to transmit money into the West and South. [Applause.]

Mr. HILL of Connecticut. Unadulterated graft, too.

Mr. BURLESON. Is it not a fact that the fault is in the administration of the law and not in the law itself?

Mr. SMITH of Iowa. The law could not be administered so as to free it from this evil. Why should the Government of the United States stamp the standard silver dollar and declare it to be as good as any other dollar on earth, and then pay somebody something to exchange some other money for the standard silver dollar?

Mr. BURLESON. In order to put different localities upon the same footing with places that have subtreasuries; that is why.

Mr. SMITH of Iowa. Why does this money come back if the people want it? Why do we have to pay the express charges on ten times as many standard silver dollars as are in circulation? We have to pay it because these gentlemen find it a profitable industry to ship this money out at Government expense and put it back in the Treasury at some subtreasury. The system was initiated when the Government wanted to realize on these standard silver dollars, and it may have been justifiable then. To-day the Government has no interest as to whether its balance in the Treasury be in standard silver dollars or in silver certificates or in gold certificates or in gold or in greenbacks, because under this Republican Administration every dollar of whatsoever kind is just as good as any other dollar, both to the Government and to everybody else, and there is no reason for paying a subsidy to get rid of any part of it. [Applause.] This is simply a proposition to vote a subsidy.

Mr. HILL of Connecticut. To the express companies.

Mr. SMITH of Iowa. A subsidy of $120,000 a year forever, in order that the express companies and those who want to transport the money at somebody else's expense besides their own may have the transportation paid out of the revenues of the Government and the moneys of the people in place of paying for it themselves. That is all there is in this question.

It is said that this will act to contract the currency. How can it contract the currency? What difference does it make whether the silver dollars are in the Treasury or whether somebody brings some other Government money and puts it into the Treasury and takes the silver dollars out instead, and in what way does that contract the currency?

Mr. KEIFER. Under what law would you issue paper currency or subsidiary coin?

Mr. SMITH of Iowa. This law does not apply to subsidiary coin.

Mr. KEIFER. It does expressly.

Mr. SMITH of Iowa. It covers it, but subsidiary coin is otherwise covered. The subsidiary coin does not come back anyway into the Treasury. The subsidiary coin stays in circulation, but on this coin we have paid ten times over on all that we have kept in circulation.

Mr. KEIFER. If the subsidiary coin does not come back——

Mr. SMITH of Iowa. This proposition is for the Government to practically declare the silver dollar at a discount, and that it will pay somebody to give it other money in exchange for silver. It has been strenuously contended, and I think truly, that the abolition of this practice would result in the silver staying in circulation. It is, in my judgment, a fixed and settled purpose on the part of some people to ship this money back to the subtreasuries in order to loot the Treasury for the transportation of this money back again. And when you have once suppressed this infamous system, the money will stay in circulation in place of coming back. At any rate, we have got enough money appropriated to last until within a few days of the end of the fiscal year. Let us try for a few days and see whether, when we have done away with this system of graft, this money will not stay in circulation in place of our paying large sums of money every year to send it out again. [Applause.]

Now, Mr. Chairman, I desire to yield such time as I have left, or as he may desire, to the gentleman from Connecticut [Mr. HILL].

Mr. HILL of Connecticut. Mr. Chairman, there is no question here of contraction of the currency; nor is there any question of the quality of money or anything of that kind. It is nothing more or less than precisely what the gentleman from Iowa [Mr. SMITH] has characterized in plain, good, English language—unadulterated graft. That is all there is of it.

Now, the gentleman from Ohio some time ago said that he understood the Treasury Department recommended the continuance of this system. I make the broad statement that from John G. Carlisle down—and I have Mr. Carlisle's letter here, and if I had time I should be glad to use it—they want this discontinued. It is simply kept in this bill by the power of the express companies of the United States. It is unadulterated graft.

Let me read what the Treasurer of the United States says in regard to it:

> For the past two or three years the accumulation of silver dollars in the Treasury has been in excess of the amount that could have been disposed of in the regular transaction of the Treasury office, and it is submitted that under this condition it will be an unnecessary burden upon the Government to continue the shipment of silver dollars free of expense for transportation charges to depositaries.

That is from page 30 of the Treasurer's last report.

Again:

> The amount in circulation in January was $73,500,000, and from the changes observed in the past six years it is estimated that the maximum circulation has been reached. The annual movement of these dollars under present regulations entails great expenses, not only for transportation, but for labor in accounting, bagging, handling, and by con-

stant and repeated movement wear and tear is produced and the result that it will ultimately require an additional expense to make good the loss by abrasion.

Gentlemen, I said it was unadulterated graft. I could show to this House—if I had a few minutes' time—where, under the operation of this law a few years ago, an express company in the United States got more than $16,000 for the transportation of its own money from San Francisco to New York, and the Government was powerless to help itself.

Let me read you a letter that I read to the House five years ago from Mr. Roberts in regard to this matter:

TREASURY DEPARTMENT, OFFICE OF THE TREASURER,
Washington, D. C., February 4, 1901.

SIR: In reply to the inquiries contained in your letter of February 2, you are informed:

1. The average price per thousand dollars paid for the transportation of silver coin from the Treasury offices to depositors, under the provisions of the annual appropriations acts, is shown on page 168 of the report of the Treasurer of the United States for 1900. It was $2.25 per $1,000 in 1900.

2. The highest price paid by the Government for the transportation of silver coin is to locations west of the one hundredth meridian. The charges also increase on shipments westward of the Missouri River from the fact that the Government has no contract with Wells, Fargo & Co. for such deliveries. Consequently there have been paid in many instances the sums of from $9 to $16 per thousand for such transportation.

3. The records of the Department show several instances in which standard silver dollars shipped from the Treasury, free of cost for transportation, have been returned to the Treasury in the same bags and with the seals intact as shipped. In one instance these shipments were regularly made to a port of entry, and the coins soon found their way back to point of shipment through the collector of customs, who received them in payments of import duties and then shipped them to the subtreasury office. As the bank in this instance was a "depository of the United States," the Department, as soon as the facts became known, took steps to prevent the further abuse of the privilege, and the practice was discontinued.

Application has been made for the shipment of silver coin to Honolulu. The rate asked from San Francisco is, on sums of $10,000 or over, $5.25 per thousand, and for smaller amounts, $6.75 per thousand. However, the Department has declined to accept these rates.

Under a contract with the steamship lines the collector of customs at Honolulu ships to San Francisco such silver coin as he receives at three-eighths per cent freight and one-tenth per cent for insurance.

Respectfully,

ELLIS H. ROBERTS,
Treasurer of the United States.

Hon. E. J. HILL, *House of Representatives.*

Let me make one more statement. It is entirely possible for any man in any part of this country who wants to pay customs dues in legal-tender money to send a draft to a subtreasury, and, whether the Government wishes to do it or not, compel the free shipment of silver to that point; and then, when that money has performed but the one work of paying duties on a single importation, the Government, by another law, is compelled, at its own expense, to transport that same money back to the subtreasury again; and I can show the gentleman where that has been done at a cost of $7.50 a thousand, and the Treasury Department is helpless under this free-transportation act. That is not all. It was all right when Mr. Sherman, in 1878, found the silver dollars were not going out promptly to issue a circular and say they should be sent free. Perhaps it was all right, if it could have been kept free from the abuses which have grown up around it, to continue the free transportation while we were continuing the coinage of silver, but the coinage of silver has stopped. Now, I am a banking man; I believe in banks, but I believe in them to the extent that I would stop them from stealing when I could, and the only advantage that can come to anybody under this law to-day is to enable the banks to deal unfairly with each other in this matter and to enable people to have silver transported at the expense of the Government. It won't make one penny's difference as to the circulation of the silver—not one penny. We have paid at the rate of $2 a thousand for transporting $750,000,000 since this coinage——

Mr. GAINES of Tennessee. Does the gentleman want to retire the silver dollar entirely?

Mr. HILL of Connecticut. Oh, that is another question. The gentleman from Tennessee knows that I have always been in favor of three things—subsidiary silver coin, all that the country would take; gold and gold certificates as the sole legal tender, and bank notes as the instruments of trade. That is my plank on the money question.

Mr. GAINES of Tennessee. That, in effect, retires the silver dollar entirely——

Mr. HILL of Connecticut. Not at all. I would make it a subsidiary coin, as Germany does.

Mr. GAINES of Tennessee. Wait a minute. The gentleman would turn the American people over to the banks, and yet he stands here making out the bankers of this country to be a lot of pirates that are pillaging the Treasury.

Mr. HILL of Connecticut. I have in mind now where about 700 banks in New England agreed to pay checks at sight without exchange. Thirty-four banks in New England refused to do that. It was a simple proposition the 700 banks said. "Oh," they said, "we believe the system is right, and we will forward checks on these 34 banks by Adams Express Company for collection." They did it, and what do you suppose the 30 banks did? Availed themselves of the privilege of this law and shipped silver at the expense of the Government from the subtreasury at Boston and refused to pay any other kind of money in satisfaction of those checks except those silver dollars and punished every bank in New England in that way under the terms of this law, and it is being used more to-day for that purpose than for any other.

Mr. GAINES of Tennessee. The gentleman read just now what Mr. Treat says. He is in favor of this. He is also in favor of not using any money to transport the other silver coin.

Mr. HILL of Connecticut. Oh, so far as the other silver coin is concerned, I understand the result to be just this: If the appropriation is not passed, the pennies, under the old law, from the time they were first coined will be delivered to anybody that wants them and the cost of transportation charged to the profit fund, or the fund that arises from the seigniorage in the coinage of them.

Mr. TAWNEY. And the nickels.

Mr. HILL of Connecticut. And the nickels also. The subsidiary coin is also transported out of the profit which comes from the seigniorage to ten different subtreasuries in the United States, from Boston to San Francisco, and that will continue just the same. It is only this question of transporting the silver dollar that is involved in this proposition.

Mr. KEIFER. Mr. Chairman, I know the gentleman does not mean to repeat that statement, because for every year for thirty years the appropriation has been exactly in a lump sum for the carrying of silver dollars and subsidiary silver coin. The gentleman is right about the nickel and the copper, but as to the other he is absolutely wrong, and he voted, I assume, in the last Congress——

Mr. HILL of Connecticut. Oh, I will refer the gentleman to the testimony taken before his own committee, the letter of Mr. Roberts, and also to the statutes right straight through. The difference between the gentleman and myself is this: I say that under the law as it stands, and as it has stood ever since 1853, the subsidiary silver coin will be transported at the expense of the Government to the various treasuries and subtreasuries of the United States and the cost of that transportation taken out of the profit fund.

It will not be carried on the order of an individual anywhere that he chooses to have it sent at the expense of the United States, but the distribution that always occurred will continue under the provisions of the laws as they stand without the passage of this appropriation bill.

Mr. KEIFER. You are utterly mistaken.

Mr. BURLESON. The gentleman has charged that this is a graft pure and simple——

Mr. HILL of Connecticut. In my judgment.

Mr. BURLESON (continuing). I will not take issue with you upon that proposition, and I do not doubt the truthfulness of your charge, that there has been graft—administering this law, but I want to ask you this question: If this policy of the Government is now abandoned will it not place every section of the United States which has not a subtreasury at a disadvantage with the points that have subtreasuries, and will not there be an increased pressure at once for the establishment of subtreasuries all over the United States?

Mr. HILL of Connecticut. Oh, I do not think so at all. I think this will be the result——

Mr. BURLESON. If you do not think so, why not?

Mr. HILL of Connecticut. Because the distribution is so general. As the gentleman himself understands, at the time this law was originally passed we did not have facilities for distribution which we now have. Pennies were only made in Philadelphia——

Mr. BURLESON. I am not talking about pennies; I am talking about standard silver dollars. Any banker who wants standard silver dollars for the accommodation of his customers now in New York, Boston, or Philadelphia, or wherever there is a subtreasury, can go and get them without any expense, but banks in the far West——

Mr. HILL of Connecticut. Mr. Chairman, I must insist I shall have my two minutes to myself. I shall repeat again, there was not, from the time of John G. Carlisle until now, a Treasury official who did not think this law was susceptible of vicious uses, but the Treasury Department has always been unable to prevent these irregular practices under it.

Mr. GAINES of Tennessee. Has Secretary Shaw asked you to knock this appropriation out?

Mr. HILL of Connecticut. No; he has not. This House has voted it out heretofore.

Mr. GAINES of Tennessee. No.

Mr. HILL of Connecticut. But it was put back elsewhere.

Mr. GAINES of Tennessee. We have whipped you every time you undertook——

Mr. HILL of Connecticut. In 1901 or a subsequent year this House voted it out, but it was put back elsewhere.

Mr. GAINES of Tennessee. It was voted out in the committee; there is your speech, fourteen columns long.

Mr. HILL of Connecticut. Now, Mr. Chairman, absolutely no harm can come to anybody by not making this appropriation, and you will be discontinuing this vicious practice and make a far more satisfactory condition of things. Since this free transportation was inaugurated a great change has come over the fiscal affairs of the United States in this respect. Now we have three mints, one at Philadelphia, one at Denver, and one in California, and the Government through these has full power to distribute its money in all the different sections of the country. A refusal to make this appropriation takes away the power of any individual in the United States to hold up the Treasury Department and compel them to carry money free of charge around the country. It does not increase the circulation; it does not decrease the circulation. We have distributed 750,000,000 of these silver dollars at a cost of more than a million and a half of dollars, and yet to-day out of that $750,000,000 only $73,000,000 are in circulation, and the Treasurer of the United States himself says that the aggregate circulation has probably been reached. It is an opportunity for you to save $120,000 a year that does nobody any honest good, and it does the Treasury just $120,000 worth of harm, and if you want to vote for this amendment you will vote one-twelfth of this unjust and unfair and improper appropriation. That is all I have to say.

The CHAIRMAN. Does the gentleman from Ohio desire to consume the balance of his time?

Mr. KEIFER. Yes, sir.

Mr. SMITH of Iowa. We would like for you to consume it now.

Mr. KEIFER. Mr. Chairman, the suggestion is a reasonable one on the part of the gentleman from Iowa. I believe I have ten minutes' time remaining.

The CHAIRMAN. That is correct.

Mr. KEIFER. I want to yield five minutes of that time to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, I do not reckon anybody is going to ship money from one place to another, whether the money be gold or silver, just because they can ship it without paying express charges. That strikes me as the first proposition in this discussion, and if, as the gentleman from Connecticut says, it be true that if this law were repealed a man could still force the subtreasuries to send money at the expense of the Government, then I do not see why he objects to its being repealed. That is the second.

Mr. HILL of Connecticut. The gentleman misunderstood me. I did not say that an individual order could ship the money if this appropriation were not made.

Mr. WILLIAMS. You said there was some method, which you described, for making the subtreasury send the money at its expense. The RECORD will show what the gentleman said.

Now, Mr. Chairman, this is a plain, common-sense, business proposition. It has not anything to do with the old silver and gold discussion at all. Silver is one of our forms of money, and it just happens to be the heaviest money in proportion to its value that we have—that is, the heaviest in the matter of weight. As a consequence, it is the most expensive money to ship from one place to another, and because of that and because of the desire to distribute the silver money of the country from around the centers where the subtreasuries are, to the cotton fields and the wheat fields, where it is needed in the States, where there are no subtreasuries, this law got upon the statute book. And the reason for putting it upon the statute book is the reason for keeping it upon the statute book.

Now, Mr. Chairman, I can only speak with perfect knowledge of my own country. Every fall, when the cotton picking begins, immense amounts of silver money are sent into the South, not silver dollars altogether, as the gentleman seems to think—altogether or chiefly—but dimes and quarters and halves. And the darky who works upon the plantation—chiefly in the cotton field as a cotton picker—does not want paper money even if you could give it to him. The fact mentioned by the gentleman to the effect that this law was first passed before there were small paper notes of $2 cuts no figure in the case, because what is needed in the cotton fields chiefly is the dime or the quarter or the half, and after that the dollar. The man who does the cotton picking is suspicious of the paper money. He is not in the habit of dealing with it.

The gentleman seems to be ignorant of the fact that throughout the South, at any rate, and much of the West, the only money that floats less than a five-dollar bill is silver, and the ignorant man who can not read—and most of the darkies are unfortunately yet in that class—know a silver dollar when they see it and feel it, but they do not know a one-dollar paper bill from a two-dollar paper bill, a great many of them. They prefer the silver money, and silver money is sent there to pay the cotton pickers every year, as well as to pay the wage hands in the sawmills and in the lumber yards. It will be a serious damage to the cotton country if this movement should be stopped or restricted, and it would be to some extent restricted, of course, if the banks, in sending to the centers for money to remove their crops, should receive other forms of money than silver; and they would send for other forms of money as much as they could if this law should be repealed, for it would cost them more to get the silver than to get the other forms of money. It is a plain business proposition, and there ought not to be any excitement about it.

Mr. KEIFER. Mr. Chairman, I am ready to close the debate on this, unless gentlemen want to occupy the remainder of their time.

Mr. SMITH of Iowa. Mr. Chairman, I desire to yield one or two minutes of my time to the chairman of the committee [Mr. TAWNEY].

Mr. TAWNEY. I agree with the gentleman from Mississippi that this is a business proposition, and it was in that spirit that the subcommittee in the preparation of this bill took up the consideration of this deficiency appropriation of $10,000. In that investigation we discovered some facts with respect to abuses that have grown up under these annual appropriations. We also inquired into the necessity of continuing this appropriation and came to the conclusion almost unanimously, and the conclusion was clearly indicated in the hearing, that in all probability the subcommittee would not report favorably on this proposition. By some unknown means the representatives of the express companies were the first to receive the news of the probable action of the subcommittee, and members of the subcommittee were waited upon next morning by the representatives of the express companies, urging that this provision be continued. Inquiry developed the fact that the law is being abused, and as an illustration I cite this actual occurrence. A banker in Yonkers——

Mr. BURLESON. I would like to ask the gentleman if the testimony is embodied in this hearing

Mr. TAWNEY. No, sir; it is not. That is, in respect to this abuse. We have the testimony from the chief clerk of the Treasury Department. In one instance a banker in Yonkers asked to have several thousand dollars—I do not remember now how many thousand silver dollars. He made his demand upon the subtreasury in the city of New York. From the city hall in New York to the city of Yonkers is 14 miles, as I am advised by the distinguished chairman of the Ways and Means Committee. That shipment was made by the express company from New York City to Binghamton, about 250 miles.

At Binghamton it was transferred to another express company, known as the "National," and sent to Tarrytown, a distance of about 250 miles, and then at Tarrytown it was transferred to another express company and shipped 15 miles into Yonkers. That is a practical illustration of one of the abuses that is practiced under this annual appropriation for the transportation of silver at the expense of the Government. In justice to the Department I should say that the United States Express Company has the contract for carrying silver, and that its express company does run direct from New York to Yonkers, as I am informed. It is in the hope of saving the public money that is now being expended illegally and extravagantly, and viciously, I might say, in the transportation of this particular class of money when all other classes of money must be transported at the expense of the individual citizen or bank desiring it that the committee has omitted this item in this bill. I am advised by the Secretary of the Treasury that private enterprises, private institutions, and corporations, such as department stores, send to the subtreasuries for the money to be used as an advertising medium in the transaction of their business.

The department stores will get it from the subtreasuries at the expense of the Government, and pay that money out to their customers as an inducement for them to continue their custom or their patronage. Abuses of all kinds are growing up; and I have reason to believe, Mr. Chairman, that these abuses are encouraged by the chief beneficiaries of the practice, the express companies. They reap the benefit of this free distribution of silver for which this annual appropriation of $130,000 is made.

It is the hope of putting a stop to this that the committee has omitted this particular item.

Mr. SMITH of Iowa. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has two minutes.

Mr. SMITH of Iowa. In that two minutes I wish to say, Mr. Chairman, in conclusion, that it is not with the hope or design of preventing anybody in the United States from utilizing that particular coin or character of money to which he is accustomed, or which he desires to use, that this policy is advocated here to-day. I for one hope that every man in the United States will have every facility to get, at his own expense, not the expense of the Government of the United States, whatever kind of money best suits his individual taste. [Applause.] Our desire is simply this: The Government issues various kinds of money, and the public faith is pledged that these shall be of equal value, but when one who seeks for his own purposes to exchange the money that he has for another form of money he shall pay the necessary expense incident to the exchange. Already, even without this appropriation, the Government will bear a considerable proportion of the expense. The Government has to pay for the expense of the officer necessary to conduct these exchanges for the accommodation of the public, and no earthly reason can be assigned why the Government of the United States shall keep a man to exchange that silver for other currency of equal value and then pay tribute to the express companies of $130,000 annually for the purpose of carrying on that profitless business.

Now I yield to the gentleman from Ohio.

Mr. KEIFER. Mr. Chairman, in the few minutes I have I shall not attempt to answer the arguments based solely upon the fact that somebody in the Treasury has either been so knavish or so weak that they can not make a good contract with the express companies to prevent the Government from being injured. [Loud applause on the Democratic side.]

I want, without putting my statement against the statement of gentlemen that this appropriation would have no effect upon the subsidiary silver coin, to read two or three lines from some of the testimony in the hearings before the subcommittee.

Mr. GRAFF asked this question:

Suppose this item here were changed so as to cut out of the transportation everything but the subsidiary coin—

Mr. LIVINGSTON interrupted and said:

And minor coin—

Mr. GRAFF continued his question—

Yes; and minor coin, and let the other be provided in another item. What would be the necessary change in the appropriation as to amount?

Mr. ROBERTS. You would not need to appropriate so much money.

Gentlemen have proclaimed here that they would get along without any, but the Director of the Mint did not agree with them. So much for that.

Mr. LIVINGSTON. Can I direct the gentleman's attention to this?

Mr. KEIFER. I have not time to yield to the gentleman.

Mr. LIVINGSTON. You better look at it; it is on page 10.

For freight on bullion and coin, by registered mail or otherwise, between mints and assay offices, $15,000.

Mr. KEIFER. That is all right, too.

Mr. GAINES of Tennessee. What does Secretary Shaw say on the subject?

Mr. KEIFER. We have been told that this is a matter of "graft." I would like to know whether these men have gotten religion or good morals recently or not. [Laughter and applause.] They have been reporting, recommending, and voting for this "graft" here for all the years for the time they have been in Congress, and have suddenly discovered that they have not been doing that which is right.

Mr. SMITH of Iowa. Not at all.

Mr. KEIFER. Did not the gentleman vote for the appropriation of last year?

Mr. SMITH of Iowa. I did not; it has been opposed by Mr. HILL and myself all the time.

Mr. KEIFER. You multiplied the amount of the amendment by 12, and put it into the act of March 3, 1905.

Now, it is an easy thing to talk down a matter that is carried in the bill by simply talking about where somebody had taken advantage of somebody else, and say that is an argument against a good law.

That is a thing we always hear when men find the exigencies of discussion drive them to it. There is nothing else in it. This has been the law always, and the Director of the Mint, in the same testimony before the same subcommittee, testified that this had been the law continuously since 1853. And John Sherman knew what he was about, for he was not so much of a silver man in 1878, but he was a man who believed in executing the laws of the land; and so, without waiting for Congress to vote a graft to him, he said such was the law of this country, and he issued his circular of September, 1878, saying that the silver dollars should be distributed to everybody in this country who asked for them at the expense of the Government.

Mr. HILL of Connecticut. Will the gentleman pardon me a moment? He will admit that this was three years before this law was ever thought of.

Mr. KEIFER. It was after February 28, 1878, when we made the standard silver dollar in the act of that date. [Applause.]

The CHAIRMAN. The time of the gentleman from Ohio has expired. The question is on agreeing to the amendment offered by the gentleman from Ohio [Mr. KEIFER].

The question was taken; and on a division (demanded by Mr. JAMES) there were—ayes 74, noes 63.

Mr. SMITH of Iowa demanded tellers.

Tellers were ordered, and the Chairman appointed Mr. SMITH of Iowa and Mr. KEIFER.

The committee again divided; and there were—ayes 70, noes 74.

Accordingly the amendment was rejected.

Mr. TAWNEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12320—the urgent deficiency bill—and had come to no resolution thereon.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table, and referred to its appropriate committee, as indicated below:

S. 343. An act concerning a public building in Selma, Ala.—to the Committee on Public Buildings and Grounds.

MRS. Z. RICHARDSON.

By unanimous consent, at the request of Mr. HULL, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Mrs. Z. Richardson, Fifty-eighth Congress, no adverse report having been made thereon.

CHANGE OF REFERENCE.

Mr. SHERMAN. I ask unanimous consent to change the reference of the bill (H. R. 11485) to permit the owners of certain vessels and the owners or underwriters of cargoes laden thereon to sue the United States, and the bill (H. R. 11486) to authorize the maintenance of actions for an exigence causing death in maritime cases, from the Committee on the Merchant Marine and Fisheries to the Judiciary. I have consulted the chairman of the Merchant Marine and Fisheries Committee, and it is satisfactory to him. Evidently the reference was an inadvertence.

The SPEAKER. Is there objection?

There was no objection.

CERTAIN LANDS IN UTAH.

Mr. HOWELL of Utah. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 321) to provide for the extension of time within which homestead settlers may establish their residence upon certain lands which were heretofore a part of the Uinta Indian Reservation, within the counties of Uinta and Wasatch, in the State of Utah.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. TAWNEY. Reserving the right to object, I wish to ask the gentleman from Utah if this bill has been reported favorably by a House committee?

Mr. HOWELL of Utah. It has been favorably reported by the Committee on Public Lands unanimously.

Mr. TAWNEY. Of the House?

Mr. HOWELL of Utah. Of the House.

Mr. TAWNEY. Is it a bill similar to a House bill?

Mr. HOWELL of Utah. It is a Senate bill the provisions of which are identical with the House bill introduced on the same subject. The Senate bill having passed the Senate, the House committee, to expedite the matter, reported favorably the Senate bill.

Mr. PAYNE. As I understand it, it simply extends the time.

Mr. HOWELL of Utah. It extends the time in which settlers may establish their residence.

Mr. PAYNE. This is necessary because the settlement can not be made in the winter time?

Mr. HOWELL of Utah. The bill provides for an extension of time within which homestead settlers may establish their residence on the unallotted lands of the Uinta Indian Reservation, which was opened to settlement late in the fall of 1905.

The right to enter and the order of precedence in entering these lands for the first sixty days after the same were subject to settlement was determined by lot, under rules and regulations prescribed by the Commissioner of the General Land Office. Under these regulations the first filings were made on August 28, 1905, and filings of such persons so entitled to enter homesteads were made until October 28, 1905, when the lands not filed upon by those who had drawn a preferential right were generally subject to homestead entry. This section of the State is remote from railroads, and it was impossible for intending settlers to prepare sufficient shelter so late in the fall as would protect them from the rigors of the approaching winter, which, on account of the great altitude, is very severe. It is likewise impossible for them to establish homes within the six months after filing, as that would necessitate their going into that inhospitable country in the midst of a severe winter. The bill therefore extends the time to a reasonable season of the year, May 15, 1906, for complying with the law.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the bill, as follows:

Be it enacted, etc., That the homestead settlers on lands which were heretofore a part of the Uinta Indian Reservation, within the counties of Uinta and Wasatch, in the State of Utah, opened under the acts of May 27, 1902, and March 3, 1903, and March 3, 1905, be, and they are hereby, granted an extension of time in which to establish their residence upon the lands so opened and filed upon until the 15th day of May, A. D. 1906: *Provided, however*, That this act shall in no manner affect the regularity or validity of such filings, or any of them, so made by the said settlers on the lands aforesaid; and it is only intended hereby to extend the time for the establishment of such residence as herein provided, and the provisions of said acts are in no other manner to be affected or modified.

The bill was read the third time, and passed.

On motion of Mr. HOWELL of Utah, a motion to reconsider the last vote was laid on the table.

DAM IN COFFEE COUNTY, ALA.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7085) authorizing the Pea River Power Company to erect a dam in Coffee County, Ala.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Pea River Power Company, a corporation, be, and is hereby, authorized to erect, build, have, and maintain a steel and concrete dam, or dam of other material, on Pea River, at a point 4 miles below, or about 4 miles below, the town of Elba, in Coffee County, State of Alabama.

With the following amendment, recommended by the Committee on Interstate and Foreign Commerce:

Provided, That the plans of said dam shall be submitted to and be approved by the Chief of Engineers and the Secretary of War before construction is commenced; and the Secretary of War may at any time require and enforce, at the expense of the owners, such modifications in the construction of said dam as he may deem advisable in the interests of navigation: *Provided further*, That there shall be placed and maintained in connection with said dam a sluiceway so arranged as to permit logs, timber, and lumber to pass around, through, or over said dam without unreasonable delay or hindrance and without toll or charges; and suitable fishways, to be approved by the United States Fish Commission, shall be constructed and maintained on said dam.

SEC. 2. That this act shall be null and void unless the dam herein authorized is commenced within one year and completed within three years from the date hereof.

SEC. 3. That the right to amend or repeal this act is hereby expressly reserved.

The amendment was considered, and agreed to.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. CLAYTON, a motion to reconsider the last vote was laid on the table.

REPRINT OF A BILL.

Mr. MARSHALL. Mr. Speaker, I ask unanimous consent for the reprint of the bill (H. R. 12075) to exempt from internal-revenue tax domestic alcohol intended for lighting, heating, and manufacturing purposes, and for use as a motor fuel.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota? [After a pause.] The Chair hears none.

ORDER OF BUSINESS.

Mr. TAWNEY. Mr. Speaker, I give notice that on Monday I shall ask unanimous consent that the District business be taken up at the close of the urgent deficiency appropriation bill, and that the House proceed with the consideration of the urgent deficiency bill on Monday morning, after the reading of the Journal. I now move that the House adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 45 minutes p. m.) the House adjourned until Monday next, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior recommending the creation of the office of chief clerk of the Office of Indian Affairs—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of deficiency appropriation for additional clerical force in the Office of the Commissioner of Indian Affairs—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a copy of a letter from the Surgeon-General, a recommendation of legislation raising the general limit of cost of barracks and other permanent structures—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of State, requesting that certain persons be authorized to accept gifts and decorations presented to them by foreign governments—to the Committee on Foreign Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Postmaster-General increasing the estimate of appropriation for mail bags, etc.—to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. TAYLOR of Ohio, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 122) to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes, reported the same with amendment, accompanied by a report (No. 430); which said bill and report were referred to the House Calendar.

Mr. BIRDSALL, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 5289) to provide for the selection of grand and petit jurors for the district courts in the Territory of Oklahoma, reported the same with amendment, accompanied by a report (No. 431); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PARKER, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 11784) to authorize the recovery of the value of unlawful rebates and discriminations and penalty therefor, and for other purposes, reported the same with amendment, accompanied by a report (No. 432); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10521) granting an increase of pension to John F. Cluley, reported the same with amendment, accompanied by a report (No. 345); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7838) granting an increase of pension to S. Harriet Morris, reported the same with amendment, accompanied by a report (No. 346); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7941) granting an increase of pension to Carlon B. Osborn, reported the same with amendment, accompanied by a report (No. 347); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8044) granting an increase of pension to Angel Housker, reported the same with amendment, accompanied by a report (No. 348); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to

which was referred the bill of the House (H. R. 8187) granting an increase of pension to Silas G. Elliott, reported the same with amendment, accompanied by a report (No. 349); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8253) granting an increase of pension to John Dolan, reported the same with amendment, accompanied by a report (No. 350); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8618) granting an increase of pension to John G. Rowan, reported the same with amendment, accompanied by a report (No. 351); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8794) granting an increase of pension to Stout Sherer, reported the same with amendment, accompanied by a report (No. 352); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8926) granting an increase of pension to John Keller, reported the same with amendment, accompanied by a report (No. 353); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8222) granting an increase of pension to Henry B. Jordan, reported the same without amendment, accompanied by a report (No. 354); which said bill and report were referred to the Private Calendar.

Mr. GUDGER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9104) granting an increase of pension to Henry Brown, reported the same with amendment, accompanied by a report (No. 355); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9142) granting an increase of pension to Herman A. Kimball, reported the same with amendment, accompanied by a report (No. 356); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9416) granting an increase of pension to Jacob M. Longsworth, reported the same with amendment, accompanied by a report (No. 357); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9789) granting an increase of pension to Josiah Nichelson, reported the same with amendment, accompanied by a report (No. 358); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9944) granting an increase of pension to Thomas J. Martin, reported the same with amendment, accompanied by a report (No. 359); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10007) granting an increase of pension to Appleton Gibson, reported the same with amendment, accompanied by a report (No. 360); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10258) granting an increase of pension to Elias Smith, reported the same with amendment, accompanied by a report (No. 361); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10299) granting a pension to S. C. Long, reported the same with amendment, accompanied by a report (No. 362); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7576) granting an increase of pension to George W. Brummett, reported the same with amendment, accompanied by a report (No. 363); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10323) granting an increase of pension to Patrick J. Donahue, reported the same with amendment, accompanied by a report (No. 364); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7680) granting an increase of pension to William Shannon, reported the same with amendment, accompanied by a report (No. 365); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8649) granting an increase of pension to William Bode, reported the same with amendment, accompanied by a report (No. 366); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4225) granting an increase of pension to Nathaniel Cooper, reported the same without amendment, accompanied by a report (No. 367); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10362) granting an increase of pension to William J. Cheneworth, reported the same with amendment, accompanied by a report (No. 368); which said bill and report were referred to the Private Calendar.

Mr. GUDGER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5597) granting an increase of pension to Oscar Williamson, reported the same with amendment, accompanied by a report (No. 369); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5832) granting a pension to Mary M. Connell, reported the same without amendment, accompanied by a report (No. 370); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11620) granting an increase of pension to John J. Quimby, reported the same with amendment, accompanied by a report (No. 371); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11144) granting an increase of pension to Lewis Pratt, reported the same with amendment, accompanied by a report (No. 372); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10582) granting an increase of pension to Oscar B. Caswell, reported the same with amendment, accompanied by a report (No. 373); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10872) granting an increase of pension to Abram J. Hill, reported the same with amendment, accompanied by a report (No. 374); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11596) granting a pension to Marion H. Long, reported the same with amendment, accompanied by a report (No. 375); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10436) granting an increase of pension to John A. Ensminger, reported the same with amendment, accompanied by a report (No. 376); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11403) granting an increase of pension to David E. Longsdorf, reported the same with amendment, accompanied by a report (No. 377); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11302) granting an increase of pension to John R. Cotton, reported the same with amendment, accompanied by a report (No. 378); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10918) granting an increase of pension to Nathan Webster Josselyn, reported the same with amendment, accompanied by a report (No. 379); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10722) granting an increase of pension to William H. Flint, reported the same without amendment, accompanied by a report (No. 380); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11653) granting an increase of pension to James R. Jordan, reported the same with amendment, accompanied by a report (No. 381); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to

which was referred the bill of the House (H. R. 11160) granting an increase of pension to Lemuel Herbert, reported the same with amendment, accompanied by a report (No. 382); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11630) granting a pension to Harriet E. St. John, reported the same with amendment, accompanied by a report (No. 383) which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1467) granting an increase of pension to Hiram E. Monroe, reported the same with amendment, accompanied by a report (No. 384); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2345) granting an increase of pension to Antoinette Hannahs, reported the same with amendment, accompanied by a report (No. 385); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2083) granting an increase of pension to Thomas A. Slack, reported the same with amendment, accompanied by a report (No. 386); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2291) granting an increase of pension to William Elms, reported the same with amendment, accompanied by a report (No. 387); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2169) granting an increase of pension to Elisah White, reported the same with amendment, accompanied by a report (No. 388); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1057) granting an increase of pension to Caswell D. Ferguson, reported the same with amendment, accompanied by a report (No. 389); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3214) granting a pension to Maggie Parker, reported the same with amendment, accompanied by a report (No. 390); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2771) granting an increase of pension to Thomas McCabe, reported the same without amendment, accompanied by a report (No. 391); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3400) granting an increase of pension to Anson K. Carr, reported the same with amendment, accompanied by a report (No. 392); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2084) granting an increase of pension to Thomas Maginley, reported the same with amendment, accompanied by a report (No. 393); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1437) granting an increase of pension to Darius J. Brown, reported the same with amendment, accompanied by a report (No. 394); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1884) granting an increase of pension to Robert E. Purcell, reported the same with amendment, accompanied by a report (No. 395); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4730) granting an increase of pension to Meshach L. Jones, reported the same with amendment, accompanied by a report (No. 396); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5808) granting an increase of pension to Napoleon D. O. Lord, reported the same with amendment, accompanied by a report (No. 397); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6192) granting an increase of pension to Edward J. Mills, reported the same without amendment, accompanied by a report (No. 398); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5925) granting an increase of pension to D. L. Davidson, reported the same with amendment, accompanied by a report (No. 399); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4411) granting a pension to Daniel B. Norwood, reported the same without amendment, accompanied by a report (No. 400); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6538) granting an increase of pension to George H. Rice, reported the same with amendment, accompanied by a report (No. 401); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4884) granting an increase of pension to John Bokart, reported the same with amendment, accompanied by a report (No. 402); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1958) granting a pension to Ida L. and Clara H. Winters, reported the same with amendment, accompanied by a report (No. 403); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2289) granting an increase of pension to Algernon Lightcap, reported the same without amendment, accompanied by a report (No. 404); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8596) granting an increase of pension to John C. Messerschmidt, reported the same with amendment, accompanied by a report (No. 405); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3216) granting an increase of pension to John W. Seeber, reported the same with amendment, accompanied by a report (No. 406); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3678) granting an increase of pension to J. C. S. Twitchell, reported the same with amendment, accompanied by a report (No. 407); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1974) granting an increase of pension to William R. P. Foale, reported the same with amendment, accompanied by a report (No. 408); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1201) granting a pension to Edward Maxwell, reported the same with amendment, accompanied by a report (No. 409); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1072) granting an increase of pension to John Fisher, reported the same with amendment, accompanied by a report (No. 410); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1382) granting an increase of pension to Benjamin Fagley, reported the same with amendment, accompanied by a report (No. 411); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6516) granting an increase of pension to Joseph G. Bailey, reported the same with amendment, accompanied by a report (No. 412); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5016) granting an increase of pension to Francis Carey, reported the same with amendment, accompanied by a report (No. 413); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6157) granting an increase of pension to Jonathan J. Boyer, reported the same without amendment, accompanied by a report (No. 414); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions,

to which was referred the bill of the House (H. R. 7224) granting an increase of pension to Charles R. Ellis, reported the same with amendment, accompanied by a report (No. 415); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7302) granting an increase of pension to James G. Head, reported the same with amendment, accompanied by a report (No. 416); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4735) granting an increase of pension to Thomas Adair, reported the same with amendment, accompanied by a report (No. 417); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6338) granting an increase of pension to Richard McCarthy, reported the same with amendment, accompanied by a report (No. 418); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4765) granting an increase of pension to George W. Shepherd, reported the same with amendment, accompanied by a report (No. 419); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4666) granting an increase of pension to David A. Carpenter, reported the same with amendment, accompanied by a report (No. 420); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4224) granting an increase of pension to Christopher Pletzke, reported the same without amendment, accompanied by a report (No. 421); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5254) granting an increase of pension to Travis W. Tichenor, reported the same without amendment, accompanied by a report (No. 422); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6962) granting an increase of pension to Richard Phillips, jr., reported the same with amendment, accompanied by a report (No. 423); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4195) granting an increase of pension to J. H. Se Cheverell, reported the same with amendment, accompanied by a report (No. 424); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10296) granting an increase of pension to James Graham, reported the same with amendment, accompanied by a report (No. 425); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6993) granting an increase of pension to John Sarvis, reported the same with amendment, accompanied by a report (No. 426); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2394) granting an increase of pension to Frank Buncher, reported the same with amendment, accompanied by a report (No. 427); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3229) granting a pension to Jessie Marie Hester, reported the same with amendment, accompanied by a report (No. 428); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8288) granting an increase of pension to Jonathan Carr, reported the same with amendment, accompanied by a report (No. 429); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. PALMER: A bill (H. R. 12595) supplementary to an act to establish a uniform system of bankruptcy, and so forth—to the Committee on the Judiciary.

By Mr. HOWELL of New Jersey: A bill (H. R. 12596) authorizing survey of Toms River, New Jersey, and for other purposes—to the Committee on Rivers and Harbors.

By Mr. MAYNARD: A bill (H. R. 12597) to provide for the erection of a public building in the city of Portsmouth, in the State of Virginia—to the Committee on Public Buildings and Grounds.

By Mr. KINKAID: A bill (H. R. 12598) for the resurvey of certain townships in the State of Nebraska—to the Committee on the Public Lands.

By Mr. BRANTLEY: A bill (H. R. 12599) authorizing the erection of a court-house and post-office building at Valdosta, Ga.—to the Committee on Public Buildings and Grounds.

By Mr. SULZER: A bill (H. R. 12600) to create the Department of Transportation—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 12601) relating to the salaries of the President and Vice-President of the United States, and for paying the President a salary after his retirement from office—to the Committee on Appropriations.

By Mr. HUGHES: A bill (H. R. 12602) to extend Minnesota avenue north—to the Committee on the District of Columbia.

By Mr. KETCHAM: A bill (H. R. 12603) to repeal the smoke law south of Anacostia River—to the Committee on the District of Columbia.

By Mr. HUGHES: A bill (H. R. 12604) to change street-extension plan—to the Committee on the District of Columbia.

By Mr. SMYSER: A bill (H. R. 12605) defining the competency of witnesses in criminal prosecutions—to the Committee on the Judiciary.

By Mr. WM. ALDEN SMITH: A bill (H. R. 12606) to amend the act of June 27, 1890, as amended by the act of May 9, 1900—to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 12607) to erect a statue to Pierre Charles L'Enfant—to the Committee on the Library.

By Mr. BUCKMAN: A bill (H. R. 12608) permitting the building of a dam across the Mississippi River at or near Pike Rapids, in Morrison County, Minn.—to the Committee on Interstate and Foreign Commerce.

By Mr. DIXON of Montana: A bill (H. R. 12609) appropriating $15,000 for acquiring additional ground and improvements for same for the Federal building at Butte, Mont.—to the Committee on Public Buildings and Grounds.

By Mr. MAYNARD: A bill (H. R. 12610) to authorize the United States Government to participate in the Jamestown Tercentennial Exposition on the shores of Hampton Roads, in Norfolk County, Va., in 1907, and to appropriate money in aid thereof—to the Select Committee on Industrial Arts and Expositions.

By Mr. BROOKS of Colorado: A bill (H. R. 12611) to create and establish the office of Commissioner of Mines as a part of the Department of Commerce and Labor—to the Committee on Mines and Mining.

By Mr. LEVER: A bill (H. R. 12612) to further promote the dairy industry of the United States—to the Committee on Agriculture.

By Mr. AIKEN: A bill (H. R. 12613) to erect a monument and inclosure for same on Ninety Six battlefield, Greenwood County, S. C.—to the Committee on the Library.

By Mr. HAYES: A bill (H. R. 12614) to restore the name of California avenue, in the city of Washington—to the Committee on the District of Columbia.

By Mr. DIXON of Montana: A bill (H. R. 12615) to prevent cruelty to animals while in transit by railroad or other means of transportation from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, and repealing sections 4386, 4387, 4388, 4389, and 4390 of the United States Revised Statutes—to the Committee on Interstate and Foreign Commerce.

By Mr. HEPBURN: A bill (H. R. 12616) authorizing the settlement of claims arising from collisions with vessels of the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. LITTAUER: A resolution (H. Res. 159) making it in order to offer an amendment to the urgent deficiency bill (H. R. 12320)—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

Mr. ADAMSON: A bill (H. R. 12617) granting an increase of pension to Martha A. Wardlaw—to the Committee on Pensions.

By Mr. AIKEN: A bill (H. R. 12618) for the relief of Kelly Johns—to the Committee on Claims.

Also, a bill (H. R. 12619) for the relief of Kelly Johns—to the Committee on Claims.

Also, a bill (H. R. 12620) for the relief of Thomas G. Williams—to the Committee on Claims.

Also, a bill (H. R. 12621) for the relief of Thomas G. Williams—to the Committee on Claims.

Also, a bill (H. R. 12622) for the relief of James C. Duncan—to the Committee on Claims.

Also, a bill (H. R. 12623) granting a pension to Minnie C. O'Connor—to the Committee on Pensions.

By Mr. ALLEN of New Jersey: A bill (H. R. 12624) granting a pension to Mary M. Howell—to the Committee on Invalid Pensions.

By Mr. ALEXANDER: A bill (H. R. 12625) to correct the relative rank of Henry M. Fales, first lieutenant, First Infantry, United States Army—to the Committee on Military Affairs.

By Mr. BATES: A bill (H. R. 12626) granting a pension to Clinton G. Ames—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12627) granting an honorable discharge to Robert S. Dame and placing him on the retired list of the Army—to the Committee on Military Affairs.

By Mr. BARCHFELD: A bill (H. R. 12628) removing the charge of desertion against the name of David W. Smythe—to the Committee on Military Affairs.

Also, a bill (H. R. 12629) granting an increase of pension to Agnes E. Greer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12630) granting an increase of pension to William Wilhelm—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 12631) granting an increase of pension to James E. Leslie—to the Committee on Invalid Pensions.

By Mr. BURKE of Pennsylvania: A bill (H. R. 12632) removing the charge of desertion against the name of Thomas M. Richardson—to the Committee on Military Affairs.

By Mr. CHANEY: A bill (H. R. 12633) for the relief of Andrew Wilkinson and William D. Wilkinson—to the Committee on Pensions.

By Mr. DOVENER: A bill (H. R. 12634) granting a pension to Cassy Cattrill—to the Committee on Invalid Pensions.

By Mr. ELLIS: A bill (H. R. 12635) for the relief of Thomas L. How, heir of James J. and Isaac S. How, deceased—to the Committee on War Claims.

Also, a bill (H. R. 12636) for the relief of Isaac Meyer—to the Committee on War Claims.

By Mr. ESCH: A bill (H. R. 12637) for the relief of Lawson M. Fuller, captain, Ordnance Department, United States Army—to the Committee on Military Affairs.

By Mr. FULLER: A bill (H. R. 12638) granting an increase of pension to Ellen Leahy—to the Committee on Invalid Pensions.

By Mr. GILBERT of Indiana: A bill (H. R. 12639) granting an increase of pension to Enos D. Messimore—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 12640) granting an increase of pension to Augustus Walkers—to the Committee on Pensions.

By Mr. HAYES: A bill (H. R. 12641) to correct the record of Charles Ellis, late of the United States Navy— to the Committee on Naval Affairs.

Also, a bill (H. R. 12642) granting an increase of pension to William S. Blackwood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12643) granting an increase of pension to William H. Franklin—to the Committee on Invalid Pensions.

By Mr. HENRY of Texas: A bill (H. R. 12644) granting a pension to Louisa Knapp—to the Committee on Pensions.

By Mr. HERMANN: A bill (H. R. 12645) granting a pension to Amos H. Hampton—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 12646) granting an increase of pension to Mary E. Spraggins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12647) granting an increase of pension to Jacob P. Lichty—to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: A bill (H. R. 12648) granting an increase of pension to Martha T. Miller—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: A bill (H. R. 12649) granting a pension to Cornelia Jamison—to the Committee on Invalid Pensions.

By Mr. JAMES: A bill (H. R. 12650) granting a pension to Ben S. Perkins—to the Committee on Pensions.

By Mr. KNOPF: A bill (H. R. 12651) granting a pension to Louis Grossman—to the Committee on Invalid Pensions.

By Mr. LACEY: A bill (H. R. 12652) granting a pension to James C. Porter—to the Committee on Invalid Pensions.

By Mr. LAWRENCE: A bill (H. R. 12653) granting a pension to Sarah Adams—to the Committee on Invalid Pensions.

By Mr. LILLEY of Pennsylvania: A bill (H. R. 12654) granting an increase of pension to Alexander Keefe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12655) granting an increase of pension to Moses Benjamin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12656) granting a pension to Louise Ackley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12657) to remove the charge of desertion against Michael Dougherty—to the Committee on Military Affairs.

Also, a bill (H. R. 12658) for the relief of Douglas Wilson—to the Committee on Claims.

By Mr. LORIMER: A bill (H. R. 12659) granting an increase of pension to James B. Haines—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12660) granting an increase of pension to F. E. Alvord—to the Committee on Invalid Pensions.

By Mr. McNARY: A bill (H. R. 12661) granting a pension to John H. Leslie—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12662) granting a pension to Margaret Drum—to the Committee on Invalid Pensions.

By Mr. McKINNEY: A bill (H. R. 12663) granting an increase of pension to Frederick Friebele—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 12664) granting an increase of pension to William E. Wallace—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12665) granting a pension to Richard Hudson—to the Committee on Invalid Pensions.

By Mr. RHINOCK: A bill (H. R. 12666) granting an increase of pension to Margaret M. Scheper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12667) granting an increase of pension to Charles W. Weber—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 12668) for the relief of the estate of Jonathan Paulk, deceased—to the Committee on War Claims.

Also, a bill (H. R. 12669) for the relief of the estate of Mathew Grimmett, deceased—to the Committee on War Claims.

Also, a bill (H. R. 12670) for the relief of Jacob A. Paulk—to the Committee on War Claims.

By Mr. RIVES (by request): A bill (H. R. 12671) granting an increase of pension to Hamilton H. McAleney—to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 12672) granting an increase of pension to Lyman K. Raymond—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12673) granting an increase of pension to Olden Myers—to the Committee on Invalid Pensions.

By Mr. WM. ALDEN SMITH: A bill (H. R. 12674) granting an increase of pension to David A. Jewell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12675) granting a pension to Helen M. Burgess—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: A bill (H. R. 12676) granting an increase of pension to Francis M. Morrison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12677) granting an increase of pension to J. I. Harder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12678) granting an increase of pension to Ernest Heinig—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12679) granting an increase of pension to John R. Lobb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12680) granting a pension to Charles Eggemann—to the Committee on Invalid Pensions.

By Mr. SNAPP (by request): A bill (H. R. 12681) granting a pension to Frances E. Taylor—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 12682) granting an increase of pension to James McGrath—to the Committee on Invalid Pensions.

By Mr. WOODYARD: A bill (H. R. 12683) granting an increase of pension to Bowers Davis—to the Committee on Invalid Pensions.

By Mr. YOUNG: A bill (H. R. 12684) to authorize the issue of a patent to Laura (Compson) Doxtater, an Indian of the Oneida tribe, under the provisions of the act of Congress approved February 8, 1887—to the Committee on the Public Lands.

By Mr. CRUMPACKER: A bill (H. R. 12685) granting an increase of pension to Margaret J. Deaver—to the Committee on Invalid Pensions.

By Mr. DAWES: A bill (H. R. 12686) for the relief of Edwin T. Hayward, executor of Columbus F. Hayward, and the administrator of Charlotte G. Hayward—to the Committee on Claims.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 8927) granting a pension to Thomas J. Waldron—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9143) granting an increase of pension to Adolph M. Clay—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10476) granting an increase of pension to Charles T. Hesler—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12302) for the relief of John P. Fairchild—Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

A bill (H. R. 10741) granting an increase of pension to Thomas Clark—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12544) for the relief of Thomas D. Meares, administrator of Armand D. Young, deceased—Committee on Invalid Pensions discharged, and referred to the Committee on War Claims.

A bill (H. R. 12556) granting an increase of pension to Joseph W. Coppage—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12559) for the relief of Telisha Webb—Committee on Invalid Pensions discharged, and referred to the Committee on War Claims.

A bill (H. R. 12573) granting a pension to Catherine E. Jennings—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the board of supervisors of the county of Oahu, Hawaii, favoring recommendations of the President relative to revenues of the Territory of Hawaii—to the Committee on the Territories.

Also, petition of W. E. Hutchinson et al., of the Choctaw Nation, Ind. T., praying for general temperance legislation—to the Committee on the Territories.

Also, petition of Grange No. 507, Louisiana, for release of tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. ACHESON: Petition of Friendship Council, No. 201, Junior Order United American Mechanics, of Washington, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. AIKEN: Petition of J. E. Wafford et al., for reduction of duty on hides—to the Committee on Ways and Means.

By Mr. BARCHFELD: Petition of Hilltop Council, No. 88, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of J. A. Lippincott, against enactment of bill H. R. 145—to the Committee on Interstate and Foreign Commerce.

By Mr. BATES: Papers to accompany bill H. R. 11954—to the Committee on Public Buildings and Grounds.

Also, petition of Grange No. 958, of Millers Station, Pa., for removal of tax from denaturized alcohol—to the Committee on Ways and Means.

Also, petition of 14 citizens of New York and vicinity, for relief of survivors of the *General Slocum* disaster—to the Committee on Claims.

Also, petition of the National Grange, favoring removal of the tax from denaturized alcohol—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Emma A. Smith—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Robert S. Dame—to the Committee on Military Affairs.

Also, petition of Erie Council, No. 216, Commercial Travelers' Association, for amendment of the national bankruptcy act—to the Committee on the Judiciary.

By Mr. BRADLEY: Petition of Otisville Grange, Patrons of Husbandry, for untaxed denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Sullivan County Council, Order United American Mechanics, of Monticello, N. Y., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Cronomer (N. Y.) Valley Grange, Patrons of Husbandry, for untaxed denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Sullivan Chemical Company, against removal of tax on alcohol—to the Committee on Ways and Means.

By Mr. BURKE of Pennsylvania: Petition of Hilltop Council, No. 88, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BURLEIGH: Petition of citizens of New York and vicinity, for relief for heirs of victims of the *General Slocum* disaster—to the Committee on Claims.

By Mr. BUTLER of Pennsylvania: Petition of Kennett Council, No. 182, Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BUTLER of Tennessee: Paper to accompany bill for relief of Webster Thomas—to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Kansas: Paper to accompany bill for relief of Patrick Conlin—to the Committee on Military Affairs.

By Mr. CHAPMAN: Petition of Banner Council, No. 9, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of 20 citizens of New York City and vicinity, for relief for victims of the *Slocum* disaster—to the Committee on Claims.

By Mr. COOPER of Pennsylvania: Petition of the president of the Central Prohibition Club, against repeal of the tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Patrons of Husbandry, Grange No. 419, of Fayette County, Pa., for repeal of revenue tax on alcohol used in the arts—to the Committee on Ways and Means.

By Mr. DALZELL: Petition of Hilltop Council, No. 88, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. DE ARMOND: Paper to accompany bill for relief of Warren Littlefield—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of John B. Craig—to the Committee on Invalid Pensions.

By Mr. FOSTER of Indiana: Petition of the Kayes Furniture Company, favoring bill H. R. 7079—to the Committee on Ways and Means.

By Mr. FULLER: Petition of the Rice Association of America, relative to tariff on rice—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Ellen Leahy—to the Committee on Invalid Pensions.

By Mr. GOEBEL: Petitions of Friendship and New Era councils, Junior Order United American Mechanics, of Cincinnati, Ohio, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. GRAHAM: Petition of Hillsdale Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. HASKINS: Petition of Caldoma Springs Council, No. 20, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. HAY: Paper to accompany bill for relief of Augusta Walker—to the Committee on Invalid Pensions.

By Mr. HAYES: Petition of Benjamin Spark et al., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of Mrs. R. C. Rogers—to the Committee on Pensions.

Also, paper to accompany bill for relief of James C. Strong—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of John H. Ward—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Malek A. Southworth—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of certain officers of the Second Louisiana Volunteer Cavalry—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of J. H. Henry—to the Committee on Claims.

By Mr. HINSHAW: Petition of M. G. Smith & Co., against the bill to reduce the postage on merchandise to 8 cents per pound—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Nebraska, favoring passage of the Hepburn-Dolliver bill and the McCumber-Sperry bill—to the Committee on the Judiciary.

By Mr. HUFF: Petition of 14 citizens of New York and vicinity, for relief of the victims of the *Slocum* disaster—to the Committee on Claims.

By Mr. KAHN: Petition of Pioneer Automobile Company, of San Francisco, against legislation for licensing of automobile drivers—to the Committee on Interstate and Foreign Commerce.

Also, petition of 20 citizens of New York and vicinity, for relief of heirs of victims of the *General Slocum* disaster—to the Committee on Claims.

Also, petition of the Sierra Club, of California, for recession of Yosemite Valley and Mariposa big-tree groves to the United States—to the Committee on Agriculture.

Also, petition of Cigar Makers' Union No. 228, of San Francisco, Cal., against the Philippine bill—to the Committee on Ways and Means.

Also, petition of the American Wine Growers' Association, for an amendment to the law relative to sweet wines—to the Committee on Ways and Means.

By Mr. LEE: Paper to accompany bill H. R. 9146—to the Committee on Invalid Pensions.

By Mr. LILLEY of Pennsylvania: Petition of the Equinunk Chemical Company, of Lanesboro, Pa., against bill H. R. 7079—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Lewis Robacker—to the Committee on Invalid Pensions.

Also, petition of 20 citizens, for relief of victims of the *General Slocum* disaster—to the Committee on Claims.

Also, paper to accompany bill for relief of George L. Waltz—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Douglas Wilson—to the Committee on Claims.

By Mr. LINDSAY: Petition of the Arbuckle Brothers Company, of New York, for the passage of bill H. R. 10090—to the Committee on Interstate and Foreign Commerce.

By Mr. LORIMER: Paper to accompany bill for relief of James B. Haines—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of F. E. Alvard—to the Committee on Invalid Pensions.

By Mr. MANN: Paper to accompany bill for relief of Richard Hudson—to the Committee on Invalid Pensions.

By Mr. McCALL: Petition of the Ames Smokeless Powder Company, of Boston, favoring removal of the tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. MONDELL: Paper to accompany bill for relief of Allison Nailor—to the Committee on War Claims.

By Mr. OTJEN: Petition of citizens of Michigan, protesting against reestablishment of the Army canteen—to the Committee on Military Affairs.

By Mr. OVERSTREET: Petition of the W. D. Huffman Company, for free alcohol used in the arts—to the Committee on Ways and Means.

By Mr. PAYNE: Paper to accompany bill for relief of Thomas P. Crandall—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Samuel G. Raymond—to the Committee on Invalid Pensions.

Also, petition of soldiers, in support of bill H. R. 12588, granting an increase of pension to Joseph B. Dickinson—to the Committee on Invalid Pensions.

Also, petition of citizens of New York, asking removal of the tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. REID: Paper to accompany bill for relief of John S. Houston—to the Committee on War Claims.

By Mr. RHINOCK: Paper to accompany bill for relief of Margaret M. Scheper—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: Paper to accompany bill for relief of Mathew N. Grimmett—to the Committee on War Claims.

Also, paper to accompany bill for relief of estate of Jonathan Paulk, of Lauderdale County, Ala.—to the Committee on War Claims.

By Mr. RYAN: Petition of the Society of Medical Jurisprudence, of New York, favoring reorganization of the Medical Department of the Army—to the Committee on Military Affairs.

Also, petition of Edward D. Janeway and 25 other doctors, for enactment of a pure food and drug law—to the Committee on Agriculture.

By Mr. SIBLEY: Petition of Sandy Lake (Pa.) Grange, No. 393, for removal of the tax on alcohol—to the Committee on Ways and Means.

Also, petitions of the Lackawanna Chemical Company, of Straight, Elk County; the Straight Creek Chemical Company, the Forest Chemical Company, the Kinzua Chemical Company, and the Bayless Brothers Chemical Company, all in Pennsylvania, for removal of the tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. TAYLOR of Ohio: Petition of the Olla Podrida Club, for preservation of Niagara Falls—to the Committee on Foreign Affairs.

By Mr. THOMAS of North Carolina: Petition of the State Farmers' Convention of North Carolina and the State board of agriculture of North Carolina, for an appropriation to exterminate the cattle tick—to the Committee on Agriculture.

Also, petition of the North Carolina Society of Colonial Dames of America, against commercial spoliation of Niagara Falls—to the Committee on Foreign Affairs.

By Mr. WADSWORTH: Petition of the Woman's Christian Temperance Union of Hulburton, N. Y., against sale of liquor in Soldiers' Homes and all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. WOODYARD: Petition of Kanawha Valley Council, No. 66, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

SENATE.

MONDAY, *January 22, 1906.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

JOSEPH R. BURTON, a Senator from the State of Kansas, appeared in his seat to-day.

The Secretary proceeded to read the Journal of the proceedings of Thursday last, when, on request of Mr. MCCUMBER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

POSTAGE ON PERIODICAL PUBLICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Postmaster-General, transmitting, in response to a resolution of December 15, 1905, certain information relative to the construction placed by the Post-Office Department upon the existing laws prescribing the postage for periodical publications under the rules and practice of that Department; which, with the accompanying paper, was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

AWARD OF SPANISH TREATY CLAIMS COMMISSION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting the record of an award made by the Spanish Treaty Claims Commission under the provisions of the act of March 2, 1901, to Maria Luisa Calvo de Almagro, $7,500; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

PERMANENT BARRACKS FOR THE ARMY.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a letter from the Surgeon-General, together with a report of the Quartermaster-General of the Army, requesting that the limit of cost of $20,000 for permanent barracks or quarters and buildings and structures of a permanent nature prescribed by section 1136 of the Revised Statutes be increased to $60,000; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

GIFT TO REAR-ADMIRAL C. H. DAVIS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, requesting that Rear-Admiral C. H. Davis, United States Navy, be authorized to accept a silver cup and salver and a silver punch bowl and cups tendered through the Department of State by the British and Russian ambassadors, respectively, in the name of their Governments, etc.; which was referred to the Committee on Foreign Relations, and ordered to be printed.

ACCEPTANCE OF GIFTS AND DECORATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, requesting that certain citizens of the United States and officers in the United States Army and Navy be permitted to accept certain gifts and decorations presented to them by foreign governments; which was referred to the Committee on Foreign Relations, and ordered to be printed.

INSPECTION OF SENATE ELEVATORS.

The VICE-PRESIDENT laid before the Senate a communication from Elliott Woods, Superintendent of the United States Capitol building and grounds, stating that instructions calling

for a complete daily inspection of each and every elevator in the Senate wing of the Capitol are being carried out during the present session of Congress; which was referred to the Committee on Rules, and ordered to be printed.

TRADE WITH BRAZIL.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting the report of Lincoln Hutchinson, special agent of the Department of Commerce and Labor, relative to the conditions affecting the trade of the United States with Brazil; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

OWNERSHIP OF LAND IN THE PHILIPPINES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 17th instant, copies of replies from eight members of the Philippine Commission relative to whether any member of that Commission owned on December 1, 1905, or now owns any lands in the Philippine Islands; which, with the accompanying papers, was refered to the Committee on the Philippines, and ordered to be printed.

TRADE WITH CANADA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting the report of Charles M. Pepper, special agent of the Department of Commerce and Labor on conditions affecting the trade of the United States with the Dominion of Canada; which, with the accompanying paper, was referred to the Committee on Relations with Canada, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

S. 321. An act to provide for the extension of time within which homestead settlers may establish their residence upon certain lands which were heretofore a part of the Uinta Indian Reservation, within the counties of Uinta and Wasatch, in the State of Utah; and

S. 2159. An act authorizing the Jasper and Eastern Railway Company, its successors and assigns, to construct and operate a railroad bridge across the Sabine River, in the States of Texas and Louisiana.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 3127. An act providing for the holding of Federal court at Grand Island, Nebr.;

H. R. 5976. An act to provide for the final disposition of the affairs of the Five Civilized Tribes of the Indian Territory, and for other purposes; and

H. R. 7085. An act authorizing the Pea River Power Company to erect a dam in Coffee County, Ala.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Indiana State board of veterinary medical examiners, of Muncie, Ind., remonstrating against the enactment of legislation extending the hours for the interstate transit of live stock; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Fruit Exchange of Colton, Cal., praying for the passage of the so-called "Dolliver bill" to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof; which was referred to the Committee on Interstate Commerce.

He also presented the petition of Mary A. Smith and sundry other citizens of the Choctaw Nation, Indian Territory, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Indian Territory when admitted to statehood; which was referred to the Committee on Territories.

He also presented a petition of the general conference committee of the Seventh Day Adventists of the District of Columbia, praying for the enactment of legislation to authorize the Baltimore and Washington Transit Company of Baltimore to extend its lines into the District; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Society of Medical Jurisprudence, of New York City, N. Y., praying for the enactment of legislation providing for the reorganization of the medical departments of the Army and Navy; which was referred to the Committee on Military Affairs.

He also presented a memorial of the Southern Corn Millers' Association, remonstrating against the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Farragut Association of Naval Veterans, of Philadelphia, Pa., praying for the enactment of legislation to prevent the destruction of the U. S. frigate *Constitution*, commonly known as "Old Ironsides;" which was referred to the Committee on Naval Affairs.

Mr. FRYE presented a petition of the Society of Chemical Industry, of Boston, Mass., praying for the enactment of legislation to remove the duty on grain alcohol; which was referred to the Committee on Finance.

He also presented memorials of Local Union No. 376, of Waterville; of Local Union No. 376, of Gardiner, and of Local Union No. 284, of Waterville, all of the Cigar Makers' International Union of America, in the State of Maine, remonstrating against any reduction of the duty on cigars and tobacco imported from the Philippine Islands; which were referred to the Committee on the Philippines.

Mr. McCUMBER presented the petition of Dr. J. C. Smith and 24 other citizens of Thompson, N. Dak., praying that when the Territories are admitted to statehood there be placed in their constitution the prohibition clause; which was referred to the Committee on Territories.

Mr. PLATT presented a petition of the Society of Medical Jurisprudence, of New York City, N. Y., praying for the enactment of legislation to provide for a reorganization of the medical departments of the United States Army and Navy; which was referred to the Committee on Military Affairs.

He also presented a petition of the American Bar Association, the Commercial Law League of America, the Merchants' Association, the National Board of Trade, and the National Association of Credit Men, of New York City, N. Y., praying for the passage of a permanent bankruptcy law, and remonstrating against the repeal of the present bankruptcy law; which was referred to the Committee on the Judiciary.

He also presented a petition of the Minerva Club, of New York City, N. Y., praying for the enactment of legislation to increase the salary of the President of the United States; which was referred to the Committee on Appropriations.

He also presented a petition of the Merchants and Manufacturers' Board of Trade of New York City, N. Y., praying for the enactment of legislation to reorganize the consular service of the United States; which was ordered to lie on the table.

He also presented a petition of Wallkill River Grange, Patrons of Husbandry, of Middletown, N. Y., praying for the enactment of legislation to remove the duty on alcohol intended for industrial purposes; which was referred to the Committee on Finance.

He also presented a petition of the council of the Grolier Club, of New York City, N. Y., praying for the enactment of legislation to remove the duty on works of art; which was referred to the Committee on Finance.

He also presented a petition of Thomas Dickson Division, No. 171, Order of Railway Conductors, of Mechanicsville, N. Y., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Erie County Society for the Prevention of Cruelty to Animals, of Buffalo, N. Y., remonstrating against the enactment of legislation extending the time limit of confinement of live stock while in transit; which was referred to the Committee on Interstate Commerce.

He also presented memorials of Local Division No. 311, Brotherhood of Locomotive Engineers, of Binghamton; of Local Division No. 54, Order of Railway Conductors, of New York City; of Bartholdi Lodge, No. 309, Brotherhood of Locomotive Firemen, of Long Island; of Local Lodge No. 517, Brotherhood of Railroad Trainmen, of Brooklyn, and of Long Island Division, No. 279, Brotherhood of Locomotive Engineers, of Long Island, all in the State of New York, remonstrating against the passage of the so-called "Esch-Townsend railroad-rate bill;" which were referred to the Committee on Interstate Commerce.

He also presented memorials of Local Union No. 348, Cigar Makers' International Union, of Corning, N. Y., remonstrating against any reduction of the duty on cigars and tobacco imported from the Philippine Islands; which were referred to the Committee on the Philippines.

He also presented a petition of the Chamber of Commerce of the State of New York, praying for the enactment of legislation to create a Federal judicial circuit court in the Orient; which was referred to the Committee on Foreign Relations.

He also presented the memorial of William A. Flower and sundry other citizens of New York City, N. Y., remonstrating against the ratification of the Isle of Pines treaty; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Chamber of Commerce of the State of New York, praying for the enactment of legislation

to extend the time to July 1, 1909, of the act to regulate shipping between the United States and the Philippine Islands; which was referred to the Committee on Commerce.

He also presented a petition of the Association for the Protection of Commerce of the Port of New York, of New York City, N. Y., and a petition of the Chamber of Commerce of the State of New York, praying for the enactment of legislation to deepen Coney Island channel, in that State; which were referred to the Committee on Commerce.

He also presented a petition of Charles Dersch, Fred W. Hotz, and sundry other citizens of New York, praying for the enactment of legislation for the relief of the survivors of the *General Slocum* disaster; which was referred to the Committee on Claims.

He also presented petitions of Council No. 21, of Brooklyn; Council No. 83, of Woodmere; Council No. 37, of Riverhead; General James A. Garfield Council, No. 69, of Brooklyn; Central City Council, No. 52, of Syracuse; Victory Council, No. 62, of Wappingers Falls; Pulver Council, No. 14, of Ravena; Freeport Council, No. 57, of Freeport; Empire Council, No. 28, of Greenport; A. A. Haines Council, No. 56, of Amagansett; Wagwagonock Council, No. 64, of Sag Harbor; Richmond Council, No. 19, of Port Richmond; Shelter Island Council, No. 32, of Shelter Island; Atlantic Council, No. 42; General Warren Council, No. 46, of Brooklyn; Excelsior Council, No. 108, of Brooklyn; Delaware Council, No. 9, of Port Jervis; Greenwich Council, No. 24, of New York City; Columbia Council, No. 31, of Port Washington, and of Major Weston Council, No. 129, of Fishkill, all of the Junior Order United American Mechanics; of Local Division No. 1576, United Brotherhood of Carpenters and Joiners of America, of Mechanicsville; of Local Division No. 8856, of the Laborers' Protective Union, of Middletown, and of sundry citizens of Seneca Falls, all in the State of New York, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented memorials of the Woman's Christian Temperance Unions of Smithboro, Caughdency, Kendall, Fort Edward, Peruville, and Waterford, all in the State of New York, remonstrating against the repeal of the present anticanteen law; which were referred to the Committee on Military Affairs.

He also presented petitions of the congregations of the Methodist Episcopal, Free Baptist, and Evangelical churches of Indian Falls, N. Y.; of Mrs. Mary B. Thomson, of St. Louis, Mo.; Mrs. Fanny M. Blossom, of Bradford, Pa.; Blossom Hawk, of St. Louis, Mo.; Mrs. Helen Giboney, of Chautauqua, N. Y., and of Mrs. Hattie Cole, and sundry other citizens of Cuba, N. Y., praying for an investigation of the charges made and filed against the Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented a petition of the General Synod of the Reformed Church in America, of Raritan, N. J., praying for the adopting of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented petitions of the Indian Association of Cortland and of the National Indian Association of Brooklyn, in the State of New York, praying for the enactment of legislation for the relief of the landless Indians in northern California; which were referred to the Committee on Indian Affairs.

Mr. DEPEW presented a petition of the Board of Underwriters of New York City, N. Y., praying for the enactment of legislation for the improvement of the navigation in that harbor; which was referred to the Committee on Commerce.

He also presented a petition of the Peace Convention of the Shakers of Mount Lebanon, N. Y., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

He also presented a petition of the American Chamber of Commerce of Paris, France, praying for the ratification of a reciprocity treaty between the United States and France; which was referred to the Committee on Foreign Relations.

He also presented petitions of Councils Nos. 66, 82, 280, 20, 97, 16, 32, 175, 6, 246, 8, 58, 37, 52, 3, 5, 27, 289, of Amagansett, Wappingers Falls, Oswego, Kerhonkson, Poughkeepsie, Brooklyn, Shelter Island, Maspeth, Frankfort, Lockport, Rome, Roverhead, Syracuse, Newburgh, Southampton, Elmira, Jamestown, and New York City, all of the Junior Order of United American Mechanics, in the State of New York, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented memorials of Local Union No. 5, Cigar Makers' International Union, of Rochester, N. Y., remonstrating against any reduction of the duty on cigars and tobacco imported from the Philippine Islands; which were referred to the Committee on the Philippines.

Mr. SMOOT. I present a petition of citizens of Arizona, favoring the annexation of the Arizona Strip to the State of Utah. I ask that it be printed in the RECORD and referred to the Committee on Territories.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Utah?

Mr. FRYE. Under the rule the names of the petitioners will not be printed.

The VICE-PRESIDENT. No; under the rule the names can not be printed.

There being no objection, the petition was referred to the Committee on Territories, and ordered to be printed in the RECORD, as follows:

We, the undersigned citizens and taxpayers of the "Arizona Strip," do hereby petition Congress for annexation to the State of Utah. We make this petition for the following reasons:

By our geographical position we are separated from the judicial and political headquarters of Arizona. We are 250 miles from our county seat, thus making protection from the courts expensive and impracticable.

Our business and our social contact is necessarily with Utah; even our communication with Territorial officials must be made over Utah routes.

And especially in view of the prospective joint statehood of Arizona and New Mexico do we urge a favorable consideration. This jointure could only have the effect of increasing above-mentioned objections.

In conclusion we beg to acknowledge the courtesies extended us by Arizona. Still, in face of present prospective conditions do we stand for annexation to Utah.

Signed this 14th day of December, 1905, at Fredonia, Ariz.

Mr. WARNER presented a petition of sundry citizens of Carthage, Mo., praying that an appropriation be made providing for the erection of a post-office building in that city; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the congregation of the Methodist Episcopal Church of Potosi, Mo., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings and grounds; which was referred to the Committee on Public Buildings and Grounds.

He also presented a memorial of Local Union No. 44, Cigar Makers' International Union of America, of St. Louis, Mo., remonstrating against any reduction of the duty on cigars and tobacco imported from the Philippine Islands; which was referred to the Committee on the Philippines.

He also presented a paper to accompany the bill (S. 1893) to provide for the final disposition of the affairs of the Five Civilized Tribes of the Indian Territory, and for other purposes; which was referred to the Committee on Indian Affairs.

He also presented a paper to accompany the bill (S. 2485) for the relief of William S. Johnson; which was referred to the Committee on Military Affairs.

He also presented petitions of sundry citizens of St. Louis; of Local Unions Nos. 267, 102, 32, 18, 2, 100, 6, 1635, 80, 335, 13, 1, 296, 537, 472, 46, 52, 19, 1391, and 162, Kansas City, St. Louis Springfield, Monett, Hannibal, all of the American Federation of Labor, in the State of Missouri, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. OVERMAN presented petitions of Bostic Council, No. 171, of Bostic; Newton Council, No. 84, of Newton; Walnut Creek Council, No. 55, of Raleigh; South Side Council, No. 80, of Winston-Salem; Cliffside Council, No. 139, of Cliffside; Intelligence Council, of Intelligence; Aramanchee Council, No. 72, of Worthville; Kernersville Council, No. 54, of Kernersville; Wilson Council, No. 40, of Wilson; Lenoir Council, No. 78, of Kinston; Guilford Council, No. 23, of High Point; Trophy Council, No. 29, of High Point; Carthage Council, No. 165, of Carthage; Eseola Council, No. 86, of Saginaw; Alexander Council, No. 46, of Taylorsville; Lexington Council, No. 21, of Lexington; Granville Council, No. 117, of Oxford; Blue Ridge Council, No. 73, of Mount Airy, and of Ashpole Council, No. 178, of Ashpole, all of the Junior Order United American Mechanics, in the State of North Carolina, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented memorials of sundry citizens of Salisbury, N. C., remonstrating against the passage of the so-called "Esch-Townsend railway rate bill;" which were referred to the Committee on Interstate Commerce.

Mr. ELKINS presented petitions of Local Councils Nos. 65, 175, 20, 45, 182, 281, 95, 30, 201, 30, 105, 221, 8, 68, 60, 81, 27, 3, 105, 141, of Elm Grove, New Haven, Keyser, Gladesville, Wheeling, Palestine, Freed, Charleston, White Pine, Bayard, and Wise, all of the Junior Order United American Mechanics, in the State of West Virginia, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. WETMORE presented a petition of Washington Council, No. 2, Junior Order United American Mechanics, of Provi-

dence, R. I., praying for the enactment of legislation to restrict immigration and also for the revision of the naturalization laws; which was referred to the Committee on Immigration.

He also presented a petition of Rocky Hill Grange, No. 27, Patrons of Husbandry, of Rocky Hill; of Union Grange, No. 13, Patrons of Husbandry, of Statesville; of Nonquit Grange, No. 31, Patrons of Husbandry, of Tiverton, and of Portsmouth Grange, No. 29, Patrons of Husbandry, of Portsmouth, all in the State of Rhode Island, praying that increased appropriations be made for the maintenance of agricultural experiment stations; which were referred to the Committee on Agriculture and Forestry.

Mr. GALLINGER presented a petition of 320 citizens of the District of Columbia; a petition of Lafayette Post, No. 120, Grand Army of the Republic, and of Henry Wilson Post, No. 17, Grand Army of the Republic, in the District of Columbia, praying for the enactment of legislation providing a home in the District of Columbia for ex-volunteer soldiers and sailors; which were referred to the Committee on the District of Columbia.

He also presented a petition of the Society of Chemical Industry of New England, praying that the internal-revenue tax of $2.07 per gallon be removed from grain alcohol when made undrinkable; which was referred to the Committee on Finance.

He also presented a petition of the board of managers of the Massachusetts Society of the Sons of the American Revolution, praying for the enactment of legislation for the preservation of the U. S. frigate *Constitution*, commonly known as "Old Ironsides;" which was referred to the Committee on Naval Affairs.

He also presented the petition of Ward R. Clarke, of Dover, N. H., praying that an investigation be made of existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Takoma Park Citizens' Association, of the District of Columbia, and a petition of the Joint Conference of the Seventh-Day Adventists of Washington, D. C., praying for the enactment of legislation granting authority to the Baltimore and Washington Transit Company, of Baltimore, to extend its lines into the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented the petition of H. Y. Satterlee, bishop of Washington, D. C., praying for the enactment of legislation for the extension and improvement of Massachusetts avenue; which was referred to the Committee on the District of Columbia.

He also presented the memorial of Dr. Hamilton S. Smith, of Washington, D. C., remonstrating against changing the name of Pierce place to Samson street in that city; which was referred to the Committee on the District of Columbia.

Mr. DOLLIVER presented a petition of Local Union No. 1, American Society of Equity, of Panora, Iowa, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

Mr. BRANDEGEE presented a petition of Local Division No. 1, Ancient Order of Hibernians, of New London, Conn., praying that an appropriation be made for the erection of a monument to the memory of the late Commodore John Barry; which was referred to the Committee on the Library.

He also presented a petition of Chamberlain Council, No. 2, Junior Order United American Mechanics, of New Britain, Conn., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented a petition of the New Haven and Coastwise Lumber Dealers' Association, of New Haven, Conn., praying for the enactment of legislation to provide for the establishment of a forest reservation in the White Mountains; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Woman's Club of Enfield, Conn., praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

Mr. CULBERSON. I present a memorial of the General Grievance Committee of the Brotherhood of Railroad Trainmen of the Houston and Texas Central Railway System, remonstrating against the passage of a railway rate bill. It is hardly necessary for me to add that I do not indorse the memorial. I move that it be referred to the Committee on Interstate Commerce.

The motion was agreed to.

Mr. BLACKBURN presented the petition of P. J. Cosgrove and sundry other citizens of Louisville, Ky., praying that a pension of $20 a month be granted to Miss Mary Carroll, of that city; which was referred to the Committee on Pensions.

He also presented the petition of E. W. Hawkins, of Newport, Ky., praying that relief be granted the heirs of John Hawkins, of Hanover County, Va., for services rendered by him in the Revolution; which was referred to the Committee on Claims.

Mr. BEVERIDGE presented a petition of the Manufacturers' Association of Indianapolis, Ind., praying for the enactment of legislation to remove the duty on alcohol used for industrial purposes; which was referred to the Committee on Finance.

Mr. HEMENWAY presented a petition of the legislature of Indiana, praying that an appropriation be made for the erection of an auditorium in the national cemetery at the city of New Albany, in that State; which was referred to the Committee on Military Affairs, and ordered to be printed in the RECORD, as follows:

Concurrent resolution (No. 6) memorializing Congress for the erection of an auditorium in the national cemetery at New Albany, Ind.

Whereas the necessity is great and urgent that in the national cemetery at New Albany, Ind., provision should be made for the safe and comfortable seating of the multitudes who visit and adorn the graves of the dead heroes of the Republic, and who attend the stated exercises of the Grand Army of the Republic and other patriotic bodies on Decoration Day and other memorial occasions: Now, therefore, be it

Resolved by the general assembly of the State of Indiana, That our Senators in Congress be respectfully requested, and our Representatives in Congress instructed, to present this resolution to their respective Houses, and to ask the Congress to make an appropriation of the sum of $6,000 for the erection of an auditorium in the national cemetery at the city of New Albany, Ind., suitable for the purposes specified in the foregoing preamble.

This resolution was passed by the Indiana senate on February 3, 1905, and concurred and adopted by the house February 15, 1905.

Mr. HEMENWAY presented a petition of Delaware Council, No. 4, Junior Order of United American Mechanics, of Muncie, Ind., and a petition of Golden Rule Council, No. 5, Junior Order of United American Mechanics, of Winslow, Ind., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. CLAPP presented a paper to accompany the bill (S. 743) for the relief of Henry C. Block; which was referred to the Committee on Claims.

Mr. LONG presented a petition of the Woman's Christian Temperance Union of Niotaze, Kans., and a petition of the congregation of the Central Congregational Church, of Topeka, Kans., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the new States to be formed; which were referred to the Committee on Territories.

He also presented a petition of Local Division No. 161, Order of Railway Conductors, of Parsons, Kans., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Kansas Retail Grocers and General Merchants' Association of Kansas, remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Commercial Law League of America, of Philadelphia, Pa., praying for the enactment of legislation to reorganize the consular service of the United States; which was ordered to lie on the table.

He also presented sundry affidavits to accompany the bill (S. 2619) granting an increase of pension to William H. Willie; which were referred to the Committee on Pensions.

Mr. BURROWS presented a petition of the Indian Association of Northern Michigan, praying that an appropriation be made for the purchase of small land holdings for the landless Indians of northern California; which was referred to the Committee on Indian Affairs.

He also presented a petition of the Webster Farmers' Club, of Dexter, Mich., praying for the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Owosso Township Grange, Patrons of Husbandry, of Owosso, Mich., remonstrating against the repeal of the present oleomargarine law; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Board of Trade of Grand Rapids, Mich., praying that an appropriation be made for the erection of a public building in that city; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of sundry citizens of Flint, Mich., praying for the ratification of international arbitration treaties and for the construction and completion of new war vessels; which was referred to the Committee on Naval Affairs.

He also presented a memorial of sundry citizens of Washington, D. C., remonstrating against the enactment of legislation to permit any street railway company to construct its line on M street; which was referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of Wakefield; of Local Lodge No. 197, Junior Order of United American Mechanics, of Wakefield; of the Street Railway Employees' Association of Detroit; of Local Union, Amalgamated Tin Sheet Metal Workers, of Kalamazoo; of Local Council No. 28, Junior Order of United American Mechanics, of Wyandotte; of Local Division No. 2, Brotherhood of Locomotive Engineers, of Jackson; of St. Clair Lodge, No. 241, Brotherhood of Railroad Trainmen, of Port Huron; of Park Lodge, No. 555, Brotherhood of Railroad Trainmen, of Detroit; of Local Union No. 29, American Federation of Labor, of Manistiro; of Local Council No. 28, Junior Order of United American Mechanics, of Wyandotte, and of Local Union No. 388, American Federation of Labor, of Kalamazoo, all in the State of Michigan, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented petitions of sundry citizens of Anadarko, Okla.; of the congregation of the First Wesleyan Methodist Church, of Rives Junction; of sundry citizens of Michigan; of the North Nebraska Conference of the Methodist Episcopal Church; of the Home Protective League of Salt Lake City, Utah; of the Woman's Synodical Society of Missions of the Presbyterian Church of Oklahoma and Indian Territories; of the National League of Women's Organizations of Holland, Mich., and of the Woman's Christian Temperance Union of Rives Junction, Mich., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented petitions of the Board of Trade of Detroit; of the Legislative Committee of the National Grange, Patrons of Husbandry, of Michigan; of Madison Grange, Patrons of Husbandry, of Adrian, and of the Michigan State Grange, Patrons of Husbandry, of Ann Arbor, all in the State of Michigan, praying for the enactment of legislation to remove the duty on denaturized alcohol; which were referred to the Committee on Finance.

He also presented memorials of Local Union No. 208, Cigar Makers' International Union of America, of Kalamazoo; of sundry citizens of Kalamazoo; of Local Union No. 340, Cigar Makers' International Union of America, of Traverse City, and of the Edgewood Cigar Factory, of Sault Ste. Marie, all in the State of Michigan, remonstrating against any reduction of the duty on cigars and tobacco imported from the Philippine Islands; which were referred to the Committee on the Philippines.

Mr. BURKETT presented sundry affidavits to accompany the bill (S. 894) granting an increase of pension to Florence A. Sewell; which were referred to the Committee on Pensions.

Mr. PILES presented a memorial of sundry citizens of Washington, remonstrating against the ratification of the Isle of Pines treaty; which was referred to the Committee on Foreign Relations.

He also presented memorials of Grays Harbor Trades and Labor Council; of Cigar Manufactory No. 71; of sundry citizens of Aberdeen; of Cigar Manufactory of Hoquiam; of Cigar Factory No. 38, of Elma; of Cigar Makers' Union, No. 325, of Spokane, all in the State of Washington, remonstrating against the enactment of legislation temporarily to provide revenue for the Philippine Islands, and for other purposes; which were referred to the Committee on the Philippines.

NEEDS OF ALASKA.

Mr. PILES. In November last the 60,000 American residents in Alaska, represented by elected delegates, met in a territorial convention in the city of Seattle and chose three delegates to present to the President and Congress the needs of that section of the country. The convention also adopted a memorial, which I present, and ask that it be read and referred to the Committee on Territories.

There being no objection, the memorial was read, and referred to the Committee on Territories, as follows:

To the people, the Congress, and the President of the United States:

The 60,000 Americans resident in Alaska, represented by elected delegates in Territorial convention this 20th day of November, 1905, appeal to the American people in every State and Territory, and to Congress and the President of the United States, with a candid statement of Alaska's needs, and a respectful demand for the recognition of her rights.

That those needs may be clearly understood and those rights dealt with in justice, we deem it fitting to present an outline of conditions as they exist in Alaska to-day.

In the precious metals of gold, silver, and copper, and in deposits of coal, tin, and iron ore, we believe that Alaska is the world's richest storehouse. Its waters produce one-half of the annual salmon catch of the Western Hemisphere. Its 580,107 square miles exceed the combined areas of the Empires of Germany and Austria-Hungary, and the islands of Great Britain and Ireland.

The great mountain systems of Alaska are crowned with ice and snow, and they feed glaciers, but in the southern and central portions are vast and fertile valleys, some as large as the State of Ohio, densely timbered and yielding abundantly of grasses, all varieties of vegetables, and the hardy grains. These valleys correspond in area, latitude, and climatic conditions with portions of northwestern Europe which contain 16,000,000 of enlightened and prosperous people.

Within this wide expanse of territory 60,000 Americans, their numbers rapidly increasing, are engaged in developing resources of limitless extent and of incalculable benefit to the prosperity of the United States.

But their work is a struggle against adversity. They face not alone the physical disadvantages of a country alternating with rugged mountains and forest-covered valleys, but they are burdened with laws wholly unsuited to their needs, which breed expensive litigation, engender animosities, and frequently bring progress to a halt.

A heavy tax is imposed by Congress upon every character of Alaskan industry and but a fraction of it is applied to Alaska's welfare as the people of Alaska believe it should be applied.

The 60,000 Americans in Alaska represent the vigor and intelligence of young manhood from every State and Territory of the Union. They have carried with them to their new home the public school, the church, the hospital, the daily newspaper, the telephone, and the electric light. They have carried also to their new home the American love of liberty and the American belief that their local affairs can be regulated by themselves better than by a body of men, however enlightened, living in different environments and occupied with other duties many thousands of miles away.

Wherefore, we demand the application to Alaska of the fundamental American principle of self-government and elective representation in Congress. We ask no help or favors, but only to be permitted to work out our own destiny and do our share in contributing to the prosperity and welfare of our common country.

In addition, we present herewith Alaska's other immediate and most urgent needs:

First and foremost. A statute applying to Alaska alone, amendatory of and supplementary to the Federal statute on mines and mining, making it impossible to locate placer mining claims by agent or attorney in fact with or without power of attorney, or in any manner to locate such claims otherwise than in person; making it impossible to locate more than 20 acres of placer mining ground in one claim, thus abolishing the group-claim curse; making it impossible for any one person to locate more than two placer mining claims on any one creek, or on any one of its tributaries; declaring that the bona fide finding of gold in any quantity whatever anywhere within the boundaries of a placer mining claim constitutes discovery; substituting a cash assessment of $25 per annum on each placer mining claim for the annual labor asessment of $100 now required by law, with the penalty that failure to pay such cash assessment subjects the claim to relocation, the moneys so paid to be expended in the construction and maintenance of wagon roads and trails in Alaska, and, finally, declaring the law of water rights in connection with placer mining claims.

Second. A direct appropriation of $1,000,000 by Congress for the building of wagon roads and trails under the supervision of the Alaska Road Commission.

Third. The application of the earnings of the Government cable and telegraph system in Alaska to the betterment and extension of the cable, the land lines, and the wireless stations, and appropriations for necessary extensions of the cable.

Fourth. Legislation relieving United States judges in Alaska of administrative duties and the appointing of United States commissioners by transferring such duties to the governor or other civil officials.

Fifth. A redistricting of the present judicial divisions, an increase in the number of judges, and the creating of an appellate court in Alaska. That pending the creation of such appellate court appeals from Alaska be held in Seattle in lieu of San Francisco.

Sixth. The abolishing of the antiquated fee system in all offices and the substitution of adequate salaries.

Seventh. The removal of the restrictive tax of $100 per annum a mile on railroads in Alaska.

Eighth. The establishing of base lines and meridians in the vast and fertile valleys of southern and central Alaska to the end that homesteaders now located and locating there in large numbers may occupy and improve the public domains of Alaska on terms of equality with homesteaders on the public domains elsewhere in the United States.

Ninth. The providing of more light-houses on the coasts of Alaska, where a fleet of American steamers is engaged in the merchant marine exceeding in numbers the American fleet engaged in one field on any other ocean.

Tenth. Better postal facilities, with special reference to assistance for postmasters in rapidly growing towns.

Eleventh. The erection of suitable buildings for the transaction of public business in the several divisions of Alaska.

Twelfth. We favor placing the care and protection of the native of Alaska under the direct supervision of the governor, in accordance with the recommendation of the President in his annual message of 1904.

In conclusion, we appeal to the press of the United States for the just treatment which it accords, when rightly informed, to all deserving interests.

Respectfully submitted, with the unanimous indorsement of the committee on resolutions, November 20, 1905.

J. G. PRICE, *Chairman.*
J. J. BURNS, *Secretary.*

Approved by unanimous vote, November 20, 1905, by the convention.

A. P. SWINEFORD, *President.*
J. J. BURNS, *Secretary.*

This is to certify that the third Alaska Territorial convention, composed of delegates duly elected by the people of Alaska pursuant to regular call and assembled and in session at Seattle, Wash., from November 15 to 22, 1905, for the purpose of memorializing the President and the Congress of the United States with regard to the legislative needs of Alaska, have regularly elected A. P. Swineford, Richard S. Ryan, and Omar J. Humphrey as delegates and representatives of the people of Alaska to appear before the President and the Congress to urge the enactment of such legislation as is requested by memorial and resolutions duly made and attested and herewith transmitted through the above-named delegates.

A. P. SWINEFORD, *Chairman.*
J. J. BURNS, *Acting Secretary.*

REPORTS OF COMMITTEES.

Mr. McCUMBER, from the Commitee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5027) granting an increase of pension to Charles W. Knight;

A bill (H. R. 2735) granting an increase of pension to Samuel Foster;

A bill (H. R. 2089) granting an increase of pension to Laura J. Forbes;

A bill (H. R. 1789) granting an increase of pension to Jacob Shade;

A bill (H. R. 1056) granting a pension to Galon S. Clevenger;

A bill (H. R. 1288) granting an increase of pension to Sterns D. Platt;

A bill (H. R. 1179) granting an increase of pension to Thomas Pickett;

A bill (H. R. 4153) granting an increase of pension to Henry C. Wildy;

A bill (H. R. 3449) granting an increase of pension to Harvey Gaskill;

A bill (H. R. 4165) granting an increase of pension to Henry G. Sternberg;

A bill (H. R. 3405) granting an increase of pension to David Palmer;

A bill (H. R. 3340) granting an increase of pension to William Moorhead;

A bill (H. R. 1199) granting a pension to Lydia A. Jewell;

A bill (H. R. 2718) granting an increase of pension to James F. Hare;

A bill (S. 1842) granting an increase of pension to Ransom O. Thaver;

A bill (S. 1987) granting a pension to Ella T. Hapeman;

A bill (S. 145) granting an increase of pension to Wellington Marlatt;

A bill (S. 140) granting an increase of pension to Maitland J. Freeman;

A bill (S. 143) granting an increase of pension to James W. Calvert;

A bill (S. 3243) granting an increase of pension to Akey C. Johnson;

A bill (S. 212) granting an increase of pension to John T. Liddle; and

A bill (S. 211) granting an increase of pension to Wilson J. Pool.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (H. R. 5023) granting an increase of pension to August Westfield;

A bill (S. 2023) granting a pension to Amanda M. Richey; and

A bill (S. 986) granting an increase of pension to Caroline M. Doan.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 1212) granting an increase of pension to John S. Wilcox;

A bill (S. 949) granting an increase of pension to Jacob Eppler; and

A bill (S. 2779) granting an increase of pension to James J. Egan.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4196) granting an increase of pension to James J. Winans;

A bill (H. R. 3506) granting an increase of pension to George W. McCormick;

A bill (H. R. 2594) granting an increase of pension to Levi Bearss;

A bill (H. R. 2011) granting an increase of pension to John Lezenby;

A bill (H. R. 2435) granting a pension to Hilia Ann Connor;

A bill (H. R. 2395) granting an increase of pension to Christopher Clinton;

A bill (H. R. 1752) granting an increase of pension to Hugh Lokerson;

A bill (H. R. 1505) granting an increase of pension to William Birmingham;

A bill (H. R. 1511) granting an increase of pension to Cornelius A. Hallenbeck; and

A bill (S. 393) granting an increase of pension to Lucinda Stamper.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 329) granting an increase of pension to William E. Blewitt;

A bill (S. 2415) granting an increase of pension to Fannie Ida Edgerton; and

A bill (S. 1852) granting an increase of pension to Milton Marsh.

Mr. ALGER, from the Committee on Pensions, to whom was referred the bill (S. 2255) granting an increase of pension to James Thompson, reported it with an amendment, and submitted a report thereon.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3006) granting an increase of pension to William H. Crites;

A bill (H. R. 3010) granting an increase of pension to Thomas C. Meadows;

A bill (H. R. 1073) granting an increase of pension to William J. Castlow;

A bill (H. R. 1378) granting an increase of pension to Henry H. Hobart;

A bill (H. R. 1766) granting an increase of pension to John T. Stone;

A bill (H. R. 1772) granting an increase of pension to James C. Plybon;

A bill (H. R. 1074) granting an increase of pension to Benjamin F. Bean;

A bill (H. R. 486) granting an increase of pension to John Armstrong;

A bill (H. R. 1381) granting an increase of pension to David H. Quigg;

A bill (H. R. 1868) granting an increase of pension to Perry Egge;

A bill (H. R. 8550) granting an increase of pension to John Bierer;

A bill (S. 2564) granting an increase of pension to Michael Matheney;

A bill (S. 2229) granting an increase of pension to William I. Hilkey; and

A bill (S. 126) granting an increase of pension to William J. Street.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 120) granting an increase of pension to John M. Buckley;

A bill (S. 2583) granting an increase of pension to Thomas Robey;

A bill (S. 3180) granting an increase of pension to Jacob A. Geiger; and

A bill (S. 508) granting an increase of pension to William Kress.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 330) granting an increase of pension to Kemenskio A. N. L. Collins; and

A bill (S. 1432) granting an increase of pension to John W. Foreaker.

Mr. GEARIN, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 2730) granting an increase of pension to James P. Ford;

A bill (S. 1838) granting an increase of pension to Harvey S. Harriman;

A bill (S. 644) granting an increase of pension to William R. Hubbell;

A bill (S. 637) granting an increase of pension to John D. O'Brien;

A bill (S. 1041) granting an increase of pension to Myron E. Billings; and

A bill (S. 1038) granting an increase of pension to James Frazier.

Mr. GEARIN, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 244) granting an increase of pension to Thomas Bramel; and

A bill (S. 2552) granting an increase of pension to Louise J. D. Leland.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (S. 1735) granting an increase of pension to Washington Hogans, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2144) granting an increase of pension to James A. M. Brown, reported it with amendments, and submitted a report thereon.

Mr. BURKETT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3245) granting an increase of pension to Robert C. Smyth;

A bill (H. R. 3575) granting an increase of pension to Silas B. Hovious;

A bill (H. R. 3606) granting an increase of pension to John S. Hoover;

A bill (H. R. 5686) granting an increase of pension to Adelle Tobey;

A bill (H. R. 4701) granting an increase of pension to Elijah Thompson Hurst, alias Elijah Thompson;

A bill (H. R. 3758) granting an increase of pension to George Nulton;

A bill (H. R. 3716) granting a pension to Augustus Foss;

A bill (H. R. 8713) granting an increase of pension to Payton S. Lynn;

A bill (H. R. 6518) granting an increase of pension to James M. Long;

A bill (H. R. 3573) granting an increase of pension to John V. Sanders;

A bill (H. R. 1686) granting an increase of pension to George S. McGregor;

A bill (H. R. 1339) granting an increase of pension to James Kelley; and

A bill (H. R. 1853) granting an increase of pension to William J. Johnson.

Mr. BURKETT, from the Committee on Pensions, to whom was referred the bill (S. 164) granting a pension to Helen A. Frederick, reported it with amendments, and submitted a report thereon.

Mr. OVERMAN, from the Committee on Pensions, to whom was referred the bill (H. R. 4216) granting an increase of pension to Robert Boon, reported it without amendment, and submitted a report thereon.

Mr. KEAN, from the Committee on Interstate Commerce, to whom was referred the amendment submitted by himself on the 18th instant, proposing an appropriation to pay H. C. Adams, Colin H. Livingstone, E. H. McDermot, John W. Fenton, jr., William H. Gaskin, W. A. Smith, Peter Riley, John R. Williams, and E. C. Goodwin for services rendered to the Committee on Interstate Commerce of the Senate in connection with the hearings on railroad rate regulation, intended to be proposed to the urgent deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. SMOOT, from the Committee on Pensions, to whom was referred the bill (S. 3244) granting an increase of pension to Anna F. Keith, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2879) granting an increase of pension to Mary J. Hoge, reported it with an amendment, and submitted a report thereon.

Mr. FULTON, from the Committee on Public Lands, to whom was referred the bill (S. 2292) for the relief of certain entrymen and settlers within the limits of the Northern Pacific Railway land grant, reported it with amendments, and submitted a report thereon.

He also, from the Committee on Claims, to whom was referred the bill (S. 2964) for the relief of the L. S. Watson Manufacturing Company, of Leicester, Mass., reported it without amendment, and submitted a report thereon.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3368) granting an increase of pension to William McNair;

A bill (H. R. 1986) granting an increase of pension to Morris Bennett;

A bill (S. 723) granting an increase of pension to George W. Raigle;

A bill (H. R. 604) granting an increase of pension to Hiram F. Armstrong;

A bill (H. R. 4348) granting an increase of pension to William McCraw;

A bill (H. R. 7408) granting an increase of pension to Joseph W. Price;

A bill (H. R. 7309) granting a pension to Louis Dieckgraefe;

A bill (S. 1529) granting an increase of pension to James L. Small; and

A bill (S. 1367) granting an increase of pension to Almon Foster.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the bill (S. 606) granting an increase of pension to John Houston Crowell, reported it with amendments, and submitted a report thereon.

Mr. PILES, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1361) granting an increase of pension to Camillus B. Leftwich;

A bill (H. R. 4876) granting an increase of pension to William L. Beeks;

A bill (S. 1509) granting an increase of pension to Thomas T. Hodges;

A bill (S. 2555) granting a pension to Sarah A. Bargar; and

A bill (S. 2293) granting an increase of pension to William C. Hitchcock.

Mr. PILES, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1271) granting an increase of pension to Edward Irwin; and

A bill (S. 1270) granting an increase of pension to John C. Barr.

Mr. HOPKINS, from the Committee on Fisheries, to whom was referred the bill (S. 1374) to establish a fish-cultural station in the State of Utah, reported it without amendment, and submitted a report thereon.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4176) granting an increase of pension to Michael Mohan;

A bill (H. R. 3428) granting an increase of pension to Samuel E. Chamberlain;

A bill (H. R. 3481) granting an increase of pension to William H. Cranston;

A bill (H. R. 3451) granting an increase of pension to Alpheus A. Rockwell;

A bill (H. R. 3427) granting an increase of pension to William B. Kimball;

A bill (H. R. 3402) granting an increase of pension to Sidney S. Brigham;

A bill (H. R. 3283) granting an increase of pension to Bruno Tiesler;

A bill (H. R. 3487) granting an increase of pension to Ferdinand Weise;

A bill (H. R. 2770) granting an increase of pension to Ephraim Plumpton;

A bill (H. R. 1653) granting an increase of pension to Frank W. Weeks;

A bill (H. R. 1675) granting an increase of pension to Melissa S. Lee;

A bill (H. R. 1908) granting an increase of pension to Emma Rowe;

A bill (H. R. 1062) granting an increase of pension to George E. Brickett;

A bill (H. R. 1330) granting an increase of pension to William A. Hildreth;

A bill (H. R. 532) granting an increase of pension to James T. Berry;

A bill (S. 185) granting an increase of pension to Lewis H. Cate;

A bill (S. 179) granting an increase of pension to Charles H. Mayhew;

A bill (S. 80) granting an increase of pension to Julia A. Stanyan;

A bill (S. 1827) granting an increase of pension to George C. Chase;

A bill (S. 81) granting an increase of pension to David E. Everett;

A bill (S. 572) granting an increase of pension to Henry G. Salisbury;

A bill (S. 845) granting an increase of pension to Sarah A. Page;

A bill (S. 787) granting an increase of pension to Stephen Ernst;

A bill (S. 714) granting an increase of pension to Susie Place; and

A bill (S. 3001) granting an increase of pension to Juliet A. Bainbridge-Hoff.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 706) granting an increase of pension to Martha E. Saltar;

A bill (S. 11) granting an increase of pension to Ruth B. Gurney; and

A bill (S. 279) granting an increase of pension to Horace E. Barker.

Mr. BURNHAM, from the Committee on Pensions, to whom was referred the bill (S. 850) granting an increase of pension to Arthur Forrester Devereux, reported it with amendments, and submitted a report thereon.

Mr. NELSON, from the Committee on Territories, to whom was referred the bill (S. 956) providing for the election of a Delegate to the House of Representatives from the district of Alaska, reported it without amendment, and submitted a report thereon.

THE COMMITTEE ON THE PHILIPPINES.

Mr. KEAN. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by the Senator from Massachusetts [Mr. LODGE] on the 18th instant, to report it favorably with two amendments, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution, as follows:

Resolved, That the Committee on the Philippines be, and the same is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee, and to have the same printed and indexed for the use of the committee, and that such stenographer and indexer be paid out of the contingent fund of the Senate. The committee is also authorized to sit during the sessions of the Senate.

The amendments of the committee were, in line 5, after the word "printed," to strike out the words "and indexed;" and in line 6, after the word "stenographer," to strike out the words "and indexer."

The amendments were agreed to.

The resolution as amended was agreed to.

CONCESSIONARY CONTRACTS IN THE PHILIPPINES.

Mr. LODGE. From the Committee on the Philippines I report back the letter of the Secretary of War, transmitting a copy of the original invitation for proposals or bids for concessionary contracts for the construction of certain proposed railway lines in the Philippine Islands, etc., asked by a Senate resolution and referred to the committee without printing. I move that it be printed as a Senate document.

The motion was agreed to.

BILLS INTRODUCED.

Mr. BURROWS introduced a bill (S. 3434) granting an increase of pension to Charles M. Canfield; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3435) granting an increase of pension to Rowland Saunders; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3436) to provide for the settlement of a claim of the United States against the State of Michigan for moneys held by said State as trustee of the United States in connection with the St. Marys Falls Ship Canal; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the Judiciary.

Mr. FULTON introduced a bill (S. 3437) to authorize the sale of certain lands within the Siletz Indian Reservation, Oreg.; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 3438) granting an increase of pension to Annie Ports; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLACKBURN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3439) to carry out the findings of the Court of Claims in the case of James H. Dennis;

A bill (S. 3440) for the relief of the trustees of the Cumberland Presbyterian Church, of Russellville, Ky.; and

A bill (S. 3441) for the relief of W. R. Austin & Co.

Mr. BLACKBURN introduced a bill (S. 3442) granting a pension to Angelline Wilkerson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TELLER introduced the followings bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3443) granting an increase of pension to Frisby D. Hutchinson;

A bill (S. 3444) granting an increase of pension to Emily M. J. Cooley;

A bill (S. 3445) granting an increase of pension to John W. Chapman; and

A bill (S. 3446) granting an increase of pension to Anna M. Woodbury.

Mr. TELLER introduced a bill (S. 3447) for the relief of Samuel Tomlinson; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3448) for the relief of the heirs of Allison Nailor, sr., deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 3449) for the improvement of Twentieth street NE. from Franklin to Evarts street and Evarts street from Twentieth street to Mills avenue; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. WARNER introduced a bill (S. 3450) for the relief of James N. Bowles; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3451) for the relief of Francis O'Bannon; which was read twice by its title, and referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3452) granting a pension to Nathan P. Jackson;

A bill (S. 3453) granting an increase of pension to John F. Cluley;

A bill (S. 3454) granting an increase of pension to William Wilson;

A bill (S. 3455) granting an increase of pension to Mary A. Langston;

A bill (S. 3456) granting an increase of pension to Thomas Hudson;

A bill (S. 3457) granting an increase of pension to James M. Younger;

A bill (S. 3458) granting an increase of pension to Thomas M. Skaggs;

A bill (S. 3459) granting an increase of pension to Philip C. Cooter; and

A bill (S. 3460) granting an increase of pension to John C. Cahill.

Mr. MALLORY introduced a bill (S. 3461) granting a pension to Helen L. Woodward; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. FOSTER introduced a bill (S. 3462) for the relief of James M. Schilling; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3463) for the relief of the estate of Oneziphore Delahoussaye, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. RAYNER introduced a bill (S. 3464) granting a pension to Lavina Roach, now Frederick; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3465) granting an increase of pension to John T. Vincent; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 3466) granting an increase of pension to Julia A. Daily; which was read twice by its title, and referred to the Commitee on Pensions.

He also introduced a bill (S. 3467) granting an increase of pension to John Welch; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3468) granting an increase of pension to Myra R. Daniels; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SMOOT introduced a bill (S. 3469) to extend the provisions of the act of June 27, 1902, entitled "An act to extend the provisions, limitations, and benefits of an act entitled 'An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Cherokee disturbances, and the Seminole war,' approved July 27, 1892;" which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3470) granting an increase of pension to Samuel N. Pethick; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. ALLISON introduced a bill (S. 3471) granting an increase of pension to George Drake; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3472) granting an increase of

pension to Lena Sherman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 3473) granting an increase of pension to La Forrest C. Darling; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3474) granting an increase of pension to James B. Kellogg; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3475) granting an increase of pension to Everett S. Fitch; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALGER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3476) granting a pension to George Hutton;

A bill (S. 3477) granting a pension to George W. Bannon;

A bill (S. 3478) granting a pension to John M. Honington; and

A bill (S. 3479) granting an increase of pension to William S. Kingsley.

Mr. ALGER introduced a bill (S. 3480) to correct the military record of Henri D. Cutting; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McCUMBER introduced a bill (S. 3481) for the relief of Snare & Triest; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3482) to provide for the paving of a portion of Florida avenue between P and Q streets NW., city of Washington, D. C.; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3483) granting an increase of pension to William L. Sheaff; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3484) granting an increase of pension to Jacob A. Field; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3485) granting an increase of pension to Mathias Hammes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3486) granting an increase of pension to Edwin D. Wescott; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3487) granting an increase of pension to Joseph Fuller; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DEPEW introduced a bill (S. 3488) to provide American registers for the steamers *Marie* and *Success;* which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 3489) to refund duties paid by the State of New York on arms imported in 1863; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Finance.

Mr. ELKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3490) granting a pension to David King (with an accompanying paper);

A bill (S. 3491) granting a pension to George W. Cook;

A bill (S. 3492) granting an increase of pension to Catharine Bechtol (with accompanying papers);

A bill (S. 3493) granting an increase of pension to Thomas Reed;

A bill (S. 3494) granting an increase of pension to Thomas Reed;

A bill (S. 3495) granting a pension to Joseph H. H. Boucher (with accampanying papers);

A bill (S. 3496) granting a pension to Thomas F. Hebb;

A bill (S. 3497) granting a pension to John F. Turner; and

A bill (S. 3498) for the further relief of the infant heirs of Hiram Young, deceased (with accompanying papers).

Mr. ELKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3499) referring to the Court of Claims the claim of the legal heirs of Sydney W. Moss, deceased, for certain lots taken by the Government for military purposes in what is now the State of Washington;

A bill (S. 3500) for the relief of Mrs. C. A. Grose (with accompanying papers);

A bill (S. 3501) for the relief of T. J. Coagar; and

A bill (S. 3502) for the relief of Joseph Loudermilk.

Mr. ELKINS introduced a bill (S. 3503) authorizing a public building at Elkins, W. Va.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 3504) for the establishment of a national park and forest reserve in the Appalachian Mountains; and to provide for the conservation of the water that flows down the Potomac watershed, and to provide laws for its sanitary policing, and so forth; to include all parts of the States of West Virginia, Pennsylvania, Maryland, Virginia, and the District of Columbia that contribute to form the complete watershed of the Potomac River from its head to and including the District of Columbia, and for the primary purposes of providing a sufficient and pure water supply for the District of Columbia; to prevent overflows and denudation of soil; for the establishment of reservoirs, canals, lakes, ponds, and ditches, and for all other useful purposes to which water can be put when provided in abundance; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

He also introduced a bill (S. 3505) for the preparation of a railroad map of the United States; which was read twice by its title, and referred to the Committee on Interstate Commerce.

Mr. PLATT introduced a bill (S. 3506) for the relief of Henry E. Rhoades, assistant engineer, United States Navy, retired; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3507) granting an increase of pension to Isaac Van Valkenburg; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3508) granting a pension to Mary J. Visscher; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3509) for the relief of Charles Backman;

A bill (S. 3510) for the relief of John M. Jamieson;

A bill (S. 3511) for the relief of Robert Tillson & Co., a partnership composed of Robert Tillson and Maitland Boon;

A bill (S. 3512) for the relief of Charles Uerkvitz; and

A bill (S. 3513) for the relief of Emile M. Blum.

Mr. PLATT introduced a bill (S. 3514) to amend section 842 of the Revised Statutes of the United States; which was read twice by its title, and, with accompanying papers, referred to the Committee on the Judiciary.

He also introduced a bill (S. 3515) to apply the terms of the Navy Department circular of July 23, 1903, to John L. Coburg, pay clerk, United States Navy; which was read twice by its title, and, with accompanying paper, referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3516) authorizing the appointment of Capt. Theodore Frederick Kane, a captain on the retired list of the Navy, as a rear-admiral on the retired list of the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. BEVERIDGE introduced a bill (S. 3517) to establish a court of patent appeals; which was read twice by its title, and referred to the Committee on Patents.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3518) granting an increase of pension to Charles S. Parrish; and

A bill (S. 3519) granting an increase of pension to Anslem Hobbs.

Mr. LODGE introduced a bill (S. 3520) granting a pension to Ada A. Thompson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KEAN introduced a bill (S. 3521) to correct the military record of Thomas J. Morris; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. NELSON introdued a bill (S. 3522) to amend an act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the district of Alaska, and for other purposes," approved January 27, 1905; which was read twice by its title, and referred to the Committee on Territories.

He also (by request) introduced a bill (S. 3523) to provide for the collection of wages in the district of Alaska; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 3524) granting a pension to John

N. Henry; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HEMENWAY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3525) granting an increase of pension Robert G. Harrison;

A bill (S. 3526) granting an increase of pension to Peter Maus;

A bill (S. 3527) granting an increase of pension to Samuel S. Watson;

A bill (S. 3528) granting an increase of pension to George T. Lowe;

A bill (S. 3529) granting an increase of pension to James Harrell; and

A bill (S. 3530) granting an increase of pension to Thomas Fisher.

Mr. HANSBROUGH introduced a bill (S. 3531) to restore to the public domain a portion of the Fort Berthold Indian Reservation, in the State of North Dakota, reserved by Executive order, and for other purposes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

He also introduced a bill (S. 3532) granting an increase of pension to Anna K. Carpenter; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ANKENY introduced a bill (S. 3533) granting a pension to Michael Maloney; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3534) granting a pension to Jesse H. Arnold; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PILES introduced a bill (S. 3535) to authorize the President to appoint John E. Phelps, late brigadier-general of volunteers, first lieutenant in the United States Army, and place him on the retired list; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3536) for the relief of Simon M. Preston; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 3537) granting an increase of pension to Anthony W. Presley; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3538) granting an increase of pension to Francis M. Munson; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. GEARIN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3539) granting an increase of pension to Dominick Cavanagh;

A bill (S. 3540) granting an increase of pension to John Hughes; and

A bill (S. 3541) granting an increase of pension to L. B. Rowland.

Mr. OVERMAN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3542) for the relief of John L. Brown and the estates of A. T. Redditt and William G. Judkins;

A bill (S. 3543) for the relief of the estate of John T. Bynum, deceased;

A bill (S. 3544) for the relief of the estate of Joseph Barrett, deceased;

A bill (S. 3545) for the relief of the estate of Richard A. Bynum, deceased; and

A bill (S. 3546) for the relief of T. H. B. Myers, surviving partner of John Myers & Son.

Mr. OVERMAN introduced a bill (S. 3547) granting an increase of pension to Stephen M. Davis; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3548) granting an increase of pension to William E. Henry; which was read twice by its title, and, with the acompanying paper, referred to the Committee on Pensions.

Mr. HOPKINS introduced a bill (S. 3549) granting an increase of pension to Martha H. Ten Eyck; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3550) granting an increase of pension to Catharine Wightman; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3551) granting an increase of pension to Solomon Jackson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BRANDEGEE introduced a bill (S. 3552) granting an increase of pension to Joseph P. Wilcox; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3553) granting an increase of pension to William Oliver;

A bill (S. 3554) granting an increase of pension to Robert McClure; and

A bill (S. 3555) granting a pension to Alice A. Fray.

Mr. BRANDEGEE introduced a bill (S. 3556) to correct the military record of Charles H. Brown; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CULBERSON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3557) for the relief of the legal representatives of Dr. Thomas B. Waters, deceased; and

A bill (S. 3558) for the relief of the legal representatives of Jonathan Holmes, deceased.

Mr. MORGAN introduced a bill (S. 3559) for the relief of Willie Anna Hobgood; which was read twice by its title, and referred to the Committee on Claims.

Mr. CLAY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3560) for the relief of the congregation of the Christian Church of Acworth, Ga.;

A bill (S. 3561) for the relief of the trustees of the Missionary Baptist Church, at Powder Springs, Ga.; and

A bill (S. 3562) for the relief of the trustees of the Methodist Episcopal Church South, at Powder Springs, Ga.

Mr. BURKETT introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3563) granting an increase of pension to Orrin D. Sisco;

A bill (S. 3564) granting an increase of pension to Benjamin F. Dodd;

A bill (S. 3565) granting an increase of pension to Andrew J. Snowden;

A bill (S. 3566) granting an increase of pension to John Carpenter (with accompanying papers); and

A bill (S. 3567) granting an increase of pension to Charles I. Krickbaum (with an accompanying paper).

Mr. GALLINGER introduced a bill (S. 3568) to define the term of "registered nurse" and to provide for the registration of nurses in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. McCREARY introduced a bill (S. 3569) to correct the military record of Robert N. Moore; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3570) granting an increase of pension to Seldon R. Sanders; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3571) granting an increase of pension to William Geer; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 3572) to authorize the payment of prize money to the captors of the steamboat *New Era No. 5* and cargo; which was read twice by its title, and referred to the Committee on Claims.

Mr. WARNER (by request) introduced a joint resolution (S. R. 21) for the relief of Daniel B. Watts; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BEVERIDGE introduced a joint resolution (S. R. 22) authorizing assignments of pay and reimbursements for expenses incurred by employees in the Alaskan school service; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Territories.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. McENERY submitted an amendment proposing to appropriate $215,820.89 to pay the Citizens' Bank of Louisiana the sum found due it by the Court of Claims, etc., intended to be proposed by him to the urgent deficiency appropriation bill; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

Mr. McCUMBER submitted an amendment proposing to ap-

propriate $35,000 to provide for filling in the United States quarantine station at Honolulu, Hawaii, intended to be proposed by him to the urgent deficiency appropriation bill; which was referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed.

Mr. KITTREDGE submitted an amendment proposing to appropriate $3,500 for the Asylum for Insane Indians at Canton, S. Dak., etc., intended to be proposed by him to the urgent deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment authorizing the Secretary of the Treasury to pay John H. Roberts $843.60 out of any balance remaining to the credit of the appropriation "Indian School, Flandreau, S. Dak., 1904," for net beef furnished that school during that fiscal year, intended to be proposed by him to the urgent deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CLAPP (by request) submitted an amendment authorizing the issuance of a patent under the general allotment act to Ignas, a grandson of Doc Jim, for certain land in the State of Washington, etc., intended to be proposed to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also (by request) submitted an amendment proposing to appropriate $9,500 for completing the surveys on the Standing Rock Indian Reservation in North Dakota, and for expenses in connection therewith in the office of the surveyor-general for North Dakota, intended to be proposed to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

WITHDRAWAL OF PAPERS—THOMAS H. CARPENTER.

On motion of Mr. HANSBROUGH, it was

Ordered, That the papers in the case of Thomas H. Carpenter, late captain and brevet major, United States Army, retired, be withdrawn from the files of the Senate, there having been no adverse report thereon.

REPORT ON THE MERCHANT MARINE.

Mr. GALLINGER. Report No. 10, being the report from the Committee on Commerce on the so-called "shipping bill," is completely exhausted, and there are a great many calls for it. I ask that 5,000 copies may be printed for the use of the document room, adding one paper to it, "The Army's need of merchant steamships as transports in war." I ask that it be amended to that extent and that 5,000 additional copies be printed for the use of the Senate document room.

The VICE-PRESIDENT. The Senator from New Hampshire asks that 5,000 copies of Senate Report No. 10, Fifty-ninth Congress, first session, Development of the American Merchant Marine and American Commerce, together with a certain appendix thereto, be printed.

There being no objection, the order was agreed to, as follows:

Ordered, That 5,000 additional copies of Senate Report No. 10, Fifty-ninth Congress, first session, to accompany the bill S. 529 (Development of the American Merchant Marine and American Commerce), with additional matter as Appendix B, be printed for the use of the Senate document room.

REPORT OF COMMISSIONER OF EDUCATION FOR PORTO RICO.

On motion of Mr. GALLINGER, it was

Ordered, That the Secretary of the Senate be directed to take from the files of the Senate the original manuscript of the report of the commissioner of education for Porto Rico for the year ended June 30, 1905, and return the same to the Department of the Interior for the files of that Department, said report having been printed as Senate Document No. 60, Fifty-ninth Congress, first session.

ATCHISON, TOPEKA AND SANTA FE RAILROAD COMPANY.

On motion of Mr. LONG, it was

Ordered, That 1,000 copies of Senate Document No. 140, Fifty-ninth Congress, Departure from Published Rates by the Atchison, Topeka and Santa Fe Railway Company, etc., be printed for the use of the Senate document room.

REVENUE-CUTTER SERVICE ON PUGET SOUND.

Mr. NELSON. I move that the bill (S. 954) to promote the efficiency of the Revenue-Cutter Service be recommitted to the Committee on Commerce.

The motion was agreed to.

HOUSE BILLS REFERRED.

H. R. 3127. An act providing for the holding of Federal court at Grand Island, Nebr., was read twice by its title, and referred to the Committee on the Judiciary.

H. R. 5976. An act to provide for the final disposition of the affairs of the Five Civilized Tribes of the Indian Territory, and for other purposes, was read twice by its title, and referred to the Committee on Indian Affairs.

H. R. 7085. An act authorizing the Pea River Power Company to erect a dam in Coffee County, Ala., was read twice by its title, and referred to the Committee on Commerce.

CLAIMS OF STATE OF MISSOURI.

Mr. WARNER. I ask unanimous consent for the present consideration of the bill (S. 567) authorizing the Secretary of the Treasury to make an examination of certain claims of the State of Missouri.

The VICE-PRESIDENT. The Senator from Missouri asks unanimous consent for the present consideration of the bill named by him, which will be read for the information of the Senate.

The bill was read.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. ALDRICH. I ask that that bill may go over, Mr. President.

The VICE-PRESIDENT. Under objection, the bill will go over.

PUBLIC BUILDING AT BOISE, IDAHO.

Mr. HEYBURN. Mr. President, I ask unanimous consent for the present consideration of the bill (S. 1365) providing for the placing of an elevator in the public building at Boise, Idaho.

The VICE-PRESIDENT. The Senator from Idaho asks unanimous consent for the present consideration of the bill named by him. Is there objection?

Mr. KEAN. I trust we shall be allowed to complete the morning business, Mr. President.

The VICE-PRESIDENT. There is objection to the request of the Senator from Idaho.

Mr. ALDRICH. Mr. President, I ask what is the regular order of business at this time?

The VICE-PRESIDENT. The introduction of resolutions, concurrent and other, is now in order.

HARBOR OF REFUGE AT POINT JUDITH, RHODE ISLAND.

Mr. ALDRICH submitted the following concurrent resolution; which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to inform the Senate whether changed conditions necessitate a change of project for the main breakwater of the harbor of refuge at Point Judith, Rhode Island, and if so, to submit plans and estimates for such revised project.

DOCUMENTARY HISTORY OF THE CONSTITUTION, ETC.

Mr. WETMORE submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That the concurrent resolutions passed February 9, 1901, and May 10, 1902, providing for the publication of the Documentary History of the Constitution, and the Bulletins of the Bureau of Rolls and Library of the Department of State, are hereby continued in force, and excepted from the limitation of one year, as provided in section 80 of the act of January 12, 1895, for the public printing and binding and the distribution of public documents.

REGULATION OF RAILROAD RATES.

The VICE-PRESIDENT. If there be no further concurrent or other resolutions, the morning business is closed.

Mr. CLAY. Mr. President, I ask that the resolution which I introduced some days since may be laid before the Senate and read.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution submitted by the Senator from Georgia [Mr. CLAY] on the 18th instant, which will be read.

The Secretary read the resolution, as follows:

Resolved, That in the opinion of the Senate there is a governmental power to fix minimum future charges of carriers by railroad, vested in the legislatures of the States with regard to transportation exclusively within the States, and vested in Congress with regard to all other transportation.

2. Although legislative power, properly speaking, can not be delegated, the lawmaking body having enacted into law the standard of charges which shall control, may intrust to an administrative body not exercising in the true sense judicial power the duty to fix rates in conformity with that standard.

3. It is the duty of Congress to provide by law that all interstate rates shall be reasonable and just, and then to delegate to the Interstate Commerce Commission the power to ascertain what rates are reasonable and just, and to enforce its findings, this power to be exercised in reviewing rates already put in operation by the roads and on complaint.

Mr. CLAY. Mr. President, the CONGRESSIONAL RECORD of December 11, 1905, shows the following colloquy to have taken place on the floor of the Senate:

Mr. CLAY. Mr. President, will the Senator from Ohio allow me to ask him a question?

Mr. FORAKER. Certainly.

Mr. CLAY. Did I understand the Senator to say that Congress has the power to make rates and that Congress can not delegate that power to the Interstate Commerce Commission?

Mr. FORAKER. What I said was that a great many very excellent lawyers are of the opinion that Congress itself does not have the power to make specific rates. About that I will express no opinion. It may be they are in error. But what I said—and as to this I have no doubt whatever in my mind—was that Congress has no power to delegate to a commission, except in an administrative way, authority to make rates, because that is a delegation of legislative power pure and simple,

and you can not find a rule in any of the books or in any of the decisions that will uphold it.

Mr. CLAY. I think I understand the Senator. The Senator, then, denies to Congress the power so to amend the interstate-commerce law as to permit the Interstate Commerce Commission to hear complaints as to whether or not rates are unjust and unreasonable, and if it finds they are, to reduce them. The Senator contends that Congress can not delegate to the Interstate Commerce Commission that power?

Mr. FORAKER. Yes. I contend that the delegation of legislative power—I am not undertaking to specify it, but as a general proposition—is prohibited.

Mr. CLAY. I also understand the Senator to say that at present the subject of rebates has been dealt with, and I agree with him.

Mr. FORAKER. Yes.

Mr. CLAY. And so with discriminations. The long and short haul clause of the interstate-commerce act is practically a nullity now under the decisions of our courts, and I understand the Senator to contend that Congress can not go any further than we have gone so far as concerns giving the Interstate Commerce Commission the power to prescribe and fix rates.

Mr. FORAKER. I do. I am opposed to giving the Interstate Commerce Commission the power to fix rates as a matter of policy. I am opposed to it as a matter of power, except in a purely administrative way.

Mr. CLAY. I will say that I do not agree with the Senator from Ohio in the position he has taken.

Mr. BAILEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Texas?

Mr. FORAKER. Certainly.

Mr. BAILEY. I must have misunderstood the Senator from Ohio, but if I understood him correctly he asserts that when Congress confers upon the Interstate Commerce Commission the power to fix a reasonable rate in substitution for an unreasonable one it delegates to the Interstate Commerce Commission legislative power of Congress, and therefore it is not competent under the Constitution for Congress to pass that kind of a law. Did I understand the Senator to say that?

Mr. FORAKER. That is my opinion if the power be conferred in a legislative way without any qualification whatever, and I see it as plain as a pikestaff.

Mr. BAILEY. Then let me inquire: The Senator from Ohio does not believe that the same reasoning would apply to the commissions created in the several States, which have themselves been authorized not to substitute reasonable for unreasonable rates, but to initiate and fix the rates in the first instance?

Mr. FORAKER. Mr. President, that is a different question, dependent upon the particular legislation and the power that is lodged in the legislative department of the particular State governments; and when the case is presented we will measure it. What I am referring to is the fact that we are authorized by the Constitution to regulate commerce among the States and with foreign nations, and here are a great many good lawyers who think that even Congress has no right to fix the price at which transportation shall be furnished any more than it has a right to fix the sum which the engineers and conductors and other employees of the railroad shall be paid for their services. A great many good lawyers so contend. I say upon that question I express no opinion, but I have been very greatly impressed with some of the arguments which have been made in behalf of that proposition. I have always supposed that under the power to regulate commerce we should have the power to fix rates, but since I have investigated the subject, as I have been trying to do during the past summer, that the Congress has no constitutional power to delegate to a commission the legislative authority to make specific rates.

Mr. President, the language of the Senator from Ohio is easily understood, and if the position taken by the Senator be a sound one in law, then Congress undoubtedly is without power to grant relief in any way whatever to American shippers.

I understood the Senator from Ohio to say, and it may be inferred from what the Senator said, that power was lodged in Congress to regulate interstate commerce and that Congress could pass a law, fixing in the law itself the rate to be charged, but could not give to the Commission the power to hear facts and fix reasonable and just rates.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Ohio?

Mr. CLAY. With pleasure.

Mr. FORAKER. I interrupt the Senator only to say that he has not correctly stated my view as expressed in the remarks to which he has referred. I did not concede that Congress has the power, even by direct enactment, to fix rates. I said that I was not prepared at that time to express an opinion, that there were many very eminent members of the legal profession who claimed—and with strong argument in support of the claim—that Congress itself had no power under the commerce clause of the Constitution to fix rates, but, assuming for the sake of argument that Congress had the power, my contention was that Congress could not delegate that power, but that in utilizing a commission it must give to it only administrative duties; that if it could confer the power it could be only given as an administrative power.

Mr. CLAY. I think I understood the Senator then, and I think I understand the Senator now. The Senator used this language, and I have the language before me and can not be mistaken about it. The Senator said he had always thought that under the clause giving to Congress the right to regulate interstate commerce, Congress had itself the right to fix rates. That was, I think, the exact language used by the Senator from Ohio; but I have the language before me——

Mr. FORAKER. If the Senator will read another sentence, he will see that I qualified that in the way I have indicated.

Mr. CLAY. The Senator did say that a great many excellent lawyers did not agree with him in that opinion. The Senator said that he had always been of the opinion that this power existed. Of course the Senator may have investigated the question further and changed his views in regard to the matter.

Mr. FORAKER. Mr. President, I do not at this time find just where the Senator from Georgia is reading from the remarks I made on this matter, though I have the RECORD before me. Will the Senator tell me at what point I made the remarks which he has been quoting?

Mr. CLAY. I read from the first part of the remarks of the Senator. He spoke as follows:

> I have always supposed that under the power to regulate commerce we ourselves have the right to fix rates, but I have always been of opinion, and never so clearly as since I have investigated the subject, as I have been trying to do during the past summer, that the Congress has no constitutional power to delegate to a commission the legislative authority to make specific rates.

Those are the exact words of the Senator from Ohio.

Mr. FORAKER. Yes; having reference to what I said earlier, which was—I will try to find it in just a moment——

Mr. CLAY. All right.

Mr. FORAKER. I can not put my eye on it just now, but I will state to the Senator that what I said was just at the very threshold of the discussion was the general question of whether Congress had the power to fix rates at all under the power to regulate commerce——

Mr. CLAY. Mr. President, the argument of the Senator from Ohio denying to Congress the right and power to provide that rates shall be reasonable and just and then to delegate to the Commission the power to find what rates are reasonable and just left the country in a very serious condition. If the Senator says that the power can not be delegated to the Commission and that Congress itself can not exercise that power, then the condition is much more serious.

Mr. DANIEL. Will the Senator from Georgia allow me?

Mr. CLAY. With a great deal of pleasure.

Mr. DANIEL. I do not intend to interrupt the Senator again, but I only wish to ask him a question at this point.

Mr. CLAY. Very well.

Mr. DANIEL. Has not the Supreme Court again and again decided this question?

Mr. CLAY. I think so; but I will again refer to this matter in my argument.

Mr. FORAKER. I could not hear what the Senator from Virginia [Mr. DANIEL] said.

Mr. CLAY. The Senator from Virginia asked me was it not true that time and again this question had been before the supreme courts of the States, and even before the Supreme Court of the United States, and I said I thought it had. I contend that the work performed by the Commission is purely administrative; but when Congress declares that the rates shall be reasonable and just that is the legislative will of Congress; and when Congress fixes the standard it is a question of fact as to what are reasonable and just rates, and this work can be performed by the Commission.

If Congress can not prescribe that interstate freight rates shall be reasonable, just, and impartial, and delegate to the Interstate Commerce Commission the power to hear facts and find out what rates are reasonable and just, so as to carry out the legislative will of Congress, then the railroads can fix rates, either just or unjust, and the American shippers will have nowhere to go to redress their wrongs and secure reasonable and just freight rates. We all know that it will be impossible for Congress to hear the thousands of complaints from citizens who are shippers throughout the length and breadth of the country, and determine what rates are reasonable and just, so as to grant proper and adequate relief to the people. Congress is a large body and could not possibly spare the time to hear these complaints and do justice to the railroads and to the people. In order to appreciate the magnitude of this task, it will be necessary to consider the work heretofore performed by the Interstate Commerce Commission on the line I am now discussing, which work will demonstrate beyond question that Congress could not possibly perform this task. This work has consumed almost the entire time of the Interstate Commerce Commission since its creation by Congress. A critical examination of the reports of the Interstate Commerce Commission will show that 798 formal complaints involving excessive rates were filed by the shippers with the Commission since April 1, 1887, until March 1, 1905, and 493 informal complaints were filed with the Commission alleging excessive or exorbitant rates. The reports of the Interstate Commerce Commission further show that during the same period shippers filed before the Commission 798 formal complaints in which discrimination is alleged and 860 informal complaints

alleging unjust discrimination and other violations of the act to regulate commerce.

These various complaints coming from the shippers involve every possible feature of the act creating the Interstate Commerce Commission and defining its powers and duties, necessarily consuming the entire time of the Interstate Commerce Commission. Who will contend that Congress could have heard these numerous complaints? Think of the time that was necessarily consumed in the examination of pleadings, swearing of witnesses, and finding of facts so necessary to a complete and satisfactory solution of the many complex questions pending before that body. If Congress should remain in session from year to year, devoting its entire time to this work, it would be impossible to pass upon one-twentieth of these various complaints filed by the American shippers against the different railroad systems of our country. I repeat, if Congress can not pass an act providing that all interstate rates shall be reasonable and just, thus fixing a standard and delegating to the Commission the power to hear the facts and carry out the legislative will of Congress, then the American people are at the mercy of the railroads. I have no war to make on railroads. They are necessary to the development of our country and deserve fair, equal, and proper treatment at the hands of Congress. All property of every class—farms, banks, railroads, and merchandise—deserve equal and fair treatment at the hands of Congress. Railroads exercise the right of eminent domain. They can condemn homes, farms, and other property for the purpose of operating their lines, and this is proper. These corporations receive this power from the State, and I do not complain of it, for such power is necessary for the development of our country. Almost the entire time of the Commission has been consumed in hearing complaints and in settling disputes between the shippers and the roads.

Mr. ALDRICH. Will the Senator from Georgia allow me?

Mr. CLAY. Certainly.

Mr. ALDRICH. If the power to fix rates were given to the Commission, does the Senator think the number of complaints would increase or decrease?

Mr. CLAY. I desire to say to the Senator that for ten years the Interstate Commerce Commission exercised the power to hear complaints, to hear facts, and to pass upon whether or not rates were reasonable and just, and if the Senator will examine the reports of the Commission he will find that in most of the instances the cases were settled because the roads thought the Commission had the right to make rates.

In my opinion, if that power was delegated to the Commission a majority of the disputes between shippers and the roads would be settled by the shippers and the roads without ever going to the Commission. In my opinion, the Senator would find that the complaints would diminish instead of increase.

I do not insist that the power shall be given to the Interstate Commerce Commission to originate and fix all interstate rates. That would be a herculean task, and it is extremely doubtful if any seven or eight men could get together and perform it. It would require experts. But what I insist upon is that the Interstate Commerce Commission shall have the right to hear the complaint of the citizen; that the shipper shall have a tribunal where he can go and make his complaint, present his grievance, and have a redress of his wrongs. Otherwise the railroads can fix any rate they see fit and proper, and the shipper is at the mercy of the roads because there is nowhere for the shipper to go for redress.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Rhode Island?

Mr. CLAY. With pleasure.

Mr. ALDRICH. Are not the courts of the United States open to the shippers——

Mr. CLAY. Yes.

Mr. ALDRICH. With absolute power in the courts to enforce their decrees?

Mr. CLAY. I wish to say to the Senator that under the common law where unreasonable rates are fixed, the shipper can go into the courts and file a bill asking that those rates be enjoined; but I say to the Senator that the man of ordinary means can not afford the great expense of going into the courts and litigating with the railroads. I think there ought to be a body where, without expense to the shipper, these questions can be settled and determined.

Mr. ALDRICH. Several of the bills now pending before the Committee on Interstate Commerce provide that it shall be done at the expense of the United States.

Mr. CLAY. I can not understand why some Senators are in favor of giving this power to the courts and not giving it to the Interstate Commerce Commission. I give it as my opinion that the courts can have nothing to do with this question, except to determine whether or not a rate is unreasonable, when an application for an injunction is filed before them. I do not believe that the courts have the right and power to go into the question as to what the future rate shall be. In fact, that question has been passed upon by the courts.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Ohio?

Mr. CLAY. With pleasure.

Mr. FORAKER. I could not find, some moments ago when the Senator and I were having a colloquy, the remarks I referred to. I now have them, and quote as follows. In answer to what the Senator from Georgia [Mr. CLAY] had said, I stated:

> What I said was that a great many very excellent lawyers are of the opinion that Congress itself does not have the power to make specific rates. About that I will express no opinion. It may be they are in error.

Then I went on to discuss the question of delegating powers. But that is what I said explicitly.

Mr. CLAY. That is true.

Mr. FORAKER. I did not concede it. I said I would not go further than merely to call attention to the fact.

Mr. CLAY. It is true the Senator used that language, but he also used the language I have just quoted.

Mr. FORAKER. But, as I said, I used that language with reference to the language I had used in the colloquy with some Senator.

Mr. CLAY. It is immaterial——

Mr. FORAKER. It may be immaterial to the Senator——

Mr. CLAY. I mean no disrespect to the Senator from Ohio—not the slightest.

Mr. FORAKER. It may be immaterial to the Senator from Georgia, but not to me, for if I can not do anything more about this rate question, I will endeavor to keep the record straight.

Mr. CLAY. I hope the Senator will keep his record straight.

Mr. FORAKER. I will do so if I can get the attention of the Senate.

Mr. CLAY. If Congress can not exercise this power through a commission, then I am at a loss to know how the people can expect proper relief. I rose, however, not for the purpose of discussing this question in a general way, but solely for the purpose of taking issue with the Senator from Ohio, denying to Congress the power to legislate that all rates shall be reasonable and just, thus fixing a standard, and then delegating to the Interstate Commerce Commission the power to carry out the legislative will of Congress—to hear facts and ascertain what rates are reasonable and just—acting purely in an administrative capacity, carrying out the legislative will of Congress. The Senator is an able lawyer, and I have great respect for his legal opinions, but if the Senator has produced any authority except his own legal opinion on this subject, then such authority has escaped my attention. I do not think this an open question. I have never heard this authority seriously questioned until during this session of Congress. Let us see if it is an open question. We know that this is a very important question. The Senator from Ohio contends that Congress must hear the complaints of the shippers and must prescribe specifically in the law the maximum rates to be observed in the future.

As I have said before, we know that the large membership of Congress, with other important and legislative duties to perform, makes it almost impossible for Congress to meet and discharge such duties so largely administrative as those of fixing and enforcing freight rates. An examination of the laws of many of the States will show that the legislatures of different States have simply provided by statute that freight rates shall be reasonable and just, and have created by law State commissions, consisting of three or five members, to which was delegated the powers of supervision, the duty to hear complaints from shippers, and the power to fix rates in conformity with the law as fixed by the different legislatures. Such commissions are simply carrying out the legislative will and are acting purely in an administrative capacity. The constitutionality of the granting of such power has been passed upon by the courts time and again and always upheld. In these very cases it was claimed that the legislative power must be exercised by the legislature itself and could not be delegated to any other body, but the courts have uniformly held that where the legislature enacted that rates shall be reasonable and just, the duty of executing this law and of finding what rates are reasonable and just may be delegated to a commission, and that a grant of such power is not a delegation of legislative authority. If such laws, enacted by the legislatures of different States, have been sustained as constitutional, why can not

Congress enact that all interstate freight rates shall be reasonable and just, and leave to the Interstate Commerce Commission the right and power to investigate and find out what rate will be a proper one, what rate will be just and impartial as between the shippers and the roads?

Mr. ALDRICH. Will the Senator allow me to ask him a question?

Mr. CLAY. Certainly.

Mr. ALDRICH. Does the Senator think that if Congress should give to the Commission the power to fix rates, as he desires, it would take away from the courts their right of control over the citizens' property which the Constitution has given them?

Mr. CLAY. I do not.

Mr. ALDRICH. Would it diminish it in any form?

Mr. CLAY. If Congress should authorize the Commission to hear the facts and fix a rate that is reasonable and just, and if the Commission, instead of doing that, should put in operation a rate that is confiscatory, under the Constitution of the United States the railroads would have the right to go into the courts to test that question.

Mr. ALDRICH. Suppose they were to put in operation a rate that was unreasonable and unjust?

Mr. CLAY. Then I say that that question has been passed upon by our courts, and our courts have held that they can not put into operation unreasonable rates.

Mr. ALDRICH. I am not talking about putting rates in operation, but if we delegate to a subordinate tribunal this power, do you not take away from the courts their power?

Mr. CLAY. If we give to the Commission the power to fix rates in conformity to the law of Congress, then I would say that notwithstanding that fact the courts would still be open to the shippers and the roads to determine whether or not the Commission is carrying out the legislative will of Congress. Congress could not, in my opinion, pass a law that gave the Commission the power to fix a rate and prevent the courts from hearing the question in the event that the rate fixed was confiscatory. That question has been decided by our courts time and again.

Mr. ELKINS. May I ask the Senator from Georgia a question?

Mr. CLAY. With pleasure.

Mr. ELKINS. Suppose, however, that the rate as fixed by the Commission is not confiscatory, but is within 1 cent of being confiscatory; then has a stockholder or the railroad company any right of review?

Mr. CLAY. I think that question has been decided.

Mr. ELKINS. Can the Senator point to a decision?

Mr. CLAY. I think I have some decisions here. That is not an open question. When Congress says that the rate must be reasonable and just, that means the road must make operating expenses and a fair remuneration on the money invested in the road. It does not mean that the road shall simply make expenses. No sensible man would insist that the railroads shall simply make operating expenses. They ought to give rates that are reasonable and just to the shipper and to themselves, and that is all that we on this side of the Chamber ask.

Mr. ELKINS. If Congress delegates to a subordinate tribunal its legislative discretion to fix a rate, and the tribunal does it, can the court review that question and decide it, outside of the question as to its being a confiscatory rate?

Mr. CLAY. It can; it has been done time and again. I want to call attention——

Mr. ELKINS. If the Senator will allow me——

Mr. CLAY. I wish to call the attention of the Senator to a case in 116 United States Reports——

Mr. ELKINS. What is the case?

Mr. CLAY. It is the case of Stone *v.* Farmers' Loan and Trust Company. The Senator will find in that case that this question was also discussed.

The legislature of the State of Mississippi created a commission and defined its powers and its duties, and the commission fixed a rate. The roads insisted that the rate was unreasonable, that it was not remunerative, and the courts of Mississippi decided against the railroads. The case went to the Supreme Court of the United States, and the court held that the rate was unreasonable, and reversed the case.

Mr. ELKINS. Yes; but let me suggest to the Senator, if he will pardon me for interrupting him for just a moment——

Mr. CLAY. Certainly.

Mr. ELKINS. If the State of Mississippi, a sovereign State, can do that——

Mr. FORAKER. Senators on this side of the Chamber can not hear the Senator from West Virginia.

Mr. ELKINS. I suggest to the Senator from Georgia that what the sovereign State of Mississippi can do in the matter of rates is no standard by which to determine what the Congress of the United States can do.

Mr. CLAY. I wish to call the attention of the Senator——

Mr. ELKINS. I know the decision, and the Senator has quoted it correctly. The court decided under the law of the State what the State could do; but when you come to the General Government, which is a government of enumerated powers, and Congress undertakes to confer rights upon a subordinate tribunal, and Congress delegates its rights or its authority, if it can do it, to this tribunal, then can a court review that action if it is not confiscatory? In other words, when Congress says the subordinate tribunal shall fix a rate, say, at 50 cents, can any court review its action?

Mr. CLAY. Certainly.

Mr. ELKINS. Let me ask the Senator a question.

Mr. CLAY. I want to read to the Senator from the Mississippi case to which he has referred. That case went to the Supreme Court of the United States on some clause of the Constitution of the United States. It went to the Supreme Court on the ground that the commission had fixed a rate which was unreasonable and in violation of the Constitution of the United States, which says property shall not be taken without due process of law, and in my opinion if Congress itself should fix a rate that was unreasonable, that was confiscatory, that rate would be in violation of the clause of the Constitution to which I refer, and the courts would set aside the act of Congress beyond any question. Congress has to legislate in pursuance of the Constitution of the United States and the legislatures of the States have to legislate in pursuance of the Constitution of the United States. The legislatures of the States are bound by the constitutions of the respective States and the Constitution of the United States.

I rose, however, solely for the purpose of presenting authorities showing that Congress can, in a general way, prescribe a standard providing that all rates shall be reasonable and just and then leaving to the Commission the power to find what rates are reasonable and just and then to enforce its findings.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Oregon?

Mr. CLAY. With pleasure.

Mr. FULTON. As I understand the question of the Senator from West Virginia it is this: Assuming that the Commission shall fix a rate which is not confiscatory nor unreasonable because it is too low, but unreasonable from the standpoint of the shipper because it is too high, the Commission having fixed that rate, if I understand the question of the Senator from West Virginia, can the shipper go into court and invoke the aid of the court to revise and review it?

Mr. CLAY. I will have to ask the Senator from Oregon to restate his question. My attention was diverted for the moment.

Mr. FULTON. I will state it again. We will assume that the Commission is granted power to prescribe rates; that it fixes a rate in a given case which is not confiscatory, which is not too low, but which is still open to the objection of not being a reasonable rate because it is too high, because it is an unreasonable rate. Nevertheless it has been fixed by the Commission. Can a shipper then go into court and complain of that rate and have a remedy in court, or is he bound by the rate fixed by the Commission? I think the question is a very interesting one.

Mr. CLAY. Congress empowers the Commission to fix rates that are reasonable and just. If the Commission fixes a rate that is confiscatory, too low, the Commission violates the legislative will of Congress.

Mr. FULTON. Yes; everybody agrees——

Mr. CLAY. Now, one moment. And then the road, if the rate is too low and is confiscatory, could go into the courts and enjoin it. If, on the contrary, the Commission fixed a rate that was too high and violated the legislative will of Congress, then the common-law right of the citizen would not be destroyed. In my opinion, he could go into the courts and file his bill and ask that the rate be enjoined because it was too high.

Mr. ELKINS. Now, let me ask the Senator——

Mr. FORAKER. The Senator from Georgia referred to me a moment ago——

Mr. CLAY. If the Senator from Ohio wishes to ask me a question I will yield.

Mr. FORAKER. I dislike to interrupt the Senator from Georgia so often——

Mr. CLAY. That is all right.

Mr. FORAKER. And I will not do it unless it is entirely agreeable.

Mr. CLAY. It is entirely satisfactory.

Mr. FORAKER. He appealed to me in connection with a case coming up from the State of Mississippi. I understood the Senator to say that it was held in that case by the supreme court of the State of Mississippi that the legislature had power to delegate its legislative authority to a commission which it had created to make rates, and that the commission had made rates, and that the action was sustained by the supreme court of the State and also by the Supreme Court of the United States.

That was a very different case from what would be inferred from the Senator's statement, if I have correctly repeated it. In that case the rates fixed by the commission had not been put into operation, and that was a suit brought to enjoin the enforcement of the statute, so that no particular rates were before the court. The general question before the court, so far as it had any relevancy here, was whether or not the act of the legislature of the State of Mississippi in creating a railroad commission and giving it a supervisory power over railroads in the way indicated, was in conflict with the constitution of the State of Mississippi. The supreme court of the State of Mississippi held that the act was not in conflict with the constitution of that State, and the Supreme Court of the United States agreed with the supreme court of the State of Mississippi. But, why? Because of the character of the constitution of Mississippi, which is very brief on that point, and with the Senator's permission I will read it. I read from the constitution of the State of Mississippi, as follows:

SEC. 186. The legislature shall pass laws to prevent abuses, unjust discrimination, and extortion in all charges of express, telephone, sleeping-car, telegraph, and railroad companies, and shall enact laws for the supervision of railroads, express, telephone, telegraph, sleeping-car companies and other common carriers in this State, by commission or otherwise——

Mr. CLAY. Right here——

Mr. FORAKER. In one moment [reading]——

and shall provide adequate penalties to the extent, if necessary for that purpose, of forfeiture of their franchises.

All that the Supreme Court held was that that act was not in conflict with the constitution of the State of Mississippi.

Mr. CLAY. Will the Senator from Ohio permit me to make an observation right here?

Mr. FORAKER. Certainly.

Mr. CLAY. The Senator reads from the constitution adopted November 1, 1890. The Senator will find that the law creating a railroad commission for the State of Mississippi and defining its power was passed in 1884. The Senator will find also—I interrupt him with his permission—that Mississippi adopted a constitution in 1868, and Mississippi amended her constitution in 1876. If there is any provision either in the constitution of 1868 or the amendments thereto providing that the regulation of freight rates shall be by commission or otherwise, I have not been able to find it. Consequently the clause which the Senator from Ohio read could not have any reference to the point now in question.

Mr. FORAKER. In making the citation I have I may be in error as to the date.

Mr. CLAY. I have the constitution of the State of Mississippi before me——

Mr. FORAKER. If so, of course, I withdraw that point. But the citation to the constitution of the State of Mississippi was given me along with others, and it was given me as adopted at a date which antedated that legislation.

Mr. CLAY. I have the case before me, and I will send it to the Senator.

Mr. FORAKER. If the Senator will allow me, quite aside from that, there is no holding by the Supreme Court here that a commission created in the way this would have to be, if there were no constitutional provisions on the subject, would have power to receive a delegation of power of the character provided.

Mr. CLAY. I must return to the authorities I was discussing. The legislature of Mississippi created a railroad commission and conferred upon it the power to fix and enforce rates for transportation of every kind within that State. The law of that State declared the rule by which the commission was to be guided—that the rate must be just and not discriminatory. This was the legislative will. The commission was empowered to find what rate would be just and nondiscriminatory. This was purely administrative and not legislative work. The point was made and argued with ability before the supreme court of Mississippi that the act conferred both legislative and judicial power on the commission and was repugnant to the constitution of Mississippi. The supreme court of Mississippi sustained the delegation of this power. The Supreme Court of the United States sustained the same contention. Mr. Justice Brewer used the following language in delivering the opinion of the court:

There can be no doubt of the general power of a State to regulate the fares and freights which may be charged and received by railroads and other carriers and that this regulation can be carried on by a commission. Such a commission is merely an administrative body created by a State for carrying into effect the will of a State as expressed by its legislature.

No valid objection, therefore, can be made on account of the general features of this act—those by which the State has created the railroad commission and intrusted it with the duty of prescribing rates of fares and freights, as well as other regulations for the management of the railroads of the State. This case clearly affirms the right of a State legislature to confer the power upon a State commission to make rates within a State. Then why can not Congress confer the same upon the Interstate Commerce Commission over interstate transportation? (See also case of Reagan *v.* Farmers' Loan and Trust Company, 154 U. S., 362.)

Mr. ELKINS. Before the Senator from Georgia leaves that question, will he let me ask him a question? I will not interrupt him again.

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from West Virginia?

Mr. CLAY. Certainly.

Mr. ELKINS. Under the power of delegating to a subordinate tribunal authority to fix rates in a merely administrative way or otherwise, after Congress has established a standard, I want to ask the Senator if it is competent to review the action of the Commission as between a confiscatory rate on the one side and an extortionate rate on the other? There is a wide territory between these limitations, and what I want to get from the Senator as a lawyer is his opinion whether, after the delegation of this authority—you may call it the legislative discretion of Congress—to a subordinate tribunal, any court could review the action of the Commission between these two lines.

Mr. CLAY. I think so.

Mr. ELKINS. Then I would like to have the Senator address himself to that question.

Mr. CLAY. I will later on.

Mr. ELKINS. I hold that where the rate fixed by the Commission is within 1 cent of being confiscatory, Congress having delegated its legislative discretion, the courts can not review the action of the Commission.

Mr. CLAY. I will say to the Senator that the Supreme Court, where the legislature of a State provided that the rate fixed by the State commission should be final and conclusive, has held such a provision to be in the teeth of the Constitution of the United States. The Supreme Court of the United States has held that the legislature of a State can not delegate to a commission power to fix a rate that shall be final and conclusive. I think that was decided in a Minnesota case.

Mr. FULTON. Let me ask the Senator if that was not a case in which the court held that the rate was confiscatory. Was not that holding made in a case where the court held that the rate established by the Commission was confiscatory?

If the Senator will allow me, I will just briefly state my position on that point, so that I may not be misunderstood by my question. I believe that where the legislature or the Congress delegates to a commission the power to fix a rate, everybody is bound by that rate unless it be the carrier, which has a right to claim that the rate is confiscatory under the constitutional protection it has that its property shall not be taken without due process of law. But if the commission represents the legislature or Congress and Congress is operating through it, then the rate fixed by it must stand the same as a rate fixed by Congress. If a rate fixed by Congress be a certain amount, or if the Congress establishes a certain rate, surely nobody can complain of that because it is too high, because Congress has a perfect right to allow the carrier to charge any sum it may provide, so long as it is not confiscating the property of the carrier. I believe that the whole world except the carrier is bound by the rate, and it is bound by it unless it is confiscatory.

Now, I do not mean that Congress may not provide against such a consequence as that. I believe it can, and I believe that any bill should contain a provision that an individual shipper may come in and prosecute a suit on the ground that the rate is unreasonable as to him. I think such a clause would protect the shipper.

Mr. BAILEY. Will the Senator from Georgia allow me?

Mr. CLAY. Certainly.

Mr. BAILEY. I suggest to the Senator from Oregon and the Senator from West Virginia that the rule in Federal regulation is not necessarily the same as it is in State regulation in that respect. The prohibition upon the State is against depriving "any person of life, liberty, or property without due process of law." When you attack a State enactment, in order to establish its invalidity you must prove that it deprives the carrier of its property without due process of law; and there is, as suggested by the Senator from West Virginia, a very considerable latitude between a rate that might be too low and yet might not deprive a carrier of its property without due process of law and one which would be so low as to deprive the carrier of its

property without due process of law. But when you come to exercise the right of regulation by the Congress, you are not necessarily limited to the prohibition against deprivation without due process of law, because the Federal limitation adds "nor shall private property be taken for public use without just compensation." Therefore when it comes to the Federal law, the test is twofold—that you shall not deprive any man of his property without due process of law nor shall you take it without just compensation.

It is perfectly true that the Supreme Court has on more than one occasion treated the prohibition against taking property without due process of law by the State as including the prohibition against taking it without just compensation; but my own opinion is that the Supreme Court has made that declaration without due consideration of all the clauses in the Constitution. The reason I do not believe that the prohibition against taking without due process of law includes the prohibition against taking without a just compensation is that in the fifth amendment to the Constitution both prohibitions appear. With the permission of the Senator from Georgia, I will read both, and one follows immediately after the other:

Nor shall be—

That is, any person—

be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use without just compensation.

Now, to my mind it is inconceivable that the wise men who framed this Constitution would have followed the prohibition against taking property without due process of law by another prohibition against taking it without just compensation, if they conceived that the latter was included in the former. Therefore I suggest that while you could only successfully attack a State law upon the allegation and proof that it deprives a carrier of his property without due process of law, yet when you come to Federal regulation a different rule might apply.

Mr. CLAY. Mr. President, I am unable to understand why Senators are so uneasy that this power delegated to the Interstate Commerce Commission will be exercised oppressively. We submit questions of the greatest importance to Congress, to our Supreme Court, to our circuit courts, and to our district courts. Why not presume that the Interstate Commerce Commission, composed of an intelligent and upright body, will decide justly and fairly as between the railroads and the citizens? There seems to be an idea that in every instance the Interstate Commerce Commission will simply decide against the railroads. The presumption is that the Commission will hear the complaints of the shippers in an intelligent and an impartial way, and that the Commission will render a just and righteous decision and do justice to both the railroads and to the citizens.

Mr. President, I say that no one is justified in presuming, because this power is given to the Interstate Commerce Commission, that the power will be exercised wrongfully and oppressively.

I rose for the purpose of arguing the question whether or not Congress could pass a law that all rates shall be reasonable and just, fixing a standard, and then leave to the Commission the power to find the facts and say what rates are reasonable and just. I have no desire to oppress railroads. They deserve at the hands of Congress the same fair treatment that the banker deserves, that the farmer deserves. But ought not some tribunal to have the power to hear the difference between the shippers and the roads and say which is right? Ought the roads to settle the difference between the shippers and themselves? Mr. President, the railroads would not be impartial, and neither would the shipper.

If you leave it to the shipper, in many instances he will want his freight carried for scarcely nothing, and the roads will want to charge him more than what is right and proper. It is just and right that power should be lodged somewhere to try these differences and adjust them between the roads and the shippers.

The right of Congress to confer upon a commission the rate-making power was discussed by the court in the case of the Interstate Commerce Commission *v.* Cincinnati, New Orleans and Texas Pacific Railway Company (167 U. S., 479). It is true that the real question at issue before the court in this case was: Did the act creating the Commission give the power to the Interstate Commerce Commission to hear complaints and prescribe future rates? And the court decided that no such power was given by the law creating the Commission and defining its powers. But Mr. Justice Brewer, in speaking for the court, said:

While the present inquiry is limited to the question as to what Congress determined should be done with reference to the matter of rates, there were three obvious and dissimilar courses open for the consideration of Congress.

First. Congress might itself prescribe the rates.

To this proposition the Senator from Ohio has given his assent.

Second. Or it might submit to some subordinate tribunal this duty, or it might leave with the railroads the right to make the rates.

Mr. Justice Brewer said administrative control over railroads through boards or commissions was no new thing. It has been resorted to in England and in many of the States of the Union.

This subject was again discussed by our Supreme Court in the case of Chicago, etc., Railway Company *v.* Minnesota (134 U. S., 418). The legislature of Minnesota passed an act establishing a railroad commission, giving the commission the power to regulate freight rates in that State, and the act provided that the rates of charges for the transportation of property recommended and published by the commission shall be final and conclusive as to what are equal and reasonable charges, and that there can be no judicial investigation as to the reasonableness of such rates. This law deprived the railroads of the right to go into the courts and test the question as to whether or not the rates fixed were just and reasonable.

If this law had been sustained, the Commission had the power to fix rates that would have been confiscatory, and the roads would have been without remedy. This act was held to be unconstitutional, as depriving the roads of their property. Mr. Justice Blatchford delivered the opinion of the court. Speaking for a majority of the court he affirms the right of Congress to make rates through a commission, and Mr. Justice Miller, in a concurring opinion, affirms such right. Mr. Justice Miller said the power which the legislature has to do this can be exercised through a commission, which it may authorize to act in the matter, such as the one appointed by the legislature of Minnesota by the act now under consideration.

Mr. Justice Bradley delivered a dissenting opinion on the main question, but fully agreed with the majority of the court on the question now under consideration. Mr. Justice Bradley said:

I think it perfectly clear and well settled by the decisions of this court that the legislative branch of the Government might have fixed the rates in question. If it had done so, it would have done it through the aid of committees appointed to investigate the subject, to acquire information, to cite papers, to get all the facts before them, and finally decide and report.

Mr. Justice Bradley said:

No one could have said this was not due process of law. And if the legislature could do this, acting by its committees, I can see no good reason why it might not delegate this duty to a board of commissioners, charged, as the board in this case was, to regulate and fix the charges so as to be equal and reasonable. Such a board—

Said Mr. Justice Bradley—

would have at its hands all the means of getting at the truth and ascertaining the reasonableness of fares and freights which a legislative committee has. It might or might not swear witnesses and examine parties. Its duty being of an administrative character, it would have the widest scope for examination and inquiry.

Mr. Justice Gray and Mr. Justice Lamar concurred in this opinion with Mr. Justice Bradley.

Clearly, to my mind, when Congress declares that all rates shall be reasonable and just and not discriminatory, this is a legislative declaration furnishing all the standard that is required, and then Congress may submit to an executive board the power to determine the actual rates which such standard calls for.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Ohio?

Mr. CLAY. Certainly.

Mr. FORAKER. I do not wish to interrupt the Senator, but my silence might be taken as either assent or dissent, I presume. I wish to call the Senator's attention to the fact now, so there can not be any mistake in this instance, that the statute under which the court was making this construction did not authorize the commissioners of the State of Minnesota to make rates in the sense in which power was delegated to them of a legislative character. They were authorized when they condemned a rate to ascertain what, in their opinion, would be a reasonable rate to take the place of it, and they were authorized to recommend to the railroad the adoption by the railroad of that rate, and if the railroad did not within ten days adopt the rate thus recommended the commission was given power to go into the court and by a writ of mandamus to compel the railroad to do so, or by a writ of injunction to restrain the railroad from longer charging in excess of that rate. That statute is set out in the margin in 134 United States as the statute before the court.

So whatever may be the fact as to the Mississippi statute being passed before the constitutional amendment or as to its

being adopted before or after the decision of the court, there can not be any mistake about this being the statute that was before the Supreme Court when it made the decision the Senator has referred to. It shows conclusively that the legislature of Minnesota for very wise and conclusive reasons saw fit to avoid conferring upon the commission the power absolutely to fix rates according to any standard. It could recommend the rate and then could go into court.

Mr. CLAY. The position of the Senator does not change the position which I am contending for in the least. I was reading from this decision showing that the court was of the opinion that Congress could delegate to the Commission the power to fix rates.

Mr. FORAKER. But I suppose there will be no difference of opinion about the proposition that the court when it employed that language had reference to the kind of contention that had been made in the case before it. It was of an administrative character purely and simply.

Mr. CLAY. I have read the law as the court announced it. I have simply given the opinion of the court as it was announced. The judge delivering the opinion of the court said in substance that it was administrative work.

Mr. FORAKER. Certainly.

Mr. CLAY. I do not contend that Congress can pass a statute simply saying that the Interstate Commerce Commission can originate and fix rates as it sees proper, without any regard to reasonableness or justice, and that such a law could be enforced. That probably would be delegating to the Interstate Commerce Commission legislative power. But if Congress fixes a standard prescribing what kind of rates the Commission shall fix, then that is an entirely different question.

This subject has been ably discussed by the Attorney-General, the first law officer of our Government, in a letter addressed to Hon. STEPHEN B. ELKINS, chairman of the Interstate Commerce Committee of the United States Senate, of date May 5, 1905. This letter is an exhaustive argument, fully sustaining the views I have thus expressed on this important subject. The Attorney-General sustains this power by a line of authorities that are unanswerable. I read extracts bearing upon this subject:

DEPARTMENT OF JUSTICE, *May 5, 1905.*

Hon. STEPHEN B. ELKINS,
Chairman Committee on Interstate Commerce,
United States Senate.

SIR. I have the honor to acknowledge the receipt of your letter requesting, on behalf of the Senate Committee on Interstate Commerce, my opinion on certain questions of law.

Your letter, supplemented by oral communication, calls upon me to consider the governmental power to regulate the operations of railroads, especially in the respect of fixing rates for transportation, by whom that power, so far as it exists in the National Government, may be exercised constitutionally, and what limits to the power, if any, are prescribed by the Constitution.

After great consideration it was settled in the group of cases commonly called the "Granger cases," that there is a governmental power to regulate the operations of railroads acting as common carriers, and, as a part of such regulation, to prescribe the maximum rates which they may charge in the future for the services which they shall render to those who resort to them, and that the power is vested in, and may be exercised by, the legislative branch of the Government.

Munn *v.* Illinois, 94 U. S., 113.

Chicago, Burlington and Quincy Railroad Company *v.* Iowa, 94 U. S., 155.

Peik *v.* Chicago and Northwestern Railway Company, 94 U. S., 164.

Chicago, Milwaukee and St. Paul Railroad Company *v.* Ackley, 94 U. S., 179.

Winona and St. Peter Railroad Company *v.* Blake, 94 U. S., 180.

Stone *v.* Wisconsin, 94 U. S., 181.

These cases were concerned with the regulation of rates by the legislature of the State for transportation beginning and ending within the State. The principle announced in them was affirmed in Ruggles *v.* Illinois (108 U. S., 526), and Illinois Central Railroad Company *v.* The People of the State of Illinois (108 U. S., 541), has been adopted as the rule of decision in many subsequent opinions of the Supreme Court and of the highest courts of the States, and although originally established over dissent, is now acquiesced in by all as the settled law of the land.

Under the division of the governmental power made by the Constitution of the United States the authority to regulate the charges of railroads, so far as those charges are made for traffic which is exclusively within the States, resides in the legislatures of the States, and so far as they are made for other traffic resides in Congress. (Constitution of the United States, Article I, section 8, paragraph 3.) This division of power is fundamental, has been recognized in all the cases, and is illustrated clearly by both the majority and dissenting opinions in Wabash, St. Louis and Pacific Railway Company *v.* Illinois (118 U. S., 557).

In the earlier cases before the court the legislatures had prescribed specifically in the law the maximum rates to be observed in the future. Legislatures obviously, however, can deal with such questions only in the most general way. Their large and changing membership, infrequent and limited sessions, and procedure designed for legislation rather than administration, were ill adapted to duties so largely administrative as those of fixing and enforcing rates. Laws, therefore, were passed by many of the States enacting that rates should be impartial and reasonable, and creating a small body, often called a "railroad commission," to which was intrusted, among other powers of supervision, the duty of fixing rates in detail in conformity with the rule declared in the law. The constitutionality of the grant of such power to a commission was speedily drawn in question before the courts. It was claimed that the laws violated the well-settled principle that legislative power must be exercised by the legislature itself and can not be delegated to any other body. But the courts have held that where the legislature has enacted that railway rates shall be impartial and reasonable the duty of executing this law and determining the rates for the future in detail in conformity with it may be conferred constitutionally upon an administrative body, and that a grant of such power is not a delegation of the legislative authority. It is sufficient to refer to a few only of the cases which support this view and to say that no case which opposes it has come to my knowledge.

Attorney-General's opinion:

The foregoing cases dealing with the right of State legislatures to establish a rate-making commission, the clear analogy in this respect between their authority and that of Congress, and the case of the Interstate Commerce Commission *v.* Cincinnati, New Orleans and Texas Pacific Railway Company (supra), establish beyond doubt the right of Congress to confer upon an administrative body the power to fix and determine maximum railway rates which shall control in the future by the execution in detail of a general rule enacted into law, as, for example, that the rates shall be just, reasonable, and without discrimination.

The Attorney-General reaches the following conclusions:

1. There is a governmental power to fix the maximum future charges of carriers by railroads vested in the legislatures of the States with regard to transportation exclusively within the States, and vested in Congress with regard to all other transportation.

2. Although legislative power, properly speaking, can not be delegated, the lawmaking body, having enacted into law the standard of charges which shall control, may intrust to an administrative body not exercising in the true sense judicial power the duty to fix rates in conformity with that standard.

3. The rate-making power is not a judicial function and can not be conferred constitutionally upon the courts of the United States, either by way of original or appellate jurisdiction.

4. The courts, however, have the power to investigate any rate or rates fixed by legislative authority and to determine whether they are such as would be confiscatory of the property of the carrier, and if they are judicially found to be confiscatory in their effect to restrain their enforcement.

5. Any law which attempts to deprive the courts of this power is unconstitutional.

6. Any regulation of land transportation, however exercised, would seem to be so indirect in its effect upon the ports that it could not constitute a preference between the ports of different States within the meaning of Article I, section 9, paragraph 6, of the Constitution.

7. Reasonable, just, and impartial rates determined by legislative authority are not within the prohibition of Article I, section 9, paragraph 6, of the Constitution, even though they result in a varying charge per ton per mile to and from the ports of the different States.

In the case of Butterfield *v.* Stranahan (192 U. S., 470) this same question is fully discussed. This case illustrates the class of cases in which the legislature may leave administrative details to an executive officer or board without delegating any portion of legislative power.

This same question was discussed by the supreme court of my State in 1882 in the case of the Georgia Railroad et al. *v.* Smith et al., Railroad Commissioners, et al. (See 70 Ga. Report, p. 694.) The legislature of Georgia passed an act creating a railroad commission, defining its powers and duties and prescribing that all rates shall be reasonable and just, and delegating to the State commission power to hear facts and ascertain what rates are resonable and just, and to enforce its findings. The point was made by able counsel that this provision of the act violated the constitution which delegated legislative power to the legislature and that the legislature was not authorized to delegate such power as was granted to the railroad commission.

The court decided that the object of the constitutional provision conferring power upon the legislature to regulate railroad freights and passenger tariffs to prevent unjust discrimination and require reasonable and just freights and tariffs, and making it the duty of the legislature to pass laws in furtherance of this provision, was to give proper protection to the citizens against unjust rates for the transportation of freights and passengers over the railroads of the State and to prevent unjust discrimination, even though the rates might be just. The court said it was not expected that the legislature should do more than pass laws to accomplish the ends in view; nor were they required to enter into the details of settling freights and tariffs over all the railroads in the State. The railroad commissioners are officers appointed to carry into execution the laws passed by the legislature, and are constitutional officers. The powers of the railroad commissioners are not legislative. The power to adopt rules and regulations to carry into effect a law already passed differs from a power to enact the law.

Judge Crawford delivered the opinion, and he was one of the ablest judges that ever presided over that court. In delivering the opinion he said:

The constitution of 1877 confers upon the legislature the power and authority of regulating freight and passenger tariffs, preventing unjust discriminations and requiring reasonable and just rates of freight and passenger tariffs. It further makes it the duty of the legislature to pass laws from time to time to carry into effect this constitutional provision and to enforce the same by adequate penalties.

Judge Crawford says the object of the constitutional provision and the legislative enactment was to give proper protection to the citizen against unjust rates for the transportation of freights and passengers over the railroads of the State and to prevent unjust discriminations, even though the rates might be just. It was not expected that the legislature should do more than pass laws to accomplish the ends in view. When this was done, says Judge Crawford, its duty had been discharged. All

laws are carried into execution by means of officers appointed for that purpose. Some with more, others with less, but all must be clothed with power sufficient for the effectual execution of the law to be enforced.

Legislative grants of power to the officers of the law to make rules and regulations which are to have the force and effect of laws are by no means uncommon in the history of our legislation. I need only mention the power given to the judges of the supreme and superior courts of this State to establish rules which, if not in conflict with the Constitution of the United States, of this State, or the laws thereof, are binding and must be obeyed. And it has never been claimed that they were unconstitutional because they had not been passed by the legislature and read three times, and on separate days, in each house of the general assembly.

The act of October 14, 1879—

Says Judge Crawford, delivering the opinion of the court—

provides that fair and reasonable rates only shall be charged by the railroads of the State.

Did the Constitutional Convention, by paragraph 1, section 2, and Article IV, intend more than the passage of a general law, such as this, to carry into effect the clause here referred to? It certainly was not contemplated that the details of rates to be fixed over the many miles of railway in the States should be settled and determined by the legislature. The many influences that combine to cause changes in the ever varying vicissitudes of trade and travel were neither overlooked nor forgotten by that body. The utter impossibility of preparing by the legislature just and proper schedules for the various railroads, with their differences of length, locality, and business, appears to us to be so clear and manifest as that to have entertained would have been absolutely absurd. Judge Crawford said the difference between the power to pass a law and the power to adopt rules and regulations to carry into effect a law already passed is apparent and strikingly great, and this we understand to be the distinction recognized by all the courts as the true rule in determining whether or not in such case a legislative power is granted. The former would be unconstitutional, while the latter would not.

Judge Crawford, continuing, said:

The general assembly of Georgia is expressly required by paragraph 1, section 2, Article IV, to pass laws from time to time to regulate freight and passenger tariffs, and to prohibit unjust discrimination and the charging of unjust and unreasonable rates by the railroad companies of the State. The fixing of just and reasonable maximum rates for all the railroads in the State is clearly a duty which can not be performed by the legislature unless it remain in perpetual session and devote a large portion of its time to its performance. The question, What are just and reasonable rates? is one which presents different phases from month to month upon every road in the State, and in reference to all the innumerable articles and products that are the subjects of transportation. This question can only be satisfactorily solved by a board which is in perpetual session, and whose time is largely given to the consideration of the subject.

Judge Crawford says:

It is obvious that to require the duty of prescribing rates for the railroads of the State to be performed by the general assembly, consisting of a senate, with 44 members, and a house of representatives, with 175, and which meets in regular session only once in two years, and then only for a period of forty days, would result in the most ill-advised and haphazard schedules, and be productive of the greatest inconvenience and injustice, in some cases to the railroad companies and in others to the people of the State. It is impractical for such a body to prescribe just and reasonable rates. To insist that this duty must be performed by the general assembly itself is to defeat the purpose of that clause of the Constitution under consideration. The bestowal of such powers upon a commission is not to be considered as trenching upon the maxim that legislative power is not to be delegated, since the maxim is to be understood in the light of the immemorial practice of this country and England, which has always recognized the propriety of vesting in municipal corporations certain powers of local regulation in respect to which the parties immediately interested may fairly be supposed more than competent to judge of their needs than any central authority.

The case of Fields *v.* Clark (143 U. S., 650) illustrates and sustains the position for which I am contending. Congress passed an act conferring authority upon the President to reduce the revenue and equalize duties on imports, and to suspend, by proclamation, the free introduction of sugar, molasses, coffee, tea, and hides when he is satisfied any country producing such articles imposes duties or other exactions upon the agricultural or other products of the United States, which he may deem to be reciprocally unequal or unreasonable. The constitutionality of this act was brought in question because it transferred to the President legislative power. Mr. Justice Harlan delivered the opinion of the court and sustained the constitutionality of the law. Mr. Justice Harlan said:

What the President was required to do was simply in the act of Congress. He was the mere agent of the lawmaking power to ascertain and declare the event upon which its expressed will was to take effect. The true distinction is between the delegation of power to make the law, which necessarily involves a discretion as to what it shall be, and conferring authority or discretion as to its execution, to be exercised under and in pursuance of law.

Half the statutes on our books are in the alternative, depending upon the discretion of some person or persons to whom is confided the duty of determining whether the proper occasion exists for executing them. But it can not be said that the exercise of such discretion is the making of the law. Mr. Justice Harlan says:

The legislature can not delegate its authority, but it can make a law to delegate a power to determine some fact or state of things upon which the law makes or intends to make its own action depend. To deny this would stop the wheels of government. There are many things upon which wise and useful legislation depends which can not be known to the lawmaking power, and must, therefore, be a subject of inquiry and determination outside of the halls of legislation.

This same question was discussed again in the case of the Minneapolis and St. Louis Railway Company *v.* Minnesota by the supreme court of that State and the doctrine affirmed, and the case went to the Supreme Court of the United States and is found in 186 United States, page 257.

The act of the legislature of Minnesota creating a railroad commission—

Says the court—

is not unconstitutional in assuming to establish joint through rates or tariffs over the lines of independent and connecting railroads and apportioning and dividing the joint earnings.

Such a commission—

Says the court—

has a clear right to pass upon the reasonableness of contracts in which the public is interested, whether such contracts be made directly with the patrons of the road or by a joint action between the railroads in the transportation of persons and property in which the public is indirectly concerned.

The presumption is that the rates fixed by the Commission are reasonable, and the burden of proof is upon the railroad company to show to the contrary.

This opinion was delivered by Mr. Justice Brown and expressed the unanimous opinion of the court. This same subject was discussed at length by Judge Woods, of the circuit court of the fifth judicial circuit (see Woods's Reports, vol. 4, in the case of George H. Tilley *v.* The Savannah, Florida and Western Railway Company; Thomas M. Smith, Campbell Wallace, and Samuel Barrnett, railroad commissioners; and Robert N. Ely, attorney-general, page 427.) Judge Woods discussed the subject fully and decided that the power to regulate railroad freights and passenger tariffs being conferred by the constitution of Georgia upon the legislature, the question, What are just and reasonable rates, is a legislative and not a judicial one. And that the delegation to railroad commissioners of the duty of making a schedule of reasonable and just rates of freight and passenger tariffs, by which the railroad companies were to be governed, is not in violation of paragraph 1, section 2, Article IV, of the constitution of Georgia.

Judge Woods, circuit justice, in delivering the opinion, said:

It is settled that railroad companies are subject to legislative control as to their rates of fare and freight unless protected by their charters.

Justice Woods said:

The complainant next insists that paragraph 1, section 2, of Article IV, of the constitution of Georgia requires the general assembly itself to regulate railroad freight and passenger tariffs and prohibit unjust discriminations on the railroads of the State and prohibit them from charging other than just and reasonable rates, and that the delegation of this duty to the railroad commissioners is not warranted by the constitution.

Counsel insisted, he says, that the act of October 14, 1879, delegates to the railroad commission legislative power, which, by the constitution, is conferred exclusively upon the legislature.

Mr. Circuit Justice Woods further said:

The paragraph of the constitution which authorizes and requires the action of the general assembly on this subject does not in terms require that body to prescribe the rates of freights and fares. It is required "to pass laws to regulate freight and passenger tariffs." It has in performance of this duty declared that the rates charged by the railroad companies should be just and reasonable, and appointed a commission to fix the maximum of just and reasonable rates, beyond which the railroad companies shall not go. This action seems to fall strictly within the terms of the authority on which it is based.

If, however, the power conferred on the commissioners can only be exercised under the constitution by the legislature, the act conferring such powers must be declared void.

Mr. Justice Woods reaches this conclusion, and after careful consideration of this point he is satisfied that the duties imposed by the act upon the commissioners are not legislative and are not necessarily to be performed by the legislature.

Mr. Circuit Justice Woods says:

If the act had declared that no railroad company should charge other than just and reasonable rates, and that the board of directors of every railroad in the State should prescribe maximum charges, which should be posted at each station, and beyond which the ticket and freight agents of the company should not go, it could not reasonably be charged that the directors were clothed with legislative power.

Mr. Circuit Justice Woods asks the question:

Is the case altered when the general assembly, instead of making the board of directors the body to fix maximum rates, appoints an independent commission to perform this task?

It is a familiar rule of constitutional construction that a grant of legislative power to do a certain thing carries with it the power to use all proper and necessary means to accomplish the end.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from North Dakota?

Mr. CLAY. With pleasure.

Mr. McCUMBER. I wish to ask the Senator a question right there.

Mr. CLAY. Very well.

Mr. McCUMBER. I read that case carefully myself, and I confess I can not follow the reasoning of Judge Woods in just what the Senator has now read. Does not the Senator see a great distinction between saying to a board of directors of a railroad corporation that they shall have the power of fixing rates, and saying to a commission, which has nothing to do with rates, that they shall have power to fix rates—in other words, have not the directors the power to determine the value or the use of their own property entirely outside of legislative authority—and therefore are the two cases at all parallel?

Mr. CLAY. I will very frankly say to the Senator that I do not think they are. I think that the railroads owning their property and having a board of directors would have, beyond any question, the right, in the absence of any law, to fix a rate. However, while I do not agree with the reasoning of the court in that particular, the court goes on to state the case very carefully, and decides that the power to find out what are reasonable and just rates is an administrative and not a legislative power.

Mr. McCUMBER. Now, may I call the attention of the Senator to a part of the reasoning of Judge Woods in that case, in which he says:

The true distinction, therefore, is between the delegation of a power to make law, which necessarily involves the discretion as to what it shall be, and conferring an authority or discretion as to its execution, to be exercised under and in pursuance of the law.

That is the substance of the distinction on which Judge Woods bases his decision in that particular case. When you follow that distinction up, it seems to me that it shades away into almost airy nothingness.

If I may trouble the Senator a moment further——

Mr. CLAY. I do not want to yield for an argument, because I wish to go on, as I am occupying the floor through the courtesy of the Senator from New Hampshire [Mr. GALLINGER].

Mr. McCUMBER. I will not take one moment of the Senator's attention if he does not wish to grant it at this time, but if he will yield I should just like to make that point clear.

Mr. CLAY. Go on.

Mr. McCUMBER. Is not the delegation there purely and simply a delegation to the Commission itself to fix the rate? If it is, is it not a delegation also that the administrative body, which is to determine the administrative question, shall also apply the rule which is to govern? Therefore it is purely and simply a making of law, because there is nothing that comes into existence fixing the rule until the rule is applied. That seems to me to be the point.

Mr. CLAY. I will say to the Senator that I think when the legislative body prescribes that the rate shall be an equal, impartial, and just rate that is a fixing of the rate; that is the legislative body fixing the rate and leaving it to another body to find what is a just and reasonable rate. I think when Congress prescribes in a general way that all rates shall be just that is the standard, and then that the work to be performed by the Commission in coming up to that standard is not legislative, but the Commission is simply finding and carrying out the standard fixed by Congress.

Mr. CLAPP. I should like to ask the Senator a question, with his permission.

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Minnesota?

Mr. CLAY. Yes, sir.

Mr. CLAPP. In that proposition is there not another thought involved, which seems to be lost sight of here; and that is that the declaration of the legislature giving life and vitality to the determination of the Commission which is acting under it, the declaration being made in advance, constitutes, in my mind, the action of the legislature operating upon the finding of the Commission.

Mr. CLAY. I must not take up too much time of the Senate, but I wish to refer to the case in 192 United States Reports, where a similar question was discussed, if I remember correctly. That was a case arising under an act of Congress providing that teas of an inferior quality should not be imported into the United States. My recollection is that Congress provided in the act that the Secretary of the Treasury should appoint a commission, and that commission should examine the teas that were imported into this country and see whether or not they were of an inferior quality; and if found to be of an inferior quality, the tea was to be rejected. Certain parties imported into this country teas alleged to be of an inferior quality, and the teas were seized on the ground that they had been adjudged to be of an inferior quality and not of the quality which Congress intended should be allowed to come into the United States. The owners of the teas made the point that Congress had said that teas of an inferior quality should not be imported into the United States, and then left to the Secretary of the Treasury the appointment of a board to pass upon these teas and determine whether or not they were of an inferior quality; the point was made that Congress itself ought to have prescribed the quality of tea and specified the grades of tea that should come into the United States, contending that this was a delegation of legislative authority. The court held that Congress had provided that inferior tea should not come into the United States, thus prescribing the standard of tea that should come into the United States, and that the board of appraisers, which examined the teas to ascertain whether or not they were of an inferior nature, were acting purely in an administrative capacity in finding facts, that they were executing the law that had been passed by Congress, and that that was not delegating legislative power to the Secretary of the Treasury.

Numerous other State authorities could be cited to sustain this contention, but those already presented are so overwhelming I do not deem it necessary to take up the further time of the Senate to sustain the position for which I am contending.

The position for which I am contending, and so necessary for the protection of American people, is sustained by an abundance of authority. I do not contend that the Interstate Commerce Commission should be clothed with a power to originate rates. The roads in the first instance should be allowed to fix the rates, and if the roads fix such rates as are reasonable and just to the shippers, then these rates ought to stand. On the contrary, if rates are originated by the roads that are unreasonable and unjust to the shippers, then the American shippers should have somewhere to go to file their complaints and secure redress from wrongs. Railroads can destroy towns, cities, and private industries by improper rates, and who will say that power should not be lodged somewhere to investigate intelligently all complaints, solely with a view of doing justice between the roads and the shippers? The presumption is that an intelligent broad-minded commission will be impartial and seek diligently to do justice to both sides. Why presume that the Commission will decide adversely to the roads? Why presume that narrow-minded partisans, easily influenced by public clamor, will be appointed to discharge this duty? It will not be a difficult task to secure honest, intelligent, upright men to perform this work, and no other kind ought to be appointed.

When Congress passed the law to regulate commerce, approved April 4, 1887, and in effect April 5, 1887, Congress had several objects in view. The law provided that all charges made for any service rendered in the transportation of passengers or property, as aforesaid, shall be reasonable and just; and very unjust and unreasonbale charge for such service is prohibited and declared to be unlawful. Who will contend that this feature of the law was not right and proper? The law also provided that if any common carrier subject to provisions of the act shall directly or indirectly, by any special rate, rebate, drawback, or other device, charge, demand, collect, or receive from any person or persons a greater or less compensation for any service to be rendered in the transportation of passengers or property, subject to the provisions of the act, than it charges, demands, collects, or receives from any other person or persons for doing for him or them a like and contemporaneous service in the transportation of a like kind of traffic under substantially similar circumstances and conditions, such common carrier shall be deemed guilty of unjust discrimination, and which is hereby declared to be unlawful. This section of the Interstate Commerce Commission law was intended clearly to prevent unjust discrimination. The act to regulate commerce intended that every citizen and every community should have equal and just treatment by the common carriers. Who will say that this was not proper?

The third section provided that it shall be unlawful for any common carrier subject to the provisions of this act to make or give any undue or unreasonable preferences or advantage to any particular person, company, firm, corporation, or locality in any particular description of traffic. This section intended to prevent unreasonable preferences or advantages to any shipper or to any community. Congress intended to say that every shipper should have equal treatment and equal chances to make a living so far as freight rates are concerned, and that no ad-

vantage should be given to one person over another or to one city or town or community over another. Who will say that this was not right?

It is not my desire to cripple the railroad industry of the country. Congress itself desires to protect the people of the United States against unjust and unreasonable rates and against unreasonable preferences and unjust discriminations. Congress desires to give every citizen an equal chance in the race for wealth and honor. Then follows the long and short haul provision of the act. A critical examination of the debates will show that while this bill was pending before Congress to regulate interstate commerce Congress at that time intended to give to the Interstate Commerce Commission the power to hear complaints and prescribe reasonable and just rates.

This is a question of vast importance to the American people. The aggregate length of railway mileage in the United States on June 30, 1904, was 213,904.34 miles. The aggregate amount of railway stocks on June 30, 1904, was $6,339,889,322. The aggregate earnings from the operation of the railways in the United States for the year ending June 30, 1904, amounted to $1,975,-174,091. Of this amount, $444,326,991 was received from the transportation of passengers and $1,379,002,693 for the transportation of freight. The vast amount of money invested in these enterprises and the enormous sum paid for freight and passenger service make this question one of no ordinary importance. The President in his message has asked that such power be given to the Interstate Commerce Commission.

The party to which I belong in the last national convention in St. Louis, which nominated a candidate for President and Vice-President, adopted a platform in favor of granting such power to the Interstate Commerce Commission. Since the Supreme Court held that the act creating the Commission and defining its powers did not give express authority to the Commission to hear complaints, reduce and prescribe future rates, the Commission in each annual report has honestly besought Congress to so amend the Interstate Commission law as to give the Commission this power. Fully 75 per cent of the American people favor such legislation.

Why have an Interstate Commerce Commission clothed with the power to investigate rates and to find out what rates will be reasonable and just and leave the Commission without any power to enforce its findings. Of what service can the Interstate Commerce Commission be to the American people if it has the right simply to investigate rates put in operation by the railroads and find out whether they are just or unjust and then have no power to put in operation its findings? What good can come to the American people from the Commission with the law as it now stands? Why should the United States Government pay the expenses of the Interstate Commerce Commission when the Commission is clothed with the power to look into rates originated by the railroads, and if the Commission finds rates to be unjust and unreasonable then the Commission is not empowered to force the roads to change the rates so as to make them reasonable and just? Who believes that Congress intended to create a commission with simply the right to investigate without the power to enforce its findings so as to do justice between the people and the railroads? I would repeal the law creating the Commission unless the Commission is clothed with the power both to investigate and find what rates are reasonable and impartial and at the same time enforce its findings. It is absurd to have an Interstate Commerce Commission constantly investigating the railroad rates, knowing at the same time whatever may be the findings of the Commission in regard to rates the Commission is without power to enforce any of its findings. The people want a commission clothed with the power to find and fix a proper and reasonable rate and to put that rate in operation. Otherwise the Commission is useless.

American people pay annually nearly two billions of dollars for freight and passenger fares. Since the Supreme Court held that the Commission had not been invested with the power to modify or reduce any rate of charges established and fixed by the carrier, a power which the Commission exercised from the time of its organization, the law stands as it did before the Commission was created.

The people are not benefited by the law creating the Commission without the power to fix rates. By virtue of these decisions all doubt has been removed, and the carriers may establish their own rates and charges and may judge for themselves what rates are reasonable and just. Surely the shipper is at the mercy of the carrier. However unjust and unreasonable the rate may be, the shipper is without remedy. He has no tribunal clothed with the power to hear his complaints. The law, as interpreted by the courts, denies the authority to the Commission to fix a reasonable rate for the future. This leaves the Commission without authority, in the absence of additional legislation, for which I am now contending, to hear and settle the differences between the railroads and the shippers. The general public had expected a more satisfactory and complete remedy for transportation abuses.

These decisions furnish an abundance of reasons why additional legislation should at once be enacted in such unmistaken terms that the Commission can not misconstrue and the public will not be misled by it. The original act creating the Commission declared that the Commission is authorized and required to execute and enforce the provisions of the act; that the Commission shall investigate, inquire into, report, and order the discontinuance of all violations of these or other provisions of the law, and shall execute the law by petition to the court to enforce such order, which the act requires the court to do whenever the order is lawful.

I want it, however, clearly understood that I do not insist that Congress shall attempt to cripple the railroad corporations of the country. Far from it. I recognize the fact that the owners of railroad property should, in the first instance, be allowed to develop their own property; that they should be allowed to make rates; but they should be required to make rates that are reasonable and just to the shipper. If they do not do that, then the power ought to be lodged somewhere where the shipper can go and make his complaint and be heard. I believe the finding of the Interstate Commerce Commission as to what is a reasonable and just rate ought to be regarded as prima facie correct, and that the burden ought to be upon the roads to show that the rate is not a reasonable and just rate before it is ever set aside. We had just as well recognize to-day that while a large amount of money is invested in railroads, the American people are paying many millions every year for freight and passenger fare. I will not say whether those rates are just or unjust, as I have not looked into it sufficiently to be able to tell, but I do say with the American people paying such an enormous amount of money for passenger fare and freight rates there ought to be power lodged somewhere where the rate can be passed upon by an upright and impartial tribunal, and let that tribunal determine what is a reasonable and just rate.

Mr. LONG. Mr. President——

Mr. CLAY. I will yield to the Senator in a moment.

Nobody will insist that Congress can do this. If Congress were to stay here in session all the time, it could not hear one-twentieth of the complaints of shippers. Nobody will say that Congress can take up these various complaints, pass upon them, and fix the rates that should be charged between the shipper and the railroads.

Now I will yield to the Senator from Kansas.

THE MERCHANT MARINE.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 529) to promote the national defense, to create a force of naval volunteers, to establish American ocean mail lines to foreign markets, to promote commerce, and to provide revenue from tonnage.

Mr. GALLINGER. Mr. President, I wish at this time to ask the unanimous consent of the Senate that before adjournment on Monday, February 12, a vote shall be taken on the bill and all amendments pending and to be offered.

Mr. DANIEL. When is that time?

Mr. GALLINGER. Monday, February 12, three weeks from to-day.

The VICE-PRESIDENT. The Senator from New Hampshire asks the unanimous consent of the Senate that the unfinished business, being Senate bill 529, and all amendments thereto, shall be voted on before adjournment on Monday, February 12 next. Is there objection?

Mr. DANIEL. I object, Mr. President.

Mr. GALLINGER. Then I will extend the time to February 19—four weeks from to-day.

Mr. GORMAN. I trust the Senator will postpone his request.

Mr. DANIEL. It is not debatable, but if permissible I should like to make an observation or two.

The VICE-PRESIDENT. Without objection, the Senator from Virginia will proceed.

Mr. DANIEL. Mr. President, this is a very important measure. It inaugurates a new system. It is the entering wedge, as might be expected, for a very large and long-extended expenditure of public funds. It comes at a time when we are trying to be economical in order to sustain at home and in our domestic relations the proper progress the Government should make each year.

I see no occasion as yet to fix a time to vote upon this bill.

We have had very little debate upon it. A very able and interesting address from the Senator from New Hampshire has, of course, preceded it, and we have had one admirable speech from the Senator from Florida [Mr. MALLORY].

It seems to me that it would be wise to let it take its course from time to time. No amendments have been offered to the bill. The Senate has really not fixed its attention upon its details.

While I do not wish to try to engage the attention of the Senate, I will state an inquiry which has been entering into my mind upon the subject. If we are to have a measure of this kind and if some of the fishermen of the country are to be put into a naval militia, it has occurred to me that other fishermen might as well be put into the naval militia at the same time. We need to defend our coasts, and if deep-sea fishermen are to be employed and paid, from year to year, to defend our coasts, I do not see why those who fish in our streams and bays and estuaries should not be employed also.

This is but one suggestion that I would make now; but the objection I have to fixing a time for voting upon the bill is that the consideration of it is not at all ripe before the Senate. We have not had its details discussed in any such way as to prepare the minds of Senators for the thorough understanding of what it means and will mean hereafter. I should hope that the Senator would defer fixing a day for the final vote until that time of ripeness has come.

I will say to him further, lest I be misapprehended, that it never has been my purpose and is not now my purpose to attempt to delay either the consideration or the final vote upon any measure offered in good faith, as this undoubtedly is, and of a nature which each man is perfectly free to vote upon, without those objections which go too deep for him to be willing to see it pass after any consideration. It is a commercial question, a financial question, and one of the kind of questions which ought to be considered and based upon any reasonable time whenever the Senate is disposed to do so. But it ought to be a ripe time, after full and detailed consideration, and that time, in my judgment, has not come.

Mr. GALLINGER. Mr. President, if necessary, I will ask unanimous consent to briefly reply, although the bill is now before the Senate, and I can proceed to talk, if I choose. But I want, before doing so, to make another request. It is that this bill shall be voted upon on Monday, March 5, which is six weeks from the present time.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that the bill which is the unfinished business shall be voted upon before the adjournment of the Senate on Monday, March 5. Is there objection?

Mr. MALLORY. Mr. President, the bill presents a question of order preliminary, which ought to be disposed of by this body before there is any vote on the bill, in my judgment.

Mr. GALLINGER. What is the question of order, may I ask the Senator?

Mr. MALLORY. The question of the right of the Senate to originate revenue legislation.

Mr. GALLINGER. If the Senator will permit me, I think two Senators on the other side have suggested that they will make a point of order against that provision of the bill. I think the Senator from Florida does not seriously believe that the Senate shall usurp the functions of the Supreme Court and determine the constitutionality of bills before they are acted on by this body.

Mr. MALLORY. I do think the Senate has a right to determine for itself what it shall and shall not do under its constitutional power, and I am very much inclined to think the Senate has no right to initiate such legislation as is contained in the eighth section of the bill.

Mr. GALLINGER. That, of course, is the Senator's opinion. Does the Senator think the Senate can not properly consider and pass a bill of that kind, even though it may hereafter be declared unconstitutional?

Mr. MALLORY. Oh, I do not question the right of the Senate to consider it. As I remarked the other day, it can consider it in an academic way. But I do think it would be wrong for us to pass the bill unless we have that question settled. I object to fixing a given day until that question is settled by the Senate.

Mr. GALLINGER. I will withdraw my request and proceed to consider the bill which is now before the Senate.

Mr. BACON. Mr. President——

Mr. MORGAN. I wish to say on the question of order——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Georgia?

Mr. GALLINGER. I do.

Mr. BACON. I ask the Senator from New Hampshire if he will not kindly postpone that until my colleague concludes his speech?

Mr. GALLINGER. I have yielded day after day now for more than two weeks to Senators to make speeches. The Senators on the other side know that I always want to be courteous. I want to be courteous to-day, but when Senators refuse absolutely to fix a time, six or seven weeks in advance of the present time, to vote on a bill that has been before the Senate for nearly six weeks, I confess I think we would better proceed to consider the bill and vote on it, unless it shall be displaced by some other measure. That is the feeling I have about it, and I say it in entire good nature, and certainly not for the purpose of depriving any Senator of any right that he could ask for, either under the rules or by way of courtesy.

Mr. BACON. Mr. President, I fully accord to the Senator every disposition to be courteous, as he always is. I hardly think, however, that it is in harmony with the Senator's usual character for courtesy and a universal observance of it to make this point right in the middle of a speech. Now, if the Senator will give notice that after to-day he will seek to enforce the consideration of the regular order, that would be entirely characteristic of the usual consideration of the Senator. But it is not usual that such a drastic step should be taken while a Senator is on the floor.

Mr. GALLINGER. Mr. President, if the Senator will permit me, I have not served here for fourteen years to be ignorant of the fact that a speech on a resolution always has the right of way in this body. All know that. I recognize that fact. It will be recognized to-day beyond a doubt. But, nevertheless, I do feel that the Senate ought to be willing, certainly in the near future, and I will make this request again in a day or two, to fix a time to vote on the bill. There are other very important matters coming before the Senate. The Senator from Georgia [Mr. CLAY] is discussing a matter which, while it is not directly before the Senate, will be here doubtless in the near future for serious consideration, and other very important questions will be here.

Now, Mr. President, I ask unanimous consent, if agreeable to the Senators who are on their feet, that the unfinished business shall be laid aside until the Senator from Georgia concludes his remarks.

The VICE-PRESIDENT. Without objection, it will be so ordered.

Mr. TELLER. I wish to say to the Senator before that is done that I do not think he will expedite this bill by pressing it unseemly, which I think his proposition to go ahead now is. This bill has been before the Senate, it is true, for several weeks. Every Senator is quite aware that there has been no intimation that the bill was to be pressed rapidly. There are a great many other things before the Senate of more importance than this bill, and at least entitled to a few days' notice.

If the Senator proposes to press the bill and wants to press it to-day, he will find some one to speak on it without any doubt, and to-morrow. I think the bill is one which needs very serious discussion. I think on the question raised by the Senator from Florida, unless the eighth section is stricken out, it ought to be the end of the bill.

The Senator says the Senate may go on and discuss a question of this kind. I simply want to challenge that statement. Mr. President, a revenue bill can not originate in this body, and it is a breach of the privilege of the House of Representatives for this body to consider it for a moment. Courtesy requires, whenever we are satisfied that it comes within the prohibition of the Constitution, that we shall cease discussing the question. Of course the Senator can get rid of that question by striking out the eighth section. When he does that he will materially narrow the debate.

That is all I want to say. I do not wish to interfere with the Senator from Georgia.

Mr. GALLINGER. Mr. President, "the Senator from New Hampshire" accepts with due humility the lecture the Senator from Colorado has delivered to him. It is not unusual.

Mr. TELLER. Mr. President, the Senator will allow me to say there is no lecture about it. I am simply contending for what I think is the right of those who do not believe in this bill.

Mr. GALLINGER. If the Senator from Colorado——

Mr. TELLER. I can scarcely submit to any castigation from the Senator from New Hampshire on a subject of this kind. I have been here quite as long as he has.

Mr. GALLINGER. Longer.

Mr. TELLER. I think I am quite as courteous as he is, and I am prepared to discuss this question when the time comes; but I will discuss it in my own time.

Mr. GALLINGER. I think the Senator from Colorado will

recall the fact that when the question as to the constitutionality of a certain provision in the bill was first raised I said that an amendment would be offered to this part of the bill, which, in my opinion—it may not be well founded—would get rid of this constitutional contention. We have not had an opportunity to do that as yet. It can be done at any session of the Senate.

Now, Mr. President, this is not surprising to me. I know that the Senate always deliberates, and deliberates in its own way, and I presume it will do so in connection with this bill, but I will suggest to the Senate that if the same course shall be pursued regarding all the other great measures that will come before the Senate it is not likely that we shall vote on any of them before next November. There are a great many questions coming here. With that observation, I renew my request for unanimous consent that the unfinished business may be laid aside until the Senator from Georgia concludes his remarks.

The VICE-PRESIDENT. Without objection, the unfinished business will be temporarily laid aside. The Senator from Georgia will proceed.

REGULATION OF RAILROAD RATES.

Mr. CLAY resumed his speech on the resolution in reference to the regulation of railroad rates, submitted by him on the 18th instant. After having spoken for about half an hour,

Mr. LONG. I wish to inquire of the Senator from Georgia what provision he would favor in the law to compel the carrier to put into effect the orders of the Commission?

Mr. CLAY. I have not critically examined the various bills which we have before us. I understand that there are many bills pending here in the Senate. I would provide that the rates fixed by the Commission should be presumed to be reasonable and just, and I would provide a penalty for the failure to carry out the rates fixed by the Commission. I would provide that the Commission should have power to compel the railroads to carry out those rates, and I would give the particular road the right to test that question in court, so as to determine whether or not the rate was reasonable and just.

Mr. DOLLIVER. Mr. President——

The PRESIDING OFFICER (Mr. NELSON in the chair). Does the Senator from Georgia yield to the Senator from Iowa?

Mr. CLAY. I do.

Mr. DOLLIVER. I desire to say a word, Mr. President, about the matter suggested by the Senator from Kansas [Mr. LONG] in reference to the power of the Interstate Commerce Commission to enforce their orders. I had the honor to introduce in the earlier days of the session a bill giving to the Commission the power to make certain orders and providing severe penalties for the failure of the railways to obey the orders, and, in addition to that, providing for equity proceedings by mandamus or otherwise in the circuit court of the United States to compel the railway company involved in the controversy to obey the orders of the Commission.

I noticed in a newspaper printed in a neighboring city a report sent out from here by Mr. Angus McSween, who, I think, is a reporter officially representing his paper in the Senate, in which he makes what I regard as a stupid, uncalled-for, and libelous attack, not only upon me, but upon practically the whole Senate. I ask the Secretary to read the portion of the article which I have marked.

The PRESIDING OFFICER. The Secretary will read as requested.

Mr. TELLER. I hope the Secretary will read the article slowly, so that we may get the essence of it.

The Secretary read as follows:

[By Angus McSween.]

WASHINGTON, *January 21, 1906.*

Discovery of a "snake" in the Dolliver railroad-rate bill, the author of which is now posing as the most energetic supporter of the President's rate-regulation policy in the United States Senate, has served to reveal the eloquent Senator from Iowa in an entirely new and not a pleasing light.

If it be true that DOLLIVER, for all his professions, is but another wolf in sheep's clothing, striving by means of a trick to so emasculate the proposed railroad legislation that it will amount to nothing, then it is impossible to tell if the President's plans have any real supporters in the Senate, or if it is possible to obtain from the present Congress more than a mere step in the direction of railroad reform.

The provision in the Dolliver bill which has aroused the indignation of the honest reformers in the Senate and House declares that if any of the railroads fail to comply with the orders of the Interstate Commerce Commission, when that Commission shall have established a reasonable rate, the Commission or the shipper concerned may, by petition, take the matter into the courts, and the courts are authorized to make a complete investigation of all the questions at issue, and decide if the order of the Commission has been reasonable and lawful, and to prescribe methods by which such order may be enforced.

Mr. DOLLIVER. Mr. President, a large amount of printed matter, possibly two columns, follows what I have marked, all of it libelous and nearly all of it stupid. I have chosen to deal with this part of it because I have felt that it might not be wise to allow a report like that, affecting a bill pending here, to be circulated without at least calling public attention to its entire want of foundation.

So far as personal attacks upon me or other members of the Senate are concerned, I do not feel any pressure, either of inclination or of duty, to deal with them. It is a favorite maxim of mine that if a man's moral character is not sufficient to refute such accusations and take care of them, nothing that he can say would add to his defense. But it is of public importance that a criticism, such as the one which has just been read, should be exposed on the instant.

It is true that section 4 of the bill which I had the honor to introduce here does give the Commission the power to take its orders into a court of equity in order to secure a mandatory injunction for their enforcement; but it is not true that that constitutes any weakness in the provisions which the bill makes for their enforcement. The bill gives power to the Commission to make a variety of orders—orders for rates, orders to cease and desist from violations of the law, and orders for reparation or damages for overcharges which may have occurred.

So far as the orders for the establishment of a maximum rate are concerned, the purpose of the bill is to make the orders self-executory by setting against their violation, against the failure of the corporations to observe them, serious penalties, namely, $5,000 per day for every day's failure to observe them; but in order to cover the case of orders not involving the subject of rates, and possibly a case where the railroad might prefer to defy the order and fail to observe it, taking its chances on the Government's being able to collect the penalty, the bill also provides, not for the purpose of nullifying its provisions, but for the purpose of making them more effective, that the Commission may take its orders into a court of equity and secure a mandamus requiring the railroads to obey them. It does not give the railroads the right to go into a court of equity, but by express language limits the jurisdiction of that court in this proceeding, not to the substance and merit and reasonableness of the order, but to the fact whether a lawful order has been made and whether the corporation is in disobedience of it.

Now, I do not feel as much duty to defend that clause in the bill as I might if I had not borrowed it practically verbatim from the bill which was sent to the Senate Committee on Interstate Commerce by the Interstate Commerce Commission, the Commission having borrowed it in substance from the existing law. The clause was put into the bill of the Interstate Commerce Commission because, in the unanimous judgment of that Commission, it enabled them in case their orders were defied to take them into a court of equity and secure a mandatory injunction for obedience to them. Instead of injuring the law, it was important to secure in extreme cases effective obedience to its orders in case the corporations were disposed to disobey and to defy them. I took the section on the subject substantially as drawn in the Interstate Commerce Commission bill, conforming its phraseology to the language of the present law, and put it into the measure which I had the honor to introduce here, because my judgment agreed with theirs that it was necessary to complete the power of the Commission over the cases brought within their jurisdiction by the proposed measure. So that what I say now is not said for the purpose of defending my moral character, but for the purpose of exposing a stupidity the like of which I have never before seen approached in the gallery in which the representatives of the American press sit during the sessions of the Senate.

Mr. CLAY. Mr. President, if I can find where I left off, I will resume and complete my remarks in a few minutes. What we ought to do is to provide that all rates shall be reasonable and just, and then we ought to empower the Commission to find what rates are reasonable and just and to enforce its findings.

The Senator from Kansas [Mr. LONG] asked me something about how they would be enforced. I believe the Senator from Texas [Mr. CULBERSON] provides in his bill that the failure to carry out the rates fixed by the Commission shall be a misdemeanor and shall be punished by a fine of not less than two thousand nor more than twenty thousand dollars.

I do not desire to discuss the merits of any bill at present. I simply desire to contend that for ten years the Commission has been exercising power to hear complaints, exercising power to pass upon the differences between shippers and railroads; and the reports show that in 69 cases, I believe, out of 168 the rates fixed by the roads were reversed and decreased, and the railroads acquiesced in the findings of the Commission.

No great harm was done to the people of the United States while the Interstate Commerce Commission exercised this power. The Commission to-day is an ornamental rather than a useful body. The Commission can examine into rates now on

complaint, but it can simply find that they are unreasonable, and the railroads are not bound to pay any attention to the matter. I believe that unless you empower the Commission to investigate rates, to fix rates that are reasonable and just, and to enforce its findings you had better repeal the law creating the Interstate Commerce Commission.

Mr. President, the debates of Congress will show that when the law was passed creating the Interstate Commerce Commission and defining its powers Congress intended to give to the Commission the power then to say what was a reasonable and just rate.

Mr. ALDRICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Rhode Island?

Mr. CLAY. Certainly.

Mr. ALDRICH. I was a member of the Senate at the time, and the exact opposite of what the Senator says was the understanding, so far as I know, of every member of this body.

Mr. CLAY. Mr. President, I am fully aware of the fact that the Senator from Rhode Island is wide-awake and keeps up with the business of the Senate, but I am sure, if the Senator will read the debates of the House and of the Senate, he will reach the conclusion that I am correct.

Mr. ALDRICH. I mean so far as their intentions were expressed in the discussion.

Mr. CLAY. I have myself read the debates.

Mr. ALDRICH. The Senator from Illinois [Mr. CULLOM], who then had charge of the bill, stated in definite and set terms that there was no intention on the part of Congress or of the committee or of himself to give any rate-making power to the Interstate Commerce Commission——

Mr. CLAY. The debates show——

Mr. ALDRICH. And nothing was said in the Senate by any member of the committee or by any member of the Senate to the contrary, and I challenge the Senator to produce any evidence anywhere that there was.

Mr. CLAY. I will address the Senate at a later day, and I will produce speech after speech made upon the floor of the House and of the Senate stating that the bill provided that all rates should be reasonable and just; that it empowered the Commission to enforce every provision of the law, and clearly carried the right to investigate and declare what were reasonable and just rates.

Mr. ALDRICH. Mr. President, the bill in terms said that all rates should be reasonable and just. That, of course, is not and can not be a subject of contention on the part of anybody; but that the Congress went beyond that and gave, or intended to give, the Interstate Commerce Commission any power to fix rates is not within the range of possibility. Those who were members of the Senate at that time, as I was, and my friend from Iowa [Mr. ALLISON] and other Senators around me were, had a clear understanding on this subject.

Mr. CLAY. Mr. President, the Senator knows, if he has investigated the reports of the Interstate Commerce Commission, that the Commission did exercise this power for the period of ten years——

Mr. ALDRICH. I know, but——

Mr. CLAY. One moment. And the Senator knows well that the Commission heard various complaints of shippers as against the roads charging excessive rates, that the Commission said the rates were excessive, that the Commission reduced the rates, and that the roads acquiesced in the findings of the Commission.

Mr. ALDRICH. Mr. President, it is undoubtedly true that the Interstate Commerce Commission throughout its entire history has been hearing charges and claims of the nature suggested by the Senator from Georgia, and they undoubtedly have had an effect upon the railroads in a great many cases. The Commission have been performing a very proper function in that regard, but in the very first case where they undertook to fix rates, which reached the Supreme Court of the United States, there was a prompt decision that they had no such power and never had had such power.

Mr. CLAY. It is true that the Commission exercised this power for about ten years. I know what I am talking about. I have read its reports, and I have read the cases that the Commission had under consideration, and the Senator will find that there were more than fifty cases where rates were reduced, and the Senator will find that the roads acquiesced. The Senator——

Mr. ALDRICH. The roads have been acquiescing.

Mr. CLAY. One moment. The Senator will find that that question went to the Supreme Court in 162 United States, and the Supreme Court decided that there was nothing in the act empowering the Commission to make rates. Up to that time that power was exercised by the Commission.

Mr. FORAKER. Mr. President——

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Ohio?

Mr. CLAY. I yield to both Senators.

Mr. ALDRICH. I was merely about to say that cases involving charges of extortionate rates and all the other questions affecting transportation in this country have continually been heard by the Interstate Commerce Commission, and the railroads, in case their judgment agreed with that of the Commission, have often followed the Interstate Commerce Commission in its suggestion and recommendation. The Interstate Commerce Commission has been discharging that function up to the present time, and there is no question about its right.

Mr. CLAY. I will say to the Senator that my information is that since that decision was rendered the Interstate Commerce Commission has heard complaints in regard to excessive rates. But all it can do is simply to find that the rates fixed by the roads are unreasonable, and then can write to the roads recommending that the rates be reduced. But the Commission does not attempt to exercise the power to compel the roads to put in operation rates so reduced since that decision was made. It would be futile; it would be a useless——

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Oregon?

Mr. CLAY. Certainly.

Mr. FULTON. The Senator does not want to be understood as saying that the Commission does not now frequently prosecute suits to restrain exactions?

Mr. CLAY. So far as that is concerned, as I understand the common law it could be done under the common law without any commission. Under the common law the shipper could go into the court without any statute law on the subject and file a bill in equity, setting forth that the rate charged is excessive, exorbitant, and unreasonable, and under the common law the courts were empowered to enjoin the enforcement of a rate of that kind. That was true, as I understand the law, before the Commission was created. The existence of the Commission did not change the law in that particular, and certainly now, I think, the Commission, where it finds the rates to be unreasonable and excessive as against the shipper, can go into the courts and enjoin its enforcement.

The Commission ought to have the right to hear evidence as to the cost of the construction of the railroad; how much watered stock there is, if any, in the railway company. The Commission ought to know how much it costs to operate the road, how much business the road is doing, and the expense of operating the road; and when the Commission ascertains those facts it ought to fix a rate that is reasonable and just to the shipper and the road, and there ought to be a penalty to enable the Commissioners to enforce the rate found to be just and reasonable, and, in my judgment, that rate ought to be in force until set aside by the courts in a proper way.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Rhode Island?

Mr. CLAY. Certainly.

Mr. ALDRICH. I understood the Senator from Georgia, who is always wise, to say earlier in his remarks that the rates ought to be remunerative. He has just made an allusion to one of the salient facts, or what is considered one of the salient facts in the railroad problem—the question of overcapitalization, watered stock. Does the Senator think that in deciding whether a rate is remunerative these questions ought to be considered?

Mr. CLAY. I do. I think every question the determination of which will tend to do justice between the road and the shipper ought to be considered.

Mr. ALDRICH. What part——

Mr. CLAY. The Commission ought to know the actual cost of the road, and the Commission ought to know the actual operating expenses of the road.

Mr. ALDRICH. Does the Senator mean the cost of replacing it or the original cost?

Mr. CLAY. All those things ought to be taken into consideration.

Mr. FULTON. Will the Senator allow me?

Mr. CLAY. I think the Senator from Rhode Island has the floor.

Mr. FULTON. I wish to make a suggestion in answer to the question of the Senator from Rhode Island. The Supreme Court in the Nebraska case (169 U. S. Rep.) said that in determining what would be just remuneration for the service of a carrier they would take into consideration only the actual cost

of the road, and if there were fictitious values placed or fictitious stock issued it should be excluded.

Mr. BAILEY. Not the actual cost, but the actual value.

Mr. FULTON. The actual value. They went on then, qualifying the proposition of actual cost, to say, Suppose a road had been built at a time when it cost a great deal more to construct than it would to construct a similar road at the present time; it might be proper to consider merely the actual value. But, at any rate, the court laid down the rule that fictitious values should not be considered.

Mr. ALDRICH. I was more or less familiar with what the Supreme Court has decided; but the Senator from Georgia is making the first set speech that has been made upon the side of the question which appeals to popular opinion, and I assume——

Mr. CLAY. One moment.

Mr. ALDRICH. And I assume——

Mr. CLAY. One moment right here. I want to answer that.

Mr. ALDRICH. I assume——

Mr. CLAY. The Senator does not know me if he thinks my purpose is to appeal to popular opinion or to do other than what is right as between the roads and the shippers.

Mr. ALDRICH. Oh, I am sure of that. But, as I was about to say, the Senator from Georgia, I suppose, can be taken more or less as the representative of people other than himself, because he is discussing this question from the standpoint of those who believe the Interstate Commerce Commission should be given power to fix rates. I was trying to find out what his opinion is upon this question—not what the Supreme Court has decided, but his opinion as the representative of people who believe in this legislation.

I should like to know whether he thinks either the Commission or the courts ought to take into consideration watered stock—overcapitalization—and whether dividends should or should not be paid upon it, and whether the present cost of building the road or the present value of the road is to be taken into consideration, in his opinion, in fixing a rate which is remunerative, because all these are not mere idle questions. They are practical questions of the very highest importance. He is here as a representative, and I should like to know what his opinion is, and not what has been the opinion of the Supreme Court.

Mr. CLAY. In fixing the rates, in my opinion, the Interstate Commerce Commission should take into consideration the actual value of the roads at the time they are considering that question. Some roads, by reason of their surroundings, are making more money than others. They should also take into consideration the question of the cost of operating the road and the net earnings of the road. You are bound to consider all those questins in fixing a rate, and the presumption is that an intelligent commission will be bound to consider those questions and would consider every circumstance.

Mr. FORAKER. The Senator has just stated that it would be the duty of the Commission to take into consideration not only the value and cost of the road, but also the expenses of operation. I should like to know whether he would expect the Commission to go by detail into the expenses of operation and look after the employment of officials, the salaries paid them, and so forth, and so on, and to what extent——

Mr. KEAN. And labor.

Mr. FORAKER. And to what extent his investigation would go. Is the Commission to determine whether the salary paid to the president and the wages of the employees are right and proper and to be approved? Is all that necessary in determining the operating expenses? I only ask for information.

Mr. CLAY. I should take into consideration, in considering this question, every fact and circumstance going to show the cost of construction—the value of the road, the expenses and net earnings—everything that would, if I were a Commissioner, give me a proper idea as to what rate the road ought to charge in order to pay expenses and a fair and reasonable dividend, and then give the citizen a fair and reasonable rate.

Mr. FORAKER. I do not want to be personal, but take the case of the Pennsylvania Railroad, a great corporation, officered by great men, giving all their time to it. Would the Senator say how much salary should be paid to the president and vice-president, and so on, and determine the wages of the engineers, the conductors, the firemen, etc.?

Mr. NELSON. Will the Senator from Georgia allow me?

Mr. CLAY. Certainly.

Mr. FORAKER. I am asking only for information.

Mr. NELSON. I want to say to the Senator from Ohio that that question is merely befogging the real issue. The question in all such cases will be, what are the reasonable expenses of construction; what are the expenses of operating the road? An exigency might arise where, for the sake of making a case in court, a road might pad their expense list, as we know is sometimes done in other cases, for the sake of making a bigger showing. In such a case would the Senator from Ohio say, "You shall not investigate that padding."

Mr. FORAKER. No; I am not saying anything about it. I am trying to get information. The Senator from Georgia was telling us what the Commission would have to consider, and he said the Commission would have to consider operating expenses. I want to know whether he is going into these items. These are all items of operating expense. I want to get the benefit of his idea.

Mr. NELSON. The Commission will go into the items or not, according to the facts presented. If it became material to go into the items—if the investigator, whether a master in chancery in an equity proceeding or the Interstate Commerce Commission or anybody else, became convinced that the expense account was in any way padded—manifestly, as a matter of justice and equity, they would have a right to consider the details.

Mr. FORAKER. I should think, if we entered upon that policy, it would not only be their right, but their duty. I want to clear up whatever of fog there is hanging about this question, in order that we may get the length and breadth of this matter.

Mr. ALDRICH. Mr. President——

Mr. CLAY. No, Mr. President——

Mr. ALDRICH. Only one more question.

Mr. CLAY. I will yield this time, after which I must proceed with my argument.

Mr. ALDRICH. As we are having an official exposition of this plan, I think it important that we should know something about the details of it. I should like to ask the Senator to answer this question, How he would make a practical application of the general scheme of remunerative rates to a single road, say between Atlanta and Boston?

Mr. CLAY. That is a matter which I do not care to discuss now. I may discuss it later on. That question involves the merits of the different bills, and I can not now undertake it. I rose to-day for the purpose of discussing the question of the power of Congress to provide that rates shall be just and reasonable, and then delegating the power to the Interstate Commerce Commission—the right to find what rate is reasonable and just.

Mr. ALDRICH. I was in hopes that some kind of a scheme, some practical way——

Mr. CLAY. We have before us nearly as many bills as we have Senators, and I do not at this time wish to go into a discussion of the different bills upon this occasion.

Mr. ALDRICH. I will wait.

Mr. CLAY. Let me say this: I have not heard a single Senator who opposes giving the Commission this power suggest a remedy. Will the Senators who oppose giving the Commission this power——

Mr. FORAKER. Mr. President——

Mr. CLAY. One minute. Will the Senators who oppose giving the Commission this power say that the railroads shall fix their own rates through their traffic managers, and that those rates shall be final and that the citizen—the individual shipper—shall have no place to go and have his complaint heard? What do you want with an Interstate Commerce Commission, that costs the people of the United States money every year, simply to investigate and find that a rate is unreasonable and then do nothing? Why not repeal your law unless your are going to make your Commission effective?

Let me say to you now that the public sentiment in favor of governmental ownership is growing every day. I am not in favor of it, but unless you check it by governmental regulation you will watch it grow and continue to grow.

Mr. FORAKER. Mr. President——

Mr. CLAY. Just one moment. I am not in favor of it. I recognize the fact that the vast number of employees engaged in the building and construction and operation of railroads would be largely under the control and influence of the party in power in the event that governmental ownership should ever prevail, and it would result in the particular party in power holding the Government for all time to come. It is not best for this Government to be under the control of any particular party for too long a time. Parties closely divided, discussing issues, and holding each other to a strict account are necessary to the preservation of American institutions, and I am unconditionally opposed to Government ownership of railroads. An election took place not long since in the city of New York, where Mr. HEARST came within a few thousand votes of being elected

mayor of that city. I am not one of his followers, and never have been, but, Senators, he almost won that race because he was in favor of municipal ownership.

I tell you to-day if you check the will of the people, if you fail to give the citizen a tribunal where his rights can be heard, if you allow the roads to continue to fix their rates, giving the citizen no tribunal where he can be heard, the American people will wake up and be heard, and a dangerous policy may be put in operation in this country. I say that wise, conservative, and safe legislation on the line I am advocating at this time, in my opinion, is of vast importance to the people of the United States.

Mr. President, who has suggested a different remedy? You tell me that the courts can make rates. It is true that the courts can declare that a given rate is unreasonable and enjoin it, but that simply applies to that particular case. It does not operate in the future. The highest court in our land has decided that the courts have no power to prescribe rates that shall take place in the future. Whether or not the courts can decide that a rate is unreasonable and at the same time announce what is a reasonable rate, is a question of grave doubt, and upon that I am not ready to give an opinion.

The Attorney-General has considered this question in every aspect, and I am frank to say that he ranks as one of the ablest Attorney-Generals we have ever had. I have read his special report to the Senate Interstate Commerce Committee, of which the Senator from West Virginia [Mr. ELKINS] is chairman. It is an able exposition of the law upon this subject, and he recites authority after authority, and he reaches the conclusion, beyond a question, that this power can be delegated to the Interstate Commerce Commission. No sensible man wants to cripple railroad property. I have all my public life been friendly to the railroads, but at the same time let us do justice to the American shippers.

I was reading the other day the testimony of one of the Commissioners before the Senate Interstate Commerce Committee, and it startled me, and with the permission of the Senate I will read it, and then I will conclude my remarks. I wish to call attention to what Mr. Prouty said. During the year, before the Senate Interstate Commerce Committee, Mr. Prouty, one of the Commissioners, was asked the question:

Should the Interstate Commerce Commission be given the power, in addition to what it already has, to investigate complaints and determine whether or not an existing rate was reasonable and just, and to enforce its findings?

Mr. Prouty, replying to the question, said:

I do not understand that the Commission at the present time has any power in the premises. The defect in the present law is that neither the Commission nor the court nor anybody else has any power to say, with respect to the future, whether a rate is reasonable or unreasonable, whether a discrimination is due or undue; and therefore you have no power to make any order in the premises.

Senator CULLOM asked the question:

Well, ought you to have this power?

His reply was simply this:

I have said it a great many times—that there must be, and especially in view of the combined railway influence at the present time, some tribunal somewhere which has power to judge between the railway and the public. I think the railways should make their own rates.

So do I.

I think they should be allowed to develop their own business. But—

Says Mr. Prouty—

I say this, that there must be some tribunal somewhere which can determine whether the railroad has so used its property as to destroy my property. If a railroad, having the absolute monopoly to fix rates, imposes upon me an unjust and unreasonable rate, it takes my property. If a railroad, having power, imposes a discrimination which shuts up my coal mines or shuts down my mill. It takes my property. Now, there must be a tribunal somewhere which can judge between me and the railroad—which can say whether the railroad is using or has used its property in a legitimate way with respect to my rights and property rights. As a matter of fact, I go a little further—

Says Judge Prouty—

I say the only way the public can be protected is by acting directly upon the railroad rates. The thing which hurts is the rate. The thing which must be acted upon is the rate. In some way or other you must revise the action of the traffic manager. If you can do this by a court, all right. As I understand the Constitution of the United States, it can not be done by a court. A court has no power and can be given no power to determine a rate for the future. Therefore, you must bestow that power upon some commission.

Mr. Prouty says competition has ceased. All of the great lines of railroad are under one system. He further said, illustrating the extent to which railroad operation has been unified in the United States:

I had occasion the other day to tell one of my clerks in the office to make me up a statement which would show certain facts with reference to certain great systems of railroads in the United States. I gave to him six systems. If I remember correctly, the six systems were the Vanderbilt system, the Pennsylvania system, the Gould system, the Harriman system, the Hill system, and the Rock Island system. I said to him: "You take the statistical returns of the railway to the Interstate Commerce Commission and tell me from those statistical returns how many miles of railroads are controlled by those six systems." He did so; and it turned out that of all the railroads in the United States about 55 per cent were embraced in those systems. But, gentlemen—

Says Mr. Prouty—

that did not express it, for the simple reason that the railroads which were embraced within those systems do so much more business and were so much more important than the railroads left out of the systems.

He said two-thirds of the railway capitalization of the United States is embraced in those systems, and 62 per cent of the railway gross rates of the United States are embraced systems. Says Mr. Prouty:

That does not fully express it. The men who are potential in these systems are potential in other railroads in the United States, and competition between the railroads has practically ceased, and if it has not ceased entirely, it will do so in the near future.

What are the American people to do if the railroads are allowed to fix their own rates and the shippers have nowhere to go to complain of their wrongs? Who shall be the judge as to whether or not the rates are reasonable and impartial? The roads represent one side, the shippers the other. It may be possible that the shippers want more than their just dues, and the same may be said of the roads. We are all selfish, looking after our own interest. Then let us have a broad-minded, intelligent, industrious Interstate Commerce Commission, clothed with the power to hear all complaints and to decide what rates are reasonable and just, and give it the power to enforce its findings, to settle the differences between the shippers and the roads. Then you may rest assured that substantial justice in every instance will be done between the roads and the people. This is all any honest man ought to ask.

Mr. ALDRICH. Mr. President, I was greatly interested in the impassioned prayer of the Senator from Georgia [Mr. CLAY] that we should join him in saving the Democratic party and the country from Mr. HEARST and his teachings. The method which he points out to us and asks us to adopt is to pass a measure which Mr. HEARST says he originated, and which he introduced, as I understand, about four years ago in the House of Representatives, in almost the very exact terms of the suggestion of the Senator from Georgia. I agree with a great many things——

Mr. CLAY. Mr. HEARST introduced a bill, but not along the lines on which I have been speaking.

Mr. ALDRICH. I think the Senator is mistaken.

Mr. CLAY. He will find that Mr. HEARST introduced a bill providing that the Commission should originate the rates. That is my recollection.

Mr. BAILEY. Will the Senator from Georgia permit me to suggest that the lines along which the Senator from Georgia has been speaking are the lines laid down by the Republican President?

Mr. ALDRICH. I understand that; but as I understand Mr. HEARST'S contention——

Mr. CLAY. I will say to the Senator——

Mr. ALDRICH. Wait a moment.

Mr. CLAY. The Senator will permit me to supplement——

Mr. ALDRICH. No. The Senator will wait just a moment.

Mr. CLAY. All right.

Mr. ALDRICH. Mr. HEARST claims, as I understand, that he introduced a bill in the last Congress, or the Congress before that, in almost identical terms with the suggestions now made by the Senator from Georgia, and I have presented to the Senate petitions from my own State commending the Republican party for having adopted and indorsed, as they claimed, the plan and scheme Mr. HEARST devised several years ago.

Mr. CLAY. I think I know that I am correct——

Mr. ALDRICH. That is a matter about which——

Mr. CLAY. And I am afraid the Senator from Rhode Island has not read the bill which Mr. HEARST introduced.

Mr. ALDRICH. I have read it.

Mr. CLAY. My recollection is, and I have been informed it is correct beyond a question, that Mr. HEARST'S bill provided that the Commission should fix all interstate rates on its own motion.

Mr. ALDRICH. There may have been——

Mr. CLAY. I want to say to the Senator, in reply to what he has said, that I have been arguing on the lines the Senator says the President has recommended to us; that the President has adopted our platform on that line—the platform the last Democratic convention adopted in St. Louis.

Mr. ALDRICH. You mean Mr. HEARST and yourself by "our?"

Mr. CLAY. I think the President's message and letter to Congress are on the line of the platform adopted by the Democratic convention in St. Louis, and I want to say to the Senator

that if he will read the opinions of the Attorney-General, the legal representative of this Government, he will find they are on the same lines on which I have been arguing for the short time I have been on the floor.

Mr. ALDRICH. I understand that, but I think the Senator will have great difficulty in destroying whatever credit may belong to Mr. HEARST—whether it is a matter of credit or not is something on which there may be differences of opinion—for having very early presented this panacea for all the transportation evils from which the country is suffering.

I was very greatly surprised that the Senator from Georgia should appeal to this side of the Chamber to save the Democratic party from the inevitable——

Mr. BACON. Will the Senator permit me to ask him a question?

Mr. ALDRICH. I will.

Mr. BACON. Then he recognizes the fact that the President of the United States got this plan from Mr. HEARST?

Mr. ALDRICH. I do not know whether he did or not. I only know what Mr. HEARST has been claiming. I do not suppose that Mr. HEARST or any of his friends had a patent on this policy. I do not know who originated it, but I was surprised that the Senator from Georgia should urge, as an argument in its favor, that he was trying to save this country from Mr. HEARST and his teachings, when he has availed himself of that which Mr. HEARST has advocated in a general way from the beginning of his political life.

Mr. TILLMAN. I wish to suggest to the Senator from Rhode Island that, so far as I have been able to gather from the feeling of Senators, this can not be made a party question, and it ought to rise above partisanship.

Mr. ALDRICH. That is the reason why I was surprised at the appeal the Senator from Georgia was making.

Mr. TILLMAN. I do not think the Senator from Georgia made an appeal along that line. He was merely speaking in general terms, that municipal ownership, which would be the predecessor of national ownership, is a specter that we all see down the road somewhere, and that we might stop it if we would be rational and patriotic.

Mr. ALDRICH. I understood the Senator from Georgia to say that the principal reason, or at least one of the great reasons, why we should promptly adopt this policy was that we might be saved from Mr. HEARST.

Mr. TILLMAN. From national ownership.

Mr. ALDRICH. Whatever it is.

Mr. CLAY. The Senator misunderstood me.

Mr. ALDRICH. Perhaps I did.

Mr. CLAY. I did not say any such thing. I said that the popular feeling in favor of Government ownership was growing, as was shown in the mayoralty race where one of the leading candidates was in favor of municipal ownership. I distinctly said that in order to save the country from the idea of governmental ownership Government regulation was necessary and proper, and that I believe it to be right and proper outside of that question.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Ohio?

Mr. FORAKER. I have been trying to get an opportunity——

Mr. ALDRICH. I think I have the floor.

The VICE-PRESIDENT. The Chair will state that it will expedite business if Senators will wait for recognition by the Chair. The Senator from Rhode Island has the floor. Does he yield to the Senator from Ohio?

Mr. ALDRICH. I do.

Mr. FORAKER. I wish to ask the Senator from Georgia a question. I have been trying for a good while to do it, and I think that now is a good place.

Mr. CLAY. I should like to ask the Senator, Does he contend that he has not asked me a question before?

Mr. FORAKER. Oh, I have asked the Senator several questions, but not anything like as many as I have been disposed to ask him. But I did not want to interrupt him. I do not want the Senator to think that because I have been sitting here listening in silence to most of his speech that I believe there is very much in it. He will therefore permit me to say I do not.

I understood the Senator to say that he favors this proposition, among other reasons, because it will save us from Government ownership. I wanted to ask the Senator right here whether he can tell us of any man in all this country who is in favor of Government ownership who is not in favor of this proposition?

Mr. CLAY. I beg to say that I have never been close to the political party in favor of Government ownership or the public men who advocated Government ownership. I do not know how those who favor Government ownership feel in regard to Government regulation. I may be mistaken about it, but I believe that 75 per cent of the American people are in favor of clothing the Interstate Commerce Commission with power to investigate complaints and to fix reasonable and just rates.

Mr. BAILEY. Mr. President——

Mr. ALDRICH. Now I will yield to the Senator from Texas.

Mr. BAILEY. Mr. President, the Senator from Rhode Island and all other Senators know how much I deprecate making a partisan issue over any question. On this side we give evidence of our willingness to forego party advantage when we permit a Republican President to take bodily from our national platform an important plank and make it as his recommendation to Congress without a syllable of complaint. We manifest not only a willingness but an eagerness to vote for it, and it comes with bad grace from that side when a Senator on this side espouses the policy of the President for a distinguished Republican leader to rebuke him by an allusion to a Democrat who happens not to be popular with the Senator from Rhode Island or those who think with him. That particular Democrat may or may not be popular on this side of the Chamber. Some of his views are undoubtedly rejected. Some of his views, I have no doubt, would receive a cordial support.

I doubt if there is any man in this country claiming to be a Democrat and of sufficient prominence to make it worth while to consider what he says or does who does not advocate some measure acceptable to all of us. One measure might be acceptable to gentlemen on the other side, another measure might be acceptable to those on this side, and it would be no just ground of criticism from us against you or from you against us that on a particular measure he concurs with us.

But I rose merely to ask, in a spirit of absolute nonpartisanship, why the Senator from Rhode Island and his associates can not agree upon a bill substantially in the very words of the President's message? That the Senator from Rhode Island does not accept the wisdom of a Republican President is not strange to us who know the Senator or who know the President. The Senator from Rhode Island is nothing if not conservative. The President of the United States is nothing if not emotional. It is utterly impossible to conceive two characters so wholly dissimilar as the Senator from Rhode Island and the President of the United States. And yet I must assume that both the President of the United States and the Senator from Rhode Island want to do equal and exact justice both to the railroads and to the shipper.

Now, if the Senator from Rhode Island is willing to maintain before the Senate and in the presence of the country that a bill along the lines so earnestly and so ably advocated by the Senator from Georgia will not do justice, then I recommend that he settle his quarrel within his own party, beginning this adjustment with the President of the United States himself.

Mr. ALDRICH. Mr. President, I regret as much as the Senator from Texas possibly can the injection of partisanship into this discussion. I certainly am not the guilty party.

Mr. TILLMAN. You are the very man.

Mr. ALDRICH. It was the Senator from Georgia who begged us to save the country from a leading Democrat whose position to-day is so overshadowing that there is hardly a man on this side of the Chamber or that who does not believe either he or Mr. Bryan will lead the Democratic party in the next national campaign. I deprecate, I say again, as much as the Senator from Texas can that the discussion has taken any such direction. I say we have had fully shown the spirit of the Senator from Georgia, which led him for reasons of his own to bring into this discussion a personality which might be used, in his judgment, to frighten this side and that from doing what they think might otherwise be their duty. But that is not what I arose to say. The Senator from Georgia——

Mr. BAILEY. Will the Senator from Rhode Island permit me?

Mr. ALDRICH. Certainly.

Mr. BAILEY. The Senator has been good enough to tell us who will be the Democratic nominee at the next Presidential election. Will he now be good enough to tell us who is to be the Republican nominee?

Mr. ALDRICH. There is no such consensus of opinion in Republican circles as there is in Democratic, I am happy to say.

Mr. BAILEY. We are not altogether a harmonious family, but the only difference between us and you is that we speak our differences a little louder than you do. The differences in the Republican party are to-day more violent than they are with us. I do not invite you to discuss those differences in public; but having volunteered to inform the country in advance whom we would nominate—and I am free to say that if we knew what you wanted us to do we would be certain to do the other thing

if we are rational—it seems to me the Senator, who professes to know so much about our party, ought to know something about his own, and I should like to have him state what he thinks of the publication in this morning's paper that the President is to be a candidate for a third term upon a platform "against the money power."

Mr. ALDRICH. Mr. President, there was just one serious point in the speech of the Senator from Georgia which I can not overlook. He states that the entire railroad interests of the country are controlled by six different groups of interests.

Mr. CLAY. Mr. President, I read the testimony of an Interstate Commerce Commissioner.

Mr. ALDRICH. Yes; that is right. Now, if I understand the logic of his argument, it is that there is but very little competition now existing in rates or facilities for transportation in the United States, on account of the fact that all the railroad business of the country is concentrated in a few hands. Now, what does he propose as a remedy? He proposes to consolidate every mile of railroad in the United States in one combination. He proposes to give into the hands of a commission arbitrary power to fix every railroad rate in the United States and to destroy beyond any power of recovery every vestige of competition; to create, in other words, one great railroad combination.

Mr. CLAY. Will the Senator yield to me right there?

Mr. ALDRICH. No; let me finish the sentence.

The VICE-PRESIDENT. The Senator from Rhode Island refuses to yield.

Mr. ALDRICH. I will in just a minute. He proposes to put in place of six great influential railroad combinations one monster combination, under Government control and Government regulation, with no power to change rates on the part of anybody after they are once established by the Commission and ratified by the courts. He proposes to destroy the last vestige by law in the name of Democracy and in the name of the people. He proposes to wipe out what there is left of possible competition in transportation, and by what would be an infamous project give one commission, without appeal and without review except upon some unimportant collateral questions, the arbitrary power to fix rates, not alone for the railroads, but for the shipper, for you and me, and every man in the country who would thus be made to bow down to this monster who would have in its clutch the great business interests of this country, put there by your votes—you who speak or pretend to speak in the name of Democracy and the people.

Mr. CLAY. Mr. President, the Senator from Rhode Island has said that I stated in my argument that I desire to place arbitrary power in the hands of the Interstate Commerce Commission to fix rates, and without any appeal from the decisions of that Commission, whether those rates were reasonable or not.

Mr. ALDRICH. Oh, no; I did not say quite that.

Mr. CLAY. I think I heard the Senator.

Mr. ALDRICH. I said the power to fix rates which when once approved by the courts could not possibly be changed.

Mr. CLAY. Why, Mr. President, the Senator knows well that the Interstate Commerce Commission during the ten years it exercised that power frequently changed the rates the Commission had already made. No Commission ought to be permitted to make a rate that shall stand for all time. Different circumstances may arise; different conditions may arise; and the Commission ought to be empowered to lower or increase the rate if different conditions should arise. Now, let us see——

Mr. ALDRICH. But——

Mr. CLAY. Let me get through. Mr. President, all I propose to do is simply to say to the Commission, "You shall do right;" that the Commission shall say to the railroads, "You shall do right. You shall make reasonable and just rates. If you do, they stand; if not, they will be set aside." And, Mr. President, the Attorney-General has joined the Democratic party on that line. The Republican party has joined the Democratic party on that line. Convention after convention, chamber of commerce after chamber of commerce, has joined the Democratic party on that line. But what says the Senator from Rhode Island? Railroads draw out of the pockets of the people $2,000,000,000 for passenger fares and freights every year. Shall the roads continue to fix the rates and the shippers have nowhere to go to make their complaints and redress their wrongs? Must the shipper be bound by the rates fixed by the roads, whether reasonable or unreasonable, and will the Republican party leave the law in this condition? Is that the position of the Senator from Rhode Island?

Mr. ALDRICH. I made no such suggestion.

Mr. CLAY. I am not through yet.

The VICE-PRESIDENT. The Senator from Georgia declines to yield.

Mr. CLAY. I will yield in one minute.

Mr. President, the Senator from Rhode Island says that notwithstanding the fact that the railroads exercise the right of eminent domain, that they can condemn our homes and our farms, and that is right and proper, and notwithstanding the fact that they get their life from the State and the Government, he denies to Congress the right to give to any tribunal the right to hear the complaint of the shipper, even though the rate fixed by the roads may be ever so unreasonable and unjust. He says, "Be silent; stand right where you are." He has offered no remedy. Mr. President, he has said that the roads ought to fix their own rates, and whether reasonable or unreasonable these rates ought to stand. He suggests no remedy. He belongs to that part of his party that believes in letting well enough alone, and says there shall be no interference; that a citizen shall have nowhere to go if the roads confiscate his property; if they destroy private industries, then the citizen is without any remedy. The railroads doubtless will agree with the Senator from Rhode Island, but I doubt if the American people will approve his doctrine.

Mr. ALDRICH. The Senator from Georgia in the last ten minutes has been undertaking to express my opinion, when I have carefully abstained from expressing one single suggestion as to my own position. I have not stated, directly or indirectly, what my judgment or idea is in regard to this subject, and his statement in that connection is entirely a figment of his own imagination. I have made no statement of any kind as to my own views about this matter.

I was trying to conduct, I trust modestly, an inquiry into the arguments presented by the Senator from Georgia to test their validity and their logic, and to make such suggestions in connection with them as seemed to me to be wise. I am a member of the Interstate Commerce Committee and in a certain sense a judge with reference to all these questions. I will speak sooner or later and will be able to show the Senate, both by vote and voice, what my position is. In the meantime I shall ask the Senator from Georgia to excuse me if I do not make him my mouthpiece, and do not accept his utterances as official as far as I am concerned.

Mr. BACON. Will the Senator allow me?

Mr. ALDRICH. Certainly.

Mr. BACON. To what measure did the Senator refer when he spoke of it as an infamous measure?

Mr. ALDRICH. I did not speak about any measure as infamous. It was not a measure, but a proposition.

Mr. BACON. A distinction without a difference, I should judge.

Mr. ALDRICH. I meant a proposition which would commit to the Interstate Commerce Commission or any other commission a power to arbitrarily fix rates without any review by the courts.

Mr. BACON. That is the proposition.

Mr. ALDRICH. That is what I meant, one thing I understood the Senator from Georgia [Mr. CLAY] was contending for.

Mr. NEWLANDS. Mr. President——

Mr. CLAY. I did not say any such thing.

Mr. ALDRICH. Well, all right. I must have been mistaken.

Mr. CLAY. Now, the Senator understands me.

The VICE-PRESIDENT. The Senator from Nevada has the floor.

Mr. NEWLANDS. I wish to ask the Senator from Rhode Island a question and that is with reference to the consolidation of railroads in this country. He referred to the fact that there were already six great consolidations.

Mr. ALDRICH. I was speaking of the statement of the Senator from Georgia.

Mr. NEWLANDS. He was speaking of one monopoly and he insisted that the effect of this would be to force all those six consolidations into one consolidation. Now, I should like to ask him whether he regards this tendency toward consolidation in the country as a good tendency, one involving a benefit to the people of the United States or one involving an injury?

Mr. ALDRICH. Does the Senator want an answer?

Mr. NEWLANDS. Yes, sir.

Mr. ALDRICH. I think, so far as it leads to economy in the cost of transportation and reduces the rates, it is wise and should be fostered. Whenever it absolutely prevents competition—that is, so far as competition can be suppressed—I think it is wrong.

Mr. NEWLANDS. The Senator recognizes the fact that every combination does in some degree diminish competition, does he not?

Mr. ALDRICH. No.

Mr. NEWLANDS. The Senator therefore thinks that no combination which in the slightest degree——

Mr. ALDRICH. Oh, no; I did not say that.

Mr. NEWLANDS. Affecting competition is wise?

Mr. ALDRICH. I did not say that.

Mr. NEWLANDS. Very well; may I ask the Senator what view he does have on that subject?

Mr. ALDRICH. Where the balance of advantages to the public outweigh the disadvantages I should say that combination should be encouraged.

Mr. TILLMAN. Who is to be the judge of that?

Mr. NEWLANDS. Mr. President, I wish to say a word regarding this tendency toward consolidation. One fault, I think, with all legislation pending before Congress is that it does not assume national control of these consolidations of railroads engaged in interstate commerce through a national incorporation act, preventing those that are not and permitting those that are in the interest of the public. I recognize the fact that the economic tendency of the times, so far as transportation is concerned, is to merge the numerous railroads in this country into a few great systems; that these combinations have been beneficial to the public and to the country, resulting in better administration and in a diminution of operating expenses, and that they ought to result to the benefit of the public in the gradual reduction of rates.

I insist upon it that transportation always involves monopoly; within a sphere, either large or small, that if the Government undertook the conduct of transportation in this country it would mean a governmental monopoly; that when that transportation intrusted to private corporations it means monopoly of transportation by that corporation except at points common to two competitive lines; that it is an absolute monopoly as to every station which is not intersected by two competing lines; and we know that to-day most of the stations of the country are stations which have no competing lines. So within the sphere of their operations, except in certain towns or cities through which other independent lines run, the operation of every railroad means a practical monopoly.

We have been going on in this line of consolidation, the numerous railroads at first being consolidated into 600 operating railroads, and these finally being organized into various groups, each of them having a mileage of from 10,000 to 20,000 miles, each of them so thoroughly under the control of a single individual that the group would bear the name of the individual.

So it is that we have consolidations in this country bearing the names of Mr. Gould, of Mr. Hill, of Mr. Morgan, of Mr. Harriman, and others. The entire railroad world and the country at large recognize the fact that each one of these consolidations, each operating from one-twentieth to one-tenth of the entire railroad mileage of the country, is practically under the control of one man.

How do you propose to remedy this? By giving the Interstate Commerce Commission the power to fix rates, upon challenge of the shipper? I believe in giving it that power, but it will not meet the requirements of the situation. Consolidations themselves should be put under national control by the organization of national corporations, whose jurisdiction should be as broad as interstate commerce itself. We should not permit these consolidations to be going on, the laws of individual States issuing letters of marque to particular corporations to prey upon the people of other States.

I therefore suggest that one step in securing the proper control of the transportation of the country should be that we should legalize desirable consolidation. The existing consolidations have been effected against the law; they have been effected as a result of the irrestible economic tendency of the time. I believe that most of them have done good. But they should, in my judgment, be regulated by law, and the question of consolidation or the extent of consolidation should not be left to the judgment of individuals, with whom private profit is the controlling factor. The fault that I have to find with the existing system of consolidation is that a few individuals, possessing great wealth and power, can determine what consolidation shall take place, and can employ shrewd lawyers, who teach and instruct them how to evade the law and how to form combinations against the law. We have had one of these combinations tested in the courts, the combination covered by the Northern Securities cases, and involving pretty nearly 20,000 miles of railroad; a consolidation which, in my judgment, if effected under the sanction of law and properly controlled in its capitalization, would have been beneficial to the country.

The promoters of this consolidation sought to accomplish it against the law, against the statute of the United States forbidding it, and when it was tested the Supreme Court annulled it. I have no hesitation in saying that at least half of these great consolidations which have been effected in the country would to-day, if submitted to the courts, be dissolved under the Northern Securities decision. I believe that almost all of these combinations are to-day existing in violation of law and against the express provisions of law.

I have no hostility to combinations made under proper sanction and public control, but I object to consolidations accomplished against the restraints of the law or accomplished without proper control, either as to desirability in the public interest or as to capitalization. Therefore, I say that the nation should take up this question of the consolidation of railroads engaged in interstate commerce and, by the passage of a national incorporation act, place such consolidation of interstate roads under the control of the only sovereignty capable of dealing with the subject completely and comprehensively in the public interest.

The National Government should do this, simply because it is the only Government of all the people of the United States, and transportation affects all the people of the United States. There is not a single system of transportation which involves only the people of an individual State. Therefore the general welfare, the welfare of all the people of the United States, demands that the National Government should act upon this question, and should act now. We have our sanction under the provisions of the Constitution which give us the right to legislate for the general welfare, to legislate with reference to the national defense, into which transportation enters as a large factor, to legislate with regard to post-offices, post-roads, and the transportation of the mails, to legislate regarding interstate commerce. To-day three-fourths of our business is interstate commerce. In the Nebraska Maximum Rate Case it was pointed out by the court that only one-twentieth of the business of the roads of that State was State business, and that nineteen-twentieths of it was interstate.

So I insist, Mr. President, that this legislation ought to be entered upon by the sovereignty which represents the entire people, and that a State, an individual State, is utterly incapable of dealing with it. Yet these individuals, seeking a consolidation, seeking to carry out the irresistible tendency of the times toward the economic development of transportation, have been obliged to go to individual States in order to get their charters. To-day the State of New Jersey is the State under which the Rock Island system is controlled—the Rock Island system, with its 20,000 miles of railroad, and with not a mile of track within the State of New Jersey.

So far as the Southern States are concerned, what do we find there as the result of the war and the economic distress following? All the southern railroads having passed through foreclosures and receiverships innumerable, have been consolidated into three great systems of transportation, embracing pretty nearly 30,000 miles of road, nearly the entire mileage of the South—the Southern Railway system, with 10,000 miles; the Atlantic Coast system, with 10,000 miles, and the Illinois Central system, with about 6,000 miles. All the transportation of the South and the Gulf, instead of being under the control of local corporations, is to-day under the control of systems whose central organization is in States outside of those through which they run.

How was the Southern Railway system organized? It was organized out of the Richmond and Danville. The reorganizers who purchased it went to the legislature, and they were authorized to reorganize under whatever name the incorporators saw fit. Did the legislature confine them to the reorganization of that particular road? Oh, no; they were given unlimited power for the purchase and consolidation and lease of lines in other States. The only limitation as to capital put upon this great corporation was the sum of $350,000,000—$350,000,000 to reorganize the Richmond and Danville system, a railroad in the State of Virginia. It is very apparent by the terms of the act that the purpose was all embracing; that the intention was to accomplish the consolidation of numerous railroads, even though they were competing railroads. We have only to glance at the map to see that these numerous competing railroads were absorbed into one corporation. That corporation exists to-day, with about $180,000,000 of bonds and about $180,000,000 of stock issued, and with an unlimited authority to issue more bonds for consolidation and purchase, and to issue stock to the extent of $170,000,000 more.

I ask the Representatives here of the State of South Carolina and the Representatives of the States of North Carolina, South Carolina, Florida, Georgia, Alabama, Mississippi, Tennessee, and Kentucky, into which States this great line enters, is it better for them to have such transportation system incorporated under the laws of Virginia, in whose legislation they do not share, or would it be better to have that consolidation incorporated under the laws of the United States, in whose legislation they all share through their Senators and Representatives in Congress and through a President elected by the States? Do

they regard this legislation as legislation that is affecting only the welfare of the people of Virginia, or do they regard it as legislation affecting every Southern State through which this Southern Railway system passes?

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Colorado?

Mr. NEWLANDS. Certainly.

Mr. TELLER. Let me ask the Senator, Does he mean to assert the opinion that because Virginia gave those corporations the right to go into Kentucky, Tennessee and other States they have any rights there except such as Kentucky, Tennessee, and the other States agreed they should have?

Mr. NEWLANDS. No; I do not.

Mr. TELLER. Does the Senator mean to say that the Congress of the United States can create a corporation in the District of Columbia to carry on operations in the State of Colorado, if it sees fit?

Mr. NEWLANDS. I do; so far as interstate commerce is concerned. The United States can organize a corporation for the purpose of engaging in interstate commerce, and it has already done so. That question is foreclosed. The United States organized the Northern Pacific Railroad Company, a corporation which now traverses five or six States, though at the time these States were Territories. It is true that in the case of the Union Pacific Railroad the road runs from the boundary of the State of Iowa to the boundary of the State of California. That was, it is true, territory of the United States, but in the case of the Texas Pacific Railroad authority was given by Congress to that corporation, a national corporation, to build from a point in the State of Texas to a point in the State of California, passing not only through two States, but through two Territories, and that legislation has been upheld. So the United States, having authority over interstate commerce and legislating for the entire people of the United States, can form a corporation for the purpose of constructing and maintaining an interstate road.

The Senator inquires whether I contend that a corporation organized under the laws of the State of Virginia can, without the consent of the States of Georgia, of Florida, of Alabama, and of Kentucky, enter those States. I say no; but, as a matter of fact, such a corporation has entered those States.

Mr. TELLER. But has it not been with their permission?

Mr. NEWLANDS. Presumably; but so far as the legislation I have looked up on this question is concerned I find it to be of the loosest character; and it is because such legislation is loose, and because the legislation of every State must be loose with reference to commerce outside of its borders, that the United States should assume its rightful domain and its rightful jurisdiction.

Why do I ask that the United States should assume this jurisdiction? Simply because the roads were organized, in the first place, as State roads. No one contemplated that any of these roads would finally run through so many States. It was never contemplated in the beginning of their construction that there would be a continuous line—a great system embracing roads which would be in operation over one-third or one-half of the States of the Union.

This consolidation has been effected with a machinery that was entirely inadequate. I can not but admire the genius of the men who have framed these great combinations, while I may condemn the rapacity of some of them. I can not but admire the great constructive genius which has organized machines that meet our economic requirements and serve the entire country; but I believe that they have done it against the laws condemning restraint of competition in many cases, and that so far as the sanction of the States has been given to these systems it has been secured largely by pressure, and the legislation has been loose in the extreme. I wish to substitute for this State and divided control, for the varying legislation of forty-five different States involving forty-five different systems of law, a single law of incorporation and consolidation enacted by the legislative body of a sovereignty embracing the entire people and having jurisdiction over every foot of our country, regardless of State lines, in a matter properly intrusted to it under the Constitution.

But I wished also to refer to the Atlantic Coast Line system, which has over 10,000 miles of railroad, or more than one-third of the entire mileage of ten Southern States. That company was also organized under the laws of Virginia, with a liberal provision in its charter for the reorganization of a particular road in Virginia, with no limit on bond issues and a high limit on its stock issues and almost unlimited power of purchase, consolidation, and lease. There have been various organizations and reorganizations of that road, until the system now has 10,000 miles in ten different States. What have they done? Not content with consolidation under the laws of Virginia, they have resorted to the State of Connecticut, and the control of that entire system of railways is now vested in a holding company organized under the laws of Connecticut, which has not within its limits a mile of the track of the system that it controls. I ask Senators from the Southern States whether they would prefer to have the legislation under which these systems can be consolidated the legislation of a particular State in which they can not by any possibility share or whether they would prefer to have the legislation of the United States, in which they all share?

The Atlantic Coast Line system, in the first place, after numerous consolidations, involved only about 6,000 miles of railroad. It has now nearly 10,000. How was it enlarged? It was enlarged by consolidation with or rather the absorption of the great Louisville and Nashville system, embracing about 4,000 miles. How was that accomplished? We all know the history of it. It is said that Mr. Gates, of the steel trust, made a raid upon the Louisville and Nashville stock and obtained the control of it, and Mr. Morgan, who was the controlling mind of the Southern Railway system, and who has influence in the Atlantic Coast Line system, became alarmed. He says in his testimony that he did not regard Mr. Gates as a proper person to have control of the transportation of the Louisville and Nashville. Their real fear was that the Louisville and Nashville would be conducted as a competing road, as a wrecking road, and that it would be conducted in such a way as to compel the Atlantic Coast Line and the Southern Railway Line, two competing lines, to come to terms and to give them a large profit; and so they concluded, and they wisely concluded, to come to quick terms with Mr. Gates.

It was found that Mr. Gates was willing to part with his stock at a considerable advance over what he had paid for it—and let me say here that the operations in acquiring a control of the stock had led, of course, to a great advance—so that finally those gentlemen purchased from Mr. Gates the control of the stock of the Louisville and Nashville road at a price very much above what its market value was before Mr. Gates commenced his operations.

How was that purchase accomplished? Did Mr. Morgan buy it? Did the Southern Railway Company buy it? Oh, no! Mr. Morgan was, doubtless, advised that the Southern Railway could not buy it, because the Louisville and Nashville was a competing system, and the principle of the Northern Securities decision would apply to it, for the Southern Railway Company has two entrances from the North to the South—one toward New York, east of the Appalachian Mountains, and one toward Chicago and Cincinnati and Louisville, to the west of the Appalachian Mountains—and the field of the operations of the Louisville and Nashville road was in the region west of the Appalachian Mountains and in the same States.

So, fearing that this combination with the Southern Railway Company might be void under the Sherman Act as in restraint of competition, Mr. Morgan doubtless communicated with his friend, who was in control of the Atlantic Coast Line, and in a short time the transaction, involving millions, was carried out. The Atlantic Coast Line, which up to that time had a system of railroads simply down the coast, acquired the Louisville and Nashville, and then the entire area of the Atlantic Coast Line becomes coterminous with that of the Southern Railway system; but the very intimacy of the negotiations between the Atlantic Coast Line and the Southern Railway system regarding the acquisition of the Louisville and Nashville tends to prove that the Atlantic Coast Line and the Southern Railway Company, while apparently competing lines, were really under one control; and when the Atlantic Coast Line secured the control through the absorption of the Louisville and Nashville system, it really made a still further consolidation of control in that entire area, so that to-day these two great systems, together with the Illinois Central, have a practical monopoly of the transportation of the ten or more Southern States.

I wish to add again that what I say is not hostile to that combination. I believe that it has been a good thing for the South. I believe that it has given to them for the first time in their history an efficient service. I believe that it has reduced operating expenses. I believe that it has extended the trade and commerce of the South, and has been an important factor in its development. All I insist upon is that there has not been a proper control over the capitalization of these systems, and this very operation to which I have referred, adding $50,000,000 to the stock of the Atlantic Coast Line, and the purchase of stock at an exaggerated value, must ultimately fall as a burden upon

the southern people in the imposition of higher fare and freights.

Mr. MALLORY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Florida?

Mr. NEWLANDS. Certainly.

Mr. MALLORY. Can the Senator inform the Senate whether that consolidation resulted in any change of rates on those three roads—the Louisville and Nashville, the Southern, and the Atlantic Coast Line?

Mr. NEWLANDS. I can not. I think that probably they acted very moderately so far as any increases are concerned, but we do know——

Mr. BAILEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Texas?

Mr. NEWLANDS. If the Senator will allow me to finish my sentences I will yield to him.

But we do know there is great complaint in the South to-day. The towns at the intersecting points of these systems have advantages over points that are not intersected by two railroads. Now, I ask if those two systems are practically consolidated and there is no real competition, why should the stations which have two intersecting lines have an advantage in the cost of transportation over their neighboring towns having no such intersection?

I now yield to the Senator from Texas.

Mr. BAILEY. Mr. President, it does not relate to the line of thought the Senator from Nevada is now pursuing, but I am not willing to allow his statement to stand unchallenged that the increase of $50,000,000 in the capitalization of these roads shall ultimately fall as a burden upon the people whom they serve. If my view can prevail, and the right of the States within their borders to regulate freight charges and the right of the Federal Government within its borders to regulate freight charges shall be established and exercised, then it will make no difference in the regulation of those charges what may be the capitalization, because the charges will be fixed upon the basis of actual value; and the value of the railroad is not determined by the amount of the capital stock or of the bonded indebtedness. Those things are circumstances to be taken into consideration merely as tending to establish the value of the property; but the criterion at last must be the value of the property. In my judgment, if the court ever reaches the time when it must specify what is the actual value of the property, it will be compelled to say it is the cost of duplication. So far as I am concerned, while I am utterly opposed to the practice of overcapitalizing railroads, and think all the States would better follow the example of the State of Texas and make that overcapitalization either in the way of bonds or stocks impossible, still I will not consent because some State has made the mistake of not limiting the capitalization to a proper value that that fact shall impose a burden upon the people who use the railroads.

Mr. NEWLANDS. I quite agree——

Mr. ALDRICH. Will the Senator from Nevada allow me to ask the Senator from Texas a question which I think is very pertinent?

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Rhode Island?

Mr. NEWLANDS. I should prefer to go on, but I will yield to the Senator if it is not a digression.

Mr. ALDRICH. I think it is not. At the risk of incurring the displeasure of the Senator from Texas——

Mr. BAILEY. The Senator can not do that.

Mr. ALDRICH. I should like to ask him whether we are to receive the doctrine set forth by the Senator from Georgia [Mr. CLAY] or that set forth by the Senator from Nevada [Mr. NEWLANDS] as the true Democratic doctrine? I must confess I am a little confused. The speeches come very near together, but they are more or less divergent in their views.

Mr. NEWLANDS. I can only say for myself that I am presenting my individual views. As to whether my party will embrace them or not, I do not know; I hope it will; and I hope that members of the Republican party will also embrace them. But I do not think they involve any question of party doctrine, nor do I think they involve any invasion of the rights of the States. I think that they involve simply a proper exercise of the rights and powers of the United States.

Mr. BAILEY rose.

Mr. NEWLANDS. If the Senator will permit me, I want to go on and answer his previous statement. I am afraid that we shall be drawn off into a discussion of side issues.

Mr. BAILEY. I do not intend to make any reply to the inquiry of the Senator from Rhode Island [Mr. ALDRICH], because that answers itself; but I want to ask the Senator from Nevada a question upon the point he stated at that precise moment. He says that this does not involve any invasion of the rights of the States. I call the attention of the Senator from Nevada to the statement made by the Supreme Court in the Texas Pacific Railroad case, in which they very strongly intimate that Congress can deny a State the power to regulate these intrastate charges, simply because the railroad whose charges they seek to regulate holds a Federal charter. Now, will the Senator from Nevada give the Senate the benefit of his views upon that question, and will he not admit, if the Supreme Court should follow that intimation to a conclusion to the same effect, that it would be a serious invasion of the rights of the States?

Mr. NEWLANDS. I am not prepared to say that if the Supreme Court determines that a national corporation is free from the control of a State tribunal as to such rates, or free from the control of an individual State as to taxation, it involves a serious invasion of the rights of a State. On the contrary, I trust that the Supreme Court will uphold that view, though I fear that it will not, and my proposition does not involve going to that extreme.

I say that it does not involve any invasion of the rights of a State, simply because I believe that the States, as representing the sovereignty of particular areas constituting a part of the United States, are interested in seeing to it that the United States exercises the full powers conferred upon the National Government by the Constitution; but I do not see how the United States can exercise properly the full powers given to the United States for the national defense, for the operation of post-roads, for the regulation of interstate commerce, without creating for that purpose artificial machines called "corporations."

I think that the States as part of the great United States are interested in seeing that those operations should not be embarrassed by the exercise of State powers, which may be destructive of the purpose we have in view. It has been held and declared by the Supreme Court that the power to tax involves the power to destroy; that you can not therefore tax the operations of a national instrumentality, and I should be glad if the Supreme Court would go further and declare that inasmuch as a railroad is the instrumentality through which the United States exercises its functions of the regulation of interstate commerce, that instrumentality shall be free from State taxation. But I would insist upon it as a part of the legislation of the nation that the United States itself should lay down a just and fair rule of taxation, proportionate, just, and fair to all the States, permitting them to tax this national instrumentality, so that their revenue would not suffer. I think it would be infinitely better than the present system of subjecting these great corporations, operating through many States, to the taxing power of all the States through which they pass, those taxing powers being exercised in almost every kind of way, some of them under the influence of tax reformers, some of them under the control of cranks, some of them under the inspiration of blackmail, with the result that the railroads are thrown into the bull ring of politics; and then we wonder why they are there.

When you think of the wide range a State now covers in assessing railroads—from the valuation merely of the right of way and the tracks to the combined value of the stocks and bonds in the market—when you reflect that in addition to that a State can take hold not only of the corporation and assess and tax all its property and franchises, but can also assess and tax the stocks and bonds in the hands of individual bondholders and stockholders, thus taxing the whole to the corporation and the parts to the stock and bond holders—a double taxation—you can see the wide range for the blackmailer or of the tax crank. I believe it is in the interest of all the people that taxation of railroads should be put upon a scientific basis, and that the fixed charges of railroads for taxes should not be subject to the varying legislation or to the varying caprices of States in their legislation, but that a just, fair, and proportionate rule for taxation should be prescribed by one great sovereign, the fruits of which should be enjoyed by the States in same just proportion.

It is one of our duties in shaping pending legislation to take the railroads out of politics by making all the factors of their taxes and fixed charges as certain as possible. Thus far, instead of taking them out of politics, we are continually keeping them in by unwise legislation or lack of legislation.

There are $10,000,000,000 invested in these properties. Do you expect the men charged with the responsibility of those $10,000,000,000 to sit idly by when forty-five States are legislating upon the subject of their taxation? Do you expect them to sit idly by when tax reformers and tax cranks are pressing their views upon every community, when the judgments of forty-five different boards of equalization as to the rule that should control are at variance; when the assessors throughout the coun-

try differ as to the rule that should control? When this is the state of facts, do you expect them to fold their arms and say, "We will do nothing," or do you expect them to get into politics? And what does getting into politics mean with a corporation? One way of getting into politics is to bribe every official that they have anything to do with, or attempt to do it. Another is to endeavor to control the political organizations of both parties in a particular State; and they have found that the more decent and the more honest way is to attempt to control the political organizations of both parties.

We know that in all the various States to-day when conventions are held it is a matter of calm and anxious inquiry by the practical politician as to whom the railroads want on the board of equalization, whom the railroads want for assessors, as to whom the railroads want on the board of railroad commissioners; and if the railroads' wants are not consulted the practical politician understands that all the power and all the influence and all the money of that corporation are to be used against his political organization; and the same condition of things exists in the opposing party.

So if the railroads get identified with the machines in every State in the Union, if they control or try to control the nomination and election of officials whose duties touch them either as to taxation or regulation, if they seek to control the legislation of the State as to the laws that shall be passed, and if you ask me what is the cause of the low standard of politics, both as to municipal and State legislation, I will point you to the enforced interference of the railroads in politics through our failure to adopt a wise and rational system of national incorporation of interstate railroads which will fix proper rules for capitalization, for taxation, for return on capital, and other matters now left indeterminate.

I believe that the National Government, representing all the people and voicing the will of all the States, should enter upon the comprehensive work of giving a proper, a complete, and a fair system of taxation, one that will not oppress the roads, one that will make them respond fairly to their obligations to the public, and one that will make the taxes mathematically certain, such as a tax upon gross receipts. That tax would not be measured by the capacity or incapacity of a given official, his discretion or lack of discretion, his honesty or lack of honesty.

So far as concerns the matter of the regulation of State rates, I admit that a more difficult question is presented. But whatever may be the State rates which are fixed by a State regulating body, they finally come, if challenged as confiscatory, under the jurisdiction of the national courts. The interstate rates and the State rates, so far as justice and fairness are concerned, are ultimately determined by a national tribunal. So the State would be powerless, judged by this rule, to embarrass the operation of a national corporation. Besides, the State business is so small, in the State of Nebraska aggregating only one-twentieth, throughout the entire Union embracing only one-fourth, that we might well concede the right of the States to regulate the State rates without imperiling the system to which I have called your attention.

The Senator from Texas alluded to the system which prevails in Texas, and here let me say that there are two States in the Union which have enlightened legislation regarding railroads, and those two States are the antipodes of our country. They are Massachusetts and Texas. Both of those States absolutely guard and control capitalization as an essential factor in determining what the public utilities shall charge for their services. The Senator from Texas is quite right when he insists it is not a controlling factor; that the real factor is the value, but the Senator will admit that capitalization is oftentimes an embarrassing factor.

As to overcapitalization, when a corporation is created the men who create it do not long hold the securities which they have created. They put them off on the public through the stock exchanges, which they manipulate and control. The securities fall into the hands of the honest investors of the country—into the hands of women and children, of the widows in whose behalf we hear so many appeals made. Those appeals have a certain weight. The claim is made that, inasmuch as society has stood by and permitted this overcapitalization to be created, it should not so exercise its arbitrary power as to deprive those who are the innocent victims of the act of overcapitalization of the value of their property, which has been fixed in the markets.

What does Texas do? Here let me say that what I wish to do is to nationalize the system of Texas, the best system in the country, in my judgment better even than that of Massachusetts. What did they do under the inspiration of Judge Reagan and during the gubernatorial administration, I believe, of the senior Senator from Texas? They provided that no stocks or bonds could be issued without the approval of the State railroad commission, and that such approval must be stamped upon the securities themselves. And besides this the law limits the return of railroad corporations to 6 per cent upon their capital. The result is that Texas is one of the best controlled States in the Union as to these public utilities. It is true that Mr. Marowetz, the eminent authority on corporation law, when he appeared before our committee and was questioned by me with reference to the system prevailing in Texas, insisted upon it that it had discouraged railroad building; that the railway investors of the country actually avoided Texas, because Texas gave no opportunity for speculative reward, and that the securities of Texas roads were but little sold upon the New York exchange.

The senior Senator from Texas had a reply to that statement published as a public document. (I have it not before me, for I have just dropped into this debate and am not armed at all with notes or references.) It is a letter from one of the railroad commissioners of Texas, in which he challenges that statement, and shows by the record that the securities of Texas roads are so sold, but he accounts for the fact that a large number of their securities are not upon the market because they have been purchased by these great holding companies which have been organized under the laws of other States, and they are held in block in the treasury of these great systems. But as to the discouragement of railroad building, he points to the fact that Texas is the third State in the Union in the matter of mileage. The only two States that surpass it are Pennsylvania and Illinois.

But, Mr. President, I have been drawn away from my discussion of the situation in the Southern States. It is claimed that the Southern Railway Company and the Atlantic Coast Line system are practically under one control, which embraces a monopoly of that entire area, and yet an apparent competition is maintained, which means that certain intersecting points have the advantage over their neighbors. I ask whether it is the policy of the United States to perpetuate that condition? We say that the individual shall not have an advantage over his neighbor in rates. We call that discrimination. But we say that any town that has two railroads instead of one can have rates 20 per cent below those of the town that has but one.

What does it mean? A constant augmentation of population in the large centers—overpopulation—tending to the deterioration of the race. What reason is there why in the city of New York, for instance, upon a few square miles of land, one-twentieth of the entire population of the country should be centered? Why in the city of Chicago should one-thirtieth or one-fortieth of the entire population of the country be centered upon a few square miles of land? Is it a good thing for the race? Is it a good thing for the entire people, for whose welfare under the Constitution we must legislate? Yet this system, which is drifting the population to congested centers, is maintained, not as the result not only of active competition, but of supposed competition.

Would it not be better for the people of the South if those two railroads were consolidated into one corporation under a national law providing the proper restraints and regulation? Would there not be a fairer service, a more equal service, a more proportionate service, and a fairer distribution of the burden of the cost of transportation?

I admit it would be a bad thing to consolidate the two roads into one company if there were no control by the National Government of the amount of capitalization of the corporation under which they were consolidated, if there were no restraint upon the consolidation itself to reasonable limits, if no rules were laid down regarding return upon capital, etc. But I insist that it would be a beneficial thing for the people of the South, tending toward fairness and impartiality of administration, if under national legislation—and the national sovereign is the only one that can deal with it—those two systems were put under one control, and that if the consent of these States is necessary it should be as freely conceded as to consolidation under Connecticut or New Jersey law.

Mr. President, we have no conception of the extent to which this consolidation has gone. We have in the North here what we call three or four great trunk lines—the New York Central system, the Pennsylvania system, the Baltimore and Ohio, and the Chesapeake and Ohio, four so-called "competitive trunk lines."

And yet it is capable of demonstration that the Pennsylvania Railroad to-day has control of the Baltimore and Ohio, and it is capable of demonstration that the two, together with the New York Central, practically control the trunk line area embracing all the States between Chicago and New York and Pennsylvania

and Maryland. It is true they are under the control of two or three so-called "groups," but as a matter of fact it is claimed by men familiar with these things that they constitute but one organization. You ask is combination to be favored? It is already here, but it is uncontrolled combination. It is combination under the laws of a particular State, which, by reason of the limit of its area and jurisdiction, is incapable of dealing with the entire subject.

The Senator from Colorado referred to the fact that a corporation organized under the laws of one State could not do business within the boundaries of another State without the consent of that State. That is true. But we know that these railroads control in large degree the consent of the States. There, again, we throw them into politics, and we wonder why they are there. It is because they know there is but one way of administering a railroad system, and that is to obey this natural law toward combination. They find obstacles in the way—the laws or lack of laws in the various States—and so they are obliged to be factors in politics, and here again comes an element of control in State legislation. It accounts for the fact which exists to-day, that the legislation of almost all of the States is loose beyond description. We know to-day that the State of New Jersey makes a practice of organizing corporations which are to do business in other States, and we know that a State which enacts a wise code of laws properly restricting these corporations is shunned and avoided, and thus falls a victim to its own virtue. The States are unable to deal with the question. It is by the proper exercise of the power conferred upon us by the Constitution that we can practically deal with the question of overcapitalization.

How would you meet it? I should permit national incorporation for the construction or purchase or consolidation of railroads engaged in interstate commerce and give the Interstate Commerce Commission the right to determine and approve the issue of stock and bonds by every corporation organized under the national act that proposes to issue them for construction or purchase or combination. I presume at the start they might have to validate a good deal of water now in the stock. In justice to the vast body of investors all over the country, who have been persuaded to buy overcapitalized securities, they might do that. But if we should validate all the present overcapitalization and at the same time prevent overcapitalization in the future, we shall have done a service to posterity the value of which can not be measured.

We have had in the past only a tithe of the overcapitalization which under loose laws will be accomplished in the future. If we require the approval of the Interstate Commerce Commission, we have a body of capable men, with full knowledge regarding these matters, with accumulated experience, acting impartially between the public and the railroads, and determining and approving stock and bond issues; and while, as I say, it may result in the validation of much of the stock watered in the past, it will absolutely prevent it in the future.

Then I would in such a law provide a rule for the taxation of such property, a percentage tax. I would permit the States to levy it, thus having nothing whatever to do with its collection. I would prescribe a rule, and a mathematical rule, so that nothing would be left to discretion and so that when the Interstate Commerce Commission came to consider the question of rates, as affecting the net income, it would know exactly what amount must be allowed for taxes as an annual charge. Then we would not have the judgment of the various States confusing the operation of the Interstate Commerce Commission in determining what are just rates, what ought to be allowed as fixed charges, and what ought to be allowed as taxes.

What I complain of is that although the Supreme Court has laid down the rule for the regulation of rates, as involving a fair return upon the value of the property affected, in the consideration of which certain factors are to be considered, such as the stock and bond issues, the actual cost, the actual cost of reproduction, etc., we in our legislation do not provide the factors by which the Interstate Commerce Commission can be guided. We should furnish them with the means of determining the capitalization of these corporations, and if we do not enter upon a national incorporation of railways, we should at all events provide that the Interstate Commerce Commission should enter upon a valuation of the railroads, and to that valuation must be added from time to time the increases of bond and stock issues made by the corporation with the approval of the Commission.

But there is another thing we can determine. We can determine the return upon capital. Some of my friends regard that as an innovation. It has existed throughout the history of this country. When we organized the Union Pacific Railroad, we provided that the rates should be diminished after the income reached 10 per cent; and in the case of the Texas Pacific road I believe there was a similar limitation. I was reading the charter of a railroad company in Arkansas the other day where the limitation was 15 per cent. That was when high rates of interest prevailed. In Massachusetts to-day the limitation upon the return on capital in electric railroads, which are being built all over the State, is 6 per cent, with an allowance of one-half of the additional profits to the corporation and the other half to be paid to the State.

The result is that nothing has ever been paid to the State. The corporation itself has never received the other half of the profits in the shape of dividends, but all excesses over 6 per cent have gone to the betterment and extension of roads and toward reasonable reductions of rates. The advantage of a limitation upon the dividend return on capital is that it works automatically either toward the betterment of the road, the reduction in rate, or to an increase of wages, all of which are to the interest of the country. Otherwise an increase of business tends simply to the increase of profit to the stockholder.

This system, while securing to him a fair return upon his investment, gives the balance of the profit, caused by an increase of population and an increase of business, to the public in the shape of the betterment of the road, in the shape of increased wages to employees, in the shape of reduced rates; and I insist that if we should enter upon a system of a proper capitalization of these roads, approved by the United States Government, and a fair and fixed return upon the capital invested, the Interstate Commerce Commission will hardly ever have cause to act, and automatically the entire administration of these roads will tend toward impartiality in place of partiality, to reasonable rates instead of unreasonable rates, to the betterment of roads instead of exhausting the roads with a view to paying dividends.

Thus we would have an automatic kind of adjustment under national control which would do away, not only with extortionate rates, not only with the oppression of the public, but would do away absolutely with the interference of the railroad corporations in politics, for they are there only to protect their $10,000,000,000; they are there only to protect their income, and if we protect their capitalization, if we prescribe the income upon that capitalization, so that it is simply a matter of mathematical calculation, then necessarily they would be sufficiently protected and could gain nothing by a resort to political control. They can not get more and they can not get less, and they will be eliminated from politics, because there will be no reason for their being in politics.

Now, Mr. President, we have a country of high ideals and of low standards. Our standards would be as high as our ideals if our legislation was as wise as our ideals are high. We have low standards because our legislation regarding these corporations has not been wise. As I stated in the outset, we have allowed them to remain in politics, all their affairs subject to the varying judgments and caprices and passions of officials and of the public at large, and we are responsible for their being there. I ask the Senate of the United States to do something toward conforming the standards of the country to its ideals, and the most important thing is to purify political administration everywhere by eliminating the railroads from politics by a wise and comprehensive system of national incorporation which, whilst protecting the people and communities against discrimination and extortion, will also protect the railroads against popular caprice and passion.

Mr. TELLER. Mr. President, I ask that the resolution may lie on the table, so that it may be called up hereafter if any Senator desires to speak upon it.

The VICE-PRESIDENT. Without objection, the resolution will lie on the table.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 20th instant approved and signed an act (S. 2558) authorizing the Washington Bridge Company to construct a bridge across the Columbia River near the city of Wenatchee, Wash.

BATTLE MONUMENTS IN CUBA.

Mr. WARREN. I submit a resolution which I send to the desk. It is rather important that it should be disposed of. I ask for its immediate consideration.

The resolution was read, as follows:

Resolved, That the Secretary of War is authorized to employ the United States Army transport *Sumner* to convey, from New York to Santiago de Cuba and return, the members of the Santiago Battlefield Commission and the representatives of the President and of the State and War Departments, to enable them to attend the ceremonies to be

held at the dedication of battle monuments at El Caney, Fort San Juan, San Juan Ridge, and San Juan de Mayaras Hill, in the immediate vicinity of Santiago de Cuba.

Mr. KEAN. May I ask the Senator from Wyoming from what appropriation this comes?

Mr. WARREN. It requires no appropriation. The regular Army transportation appropriation provides for it.

The appropriation made for the purpose of erecting these battlefield monuments was contained in the sundry civil appropriation act of last year. Under a memorandum of the War Department no portion of the money was to be used for traveling expenses or for compensation. The members of the committee having the matter in charge have paid their own way, but now there is a quantity of material to be transported, as well as the committee, and there is also a desire to send a member of each one of the boards, such as fortifications, etc. So that now we have three purposes: First, to transport the material; second, the committee, and, third, a number of officers to perform various duties.

While I think possibly the transport could be used without such a resolution, the Secretary of War has asked the passage of this resolution, so that there can be no doubt about the matter. It appropriates no money and costs nothing except the additional use of the transport.

Mr. KEAN. It costs some money, does it not?

Mr. WARREN. The transport is in commission and lying at New York. If the Department is authorized to use it at once it merely costs the difference between the cost of travel and lying at the station at New York, which is very slight.

Mr. BEVERIDGE. Do I understand the Senator to say that the transport is going there in any event?

Mr. WARREN. Not necessarily just now, but it will carry material and the committee, as well as members of other committees.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. BACON. Will the Senator from Wyoming give some idea of the number of persons who will be transported?

Mr. WARREN. Probably a dozen or two dozen persons.

I ask that the papers which I send to the desk—a letter from the Secretary of War and other papers bearing upon the subject—be printed as a document.

The VICE-PRESIDENT. Without objection it is so ordered. Is there objection to the present consideration of the resolution?

Mr. ALLISON. Mr. President, I do not object to the consideration of the resolution. I understand from the statement so well made by the Senator from Wyoming that this is an arrangement which will require very little expenditure. Last year, at the urgent solicitation of a good many very good people in the Senate, then and elsewhere, an appropriation of $9,500 was made for the purpose of erecting suitable monuments commemorating the battles in Cuba. The Secretary of War was, of course, to expend the money. He has expended, I understand, or proposes to expend, the entire sum in preparing the monuments and placing them properly on these battlefields.

Of course the appropriation of $9,500 would not have been sufficient also to bear the expenses of those who have had charge of this work. I understand from these documents that a small committee of three or four persons went down there in a preliminary way and paid their own expenses. Under an order from the War Department no part of their expenses was allowed to be paid either from this special appropriation or from any other appropriation made for the Army by Congress.

I understand also that we have this transport, the *Sumner*, lying at the proper place in New York, and that it is the design to place the material for the monuments upon this Government vessel and carry the material down there. I suppose if the transport is suitable for the carriage of the few people who are to go there they may as well be carried on the transport as in any other way, and that it can be done without any very great expense.

Mr. BEVERIDGE. The commission goes down at the same time, I understand.

Mr. ALLISON. The commission goes down with the material and puts it in place.

Mr. BEVERIDGE. I understand the dedication could not occur without the commission going down there. I think it is very plain, if that is true, that the resolution is eminently proper.

Mr. ALLISON. Very likely. I think the commission is a small one, consisting of only three or four persons.

Mr. BEVERIDGE. The dedication of these very important monuments could not occur unless they were there? Is not that true?

Mr. ALLISON. I should think their presence would be very necessary to the dedication of the monuments. It is a small matter.

Mr. FORAKER. It is true, is it not, I wish to inquire of the Senator from Iowa, that this commission is not paid any salary or does not occasion the Government any expense whatever for the services?

Mr. ALLISON. None whatever. There is no salary paid.

Mr. FORAKER. They are very experienced men, and they are doing this as a labor of love and through patriotism.

Mr. WARREN. They have paid their own expenses so far.

Mr. BACON. Nothing said by myself was intended as indicating opposition to the resolution, but I thought it proper that we should have the information which has now been given to us. I am very glad indeed to have it. I would not myself put any obstacle in the way of a proper observance of the ceremonies, which I think are eminently due to the commemoration of such an important event in history as is marked by those battles.

Mr. TELLER. I understand this is simply executing the law on this subject that we passed. That is all there is of it.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

INVESTIGATION OF EXECUTIVE DEPARTMENTS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and referred to the Committee on Appropriations:

To the Senate and House of Representatives:

On June 2, 1905, I appointed a committee on Department methods to investigate the business methods and practice of the Executive Departments, and to report plans for their improvement. This committee has taken up its great task vigorously, and material benefit to the Government service has already resulted from its efforts.

Much valuable information has been gathered, and the preliminary work is largely done. The time has now come for the committee to assign trained men to the detailed investigation of routine throughout the Government service as a basis for definite steps towards added economy and efficiency. Many men already in the Government service can be assigned temporarily to this work, and some of them can be properly paid under the appropriations against which their salaries are charged. Others must be obtained from outside. The committee on Department methods will need the assistance not only of efficient men in the Government service, but also of recognized business experts from private life. To that end, I ask that the Congress provide an appropriation of $25,000, to be expended under the direction of the President, for the payment of salaries and expenses of specialists and experts to investigate and report upon business methods and practice throughout the Government service. Since the work of the committee on Department methods has already reached a stage where the employment of such experts is necessary, this appropriation should be available immediately and until expended.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 22, 1906.*

SETTLEMENT OF DANISH CLAIMS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying paper, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Congress:

In connection with the matter of this Government's obligation to pay to that of Germany the sum of $20,000 in settlement of certain Samoan claims under the convention of November 7, 1899, between the United States, Germany, and Great Britain, and the decision of the King of Sweden and Norway as arbitrator under the convention, which I forwarded to the Congress on December 15, 1905, I transmit herewith a report by the Secretary of State showing the obligation to pay, under Article III of that convention, the sum of $760 in settlement of Danish claims.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 22, 1906.*

INTERNATIONAL PRISON CONGRESS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Congress:

I transmit herewith a report by the Secretary of State, showing the acceptance by the International Prison Congress of the invitation to hold its next meeting in the United States, extended in pursuance of the joint resolution, approved March 3, 1905.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 22, 1906.*

THIRD INTERNATIONAL CONFERENCE OF AMERICAN STATES.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the acompanying paper, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives.

I transmit herewith a report by the Secretary of State regarding representation by the United States at the Third International Conference of American States, to be held at the city of Rio de Janeiro, Brazil, beginning on the 21st day of July next.

I join in the recommendation made by the Secretary of State that the sum of $100,000, or so much thereof as may be necessary, be appropriated for this purpose.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 22, 1906.*

ORDINANCES OF PORTO RICO.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed:

To the Congress:

Referring to section 32 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith three ordinances (enumerated in the accompanying report of the Secretary of State), enacted by the executive council of Porto Rico with the approval of the government thereof.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 22, 1906.*

PUBLIC BUILDING AT BOISE, IDAHO.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

Mr. HEYBURN. I ask the Senator from New Jersey to yield to me for a moment.

Mr. KEAN. Certainly; if the matter the Senator wishes to call up will lead to no debate.

Mr. HEYBURN. I desire to ask unanimous consent for the present consideration of the bill (S. 1365) providing for the placing of an elevator in the public building at Boise, Idaho. I will say in explanation that the plans contemplated an elevator, but because of lack of funds the elevator was not provided, and the five-story building now stands without any elevator. It is completed otherwise.

The VICE-PRESIDENT. The Senator from Idaho asks unanimous consent for the consideration of the bill indicated by him.

Mr. FRYE. Let it be read for information.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $6,500 for placing an elevator in the public building at Boise, Idaho.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 5 o'clock and 7 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 23, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 22, 1906.

GOVERNOR-GENERAL PHILIPPINE ISLANDS.

Henry Clay Ide, of Vermont, to be governor-general of the Philippine Islands, vice Luke E. Wright, of Tennessee, resigned.

VICE-GOVERNOR PHILIPPINE ISLANDS.

James F. Smith, of California, to be vice-governor of the Philippine Islands, vice Henry Clay Ide, of Vermont, promoted to governor-general of the Philippine Islands.

AMBASSADORS EXTRAORDINARY AND PLENIPOTENTIARY.

Lloyd C. Griscom, of Pennsylvania, now envoy extraordinary and minister plenipotentiary to Japan, to be ambassador extraordinary and plenipotentiary of the United States to Brazil, vice David E. Thompson, nominated to be ambassador extraordinary and plenipotentiary to Mexico.

Luke E. Wright, of Tennessee, to be ambassador extraordinary and plenipotentiary to Japan, to fill an original vacancy.

David E. Thompson, of Nebraska, now ambassador extraordinary and plenipotentiary to Brazil, to be ambassador extraordinary and plenipotentiary of the United States to Mexico, vice Edwin H. Conger, resigned.

ASSISTANT ATTORNEY-GENERAL.

Josiah A. Van Orsdel, of Wyoming, to be Assistant Attorney-General, commencing February 1, 1906, in the place of Louis A. Pradt, whose resignation has been accepted to take effect at the close of January 31, 1906.

DISTRICT ATTORNEYS.

Charles A. Goss, of Nebraska, to be United States attorney for the district of Nebraska, vice Irving F. Baxter, removed.

David Patterson Dyer, of Missouri, to be United States attorney for the eastern district of Missouri. A reappointment, his term expiring March 8, 1906.

MARSHALS.

William Spry, of Utah, to be United States marshal for the district of Utah, in the place of Benjamin B. Heywood, whose term expires January 27, 1906.

William L. Morsey, of Missouri, to be United States marshal for the eastern district of Missouri. A reappointment, his term expiring June 10, 1906.

COLLECTOR OF INTERNAL REVENUE.

Edward B. Allen, of Missouri, to be collector of internal revenue for the first district of Missouri, to succeed Ben Westhus, resigned.

COLLECTORS OF CUSTOMS.

Charles E. Knowlton, of Maine, to be collector of customs for the district of Belfast, in the State of Maine, to succeed James S. Harriman, whose term of office has expired by limitation.

C. Wesley Thomas, of Pennsylvania, to be collector of customs for the district of Philadelphia, in the State of Pennsylvania. (Reappointment.)

SURVEYORS OF CUSTOMS.

John Albus, jr., of Missouri, to be surveyor of customs for the port of St. Joseph, in the State of Missouri. (Reappointment.)

Charles W. Clarke, of Missouri, to be surveyor of customs for the port of Kansas City, in the State of Missouri, to succeed William L. Kessinger, whose term of office will expire by limitation April 20, 1906.

RECEIVER OF PUBLIC MONEYS.

Oliver R. W. Robinson, of Los Angeles, Cal., to be receiver of public moneys at Los Angeles, Cal., vice Arthur W. Kinney, whose term will expire January 29, 1906.

PROMOTION IN THE ARMY.

Cavalry Arm.

Second Lieut. Daniel D. Gregory, First Cavalry, to be first lieutenant from January 18, 1906, vice Pilcher, Fifth Cavalry, retired from active service.

POSTMASTERS.

ALABAMA.

William T. Hutchens to be postmaster at Huntsville, in the county of Madison and State of Alabama, in place of William T. Hutchens. Incumbent's commission expires February 10, 1906.

ARKANSAS.

Walter E. Dodson to be postmaster at Springdale, in the county of Washington and State of Arkansas, in place of Aaron L. Thompson. Incumbent's commission expired January 16, 1906.

Bryant W. Ford to be postmaster at Mammoth Springs, in the county of Fulton and State of Arkansas, in place of Bryant W. Ford. Incumbent's commission expired January 16, 1906.

William P. Jones to be postmaster at Batesville, in the county of Independence and State of Arkansas, in place of William P. Jones. Incumbent's commission expired January 16, 1906.

James C. Russell to be postmaster at Camden, in the county of Ouachita and State of Arkansas, in place of James C. Russell. Incumbent's commission expired January 16, 1906.

CALIFORNIA.

Mrs. Frank P. Church to be postmaster at San Leandro, in the county of Alameda and State of California, in place of Mrs. Frank P. Church. Incumbent's commission expired January 13, 1906.

COLORADO.

Richard G. Dalton to be postmaster at La Junta, in the county of Otero and State of Colorado, in place of Richard G. Dalton. Incumbent's commission expired January 21, 1906.

William H. Davie to be postmaster at Florence, in the county of Fremont and State of Colorado, in place of William H. Davie. Incumbent's commission expired January 20, 1906.

Homer H. Grafton to be postmaster at Manitou, in the county of El Paso and State of Colorado, in place of Homer H. Grafton. Incumbent's commission expired January 21, 1906.

CONNECTICUT.

Frederick L. Gaylord to be postmaster at Ansonia, in the county of New Haven and State of Connecticut, in place of Frederick L. Gaylord. Incumbent's commission expired January 16, 1906.

FLORIDA.

John McDougall to be postmaster at Tallahassee, in the county of Leon and State of Florida, in place of John McDougall. Incumbent's commission expires January 22, 1906.

GEORGIA.

Willie A. Sheats to be postmaster at Monroe, in the county of Walton and State of Georgia, in place of Willie A. Sheats. Incumbent's commission expires February 7, 1906.

John T. Stilwell to be postmaster at Montezuma, in the county of Macon and State of Georgia, in place of John T. Stilwell. Incumbent's commission expired January 20, 1906.

ILLINOIS.

William T. Grimmett to be postmaster at Palmyra, in the county of Macoupin and State of Illinois. Office became Presidential April 1, 1905.

James R. Smith to be postmaster at Taylorville, in the county of Christian and State of Illinois in place of James R. Smith. Incumbent's commission expired January 21, 1906.

IOWA.

Henry E. Bolinger to be postmaster at Afton, in the county of Union and State of Iowa, in place of Henry E. Bolinger. Incumbent's commission expires January 28, 1906.

John H. Kolthoff to be postmaster at New Hampton, in the county of Chickasaw and State of Iowa, in place of John Tooley. Incumbent's commission expired January 20, 1906.

Charles A. Merrill to be postmaster at Nora Springs, in the county of Floyd and State of Iowa, in place of Charles A. Merrill. Incumbent's commission expired December 16, 1905.

KANSAS.

Alpheus K. Rodgers to be postmaster at Topeka, in the county of Shawnee and State of Kansas, in place of John Guthrie. Incumbent's commission expired January 16, 1906.

Henry M. Stewart to be postmaster at Hutchinson, in the county of Reno and State of Kansas, in place of John B. Vincent. Incumbent's commission expired January 16, 1906.

KENTUCKY.

George L. Barnes to be postmaster at Frankfort, in the county of Franklin and State of Kentucky, in place of Edward M. Drane. Incumbent's commission expired January 13, 1906.

William B. King to be postmaster at Pineville, in the county of Bell and State of Kentucky, in place of John M. Green, deceased.

MAINE.

Abial H. Jones to be postmaster at Wilton, in the county of Franklin and State of Maine. Office became Presidential October 1, 1905.

Arthur T. Moor to be postmaster at Farmington, in the county of Franklin and State of Maine, in place of Arthur T. Moor. Incumbent's commission expired January 16, 1906.

MARYLAND.

Walter R. Rudy to be postmaster at Mount Airy, in the county of Carroll and State of Maryland, in place of Walter R. Rudy. Incumbent's commission expired January 20, 1906.

William M. Schoolfield to be postmaster at Pocomoke City, in the county of Worcester and State of Maryland, in place of William M. Schoolfield. Incumbent's commission expired January 20, 1906.

MASSACHUSETTS.

George F. Bourne to be postmaster at Lenox, in the county of Berkshire and State of Massachusetts, in place of George F. Bourne. Incumbent's commission expired January 16, 1906.

Frank E. Whiting to be postmaster at Plainville, in the county of Norfolk and State of Massachusetts. Office became Presidential January 1, 1906.

MICHIGAN.

Charles H. Castle to be postmaster at Armada, in the county of Macomb and State of Michigan, in place of David H. Barrows. Incumbent's commission expired January 21, 1906.

George W. Dafoe to be postmaster at Brown City, in the county of Sanilac and State of Michigan, in place of George W. Dafoe. Incumbent's commission expired January 21, 1906.

Eric Ericson to be postmaster at Republic, in the county of Marquette and State of Michigan, in place of Eric Ericson. Incumbent's commission expired January 20, 1906.

John W. Hance to be postmaster at Mount Pleasant, in the county of Isabella and State of Michigan, in place of John W. Hance. Incumbent's commission expired January 21, 1906.

Samuel C. Kirkbride to be postmaster at Clare, in the county of Clare and State of Michigan, in place of Samuel C. Kirkbride. Incumbent's commission expired January 20, 1906.

John T. Owens to be postmaster at Benton Harbor, in the county of Berrien and State of Michigan, in place of John T. Owens. Incumbent's commission expired January 20, 1906.

Blair F. Scott to be postmaster at Lake City, in the county of Missaukee and State of Michigan, in place of Blair F. Scott. Incumbent's commission expired January 20, 1906.

Eugene S. Upson to be postmaster at Durand, in the county of Shiawassee and State of Michigan, in place of Eugene S. Upson. Incumbent's commission expired January 20, 1906.

Fred A. Woodruff to be postmaster at St. Joseph, in the county of Berrien and State of Michigan, in place of Fred A. Woodruff. Incumbent's commission expired January 20, 1906.

MINNESOTA.

Moses Emery to be postmaster at Caledonia, in the county of Houston and State of Minnesota, in place of Moses Emery. Incumbent's commission expired January 20, 1906.

MISSISSIPPI.

Mary Cain to be postmaster at Vaiden, in the county of Carroll and State of Mississippi. Office became Presidential January 1, 1906.

Lynn E. Crane to be postmaster at Forest, in the county of Scott and State of Mississippi. Office became Presidential January 1, 1906.

John H. Elkins to be postmaster at Eupora, in the county of Webster and State of Mississippi. Office became Presidential January 1, 1906.

George C. Jackson to be postmaster at Belzona, in the county of Washington and State of Mississippi. Office became Presidential January 1, 1906.

James C. Tyler to be postmaster at Biloxi, in the county of Harrison and State of Mississippi, in place of John F. Williams, deceased.

MISSOURI.

Arthur W. Brewster to be postmaster at St. Joseph, in the county of Buchanan and State of Missouri, in place of Arthur W. Brewster. Incumbent's commission expires February 5, 1906.

Ezekiel A. Sample to be postmaster at Fredericktown, in the county of Madison and State of Missouri, in place of Ezekiel A. Sample. Incumbent's commission expired January 21, 1906.

William M. Tygart to be postmaster at South St. Joseph, in the county of Buchanan and State of Missouri, in place of John M. Armstrong, deceased.

John T. Wagoner to be postmaster at Odessa, in the county of Lafayette and State of Missouri, in place of John T. Wagoner. Incumbent's commission expires January 22, 1906.

MONTANA.

Charles A. Burg to be postmaster at Livingston, in the county of Park and State of Montana, in place of Charles A. Burg. Incumbent's commission expired January 20, 1906.

NEBRASKA.

M. A. Brown to be postmaster at Kearney, in the county of Buffalo and State of Nebraska, in place of Kersey O. Holmes. Incumbent's commission expired January 20, 1906.

Alfred L. Brande to be postmaster at Pierce, in the county of Pierce and State of Nebraska, in place of Alfred L. Brande. Incumbent's commission expired January 20, 1906.

William H. McNeal to be postmaster at Wayne, in the county of Wayne and State of Nebraska, in place of William H. McNeal. Incumbent's commission expired January 20, 1906.

Wellington A. Post to be postmaster at Stromsburg, in the county of Polk and State of Nebraska, in place of Tillie C. Buckley. Incumbent's commission expired January 21, 1906.

Delbert E. Sherman to be postmaster at Valentine, in the county of Cherry and State of Nebraska, in place of Delbert E. Sherman. Incumbent's commission expired January 20, 1906.

Charles A. Warner to be postmaster at Geneva, in the county of Fillmore and State of Nebraska, in place of Charles A. Warner. Incumbent's commission expired January 21, 1906.

NEW HAMPSHIRE.

Fred H. Perry to be postmaster at Charlestown, in the county of Sullivan and State of New Hampshire, in place of Fred H. Perry. Incumbent's commission expired January 16, 1906.

John C. Richardson to be postmaster at Gorham, in the county of Coos and State of New Hampshire, in place of Thomas A. Adams. Incumbent's commission expired January 16, 1906.

NEW JERSEY.

William H. Hamilton to be postmaster at Ocean Grove, in the county of Monmouth and State of New Jersey, in place of William H. Hamilton. Incumbent's commission expired January 21, 1906.

NEW YORK.

Herbert V. Clark to be postmaster at Dexter, in the county of Jefferson and State of New York. Office became Presidential January 1, 1906.

R. Burchard Hults to be postmaster at Port Washington, in the county of Nassau and State of New York, in place of R. Burchard Hults. Incumbent's commission expired January 21, 1906.

NORTH CAROLINA.

Atheton B. Hill to be postmaster at Scotland Neck, in the county of Halifax and State of North Carolina, in place of

Atheton B. Hill. Incumbent's commission expires January 27, 1906.

NORTH DAKOTA.

Harry S. Oliver to be postmaster at Lisbon, in the county of Ransom and State of North Dakota, in place of Harry S. Oliver. Incumbent's commission expired January 21, 1906.

Tobias R. Tobiason to be postmaster at Hatton, in the county of Traill and State of North Dakota. Office became Presidential January 1, 1906.

OHIO.

William Bowen to be postmaster at Louisville, in the county of Stark and State of Ohio, in place of John B. Kagey. Incumbent's commission expired January 16, 1906.

David H. Harriman to be postmaster at West Mansfield, in the county of Logan and State of Ohio. Office became Presidential January 1, 1906.

Reuben M. Hull to be postmaster at Salineville, in the county of Columbiana and State of Ohio, in place of Helen M. Nixon. Incumbent's commission expired January 16, 1906.

Henry D. Weaver to be postmaster at Leetonia, in the county of Columbiana and State of Ohio, in place of Henry D. Weaver. Incumbent's commission expired January 16, 1906.

OKLAHOMA.

Harry B. Gilstrap to be postmaster at Chandler, in the county of Lincoln and Territory of Oklahoma, in place of Harry B. Gilstrap. Incumbent's commission expired January 21, 1906.

PENNSYLVANIA.

John C. Chamberlain to be postmaster at Everett, in the county of Bedford and State of Pennsylvania, in place of John C. Chamberlain. Incumbent's commission expired January 16, 1906.

George C. Burns to be postmaster at Montrose, in the county of Susquehanna and State of Pennsylvania, in place of George C. Burns. Incumbent's commission expired January 21, 1906.

William J. Leahy to be postmaster at Falls Creek, in the county of Clearfield and State of Pennsylvania, in place of William J. Leahy. Incumbent's commission expires January 30, 1906.

William H. Morris to be postmaster at Rimersburg, in the county of Clarion and State of Pennsylvania. Office became Presidential January 1, 1906.

Joseph H. McClelland to be postmaster at New Florence, in the county of Westmoreland and State of Pennsylvania. Office became Presidential January 1, 1906.

Wallace W. Oberly to be postmaster at Womelsdorf, in the county of Berks and State of Pennsylvania. Office became Presidential January 1, 1906.

Robert D. Peck to be postmaster at Lock Haven, in the county of Clinton and State of Pennsylvania, in place of Robert D. Peck. Incumbent's commission expires January 28, 1906.

Ezra H. Ripple to be postmaster at Scranton, in the county of Lackawanna and State of Pennsylvania, in place of Ezra H. Ripple. Incumbent's commission expired January 13, 1906.

Warren F. Simrell to be postmaster at Hallstead, in the county of Susquehanna and State of Pennsylvania, in place of Warren F. Simrell. Incumbent's commission expired January 21, 1906.

RHODE ISLAND.

Clinton D. Sellew to be postmaster at Providence, in the county of Providence and State of Rhode Island, in place of Clinton D. Sellew. Incumbent's commission expired January 21, 1906.

SOUTH CAROLINA.

Preston Rion to be postmaster at Winnsboro, in the county of Fairfield and State of South Carolina, in place of Preston Rion. Incumbent's commission expired January 16, 1906.

TEXAS.

James J. Dickerson to be postmaster at Paris, in the county of Lamar and State of Texas, in place of Patrick B. Gibbons. Incumbent's commission expired January 16, 1906.

William E. Dwyer to be postmaster at Brenham, in the county of Washington and State of Texas, in place of William E. Dwyer. Incumbent's commission expired January 13, 1906.

Frank K. Sterrett to be postmaster at Albany, in the county of Shackelford and State of Texas, in place of Henry Palm. Incumbent's commission expired January 16, 1906.

Talvus D. Wilson to be postmaster at Livingston, in the county of Polk and State of Texas, in place of Thomas J. Epperson, deceased.

UTAH.

James P. Driscoll to be postmaster at Eureka, in the county of Juab and State of Utah, in place of James P. Driscoll. Incumbent's commission expired January 20, 1906.

VERMONT.

Barnum L. Austin to be postmaster at Johnson, in the county of Lamoille and State of Vermont, in place of Barnum L. Austin. Incumbent's commission expired January 13, 1906.

Ora M. Carpenter to be postmaster at Island Pond, in the county of Essex and State of Vermont, in place of Ora M. Carpenter. Incumbent's commission expired January 13, 1906.

Trescott A. Chase to be postmaster at Bradford, in the county of Orange and State of Vermont, in place of Trescott A. Chase. Incumbent's commission expired January 13, 1906.

J. B. Eldredge to be postmaster at Randolph, in the county of Orange and State of Vermont, in place of J. B. Eldredge. Incumbent's commission expired January 13, 1906.

Elwin A. Howe to be postmaster at Ludlow, in the county of Windsor and State of Vermont, in place of Elwin A. Howe. Incumbent's commission expired January 13, 1906.

Burt Merritt to be postmaster at Brandon, in the county of Rutland and State of Vermont, in place of Burt Merritt. Incumbent's commission expired January 13, 1906.

Humphrey Owen to be postmaster at Fair Haven, in the county of Rutland and State of Vermont, in place of John Metcalf, resigned.

Paul G. Ross to be postmaster at Poultney, in the county of Rutland and State of Vermont, in place of Paul G. Ross. Incumbent's commission expired January 13, 1906.

John A. Sheldon to be postmaster at Rutland, in the county of Rutland and State of Vermont, in place of John A. Sheldon. Incumbent's commission expired January 13, 1906.

John P. Webster to be postmaster at Lyndonville, in the county of Caledonia and State of Vermont, in place of John P. Webster. Incumbent's commission expired January 13, 1906.

VIRGINIA.

Thomas W. Carter to be postmaster at Orange, in the county of Orange and State of Virginia, in place of Thomas W. Carter. Incumbent's commission expired January 21, 1906.

Bentley Kern to be postmaster at Winchester, in the county of Frederick and State of Virginia, in place of Bentley Kern. Incumbent's commission expires January 28, 1906.

W. S. Rose to be postmaster at Big Stone Gap, in the county of Wise and State of Virginia, in place of John M. Goodloe. Incumbent's commission expires January 28, 1906.

WISCONSIN.

Samuel S. Fifield to be postmaster at Ashland, in the county of Ashland and State of Wisconsin, in place of Samuel S. Fifield. Incumbent's commission expired January 21, 1906.

Frank A. Johnson to be postmaster at Spring Valley, in the county of Pierce and State of Wisconsin, in place of Frank A. Johnson. Incumbent's commission expired January 20, 1906.

Peter E. Olsen to be postmaster at Rice Lake, in the county of Barron and State of Wisconsin, in place of Peter E. Olsen. Incumbent's commission expired January 20, 1906.

Charles P. Peterson to be postmaster at Glenwood, in the county of St. Croix and State of Wisconsin, in place of Charles P. Peterson. Incumbent's commission expired January 20, 1906.

Charles L. Valentine to be postmaster at Janesville, in the county of Rock and State of Wisconsin, in place of Oscar F. Nowlan. Incumbent's commission expired January 21, 1906.

Ambrose H. Woodworth to be postmaster at Tomahawk, in the county of Lincoln and State of Wisconsin, in place of Ambrose H. Woodworth. Incumbent's commission expired January 20, 1906.

WITHDRAWALS.

Executive nominations withdrawn January 22, 1906.

Brig. Gen. George B. Davis, Judge-Advocate-General, to be Judge-Advocate-General, with the rank of brigadier-general, for the period of four years beginning May 23, 1905, with rank from May 24, 1901, his former appointment as Judge-Advocate-General having expired May 23, 1905.

Brig. Gen. William Crozier, Chief of Ordnance, to be Chief of Ordnance, with rank of brigadier-general, for the period of four years beginning November 22, 1905, with rank from November 22, 1901, his former appointment as Chief of Ordnance having expired November 22, 1905.

William Graue to be postmaster at Elmhurst, in the State of Illinois.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 22, 1906.

COLLECTORS OF CUSTOMS.

James H. Cooper, of New York, to be collector of customs for the district of Oswego, in the State of New York.

C. Wesley Thomas to be collector of customs for the district of Philadelphia, in the State of Pennsylvania.

PROMOTIONS IN THE ARMY.

Infantry Arm.

First Lieut. Arthur L. Conger, Eighteenth Infantry, to be captain from November 29, 1905.

First Lieut. James B. Kemper, Sixth Infantry, to be captain from December 25, 1905.

First Lieut. John W. Barnes, Eighteenth Infantry, to be captain from December 28, 1905.

First Lieut. Isaac A. Saxton, Twenty-third Infantry, to be captain from January 2, 1906.

First Lieut. George E. Thorne, Twelfth Infantry, to be captain from January 4, 1906.

POSTMASTERS.

ALABAMA.

Nannie S. Coleman to be postmaster at Jasper, in the county of Walker and State of Alabama.

Clifford M. Cox to be postmaster at Ozark, in the county of Dale and State of Alabama.

CALIFORNIA.

Clayton A. Douglas to be postmaster at Tracy, in the county of San Joaquin and State of California.

Salmon H. Loomis to be postmaster at Kingsburg, in the county of Fresno and State of California.

George Schmidt to be postmaster at Berkeley, in the county of Alameda and State of California.

COLORADO.

Walter S. Clark to be postmaster at Aspen, in the county of Pitkin and State of Colorado.

GEORGIA.

Annie I. Burkhalter to be postmaster at Warrenton, in the county of Warren and State of Georgia.

NEW YORK.

Clara Doughty to be postmaster at Garden City, in the county of Nassau and State of New York.

HOUSE OF REPRESENTATIVES.

MONDAY, *January 22, 1906.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of Saturday's proceedings was read and approved.

BRIDGE ACROSS ST. ANDREWS BAY.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 11263) to authorize the construction of a bridge across the navigable waters of St. Andrews Bay.

The SPEAKER. The Clerk will read the title.

The Clerk read the title, as follows:

A bill (H. R. 11263) to authorize the construction of a bridge across the navigable waters of St. Andrews Bay.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the bill at length.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. LITTAUER. Mr. Speaker, under the rule this fourth Monday of the month is set aside for District business. The House has had under consideration the urgent deficiency bill for two days, and it is very desirable that we continue the consideration of that bill until it is ended. I therefore ask unanimous consent that the House continue its consideration of the urgent deficiency bill.

Mr. SAMUEL W. SMITH. Mr. Speaker, pending that motion I would ask that next Monday be fixed for District day.

The SPEAKER. The gentleman asks unanimous consent that next Monday be set apart as District day. Is there objection?

There was no objection, and it was so ordered.

URGENT DEFICIENCY BILL.

Mr. LITTAUER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the urgent deficiency bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. SHERMAN in the chair.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Payments to New York and Pennsylvania: To pay to the State of New York the sum of $118,585.84, and to the State of Pennsylvania $236,762.65, said sums being certified to Congress at its present session, in House Document No. 167, as having been ascertained to be due said States, respectively, under the provision in the general claims act approved February 24, 1905; in all, $355,348.49.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from New York [Mr. LITTAUER] what this item is for?

Mr. LITTAUER. These items are to repay advances made by these States during the war of 1812. The claims are reported under the provisions of the claims act of February 24, 1905.

Mr. HUMPHREYS of Mississippi. How much of the item is principal and how much interest?

Mr. BURLESON. Mr. Chairman, with the permission of the gentleman from New York, I can give the gentleman from Mississippi the information he desires. The State of Pennsylvania originally expended for the benefit of the United States $292,120.83 at various periods. Subsequent thereto, during the years 1816 and 1817, the United States returned to the State of Pennsylvania the sum of $280,000, leaving a balance due, principal and interest, on July 5, 1827, of $45,830.26, which sum, with interest thereon for seventy-eight years and four months and nineteen days, amounting to $190,932.39, now aggregates $236,762.65.

Mr. HUMPHREYS of Mississippi. Then the interest that we pay now is compounded on the interest that was due up to that first date the gentleman mentioned?

Mr. BURLESON. It is calculated in accordance with the provisions of the law—under the same law that a settlement was effected with the States of Maryland and Virginia. This computation has been carefully made, and the sum I have last named is due under the law. Now, with reference to the claim of the State of New York, that State expended originally for the General Government the sum of $137,013.01, the expenditures being made at various periods. Certain interest had accrued on this sum, and subsequently at various dates there was returned to the State of New York $139,124.62, leaving the balance due on October 26, 1826, the sum of $20,729.01. The interest on that sum for seventy-eight years and two hundred and forty-eight days amounts to $97,856.83, making an aggregate sum now due of $118,585.84. These calculations have been made in accordance with a specific law which covers these claims, and I can state to the gentleman from Mississippi [Mr. HUMPHREYS] that the items are properly in this bill; that under the law the amounts are due the States of New York and Pennsylvania and should be paid.

Mr. HUMPHREYS of Mississippi. Very well; I withdraw the pro forma amendment.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

Chicago, Ill., post-office and court-house: For improvements and changes of a general nature, exclusive of furniture, in order to better fit the building for the transaction of the public business, $138,000.

Mr. PERKINS. Mr. Chairman, I move to strike out the last word. I would like to make some inquiries of the committee for my own information. I see here is a provision by which in the deficiency bill an allowance is made of $138,000 for improvements and changes of a general nature in a post-office at Chicago. Now, I have been for no less than three years trying to get an additional amount to complete the construction of a wing to a post-office in Rochester, and I did not suppose it was possible through a deficiency appropriation bill to get an allowance of that sort. If it is, I should be very glad, indeed, to avail myself of the services of that committee for that end.

Mr. LITTAUER. Mr. Chairman, I would state that this sum is simply a continuance of the practice that was held in this same bill last year, when $250,000 was appropriated for improvements and changes in the post-office at Chicago. This great building has turned out to be particularly unfitted for its work. There are features in connection with it that demand immediate change in order that life may be secure. The building has under it a large tunnel, emerging on two of the main streets of Chicago, where the coming and going of wagons has resulted in many accidents and, I believe, in loss of life. It was considered that these improvements and changes of a general nature were proper to be inserted in this bill, with the example of the action of the House last year before us. The items are specific items in the submissions made to us.

Mr. PERKINS. Mr. Chairman, I do not complain at all of what has been done for Chicago, but the public building at Rochester is also unfit for life and limb. The completion of the wing is just as much required to do the work with decency and

even in a manner required by the life of the employees as anything else, and I do not see why, if an allowance of this sort is made, which I do not at all criticise, Chicago should be the only city in which an addition to a building should be completed when it is required by the health of the employees and the necessities of the service.

Mr. TAWNEY. Will the gentleman permit a question?

Mr. PERKINS. Why, of course.

Mr. TAWNEY. Has the gentleman from New York ever secured from the Treasury Department a recommendation to Congress in favor of the appropriation which he now asks?

Mr. PERKINS. Why, this is for the erection of a wing.

Mr. TAWNEY. That is for the erection of a new part of the building.

Mr. PERKINS. And we have not money enough to finish it.

Mr. TAWNEY. That recommendation has gone to the Committee on Public Buildings and Grounds?

Mr. PERKINS. Yes.

Mr. TAWNEY. That required authority for the erection of the wing. The Committee on Appropriations not having any legislative jurisdiction, the reference must have necessarily gone to that committee. In this case we have the building, but not suitably adapted to the purposes required.

Mr. PERKINS. Neither is our building fit for use.

Mr. TAWNEY. And it is to complete that which has been already authorized and to make it available for the purpose for which it was intended.

Mr. PERKINS. Our building has been authorized and built.

Mr. MANN. If the gentleman will permit me, I think I can aid the gentleman slightly.

Mr. PERKINS. I am not complaining of what is done, but I did not see why it should not have been done for us as well as for Chicago.

Mr. MANN. This is no ordinary case of making changes in a post-office or post-office building. The Post-Office Department has generally moved into the new building. When the building was designed the receipts of the Chicago post-office amounted to a little over $5,000,000 a year; they now amount to over $13,000,000 a year. The office as it was completed when taken possession of was completed upon the basis of a smaller amount of business that was being transacted and there is not a possibility of doing the business properly. For instance, one of the items proposed by this appropriation is to erect a gallery halfway around the building to give that much additional room where the business can be transacted. Business is being delayed. It is not merely business for Chicago, but business which passes through Chicago, business coming in and going out of the Chicago post-office. It is not a practical thing to perform all the work in the office as it is to-day. A part of the work in the Chicago post-office is now being carried on in the old building, although the city has required that that building be taken down and removed, and it is not possible to transfer all the post-office work in the new building without making these changes. This is not making a change in the building at all, I will say to the gentleman from New York, which makes a distinction and quite a distinction in the case.

Mr. LITTLEFIELD. May I make an inquiry?

Mr. MANN. Certainly.

Mr. LITTLEFIELD. I recognize that your explanation is entirely adequate so far as the necessity for the appropriation is concerned. I am not thoroughly advised as to what makes an appropriation come on a deficiency bill, but what I would like to inquire about is whether this really properly comes under a deficiency bill or under an ordinary appropriation bill?

Mr. MANN. It has as much place on a deficiency bill as on any bill. Of course, ordinarily if it were not for the necessity of its being done at once, which is so apparent, it would go on the sundry civil appropriation bill, but the money should be expended during this fiscal year at once and in order to do that it should go on the urgent deficiency bill.

Mr. LITTLEFIELD. It is not a deficiency in the sense it is to make up an appropriation already given and proven to be inadequate——

Mr. MANN. Not at all.

Mr. LITTLEFIELD. But in the sense it is to be expended in such a way which requires that it should be done at once?

Mr. MANN. It is deficiency only in the sense it should be spent during the current fiscal year. That is the only sense in which it is a deficiency.

Mr. PERKINS. Mr. Chairman, there is no objection I have to find in this appropriation, but there is not a word that the gentleman from Illinois has stated that would not apply to a less extent to the building at Rochester. I only wish, without complaining at all of the conduct of the committee, to suggest if this thing can be done in one case I do not see why it could not be done and the endeavor made that it should be done in another. I now, Mr. Chairman, withdraw the pro forma amendment.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

The Clerk read as follows:

Except as otherwise provided, one-half of the foregoing amounts to meet deficiencies in the appropriations on account of the District of Columbia shall be paid from the revenues of the District of Columbia and one-half from any money in the Treasury not otherwise appropriated.

Mr. LITTLEFIELD. Mr. Chairman, I move to strike out the last word. I would like to inquire how that deficiency of $30,000 arises; in other words, how that happens to be a deficiency? How was it that they could not estimate for the proper amount?

Mr. LITTAUER. Merely through the carelessness of the Commissioners in not submitting a proper estimate last year. We find it to be a fact that it is necessary to have more money to heat these public schools. The Commissioners advised us plainly that they had gotten into the habit of asking for $45,000 and then to depend upon deficiency. Their contracts for the necessary amount to heat the schools are made, and they demand $30,000 to meet them.

Mr. LITTLEFIELD. In other words, it takes about $75,000 a year. There ought to have been an estimate of $75,000. Then it is the fault of the Commissioners in making their original estimate?

Mr. LITTAUER. Plainly so, and it is admitted by them.

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the gentleman from New York [Mr. LITTAUER] one general question for information. Is there not anybody around these Departments that has sense enough and arithmetical skill enough to cipher out the amount of money that will reasonably be expended in a year?

Mr. LITTAUER. There ought to be.

Mr. CLARK of Missouri. What is the reason that this committee does not compel them to do that?

Mr. LITTAUER. We seek to compel them to do it, and we have gone through two or three passages here where we have dropped out estimates made for deficiencies simply because this same practice had been carried on, and they did not give us a good reason for the appropriation. We must either allow this amount or close up the schools if the weather becomes rigorous.

Mr. CLARK of Missouri. I understand that, and that is the very thing I am objecting to. I want to make this one general remark. I do not believe there is a man in this House to-day that is not willing to vote every dollar of money that is necessary to run every department of the Government not only in an economical manner, but in an effective manner. But everybody is getting tired of estimates being brought in here that are adequate to cover the expenses and then have to come in with a deficiency bill. Now, for instance, about this school business here, if the gentleman will permit me. It seems to me if it could not be gotten at in any other way, if the committee would come in here and would report the amount of money necessary for coal for the coldest winter that has ever been known to exist here and then appropriate that amount of money it would hold them to the highest accountability for the way they spent the money, and instead of coming in here with a deficiency bill the chances are there would be money covered into the Treasury.

Mr. BURLESON. In justice to the Commissioners, I want to state that since the last appropriation there have been, I think, eight new schools erected—one a high school, and seven other schools—and the erection of these new schools necessitated an increased appropriation.

Mr. LITTAUER. That is in part true. They knew these schools were in the course of erection, and provision for them could have been estimated.

Mr. TAWNEY. I want to say, for the information of the gentleman from Missouri [Mr. CLARK]——

Mr. CLARK of Missouri. Before the gentleman makes that statement, I want to say one thing to the gentleman from Texas [Mr. BURLESON]. My remark about these estimates was not applied to the Commissioners alone, but to every department of the Government.

Mr. TAWNEY. I want to say that the excuse offered for this deficiency is not an adequate one, for the reason that their estimates for the years 1903, 1904 and 1905, 1906 and 1907 have been uniformly $45,000, and before the expiration of the fiscal year in every instance it was necessary for them to secure a deficiency appropriation of $30,000 in order to supply the necessary fuel to keep the schools of this city running. Now, if it had not been for the fact that without this additional appropriation the schools of the District of Columbia would have to be closed, I am inclined to think the Committee on Appropria-

tions would not have allowed this amount, because it is not a legal deficiency. The apportionment had never been made.

Mr. LITTAUER. The gentleman said the apportionment had never been made. That is just what I was going to ask him.

Mr. TAWNEY. This is not a legal deficiency; but the exigency of the occasion necessitates this additional appropriation, and the evidence showed that they had uniformly since 1903 expended $75,000 for this very purpose every fiscal year.

Mr. CLARK of Missouri. Now, Mr. Chairman, I am going to vote for this school deficiency, but I want to find out now from the Committee on Appropriations if they are going to compel these other estimaters to make proper estimates, no matter what Department it is.

Mr. TAWNEY. I will say to the gentleman from Missouri that, in my judgment, when the estimate comes for the next fiscal year for this purpose, it will be for the full amount required for this purpose, and that statement is based upon the criticism indulged in at the time the matter was before the committee.

Mr. CLARK of Missouri. Are you going to make all these other men that make the estimates for the other Departments come up in the same way?

Mr. TAWNEY. We are attempting to do that by the amendment to the present law.

Mr. CLARK of Missouri. I am glad to hear that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RICHARDSON of Alabama. I would like to ask the gentleman from Minnesota a question before he takes his seat. Now, I understand you have attempted in this bill to remedy the defects in the present law, and you used here an expression, when the occasion is an "extraordinary emergency" or "unusual circumstance." Now, if you are dealing with the character of men indicated upon this floor, as men who are disposed to evade the law, as has been stated frequently, why do you not stop at "extraordinary emergency" and not use the vague and indefinite language of an "unusual circumstance?" I want you to give the reason for that.

Mr. TAWNEY. I want to say here to the gentleman from Alabama that this discussion in respect to the details of that proposed amendment ought to come when that amendment is reached. We want to proceed as fast as possible with the reading of the bill, and when that amendment is reached in future we will take it up for full discussion, and the question of the gentleman can then be more fully answered.

Mr. RICHARDSON of Alabama. I merely desire to call the attention of the gentleman from Minnesota, chairman of the committee, and the distinguished gentleman from New York who has charge of this bill to the fact that in my opinion if you are dealing with the character of men so characterized on this floor as Cabinet officers I feel that there will be the same opportunity given under the broad phrase of the language used here—"unusual circumstances"—to evade all these things that you say they have been evading under the language of the law. That is the suggestion that I propose to make.

Mr. TAWNEY. I do not wish to occupy the time of the committee now in going into a full explanation of that; but the matter will be fully explained when this subject is reached.

Mr. LITTLEFIELD. Another inquiry I desire to make of the gentleman from Minnesota. I understand him to say that the Commissioners did not make an apportionment under the provisions of the law.

Mr. TAWNEY. They did not.

Mr. LITTLEFIELD. I will be glad if the gentleman will state why they did not make any apportionment; and will the gentleman state what reason, if any, they gave for not complying with the law?

Mr. TAWNEY. As I now recollect it, not having the testimony of the Commissioners before me, it was owing to the peculiar conditions in the city here in respect to the purchase of coal. An effort was made on the part of the Commissioners to purchase coal elsewhere than from the dealers here, and, after some investigation and some trouble, that was not accomplished. The reasons are fully set forth by the Commissioners in their statement before the committee, but I have not that before me at this time.

Mr. LITTAUER. The coal is contracted for. The Commissioners make contracts with the lowest bidder for a given amount of coal. They can hardly apportion it regularly in a monthly way, for you could not tell what amount of coal is necessary in two different quarters in the year. But the entire procedure here is wrong, and is admitted by the Commissioners to be so. They tell us it has been the custom to have this $45,000, and then to come in for a deficiency, and they said that $30,000 is the same deficiency that was asked for last year and the year before. I asked:

Do you think that is a good practice?

The Commissioner said he did not.

I asked:

Do you not render yourself liable to that provision in the deficiency law passed last year? This is a dangerous thing.

The answer is:

I can look at the estimate and find out.

And then they go on in the ordinary, general fashion, until finally I told him:

I trust you will correct it.

Meaning this manner of doing business. The Commissioner said:

I will see that it is done.

It is just that habit that we want to put an end to; it places the appropriation in a false light when it is originally offered.

Mr. TAWNEY. I will state in answer to the gentleman's question that in the judgment of the Commission this law did not apply to the District of Columbia. That was the excuse given for not apportioning the appropriation.

Mr. MANN. I want to make an observation for the benefit of the gentleman from Missouri. I notice that there is a tendency to criticise the deficiency appropriations. The gentleman from Missouri [Mr. CLARK] says that they ought to make estimates larger than they do. Now, I wish to have him for a moment reflect upon this proposition. It is almost invariably the case——

Mr. CLARK of Missouri. I should like to make one remark. I did not say I wanted them to make their estimates larger. I said I wanted them to make them large enough to cover the expense.

Mr. MANN. If you make the estimates large enough to cover the possible expense, that means to make them larger than the probable expense. If the officer only makes his estimate large enough for the probable expense, then there is sure to be a deficiency estimate come in later, more or less of the time. Now, I think it would be the observation of the gentleman from Missouri and of the members of the Committee on Appropriations that where an appropriation is made the Department or the Bureau to which that appropriation goes considers that it is entitled to expend it, and if it does not expend it for the purpose for which it is appropriated, it will come in and ask that it may expend it either for some other purpose or for some other year.

Mr. CLARK of Missouri. Now, let me ask you a question. We can arrive at the truth quicker by questioning each other than by making speeches. As I understand it in a general way, the cost, by original appropriation and in deficiency, for coal for the schools of the District of Columbia is about $75,000 a year. They say that is what it is. Now, suppose we appropriate $80,000, is there not some way to keep them from expending more money for coal than they ought to expend?

Mr. MANN. Well, now, the gentleman cites the case of the District of Columbia, and calls attention to this particular item. That is true; but the gentleman must remember that in making up the District of Columbia appropriation bill the revenues are limited; the amounts that can be appropriated for all purposes are limited, depending upon the amounts of estimated revenue from the District, which pays one-half the expense. I suppose whatever the expense is, the District will have to pay one-half of it. The gentleman refers to an item for coal here, but I call the gentleman's attention to an item on the next page of this bill reappropriating an unexpended balance.

Mr. CLARK of Missouri. What appropriation is that?

Mr. MANN. The gentleman can see as well as I can.

Mr. CLARK of Missouri. You have got it there.

Mr. MANN. Under the head of "Interstate Commerce Commission," an unexpended balance—

to enable the Interstate Commerce Commission to keep informed regarding compliance with the "Act to promote the safety of employees and travelers upon railroads," approved March 2, 1893, including the employment of inspectors to execute and enforce the requirements of the said act.

That is undoubtedly a proper reappropriation, but that is the fact.

Mr. CLARK of Missouri. Let me ask you right there, why is it a proper reappropriation?

Mr. MANN. Oh, I am not a member of the Committee on Appropriations——

Mr. CLARK of Missouri. I will get hold of one of them directly and find that out.

Mr. MANN. What I want to call attention to is the fact that

when an appropriation is made for an amount that is larger than is needed for that particular purpose, it seems to be the opinion of the bureau or department that they have a right to use the money for some purpose, and they come in and ask that it be transferred to some other purpose than the one stated in the appropriation bill, and we give them the authority very often because we think, "Well, that money has already gone out of the Treasury. It is already appropriated, and to reappropriate it will not increase the total appropriation for the year."

Mr. CLARK of Missouri. Is there no way of breaking up that habit of mind about the appropriations?

Mr. MANN. There is no way I know of of breaking up the habit of mind about appropriations, except for the House itself to carefully scrutinize the appropriations as they come in, and for us to judge in a particular case whether the appropriation ought to be made or not. I do not care whether it comes as an original appropriation or as a deficiency appropriation, except in those cases where the authority to make a deficiency increases the total expense that ought to be cut down. I hope the committee will not get into the habit of thinking that they have got to make an appropriation at the beginning large enough to cover all possible contingencies in order to prevent a deficiency. That would be far worse than a deficiency every few years.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word. As I remarked to the gentleman from New York [Mr. FITZGERALD] when he had the floor two days ago, I would like to know from whom this coal is bought and how, and my inquiry goes back to that proposition. The gentleman from New York will remember that about two years ago we had a coal famine here, and yet coal galore—by the carload—was just outside of the confines of the city, and the coal dealers and venders, it will be remembered, in the city of Washington combined to put up the price of coal so that the people did not have money enough to buy it. It had the effect of putting up the price of coal upon the Government of the United States and the District of Columbia. We used wood here a day or two in the House furnaces as a result of this famine. I want to inquire of the gentleman from New York what effect that coal famine had upon the price of coal and the revenues that we had appropriated to pay for the coal.

Mr. LITTAUER. Oh, the coal famine took place too long ago to affect the price now.

Mr. GAINES of Tennessee. Oh, no; I remember distinctly of people freezing in the streets of Washington, and yet coal by the train load was just outside of the city.

Mr. LITTAUER. This coal is contracted for once a year to provide for all the necessities of these schools and to be delivered at the schools.

Mr. GAINES of Tennessee. How is it bought?

Mr. LITTAUER. By contract with the lowest bidder.

Mr. GAINES of Tennessee. And who have been the bidders?

Mr. LITTAUER. I am not in possession of the facts to inform the gentleman.

Mr. GAINES of Tennessee. Does the gentleman know from whom the coal has been bought? We know that the Government has been held up in the purchase of material for the buildings at Annapolis, where we at first appropriated $8,000,000. The Secretary of the Navy, Mr. Moody, said that steel and other products had been put up so high on him that he would not stick a single spade in the ground until we gave him $2,000,000 more, to overcome that difficulty. Now, what effect has this coal trust—and there was one over in West Virginia that the courts have got hold of—I don't know what they have done with it—but what effect has this combination or any coal combination had upon the price of coal in this District?

Mr. LITTAUER. I will say to the gentleman from Tennessee that we entered into a line of inquiry in that direction. We asked the Commissioner whether the coal was contracted for, and his answer was "Yes."

Mr. GAINES of Tennessee. On what page of the hearings?

Mr. LITTAUER. I read from page 60:

Mr. LIVINGSTON. Speaking of coal here in the city, are you confined to dealers here from whom you buy coal?

Mr. WEST. No; because we advertise for bids, and under prevailing conditions you would find the large dealers outside and the large companies outside will not come in and bid against the local dealers here. They all have an understanding between them.

Mr. GAINES of Tennessee. Ah, yes; that is it.

Mr. LITTAUER (continuing reading):

Mr. LIVINGSTON. Why do you not buy at the mines?

Mr. WEST. I doubt very much if we could buy at the mines; if we did we would have to arrange for carrying the coal here and the delivery ourselves and all that sort of thing. We have a plan next year for the next contract for coal which I think will in a measure obviate the conditions we are now contending with.

Mr. GAINES of Tennessee. Now, gentlemen, you see that I remember these conditions, and I can not help but believe that the District of Columbia and the Government of the United States are being held up in these coal contracts, and as a result of it we are having these deficiencies here. The gentleman has just read from the hearings that the coal dealers have an "understanding between" themselves. Now, my recollection is that we appointed a year or so ago a committee to investigate this coal famine and the causes of it, and the gentleman from Maine [Mr. LITTLEFIELD] was on that committee, was he not?

Mr. LITTLEFIELD. Yes.

Mr. GAINES of Tennessee. Well, what did you do? [Laughter.]

Mr. LITTLEFIELD. I will say to the gentleman that five minutes allowed me would not be time enough to go into it.

Mr. GAINES of Tennessee. Well, I will vote to give you a whole day if you will break up this robbery. [Laughter.]

Mr. LITTLEFIELD. We did not break it up, but we did disclose many valuable facts.

Mr. GAINES of Tennessee. Give us the substance of them.

Mr. LITTLEFIELD. I have not time to do that, but I will say to the gentleman that we did not investigate specifically the price of coal in the District of Columbia. We covered the general situation more with reference to the question of transportation. We discovered that they were controlling, so far as that was concerned, the transportation.

Mr. GAINES of Tennessee. And didn't they control the amount of coal?

Mr. LITTLEFIELD. Yes; we discovered the fact that nearly every one of these railroads owned most of the coal property and that they were in a position where they could control it, and that they were in a situation where they could control not only the price, but the transportation.

Mr. GAINES of Tennessee. I hope the gentleman is in favor of railroad-rate regulation.

Mr. LITTLEFIELD. I am in favor of any proper regulation that will take care of these conditions.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. Mr. Chairman, I beg the indulgence of the committee for five minutes more.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. GAINES of Tennessee. Now, Mr. Chairman, I say it as seriously as any man can, that we have here to-day disclosed, first, the testimony that there is an "understanding between" the inside coal dealers that are holding up the Government and the outside coal dealers and railroads that are furnishing them with the coal that they will not compete, and the Government of the United States is at their mercy, and here we are paying the penalty in the shape of a $30,000 deficit. We pay the penalty, as Secretary Moody's statement a couple of years ago showed, of being held up by the steel and other trusts to the amount of $2,000,000 in a contract of $8,000,000. We appropriated $8,000,000, and he said he would not move a foot until we gave him two millions more, to overcome the damage that had been wrought by these trusts. And here comes the gentleman from Maine [Mr. LITTLEFIELD], the illustrious trust buster [laughter], and he tells us that the railroads that come to the city of Washington are controlling the coal conditions; that they not only own the coal mines, but that they are controlling the transportation of coal to the city of Washington, and now Mr. West, the District Commissioner, says there is now an "understanding between" these coal people. We know as a matter of fact, from the information given to us by the newspapers and others, the indisputable fact, that train load after train load of coal here a few years ago was held up just outside of the city limits while the people in the city of Washington were freezing to death in a land of plenty of coal, in this land of freedom, right underneath our flag, right in the shadow of the White House, and right at the doorway of this magnificent Chamber. [Applause.]

Mr. MADDEN. Will the gentleman permit an interruption? I just would like to ask the gentleman if there is any tariff on anthracite coal?

Mr. GAINES of Tennessee. Well, now, I will discuss that. There was some tariff on anthracite coal, yes; and I want to say that it was put on there, my dear sir, in such a way that a skilled surgeon like Professor Gross or Professor Agnew, or any other skilled surgeon, never cut a leg off more skillfully than that law was drawn by which foreign anthracite was excluded by the mere jugglery of words, and the people of this country pay the penalty. Mr. Secretary Moody said it was a jugglery of words by which anthracite coal was excluded, and as soon as

we put it on the free list the price of coal went down, and I voted to put it on the free list, and I will do so again if given the chance.

Mr. MADDEN. Does the gentleman maintain that the coal trust is in existence because of the tariff on anthracite coal?

Mr. GAINES of Tennessee. It is in existence because of the infamous tariff law that you gentlemen are afraid to repeal, because you know the trust will turn you across its lap and spank you in the next election if you do. [Prolonged laughter and applause.] There is no politics in this. I am very sorry that this has been brought up. There is absolutely none in it, my friend.

Mr. COOPER of Pennsylvania. Mr. Chairman, I would like to ask the gentleman if he does not think that if this restriction which exists in the District of Columbia against using any coal that produces smoke were removed, so that bituminous coal could be used, we would overcome the difficulty?

Mr. LITTLEFIELD. And lower the prices.

Mr. GAINES of Tennessee. We can live with foul smoke and fan it out of our faces, but we can not live among a gang of coal cormorants [applause] who are not only holding up the District of Columbia in the prices of coal, but all the people of this District; and they are doing it right under the nose of the Attorney-General, and I presume they did it under the nose of the Attorney-General when he was a Democrat. I can rise above, and have heretofore, party politics, I hope, when it comes to looking up fraud and punishing evildoers and putting the rascals on the inside of the bars by the majesty of the law. I say that this committee owes it to itself to pass a resolution calling upon the Attorney-General and the District officers to look after this coal trust and break it. The statutes of the United States apply here in their splendid vigor. There is no local jurisdiction to interrupt. There is no trouble, but nonaction of law officers. They have plenty of money with which to prosecute. We have given you extra officers to do it, and I believe that the Attorney-General will do it if you will only bring it to his attention. [Applause.] Right there is one of the weaknesses of our law, that you put too much on the Attorney-General, and before you get this Sherman trust law enforced as it ought to be, you have to take the responsibility off him and give the people of this country, as you do when a man steals a chicken, the right to go before the grand jury and tell of these oppressive wrongs, instead of waiting for the Attorney-General to say yes or no.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last three words.

Mr. STANLEY. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Tennessee be extended five minutes.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the gentleman from Tennessee be permitted to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES of Tennessee. I beg the pardon of the committee; I do not willfully impose upon your patience.

Mr. LITTLEFIELD. May I make an inquiry? Does the gentleman not understand that this whole question with relation to the law is being thrashed out now by the Interstate Commerce Commission?

Mr. PAYNE. Mr. Chairman, we can not hear this conversation.

Mr. LITTLEFIELD. I was asking the gentleman if he did not understand that this whole coal question was now being thrashed out by the Interstate Commerce Commission through the intervention of the Department of Justice, and largely upon a resolution or proceeding instituted by a distinguished gentleman from New York by the name of HEARST. That is the fact.

Mr. GAINES of Tennessee. What I want to say is this, that while Mr. HEARST has been abused by almost everybody, he has done more to enforce the antitrust laws of this country than any man who has yet been Attorney-General, except the one now in the Attorney-General's office. [Applause on the Democratic side.]

Mr. LITTLEFIELD. I have not abused him.

Mr. GAINES of Tennessee. I did not say you had. I am not a HEARST man for President and never was, but I can render unto Cæsar the things that are Cæsar's. He is entitled to great credit, and I say he has done more than any private citizen against these great monopolies and trusts of this country. He is the only man I ever knew who took his own private funds to enforce these antitrust laws, and he did it well and won a great lawsuit. But I am diverging from my subject more than I wish to do. I say this great money committee of the nation owes it to the District of Columbia, owes it to the people of the United States, owes it to the Treasury of the United States, to call upon the Attorney-General or the district attorney here to take up this coal combination and crush it. This done, we will do away with these regular deficiencies and the people of this District and section will have cheaper coal. We will have obedience to the law; we will have the railroads punished as well as the railroad officials.

Mr. Chairman, no guilty man should escape in this matter. We are paying the penalty right now for letting them escape. They have always escaped, I believe, under Democratic as well as Republican rule, and it should be stopped, and quickly. Now, here is your time, gentlemen, to act, and stop the Treasury of the United States and the District being gouged in any such manner by these coal cormorants. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. SMITH of Iowa having taken the chair as Speaker pro tempore, messages, in writing, from the President of the United States were communicated to the House of Representatives by Mr. BARNES, one of his secretaries, who also informed the House of Representatives that the President had approved and signed joint resolution of the following title:

On January 17, 1906:

H. J. Res. 68. Joint resolution relating to the contingent expenses of the House of Representatives.

URGENT DEFICIENCY APPROPRIATION.

The committee resumed its session.

The Clerk read as follows:

INTERSTATE COMMERCE COMMISSION.

The unexpended balance of the appropriation of $75,000 made in the sundry civil appropriation act for the fiscal year 1905 to enable the Interstate Commerce Commission to keep informed regarding compliance with the act to promote the safety of employees and travelers upon railroads, approved March 2, 1893, including the employment of inspectors to execute and enforce the requirements of the said act, is hereby reappropriated and made available for the purposes of said appropriation during the fiscal year 1906.

Mr. LITTLEFIELD. May I inquire whether this appropriation was apportioned by the Commission?

Mr. LITTAUER. That appropriation was apportioned by the Commission to the work, and the balance left over from last year was $8,200. The Commission determined that they could use it to good advantage in enforcing this safety-appliance law. They said that they could reasonably state that a thousand men may attribute their life and ability to perform manual labor each year to the operation of this safety-appliance law. They came to us with much reluctance, but they found fields where they could use a larger sum of money than the average sum allotted under the $75,000 last year, which was the largest amount so far appropriated for this work.

Mr. LITTLEFIELD. Then, if I understand it correctly, the Interstate Commerce Commission have in good faith complied with the provisions of the legislation of the last session to the satisfaction of the committee?

Mr. LITTAUER. Yes.

Mr. GAINES of Tennessee. Just a moment. I will state to the gentleman from Maine there has been some doubt as to the constitutionality of the safety-appliance law, and last year the Supreme Court held it was constitutional. They will not need all this money; hence will not spend it, but turn it back to us.

Mr. MANN. The gentleman is mistaken about that. Do you know how much this unexpended balance is?

Mr. LITTAUER. Eight thousand two hundred dollars.

Mr. MANN. I understand the Interstate Commerce Commission has eighteen examiners under the safety-appliance act. There is not a large enough number. It is absolutely impossible to keep a proper inspection of the different railroads in the United States under the safety-appliance act under the appropriation which they have heretofore had, and I suppose this is to simply increase that amount and——

Mr. LITTAUER. Increase the number of inspectors in order that the law may be better enforced throughout the country.

Mr. MANN. It is to increase the efficiency of that service.

Mr. LITTAUER. And the efficiency of this service has already been demonstrated in a less number of accidents since this inspection began.

Mr. MANN. There can be no question about that, but I hope when the committee brings in an appropriation for this purpose for next year they will bring in an appropriation reasonably large enough to really carry out the purposes of this act.

Mr. GRAFF. May I interrupt by saying the hearings show

that Mr. Moseley stated that this appropriation was not asked for the purpose of increasing the number of men? He was asked how many men they wanted, and he replied that they wanted to keep the men they had, but they did not want to push any more on the committee or the Government, but he went on to state they did need more men, but they wanted to make the increase gradually.

Mr. MANN. I do not understand.

Mr. LITTAUER. The committee has always given the Interstate Commerce Commission the full sum for which they have asked. They gave them this year $75,000, last year $65,000, and the year before last $58,000—exactly as much as the Commission estimated they would be able to use.

Mr. TAWNEY. They estimate $85,000 for this year.

Mr. MANN. I think the Interstate Commerce Commission in this case has made too small an estimate. We reported out of the Committee on Interstate and Foreign Commerce an act which recently passed, very much enlarging the work done by the Commission under this safety-appliance act. It is necessary that the railroads be inspected sufficiently to compel compliance with that act.

Mr. TAWNEY. They estimate for the coming fiscal year $85,000—$10,000 more than they estimated for the current fiscal year.

Mr. MANN. That would amount to what the current estimate and this deficiency will equal?

Mr. TAWNEY. Yes.

The Clerk read as follows:

Army general hospital, Washington, D. C.: For the construction and completion of an Army general hospital in the District of Columbia, upon the site recently acquired for the purpose, within the present authorized limit of $200,000.

Mr. PALMER. I move to strike out the last word. I would like to inquire when and where that act was passed.

Mr. LITTAUER. It was provided for in the sundry civil bill of last year and enacted into law March 3, 1905. The limit placed upon the construction of this hospital was $300,000, and $100,000 was appropriated last year. They come now and ask for the other $200,000 in order that a contract for the completed structure may be entered into. Of course, as usual, they asked us to extend the limit of cost another $100,000, but that we paid no attention to.

Mr. PALMER. I remember distinctly that it went out of the sundry civil bill on a point of order, and I would be glad to know how it got back again.

Mr. HULL. It went out of the Army appropriation bill on a point of order raised by the gentleman from Pennsylvania. It went in afterwards in the sundry civil bill, and the gentleman did not seem to catch on to the fact.

Mr. PALMER. Then it was sneaked into the sundry civil bill?

Mr. LITTAUER. It was put in the sundry civil bill by the Senate.

Mr. PALMER. That brings up an old question, that when a provision goes out of a bill in the House on a point of order, when it comes back here it is not subject to a point of order.

Mr. LITTAUER. It did not belong in the Army bill.

Mr. HULL. It was original legislation and would never belong to the Committee on Appropriations.

Mr. LITTLEFIELD. It did not belong in any bill.

Mr. HULL. It should have been reported as a separate bill by the Committee on Military Affairs before it was in order on any appropriation bill.

Mr. LITTAUER. But the bad example of the Committee on Military Affairs was evidently followed by the committee on the sundry civil bill.

Mr. HULL. The gentleman will remember that in answer to the other gentleman's question it was stated, when it comes back from the Senate we do not raise a point of order.

Mr. PALMER. Why can we not raise a point of order?

Mr. HULL. Because the Senate rules are not passed upon by the House of Representatives.

Mr. PALMER. Well, if there is one principle that is well settled it is that there is no appropriation that can be made except in pursuance to some existing law.

Mr. LITTAUER. There is existing law now.

Mr. PALMER. That law had never any right to be passed, and never ought to have been passed; and I do not believe it is good for anything.

Mr. LITTAUER. The law is there.

Mr. PALMER. It passed, as the gentleman admits, by some kind of chicanery or subterfuge or fraud, and that ends it.

Mr. PAYNE. I think it was passed because the gentleman from Pennsylvania [Mr. PALMER], the "watchdog of the Treasury," lacked a little in eternal vigilance.

Mr. PALMER. I am not a "watchdog of the Treasury," but just wanted to know how this African got into the woodpile.

Mr. PAYNE. It was competent for him to strike it out of the sundry civil bill when it came back from the Senate, and to move on the floor of the House to strike it out.

Mr. PALMER. On the contrary, I am informed by very competent authority, to wit, the gentleman who has the bill in charge, that it would not have been in order to move to strike it out on a point of order when it came back from the Senate.

Mr. LITTAUER. Or go to conference.

Mr. PALMER. How much would that amount to?

Mr. PAYNE. I do not know, with the gentleman from Pennsylvania behind it, with all his eloquence.

Mr. LITTLEFIELD. Mr. Chairman, I move to strike out the last word. I would like to inquire whether that appropriation was apportioned; and if apportioned, whether they gave any reason for any change in the apportionment, and why this $200,000 deficiency arises?

Mr. LITTAUER. I just want to read this clause from the law relating thereto:

For the purchase of a site for and toward the construction of an Army general hospital, $100,000, to be immediately available.

Now, how much did they apportion?

Mr. LITTLEFIELD. How about the $220,000 deficiency?

Mr. LITTAUER. Now, as to the $200,000:

The total cost of said hospital, including site therefor, under a contract which is hereby authorized therefor, shall not exceed the sum of $300,000.

One hundred thousand dollars was appropriated and made immediately available. This is for the other $200,000, so that a contract may be made for the completion of this building.

The Clerk read as follows:

Military prison at Fort Leavenworth, Kans.: For the following during so much of the last half of the fiscal year 1906 as may be necessary, namely: For 1 clerk, at the rate of $1,800 per annum; 1 clerk, at the rate of $1,400 per annum; 1 clerk, at the rate of $1,200 per annum; 5 foremen of mechanics, at the rate of $1,200 per annum each; 1 engineer, at the rate of $1,200 per annum; 1 teamster, at the rate of $720 per annum; 4 teamsters, at the rate of $360 per annum each; 2 night watchmen, at the rate of $360 per annum each; 1 fireman, at the rate of $720 per annum; extra-duty pay for prison guard, $1,140; in all, $8,740, or so much thereof as may be necessary.

Mr. LITTLEFIELD. I move to strike out the last word, so as to find out if these are new offices that are created, and if not, under what circumstances this deficiency arises.

Mr. LITTAUER. These are new offices, and created because of the conditions there. We had an old Army prison at Fort Leavenworth which was turned over to the Department of Justice, pending the erection of a new prison. The prison under the control of the Department of Justice is now completed and they desire to turn back to the Army the old prison. The Army state they need it immediately to hold their own prisoners and give a good reason why these new officers should be appointed, as they desire to have their prisoners segregated from the prisoners at the posts, so as to keep them from having a demoralizing effect on the soldiers at those places.

Mr. TAWNEY. The law requires that the prison be turned back to the Army.

Mr. LITTAUER. Moreover, when this old prison is turned over to the Army and is opened they will require there, besides the military people, a certain number of clerks, the clerk of the prison and a number of his assistants, to take care of the ordinary business of the prison.

Mr. LITTLEFIELD. So that these are permanent officials?

Mr. LITTAUER. They are permanent officials.

Mr. LITTLEFIELD. I think I understand. This is an additional clerical force.

Mr. LITTAUER. Those included in this bill.

Mr. LITTLEFIELD. It is legislation, of course, but I shall make no objection to it, although it would be subject to the point of order.

Mr. TAWNEY. I would say to the gentleman from Maine that these officials heretofore have been under the Department of Justice. All those men who were employed in that prison under the Department of Justice have gone to the new prison and are employed by the Department of Justice at this time. The War Department must take possession of this old prison, and will reoccupy it again for its prisoners, and these officers are absolutely essential to the occupancy of the building or buildings by the War Department and the administration of the affairs of that Department.

Mr. LITTLEFIELD. This is new legislation.

Mr. LITTAUER. It is not new legislation. This prison was formerly in existence and was transferred to the Department of Justice. Now it is to be turned back to the War Department, and it is necessary to have these officials to take up the work there at the prison.

Mr. LITTLEFIELD. Independent of the legislation they

would not have the officials and no right to employ them, would they?

Mr. LITTAUER. No.

Mr. LITTLEFIELD. I do not raise the point of order against it. I think the gentleman's explanation is adequate. I wanted to know the facts.

Mr. MORRELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Page 12, line 16, insert the following: "The sum of $10,551.30 for the payment of injuries and damages caused by the explosion of detonating fuses on February 5, 1903, near Frankford Arsenal, Philadelphia, Pa., as found by a board of officers convened for the purpose."

Mr. LITTAUER. I make the point of order against that amendment, Mr. Chairman.

Mr. MORRELL. I trust the gentleman will withhold his point of order for a moment.

Mr. LITTAUER. I will reserve the point of order.

Mr. MORRELL. Mr. Chairman, I wish to say that all these people—I have their names here enumerated—who were injured, and one was killed outright, by this accident, which occurred in my district, are very poor people, dependent upon the labor of their own hands for their support. Many of the mothers of the children who were injured were dependent upon them for their subsistence. Surely there can be no more urgent deficiency than a debt like this. I have endeavored to get this matter before Congress for three years, ever since this accident occurred, but without success. Now, we all know what it will mean if this is relegated to the Court of Claims. These people will not get the money; besides they have not enough money to bring suit in the Court of Claims against the United States. I earnestly trust, Mr. Chairman, that gentlemen in charge of this bill will out of charity to people who really need this money, not make the point of order against it. I really feel that here is a chance, where we are appropriating hundreds of thousands of dollars, nay, millions of dollars, that we ought at least to take care of people who have through no fault of their own been injured by defective shells belonging to the War Department of the Government, to which we are now appropriating large sums of money under this bill.

Mr. LIVINGSTON. If the gentleman does not make the point of order, I will.

Mr. MORRELL. Now, this matter was referred by the Secretary of the Treasury and was taken up by the Judge-Advocate-General, who in his report quoted precedents where legislation of a similar character had been enacted. For instance, when there was the explosion of a caisson in Chicago at the time of the Chicago riot, similar legislation was introduced and passed. This is a case, as I said before, where these people are actually in need, and I think it a disgrace to this Government that they should not be paid, particularly after a review of the case has been carefully made by the Judge-Advocate-General, where precedents have been cited, and where it has been recommended by the Secretary of the Treasury. I do hope and earnestly request that my friend from New York will in this instance be charitable and begin the new year aright by giving these people the little that belongs to them and which they really stand in need of.

Mr. LITTAUER. Mr. Chairman, I must renew my point of order, without any——

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

National trophy and prizes for Army and Militia: For the purpose of furnishing a national trophy and medals and other prizes to be provided and contested for annually, under such regulations as may be prescribed by the Secretary of War, said contest to be open to the Army and the National Guard or organized militia of the several States, Territories, and of the District of Columbia, and for the cost of the trophy, prizes, and medals herein provided for, being for the fiscal year 1904, $756.

Mr. HULL. Mr. Chairman, I want to reserve a point of order on this paragraph; not on the language of the bill, but on the hearings under which the appropriation was made. I know this is rather a peculiar way to make a point of order.

The CHAIRMAN. The hearings are not before the Chair.

Mr. HULL. I should like to have the gentleman tell the House why the committee made this appropriation.

The CHAIRMAN. The gentleman from Iowa moves to strike out the last word.

Mr. LITTAUER. The Army act of 1903 carried an appropriation for national trophy prizes for Army and militia to the amount of $2,500. The Army act did not provide for the expenses contingent to carrying on the competition. The War Department at that time had no range under its control to carry on such a competition, and consequently utilized by invitation the rifle range at Sea Girt, N. J., and there incurred certain expenses for scorers, markers, and statistical officers, and so on, necessary to conduct the competition. Consequently this deficiency, if so it can be called, comes before us here—a deficiency incurred in carrying out a work under the law.

Since that time the War Department has completed a range of its own, and all contingent expenses are now cared for out of various Army appropriations.

Mr. HULL. Mr. Chairman, I do not believe it is in any sense a deficiency, but the language of the bill is undoubtedly in the line of what would be a deficiency, and I think, in place of saying anything on the point of order or instead of making a point of order, I will move to strike out the item, and I want to give my reason for that.

The CHAIRMAN. The gentleman moves to strike out the section.

Mr. HULL. Yes.

Mr. TAWNEY. Will the gentleman from Iowa permit an interruption?

Mr. HULL. Certainly.

Mr. TAWNEY. I have here the testimony of Captain Hutcheson on that item, on page 82 of the hearings:

It was an obligation incurred by the National Government. The cost of maintaining the range for the two or three days during which it was in use by the War Department for the purpose of allowing these teams to compete for this prize was naturally a charge against the Government. Personally I had nothing to do with the national board that year. The appropriation was $2,500 only, and, as I say, it being the first year, and this proposition being in its first inception, they overran their money. They had their money all spent for the trophy and had nothing left to pay this legitimate account for expenses.

Mr. HULL. Mr. Chairman, I think I am somewhat familiar with this whole question. Parties interested in marksmanship came to the Military Committee in 1903 and asked for an appropriation for medals to be competed for at a regular annual rifle meet. The statement was made and has been held ever since then that the whole amount went for the medals. Now I understand, two years after this has taken place, there is an appropriation asked for in this Congress, not for medals, but to help to keep up a rifle range. They speak about the Government not having a range then that they could use for this purpose. The Government has no range now accessible that they can use, and they used the Seagirt range on the invitation of the National Guard Association of the State of New Jersey and of the United States. It never was intended that the Government should pay anything out of its funds for the maintenance of the range, and there was no additional expense on account of this. They had these competitions, they had the shooting for prizes, they had all their paraphernalia of a contest between the Marine Corps, the Regular Army, and the National Guard, and all that Congress intended to do or did do, either then or since that time, has been to provide additional trophies to be shot for, and nothing else. If you pass this appropriation it will be an entering wedge for other appropriations for the last two years to pay the expenses of conducting the shoot. I do not know that I would object to doing that, but I want to do it openly and aboveboard, knowing what we are doing. Let them come before Congress and give the reasons why we should pay those expenses, and let Congress determine whether to do it or not.

Mr. LITTAUER. I would like to ask the gentleman from Iowa if when this competition, covered by these items of deficiency, took place the Government had a rifle range suitable to conduct the competition for these trophies?

Mr. HULL. Just as much of a rifle range as it has now.

Mr. LITTAUER. Was the rifle range at Fort Riley?

Mr. HULL. They have had one at Fort Riley for the last five years.

Mr. TAWNEY. Why did the gentleman's committee appropriate $10,000, then?

Mr. HULL. Because we have improved it tremendously.

Mr. LITTAUER. Was it in a fair shape for troops coming from all over the United States?

Mr. HULL. It has been improved, and so have others. Let me ask the gentleman from New York if these shoots were at Fort Riley last year?

Mr. LITTAUER. I believe they were at Fort Riley, according to the testimony we have.

Mr. HULL. They were at Sea Girt. I was invited to be present, and am sorry I could not attend.

Mr. TAWNEY. The Committee on Military Affairs gave them $4,000 instead of $2,000, and the expenses have all been paid.

Mr. HULL. Now, under this provision, if this is anything it is a claim; it is not a deficiency.

Mr. LITTAUER. A part of it is to make up a deficiency.

Mr. MANN. I was going to ask whether this was an audited claim.

Mr. HULL. I think not; it has gone on for two years be-

fore they thought of it. They had a good time last year, and they said, "We will make this up to you."

Mr. LITTAUER. According to testimony before the committee, it is to make up the amount of deficiency for cash prizes.

Mr. HULL. We limited them to $2,500, and that is all they asked for. I submit to this House that when Congress passes an act and says how much they shall have they can not go out and spend twice as much and then come in here and get the balance of it under a deficiency appropriation.

Mr. SHERLEY. Mr. Chairman, has a point of order been reserved on this item?

The CHAIRMAN. No point of order has been reserved.

Mr. HULL. My motion was to strike out the provision.

Mr. SHERLEY. Then I desire to make a point of order.

The CHAIRMAN. It is too late to make a point of order. The gentleman from Iowa distinctly stated that he made the point of order against the hearings and not against the wording of the bill, to which the Chair responded that the hearings were not before the Chair, and the gentleman from Iowa moved to strike out the provision, and has been discussing the motion to strike out.

Mr. SHERLEY. Mr. Chairman, I would like to ask the gentleman from Iowa whether he considers a claim of this kind of any higher dignity or whether it has any more right on an appropriation bill than a claim for the payment of damages incurred at West Point, Ky., as a result of the Army maneuvers?

Mr. HULL. I do not think it has anywhere near as much right.

Mr. SHERLEY. I want to call the committee's attention to the fact that such an amendment was offered last session and objected to on the ground that it should go before the Committee on Claims. It seems to me this is the same character of a claim and ought to go there, as the other did.

Mr. HULL. If this was in order at all, it should have been brought in shortly after the maneuvers were held. They must have known of it then, and it was never thought of until the maneuvers were held last year.

Mr. LITTAUER. It was asked for as early as June 21, 1904, and the only reason that your committee have for inserting it is that this was at that time a new project. Two thousand five hundred dollars have been appropriated for prizes, and, according to the statement of those before us giving information on the matter, there was no place to hold this competition, and they willingly accepted an invitation of the people at Sea Girt.

Mr. HULL. It was understood where they were going to hold it when the appropriation was made; it was fairly understood then. I can see no reason on earth why they should go back and take it up now.

Mr. SHERLEY. Mr. Chairman, I move to strike out the last two words. I want to say this in regard to this particular item. It may be a perfectly just item, but I do not believe an item of this kind ought to be put in an appropriation bill in this way simply because it happened to appeal to the committee, when other claims of equal dignity have no consideration. It is absolutely impossible, as every Member of this House knows, to get an ordinary claim, no matter how equitable it may be, through the Committee on Claims, and then through this House and the Senate, so as to become a law. The result is that an effort is often made to put them on appropriation bills of this nature. I have no objection if there was any sort of equity in the thing, but I have many times seen a refusal on the part of that committee to permit claims of a similar nature and of higher dignity than this to go upon appropriation bills.

And yet they come in here with no other excuse for breaking their universal rule than to say that they consider that this is a proper claim. Had I known that the point of order had not been saved I should certainly have saved it and then have made it, and I desire now to express the hope that this House will not permit this committee to disregard its own rule whenever it suits them and to then deny to individual Members not on the committee the power to put claims of this kind into an appropriation bill. I say that without meaning, of course, any reflection upon the committee, but because there is a principle involved. If the Committee on Appropriations is going to stick to that rule and relegate us to the Committee on Claims all the time, let it eat the food of its own making.

Mr. TAWNEY. Mr. Chairman, in reply to the gentleman from Kentucky I will say that this is not a claim. Congress has authorized this contest for these medals, and Congress appropriated $2,500 for that specific purpose. Now, there should be, and there is, a certain comity between the States and the Federal Government. The purpose of this law was to bring the National Guard of the States in contact with the Army officers in a contest of marksmanship. The War Department appoints a board to attend at this contest. The militia officers of the State of New Jersey, the Government not having a suitable place in which to carry on this contest, invited the Government there for the purpose of holding the contest, and I shall read what Captain Hutcheson says:

> I was not a member of the board at that time, but I fancy they were invited to go over there because there was no other range in the United States at that time big enough to accommodate so many.

Now, these delegations come from every State in the Union, and it requires very large accommodations. For that reason they selected this. The items which make up this deficiency, of course, are here. The authority being given for the holding of this contest, it necessarily carried with it the authority to employ all of the help that was necessary in order to carry it out. The items are as follows: There were three statistical officers for two days. It was an organization of the National Rifles Association. There were also two armorers for two days. The first cost $60, and the two armorers were $7.64. Scorers and markers, two days, $192; subsistence of officers on duty, two days, $80; entries and pools, carbine team, United States Army, $120.50; 96 targets, $104; amount advanced to make up deficiency, $2,500; cash prizes, $192.50; total, $756. Every one of these items here are items that are properly chargeable to the doing of that which Congress had authorized and for which it failed to make a sufficient appropriation. Therefore it is not a claim, but it is an actual deficiency.

Mr. SHERLEY. Mr. Chairman, before the gentleman takes his seat I would like to ask him if he recalls the action of Congress in authorizing Army maneuvers at various points in America, among others at Westpoint, Ky.?

Mr. TAWNEY. I understand there was an act of that kind.

Mr. SHERLEY. The gentleman recalls that there was damage done to the farms and crops on the farms of that section of the country and that the War Department appointed a commission——

Mr. TAWNEY. This is the first information I have had on that subject.

Mr. SHERLEY. Then I should like to tell the gentleman that the War Department authorized a commission to adjust the amount of damages. They did adjust it. They reported the amount, and yet the committee of which the gentleman is chairman refused to permit a claim of that kind, identical with the claim that the gentleman has here—on all fours with it; it had been authorized by Congress—to go upon this appropriation bill, and referred us to the Committee on Claims.

Mr. TAWNEY. Mr. Chairman, I have the utmost respect for the gentleman's legal attainments, but he must certainly see a distinction between a claim for damages occasioned in the carrying out of that which Congress may have authorized and an appropriation for the payment of a part of the expenses in the doing of that which Congress has authorized.

Mr. SHERLEY. Mr. Chairman, it is useless to discuss the point of order. The gentleman well knows that if it was in order to make it we would not have to discuss the merit of the provision very long. The point I want the committee to understand is that the Committee on Appropriations is making a rule for the rest of the House that when it suits its purpose it disregards.

Mr. MANN. Mr. Chairman, it seems to me the gentleman from Kentucky [Mr. SHERLEY] is unjust to the Committee on Appropriations. I suppose they can not very well defend themselves—in fact, they do not need any defense—but the gentleman is entirely mistaken, because that gentleman makes here clearly a claim, without any question, against the Government for damages. It is not only a claim, but it is not a legal claim, one which can not be enforced against the Government except by the grace of Congress.

Mr. SHERLEY. Can any claim be enforced except by grace?

Mr. MANN. Why, certainly; most claims can be enforced against the Government through the Court of Claims; probably this claim can be. It is not a matter of grace at all. While it requires an appropriation by Congress, it is not a matter of grace from Congress to pay a bill that Congress is obligated to pay under the law. There is no matter of grace about it at all; but a claim for damages against the Government is purely a matter of grace because there is no law providing for the payment. Now, whether this should be paid or not I do not know, but the Committee on Appropriations is not subject to the criticism which the very distinguished and able lawyer from Kentucky has made and which he will appreciate as well as anybody if he stops and reflects, but I would like to ask the gentleman in charge of the bill why this amount did not come in before?

Mr. LITTAUER. Why it did not come in before I can not tell, but it did come in this year with the approval of the Secretary of War.

Mr. MANN. But the gentleman from Iowa charges that it never was thought of until last summer.

Mr. LITTAUER. I have a letter here before me dated Passaic, N. J., June 21, 1904, wherein request is made for this repayment to the New Jersey State Rifle Association.

Mr. FITZGERALD. Mr. Chairman, I agree thoroughly with the gentleman from Kentucky [Mr. SHERLEY] that the Committee on Appropriations, of which I am a member, should not incorporate upon appropriation bills items in violation of the rules of the House. I have prevented it doing that before I was a member of the committee, and I shall, as far as I am able, prevent it from doing it in the future. The work of the Committee on Appropriations is to make appropriations in pursuance of laws already in existence. Now, if the gentleman from Kentucky will give me his attention for a moment, this item incorporated in this bill is to provide for incidental expenses of a rifle match that was authorized by Congress. Had it been known when this match was authorized that these expenses incident to the proper conduct of it would have been incurred provision would undoubtedly have been made at that time for their payment. This item does not now come here for the first time. It was sent by the authorities of the State of New Jersey to the Secretary of War last year. Instead of communicating with the Committee on Appropriations he had somebody, if I am correctly informed, introduce a bill to reimburse that State, and in the great mass of bills which are introduced here from year to year that bill was lost. The amendment of which the gentleman from Kentucky is complaining because it was ruled out on the point of order is in an entirely different category. Congress authorized the holding of Army maneuvers, and I am certain that if anybody had imagined that as a result of those maneuvers great damage would have been done to the farms or other property of private citizens of the country the maneuvers would not have been authorized.

Mr. SHERLEY. They not only contemplated, but stipulated with these people that they would pay for any damage that was done, and the Government has not kept its word.

Mr. FITZGERALD. I think the gentleman is mistaken. Congress did not make that stipulation. It may have been a stipulation by somebody in the Department who had no authority to make the stipulation, but nobody in this House, so far as I know, knew that these damages would result. Most of those who were Members of the House supposed that the maneuvers would be held in those parts of the country where no damage would result. I am quite confident that this item now under consideration is properly in the bill, and I do not think it is subject to the criticism which the gentleman from Kentucky levels at it.

Mr. HULL. One minute, Mr. Chairman. I would like to ask the gentleman from New York when the War Department called the attention of Congress to this appropriation. He says New Jersey called it to the attention of the War Department in 1904. When did the War Department think it was a good thing to send up here?

Mr. LITTAUER. As far as I know, sir, on December 5, 1905; but it had been before the War Department since June 21, 1904.

Mr. HULL. Mr. Chairman, one word further. The gentleman from Minnesota says that the appropriation for medals carried with it whatever was necessary to conduct the contest. Now, Mr. Chairman, I want to submit to this House that when that question was before the Committee on Military Affairs it was specifically stated that the whole amount of money could go to medals and that the contest would take place and this would be simply an additional incentive for men to do their best. We made the same appropriation last year and the year before, increasing the amount.

Mr. LITTAUER. Why did you raise it to $4,000 the year following?

Mr. HULL. Because they said they wanted to give better prizes.

Mr. MADDEN. If it was proper and legitimate to make it $4,000, what is the objection to this?

Mr. HULL. The language of the appropriation was not changed, as I remember, and it was never claimed that a dollar of it went to anybody except to purchase the medals and prizes to be shot for. Take the National Guard of my own State. There they have an annual meet. A great many gentlemen have given prizes. It stimulates the desire of the militia to qualify as expert marksmen. But no one that made a present of a prize ever dreamed that he would have to pay part of the expense of conducting the shoot.

Mr. TAWNEY. The State does that.

Mr. HULL. The State does that, and the State and the War Department together conducted this, and if we had not appropriated a cent in the way of additional inducements for these parties to compete they would have conducted the contest just the same for everything except the shoots for the special prizes. There would have been as many shots fired and as much time expended. Mr. Chairman, it seems to me that in so sense is this a deficiency. In no sense should it have been in this bill, and if the language——

Mr. TAWNEY. Let me ask the gentleman this question——

Mr. HULL. If the language had been framed to pay the money for the purposes that the gentleman from New York says it is to be paid for, a point of order would have laid against it; but the language is so adroitly put in here that it does not disclose what it is to be paid for. The hearings only tell that. The bill is simply the same as the original act making the appropriation of $2,500.

Mr. TAWNEY. Does not the gentleman admit that the sum of $192.50 paid is a deficiency in the original appropriation made for the cash prizes?

Mr. HULL. I do not recognize that they have any right to exceed the appropriation.

Mr. TAWNEY. There is no law of that kind. Congress gave them what they asked for, namely, $2,500. If you allow them to exceed $2,500 you can allow them to exceed $100,000.

Mr. MADDEN. Would not that be true in other instances?

Mr. HULL. This is not a law providing for the current expenses of the Government. It is a specific thing for a specific purpose. I hope the committee will strike it out.

Mr. PRINCE. Mr. Chairman, I desire to speak on the amendment.

Mr. LIVINGSTON. Mr. Chairman, I make the point of order that the limit on this paragraph, twenty minutes, has been reached.

The CHAIRMAN. The Chair did not understand the gentleman.

Mr. LIVINGSTON. I made the point of order that the limit on this paragraph has been reached.

The CHAIRMAN. There has been no debate on the motion to strike out the last word. The Chair recognizes the gentleman from Illinois [Mr. PRINCE] for that purpose.

Mr. PRINCE. On page 83 of the hearings we find this:

Mr. LITTAUER. Was this entirely expended for medals?
Captain HUTCHESON. In that particular year it was.
Mr. LITTAUER. The act only refers to expenditures for medals.
Captain HUTCHESON. The first act did, Mr. Chairman.

Now, what was the purpose of this appropriation? Solely for medals as prizes at Seagirt. There was no purpose at the time when this appropriation was made and these gentlemen appeared before the Military Committee to use this money for any other purpose than for medals. Two years have passed, and now they come in. We are criticising men for asking for appropriations, and asking too much. There is a greater necessity for this criticism when men come before a committee and ask money for a certain purpose and then want to use it for some other purpose. It seems to me if there ever has been presented to this committee a proposition that they ought to vote in favor of, it is to vote in favor of striking out this claim in effect. I hope that the committee of this House will stand by the chairman of the Committee on Military Affairs and the members of the committee when they say that the purpose for which this money was appropriated was one thing, and that they now seek to use it in a deficiency for another and distinct purpose. It is time for the House to stand by the committees and insist that when money is appropriated for a purpose they shall not come into this House and seek to use it for something else.

The CHAIRMAN. The time for the debate on this amendment has closed. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa, to strike out the section.

The question was taken; and the Chair announced that the noes seemed to have it.

Mr. HULL. Division, Mr. Chairman.

The committee divided; and there were—ayes 24, noes 31.

So the amendment was rejected.

The Clerk read as follows:

Payment to Indiana State board of agriculture: To pay the Indiana State board of agriculture the actual value of the use, occupation, and damage to their property by the United States military authorities for Government purposes during the war with Spain, as ascertained under the act approved April 7, 1904, and reported to Congress in House Document No. 48 of this session, $7,431.88.

Mr. SHERLEY. Mr. Chairman, I raise the point of order against that paragraph.

Mr. ALEXANDER. I want to ask the chairman of the Committee on Appropriations this question: Has the Comptroller of the Treasury been before your committee in regard to these deficiency appropriations?

Mr. TAWNEY. He has not.

Mr. ALEXANDER. Under the law that prohibits a head of a Department from expending more money than is appropriated, how is it possible, if the Comptroller of the Treasury discharges his duty, that he can give warrants to use that money?

Mr. TAWNEY. Some of these appropriations are for fiscal years preceding the year when the law was enacted.

Mr. ALEXANDER. I understand that.

Mr. TAWNEY. Some of them are anticipated deficiencies for the current fiscal year. The deficiencies for the fiscal years 1904 and 1905 the law does not apply to.

Mr. ALEXANDER. When did this law pass?

Mr. TAWNEY. By the last Congress. Now, the deficiencies for the fiscal year 1906, to which this law applies, have not occurred, except perhaps in a very few cases, such as the appropriation for fuel for the schools of the District of Columbia. I do not know that that yet exists, but there are anticipated deficiencies—deficiencies that will occur before the end of the fiscal year—and they are carried in this bill.

Mr. ALEXANDER. Then I understand the chairman of the Committee on Appropriations to say that none of these deficiencies have been created since the law was passed.

Mr. TAWNEY. That is my recollection, I would say to the gentleman from New York.

Mr. ALEXANDER. So that it would not come before the Comptroller of the Treasury for action?

Mr. TAWNEY. No.

Mr. STERLING. I move to strike out the last two words. I would like to ask the gentleman in charge of the bill with reference to the paragraph just read, "Payment to Indiana State board of agriculture." Is it usual for States to make claims of that kind where the Army has occupied State buildings?

Mr. LITTAUER. I would say that this is not subject to the point of order, because we have not been authorized by law to consider this matter.

Mr. STERLING. I presume that nearly every State could make similar claim. Have other States made claims like this one?

Mr. LITTAUER. None have been before us.

Mr. TAWNEY. Congress passed a law authorizing the adjudication of this claim, and the law required the amount found to be due to be certified to Congress for payment.

Mr. HEPBURN. What was the claim?

Mr. TAWNEY. The claim is for the use of grounds by the Government at the time of the Spanish war.

Mr. LITTAUER. This is simply an amount sent to us in accordance with the law requiring that this claim should be adjudicated. It has been adjudicated under the act passed April 7, 1904, entitled "An act for the relief of the Indiana State board of agriculture." The Assistant Secretary of War, under the terms of the law passed in April, 1904, investigated and reported to the Secretary of the Treasury that this amount was equitably and justly due to the State board of agriculture for the use of, occupation, and damage to this property in accordance with the law.

Mr. STERLING. I assume that the property used and occupied were the buildings on the State fair grounds. Is that true?

Mr. LITTAUER. I do not know about that. I know that the law directed that this should be done, that these findings should be made, and have been made by the Assistant Secretary of War and reported to the committee.

Mr. TAWNEY. We know nothing about the merits of the claim. That was considered by the Congress that authorized the Secretary of War to adjudicate the claim.

Mr. STERLING. One more question. Is the amount itemized? How much is given for the use and occupation of the property and how much for the damage?

Mr. LITTAUER. It simply reads that the Secretary of War has directed the case to be investigated by the Quartermaster's Department, the circumstances, character, and extent of the alleged use, occupation, and damage by the United States military authority, and then gives the final awarding, which is certified to the Secretary of the Treasury as to the amount which is equitably due to the State of Indiana board of agriculture, as to the reasonable value of such use, occupation, and damage. The Secretary of War acted under that law, and we are simply advised of the amount, and the estimate for the amount is stated in the bill. It comes to us as a certified deficiency.

Mr. BURLESON. The Quartermaster-General's Department "finds the amount of $7,431.88 is equitably due the said Indiana State board of agriculture, as the reasonable value of the use, occupation, and damage to the same."

Mr. STERLING. Has the amount been paid?

Mr. LITTAUER. No; we are attempting to appropriate for it now.

Mr. STERLING. I assume they come here for these items that have already been paid and they are covered in this bill. Is not that true?

Mr. TAWNEY. No; how can they be paid until an appropriation is made?

Mr. STERLING. With reference to the item for this portrait, that has already been paid.

Mr. LITTAUER. It was paid out of the contingent fund. The contingent fund had sufficient money in it to pay that, and now they come to us for an additional appropriation in order to restore the amount that has been taken out of the general contingent fund.

Mr. SHERLEY. I raise the point of order.

The CHAIRMAN. The gentleman from Kentucky raises a point of order, which he will state.

Mr. SHERLEY. I reserve it for a moment.

The CHAIRMAN. The gentleman reserves his point of order.

Mr. STERLING. I wish to ask another question. I asked the chairman a question on Saturday with reference to one of these items covered in the provisions of this bill that has been paid. What would be the result if Congress refuse to allow that item, striking that item from the bill?

Mr. LITTAUER. After a payment has been made, by refusing further amounts of deficiency you compel the Department to live within the sums already appropriated.

Mr. SHERLEY. Mr. Chairman, I make the point of order that this is not a deficiency. It is like any other claim against the Government, and there is no reason why it should be included in a deficiency appropriation bill.

The CHAIRMAN. The Chair overrules the point of order. It is the character of claim or item that it is customary to put into deficiency bills. It has over and over again been held that such an item is in order on a deficiency bill. The Clerk will read.

The Clerk read as follows:

MILITARY ESTABLISHMENT—PAY DEPARTMENT.

For mileage to officers and contract surgeons, when authorized by law, $50,000: *Provided*, That out of the sum herein appropriated mileage shall be allowed in accordance only with the following rule in cases where the station of an officer is changed while he is on leave of absence, to wit, that he shall be allowed mileage on joining his new station for the distance to the new station from the place where he received the order directing the change: *Provided*, That the distance is not greater than that from the old station to the new station; but if the distance be greater he shall be entitled to mileage for a distance equal to that from the old to the new station only.

Mr. LITTLEFIELD. I raise a point of order. I should like to have the Chair rule on it after I make an inquiry. I am not familiar with the law. On the face of it this proviso is legislation. Is there any law now that provides for mileage under those circumstances? If not, it is new legislation. I do not know anything about it.

Mr. TAWNEY. I will state to the gentleman that there is a law governing the payment of mileage to commissioned officers and contract surgeons. Until a few months ago the officer, when on leave of absence, receiving an order assigning him to a new station could not collect mileage and did not collect mileage from the point where he received the order to the new station; but under a recent ruling by the Comptroller of the Treasury Department the officer is held to be entitled to his mileage now from the point where he receives the order changing his station to the new station, instead of mileage from the old station to the new station, as theretofore.

Mr. RICHARDSON of Alabama. Will the gentleman permit a question right there——

Mr. TAWNEY. The purpose of this is to limit the expenditure of this appropriation to the payment of mileage to the point where he receives the order directing him to go to the new station, provided the distance from that point to the new station is no greater than from the old station to the new station. For example, the Paymaster-General informed the committee that this decision of the Comptroller has cost the Government of the United States, on account of additional mileage, an amount, in his judgment, equal to about $20,000, which otherwise the officers could not have collected or would not have received. Under the present practice if an officer is on leave in San Francisco and his station is Fort Riley and he receives an order while in San Francisco to go to some station in Maine he collects mileage from San Francisco, although he is there on his own business or on a vacation. He collects mileage from San Francisco to Maine, whereas under this limitation he could only collect from Fort Riley, the place of his then station or the one that he recently left, to the new station to which he has been assigned; and to that extent it is a limitation upon the expenditure of this appropriation.

Mr. LITTLEFIELD. Although in effect a change of law, under the explanation of the gentleman I would withdraw the point of order in any event, because I think it is a good provision.

I withdraw the point of order now.

Mr. RICHARDSON of Alabama. Mr. Chairman, I move to strike out the last word in order to get some information from the gentleman from Minnesota [Mr. TAWNEY]. I do not think from the reading of this paragraph that you have established a standard of such justice as the Government ought to administer to its officers. I can not understand the theory or sense of justice which prevails in this rule, which declares that when an officer of the Federal Army, as is frequently done, goes to his home, knowing that he is going to receive an order to change stations, why you should punish him for exercising his natural affection in going to see his people before he goes to the new station that he knows he is going to be assigned to, knowing that the notification of it will come to him while he is at home enjoying his leave of absence. This rule requires him not to be allowed any mileage from his home to the new station, but he must be allowed mileage only according to the distance from the old station to the new one. In a great many instances that would operate to do very great wrong and very great injustice. It looks to me as though, the officer being at his home with the consent of the Government on a leave of absence, the Government should be liberal and fair enough, if the distance from his home where he receives the notice of the change of station is greater than that from the old station to the new station, that he ought to be allowed, in justice and fairness, the additional mileage, because he is there with the consent of the Government. He has received permission to go there. And it looks to me as though the House of Representatives, Mr. Chairman, ought to be quite liberal on that line about mileage. It is a cheeseparing business that it seems to me the Government ought not to enter into.

Mr. MACON. Does the gentleman from Alabama think it a proper thing to do, if an officer is stationed in New York for the time being and is aware of the fact that in a very short time he is going to be changed to Chicago, his family being at El Paso, Tex., that he should be paid mileage if he packs up his traps and goes down to El Paso to see his family and be prepared to receive the change?

Mr. RICHARDSON of Alabama. If the Government gives him leave of absence on application and he goes home, and while stationed at his home notice comes that his station has been changed, I think equity, justice, and fairness ought to give him an additional mileage from the point where he receives his notice to the station where he is assigned. I believe it is only fair and just. Of course you may state a condition of facts that might imply fraud. Such is not in my contemplation.

Mr. MACON. The Government pays mileage to its Representatives from their homes to Congress. Suppose the gentleman's family had gone to California and he desired to see them just before coming on to Washington on the first Monday in December, does he think it would be right for the Government to pay his mileage from California to Washington?

Mr. RICHARDSON of Alabama. That does not apply to this case at all. There is no similitude whatever in the question the gentleman from Arkansas [Mr. MACON] asks and what I am contending for. A Congressman asks for no furlough.

Mr. MACON. If that would not be right, why should you pay an officer who had done a similar thing?

Mr. RICHARDSON of Alabama. Now, Mr. Chairman, I should like to hear an explanation in full from the gentleman in charge of the bill. He must have a good reason for putting this in. I do not know what it is, but I would like to hear it, and if not, I want to offer an amendment.

The CHAIRMAN. Does the gentleman from Alabama withdraw his pro forma amendment?

Mr. RICHARDSON of Alabama. Yes; and I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Strike out from and including the word "*Provided*," at the end of the twenty-first line, down to and including the word "only," at the end of the twenty-fifth line.

Mr. HULL. Mr. Chairman, I want to make a parliamentary inquiry. If that amendment is voted down, would a motion to amend that section still be in order?

The CHAIRMAN. This is simply an amendment changing the section. If that is voted down, another amendment would be in order.

Mr. HULL. But this is an amendment to strike out the last proviso.

The CHAIRMAN. If the gentleman from Iowa desires to offer an amendment perfecting the proviso, he must offer it now.

Mr. HULL. And if the amendment of the gentleman from Alabama is voted down, my amendment perfecting the proviso would not be in order?

The CHAIRMAN. No. The gentleman from Iowa desires to perfect the proviso which the gentleman from Alabama moves to strike out.

Mr. HULL. Mr. Chairman, I desire first to ask a question, and then, perhaps, I may not want to offer my amendment. Under this proviso has the Government protected itself under the provisions of the appropriation bill that it must be computed by the shortest usual traveled route? Does the gentleman from New York think that this language would cover it? And in that same connection, the provision for mileage in appropriation bills contains a provision taking into consideration the land-grant railroads—that is to say, a man under orders from here to San Francisco would get mileage by the nearest usual traveled route and have a deduction of 50 per cent on all bond-aided or land-grant railroads.

Mr. LITTAUER. Such a provision would still be maintained, unquestionably, and as to the shortest route between the old station and the new, I would take it for granted that there would be no real force in the provision if it did not mean by the shortest route.

Mr. TAWNEY. I will state, in addition to what my colleague on the committee has said, that this proviso does not change the existing law for the payment of mileage out of any appropriation heretofore made or that may hereafter be made, and in so far as it is a limitation on this appropriation, the same laws and the same construction of laws would apply, with the exception of an officer on leave receiving an order changing his station, which to-day is construed that he is entitled to mileage from the new point to the old. When he is allowed mileage under this limitation, it would have to be construed under existing law—that is, he would be entitled to mileage travel by the shortest route of travel; there is no question about that.

Mr. RICHARDSON of Alabama. Does the gentleman mean to say that striking out the proviso, as my amendment does, does not affect the preceding provision?

Mr. TAWNEY. Of course it affects the preceding provision. The preceding appropriation is an appropriation of $50,000. Now, at the present time, in view of the amendment offered by the gentleman from Alabama, I may be pardoned for saying that when an officer is on leave he is away on his own business, or away on a vacation for recreation; he is not at that point on the business of the Government. Now, then, why should the Government pay his expenses back to the old station, as the gentleman from Alabama suggests, or why should the Government pay him 7 cents a mile from the point where he has received the order directing him to go somewhere else, providing that distance is greater than the distance between the old station and the new, which he would otherwise have to travel on the business of the Government?

Mr. RICHARDSON of Alabama. Does the gentleman not recognize this theory and practice in military matters of the Government, that it has occurred that when men were absent on furloughs things have occurred that allowed them to come in as participants in various funds, pensions, etc.?

The CHAIRMAN. The time of the gentleman has expired.

Mr. KEIFER rose.

The CHAIRMAN. The Chair in fairness thinks that he should first recognize the gentleman from Alabama [Mr. RICHARDSON].

Mr. HULL. Mr. Chairman, I desire to offer an amendment before we vote on this.

The CHAIRMAN. Very well; the Chair will recognize the gentleman from Alabama [Mr. RICHARDSON] after the gentleman from Iowa [Mr. HULL].

Mr. KEIFER. Mr. Chairman, I understand the motion is to strike out this clause relating to the mileage of officers.

The CHAIRMAN. The second proviso only, from line 21.

Mr. KEIFER. It is to that that I desire to offer an amendment; after the word "change," in line 21, insert "provided he is not required to return to the station from whence he was ordered."

The CHAIRMAN. That is not an amendment to the section that the gentleman wishes to strike out.

Mr. KEIFER. It is an amendment, however, to the text that we are considering.

The CHAIRMAN. If that text were stricken out, the motion of the gentleman from Ohio would still be acted upon.

Mr. KEIFER. The motion is a part of that provision. I will reserve it, then.

Mr. HULL. Mr. Chairman, I desire to offer the following amendment, which I send to the desk and ask to have read.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

After the word "only," in line 25, insert the following: "subject to the same restrictions as to the shortest, usual traveled route and compensation over bond or land-grant aided roads as now provided by law."

Mr. LITTAUER. We will accept that amendment.

Mr. PERKINS. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. The gentleman has not yet the floor. The gentleman from Iowa has offered an amendment. The question is on the amendment offered by the gentleman from Iowa.

Mr. RICHARDSON of Alabama. Mr. Chairman, I do not understand fully that amendment.

Mr. HULL. My amendment is that parties traveling either from their homes or from their stations, traveling over bond-aided roads, should receive only the compensation now provided by law, which is 50 per cent of the total amount.

The CHAIRMAN. If there is no objection, the Clerk will again report the amendment. [After a pause.] The Chair hears none.

The Clerk again reported the amendment.

Mr. PERKINS. Will the gentleman yield for a question?

The CHAIRMAN. The gentleman has not the floor.

Mr. PERKINS. Will the gentleman from Minnesota [Mr. TAWNEY] yield for a question.

The CHAIRMAN. The gentleman has not the floor.

Mr. PERKINS. Has nobody the floor?

The CHAIRMAN. Nobody has the floor.

Mr. PERKINS. Then I move to strike out the last word, and I would like to ask the gentleman from Minnesota [Mr. TAWNEY] at what rate mileage is allowed?

Mr. TAWNEY. Seven cents a mile.

Mr. PERKINS. Is that the general provision of the law?

Mr. TAWNEY. Yes.

Mr. PERKINS. Does not the gentleman think that is a pretty liberal rate in these days?

Mr. TAWNEY. Well, it has been the rate for a good many years. The Committee on Appropriations has no power in the premises, however.

Mr. PERKINS. Does not the gentleman think that must pay any officer three times, on the average, what his transportation costs him?

Mr. TAWNEY. I hardly think it would.

Mr. PERKINS. It costs him only from 2 to 3 cents a mile.

Mr. TAWNEY. I think the gentleman's question should be addressed to the chairman of the Committee on Military Affairs, which has jurisdiction of the legislation on this subject.

Mr. LITTAUER. What is the bearing of the amendment on the amount the Government would have to expend?

Mr. HULL. When the Government paid the actual expenses it came to more than 7 cents a mile, but now a man ordered from here to New York gets 7 cents a mile, and he pays his own Pullman-car fare and his meals and his extra expenses at the hotel.

Mr. PERKINS. All of these expenses are included?

Mr. HULL. Everything, and it is a very low rate. I will say that the Naval Committee came in three years ago, I think, and got 8 cents a mile, which was considered a fair rate.

Mr. KEIFER. Mr. Chairman, if I can not be heard against the pending amendment, I desire to make a formal motion.

I am in sympathy with the purpose of this provision of the bill, and the amendment that I propose to make I think will eliminate the danger of doing wrong that the language here is likely to produce. It is too arbitrary in this that if this bill should become a law in the language used it would cut off an officer from receiving mileage from his proper station from whence he was ordered to another, provided he were on leave of absence at his own expense and was obliged to return at his own expense to the original station. Suppose a man were stationed in the city of San Francisco—and I have the case exactly in mind—and he obtains, after years of time spent in that country and one year at Valdez, in Alaska, thirty days' leave of absence to go to his home in Ohio at his own expense. While there he receives an order from the War Department to change his station from San Francisco to Fort Hunt, on the Potomac just below Alexandria. Now, if he is required to go back to his original station——

Mr. LITTAUER. Required by whom?

Mr. KEIFER. Because he has everything there at his station. His order comes not to change stations where he is visiting in Ohio, but to change stations from California. It happens to reach him by mail in Ohio, where he is required to report his post-office address. Now, if he is obliged to go at his own expense to California, ship and move from there to Alexandria, Va., then, under this bill, he would draw his pay from a point in Ohio to Alexandria, Va., only.

Mr. LITTAUER. Will you permit a question right there?

Mr. KEIFER. Yes.

Mr. LITTAUER. He is in Ohio subject to his own will, is he not?

Mr. KEIFER. He is there on leave of absence. He might have been in Honolulu.

Mr. LITTAUER. He may have been in Honolulu or could have remained in San Francisco.

Mr. KEIFER. But he is on leave of absence at his own expense.

Mr. LITTAUER. And consequently, having gone where he chose to go, he asks the Government to reimburse him to go back to where he was originally stationed.

Mr. KEIFER. Nobody suggested that, and that is not the law. If the gentleman had listened, he would not have asked the question. He did not leave San Francisco at the Government's expense, he does not go back to San Francisco at the Government's expense, but after receiving the order to go from San Francisco to Alexandria, Va., he may be obliged, at his own expense, to go back to San Francisco, and under the language of this bill he would only get mileage from a point in Ohio, where he received the order, to Alexandria, Va.

Mr. LITTAUER. But is he obliged to go back to San Francisco except for his own convenience? Is there any public duty requiring him to go back?

Mr. KEIFER. Yes; there may be. Suppose he had not obtained leave of absence.

Mr. LITTAUER. But he is on leave of absence.

Mr. KEIFER. But what I propose is to add, after the word "change," in line 21, this language:

Provided he is not required to return to the station from whence he was ordered.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KEIFER. I would like to have one minute more.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed for two minutes. The Chair hears no objection.

Mr. KEIFER. This would only give him mileage in the case I put provided the Government required him to go back to his original station and from that station to the new one.

Mr. TAWNEY. If the gentleman will permit me, if the Government requires him to go back to the original station he would be ordered there.

Mr. KEIFER. Under the present law that is true, but under the bill it is ironclad that he could not get it. Now, if the gentleman will look at the bill he will agree with me that he will be only entitled to mileage from the point in Ohio where he was on leave when he got the notice. I want to say the gentleman is mistaken about an officer on leave being entitled to have the Government pay his expenses back to the station from whence he went at the time he went on leave. That is always at his own expense. The Government never pays that.

Mr. LITTAUER. But will you not admit if he be required to go back to San Francisco that that is an order of the Department that he go there? If the Government subsequently ordered him from San Francisco to Fort Hunt that is a second order, and therefore he would be entitled to mileage from both orders.

Mr. KEIFER. I have to say that that is the law now, but if this bill passes and this language is used, then he would not, for this is the language:

He shall be allowed mileage on joining his new station for the distance to the new station from the place where he received the order directing the change.

Now, that is clearly all that he can get under this proposed law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GROSVENOR. If that is the case surely we will not pass that bill; but is it the case?

Mr. KEIFER. Well, let the gentleman look at the bill himself.

The CHAIRMAN. The gentleman from Alabama [Mr. RICHARDSON] is recognized.

Mr. RICHARDSON of Alabama. Mr. Chairman, as I understand the theory of this provision, it is based alone upon this idea, that because an officer of the United States Army is allowed a furlough, or leave of absence, as is allowed in all armies since the beginning of civilization, and having accepted that leave of absence and being at home, and his station is changed while he is on leave of absence from the one that he left to one at a greater distance, therefore he must not be allowed mileage except upon equal distance between the old station and the new one. If it happens to be that the new station to which he is ordered is 500 miles farther than the old station is from the new, then he is not allowed any mileage for that. Now, it

occurs to me, as I have said before, Mr. Chairman, that the theory upon which the committee has constructed this rule is not good in justice nor is it so in equity, nor does it apply, as a rule, in a great many other matters pertaining to matters of interest in this Government. It frequently comes up, even in the matter of pensions and in the matter of increase of pensions, or granting a pension for disability, as to whether the soldier was on leave of absence, if he was at home, and not in the line of the discharge of his duty. The Pension Committee has long since abandoned that technical, unjust, and unreasonable rule, and I invoke the same spirit, Mr. Chairman, in the construction of this rule by the committee as is invoked in these other important matters of the Government.

Mr. Chairman, I think the gentleman from Ohio [Mr. KEIFER] has put the matter strongly in the instance that he has given. The amendment offered by the gentleman from Ohio grants some relief from the hardships created by the rule prescribed by the committee. I am not advised that the rules and regulations require the soldier to go back to the station in order to get another start to reach his new station. I should think not. He might have all of his baggage and luggage and everything of that kind transferred from the old station to the new one. What I am complaining of is the inequitable rule, the injustice done to the officer. Having received the consent of the Government and his superior officer to enjoy a furlough, and a change of station comes to him while he is on that furlough, it seems to me to be just and right, if he recives that order at the place of the leave of absence, that he be allowed, in all fairness, if the distance is greater from his home to the new station than from the old station to the new one, the difference in the mileage. What became of my amendment, Mr. Chairman; it seems to have been lost sight of?

The CHAIRMAN. The pending question is the motion offered by the gentleman from Iowa to perfect this provision prior to a motion to strike the whole thing out.

Mr. TAWNEY. Mr. Chairman, I want to say in answer to the gentlemen of the committee who criticise the language and who think they improve it by the amendment offered, that I do not agree with them. This matter was brought to the attention of the Secretary of War when he appeared before the committee on another subject. And at my request he submitted this amendment or limitation upon this appropriation. In the letter transmitting it to me he says:

WAR DEPARTMENT,
Washington, January 16, 1906.

MY DEAR Mr. TAWNEY: In your item of $100,000 in the urgent deficiency bill for mileage of officers and contract surgeons, I beg to suggest a proviso in order to avoid a ruling already made by the Comptroller under existing law by which when an officer is ordered from one station to another and at the time of receiving the order is on vacation at some third point he is entitled to mileage from that third point to the station to which he is ordered. If this is the proper construction of the law, it should be changed. His being at the third point is due to his own volition and not to the discharge of any duty or any order from the War Department, and the mileage that he should be permitted is only the mileage from the station at which he is stationed to that to which he is ordered. I suggest, therefore, that in the urgent deficiency bill, in order to avoid the result of this construction, there be added the following proviso:

"*Provided*, That out of the sum herein appropriated mileage shall be allowed in accordance only with the following rule in cases where the station of an officer is changed while he is on leave of absence, to wit: That he shall be allowed mileage on joining his new station for the distance to the new station from the place where he received the order directing the change: *Provided*, That the distance is not greater than that from the old station to the new station; but if the distance be greater, he shall be entitled to mileage for a distance equal to that from the old to the new station only."

The responsibility for the language of that proviso is not with the committee, except so far as we have adopted it. We, however, approve it and believe it should be enacted into law. It was the desire of the subcommittee that this proviso should be prepared by those who were charged with the duty of administering this law. I think, Mr. Chairman, the necessity for this proviso is admitted by almost every Member of this House, and as the department having charge of the administration of the law in respect to mileage suggests it, the House ought to be willing to accept it. In doing so we will put a stop to an abuse which has cost the Government of the United States this fiscal year about $20,000, according to the testimony of the Paymaster-General.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa. If there be no objection, the amendment will be again reported.

The amendment was again reported.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question is now on the amendment offered by the gentleman from Alabama, to strike out that paragraph.

Mr. HEPBURN. I move to amend by striking out all the paragraph after the word "the," beginning with the word "place," in line 20, and inserting the words "old station." That cures the difficulty that is suggested by the Secretary of War. That does not permit the mileage from the new station, but simply gives to the officer the mileage that he would be entitled to had he not separated himself from his old station through a leave of absence. I think that is right and fair.

Mr. KEIFER. That is the law now.

The CHAIRMAN. The Chair desires to call the attention of the gentleman from Iowa to the fact that that is in a sense not an amendment to the amendment offered by the gentleman from Alabama now pending.

Mr. HEPBURN. It perfects the paragraph.

The CHAIRMAN. It strikes that out and more. The amendment of the gentleman from Alabama simply strikes out from the word "*Provided*," in line 21.

Mr. RICHARDSON of Alabama. I was too far away and could not hear the gentleman's amendment. Will the gentleman from Iowa tell me what his amendment is?

Mr. HEPBURN. It is simply to strike out all after the word "the," preceding the word "place," in line 20, and all the following portion of the paragraph, and insert the words "old station."

The CHAIRMAN. The amendment suggested by the gentleman from Iowa strikes out all that the gentleman from Alabama proposes to strike out and some more.

Mr. HEPBURN. I thought the amendment of the gentleman from Alabama was to strike out the proviso.

Mr. RICHARDSON of Alabama. That is my amendment. Yours can be made to it, it seems to me.

Mr. HEPBURN. The proviso began on line 15.

The CHAIRMAN. The amendment of the gentleman from Alabama is the pending question.

Mr. HEPBURN. Then I will reserve this amendment until that is disposed of.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

Mr. HEPBURN. If this should be adopted, then the gentleman will not object to striking these words out?

Mr. RICHARDSON of Alabama. Not at all. That is what I am getting at.

Mr. HEPBURN. Then I will request the gentleman to temporarily withdraw his amendment.

Mr. RICHARDSON of Alabama. I will withdraw it temporarily.

The CHAIRMAN. That can not be done except by unanimous consent. The amendment has been amended and the question is on its adoption. The text has been amended by the amendment offered by the gentleman from Iowa. Is there objection to the withdrawal of the motion to strike out? [After a pause.] The Chair hears none. Now the gentleman from Iowa offers an amendment.

Mr. HEPBURN. Strike out the word "place" and all following to the conclusion of the paragraph and insert the words "old station."

The Clerk read as follows:

In line 20, after the word "the," before the word "place," strike out the word "place" and the remainder of the paragraph and insert the words "old station."

Mr. KEIFER. Now, with a view of perfecting this clause, I move to insert, after the word "change," in line 21, the words "provided he is not required to return to the station from whence he was ordered."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Ohio.

The Clerk read as follows:

In line 21, after the word "place," insert "provided he is not required to return to the station from whence he was ordered."

Mr. MADDEN. I move to amend the amendment.

The CHAIRMAN. Amendments are exhausted.

Mr. MADDEN. I understand this is an original amendment.

Mr. KEIFER. To perfect the bill before the motion to strike out. I think the gentleman is in order.

The CHAIRMAN. The amendment is in order.

Mr. MADDEN. I move to amend the amendment by making it read—

provided he is not required by the War Department to return to the original place—

to insert the word "required."

Mr. KEIFER. I have no objection to that.

The CHAIRMAN. If there be no objection, that will be considered as a part of the amendment offered by the gentleman from Ohio. The Chair hears no objection.

Mr. LITTAUER. I should like to understand how the amendment will now read.

Mr. KEIFER. Yes; let it be read.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

The Clerk read as follows:

Amend so as to read: "*Provided*, That he is not required by the War Department to return to the station from whence he was ordered."

Mr. KEIFER. Now, Mr. Chairman, I wish to make this observation with reference to the motion of the distinguished gentleman from Iowa. If his motion should prevail, then the clause on the subject of mileage will be entirely unnecessary, because that would leave the law just as it is now. They get mileage from the station from whence they are ordered to the new station. There is no dispute about that. I am in harmony with the bill, and I only want to avoid doing injustice by the ironclad language it contains. I call attention to the language, which is without condition or qualification:

He shall be allowed mileage on joining his new station, for the distance of the new station from the place where he receives the order directing the change.

That excludes absolutely the possibility of his getting mileage from the old station to the new, although by the very language of the order changing the station he may be obliged to go there to conduct troops or move materials of war from that place to the new station. Although he does that he will get no mileage under this clause, if it becomes a law, and may have to go at his own expense to a station farther away than where he receives the order, traveling, perhaps, over the same ground both ways at his own expense and drawing only a small amount of mileage for a part of the distance; so that if my amendment is adopted, it will carry out, I think, the purpose that was designed by the Secretary of War and still do no injustice to officers. The Secretary of War prepared the amendment without, perhaps, taking everything into view. He is a good Secretary of War, and he knows a lot about things in the Army, but he does not know everything until he has an opportunity to examine it in all its bearings. I am perfectly certain that this will cure all the difficulty that might arise and think it ought to be accepted.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio [Mr. KEIFER].

The question being taken, on a division (demanded by Mr. KEIFER) there were—ayes 3, noes 18.

Accordingly the amendment was rejected.

Mr. HEPBURN. In place of the amendment that I have offered, I will offer the following: To insert, before the word "place," in line 20, the words "old station, if he shall return to his old station, but if he shall not return to his old station, then the mileage to be allowed shall be that from the place where he received the order directing the change," and so forth.

Mr. KEIFER. That is all right.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Iowa.

The Clerk read as follows:

Insert before the word "place," in line 20, the following: "old station, if he shall return to the old station; but if he shall not return to his old station, then the mileage to be allowed shall be that from the——

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa.

Mr. LITTAUER. It seems to me that would be tantamount to the amendment offered by the gentleman from Ohio [Mr. KEIFER], which was just voted down.

Mr. HEPBURN. It is not exactly that.

The CHAIRMAN. Does the gentleman desire to discuss it?

Mr. LITTAUER. No.

The question being taken on the amendment, on a division (demanded by Mr. HEPBURN) there were—ayes 9, noes 30.

Accordingly the amendment was rejected.

The Clerk, proceeding with the reading of the bill, read as follows:

Burial of indigent soldiers: For expenses of burying in the Arlington National Cemetery, or in the cemeteries of the District of Columbia, indigent ex-Union soldiers, sailors, and marines of the late civil war and soldiers and sailors of the war with Spain who die in the District of Columbia or in the immediate vicinity thereof, and of such soldiers, sailors, and marines who die in the District of Columbia and are buried in the immediate vicinity thereof, to be disbursed by the Secretary of War, at a cost not exceeding $45 for such burial expenses in each case, exclusive of cost of grave, on account of the fiscal year 1905, $500.

Mr. LITTAUER. Mr. Chairman, when the general debate was on it was suggested that when the deficiency in connection with the isthmian canal was reached that a certain amount of time be given for general debate on that item. As we have now reached that paragraph I would like to ask unanimous consent that there now be opportunity for general debate in connection with the item for the isthmian canal one hour, one half to be controlled by the gentleman from Georgia [Mr. LIVINGSTON] and the other half by myself.

Mr. LIVINGSTON. Let us make it an hour and a half, three-quarters of an hour on each side.

Mr. LITTAUER. I have no objection to that.

The CHAIRMAN. The gentleman from New York asks unanimous consent that there be one hour and a half for general debate on the item in relation to the isthmian canal, beginning on page 14, line 20, and continuing to page 16, line 8, one half of the time to be controlled by the gentleman from Georgia [Mr LIVINGSTON] and the other half to be controlled by the gentleman from New York [Mr. LITTAUER.]

Mr. LIVINGSTON. With the understanding that it does not interfere with the reading of the paragraphs under the five-minute rule.

The CHAIRMAN. Certainly not; it is general debate; debate under the five-minute rule could not be closed under that order.

Mr. WILLIAMS. How much time is asked?

The CHAIRMAN. Forty-five minutes on each side. The Chair hears no objection, and it is so ordered.

Mr. LITTAUER. Mr. Chairman, on the assembling of this Congress the Secretary of War submitted the necessity of an emergency appropriation of $16,500,000 to carry on the work of the isthmian canal. Congress on December 21 passed an act appropriating $11,000,000 for that purpose, and the Secretary of War now comes to Congress asking practically for the balance of his original estimate on the following statement: The $16,500,000 was designed first to pay the indebtedness existing on the 1st of December, 1905. That indebtedness consisted of $4,000,000 on general account and $500,000 due to the Panama Railroad Company. He then estimated for the continuance of the work of construction and general purchase based upon the actual expenditures of the month of October, 1905. It has been found by comparison that the expenditures in October were a fair basis, as those of September and November aggregated under each of the heads of disbursement about the same amount. Based upon that original calculation, practically without any change, we are now asked to provide $5,340,786, which amounts to three-sevenths of the original amount asked for, less the four and a half million indebtedness incurred before December 1. Your committee attempted to investigate the various items under the six heads of submission brought before us.

Mr. LITTLEFIELD. I did not quite catch the gentleman's last statement about the comparison of the amounts asked for now and those asked for in December.

Mr. LITTAUER. In December the amount asked for was $16,500,000. There was then actual indebtedness incurred of $4,000,000 general expense and $500,000 indebtedness to the Panama Railroad Company. Deducting that four and a half million dollars from the sixteen and a half millions dollars, we have $12,000,000 left. These $12,000,000 were designed to provide money for the conduct of the work for seven months. After providing $11,000,000 for existing indebtedness and for four of the seven months we have made provision for expenditures until the 1st of April, and the only good reason that I have been able to find out why we did not provide until the end of the fiscal year was that between now and the 1st of April determination should be reached whether the canal was to be a lock or a sea-level canal, and that conclusion would to a certain extent determine the amount of money necessary to be spent in the last three months of the fiscal year.

Mr. SMITH of Iowa. And also the question as to whether it would be by contract or not.

Mr. LITTAUER. Yes; and it is also worthy of consideration that we have no committee to examine into the matter at that time, and it was thought if the balance of the estimate was carried over a committee would investigate.

Mr. MANN. If the gentleman will pardon me the suggestion, although we had no committee at that time, it was considered necessary to have several days' debate in the House, and now they consider an hour and a half as a great allowance; so probably we shall not get near as much investigation of the subject as we did then.

Mr. LITTAUER. It is an unfortunate fact that at the time the bill was first introduced we did not have before us the Department's full estimate which was subsequently printed in the RECORD December 11, showing the exact categories of expenditure that was proposed to be made under the $16,500,000 appropriation.

Mr. MANN. We had it all the time from the time we began to consider it the first day.

Mr. LITTAUER. But it was printed in a segregated shape.

Mr. MANN. Now, I would like to have the gentleman give us information that has been acquired by the committee on this examination—that is, distinguished from the information that was before the House in December.

Mr. LITTAUER. I must be perfectly frank——

Mr. LITTLEFIELD. I think the gentleman from Illinois will remember that many of the details the committee had in their possession had not been put in the RECORD at the time the debate commenced, and my recollection is that the gentleman inserted a number of details involved in the work at my request.

Mr. MANN. I inserted in the RECORD additional details in reference to past expenditures. I apprehend the gentlemen have before them precisely the same information in reference to this appropriation that was laid before the House on the first day of the session. I do not desire to criticise the committee; I think it did just what they ought to do.

Mr. TAWNEY. I think there is this distinction, when the matter was before the House at the beginning of the session there was no committee that could give the matter investigation and report to the House the facts as to what was necessary, or as to the future expenditure of the appropriation or how they had expended that which had previously been appropriated. In this instance the Commission submitted to the committee an estimate of the amount for the remainder of this fiscal year, or from April 1 to July 1, which is, in substance, what they submitted to the House at the beginning of this session. The Commission and the Secretary of War were very fully interrogated in respect to the details of the estimate submitted and as to their administration. No investigation preceded the request for the appropriation at the beginning of this session. That is the difference between the situation now and the situation at the beginning of the session.

Mr. MANN. The gentleman must pardon me. I do not wish to criticise the Committee on Appropriations. I wish to defend the distinguished gentleman from Iowa [Mr. HEPBURN] who introduced the bill from the supposition that he introduced the bill without making some investigation, and I apprehend that the gentleman from Iowa [Mr. HEPBURN] who introduced the bill last December gave fully as much attention to interrogating the Secretary of War and other gentlemen connected with the Isthmian Canal Commission as the Committee on Appropriations has now, in the short time they have had the opportunity to do so.

Mr. LITTAUER. That may be true, and I believe that it is true, and yet we have had through hearings, both before the Senate committee and before our own committee, some light thrown upon the problem.

Mr. MANN. I do not doubt that.

Mr. LITTAUER. The operations now under way down there are designed to make the Canal Zone ready for the work of excavation. First, to put it on a sanitary basis, so that men can live there in safety, and next to provide houses, dwelling houses and hospitals, and all things necessary for support when we get to the work of excavation; third, to build such necessary railroad facilities that the "spoil" can be disposed of when once excavated, and the latter is perhaps the most serious problem connected with the entire undertaking. To carry that out the Panama Railroad has to be double-tracked, about 200 miles of spurs constructed in order that when the day for excavation may come—and we are advised that that day will be reached during this fiscal year at some time between the 1st of April and the 1st of July—all preparations for going ahead with the work in a fair way may have been accomplished. Even during this time, during the time of preparation, the Commission will gather such information as would make it possible, if found wise, to give out contracts for various parts of this work. Until this preparatory work is over, until the Commission is thoroughly advised of what particular work must be done, consideration of whether or not it would be wise to do any of this work by contract can not be had, because, naturally, contractors going into the Tropics, surrounded by a lot of conditions that are not regular, will place a very high percentage in their bids to cover contingencies.

Now, to dwell for a moment upon the six items of appropriation submitted in this bill, which are really the same items we had previously before us. Then we had before us the estimates covering seven months, December 1 to June 30. Now we have three-sevenths of those estimates to consider and throughout the six items of appropriation. Three of these items cover expenditures in the United States. The purchase of material in the United States, for which $1,000,000 is asked, is the first item submitted. The conclusion of the delivery under contracts already entered into for equipment not provided for in the eleven millions appropriated, consisting of flat cars, locomotives, steam shovels, unloading machinery, water tanks, and dredges estimated on, that is provided for on the basis of three-sevenths of the total amount of the contracts. Next come the additional expense incident to the isthmian canal management here in the United States, consisting of salaries, expenses of the purchasing agents, and the like, on a basis of $25,000 per month.

Then there are the three classes of expenditure on the Isthmus. First, the transportation to the Isthmus of labor, the local transportation, hotel and hospital supplies, with some small amount of miscellaneous purchases made from stores at the Isthmus. Next the amount which will be due for the work now in process by the Panama Railroad Company under the agreement reached between the Commission and the Panama Railroad Company for the building of the extra amount of railroad construction required by the Commission. Third, to provide for the pay rolls. These pay rolls, again, are estimated on the amount expended during the month of October, 1905, plus an increase of 25 per cent on the gold roll, or the roll paid in gold of our standard, paid to higher-grade mechanics, engineers, and the like, together with an increase of 50 per cent on the silver roll, which covers the employment of ordinary colored labor.

Mr. LITTLEFIELD. Why do they pay two kinds of currency?

Mr. LITTAUER. For the simple reason that they wanted to pay the individuals who work on the Isthmus in the currency they were accustomed to when working at home. The colored laborers are drawn from Martinique, Barbados, and Jamaica, are accustomed to silver, and they understand that when they are receiving 20 cents an hour—and I will comment on the wages paid in a moment—it is on the basis of the same currency that they were ordinarily accustomed to at home. If we had offered 10 cents in gold they would not have appreciated it, and would have thought that their labor was being paid only one-half of what we actually were paying them; and in order to pay them in the currency they were accustomed to the Commission determined to have two rolls—one to cover the colored labor in silver and the other to pay mechanics and other assistants drawn largely from the United States—white men—in gold.

Mr. LITTLEFIELD. Was the silver in the denomination of the money generally used down in that section?

Mr. LITTAUER. Entirely so; but in particular an agreement was reached between the Republic of Panama and the United States in reference to currency.

Mr. LITTLEFIELD. That was rendered necessary on account of the practical conditions existing there. They hired these people with currency with which they were familiar, and that is the foundation of all this hubbub about coin and currency down there.

Mr. LITTAUER. I do not know why any hubbub should arise.

Mr. LITTLEFIELD. We have heard of it more or less in this body. That is the real reason it was used—it was necessary.

Mr. MANN. In other words, if they were paid in gold there they would have to exchange it for silver to make use of it.

Mr. LITTLEFIELD. And hence the effort to provide the money which they were to use down there.

Mr. MANN. And prevent them from having to make exchange, and because they were used to it.

Mr. LITTLEFIELD. So this arrangement was made to provide them with what they wanted and needed.

Mr. MANN. The circulation is in silver, and when we went down to the Isthmus a year ago the first thing to be done by our party was to exchange the American notes for silver. You buy everything in silver, you pay for everything in silver; they do not handle gold coin or American currency.

Mr. LITTLEFIELD. This is local silver currency.

Mr. MANN. Local silver; yes.

Mr. MACON. In reference to what the gentleman from Maine has just said, I desire to state that the gentleman who is in charge of the bill answered his question very properly when he stated that silver was for the colored labor. If the gentleman from Maine is not aware of the fact, I desire to state that the negroes are very partial to silver.

Mr. LITTLEFIELD. I so understand it.

Mr. LITTAUER. The fullest examination that your committee were able to give to the estimates submitted to us led us promptly to the conclusion that the month of October, taken as a basis for these estimates, was the fairest estimate possible for anyone to make within reason at this time, and would cover the necessities during the present fiscal year. When we came to that conclusion we were led on through the items to the amount needed for pay rolls to an examination into the character of the labor and method of supplying labor for this work and its efficiency, and after a very full investigation your committee came to the conclusion, as advised by the Secretary of War, the president of the Commission, and the chief engineer, that it was proper to offer here an amendment embodied in the paragraph

repealing the eight-hour provision controlling the work under the general law.

It is easily realized that labor had to be paid on the Isthmus more than it was accustomed to receive at home as an inducement to go to the Isthmus. I am now going to refer mainly first to the silver roll, or common colored labor roll. The rate of wages was originally settled on the 27th of August, 1904, for common laborers at 15 cents, and for those who had shown greater ability at 17½ cents silver per hour. By action of the executive committee at Panama, on May 31, 1905, this rate was raised to 20 cents for the ordinary laborer and 26 cents for those who had shown greater ability, which is the present rate of wages. Consequently the colored laborer at work there to-day receives from $1.60 to $2.08 per day of eight hours. It has been clearly proved that this rate of wages is abundantly high to attract labor to the Isthmus. The general character of the labor is such as can be found in the Tropics in adjacent countries. It is labor of a very indolent class, labor that will only continue at work as long as necessity requires, and it has been found on the Isthmus, where these rates of wages are being paid, that a large share of the labor will work only two or three days at a time, until sufficient money has been accumulated to enable the laborers to lie around for the rest of the week. Many of them accumulated so much during last season that some 2,000 Jamaicans went home to pass the Christmas holidays, and many of those, hundreds of them in fact, are now hastening back. It was clearly proved that the wages paid were higher than these men had been accustomed to receive.

Now, one of the main questions in connection with the construction of this canal will be, How can we get sufficiently efficient labor to perform this work? Experiments have been made with gangs of 1,000 men to determine how the efficiency of the work there compared with the effectiveness of ordinary labor here in the United States, and the president of the Commission informs us that its relative efficiency is only from 25 per cent to 33⅓ per cent compared with common labor here at home. Consequently, measured from the standpoint of efficiency, the rate of wages per day should be multiplied by three, at least, and probably by four, so that in cost to the United States it would be about the same as though common labor were paid here at home at the rate of $4.80 a day in silver.

It has been very difficult, as I stated a few moments ago, to keep these men at work. They go to work in the morning but soon disappear in the jungle, willing to abandon work under the slightest pretext. Therefore, the rate is paid per hour. The chief engineer said that after much consideration he had reached the conclusion that if he could work his men ten hours a day he would save the United States, in the expense for this common labor, at least 20 per cent each year, and that that sum would aggregate many millions. The climate is such that at the rate at which they work, any man can work ten hours a day and remain in good health.

Mr. TAWNEY. They work from daylight until dark.

Mr. LITTAUER. They work from sunrise to sunset at home, and for, probably, not more than one-half or two-thirds of the amount they are receiving on the Isthmus. Moreover, the general conditions for taking care of this vast body of men would be greatly improved if the hours of work could be lengthened. They would be healthier. They would sleep better. They would not acquire indolent habits so easily.

Mr. MANN. What has the Commission to say in reference to the time for constructing this canal? Is it possible with eight-hour labor to maintain two shifts?

Mr. LITTAUER. Well, the Commission informed us that they hope at some subsequent day, when the conditions of preparation are over, to at least work two shifts.

Mr. MANN. But it is not possible at present?

Mr. LITTAUER. It is not possible at present.

Mr. MANN. So that if the hours of labor are shortened 20 per cent——

Mr. LITTAUER. The hours of labor ought to be lengthened instead of shortened.

Mr. MANN. If the hours of labor were shortened 20 per cent, as they are now, to what they were before, it means 20 per cent increase in the length of time necessary for the construction of the canal?

Mr. LITTAUER. I can not exactly follow the gentleman on that. Twenty per cent more laborers may be needed to construct the canal, or 20 per cent more time devoted to work.

Mr. MANN. I say it will take 20 per cent greater length of time to construct the canal working with eight-hour labor than it will with ten-hour labor?

Mr. KEIFER. With the same number of men.

Mr. MANN. It must be supposed we have at work there eventually all the men who can be employed at any one time.

Mr. LITTAUER. It is the intention, of course, that this work shall progress just as fast as it can, and the Commission looks forward to having an appropriation to permit it to go ahead with the work as it can be readily handled, and certainly it is the intention of Congress so to provide.

Now, as to the gold roll and the bearing of the eight-hour law on the mechanics, the engineers, and others on that roll who either to-day or in the future will handle the big steam shovels or act as engineers, or in some other capacity, on the railroad or in the machine shops, and who goes down to the Isthmus in order to better his condition, in order to secure higher rates of wages than are prevalent for a similar character of work at home. When he gets there he finds that his ability to earn is curtailed by the eight-hour law; he clamors for the opportunity to work more hours in order to earn more wages, and consequently the Commissioners are importuned, day after day, by the largest proportion of these men to permit them to work overtime. They are working in the Tropics; their field of diversion is naturally very much restricted, with no opportunity for outdoor exercise. The Commission is positive that these men can work longer without detriment to their health, and that they can perform, by working longer hours, the proper proportion of work; that it would make them more contented, and that it would be easier to get better men, for the conditions of employment in the United States now make it difficult to secure first-class mechanics to do this work under the eight-hour restriction there. We believed it was good policy, both for the interests of these mechanics and for the Government, that the eight-hour law be repealed, especially so far as it has to do with this gold roll of labor, and particularly because of those included on the gold roll, over 80 per cent of whom perform clerical labor and are, in consequence, exempted from its provisions.

Mr. MANN. If it will not interrupt the gentleman, I would like to call his attention to paragraph 15, line 12, for salaries, etc. I hope that the gentleman will not think I have any idea at all of criticising the committee in bringing this bill in the shape it is in. I want to obtain some informaton for the next bill that is coming in. The law that passed in December provides that the President shall annually cause to be made by the persons appointed or employed by him in governing said Canal Zone and the construction of said canal estimates of expenditures and appropriations in detail, so far as practicable, which estimate shall cover all annual salaries paid to persons employed on said work, etc. It was stated in another body, located at no great distance from this, while this bill was under consideration, that the estimates would be prepared in time for this deficiency bill. The gentleman is not responsible for that statement?

Mr. LITTAUER. No.

Mr. MANN. And I beg to ask him whether such an estimate has been presented?

Mr. LITTAUER. Such an estimate has not been presented, but discussions with reference thereto were had. The provision of law requires plainly that the schedule of wages or salaries should be included in the expenditures for the next fiscal year. Consequently your committee did not feel warranted at this time to go into a determination of just what salaries it would recommend. The legislative bill will, at an early day, be before the committee for preparation, or the sundry civil bill, if this subject belongs therein, and then this mandate will, of course, be carried out. The list of salaries was published, I believe, by the gentleman asking this question when the first debate was on. If there is to be an investigation in connection with the amount paid for salaries, that can all be made through that committee, with a view of determining the salaries, but for the three months of the present fiscal year, for which this bill provides, your committee felt that it would not be well to enter upon that broad subject.

Mr. MANN. As I said before, I have no criticism of the committee in reference to it; but I would like to ascertain, if possible, what is to be the policy of the committee. The distinguished chairman of the committee I suppose will be at the head of the subcommittee on the sundry civil bill, and I should like him to state if it will be the policy of the committee to appropriate specifically for the salaries of this Commission and the employees of the Commission. If the gentleman is willing to yield to his colleague long enough to permit him to make a declaration on that point I am sure it would be of very great value to the House.

Mr. LITTAUER. This mandate applies to the next fiscal year.

Mr. MANN. The law requires an estimate shall be made for the next fiscal year. What I desire to know is whether it will be the policy to bring in a bill appropriating specifically or if

it will be as is done with the Revenue-Cutter Service, for instance, where an appropriation of so many dollars in a lump sum is made rather than appropriations specifically?

Mr. TAWNEY. I will say to the gentleman from Illinois, speaking for myself as chairman of the committee, we shall endeavor to follow the practice, the long-established practice of the House, following the law which applies alike to all the Departments, which requires them to submit their estimates to Congress. They are referred to the Committee on Appropriations. The Committee on Appropriations has heretofore included in the legislative bill specifically the salaries for all the officers that have been authorized by law. I know of no reason why that practice will not follow or obtain when we come to legislate with respect to the salaries for officers in the employ of this Commission.

Mr. MANN. If the gentleman will pardon me, I simply wish to say this: In my own judgment the Isthmian Canal Commission ought to be abolished; the work ought to be put under the control of the President; then the power of Congress to watch the work ought to be maintained through the appropriation bill, and in such way prevent extravagance by making specific appropriations for salaries and as specific as possible for other items of public work. Unless the appropriation is made specifically for the salaries there is no way of preventing extravagance, and it is not possible practically by law outside of an appropriation bill to provide what the salary shall be for a place, because the place may be in existence this year and not be in existence next year.

Mr. TAWNEY. So far as the abolition of the Commission is concerned, I think the gentleman from Illinois will admit that that does not come within the jurisdiction of the Committee on Appropriations. Whatever appropriations are made will have to be made in accordance with existing law.

Mr. MANN. Oh, I understand that.

Mr. TAWNEY. And if it is for the best interest to abolish the Commission the committee of which the distinguished gentleman is a member has jurisdiction of that and of the whole subject and can act on it.

Mr. MANN. We have a bill before us on that subject now; but it might make a great deal of difference as to what should be put into that bill, as to whether we should endeavor by law to create certain places and fix salaries in that bill, or whether we should leave that to the Committee on Appropriations, where, in my judgment, it belongs.

Mr. FITZGERALD. The gentleman knows that the Committee on Appropriations has no power to fix the places.

Mr. MANN. That is the very point I am trying to draw out. "The gentleman" believes that the Committee on Appropriations has the power to make a specific appropriation for a certain place which is authorized by law. We authorize the President to employ a man and fix his salary until Congress acts; but the Committee on Appropriations in its bill can say what salary shall be paid to that man by fixing a salary for the place, and that is the only protection Congress has from extravagance in the construction of the canal, except the protection of the President himself, who will undoubtedly do all that human nature can do.

Mr. HOGG. Under this ten-hour provision is it the purpose of the Government to increase the pay of the laborers there?

Mr. LITTAUER. It is not. The Chief Engineer of the Commission believes that they can secure as efficient labor at the rates now being paid and that the labor will be willing to accept such compensation for ten hours' work. They are paid by the hour. A workman can work six hours, if he desires to, and if it is his usual custom to work longer than that he can do so.

Mr. HOGG. Then under the ten-hour arrangement they would get more pay?

Mr. LITTAUER. It is contemplated, I believe, to reduce the rate per hour. The laborer would get more pay actually.

Mr. HOGG. It is admitted that it is not a healthy place to work.

Mr. LITTAUER. Oh, it is being put in a condition that we are advised will make it quite as healthy a place for labor as many situations in the United States.

Mr. HOGG. And you say that the longer they work the healthier they will be?

Mr. LITTAUER. No; I do not claim that.

Mr. HOGG. That they will sleep better?

Mr. LITTAUER. Yes; I claim that if they work ten hours the less trouble they will get into and have less opportunity for indolence.

Mr. HOGG. On that theory you ought to work them twenty hours a day, and then they would not have any time to get into any devilment at all.

Mr. LITTAUER. Ten hours would result in the betterment of their condition and would be a saving to the Government of at least 20 per cent.

Mr. HOGG. I should like to make a point of order on page 16——

The CHAIRMAN. The committee has not yet reached page 16.

Mr. LITTAUER. The committee has not reached page 16. This is general debate.

I trust that no attempt will be made to apply American standards either to the rate of pay or the amount of work accomplished by labor in the Canal Zone. The reasons for the eight-hour law in the United States are the maintenance of the standard of living of the working people in this country, and these would not in any way apply to the alien colored labor drawn from the Tropics at work in the Canal Zone.

Mr. GARDNER of New Jersey. There might, perhaps, be no objection, if I may be pardoned, with great respect to the committee, or, I will say, there would be much less likely to be objection, if the statements of the gentleman as understood by myself, and I suspect as understood by the House, on behalf of the committee, were consistent. A little while ago, in the gentleman's discourse, the strongest argument in favor of this amendment was that the men were sent down from the north, skilled laborers, and that they worked by the hour; that they were importuning the authorities to be allowed to work overtime and for the opportunity to make more money. Then when the question is raised on the point of the probable cost the gentleman meets that by the proposition that it is contemplated to reduce the wages per hour.

Mr. LITTAUER. I was not careful in my statement, sir. I was referring to the colored common labor, and not to skilled mechanics. A larger number of skilled mechanics is necessary for the proper prosecution of this work. It is difficult to obtain their services. We can only get them to go to the Isthmus by the inducement of higher wages, and we want to give them the opportunity to earn every dollar that the work will permit them to earn, and that they are capable of earning, and at the same time retain their good health and general condition.

Mr. Chairman, I will reserve the balance of my time and ask the gentleman from Georgia to occupy a part of his time.

Mr. LIVINGSTON. Mr. Chairman, I now yield ten minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Chairman, I do not intend to discuss all the provisions in reference to the isthmian canal appropriation, but I see that the committee, in an unusual way, is attempting to pass an amendment to the eight-hour law of the United States. They provide in this bill as follows:

> The provisions of the act entitled "An act relating to the limitations of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia," approved August 1, 1892, shall not apply in the construction of the isthmian canal within the Canal Zone.

Now, Mr. Chairman, I wish to say this: We are not making laws in relation to eight hours' labor for other people. In this isthmian canal work, like all other work that is engaged in by the Government of the United States, we stand as the employer, and we are not making a contract with reference to the hours of labor; we make an agreement with the laborer as to how many hours he shall work in the United States. Now, we have fixed the American standard.

Mr. LITTAUER. The Commissioner stated to us that 80 per cent of the men arriving never heard of the eight-hour law until they got there.

Mr. UNDERWOOD. I will put in the RECORD what the Commission said. I am not in favor of letting a lot of men on the isthmian canal state what shall be standard in America. [Applause.] The Congress of the United States has fixed the standard of American labor for the people that were employed. Now, if there are a lot of people on the isthmian canal who would like another standard that is not our affair, but it is our affair to treat the American workman to-day as we have agreed to, as you have agreed to do, and as your great party agreed to do in the last election. There is not a man on that side of the floor of the House but knows that the Republican headquarters in the last campaign sent out carloads of literature saying that Mr. Roosevelt, the head of your Administration, was in favor of maintaining the eight-hour standard of labor; and now I want the country to see what the head of your work, the man appointed by your Administration, says in reference to maintaining the American standard of labor, when you are confronted with the proposition of the isthmian canal, where you expect to hire more labor than anywhere else under the flag of the United States.

Mr. Chairman, I ask the Clerk to read a portion of the hearings on this question that I have marked.

The Clerk read as follows:

Mr. STEVENS. I do not know as to the printed instructions; they have their instructions. Common labor is 20 cents an hour silver. After a man has demonstrated his efficiency so as to be worth more than that, and as was undoubtedly done originally to spur a man to do better work, in case he is needed for that work, then he is given 26 cents, but never higher than that price.

Mr. GRAFF. How many hours do they work?

Mr. STEVENS. Eight hours are all we are allowed to work.

Mr. GRAFF. What time do they commence in the morning?

Mr. STEVENS. They work from 7 until 11 and then from 1 until 5.

Mr. LIVINGSTON. Would they not like to work more than eight hours if they had an opportunity?

Mr. STEVENS. I do not know. I think it is fair to say that they do not like to work at all.

Mr. TAWNEY. Could you work them more than eight hours if you were allowed to by law?

Mr. STEVENS. Yes, sir.

Mr. TAWNEY. And you could work them to better advantage if they worked more hours?

Mr. STEVENS. Yes, sir.

Mr. LITTAUER. Suppose the eight-hour law was abrogated, would you work this colored help more than eight hours?

Mr. STEVENS. Yes, sir; and I would not pay them so much per hour.

Mr. GRAFF. What number of hours are they accustomed to work?

Mr. STEVENS. I can not tell you. On the plantations in Jamaica a great many of them, I think, work practically from daylight to dark.

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Mr. LITTAUER. Would you recommend the abrogation of the eight-hour law, so far as it refers to the canal operations?

Mr. STEVENS. Yes, sir.

Mr. LITTAUER. And you believe that you could get more work for the same amount of money?

Mr. STEVENS. Yes, sir; undoubtedly; 20 per cent at least. You asked about their coming back. I want to state that I am aware of these criticisms and insinuations, particularly about Jamaica. I have the reports of the Isthmus as to the people returning of their own volition from Jamaica and they show that upward of 500 came back since January 1 and that they are seeking work. You understand that Jamaica is an English colony and they observe the holidays, and these men bring back the report that there is a number coming after them. I have not a man in Jamaica and I have not hired a man in Jamaica for five months.

You asked me about the eight-hour law. One source of irritation with the American labor on the Isthmus is because they can not work overtime. They say we have come down away from our homes and we want to earn money, and they have deluged us with requests and petitions to be allowed to work overtime more than the eight hours. Of course my hands are tied and I can not allow it.

Mr. UNDERWOOD. Now, Mr. Chairman, the gentleman in charge of this bill contends that the workmen on the Isthmus—the American workmen—want the eight-hour law repealed. I grant you that what Mr. Stevens, the chief engineer, says bears him out in that respect. Isn't that an absurd proposition? What does Mr. Stevens say? He says he wants the eight-hour law repealed, not to allow them to work ten hours and get ten hours' pay, but he says distinctly that he wants it repealed so that he can make them work longer for the same amount of pay. Now, do you think any man on the Isthmus, American or not American, is petitioning the Congress of the United States to have his time extended so that he can work longer for the same amount of money?

Mr. LITTAUER. If the gentleman will permit me, his inference is wrong from the statement he has already made. The engineer is referring there very plainly to the colored roll and not to the gold roll—not to the roll that covers the pay of mechanics.

Mr. UNDERWOOD. I have read it, and the gentleman from New York is assuming that he is referring to the one roll and not the other. The gentleman does not say that he wants the pay for the gold roll for ten hours and the other roll for eight hours.

Mr. LITTAUER. The engineer says, "One source of irritation to the American laborer on the Isthmus is because they can not work overtime." Now, the American laborer is the laborer on the gold roll.

Mr. UNDERWOOD. The gentleman from New York is taking up my time from that assertion. I have had it read from the desk. He also says that he proposes to have this change made so that he can save 20 per cent, and when he says that he will save 20 per cent he doesn't say he is going to save it out of the silver roll.

Mr. LITTAUER. Will the gentleman permit me to take up another minute of his time. Mr. Shonts says: "Ten hours a day for common labor would make them healthy; they would have less time for devilment; they would sleep better; and when we consider the small number who would receive any benefit at all on the one hand and the 20 per cent increase in the cost on the other, the millions of dollars it means and the labor demand at home, it does seem to me a very funny business to continue the eight-hour law." Mr. Shonts there refers specifically to common labor.

Mr. UNDERWOOD. Not at all; he is referring to the common laborer at that particular point——

Mr. TAWNEY. Will the gentleman permit me?

Mr. UNDERWOOD. Let me finish my sentence—but he does not refer to anybody when he says that he expects to have them work ten hours with eight hours' pay.

Mr. TAWNEY. Will the gentleman permit an inquiry?

Mr. UNDERWOOD. Certainly.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAWNEY. I ask unanimous consent that the time of the gentleman may be extended.

Mr. LIVINGSTON. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. TAWNEY. How many common laborers are now employed down there by the Commission?

Mr. UNDERWOOD. Oh, I do not know the number.

Mr. TAWNEY. Seventeen thousand; and of the remaining number of employees about 1,500 are clerks, to whom the eight-hour law does not apply. So there are only about 1,000 skilled laborers affected, and these want to work ten hours, but can't. The total number employed is 19,000.

Mr. UNDERWOOD. That does not affect the argument in the case.

Mr. TAWNEY. But the gentleman was conveying the idea that we were employing all American labor on the Isthmus. I simply wanted to know whether he knew anything about it.

Mr. UNDERWOOD. I am not attempting to do anything of the kind. I merely say this: That white or black, any kind of labor, the American people have fixed the standard of American labor at eight hours. The Congress of the United States has fixed that standard of labor, and if you take this step on the Isthmus you are starting to take a step backward all along the line, and you are going away and abandoning the principle that you have agreed not only here in Congress, but on every stump in this land to maintain, and that not later than your last campaign.

Mr. LITTAUER. Does the gentleman believe that we could secure these mechanics to work there at 20 per cent less rate than they are now receiving?

Mr. UNDERWOOD. No; I do not think that has anything to do with it. I am not here advocating cheap labor. I have never advocated cheap labor. I do not believe in cheap labor. I do not believe in cheap labor that the Republican party is allowing to pour into the port of New York and other places from Europe every day, and I have tried ever since I have been here to pass a law to stop that cheap labor coming into this country. I do not believe in cheap labor on the Isthmus; I do not believe in it here. I believe in maintaining the American standard wherever the American flag floats.

Mr. LITTAUER. The gentleman believes in the American standard of common labor, to be maintained at the Isthmus, and a force secured adequate to conduct this work of excavating the canal.

Mr. UNDERWOOD. You may not get as good labor at the Isthmus as you can at home, but that does not prevent you from maintaining the American standards in carrying out your work, and I say that we are committed to those standards, and the Appropriations Committee has no right in this way to attempt to repeal the statute law that the people of the United States have put on the statute books; and I want to say that if no one else raises the point of order, I ask the Chair now when the point is reached to recognize me that I may make the point of order against this proposition.

Mr. TAWNEY. The gentleman from Colorado [Mr. HOGG] has preempted that right.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LIVINGSTON. Mr. Chairman, I yield the balance of my time, or so much as is necessary, to the gentleman from Mississippi [Mr. WILLIAMS].

The CHAIRMAN. The gentleman from Mississippi is recognized for thirty minutes.

Mr. WILLIAMS. Mr. Chairman, I have no idea of occupying the time of the House for thirty minutes. I do desire, however, for five or six minutes to address myself to this proposition. It seems to me that the gentleman in charge of this bill has made a mistake in his estimate of what an estimate is. Some time ago we were faced with an emergency bill to provide sixteen and one-half millions of dollars for the prosecution of the work on the Panama Canal. The House then expressed to the Panama Commission and to the country its desire that hereafter appropriations for the construction of the Panama Canal should take the usual course. If there were any necessity for appropriating the amount of this bill, that necessity could have been met by introducing into this House a bill duly reported from a committee, duly passed upon in a regular way, or else by a provision on a regular appropriation bill.

It seems to me that the most hopeless thing about us individually and collectively in attending to our duties in Washington as a legislative body is the contemplation of the impotency

of the legislative branch of the Federal Government in connection with all sorts of matters. We are led around by the nose—with rings in our noses—by chiefs of bureaus, chiefs of divisions, and heads of departments, and whenever we give notice to the country, after voting down a part of an appropriation in an emergency bill, that we would demand the regular order, gentlemen come in later on, out of the regular order once more, this time in the phase of a deficiency bill, asking that what the House refused to do irregularly shall still be done irregularly. Now, the gentleman speaks about the estimates having been given to the committee, to the House, and to the country. No estimate, in the true sense of the word, has been given at all. In the regular routine of business an estimate means much more than what this committee brings to this House now. An estimate comes from the Department. It comes printed. It comes long in advance. It comes in time to be ready for the study and consideration of each Member of this House and for the study and consideration of the country, in order that the country may influence this House.

Mr. LITTAUER. Will the gentleman permit——

Mr. WILLIAMS. One moment. And the only thing which comes before us here now are a lot of detailed statements furnished to this committee, never furnished to this House in any proper manner, no hearings that could be followed by the country, no opportunity for the country outside of this House to consider the question before them and to influence the House. This is a popular government, or it is supposed to be. It is a government of the people, through their representatives, and not a government of committees, not a government of representatives merely, but a government of the people by the people, through their representatives and through their committees. Now I will yield to the gentleman.

Mr. LITTAUER. Does not the gentleman know that regular estimates, as full as estimates usually submitted to the House, have been forwarded by the Secretary of War, through the Secretary of the Treasury, and they are before the committee and before the House—a regular document of estimates?

Mr. WILLIAMS. I do not know that.

Mr. LITTAUER. And that the hearings were held in the usual way and that the published hearings are now to be had by anyone who asks for them?

Mr. WILLIAMS. Yes; "now to be had," but not to be had a sufficient length of time before this question was brought to the consideration of the House for the country to determine for itself the wisdom or unwisdom of this policy. I know a so-called "detailed statement" was submitted to this committee, and I do know that this committee attempted to make a detailed appropriation to this House. Let us see how detailed and how specific that appropriation is. Let me read it, Mr. Chairman: "For miscellaneous material purchased in the United States, $1,000,000." How miscellaneous? What material? What purchases? "For miscellaneous purchases on the Isthmus, $400,000." That might be held to be comparatively specific except for the language put in there later, "and miscellaneous expenditures." That will be the language of the law when it goes out. Will you tell me what possible devotion of money to any possible purpose is not covered by the language "and miscellaneous expenditures?"

Mr. LITTAUER. Does the gentleman not think that this appropriation is in line with every other item of an appropriation bill covering miscellaneous expenditures? The estimate for these miscellaneous expenditures is given in full detail in the estimate.

Mr. WILLIAMS. There is no estimate; there is a statement to a committee of this House.

Mr. LITTAUER. Well, it is an estimate forwarded to the House from the Secretary of the Treasury in the usual way, and that estimate covers such items as labor, equipment, lead pipe, iron pipe, vitrified sewer pipe, lumber, cement, forage of animals, and so on.

Mr. WILLIAMS. I have read all that.

Mr. LITTAUER. And if we were to attempt to legislate on each one of those items do you think it would be for the best purposes? We give the sums gathered together under the proper heads of the various items.

Mr. WILLIAMS. Mr. Chairman, I yielded to a question, but not for a speech, which my friend so delightfully makes to the House, not that I do not care to hear it, because it always pleases me to the utmost, but because, actuated by the ordinary Congressional weakness of preferring to hear my own speech rather than the other fellow, I really must cut the gentleman's time off or add to my own. "For amount to pay the Panama Railroad Company for material and services"—that is the next item I find here—"$200,000." Who owns the canal? The United States. Who owns the railroad? The United States.

And yet here is an "estimate," as it is called, of something for the United States to take out of one pocket and pay back into another pocket of the United States. "For Isthmus pay rolls, $2,100,000." Now, I am glad to see that; I mark that with my approval, because that is the only part of this appropriation that is devoted to digging, if, indeed, it is. Now, when you go to build a canal I like the digging part of the work. I find that $2,100,000 of this appropriation is appropriated to dig and the balance is appropriated for something else. Let us follow this up. Now, "For new equipment purchases, $1,565,786," in all, $5,340,786, "which shall continue available until expended." Yes; continue in itself available plus another deficiency, I expect. You have been engaged here two or three days trying to limit the Executive Departments from overriding the will of Congress with regard to expenditures by coolly making deficiencies out of things they have asked for and you refused to give them. You are trying to limit and restrict that, but the one thing you seem not to want to limit and restrict is this Isthmian Canal Commission.

Mr. TAWNEY. The gentleman knows as well as every other Member of this House that the same limitations that apply to the Executive Departments in respect to the expenditure of appropriations made will apply to the Isthmian Canal Commission or to the President of the United States, under whose general jurisdiction the expenditure is made.

Mr. WILLIAMS. Mr. Chairman, it would do it but for this bill. The Isthmian Canal Commission—and the gentleman from Minnesota knows it; he talks about what I know——

Mr. TAWNEY. Knows what?

Mr. WILLIAMS. Violated your own law about existing appropriations, and instead of holding them accountable for the law you are giving them what they demand.

Mr. TAWNEY. The Isthmian Canal Commission violated the law?

Mr. WILIAMS. Undoubtedly, in creating this very deficiency.

Mr. TAWNEY. They have created no deficiency.

Mr. WILLIAMS. Then what have you got five millions and a half of dollars for them in a deficiency bill for?

Mr. TAWNEY. There is no money that is available for the doing of the work of the Commission after April 1, and there never has been except up to the 1st of April.

Mr. WILLIAMS. Is this a deficiency appropriation or not?

Mr. TAWNEY. No; it is not.

Mr. WILLIAMS. Then what is this doing in a deficiency appropriation bill?

Mr. TAWNEY. It is for the same reason that there is in the neighborhood of $7,000,000 in addition to this carried in this bill as emergency appropriations, not as deficiencies.

Mr. WILLIAMS. Then, Mr. Chairman, if this is not a deficiency, it ought not to be on this bill.

Mr. TAWNEY. The gentleman will pardon me——

Mr. WILLIAMS. And that reenforces what I said a moment ago, that this appropriation ought to have been brought into this House by a separate bill, with opportunity for this House to consider it at length, and not upon this particular bill, or else it ought to have been brought in on an appropriation bill later on. Now, a few words——

Mr. TAWNEY. Will the gentleman pardon me just a moment?

Mr. WILLIAMS. Very well.

Mr. TAWNEY. It is not a deficiency in the sense that Congress has heretofore appropriated less money for the service during this fiscal year than was expended. It is a deficiency in the sense that the Congress has not appropriated at all, and it is anticipated that they will require this additional appropriation before the expiration of this fiscal year. There is no deficiency to-day in the amount already appropriated.

Mr. WILLIAMS. There is not? Then why this item?

Mr. TAWNEY. This carries it from the 1st of April until the 1st of July. This is to provide for the expenses incident to the work on the Isthmus or in the Canal Zone during that time.

Mr. WILLIAMS. Now, Mr. Chairman, having heard that explanation, and leaving it to the common sense of the country and the House to determine whether it explains or not, I shall proceed with a discussion of this matter.

Mr. Chairman, we are about to construct—and "about" is a very accurate word in this connection, because it is the most indefinite and vague word I know of, and, in connection with the Administration's management of the isthmian canal matter, in order to be accurate we have to use indefinite terms—we are "about" to construct the isthmian canal, and yet no-

body knows whether it is to be a sea-level or lock canal. Nobody knows whether the Government is to build it or whether contractors are to build it. Nobody knows anything about it, except that sixteen and one-half millions of dollars have gone the way of all the other money that went just before it. Nobody knows anything about it, except that it begins to smell a good deal like the old French isthmian canal in its day and time before its rottenness was thoroughly disclosed.

Now, there is a common-sense way of building that canal. The American people want it. The section for which in part I stand wants it especially. This side of this Chamber, if it were allowable to mention it in connection with a great national project like this, wants it especially. But what we want is the canal. We are not dead in love with the expenditures for the canal; we are not dead in love with the people who are running the Canal Commission; we are not dead in love with anything except digging the ditch. We want the ditch dug. We people on this side of the Chamber want it dug because it will decrease the amount of money necessary in order for the United States to engage in commerce with other nations. What you gentlemen on that side of the Chamber want to do, God only knows [laughter], because as a rule you preach the doctrine that the more expensive it is to trade with other nations the greater blessings we of the United States have in the way of full possession. [Applause.] We want it. Now, there is a common-sense way of digging it. If any business man who was not a ditcher, not an engineer, had to dig a canal, he would go out and employ somebody who was a ditcher and somebody else who was an engineer to dig his ditch. We have undertaken to let a lot of politicians and a lot of officeholders dig this ditch. They do not know anything about digging a ditch and never will know anything about digging a ditch.

Mr. LITTAUER rose.

Mr. WILLIAMS. Do not interrupt me right here. We have reached the ditch and the question of digging the ditch itself. There is a common-sense way of digging that ditch, and digging it within five years; possibly three years. And if any of you, as a business matter, were charged with the responsibility of digging it, you would dig it that way. What is it? You would take that cut from the Gulf of Mexico to the Pacific Ocean and divide it up into separate cuts. You would give a man as much as 3 miles down in the swamp and upon the level, but when you got to Culebra cut you would not give him more than a quarter or half a mile, and you would give out the work to the cheapest contractor that would give bond to do the work within three or five years. Strange as it may seem to you, a business man with the money behind him that the United States Government has would have the canal in operation within five years.

Mr. TAWNEY. Is the gentleman open to such an engagement?

Mr. WILLIAMS. What is the use of Congress coming here with this "for new equipment purchases," "for miscellaneous material purchases," "for Isthmian pay roll," so much money, and so much more, when any one of you knows that it will all be useless; you are going to give it out by contract. Gentlemen say that there will not be as good sanitary conditions along the canal under a contractor as under Government control. That I admit. That is true. A very much larger percentage of mortality would appear. They say it would cost more money. That is true, within a given length of time, but when you compare the percentage of mortality and the percentage of expenditure that would take place on the basis of the short time of three or five years with the aggregate mortality and expenditure that would take place upon the basis of the long time of twenty or twenty-five years, the scales weigh down in favor of the short term. There will be less in the aggregate of deaths, less in the aggregate of dollars expended, if you give the job out in the common-sense way to contractors.

There is another thing, Mr. Chairman; if you undertake to give the entire canal to one contractor you will find only about three concerns in the world that can bid. If you undertake to divide out the line of canal into cuts of 2 or 3 miles between level places, or half a mile, or a quarter of a mile in another and more difficult place, on the line run out by the United States engineers, so that each man will have his work laid out in front of him, each will go on with his own work, and each part of the work will lap with another part of the work. You can then find all over the United States not three but thousands of men who can undertake to bid for that work, because even if a man loses upon his contract it is not such an immense contract that it will bankrupt him; whereas if a man loses on a contract for the whole job he would be utterly bankrupt, and we will have bill after bill brought into the House to release him from a part of his obligation upon the contract he has undertaken.

Now, I want to say, in the interest of that part of the American people who want the canal dug, that want ships to go through it, that want freer commercial relations with the balance of the world, made freer by cheaper freight rates, made freer by easy transit from one great ocean to another, that it is about time that we were determining—not leaving to the President to determine, not leaving to the Commission to determine—but determining for ourselves how we are going to dig the canal. My own opinion is——

Mr. WILEY of New Jersey. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from New Jersey?

Mr. WILLIAMS. Yes, always; but let me finish that sentence. My own opinion is that the War Department ought to subdivide this work, so as to put it within the reach of ordinary contractors—not necessarily people worth a hundred million dollars—so that one man could bid for 2 miles down in the plain, another for a quarter or half a mile up in the mountains, or in the Culebra cut; block out the work for them and let them go to work, and do dirt slinging instead of all this miserable Washington red tape that seems to be all we are doing now, and which seems to lead to nothing but political mud slinging.

Mr. WILEY of New Jersey. Mr. Chairman, I want to enforce what the gentleman from Mississippi [Mr. WILLIAMS] has said. I had not expected to say anything on the subject, and I have made no preparation, but I am a bit stirred up. The evil lies back of what is suggested in the gentleman's remarks, and it is that they have as yet no design for that canal. I am speaking now as an engineer. If you have a piece of work to be done, you first begin with the design. At the present time the only gentleman who, I think, has had any experience in canal work on that Commission is Mr. Harrod, from the gentleman's section, whom I happen to know personally.

Mr. WILLIAMS. An old member of the Mississippi River Commission.

Mr. WILEY of New Jersey. Yes; that is the man.

Mr. WILLIAMS. Down in the old levee district of the Mississippi.

Mr. WILEY of New Jersey. But what they want first is a Commission of expert canal men who shall make a design for that canal. I think the Government should control the sanitation of the Isthmus, and I believe it has been very well done so far as I have been able to find out, but the canal should not be dug directly by the United States Government. The work should be broken up into sections, and given to the lowest bidders under competitive bids, and under proper bond, and the chief engineer should simply carry out the ideas of this canal Commission of experts.

Mr. WILLIAMS. That is right.

Mr. WILEY of New Jersey. If you have trouble with your eyes you do not go to a chiropodist, but you go to an oculist, and that is what I have been trying to urge on the Secretary for some time—that he get a commission of canal experts. I was at a meeting of civil engineers last week in New York City, and I sent in the names of twenty experts, some of whom I do not know personally, but whom I know about, and I told the Secretary of State he could submit those names to any engineers of standing in the United States and they would tell him each one of those men was an expert on his subject. One of them had charge of the Sault Ste. Marie locks. One of them was Mr. Noble, who knows more about it than any other man in the country. Another was Mr. Stearns, who constructed the dam for the Boston waterworks, and there were at least fifteen or twenty more of them of the highest standing. That is the way the canal ought to be dug, and it would be dug well and dug soon. [Applause.]

One of the difficulties of the De Lesseps Panama Canal was the lack of a continuous design; and I was informed by a division engineer on that work that he was told to continue his work in a certain direction until he had different instructions; and he further stated that he did not think such a thing existed as a concerted design of the entire canal work.

Mr. WILLIAMS. I am glad that the gentleman from New Jersey interrupted me, because with expert information upon a question concerning which I have none, he has been able to express himself infinitely better than I could have expressed myself. In the light of what he has said, and in the light of this question as it stands before the country, what is the use of our expending $400,000 "for miscellaneous material purchases?" It may turn out afterwards, when we give the job away by contract, that we have got just that much dead machinery on our hands. I appeal to the gentleman from Ohio [Mr. BURTON], the chairman of the Rivers and Harbors Committee, if he would ever report a bill to buy dredge boats, and to buy dynamite, and to buy all sorts of machinery for work that he contemplated finally giving

out by contract? Why not? Because when you do give it out by contract you have just got the plant on your hands. How are you going to dispose of it? Sell it for nothing—put it up and let it go at whatever it will bring? If that is a correct statement—and I believe it is right—what is the sense of purchasing new equipment?

Mr. LITTAUER. Will the gentleman permit me to correct him?

Mr. WILLIAMS. You can not correct me there, because there is nothing to correct.

Mr. LITTAUER. The statement you had just finished when I began to address you.

Mr. WILLIAMS. I beg your pardon.

Mr. LITTAUER. You said, "What is the use of laying out money for miscellaneous expenses?"

Mr. WILLIAMS. I did not say that. I said "miscellaneous material purchases."

Mr. LITTAUER. "Miscellaneous material purchases." Do you not know that those purchases are to be made for the purpose of getting ready, for the purpose of preparing to do the work of excavation? If we can take the testimony of such men as Mr. James J. Hill, who surely has had experience in this line, he told me we would be fools to begin any sort of work down there for two years, until we had made the fullest preparation. We are now preparing railroad tracks and disposing of the dirt that will be excavated at the time, and one of the greatest problems in connection with all this work is where to put the matter that will be excavated.

Mr. WILLIAMS. Now, then, Mr. Chairman, I do not see that the interruption of my genial friend from New York has illuminated the particular point I was addressing myself to. The point I was making was this: If we are going finally to give out this work by contract, we do not want to be purchasing material, we do not want to be purchasing new equipment called for in this item of $1,165,786—they have got it down to $6; they know exactly what it is going to cost, provided there isn't another deficiency, don't you understand—what is the use of our buying a great excavating plant unless we are going to do the excavating, if we are going to give the work out by contract—and before we have built the canal that is what we have got to do—because the Government can not dig the canal either economically or honestly.

Already these things have become a stench in the nostrils of the American people. It has already demonstrated itself as a failure, as far as the digging this canal is concerned. All sorts of malodorous things are coming up before the American Congress to be smelled at, and sniffed at and passed over. Why, Mr. Chairman, if I was disposed to be a partisan, a mere sewer pipe—I have received from the Isthmus myself enough charges of every description about graft and corruption and rottenness down there to make the whole thing suspected. I have brought none of it before the House of Representatives, because I do not know the reliability or the responsibility or the truthfulness of the people who have been corresponding with me. I never make myself the voice of any sort of information that reflects on the integrity of any man, or any set of men, until I know, or I think I know, beyond all peradventure of doubt that the statements are true.

But it is in the air—it is floating all around. Gentlemen all know that we have got to get rid of this thing as a Government venture. We want the Government itself to supervise; we want the Government to tell where it is to be dug; we want the Government to tell how it is to be dug; we want the Government to sit in supervision over the work as it is done, but why in the name of God and common sense do you want to spend this money for material and equipment when it may happen—whether it has happened or not—that in a few months you may give out the work by contract, and then you will have to trust to the tender mercies of the contractors to take off your hands the material and equipment you have purchased for doing the actual work which you will not continue to do, and which the contractors will continue to do?

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. LIVINGSTON. Mr. Chairman, have I any time left?

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. WILLIAMS. Mr. Chairman, I ask one minute and a half——

Mr. LITTAUER. I will yield that to the gentleman.

Mr. WILLIAMS. I want to say that the proviso on page 15, to raise the money by issuing bonds, meets with the objection that I made in the House the other day. I do not care to repeat all that, nor to reenforce it by further argument. I think when people have money in the Treasury or in the bank lying to their credit they ought not to borrow money. I do not think it is sound business sense.

Mr. LITTAUER. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has seven minutes.

Mr. DE ARMOND. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Missouri rise?

Mr. DE ARMOND. I want to ask unanimous consent that I have five minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to modify the rule so that he may have five minutes.

Mr. WILLIAMS. And I couple with that the request that the five minutes be not taken out of the time on the other side, but that the other side have five minutes more.

The CHAIRMAN. The request is to modify the rule so as to give five minutes to the gentleman from Missouri and twelve minutes to the other side. Is there objection? [After a pause.] The Chair hears none.

Mr. LITTAUER. I yield the balance of my time to the gentleman from Illinois [Mr. MANN]. Does the gentleman from Missouri desire to speak now?

Mr. DE ARMOND. Any time.

The CHAIRMAN. Then the Chair will now recognize the gentleman from Missouri.

Mr. DE ARMOND. Mr. Chairman, I am one of those who believe, although it may be erroneous, that a great public work can be done best by those who administer the Government. I really am of the opinion that probably this canal can be best and cheapest dug by the Government itself. I may be entirely wrong in it, I do not profess to know much about it, but it appears that way to me. Now, I can not very well understand how that Culebra cut can be let out to half a dozen or a dozen contractors. It is 5 or 6 miles long, several hundred feet wide, nearly all solid rock, and several hundred feet deep in places.

Just how the man at the middle of that cut, having a quarter of a mile or a half a mile, would progress on his own account is something that my knowledge of engineering has not yet brought to me. Then, it seems to me that the taking away of the dirt, the disposition of that which is taken out of the huge cut, is a matter that has to be done carefully and dealt with by wholesale. Not to go into the matter far, and no one could in five minutes, it appears to me that we ought hardly to rush off on the spur of the moment and commit ourselves to the proposition of doing this work by contract.

Mr. WILLIAMS. Mr. Chairman——

The CHAIRMAN. Will the gentleman yield?

Mr. DE ARMOND. I can not yield just at present.

Mr. WILLIAMS. Of course the moving of the dirt is a collective affair. The Government owns the railroad. That is not part of the contractor's duty; they do not control that.

Mr. DE ARMOND. Oh, I understand the proposition then is to contract in part and do part by Government—contract with somebody to dig and then the Government will haul away the dirt. That is an important modification, but leaves in my mind still some objections to the main plan. Now, there is danger always in carrying forward so great a work, as there is danger in a small work, of dishonesty and incompetency. According to my judgment there is in the management of this work at this time, in the person of the Secretary of War, a man of as great ability and as high character as ever by any plan at any time will be put in charge of it. There may be peculation and there may be graft and dishonesty and incompetency in carrying forward the work, but I believe that in that by Government operation we have as sure guaranties of good work well done, and done with regard to decency and economy and honesty, as we could have in some other way. Suppose you invite bids? How easy a thing it is for bidders to combine. Suppose you invite contracts. How simple a proposition for the would-be contractors to be really one and the same. Why, these matters of combination to crush out competition and rob the public as well as to rob individuals is not a new thing in these United States of America. It has been practiced and perfected, and certainly the system can be transferred to the Isthmus of Panama. Just what we ought to do, just how we ought to do it, just how far we ought to go, and how far we can go, are things I do not know, and I sometimes suspect that some others do not know either. It is a great, serious undertaking. It is an enormous undertaking in its magnitude, and enormous in its probable outcome. Just what is best to be done, just how it is best to be done, I think no one of us can say; but for my part I am not ready to commit myself, out of hand, at once, to any particular plan about it. Let us correct as far as we can abuses where they exist. Let us banish from our minds, if there has lodgment

been made in our minds, wholesale suspicions and accusations. Let us find out who is at fault and correct the faults and punish the evil doers; but let us have some confidence in our countrymen. Let us have some confidence in those who conduct affairs, let us conclude that there is something of reason and something of judgment and something of capacity and something of honesty in systems which may be adopted, and not all in systems which we might suggest. It is going to take the best judgment, it is going to take the highest play of the best intellects of the people of this country, to manage well that great undertaking. Let us address ourselves to it, if we can, in such manner as to bring about the best results. Let us not prejudge too many things. Let us not take too much for granted, and let us not depart entirely from what seems to me to be a sound principle, that public work can very well be done, in a great many instances, by public agencies, under public control. [Applause.]

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] is recognized for twelve minutes.

Mr. MADDEN. Mr. Chairman, the country is committed to the expenditure of $135,000,000 on this proposition. We have engaged to construct the Panama Canal, a work which, when completed, will stand first in the history of the ages, not only as the greatest achievement of engineering skill, but also in its benefits to mankind in adding to the world's transportation facilities, placing at the service of the nations of the world an open door, available to all who care to use it, without prejudice, without discrimination, and upon equal terms. There is no question but that we will soon be able to know the character of the canal that is to be dug. The Secretary of War said but a day or two ago that he hoped to be able to report to this House what the character of the canal was to be within the next fifteen days; that in the meantime the work of actually excavating the canal was quite out of the question. The sanitary arrangements to be made on the Isthmus are of such a nature that it would be unwise for those in charge of this great project to undertake the work of excavation at this time. No one doubts but that we will complete this undertaking and that we will complete it in an honest and in an efficient manner. It is of the greatest importance to us, to the Government, that we accomplish this work honestly, economically, quickly, efficiently. We must continue to command the admiration and the respect of the American people. The proper accomplishment of the desired result is the only way in which that can be done. There is no doubt of the integrity of the men who are engaged in the management of this great enterprise. There is no smell, no rottenness, no indication of smell and no indication of rottenness anywhere in the management of this great work up to the present time. The progress we are making is being carefully watched by the people, it is true, by our own people and by the people of the whole civilized world.

We have spent thus far $71,000,000. Of this $40,000,000 were paid to the French company for the purchase of its rights and its property; $10,000,000 to the Republic of Panama, and $21,000,000 in preparatory work getting ready for the actual work of construction, and to-day we have under consideration a further appropriation of $5,340,000 with which to continue the work until the close of the present fiscal year. The expenditure of this money will, in a measure, be used for the completion of sanitary arrangements, which are essential to the health and lives of those who may be engaged later in the work of excavation. Much of that already expended has been spent in preparatory work of a sanitary nature; much more in the purchase of machinery and in the reconstruction of the Panama Railway and the construction of houses, 2,500 of which are now under way to afford needed facilities for the occupants thereof; the creation of a water supply and the construction and extension of a sewerage system, the filling of swamps, and an endless number of other important essential things which must be complete in all their details before the work of construction can begin, and in order that we may be furnished with more specific information about what this money has been expended for and is being expended for I will ask the Clerk to read from a speech, delivered by Secretary Taft on November 18, in St. Louis.

The Clerk read as follows:

The amount of timber actually ordered and needed for the repairing and construction of the houses is upward of 32,000,000 feet. The difficulty in promptly securing the shipping of this will suggest itself to those who know of the incidental delays in practical transportation, either from Oregon or the Atlantic coast to Panama. Until lately there has been much delay in persuading competent carpenters from the United States in sufficient numbers to come to the Isthmus. The towns of Panama and Colon, and the sixteen towns and villages lying between them along the line of the canal and the railroad, all must be furnished with water. Panama as a settlement is one of the oldest towns in America, and yet for about three hundred years during the dry season there has been no means of furnishing water to the Panamans except from cisterns, puddles, and receptacles for water, often covered with green scum and as productive of disease as is possible to imagine. The first thing that the first Commission did, and to them is the credit due, was to make arrangements for the construction of a water supply for Panama. Engineer Wallace and his assistants devised the plans, took a reservoir which has been partly constructed by the French some 11 miles from Panama, built the dam 20 feet higher, and ran the water pipes to Panama, and then laid the mains into Panama, so that on the 4th of July, 1905, the water cocks in the city of Panama were opened and the people were permitted to drink pure water. This reservoir furnishes water also to the towns between it and Panama on the Pacific side; but another reservoir for Culebra, another one for Empire, another one for Bas Obispo, and others for Colon are being constructed, together with water-pipe systems in all of them. Sewers are now being constructed in Panama, and about 50 per cent of them have been completed. In order to make Panama really healthful the Commission has decided it to be necessary to pave the streets, which for centuries have been dirty—muddy in rainy weather, dusty in dry weather, and full of disease in all weathers. The whole Isthmus strip from Panama to Colon when our Commission went there first was grown up with underbrush, with weeds, and with all that jungle that a tropical soil and weather unrestrained rejoice in. Now, from point to point, as the population increases, as the work is elaborated, the jungle is being cut down, the hills are being shaved, and under the tremendous work of the sanitary department pools are being drained, swamps relieved of water, and in every way the stagnant water surfaces and the propagating ground for the deadly mosquito are being reduced. When one thinks of a strip 47 miles long and half a mile wide in the center of the Tropics, with marshy swamps and water accumulating everywhere, the task of reducing the stagnant water surface so as to prevent the generation of mosquitoes seems impossible. But it must be and can be done.

The mosquito is the worst enemy in the propagation of disease in the West Indies and American Tropics that man has. One variety in the Isthmus carries the germ of the deadly yellow fever, and another variety carries the germ of malaria, while a third infects its victims with the loathsome disease of elephantiasis. Petroleum prevents the generation of mosquitoes. A yellow-fever mosquito lives only about ninety days.

The custom of the yellow-fever mosquito is not to depart far from the place of its birth. It is not ordinarily born in the open. Its fellow who carries the malaria germ is born in the stagnant pools that are found in the meadows and on the hills and in the valleys, but the yellow-fever mosquito is ordinarily to be found in the forgotten corners of the cellars and dark rooms of tropical houses, in neglected utensils, in cisterns, puddles of water within the back yards, or in the closets of the residents. While with petroleum and with drainage a large part of the surface which generates the malaria mosquito may be reduced, the yellow-fever mosquito must be attacked in houses by fumigation, either with sulphur or pyrethrum. At one time it was thought sufficient in the town of Panama when a victim of yellow fever was taken from a house to fumigate that house and the two houses next, because the habit of the mosquito indicated that it did not depart far from the place of its birth. It seems that the mosquito that acquires and communicates the yellow-fever virus is a female, and this only during her period of gestation. She dies at the end of ninety days, and it is not known that her descendants continue to carry the poison. These limitations are what prevent the spread of the disease.

When Judge Magoon arrived upon the Isthmus he found Doctor Gorgas battling manfully against the yellow fever, but the cases seemed to be increasing. Judge Magoon conceived the idea that the fumigation which had been confined to two or three houses might well be extended to all the houses in Panama, and at considerable expense, and after procuring a large amount of material, every house in Panama was fumigated once every two weeks. To secure increased vigilance and popular assistance he employed all the respectable Panaman physicians of Panama as inspectors of the districts of that city, at annual salaries of $1,200 a year. He also offered $50 reward for the discovery of any case of yellow fever not reported. By methods of this kind the native apathy, usually so great an obstacle to successful sanitation in Spanish countries, was neutralized.

The plan of fumigation is as follows: Strips of paper are placed across the windows, which ordinarily have no glass or any netting in them, and then either by the fumes of the sulphur or pyrethrum every nook and cranny of the house is visited. These gases are fatal or paralizing to the mosquito. After sufficient time has passed the house is opened, and then a corps of health employees are set to work cleaning the house and sweeping out the dead mosquitoes, which are found in great numbers upon the floors. The mosquitoes are burned to avoid further mischief. By these mehods, for which Doctor Gorgas and Governor Magoon are both to be credited with great praise, yellow fever has been reduced to a point where during the last month only three cases were reported, not one of these among canal employees, and all originating many miles from the canal line. The efforts to subdue the fever instead of being relaxed are being continued. Square miles of woven-wire netting with interstices so small as to prevent the entrance of mosquitoes are spread about the piazzas of the house of every American or foreigner who comes to live under the auspices of the Canal Commission in the Isthmus. The windows inside are also screened, and then mosquito bars on the beds are used as a third precaution.

Whenever a case of yellow fever is discovered, the patient is at once either removed to the hospital and put under a woven-wire screen or, if he prefers to remain at home, the woven-wire screen is put over him and an orderly placed in charge of him at his own residence. In this way he is prevented from furnishing a supply of the poison to the healthy mosquitoes who, in turn, by stinging, would bring it back to man. In other words, the plan is to kill all the mosquitoes, well or ill, keep them as much as possible from stinging man, and isolate every man with yellow fever, not from his fellows, but from mosquitoes. Of course there are in this district, especially in the old town of Panama and at some villages along the canal, old houses which must be burned completely to the ground because of the infection which it is impossible to destroy in them. The old buildings in Panama are persistent sources of the yellow-fever mosquito.

The Canal Commission has its offices in one of these great stucco structures, with thick walls, bad ventilation, and damp nooks and crannies. It has often been fumigated and cleansed in every way; but once in a while a new case of fever in one of the American employees is to be charged to the old building. I am glad to say that the general offices are soon to be moved to new buildings at Culebra and Emperador on the line of the canal.

Little by little, and facing discouragement after discouragement, the 2,000 employees of the sanitary department are winning in this fight against disease, upon which the whole success of the canal work depends. As Mr. Stevens said to me, when I crossed the Isthmus with him this month, "I take off my hat to the work which the sanitation

department has done in this Canal Zone." In the month of August, out of a force of 13,000 men, the percentage of illness was less than 25 per thousand. In June the cases of yellow fever were 61 and 19 deaths, in July there were 36 cases and 13 deaths, in September there were 9 cases, and in October but 3. The percentage of deaths among all is about 33, and among Americans about 20.

The work of furnishing water, of installing sewers, and of building houses is not now in the sanitation department, but is under the engineering and construction department, but as soon as the work is completed it will be turned over to the sanitation department for maintenance. Good food is now furnished by a commissary at reasonable rates. The carrying of refrigerated fruits and foods and meats on refrigerator cars from Colon across the Isthmus has just been begun. There is an ice plant at La Boca, another one at Colon, and others along the way are to be constructed, so that ice—that most healthful form of liquid in the Tropics—will be at hand for all.

A hotel has been erected at Corozal, where the American employees of the Commission may live and run in to their business in Panama in a few minutes by railway. A hotel of 128 rooms is being constructed at Ancon, which is the Pacific terminus of the terminating township of the governmental isthmian strip. The French had an excellent hospital at Ancon. They had also a rather large hospital at Colon. It was necessary, however, in view of the decay and lack of repair in which these hospitals were found, to refit them entirely. And now we have a hospital at Ancon, one at Panama, a convalescent hospital at Taboga, an island some 10 miles off the coast in Panama Bay, where very healthful water, healthful bathing, and fine fruits can be had, so that in all the hospital accommodation has been increased from about 350 to upward of 1,000 beds.

American trained nurses may be had at any point on the Isthmus, and any employee or laborer and any member of his family will be taken care of at these hospitals. In addition to this, and to protect itself, the commission has taken over the general hospital of Panama and has accepted $80,000 Mexican, a fund which had been voted by Panama for its improvement, and is now completely rebuilding it. It has also taken care of the insane and lepers of Panama, charging a certain rate per day. It exercises by right of law and by agreement complete quarantine jurisdiction over Panama, Colon, and the isthmian canal strip, and this quarantine is a division of the sanitation bureau under Governor Magoon and Colonel Gorgas.

Not only has it been found possible to accomplish much by the draining of swamps by surface drainage, or turning of stagnant pools into running water, the cutting of gutters and the flushing from reservoirs, but the attention of the chief engineer has also been directed to filling up with the spoil from excavation made in construction swamps and lowlands which now generate disease. The evidences of successful war against malaria are not so easy to produce as those of the defeat of yellow fever. One reason is that malaria is so much harder to combat than is yellow fever.

To begin with, yellow fever finds its victims only among those who are not residents of the tropical coast towns, so at least the statistics seem to show. Europeans and Americans from the Temperate Zone and Colombians coming from the hills and mountains, and other workmen from the interior—especially the highlands—are all subjects of yellow fever, but generally the blacks from Jamaica and Trinidad, from the islands of the Caribbean Sea, and the Panamans themselves, are immune. The field for attack by yellow fever, therefore, is very much limited. Not so, however, with malaria. An examination for experimental purposes, and repeated at various times under the direction of Colonel Gorgas, shows that at least 70 per cent of people picked up at random in the Isthmus have the malarial microbe. I am glad to say that since our occupation the malaria has not generally taken on the malignant form of the days of the railroad and French canal construction, but is rather mild.

The great difficulty in preventing the transmission of malaria is that, with 60 or 70 per cent of the persons infected with malaria, it is impossible to prevent malaria mosquitoes from happening upon the source of malaria supply in the blood of 60 per cent of the inhabitants of the Isthmus. The cases of yellow fever, on the other hand, are comparatively so few that isolating them is a real measure of protection to all.

Nevertheless, by the reduction in the total number of mosquitoes, which, though an enormous task, is still capable of accomplishment, the spread of malaria may be largely checked. This is a work of constant attention, and which will last long after the construction of the canal, and will be constantly the task of all those responsible for the government of the strip. Of course, the less malaria, even of the mild character, the greater the efficiency of the laborer.

In recounting what is being done, I will refer next to the work of engineering and construction. Preliminary to the work of construction proper much of the time of the engineer and his assistants has been taken up in doing that work of construction necessary for the sanitation of the Isthmus, to wit, the houses, sewering of water, the food supply, the hospitals, and places of recreation, all necessary to keep a sound mind in a sound body of each workman, whether superintendent, clerk, or common laborer.

In regard to the pure work of construction. As already said, the New French Panama Canal Company had bought the Panama Railroad for its use in the construction of the canal. When the property of the French Canal Company was transferred, the railroad was, from the standpoint of modern railroads, most inadequately equipped. It had a single track from Colon to Panama, with some sidings, very insufficient yards at the termini, and a large number of thin, light rails, quite insufficient for the heavy traffic which was carried over it. The laying of the track with heavier rails had been projected by the company before the transfer, but only a few miles had been laid. The Commission, acquiring control of the railroad company, directed the purchase of rails so as to lay completely the whole line with the heavier rails, and now all but 9 miles of the road is so equipped. The roadbed is as fine as any roadbed in the United States, ballasted in gravel and rock, and seems to be completely free from any possibility of washouts, but with this exception every other feature of the road as to structure and equipment is subject to criticism, and must be changed before it can be an adequate instrument in the hands of the Commission for the purposes for which it was bought. The gauge of the railroad is 5 feet, while the standard gauge in the United States and elsewhere is 4 feet 8½ inches, a fact which reduces much the amount of equipment which could be bought ready-made, and greatly increases the cost and time of buying that which is necessary. The telegraph system and the telephone system along the road are now being completely reconstructed. The yards and wharves at each end of the road for the purpose of receiving freight from steamers were utterly inadequate, and are now being very much enlarged at La Boca and at Cristobal, and must be repaired at Colon.

I should say that Cristobal is the Colon end of the canal, a made harbor, reached by the railroad and entirely unprotected from the north winds which, when they blow with violence, require all steamers at Colon wharves to go to sea. It is quite evident, and the Commission has so decided, that in order to transport the commercial freight which the railroad is under charter obligation to carry, and at the same time to transport to the spoil banks the excavated rock and dirt, it will be necessary to double track the road nearly all the way from Colon to Panama. The exceptions are through narrow cuts or at the top of the grade over which the spoil from the excavation will not need to be carried. The recent work of construction under Wallace and Stevens has been the work of putting this road into proper condition, of making preparation to double track, and of laying at various and suitable intervals long tracks leading from the Culebra cut at various elevations to the points of the Panama Railroad to which the spoil may be hauled downhill from the point of excavation and thence carried to Miraflores on one side or to Colon on the other, to be dumped into swamps or else to be dumped into barges and carried out to sea and there disposed of. The amount of this track laying will reach 250 or 300 miles when completed, and it is one of the chief consumers of labor in the construction department at present. The work of excavation is comparatively easy, for with compressed-air drills and blasting and the twenty-nine modern steam shovels which are now on the ground, and the sixty more which are ordered, digging might go on rapidly. With a sea-level canal at least 270,000,000 cubic yards of material will have to be blasted, dug out, and carried from a few feet to 15 miles.

The great problem, however, is the problem of transporting that which is dug to the point where it is to be finally deposited with such speed and such return of the vehicles of transportation as to enable the shovels to be in constant use. It is a problem of transportation really and not of excavation. These figures suggest the amount of preparation in the way of increasing the capacity of the railroad, of track laying, and of other mechanical devices for disposing of the spoil which must be made before the "dirt begins to fly."

In addition to this work, machine shops of the French have to be repaired and in some cases rebuilt. Wharves are being put up now in order to furnish additional berths for steamers at Cristobal on the one side and at La Boca on the other. There are to-day engaged on the railroad proper about 4,000 employees—that is, there are 2,500 paid for six days' labor, but they are not perhaps the same 2,500. In addition to this there are 13,000 laborers on the pay roll of the Commission, and that means about 10,000 effective laborers per day. As the work of construction of houses goes on, as the capacity for housing and feeding and properly attending to laborers proceeds, we may look for an increase in the pay roll.

One of the great burdens of the present situation is the procurement of transportation and proper disposition of the immense amount of supplies and material and equipment which have to be ordered and pressed forward to the Isthmus. The Commission bought two large freight steamers costing $1,300,000, or $650,000 apiece. And even with these and three others owned by the Panama Railroad which came into the possession of the Commission, there is still such an immense amount of freight that there is much difficulty in getting the orders and the requisitions of the chief engineer supplied. The following is a list of the principal items of material purchased and delivered, or now under order, and will serve to give an idea of the vastness of the undertaking and why congestion in sea transportation and on the railroad, with all the commercial traffic besides, may be pardonable: Sixty-one steam shovels, 1,300 flat cars, 12 rapid unloaders, 22 unloading plows, 13 earth spreaders, 324 dump cars, 12 hoisting engines, 120 locomotives, 5,000 tons of steel rails, 125,000 cross-ties, 12,000 pieces of piling, 14 air-compressing machines, 3 cranes, 152 rock drills, 30,000,000 feet lumber (approximately), 2 dipper dredges, 646,000 pounds blasting powder, 617,500 pounds dynamite, 7,000,000 paving brick, 3,500,000 building brick, 500,000 square feet roofing tile, 36,000 barrels cement (approximately), 3 steel water tanks and towers, 12 standpipes, 2 ocean steamships.

The Panama Railroad on its own account has also purchased during the last six months: Five hundred box cars (40-ton), 12 caboose cars, 10 refrigerator cars, 6 passenger coaches, 24 locomotives, 2 wrecking cranes, 1 locomotive crane, 1 pile driver, 3 track scales (100-ton), 1 modern coal-hoisting plant, 1 cantilever crane for coal-hoisting plant.

It should be borne in mind that all of the large equipment like locomotives, cars, steam shovels, dirt spreaders, and cranes have to be knocked down and boxed in order to have them carried by vessel to the Isthmus and there unboxed and reassembled before available for use. Still, as Mr. Stevens himself told me, everything grows better from month to month. The exasperations and frictions of early organization are passing away as matters move with more smoothness. A quarantine of Panama on the one side and of Colon on the other much delayed the delivery of material, and brought seventeen ships into La Boca at one time for unloading. These discouragements, so characteristic of the Tropics and of great works in the Tropics, at first seem insurmountable, but to an engineer having the patience needed for any enterprise in the Tropics they can be overcome, provided he applies himself to his task with constantly renewed effort. Another great work by the engineer department is the taking of borings and the finding of data upon which to proceed in the detailed construction of the canal. Parties of engineers go out and stay for months measuring capacity of natural basins, the flow of water in the tributaries of the Chagres and other rivers, and thus procure the facts upon which the chief engineer and the Commission must proceed in developing the detailed plans for the ultimate building of the canal.

During the reading of the above the following occurred:

Mr. MADDEN. Mr. Chairman, I would ask permission to incorporate that part of the speech of Secretary Taft indicated by the marks on the various pages, and ask that the further reading be discontinued to save the time of the House.

The CHAIRMAN. The gentleman will proceed. Without objection, the paragraphs as indicated will be printed. [After a pause.] No objection is heard.

Mr. MADDEN. All the work indicated in the speech of Secretary Taft has called for the attention of the best minds in the country, and it is sure to result in making the Isthmus eventually an agreeable place to live and a place to which men seeking employment will be attracted. The necessity for all

this preparatory work must be apparent to everyone. Without it no one could be induced to live on the Isthmus at all.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MADDEN. I will ask unanimous consent for five minutes more, Mr. Chairman.

Mr. LITTAUER. Mr. Chairman, I would like to ask unanimous consent of the House that general debate continue until 5 o'clock, one half to be in charge of the gentleman from Georgia and the other half to be under my charge.

The CHAIRMAN. The gentleman from New York asks unanimous consent that general debate continue until 5 o'clock, the time to be equally divided between the two sides, to be controlled one half by the gentleman from Georgia and the other by himself. Is there objection?

Mr. WILLIAMS. Mr. Chairman, this is a request to continue general debate?

The CHAIRMAN. Yes, sir. Is there objection?

Mr. WILLIAMS. Wait a minute, Mr. Chairman. Mr. Chairman, I object if it is necessary to speak at once. I desired a moment to have a little conference with my associates.

The CHAIRMAN. The gentleman from Mississippi objects.

Mr. WILLIAMS. Why do you want it?

Mr. LITTAUER. Because we have two or three requests for a little time; I have three requests for five or ten minutes.

Mr. WILLIAMS. There is nobody on this side who wants to talk.

The CHAIRMAN. The Clerk will read.

Mr. WILLIAMS. Gentlemen on that side can ask unanimous consent for five or ten minutes.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent for five minutes more.

Mr. WILLIAMS. I shall not object to that.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that he may proceed for five minutes. Is there objection? [After a pause.] None is heard.

Mr. MADDEN. The work of construction could not and can not begin until the completion of all this necessary sanitary work. It would have been impossible to make the sanitary improvements and do the other work which has been done and is yet to be done, except by the Government itself. The sanitary arrangements will soon be completed, and the work of construction must of necessity then begin. The question is under what method is this work of construction to be pursued? Shall it be under the direction of the Government officials employing labor by the day or will it be wiser to prepare plans and specifications and invite bids from the contractors of the United States, under which the work can be let in sections at a price fixed in advance, with a time limit in the contracts for a completion of the work?

It would seem to me as if there can be no doubt that the most economical and expeditious manner of carrying this work forward will be under the contract system, for it will not be denied that contractors, having the necessary capital and experience, would be much better qualified to enter upon such a task with the incentive before them of what profits might be made by strict attention to business and to the work committed to their care, surrounded, as they would be, by an efficient corps of assistants, every one of whom would bring to the task assigned him an experience which can not be procured on a monthly wage.

A remarkable work of a similar character, although on a somewhat smaller scale, has been completed by the sanitary district of Chicago, which constructed a channel 34 miles long—24 miles in rock, 160 feet wide, 36 feet deep, and 10 miles in clay of an equal width and depth—at a price not to exceed $30,000,000 as the original cost of construction, and this price included the purchase of 10,000 acres of land for the right of way, the actual work of excavation covering a period of approximately five years.

Mr. WANGER. Was the drainage canal constructed by the commission or by contract?

Mr. MADDEN. By contract. I will say to the gentleman it was carried on in an expeditious, efficient, economical, and honest manner, in line with ordinary business methods, under the direction and supervision of a board of commissioners elected by the people; and it stands to-day without a peer in public work constructed in any section of the world under public management. It never could have been constructed within the time nor at the price except under the contract system. With such a result and with such an example before us, why not profit by experience and apply the same principles to the construction of the Panama Canal, dividing the work into such sections as the engineering organization consider feasible and best to most efficiently overcome the peculiar physical conditions which exist on the Isthmus?

The CHAIRMAN. The time of the gentleman has again expired.

Mr. FOSS. Mr. Chairman, I ask unanimous consent that my colleague have five minutes more.

The CHAIRMAN. The gentleman from Illinois [Mr. Foss] asks unanimous consent that his colleague have five minutes more. Is there objection?

There was no objection.

Mr. MADDEN. In this way we can secure the experience of contractors expert in every particular class of work to be accomplished, with knowledge of modern and efficient business methods, and with their ability to put the same into actual operation and to secure the very best results therefrom. It is believed that the various problems which are now present to vex and annoy us would disappear under the application of the contract method. The most important question as to the probable cost and probable time of completion would be settled in the terms of the contract. The labor question would be removed from the political arena and resolve itself into a detail difficulty which contractors with experience would be easily able to overcome. The possession of the old machinery, talked about by the gentleman from Mississippi [Mr. WILLIAMS], found on the Isthmus at the time this Government secured control of the work and the new machinery since purchased could be turned over on reasonable terms and conditions to the contractors, and gradually charged out against their accounts on a percentage basis as the work progressed, letting the profits of the work absorb the cost to the contractors.

Diligent research fails to reveal any objection to the application of the contract method, but indicates that there is every reason in favor of and none whatever against it. In fact, it seems to be the only hope for an early and aggressive campaign of construction. And believing this as firmly as I do, I introduced a bill a few days ago which has for its purpose the passage of a law providing for the construction of the canal under the contract system. And it is my earnest hope that after all the sanitary arrangements are completed on the Isthmus, and it could not be done before they are completed, that the President and those under him in charge of this great project will be able to see the advantage to be gained by this method of conducting the work. And I am glad to be able to say here and now, that only a day or two ago, at Cincinnati, in a speech made there before one of the public bodies of that city, Mr. Shonts, president of the Isthmian Canal Commission, said it was the fixed policy of this Administration to construct the canal by contract, and that just as soon as the sanitary arrangements were completed and they were able to determine the character of the canal and prepare the necessary plans and specifications, they would invite bids, and that if these bids were in keeping with the best judgment of experienced men on what the work should cost, that every particle of the work from thence onward should be let and conducted under the contract system. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MADDEN. Just a moment.

Mr. WILLIAMS. Mr. Chairman, I ask unanimous consent that the gentleman may conclude his remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

Mr. GROSVENOR. I object, Mr. Chairman.

The CHAIRMAN. Objection is made.

Mr. SMITH of Iowa. Mr. Chairman, I ask unanimous consent that the gentleman be permitted to proceed one minute.

The CHAIRMAN. Is there objection to the gentleman proceeding one minute? None is heard.

Mr. MADDEN. Now, if American workmen could be used in the construction of this canal I would be opposed to the repeal of the eight-hour law as applied to the Isthmus, for I sincerely believe that eight hours is all an American should work there or anywhere else. If the contract system is finally adopted the work will be carried on every hour of the twenty-four. The investment in machinery in such a project as this must of necessity be enormous, and to leave it idle would be to employ the capital invested but part of the time, and this no contractor would do. If, on the contrary, the Government should continue to do the work by the day the officials are no less obligated to work this machinery continuously. There can be no justification for the pursuit of any other course, and surely no other course will be tolerated by the American people. [Loud applause.]

The CHAIRMAN. Debate is closed, and the Clerk will read.

Mr. BURTON of Ohio. Mr. Chairman, I ask unanimous consent for five minutes.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BURTON of Ohio. Mr. Chairman, I do not rise to enter into any extended argument about the method to be adopted in the construction of this canal, but principally to correct certain misapprehensions which may arise from some things that have been said in this debate. It has been said that the chief mistake has been that work has been done without any plan for the kind of canal to be constructed. There is a general plan for the construction of this canal recommended by the Commission appointed under the river and harbor act of March 3, 1899. That commission was composed of very able men. In addition to two civilians and a naval officer, it included George S. Morrison, now deceased, who was one of the leading engineers of the country; Colonel Ernst, one of the most experienced and able officers in the Corps of Engineers, War Department; Prof. Lewis M. Haupt, an engineer who has given much attention to the improvement of waterways; Mr. Albert Noble, whose name has already been mentioned and who has planned and directed a great variety of difficult and extensive engineering projects; Col. Peter C. Hains, an engineer of the United States Army familiar with extensive river and harbor works, and Mr. Willard H. Burr, professor of engineering in Columbia College.

Three plans have been proposed; one a sea-level canal, another a lock canal with one or more levels, the third a plan by which breakwaters or dams should be constructed in the bays at both ends of the canal, with the intention of inclosing and raising the water so it might flood a portion of the intervening country on the Isthmus and do away in part with the necessity of excavation. The Commission made a report in November, 1901, recommending a lock canal, with an upper level, the bottom of which should be 85 feet above the level of the sea. They recommended a canal which would be 30 feet deep, and then prescribed the width and the curves and their location. The amount of excavation required was computed, and the expense of the different portions was minutely estimated. The estimated cost for building the canal was $144,000,000. So there is a distinct project before Congress, which, it is reasonable to suppose, was in contemplation when the Spooner Act was passed, in 1902, though not in terms adopted, and, of course, subject to changes in the details of construction. In that act mention is made of the capacity and depth of the canal and construction of the necessary locks. It may be that under the pressure of a demand for the early completion of the enterprise, there has been too much haste, and steps have been taken before sufficient preparations have been made. If there is one thing which it seems to me that the committee and the House should scrutinize very carefully it is these purchases of machinery and equipment to be used in the construction of the canal. It is hardly probable that such large purchases would have been made except upon the theory that it was the intention of the Government to proceed with the work directly, without the intervention of contractors. The act of 1902 seems to contemplate the construction of a considerable share of the work by contract, for the President is authorized——

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIAMS. I ask unanimous consent that the time of the gentleman may be extended for five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BURTON of Ohio. In section 5 of that act it said:

> And the President is hereby authorized to cause to be entered into such contract or contracts as may be deemed necessary for the proper excavation, completion, and defense of said canal, harbors, etc.

It would seem that we ought to give careful consideration to the purchases of implements and appliances for doing the work until the question of how the work shall be done is decided. It is evident that the work may be divided. Part of it is rock excavation, part consists of the construction of locks, part of excavation of earth or dredging merely, all of which might very properly be divided. Also, the Government might proceed with a distinct section of the work by the direct employment of labor.

Mr. TAWNEY. Do I understand the gentleman to say that this ought to be decided before we proceed with the appropriation of the amount carried in this bill?

Mr. BURTON of Ohio. I say we should scrutinize these expenditures very carefully until then.

Mr. TAWNEY. I wish to say that the committee scrutinized the matter carefully. We inquired of the Commission and the Secretary of War along that line, and we were informed that it mattered not what the future plan might be, the expenditure for which this appropriation is necessary would have to be made whether a lock canal or a sea-level canal is constructed. This is preparatory work and must be done before going on with the building of either a sea-level or lock canal.

Mr. WANGER. Whether by contract or day labor.

Mr. TAWNEY. Yes; whether by contract or day labor.

Mr. WILLIAMS. In view of what the gentleman from Minnesota has just said, if the gentleman will yield to me, what is the meaning of this language:

> For new equipment purchases.

What is the character of that new equipment? Is it not equipment that would excavate?

Mr. LITTAUER. It is already contracted for.

Mr. WILLIAMS. I do not care whether it is contracted for or not.

Mr. TAWNEY. "Estimated appropriation, new equipment purchases, payable April 1, 1905, to June 30, 1906, inclusive"—is that the item the gentleman refers to?

Mr. WILLIAMS. What I refer to is the language:

> For new equipment purchases, $1,565,768.

Mr. TAWNEY. That refers to 1,000 flat cars, 120 locomotives, 43 steam shovels, 18 unloading machines, plows, 3 water tanks and towers, 2 dipper dredges——

Mr. WILLIAMS. Part of it is for dredges?

Mr. TAWNEY. Part of it is for dredges. They have a fresh-water swamp there at Colon.

Mr. WILLIAMS. What is the Government to do with these dredges if it gives the work out by contract?

Mr. TAWNEY. They will have to use dredges at Colon and Panama, no matter whether they give the work out by contract or do it by day labor. They will have to continue to use dredges for a great many years to come, as they have been using dredges, and that is the only way they can keep the channel clear and utilize the harbor.

Mr. WILLIAMS. One other question before the gentleman sits down. I see part of it is for locomotives. Why should that have been put here under new equipment for the canal? Why should it not have been called new equipment for the railroad, and let it stand upon its own merits?

Mr. TAWNEY. I will say to the gentleman that the Panama Canal Commission is double tracking the railroad——

Mr. WILLIAMS. I did not ask the gentleman that.

Mr. TAWNEY. For the purpose of operating the road in connection with the conveying of the material that is excavated, when the excavation commences.

Mr. WILLIAMS. Why did not this bill say "for new equipment for the Panama Railroad?"

Mr. TAWNEY. Because it does not belong to the Panama Railroad—is not intended for the Panama Railroad. It belongs to the Government.

Mr. WILLIAMS. Do you mean to say that the locomotives do not belong to the Panama Railroad?

Mr. TAWNEY. I do; not the locomotives mentioned in that particular item.

Mr. LITTLEFIELD. And they are not intended to belong to the Panama Railroad?

Mr. TAWNEY. They are not intended to belong to the Panama Railroad. They belong to the Government and are to be operated under the jurisdiction of the Commission.

Mr. WILLIAMS. So does the railroad.

Mr. TAWNEY. Mr. Chairman, I am proceeding in the time of the gentleman from Ohio [Mr. BURTON].

Mr. BURTON. I ask unanimous consent that my time may be extended five minutes.

Mr. GROSVENOR. I have been asking and have been promised time enough at some time during the afternoon to make a two-minute speech. That promise was made to me sometime ago, and I have been sitting here waiting.

Mr. BURTON of Ohio. If my time is extended, I will yield two minutes to my colleague now.

The CHAIRMAN. Is there objection to the time of the gentleman from Ohio being extended to 5 o'clock? The Chair hears no objection. Does the gentleman from Ohio now yield to his colleague from Ohio, General GROSVENOR?

Mr. BURTON of Ohio. I do.

Mr. GROSVENOR. Mr. Chairman, I want to say that I was greatly interested in the speech of the gentleman from Mississippi [Mr. WILLIAMS], especially that part of it which discusses and insists upon the propriety of letting the work by contract. There was something in his remarks that was suggestive of something which I had read very recently, and I find that the entire subject has been gone over very carefully and intelligently by Mr. Shonts on last Saturday evening before the Commercial Club in Cincinnati, in which is used the precise language used by the gentleman from Mississippi, if not the language at least the idea, favoring the letting of the work by

contract, the ascertainment in the first place of the character of the work, and the whole line of argument of the gentleman from Mississippi. So I say that we ought to congratulate ourselves that the Democratic side of this House, through its spokesman, the Commission through the head of it, and the Republican side of the House through the chairman of the subcommittee in charge of this bill, all agree upon the great topics we have been discussing here this afternoon.

Now, Mr. Chairman, I will print as a part of my remarks the speech of Mr. Shonts reported in the Cincinnati Enquirer of Sunday, January 21, as follows:

CONDITIONS AT PANAMA, AS DEFENDED BY PRESIDENT SHONTS, OF THE CANAL COMMISSION.

MR. PRESIDENT AND GENTLEMEN OF THE COMMERCIAL CLUB: It is a pleasure to speak of the Panama Canal in the home of Secretary Taft, and to an assemblage of his neighbors and friends. He is a son of Cincinnati and of Ohio in whom the whole country takes pride, for his services on the bench, in the Philippines, and in the Government at Washington have brought honor, not only to his native city and State, but to the American name before the world. I consider it a high privilege to be associated with him under the direction of President Roosevelt in the conduct of the most stupendous enterprise to which this nation has ever put its hand. He brings to this task the broad intellectual grasp, the calm, clear judgment, the complete patriotic devotion and the inflexible, uncompromising, and outspoken honesty that are the distinguishing traits of his public carrer. The value to the country of the services of such a man in its Government can not be overestimated. When the canal shall have been completed—as completed it surely will be—no small share of the credit for the great achievement will be due to his wise counsel, inspiriting cooperation, and unflagging faith in the ability of the American people to solve any problem with which they are confronted.

I am here to-night to talk, as I have said, not of an experiment, but of an assured success. We are not merely going to build the Panama Canal; we are building it. Preparation is a part, and a most important part, of the work of construction. When that shall have been fully and thoroughly accomplished, a great step forward will have been taken. You can not erect a house until you have laid the foundation. You can not run a railway until you have laid the tracks. You can not build a chimney by placing the top bricks first. These are trite truisms, but there seem to be people in this country to whom they are novelties. We are approaching the end of the preliminary work. We have made the Isthmus a healthful place in which to work. We are getting the line of the canal into a condition which will enable us to operate an excavating plant to the best advantage, and we are assembling the plant with which the work is to be done. When you bear in mind that we have been engaged in this preparatory task barely six months, that we have been compelled to carry it forward in a tropical country—mainly a wilderness, not accessible by railway, but 2,000 miles at sea and 2,000 miles from the base of supply—and that most of the material entering into the work had to be manufactured to order before it could be shipped to the scene of action, I think you will admit that the amount of time consumed has not been unreasonable.

THE PREPARATORY WORK.

I shall not burden you with details of the preparatory work. These were set forth by me in a speech before the American Hardware Manufacturers' Association a few weeks ago, and are to be found in the recent report of the Commission to Congress. Briefly summed up, they have resulted, first, in converting the Isthmus from a hotbed of disease into as healthful a place for work of the kind in hand as could be found in any tropical country. With reasonable care a man can go there to live now with no more serious menace to his health than he would encounter in frontier work in our own country. Second, the workers of all grades are provided with suitable and sanitary quarters, wholesome food in abundance and at reasonable prices, and pure water; third, an antiquated, inadequate, and poorly manned railway system has been improved and reorganized on modern lines and provided with up-to-date equipment of locomotives and cars; fourth, new wharves, equipped with modern mechanical appliances, commodious terminal yards at both ends of the railway, extensive warehouses, suitable machine shops, and a modern coal-hoisting plant are rapidly approaching completion; fifth, more than $9,000,000 has been expended in the purchase of supplies and material, largely for an operating plant in the actual work of excavation, and the bulk of this investment is already on the Isthmus.

This vast quantity of supplies has been purchased almost exclusively in the United States. In accordance with our policy of buying in the cheapest markets, we have bought chiefly in the United States, because its markets, in the main, are the cheapest in the world for the products that we need in this work. The American laborer is the highest priced in the world, but we can buy the results of his work more cheaply here than abroad because of his superior skill and because of the intelligent interest which he, as an American citizen, takes in his work. In other words, he puts more brains into the product of his hands, because he is a citizen of a free country and his mind has been enlarged and his ambition stimulated by active participation in the duties of citizenship.

While buying our supplies in the United States we have seen to it that the entire country should be admitted on equal terms to the competition for furnishing them. Our theory is that since the American people are to defray the cost of building the canal the whole American people should be treated alike in the opportunity to derive legitimate industrial and commercial profit from the outlay for construction. One of the first acts of the present Commission after taking office was the adoption of a policy designed to place all manufacturers and producers in all parts of the country on equal terms in regard to shipment of goods to the Isthmus. The chief features of this policy were:

FEATURES OF ITS POLICY.

1. We threw open all terminal facilities on the Isthmus to all steamship lines on equal terms. Prior to this time the Panama Railroad, being a private and not a Government corporation, had endeavored to force the shipment of all canal supplies by way of New York. The management of the railroad required that steamship lines from Gulf ports should charge the same rates from their ports to Colon as were charged by the railroad's steamship line from New York to Colon, under penalty of being deprived of the railroad's dock facilities at its terminals. The result of this was to give great advantage to the port having the shortest rail line from point of production. As New York was much nearer the centers of production than Gulf or Pacific coast ports, it secured the bulk of the business. When the Government assumed control, by purchase, of the Panama Railroad, one of the Commission's first acts was to notify all steamship lines that they could have the use of the railroad's terminal facilities on the Isthmus on the same terms as the steamships of the railroad company, without regard to any rates they might make from their ports of departure.

2. We required all bids for supplies to be made c. i. f. the Isthmus—that is, all bids to include cost of delivery on the Isthmus.

3. In order to prevent any charge of discrimination in rates as between New York and the Gulf and Pacific coast ports we separated the Panama Railroad Steamship Line from the Panama Railroad and threw open the use of that steamship line to all railway connections at New York on agreed percentage divisions. We gave our direct rail connections at New York, as well as all others, the privilege to make rates from all producing territory clear through to Colon. Under this policy the manufacturer situated on the line of a railroad leading to New York has no advantage whatever over the one situated on lines of railway running to Gulf ports. Each can arrange for his own rates straight through to Colon. We went a step farther and adopted the policy of charging the Government on the Commission's shipments from New York exactly the same rates that are paid by any other shippers from that port locally. Our object in these various acts was to protect the United States Government from any charge of favoritism to any section of the country or to any port.

If we had made low rates from New York on our own materials it would have been charged that these were less than private capital could afford to grant, and that therefore the Government should install similar service from the South Atlantic and Gulf ports. We should also have been charged with rebating to ourselves as against other shippers, thus violating the law. What we did was to put the Government on a parity with every other shipper, and all sections of the country on exactly the same footing. If by reason of these policies competition among the railways in different sections of the country shall result in rates below a profitable basis the Government will be the gainer, because it will get the benefit of a reduced cost in the price of its material delivered on the Isthmus. In no case can the Government be a party to any kind of discrimination.

CINCINNATI FAVORED.

You, gentlemen, being situated about equally distant from the Gulf and the seaport, are especially favored under this policy. You will get the benefit of the competition of the railways leading through both gateways, and should be able to secure very reasonable rates of transportation on any goods you may produce and desire to sell which enter the construction of the canal.

I come now to a branch of this subject to which I have referred in my address before the Manufacturers' Association, and also in the Commission's report to Congress, and I bring it up again because there is nothing connected with the construction of the canal that surpasses it in importance in its bearing on results. I refer to the labor question.

The character of labor employed on the Isthmus has more to do with the time it will take to build the canal—more to do with the cost of construction—than any other determining factor.

There is no insuperable difficulty in the way of the construction of the canal from an engineering point of view, and with any ordinary class of labor. The serious problem is to get what will be considered in this country anything like an ordinary class of labor. In examining this question we have studied and discussed the merits of labor of nearly all nationalities available for the purpose. The chief difficulty with which we have to contend in the employment of oriental labor lies in the laws which hedge about its use. In order to comply with the letter and spirit of these laws, the best that we can do is to let out the work by contract, advertise and secure the lowest bidder, who will be nothing more or less than an agent. He will secure the labor, deposit the money required by the government of the country from which the laborer comes for the sustenance necessary to the support of his family while he is away, and advance the money for the necessary transportation. All this is to be included in the cost of the labor delivered on the Isthmus, in addition to the agent's remuneration, making it very high priced. The Government must protect itself against the charge of forcing involuntary servitude, and hence it can adopt no safeguards which will prevent the labor from leaving the Isthmus the day after arrival, thus losing the money necessary to get it there, with no return whatever. The result of this is practically to make oriental labor prohibitive in the construction of the canal.

Experiment with Italian laborers, while not made on a large scale, has not been satisfactory, for the reason that they do not seem possessed of great vitality, and succumb quickly to tropical fevers.

The West Indian negro that we are using has but little life and ambition in him. We are practically trying to wield an inert mass, with the result that we are not getting over 25 per cent, or, from a most liberal point of view, 33⅓ per cent, of the efficiency of the most ordinary labor in the United States. We are now arranging to experiment with 1,000 laborers from the north of Spain. This class of labor was used to great advantage by Sir William Van Horn in the construction of his 350 miles of railroad in Cuba. While not tall, they are of muscular build, docile in temperament, and willing and industrious workers, with enough ambition to want to become subforemen and foremen in their work. In other words, besides being laborers they have a spark of ambition which makes it possible to develop them into something better than brute force. These men have the further advantage of being white, and of speaking the language which most of our foremen either know or rapidly acquire after reaching the Isthmus.

QUESTION AS TO LABOR.

So far as the labor in the United States is concerned, we might as well recognize the facts. The best quality of this labor is regularly employed, because of the great industrial activity here. This confines our selection to those employed only as extra men and those seeking employment, who, of course, will not grade as high as those regularly employed. In order to get these men in some branches of trade it is necessary to pay larger wages than are paid in this country, for they would rather have extra work, with a chance of regular employment here, than leave their own country.

Before closing my remarks in regard to the importance of labor in this enterprise I wish to repeat and emphasize the opinion I have expressed on former occasions in regard to the application of the eight-hour law. The present wage varies from 80 cents to $1.04 per day in gold. As compared with the best common labor in the United States, its efficiency is rated at from 25 to 33 per cent. Over 80 per cent of the employees of the canal are now, and will continue to be, alien laborers. A majority of the other 20 per cent employed will be in a clerical, a supervisory, or in some other capacity to which the various labor laws of the United States are not applicable. It is to this kind of labor we

are compelled to apply the eight-hour law—that is, to aliens who know nothing of the law's existence until they arrive on the Isthmus.

Such application will increase the labor cost of canal construction at least 25 per cent. You can readily see why this will be the case. We pay our laborers by the hour. If we can employ them for only eight hours a day, we can give them work for only forty-eight hours a week. If we can employ them ten hours a day, we can give them sixty hours a week. They will accept a smaller hourly wage for sixty hours a week than they will for forty-eight hours. As a matter of fact, the skilled laborers prefer a ten-hour day, and many of them have asked for it, desiring to get the extra two hour's pay. When they work overtime on the eight-hour plan, they expect to get time and a half.

It is obvious that by forcing the eight-hour day upon us millions of dollars will be added to the cost of construction. American labor in this country will have to pay its share in the consequent increase of taxation, and for no appreciable benefit, for, as I have shown you, there are only very few American laborers on the Isthmus. There is no question of American labor involved in Isthmus work, and I repeat what the Commission has urged in its annual report, that it is a mistake to handicap the construction of the Panama Canal with any laws save those of police and sanitation, and that labor on the Isthmus should be excluded from the application of the eight-hour law, the contract-labor law, the Chinese-exclusion act, and any other law passed or to be passed by Congress for the benefit of American labor at home.

WAITING ON DECISION.

As I said at the beginning of these remarks, our preparatory work is nearing completion. It has, in fact, advanced as far as we can carry it safely until we know definitely the type of canal we are to construct, whether it is to be sea level or high level. It is of the utmost importance, therefore, that decision as to this type be reached at the earliest possible moment. I had hoped when I accepted your invitation that before the time to address you should arrive the advisory board would have made its report, and I should be at liberty to speak freely about it and to discuss both the details of the plan decided upon and the methods to be employed in its execution. The members of the board consumed much more time in their deliberation than they had anticipated, and as the two reports which they have decided to make are not yet before the Commission, it would be obviously improper for me to enter upon the subject now.

I am glad to say, however, that whatever may be the type decided upon, it will take us but a short time to complete the arrangements for beginning at once to carry its details into execution on a comprehensive scale. We shall divide the work into sections and prepare specifications asking for bids for contracts for such portions of the work as we think can be done advantageously in that way. We are strongly in favor of doing the work by contract if the type of canal and the prices bid will permit. One of the chief benefits we have derived from the preparatory work is the accumulation of knowledge as to the nature of material to be handled and the cost of handling it, which will enable us to judge whether or not such bids as we may receive will make it desirable to have the work done by contract.

Gentlemen, we are treating this task as a great business enterprise and are seeking to accomplish it by the application of strict business methods, paying no heed to politics or political 'pulls.' Our sole aim and purpose is to give the American people the full worth of every dollar they put into the work and to hand over the work completed to them at the earliest possible day. So long as we continue in control of the job it will be managed on these principles and on these alone. When it becomes apparent that we will not be permitted to build the canal in that way we will step aside and let somebody else take it in hand. In a recent message to Congress President Roosevelt, who is the supreme director of the work, every step of which has been taken with his personal knowledge and with his approval, said:

"All our citizens have a right to congratulate themselves upon the high standard of efficiency and integrity which has been hitherto maintained by the representatives of the Government in doing this great work. If this high standard of efficiency and integrity can be maintained in the future at the same level which it has now reached, the construction of the Panama Canal will be one of the features to which the people of this Republic will look back with the highest pride."

The members of the Commission and those associated with them in the task ask no higher approval than that, neither do they think that any other is necessary to carry conviction to the minds of the American people. In the same message the President also said:

STORIES ABOUT CONDITIONS.

"From time to time various publications have been made, and from time to time in the future various similar publications doubtless will be made, purporting to give an account of jobbery or immorality or inefficiency or misery as obtaining on the Isthmus. I have carefully examined into each of these accusations which seemed worthy of attention. In every instance the accusations have proved to be without foundation in any shape or form. They spring from several sources. Sometimes they take the shape of statements by irresponsible investigators of a sensational habit of mind, incapable of observing or repeating with accuracy what they see, and desirous of obtaining notoriety by widespread slander. More often they originate with or are given currency by individuals with a personal grievance. The sensation mongers, both those who stay at home and those who visit the Isthmus, may ground their accusations on false statements by some engineer, who, having applied for service on the Commission and been refused such service, now endeavors to discredit his successful competitors, or by some lessee or owner of real estate who has sought action, or inaction, by the Commission to increase the value of his lots and is bitter because the Commission can not be used for such purposes, or on the tales of disappointed bidders for contracts, or of officeholders who have proved incompetent or who have been suspected of corruption and dismissed or who have been overcome by panic and have fled from the Isthmus.

"Every specific charge relating to jobbery, to immorality, or to inefficiency, from whatever source it has come, has been immediately investigated, and in no single instance have the statements of these sensation mongers and the interested complainants behind them proved true. The only discredit inhering in these false accusations is to those who originate and give them currency, and who, to the extent of their abilities, thereby hamper and obstruct the completion of the great work in which both the honor and the interest of America are so deeply involved. It matters not whether those guilty of these false accusations utter them in mere wanton recklessness or folly or in spirit of sinister malice to gratify some personal or political grudge."

BIGELOW'S CHARGES.

Thus speaks the President.

A notable specimen of this scandal-mongering literature was laid before the country a few days ago from the pen of a man who had spent twenty-eight hours and ten minutes on the Isthmus. The ten minutes are important, for a person of such extraordinary powers of observation and production can collect an enormous amount of material in that time. He landed at Colon on November 30 at 10 a. m. and sailed away on the same steamer from Colon at 2.10 p m. on December 1. In those twenty-eight hours and ten minutes he accumulated a fund of exact knowledge sufficient to enable him to draw a general and sweeping indictment of the President, Secretary Taft, the Canal Commission, Governor Magoon, Chief Engineer Stevens, Colonel Gorgas, and everything that has been done on the Isthmus since the American Government came into possession of the Canal Zone.

He has been not merely answered, but annihilated by Secretary Taft, and I shall waste no time with him. One point only will I mention as an illustration of his miraculous powers of observation. He said that during a recent rain the volume of water was so great in the sewers of Panama that it "backed the sewage up into cellars and ruined many houses." There is not a cellar in Panama and never has been.

A few days after this masterpiece of mendacity appeared in print I took up the Washington Post, a newspaper which is not open to the charge of extreme partisan support of the Canal Commission, and read therein the following interesting statement:

"Mr. John N. Popham, a former Virginian, who has many friends in Washington, was seen yesterday at the Shoreham. For the past sixteen years Mr. Popham has been engaged in railway building and mining manganese on the Isthmus of Panama and in Costa Rica. He was for five years special agent of the United States Treasury on the Isthmus, and no man is better qualified to speak of the conditions existing in that country. In conversation with a Post reporter Mr. Popham said:

"'Prior to last May the conditions on the Isthmus may have been open to just and intelligent criticism, caused by the delay in improving the physical condition of the Panama Railroad, purchase of necessary rolling stock, and improving the terminal facilities. But those conditions are forgotten history. The fair-minded residents of the Isthmus appreciate the magnificent efforts and splendid results accomplished since that time.

"'The statement made by Mr. Poultney Bigelow is so far from being fair, the views so distorted, and the inference so frail, that it is only laughed at on the Isthmus, and it was so fully covered at home by that part of the President's communication to Congress the 8th instant under the heading of "Scandal mongers," that there is but little left for a self-respecting American resident of the Isthmus to add. The people of Panama are intelligent, capable people. They appreciate the results accomplished; they have been and are anxious and willing to continue to help our people in the great enterprise that means so much to the whole world.

HIS OWN TESTIMONY.

"'After sixteen years' experience on and in the vicinity of the Isthmus and knowing, as I do, the homes of the West India laborers in the great banana-producing district near Colon, Bocas del Toro, and Port Limon, and having for many years employed from 400 to 700 Jamaicans daily at our mines 35 miles from Colon, I feel competent to judge and to tell you that the West India laborer has never known and in his most pleasant dreams has never hoped for the splendid care and liberal treatment he is receiving from our Government on the Isthmus of Panama.

"'My knowledge of the affairs of the canal company only enables me to speak of conditions in the Isthmus and the work in progress there. But in every department of the canal work during the past seven months on the Isthmus the people of this country can rest assured that the investigation to be made by the Senate committee will confirm the following lines found in the President's communication to Congress: "The work on the Isthmus is being admirably done, and great progress has been made."'"

That, gentlemen, is the testimony, voluntarily offered, of a man who can truthfully be called an expert. He has not merely made a twenty-eight-hour visit to the Isthmus, but has lived there or in its vicinity for sixteen years. He is a man of unquestioned character, who has represented his Government honorably there as its financial agent and who has had practical experience in railway building and mining. The testimony of such a man should be final against the inventions and slanders, not only for one, but of any number of scandal mongers.

Speaking for the members of the Commission as well as for myself, I wish to say with all possible emphasis that we not only invite investigation of our acts, but ask for it as a right. If we are doing our work honestly and efficiently, our hands should be upheld; if it is shown that we are doing it inefficiently, we should be removed, and if we are doing it dishonestly, we should be exposed, convicted, and sent to prison. Neither knaves nor incompetents should be permitted to have charge of a task of such magnitude. But while we court the fullest investigation, we earnestly ask that it be made by persons of character and standing, either in public or private life, whose recognized intelligence and fairmindedness are such as to command public confidence, and that it be made upon the ground.

We ask, further, that the investigation be made promptly and ended as soon as it can be and have its work done thoroughly. This is absolutely necessary if we are to maintain any degree of efficiency in the organization. The feeling of uncertainty and unrest which constant agitation about the Commission and its work creates is destructive of that interest in the work which is essential if the best results are to be secured. It is impossible to retain good men in the service under such conditions.

FAIR-PLAY PROTESTS.

We protest, in the name of American fair play, against the dissemination in the United States of libels and slanders upon the efficiency and character of faithful workers on the Isthmus who, by reason of their absence from their own country, can not defend themselves from such assaults. Many of them went to the Isthmus before it was made a healthful place in which to work, and in doing so faced death from disease as the soldier faces it from the bullet on the field of battle. They saw many of their comrades die from disease, but they themselves either escaped it entirely or recovered from its attack. A more loyal, faithful, efficient body of men than these servants of the United States on the Isthmus is not to be found anywhere on earth. Their devotion to the interests of their country entitles them to the gratitude of their fellow-citizens and should protect them from the cowardly attacks of that most despicable of all assailants, the man who stabs in the back.

Gentlemen, I believe in the canal; believe that it can be built in a reasonable time, and believe that when, through American generosity and under American control, it shall be thrown open to the commerce of the world, it will be hailed, and will prove to be, a priceless boon to all

mankind. It will justify the faith of the American people in its wisdom and world-wide beneficence, and will justify also the expenditure of millions of American money for its construction. When it shall be opened for traffic the position of this nation in relation to the trade and commerce of the world will be a most favorable one.

We shall have a virtually continuous coast line from the northeastern extremity of Maine to the western extremity of Alaska, open alike to the ships of the Atlantic and the Pacific, and giving to both the opportunity to trade directly with each other. San Francisco will be within fourteen days of New York by steamers making 16 knots an hour, instead of sixty days, and within twenty-one days of any English port instead of thirty-five.

The west coast of South America will be 3,000 miles nearer to our ports than to those of Europe, opening to our products an entirely new field of commerce which has in it great possibilities. These are the broad, general facts in the case, and I need not explain to you that they have in them opportunities that are of incalculable value. They open to the United States new markets for its products, new opportunities for enlargement of foreign trade, which our rapidly growing production is demanding year by year.

WHOLE NATION TO SHARE.

In this enlargement of industrial and commercial activity the whole nation will share. All railway lines, including the transcontinental, will be benefited by the increased traffic which will surely follow. New steamship lines will be opened to accommodate the new trade between the two Americas, and the expanded trade with Australia and the Orient. The world's traffic will be changed to new currents, and in the change all the nations of the earth will profit.

The population of the world one hundred years ago was estimated at 800,000,000; to-day it is estimated at 1,600,000,000. In other words, the growth of the world's population during the past century has been equal to its accumulated growth during the previous ten thousand years. If this ratio of increase shall be continuous, the new population of the globe will find its home, not in the densely populated districts of Europe, but in the sparsely settled countries of North and South America. The development of these countries and of their trade with the Orient, as well as with Europe, will all pay tribute to the Panama Canal, for it will be in the heart of this new growth and the pathway of its commerce.

But great and world wide as will be the material benefits of the canal, the moral and political effects will be no less remarkable and no less salutary. In the United States the inevitable effect will be to develop a stronger and deeper sentiment of national unity than this country has ever known. New and larger trade relations will join the Atlantic seaboard and the Pacific coast more closely than even the transcontinental railways have accomplished, and will tend to unify in interest and sentiment all the Americas.

With the canal open there will be no Atlantic and no Pacific fleet, either in the Navy or in the merchant marine, but an American fleet. As an object lesson in the need of an isthmian waterway, the trip of the *Oregon* in the spring of 1898 from San Francisco to the coast of Florida was the most convincing argument ever adduced. With her powerful machinery working to its utmost limit and everything in her favor, including a commander of the first rank, sixty-eight days were consumed in the voyage. With the canal open she could have made the trip in ten or twelve days and without need of special haste. Instead of two navies we shall have a double navy ready for all emergencies. The ability to assemble our war ships quickly will act as a powerful influence in the direction of peace, for it will operate constantly as a preventive of war. The high position as a world power to which this nation, under the guidance of McKinley and Roosevelt and Hay, has advanced during the past few years will thus be strengthened and enlarged, and American influence upon the civilization of the world and upon the welfare of the human race will be immeasurably extended.

Mr. WILLIAMS. Before the gentleman from Ohio sits down I want him to yield for a suggestion.

Mr. GROSVENOR. I will.

Mr. WILLIAMS. I want to say that I have not seen any speech of Mr. Shonts, and if he has, as I am informed, a practical good business sense, I feel like I ought to congratulate myself that my mind, unaided and unassisted by his, has arrived at a similar conclusion.

Mr. GROSVENOR. And his, unaided by the gentleman from Mississippi, has arrived at the same conclusion. [Laughter.]

Mr. BURTON of Ohio. Mr. Chairman, without intending to criticise the Committee on Appropriations or the executive department, it does appear to me that the purchase of dredges and other things of like nature should be carefully examined, because such large purchases can not readily be explained on any theory except that it was the intention that the Government itself should do the whole or a very large share of the work. When this subject was brought up last month, the gentleman from Illinois [Mr. MANN], who is very familiar with the situation, said it was expected in case contracts should be let that it would be made a condition that this machinery purchased by the Government should be used by the contractors. The contractors may not desire to use it, and if they are compelled to do so they may charge the Government a much higher price for their work. At the same time I deprecate much of the criticism that has been visited on the executive officers of the Government for their action. If anyone will read this statute of 1902, he will discover that the authority given to the President is broad and exceptional in its nature. It is indeed a command that he proceed to excavate the canal if the rights of the French company are acquired and the necessary land obtained from the Colombian Government. He would not have been obeying the act of Congress unless he had prosecuted the enterprise with all possible diligence. He had an impatient public behind him demanding that something be done; the public was so impatient that perhaps substantive parts of the work, essential portions in the way of construction, were commenced before the proper preliminary steps had been taken or proper sanitation secured on the Isthmus.

While it is not best to leave the broad general authority to the executive department to go on with the work without resort to Congress for appropriations in the usual way, yet if any mistake were made, if there were too great authority given to the President, it was our act, and the responsibility lies at our door. We do not always realize the colossal magnitude of this work. It is the greatest engineering project ever undertaken. It is a new kind of undertaking for the United States. It is in a foreign land and in a tropical climate.

I can only repeat in regard to the obstacles in the way and the disposition we should maintain, Mr. Chairman, something I said in this House four years ago this month:

In the construction it is probable that there will be difficulties not anticipated, and at times that element which is fickle and sways from one side to the other, an element that is now shouting the loudest for a canal, will say that it would have been better if we had never undertaken it. But the unanswerable argument for this project is that the developments of this commercial era demand a waterway between the two great oceans.

It is the next great step in the commercial growth of this country, and if we enter upon it we must do so with no thought of turning back. It is desirable that we should go at it wisely, deliberately, and select the best route, and, when this has been done and the way has been cleared, go ahead with that vigor and pluck which characterizes the American citizen in peace or in war. In the march of progress the dreams of one century are the realities of the next. For four hundred years a canal has been under consideration. It has been attempted by Spaniards and by Frenchmen. It has engaged the attention of men of many other nationalities. Now, let this country, with its unlimited resources, with its great energy, with its ambition for the future, like a giant, take hold of this enterprise and push it to a successful completion.

And in pushing it to a successful completion it will be desirable to give a great deal of latitude to those who have charge of the work. Whether it should be directed by a commission or should be under the general charge of one man is a question perhaps worthy of discussion. While there should be intelligent review of the methods adopted and the most careful examination of all expenditures, if we are to prosecute this work successfully and finish it within the time within which it ought to be finished, it will be necessary for us to appropriate money whenever it is needed and not to indulge in any spirit of carping or of undue criticism. [Applause.]

Mr. HEPBURN. Mr. Chairman, the rereading of a speech delivered four years ago by the gentleman who has just taken his seat suggests to my mind that the gentleman himself to some extent was endowed with the spirit of prophecy when he spoke four years ago of that vacillating spirit of change here and there with regard to this great enterprise. I see that the gentleman from Mississippi [Mr. WILLIAMS] has been disturbed by that spirit of vacillation which the gentleman prophesied might occur. Twice the House of Representatives and once the Senate, by affirmative votes, almost unanimously, upon a proposition for the construction of this great canal, emphasized this idea: That in the construction of that canal the power to build and responsibility for building should be lodged in one person, and that person the President of the United States. Ample reasons were given. It was known that the enterprise was immense in character; it was known that it would involve an immense expenditure of money; it was known that that expenditure would be far remote from the United States, from the centers of business, far from the espionage of newspaper men, from those guards that often are so effective in preventing scandals and wrongdoing. There those who had charge of this matter would be isolated. There were no possibilities of finding units of cost by which men could properly estimate what ought to be paid for a given work. New conditions existed there—climatic conditions; new conditions of labor existed there that our contractors in the United States were unfamiliar with and that they could not foresee. Disease was recognized as an important factor, and the difficulties of sanitation were always recognized, and so it was thought wise and proper by this House and by the other—because the Senate once passed one of the House bills where no commission existed and where all the power was lodged in the President, and all the responsibility was placed in him—to concentrate power, and so to impose responsibility upon one person. This House refused its consent that even a commission should exist. It wanted no person behind whom that man charged with responsibility and invested with power could hide—and I do not use that phrase disrespectfully. We would not consent that the brothers and the uncles and the nephews of Senators or of defunct Senators should have participation there in responsibility or power in the construction of this canal; and so, until we were forced to accept that proposition that we now are laboring under, until that coercive

means was brought to bear upon this House, it had studiously refused to have aught to do with commissions or in any way to divide responsibility or to curtail power. Now, the President has that power, but before he begins to exercise it the gentleman from Mississippi [Mr. WILLIAMS] suggests to us that he wants to tie his hands with regard to the methods that should be pursued; and the gentleman from Illinois [Mr. MADDEN], possibly in order that some of the Chicago veterans in contracts should dabble in this matter, informs us that he has introduced a bill that takes away some part of this power and responsibility and compels the President to pursue a course of action that will let these gentlemen, who have engaged "in the greatest up to this day enterprise" have part and parcel——

The CHAIRMAN. The time of the gentleman has expired.

Mr. WANGER. Mr. Chairman, I ask unanimous consent that the gentleman from Iowa may conclude his remarks.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the gentleman from Iowa may continue until he has concluded his remarks. Is there objection?

There was no objection.

Mr. HEPBURN. I thank you. I shall not occupy but a moment. Now, Mr. Chairman, I do not want this policy to be changed at the very outstart of the work. I want this responsibility to remain where it is, and I want the power to go hand in hand with that responsibility. I do not want anybody to divide with him the responsibility for this great work. It is better to concentrate it in one person and make one man alone responsible that it be done and be done well.

Mr. WILLIAMS. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. HEPBURN. I yield.

Mr. WILLIAMS. The gentleman from Iowa [Mr. HEPBURN] will remember that he and I were in strict accord upon the question of charging the Executive with the construction of this work. Since that time that plan has been changed, not by his efforts, nor by mine, nor by our agreement except under coercion. We now have a Commission. Now, then, we are confronted with a new question, are we not, as to whether we would rather have that which we did not want or to put out the work by contract? I will go back with the gentleman to putting this work under the power of the President and War Department, with absolute responsibility to the American people, but it is not there now.

There is an intermediary dividing this responsibility, and behind which, as the gentleman said, the Executive can hide, and I use the word in no disrespectful sense.

Mr. HEPBURN. Mr. Chairman, I will admit that there has been——

Mr. MADDEN. Will the gentleman allow me to interrupt him for a moment?

Mr. HEPBURN. Yes, sir.

Mr. MADDEN. A moment ago the gentleman from Iowa said the gentleman from Illinois probably introduced a bill to let this work by contract, with the hope, perhaps, that some of his friends who were engaged in the construction of the sanitary canal in Chicago——

Mr. HEPBURN. No; I did not say that——

Mr. MADDEN. Might participate in the benefit to be derived from such character of work on the Isthmus. I want to say to the gentleman, in reply thereto, I am interested in no man who is engaged in the contract business, either in Chicago or in any place else on the American continent, and that I am only interested in one thing, and that is in the construction of this canal by the American Government at the lowest price at which it can be constructed legitimately in the shortest space of time possible. [Applause.]

Mr. HEPBURN. "The jade, she doth protest too much." I did not make any charge of that kind. Mr. Chairman, I was about to say that there has been a modification of this plan, and I want to say further that this House twice has tried to restore the proposition of the old scheme. Twice the House insisted upon the elimination of that Commission, and another body has thwarted that purpose; and I want to say so intent has that other body been that they were willing that this Zone should be, as it is to-day, without any legislation as to its government. They preferred that chaos should rule there rather than give up their participation in the appointment of those who should have control over this matter of construction. But while it is true that in a sense the plan has been divided there, yet in practice it has not, for the President, with abundant authority, authority that he has exercised as far as in the assignment of duties, has so apportioned the power of the Commission that they do not interfere with these responsibilities and with this power that he must exercise, and I am glad that it is so. I want to indorse that action. I want to say that in my judgment that was one of the wisest steps that have been taken with regard to this great enterprise; but I want now, Mr. Chairman, to enter my protest against any attempt to change this great policy further than it has been changed, of centralizing and unifying the responsibility and power for construction.

We have it now, I believe, practically in good hands, and I want gentlemen to possess their souls in patience and remember that under the situation that exists there some things must be done preceding the actual digging of this canal. Sanitation is essential. Residences are absolutely necessary for the men who are to do the work. The assembling of this great force of men peculiarly adapted, when there are so few who are adapted for exertion in that climate, takes time, and it takes time to work out all the details of the plans. And I want to further suggest that if in the wisdom of the President he thinks it best, the very scheme the gentleman from Mississippi advocates and the very scheme that the gentleman from Illinois promises at an early date he will advocate, may be adopted. There is nothing in the law to prohibit the plan that they think should be adopted, and it may be wiser in time to adopt this plan of letting, and I want to say further to the gentleman from Mississippi that even if that should be done no expenditure that has been undertaken up to this time will be an unwise expenditure, because the machines that are now being prepared and procured, the railway that is now being constructed, the buildings that are being erected, the assembling of hands that is now going on—all of these will facilitate the building, and all of these aids, I take it, will be considered properly and fully when the lettings are to be agreed upon; all these aids will be taken into account when the contracts finally are let. [Applause.]

Mr. LITTAUER. I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12320—the general deficiency bill—and had come to no resolution thereon.

CONSTRUCTION OF DAMS AND POWER STATIONS ON THE TENNESSEE RIVER AT MUSCLE SHOALS, ALA.

Mr. RICHARDSON of Alabama. Mr. Speaker, I ask unanimous consent to call up for present consideration the bill H. R. 297.

The SPEAKER. The gentleman from Alabama asks unanimous consent to call up for present consideration the following bill, the title of which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 297) to authorize the construction of dams and power stations on the Tennessee River at Muscle Shoals, Alabama.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That any person, company, or corporation having authority therefor under the laws of the State of Alabama may hereafter erect, maintain, and use a dam or dams in or across the Tennessee River, in the State of Alabama, at such points at Muscle Shoals as they may elect between the western line of Lawrence County, Ala., and the mouth of Town Creek, in the northwestern part of said county, along the southern bank of said Tennessee River, for the purpose of erecting, operating, and maintaining power station and to maintain inlet and outlet races or canals and to make such other improvements as may be necessary for the development of water power and the transmission of the same, subject always to the provisions and requirements of this act, and to such conditions and stipulations as may be imposed by the Chief of Engineers and the Secretary of War.

SEC. 2. That detailed plans for the construction and operation of a dam or dams and other appurtenant and necessary works shall be submitted by the person, company, or corporation desiring to construct the same to the Chief of Engineers and the Secretary of War, with a map showing the location of such dam or other structures, with such topographical and hydrographic data as may be necessary for a satisfactory understanding of the same, which must be approved by the Chief of Engineers and the Secretary of War before work can be commenced on said dam or dams or other structures; and after such approval of said plans no deviation whatsoever therefrom shall be made without first obtaining the approval of the Chief of Engineers and the Secretary of War: *Provided*, That the constructions hereby authorized do not interfere with the navigation of the Muscle Shoals Canal located on the north side of the Tennessee River or the navigation of the Tennessee River: *And provided further*, That said dam or dams and works shall be limited only to the use of the surplus water of the river, not required for the navigation of the Muscle Shoals Canal on the north side of said river, and that no structures shall be built and no operations conducted by those availing themselves of the provisions of this act which shall injure or interfere with the navigation of the Muscle Shoals Canal or impair the usefulness of any improvement made by the Government in the interest of navigation.

SEC. 3. That the Government of the United States reserves the right, at any time that the improvement of the navigation of the Tennessee River demands it, to construct, maintain, and operate, in connection with any dam or other works built under the provisions of this act, suitable lock or locks or any other structures for navigation purposes, and at all times to control such dam or dams or other structures, and the level of the pool caused by such dam or dams, to such an extent as may be

necessary to provide facilities for navigation; and whenever Congress shall authorize the construction of such lock or other structures, the person, company, or corporation owning and controlling such dam or dams or other structures shall convey to the United States, under such terms as Congress shall prescribe, titles to such land as may be required for the use of such lock and approaches, and in addition thereto shall grant to the United States, free of cost, the free use of water power for building and operating such constructions: *Provided, also,* That the person, company, or corporation building, maintaining, or operating any dam or dams or other structures under the provisions of this act shall be liable for any damage that may be inflicted thereby upon private property, either by overflow or otherwise, and the nearest State or Federal court shall have jurisdiction to hear suits to recover compensation for alleged damage.

SEC. 4. That all the rights acquired under this act shall cease and be determined if the person, company, or corporation acquiring such right shall at any time fail to comply with any of the provisions or requirements of this act, or with any of the stipulations that may be prescribed by the Chief of Engineers and the Secretary of War.

SEC. 5. That the provisions of this act shall in no manner interfere with or impair the rights of any person, company, or corporation heretofore authorized by Congress to erect a dam or other structures for the development of water power on the Tennessee River.

SEC. 6. That the right to alter, amend, or repeal this act is expressly reserved.

The amendments by the committee were read, as follows:

In line 7, page 1, strike out the words "western line," and strike out all of lines 8 and 9 and line 10 to and including the word "River" and insert in lieu thereof the following: "mouth of Malletts Creek on the east, and the western line of section 16, township 3, range 10, on the west."

In line 13 on page 1, after the word "improvements," insert "on the southern bank of the Tennessee River."

Add at the end of section 3 the following: "The person, company, or corporation owning or operating such dam shall maintain, at their own expense, such lights and other signals thereon and such fishways as the Secretary of Commerce and Labor shall prescribe."

At the end of section 4 add the following: "or in case a person, company, or corporation authorized by the laws of the State of Alabama to erect and maintain a dam and improvements, as contemplated by this act, shall fail to begin the erection of said dam and improvements within two years after being so authorized and shall fail to complete the same within five years after obtaining such authority."

The SPEAKER. The question is on agreeing to the amendments.

Mr. PAYNE. Mr. Speaker, I would like to ask the gentleman from Alabama [Mr. RICHARDSON] if this is the same bill that was before the last Congress and was finally beaten by the vote of the House?

Mr. RICHARDSON of Alabama. The Fifty-eighth Congress? No, sir.

Mr. PAYNE. I was informed that it was.

Mr. RICHARDSON of Alabama. No, sir; there was a similar bill——

Mr. PAYNE. I notice that it assumes the right of eminent domain.

Mr. RICHARDSON of Alabama. No, sir.

Mr. PAYNE. The bill itself provided for wiping out of private rights.

Mr. RICHARDSON of Alabama. I will say to the gentleman from New York that this is not the same bill at all.

Mr. PAYNE. Does not this bill assume that they have the right of eminent domain, and by virtue of that right provide a method of absorbing of private rights there by condemnation?

Mr. RICHARDSON of Alabama. No, sir.

Mr. PAYNE. I so understood it as the bill was read.

Mr. MANN. I will say to the gentleman from New York that this bill simply gives the consent of the Government. The corporation that exercises any right under this bill must obtain it either from the State of Alabama——

Mr. RICHARDSON of Alabama. And from the Government.

Mr. MANN. I will say that a bill for the same purpose did pass this House in the Fifty-seventh Congress, but did not become a law.

Mr. PAYNE. Was there not a bill for a similar purpose before the last Congress?

Mr. RICHARDSON of Alabama. There was a bill for the establishment of a dam at Muscle Shoals before the last Congress, but a totally different bill from this one.

Mr. PAYNE. Did it not reach the House, and was it not beaten after discussion?

Mr. RICHARDSON of Alabama. It never reached the House at all. It never got past the committee, and was never up for discussion.

Mr. MANN. This bill has not only met the approval of the committee, but of the War Department.

Mr. RICHARDSON of Alabama. And not only of the War Department, but the Chief Engineer of the United States Army in very strong and complimentary terms.

Mr. PAYNE. On the assurance of the gentleman from Illinois [Mr. MANN] and of the gentleman from Alabama [Mr. RICHARDSON] that it does not provide for the condemnation of private rights, I will not object.

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. RICHARDSON of Alabama, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE MONONGAHELA RIVER.

Mr. ACHESON. Mr. Speaker, I ask unanimous consent for present consideration of the bill which I send to the Clerk's desk.

The SPEAKER. The gentleman from Pennsylvania [Mr. ACHESON] asks unanimous consent for present consideration of a bill (H. R. 11045) of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 11045) to amend an act entitled "An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania," approved February 21, 1903.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Mr. Speaker, has this bill the unanimous report of the committee?

Mr. WANGER. It has the unanimous report of the Interstate and Foreign Commerce Committee.

Mr. WILLIAMS. And contains the usual provision?

Mr. WANGER. This bill is simply to extend the time which was authorized by a bill which has been heretofore passed, in order that the work may be begun and finished.

Mr. WILLIAMS. Mr. Speaker, I have no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 7 of an act entitled "An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania," approved February 21, 1903, be, and is hereby, amended to read as follows:

"SEC. 7. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from February 21, 1906."

The bill was ordered to be engrossed and read a third time; was read a third time, and passed.

On motion of Mr. ACHESON, the motion to reconsider the vote by which the bill was passed was laid on the table.

INTERNATIONAL CONFERENCE OF AMERICAN STATES.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report by the Secretary of State regarding representation by the United States at the Third International Conference of American States, to be held at the city of Rio de Janeiro, Brazil, beginning on the 21st day of July next.

I join in the recommendation made by the Secretary of State that the sum of $100,000, or so much thereof as may be necessary, be appropriated for this purpose.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 22, 1906.*

DEPARTMENT METHODS.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

On June 2, 1905, I appointed a committee on Department methods to investigate the business methods and practice of the Executive Departments, and to report plans for their improvement. This committee has taken up its great task vigorously, and material benefit to the Government service has already resulted from its efforts.

Much valuable information has been gathered, and the preliminary work is largely done. The time has now come for the committee to assign trained men to the detailed investigation of routine throughout the Government service, as a basis for definite steps toward added economy and efficiency. Many men already in the Government service can be assigned temporarily to this work, and some of them can be properly paid under the appropriations against which these salaries are charged. Others must be obtained from outside. The committee on Department methods will need the assistance not only of efficient men in the Government service, but also of recognized business experts from private life. To that end, I ask that the Congress provide an appropriation of twenty-five thousand dollars ($25,000), to be expended under the direction of the President for the payment of salaries and expenses of specialists and experts to investigate and report upon business methods and practice throughout the Government service. Since the work of the committee on Department methods has already reached a stage where the employment of such experts is necessary, this appropriation should be available immediately and until expended.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 22, 1906.*

PAYMENT OF CERTAIN SAMOAN CLAIMS.

The SPEAKER also laid before the House the following message from the President of the United States; which was read,

referred to the Committee on Appropriations, and, with accompanying papers, ordered to be printed:

To the Congress:

In connection with the matter of this Government's obligation to pay to that of Germany the sum of $20,000 in settlement of certain Samoan claims under the convention of November 7, 1899, between the United States, Germany, and Great Britain, and the decision of the King of Sweden and Norway as arbitrator under the convention, which I forwarded to the Congress on December 15, 1905, I transmit herewith a report by the Secretary of State showing the obligation to pay, under Article III of that convention, the sum of $760 in settlement of Danish claims.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 22, 1906.*

INTERNATIONAL PRISON CONGRESS.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, referred to the Committee on Appropriations, and, with the accompanying papers, ordered to be printed:

To the Congress:

I transmit herewith a report by the Secretary of State, showing the acceptance by the International Prison Congress of the invitation to hold its next meeting in the United States, extended in pursuance of the joint resolution of Congress, approved March 3, 1905.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 22, 1906.*

PORTO RICO.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, referred to the Committee on Insular Affairs, and, with accompanying papers, ordered to be printed:

To the Congress:

Referring to section 32 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith three ordinances (enumerated in the accompanying report of the Secretary of State) enacted by the executive council of Porto Rico, with the approval of the governor thereof.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 22, 1906.*

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. DICKSON of Illinois, for ten days, on account of sickness in family.

WITHDRAWAL OF PAPERS.

Mr. SPARKMAN, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of Henry Sistrunk, Fifty-eighth Congress, no adverse report having been made thereon.

Mr. LITTAUER. I renew my motion to adjourn, Mr. Speaker.

The motion was agreed to.

Accordingly (at 5 o'clock and 25 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of Commerce and Labor, transmitting a report of Special Agent Charles M. Pepper on trade conditions in Canada—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State submitting an estimate of appropriation for purchase of a manuscript of a chronological history of the Department of State—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of Commerce and Labor, transmitting a report of Special Agent Lincoln Hutchinson on trade conditions in Brazil—to the Committee on Interstate and Foreign Commerce, and letter only ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Commissioners of the District of Columbia submitting an estimate of appropriation for improvements for the Central High School—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Olympia Harbor, Washington—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Brunswick Harbor, Georgia—to the Committee on Rivers and Harbors, and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9051) granting an increase of pension to Asher S. Bouden, reported the same without amendment, accompanied by a report (No. 433); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 15) granting an increase of pension to Lizzie E. Shehan, reported the same without amendment, accompanied by a report (No. 434); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 23) granting an increase of pension to Charles A. Bradbury, reported the same without amendment, accompanied by a report (No. 435); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 76) granting an increase of pension to Hartwell C. Keyes, reported the same without amendment, accompanied by a report (No. 436); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 82) granting an increase of pension to Curtis A. Carpenter, reported the same without amendment, accompanied by a report (No. 437); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 85) granting an increase of pension to Edward Keaster, reported the same without amendment, accompanied by a report (No. 438); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 99) granting an increase of pension to Eugene P. Kingsley, reported the same without amendment, accompanied by a report (No. 439); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 113) granting an increase of pension to John D. McFadden, reported the same without amendment, accompanied by a report (No. 440); which said bill and report were referred to the Private Calendar.

Mr. GUDGER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 135) granting an increase of pension to Peter P. Chacey, reported the same without amendment, accompanied by a report (No. 441); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 137) granting an increase of pension to Robert Wiper, reported the same without amendment, accompanied by a report (No. 442); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 144) granting an increase of pension to Minerva Briggs, reported the same without amendment, accompanied by a report (No. 443); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 147) granting an increase of pension to Patrick McCue, reported the same without amendment, accompanied by a report (No. 444); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 149) granting an increase of pension to Cassius Lisk, reported the same without amendment, accompanied by a report (No. 445); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 150) granting an increase of pension to Lucius A. Lincoln, reported the same without amendment, accompanied by a report (No. 446); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 157) granting an increase of pension to Lizzie G. Reynolds, reported the same without amendment, accompanied by a report (No. 447); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 168) granting an increase of pension to

Elizabeth Davis, reported the same without amendment, accompanied by a report (No. 448); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 182) granting an increase of pension to Oliver P. Smith, reported the same without amendment, accompanied by a report (No. 449); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 184) granting an increase of pension to Lyman Marsh, reported the same without amendment, accompanied by a report (No. 450); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 194) granting an increase of pension to James L. Cowell, reported the same without amendment, accompanied by a report (No. 451); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 195) granting an increase of pension to John Pieper, reported the same without amendment, accompanied by a report (No. 452); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 202) granting an increase of pension to Allen Amburn, reported the same without amendment, accompanied by a report (No. 453); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 204) granting an increase of pension to John F. Walter, reported the same without amendment, accompanied by a report (No. 454); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 205) granting an increase of pension to Francis Gee, reported the same without amendment, accompanied by a report (No. 455); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 217) granting an increase of pension to William C. Breckenridge, reported the same without amendment, accompanied by a report (No. 456); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 336) granting a pension to Abraham M. Cory, reported the same without amendment, accompanied by a report (No. 457); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 471) granting an increase of pension to Thomas McLaughlin, reported the same without amendment, accompanied by a report (No. 458); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 489) granting an increase of pension to Nelson B. Tool, reported the same without amendment, accompanied by a report (No. 459); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 525) granting an increase of pension to Michael Brady, reported the same without amendment, accompanied by a report (No. 460); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 528) granting a pension to Robert M. McCormick, reported the same without amendment, accompanied by a report (No. 461); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 530) granting an increase of pension to Sophia A. Knapp, reported the same without amendment, accompanied by a report (No. 462); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 532) granting an increase of pension to Hiram B. Doty, reported the same without amendment, accompanied by a report (No. 463); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 559) granting an increase of pension to Seth M. Tucker, reported the same without amendment, accompanied by a report (No. 464); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 560) granting an increase of pension to Andrew C. Reed, reported the same without amendment, accompanied by a report (No. 465); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 571) granting an increase of pension to Charles H. Knight, reported the same without amendment, accompanied by a report (No. 466); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 626) granting an increase of pension to Allen J. Nash, reported the same without amendment, accompanied by a report (No. 467); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 627) granting an increase of pension to Joseph Hiler, reported the same without amendment, accompanied by a report (No. 468); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 708) granting an increase of pension to Maurice Downey, reported the same without amendment, accompanied by a report (No. 469); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 713) granting an increase of pension to Ephraim A. Gordon, reported the same without amendment, accompanied by a report (No. 470); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 777) granting an increase of pension to Byron Lent, reported the same without amendment, accompanied by a report (No. 471); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 783) granting an increase of pension to Moses H. Sawyer, reported the same without amendment, accompanied by a report (No. 472); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 786) granting an increase of pension to Patrick Garvey, reported the same without amendment, accompanied by a report (No. 473); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 844) granting an increase of pension to James W. Ryan, reported the same without amendment, accompanied by a report (No. 474); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 849) granting an increase of pension to Horatio Carter, reported the same without amendment, accompanied by a report (No. 475); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 944) granting an increase of pension to Robert F. Catterson, reported the same without amendment, accompanied by a report (No. 476); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 974) granting an increase of pension to David L. Wright, reported the same without amendment, accompanied by a report (No. 477); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1036) granting an increase of pension to William C. Beachey, reported the same without amendment, accompanied by a report (No. 478); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1164) granting an increase of pension to Henry E. Bedell, reported the same without amendment, accompanied by a report (No. 479); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1214) granting an increase of pension to Charles W. Oleson, reported the same without amendment, accompanied by a report (No. 480); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1238) granting an increase of pension to John Christoff, reported the same without amendment, accompanied by a report (No. 481); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1239) granting an increase of pension to Joseph G. McGarvey, reported the same without amendment, accompanied by a report (No. 482); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1269) granting an increase of pension to Charles E. Smith, reported the same without amendment, accompanied by a report (No. 483); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1310) granting an increase of pension to Charles S. M. Hooton, reported the same without amendment, accompanied by a report (No. 484); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1340) granting an increase of pension to John Leavitt, reported the same without amendment, accompanied by a report (No. 485); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1341) granting an increase of pension to Fred Preisinger, reported the same without amendment, accompanied by a report (No. 486); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1342) granting an increase of pension to Morton M. Noah, reported the same without amendment, accompanied by a report (No. 487); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1359) granting an increase of pension to Jeremiah Ingalls, alias Jeremiah Boss, reported the same without amendment, accompanied by a report (No. 488); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1408) granting an increase of pension to Julia W. Estes, reported the same without amendment, accompanied by a report (No. 489); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1431) granting an increase of pension to William W. Lane, reported the same without amendment, accompanied by a report (No. 490); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1505) granting an increase of pension to Uriah D. Barrett, reported the same without amendment, accompanied by a report (No. 491); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1737) granting an increase of pension to Helen M. Blanchard, reported the same without amendment, accompanied by a report (No. 492); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1826) granting an increase of pension to Rufus H. Paine, reported the same without amendment, accompanied by a report (No. 493); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1872) granting an increase of pension to Rebecca A. White, reported the same with amendment, accompanied by a report (No. 494); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1888) granting an increase of pension to George W. Patton, reported the same without amendment, accompanied by a report (No. 495); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. TOWNSEND: A bill (H. R. 12688) to provide for the settlement of a claim of the United States against the State of Michigan for moneys held by said State as trustee for the United States in connection with the St. Marys Falls Ship Canal—to the Committee on the Judiciary.

By Mr. JENKINS: A bill (H. R. 12689) to amend the act to carry into effect the treaty between the United States and Spain concluded September 10, 1898—to the Committee on the Judiciary.

By Mr. TAYLOR of Ohio: A bill (H. R. 12690) to define the term of "registered nurse" and to provide for the registration of nurses in the District of Columbia—to the Committee on the District of Columbia.

By Mr. FITZGERALD: A bill (H. R. 12691) to provide for the improvement of Coney Island channel—to the Committee on Rivers and Harbors.

By Mr. MORRELL: A bill (H. R. 12692) to provide for opening and extending streets and avenues, county roads, and suburban streets in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. MACON: A bill (H. R. 12693) to authorize the Campbell Lumber Company to construct a bridge across the St. Francis River at a point in Clay County, Ark., where the section line between sections 23 and 26, in township 20 north, range 9 east, touches said river—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 12694) to authorize the Campbell Lumber Company to construct a bridge across the St. Francis River at a point in Clay County, Ark., where the section line between sections 21 and 28, township 19 north, range 9 east, touches said river—to the Committee on Interstate and Foreign Commerce.

By Mr. GARDNER of Michigan: A bill (H. R. 12695) for the erection of a post-office building at Coldwater, Mich.—to the Committee on Public Buildings and Grounds.

By Mr. MURPHY: A bill (H. R. 12696) to provide for the incorporation of national railway companies—to the Committee on the Judiciary.

By Mr. CURTIS: A bill (H. R. 12697) to restore the rights of certain militiamen, and for other purposes—to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 12698) providing an appropriation to be expended by the Secretary of Agriculture in the development of crops for dry farming—to the Committee on Agriculture.

By Mr. DIXON of Montana: A bill (H. R. 12699) creating the Big Hole Battle Ground National Park—to the Committee on the Public Lands.

By Mr. KENNEDY of Nebraska: A bill (H. R. 12700) to divide Nebraska into two judicial districts—to the Committee on the Judiciary.

By Mr. DAVIS of West Virginia: A bill (H. R. 12701) to condemn the Hummell lot—to the Committee on the District of Columbia.

Also, a bill (H. R. 12702) to extend the water and sewer systems in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HERMANN: A bill (H. R. 12703) granting a pension to all pensioners of the civil and Indian wars of not less than $12 per month, and to the widows of such persons a like pension—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12704) for the construction, equipment, and operation of a dredge, with necessary appliances and scows—to the Committee on Rivers and Harbors.

By Mr. BARTHOLDT: A bill (H. R. 12705) to amend the internal-revenue laws, and so forth—to the Committee on Ways and Means.

By Mr. NEVIN: A bill (H. R. 12706) to regulate the practice in United States courts in regard to instructing juries therein—to the Committee on the Judiciary.

By Mr. HAMILTON: A bill (H. R. 12707) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States—to the Committee on the Territories.

By Mr. BUTLER of Pennsylvania: A bill (H. R. 12708) to increase the limit of cost for the purchase of site and the erection of public building at Westchester, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. CLAYTON: A bill (H. R. 12709) to allow and regulate amendments in judicial proceedings in the courts of the United States—to the Committee on the Judiciary.

By Mr. CURTIS: A bill (H. R. 12710) permitting the St. Louis, San Francisco and New Orleans Railroad Company (formerly the Arkansas and Choctaw Railway Company), the St. Louis and Oklahoma City Railroad Company, the St. Louis, Oklahoma and Southern Railway Company, and the Oklahoma City and Western Railroad Company, and each or either of them, to sell and convey their railroads and other property in the

Indian Territory to the St. Louis and San Francisco Railroad Company, and for other purposes—to the Committee on Indian Affairs.

By Mr. SPARKMAN: A bill (H. R. 12711) providing for the erection of a public building at the city of Ocala, Fla., and for other purposes—to the Committee on Public Buildings and Grounds.

By Mr. BRANTLEY: A bill (H. R. 12843) to amend the seventh section of an act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891—to the Committee on the Judiciary.

By Mr. KEIFER: A resolution (H. Res. 160) authorizing and directing the Committee on Accounts to provide payment for certain House elevator conductors—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 12712) for the relief of Warren A. Woodson—to the Committee on Military Affairs.

By Mr. ALLEN of Maine: A bill (H. R. 12713) granting an increase of pension to Augustus F. Bradbury—to the Committee on Invalid Pensions.

By Mr. BEALL of Texas: A bill (H. R. 12714) granting a pension to James Pierce—to the Committee on Pensions.

By Mr. BENNET of New York: A bill (H. R. 12715) granting a pension to George B. Kirk—to the Committee on Pensions.

By Mr. BIRDSALL: A bill (H. R. 12716) granting an increase of pension to James Dowling—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12717) granting an increase of pension to Enoch W. Sedgwick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12718) granting an increase of pension to Don A. Winchell—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 12719) granting an increase of pension to Katherine Wills—to the Committee on Invalid Pensions.

By Mr. BRICK: A bill (H. R. 12720) granting a pension to Sarah Duffield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12721) to remove the charge of desertion from the military record of Thomas Heron and to grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. BROWNLOW: A bill (H. R. 12722) for the relief of William M. Goforth—to the Committee on War Claims.

By Mr. BROUSSARD: A bill (H. R. 12723) for the relief of the estate of Marcus Walker, deceased—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12724) granting a pension to Daniel Cannon—to the Committee on Pensions.

By Mr. BUTLER of Pennsylvania: A bill (H. R. 12725) granting an increase of pension to Edward Lilley—to the Committee on Invalid Pensions.

Mr. BURTON of Delaware: A bill (H. R. 12726) for the relief of the heirs of Henry Hackfeld, Frank Molteno, and James I. Dowsett, deceased—to the Committee on Claims.

Also, a bill (H. R. 12727) granting an increase of pension to Benjamin D. Bogia—to the Committee on Invalid Pensions.

By M. CAMPBELL of Kansas: A bill (H. R. 12728) for the relief of E. A. Brown—to the Committee on Military Affairs.

By Mr. CHANEY: A bill (H. R. 12729) granting a pension to George W. McBride—to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: A bill (H. R. 12730) for the relief of the heirs of Raphael Cohen—to the Committee on War Claims.

By Mr. COLE: A bill (H. R. 12731) granting a pension to Thomas J. Mullin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12732) granting an increase of pension to Thomas Gillespey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12733) granting an increase of pension to Charles W. Kelsey—to the Committee on Invalid Pensions.

By Mr. COUSINS: A bill (H. R. 12734) granting an increase of pension to Abram Van Riper—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 12735) for the relief of Green Edmondson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12736) for the relief of Annie Catharine Mettier—to the Committee on War Claims.

Also, a bill (H. R. 12737) for the relief of the city of Atchison, State of Kansas—to the Committee on Appropriations.

Also, a bill (H. R. 12738) granting a pension to J. S. Henry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12739) granting a pension to J. S. Henry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12740) granting a pension to Josiah C. Ury—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12741) granting an increase of pension to Elmer G. Reese—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12742) granting an increase of pension to John L. Russell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12743) granting an increase of pension to J. H. Belcher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12744) granting an increase of pension to Richard Griffin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12745) granting an increase of pension to James M. Dumenil—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12746) granting an increase of pension to B. B. Bacon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12747) granting an increase of pension to William E. Barnes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12748) granting an increase of pension to John P. Wager—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12749) extending provisions of an act granting pensions to soldiers and sailors, approved June 27, 1890, to the Eighteenth and Nineteenth Regiments of Kansas Cavalry Volunteers—to the Committee on Pensions.

By Mr. DAWSON: A bill (H. R. 12750) for the relief of B. F. Moody & Co., or their legal representatives—to the Committee on War Claims.

By Mr. DEEMER: A bill (H. R. 12751) to remove the charge of desertion standing against the military record of Bernhard Steuber—to the Committee on Military Affairs.

By Mr. DOVENER: A bill (H. R. 12752) for the relief of the estate of James H. Hardesty, deceased—to the Committee on War Claims.

By Mr. DRAPER: A bill (H. R. 12753) granting an increase of pension to Walter B. Thayer—to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 12754) granting an increase of pension to William B. Eversole—to the Committee on Invalid Pensions.

By Mr. FLOYD: A bill (H. R. 12755) granting an increase of pension to N. W. Plymate—to the Committee on Invalid Pensions.

By Mr. FULKERSON: A bill (H. R. 12756) granting a pension to Oliver P. Jackson—to the Committee on Invalid Pensions.

Also a bill (H. R. 12757) granting an increase of pension to Samuel Neel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12758) granting an increase of pension to Ephraim M. Jenkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12759) granting an increase of pension to John Garrett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12760) granting an increase of pension to William Ralston—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 12761) granting an increase of pension to John W. Fellows—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12762) granting an increase of pension to Jesse H. Brandt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12763) for the relief of John H. KcKenna—to the Committee on Military Affairs.

By Mr. HALE: A bill (H. R. 12764) for the relief of D. Froneberger & Co.—to the Committee on War Claims.

Also, a bill (H. R. 12765) for the relief of M. E. Hall and the estate of James B. Hall, deceased—to the Committee on War Claims.

Also, a bill (H. R. 12766) for the relief of the estate of Lemuel Cox, deceased—to the Committee on War Claims.

Also, a bill (H. R. 12767) to correct the war record of George Washington Pevyhouse—to the Committee on Military Affairs.

Also, a bill (H. R. 12768) granting a pension to Samuel Green—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12769) granting a pension to Jesse L. Riggs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12770) granting a pension to Tirza E. B. Hendricks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12771) granting a pension to Addie Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12772) granting a pension to James Dunahoo—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12773) granting an increase of pension to Thomas L. Duncan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12774) granting an increase of pension to James C. McConnell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12775) granting an increase of pension to William M. Murrin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12776) granting an increase of pension to William Roach—to the Commitee on Invalid Pensions.

Also, a bill (H. R. 12777) granting an increase of pension to W. G. Sliger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12778) granting an increase of pension to Emanuel Netherway—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12779) granting an increase of pension to John W. Hickle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12780) granting an increase of pension to John Ridge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12781) granting an increase of pension to G. W. Horton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12782) granting an increase of pension to Andrew L. Cassady—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12783) granting an increase of pension to Samuel Hamilton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12784) granting an increase of pension to Henry Finger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12785) granting an increase of pension to William P. Tutterow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12786) granting a pension to Serelda Day—to the Committee on Invalid Pensions.

By Mr. HARDWICK: A bill (H. R. 12787) granting an increase of pension to Thomas Bosley—to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 12788) granting an increase of pension to Ormond N. Hopkins—to the Committee on Invalid Pensions.

By Mr. HEDGE: A bill (H. R. 12789) granting an increase of pension to John L. Kirkhart—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 12790) granting an increase of pension to George Ingram—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12791) granting an increase of pension to Marion Gunter—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 12792) granting an increase of pension to William Wiley—to the Committee on Pensions.

By Mr. HINSHAW: A bill (H. R. 12793) granting a pension to William Kral—to the Committee on Invalid Pensions.

By Mr. HITT: A bill (H. R. 12794) granting an increase of pension to Noah Perrin—to the Committee on Invalid Pensions.

By Mr. HUMPHREY of Washington: A bill (H. R. 12795) granting an increase of pension to Henry Stimon—to the Committee on Invalid Pensions.

By Mr. JAMES: A bill (H. R. 12796) granting a pension to John M. Seavers—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Nebraska: A bill (H. R. 12797) granting an increase of pension to Alvin Denning—to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 12798) granting a patent in fee to Mary Whiting of her allotment, No. 11, of the Ponca Indian Reservation—to the Committee on Indian Affairs.

By Mr. LEE: A bill (H. R. 12799) for the relief of the congregation of the Christian Church of Acworth, Ga.—to the Committee on War Claims.

Also, a bill (H. R. 12800) for the relief of the trustees of the Methodist Episcopal Church South, at Powder Springs, Ga.—to the Committee on War Claims.

Also, a bill (H. R. 12801) for the relief of the trustees of the Missionary Baptist Church, of Powder Springs, Ga.—to the Committee on War Claims.

Also, a bill (H. R. 12802) for the relief of William Shepherd—to the Committee on War Claims.

By Mr. LILLEY of Pennsylvania: A bill (H. R. 12803) granting a pension to Emma C. Waldren—to the Committee on Invalid Pensions.

By Mr. LOUD: A bill (H. R. 12804) to correct the military record of Cyrus Irwin—to the Committee on Military Affairs.

Also, a bill (H. R. 12805) to correct the military record of Thomas J. Shaw—to the Committee on Military Affairs.

Also, a bill (H. R. 12806) for the relief of Francis A. Shawl—to the Committee on Private Land Claims.

By Mr. McKINNEY: A bill (H. R. 12807) granting a pension to Nancy Ann Gee—to the Committee on Pensions.

By Mr. McNARY: A bill (H. R. 12808) granting a pension to Anna Mansfield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12809) granting an increase of pension to Michael J. Meehan—to the Committee on Invalid Pensions.

By Mr. MARTIN: A bill (H. R. 12810) granting an increase of pension to Edward Ross—to the Committee on Invalid Pensions.

By Mr. MOON of Pennsylvania: A bill (H. R. 12811) granting a pension to Elizabeth Burniston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12812) granting a pension to Sallie B. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12813) granting a pension to Reese Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12814) granting an increase of pension to Robert W. Keen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12815) granting an increase of pension to William Mays—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 12816) for the relief of the estate of N. T. Power, deceased—to the Committee on War Claims.

Also, bill (H. R. 12817) for the relief of the estate of H. B. Henegar, deceased—to the Committee on War Claims.

Also, a bill (H. R. 12818) for the relief of the estate of Asa Faulkner, deceased; Lewis Faulkner, deceased, and S. B. Spurlock, deceased—to the Committee on War Claims.

By Mr. NEVIN: A bill (H. R. 12819) granting an increase of pension to Silas Macy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12820) granting an increase of pension to William Ruby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12821) granting an increase of pension to Joseph Price—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12822) to remove the charge of desertion from the military record of William G. Morris—to the Committee on Military Affairs.

Also, a bill (H. R. 12823) to remove the charge of desertion from the military record of Peter Ehrstine—to the Committee on Military Affairs.

By Mr. PEARRE (by request): A bill (H. R. 12824) to provide for the payment of certain claims against the District of Columbia, in accordance with the act of Congress approved January 26, 1897, and as amended July 19, 1897—to the Committee on the District of Columbia.

By Mr. POLLARD: A bill (H. R. 12825) granting an increase of pension to Daniel Bloomer—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 12826) for the relief of the trustees of Tabernacle Methodist Episcopal Church South, of Culpeper County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 12827) for the relief of the trustees of the Presbyterian Church of Culpeper, Va.—to the Committee on War Claims.

Also, a bill (H. R. 12828) granting an increase of pension to Martha Brooks Wilson—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: A bill (H. R. 12829) for the relief of James P. Barney—to the Committee on War Claims.

By Mr. SOUTHWICK: A bill (H. R. 12830) for the relief of the estate of Jerusha Appleton, deceased—to the Committee on Claims.

Also, a bill (H. R. 12831) for the relief of the estate of Joseph Belser, deceased—to the Committee on Claims.

Also, a bill (H. R. 12832) to refund legacy taxes illegally collected from the estate of Hamilton Harris—to the Committee on Claims.

Also, a bill (H. R. 12833) to refund legacy taxes illegally collected from the estate of Rachel S. Wilson, late of Watervliet, Albany County, N. Y.—to the Committee on Claims.

Also, a bill (H. R. 12834) granting an increase of pension to Theodore Schramm—to the Committee on Invalid Pensions.

By Mr. TOWNSEND: A bill (H. R. 12835) granting a pension to I. Winslow Ayer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12836) granting an increase of pension to Daniel W. Moore—to the Committee on Invalid Pensions.

By Mr. CLAYTON: A bill (H. R. 12837) granting an increase of pension to Martha Miller—to the Committee on Pensions.

By Mr. DALE: A bill (H. R. 12838) to correct the military record of Charles H. Shippey—to the Committee on Military Affairs.

By Mr. FOSS: A bill (H. R. 12839) granting an increase of pension to Kathryn G. Hayt—to the Committee on Pensions.

By Mr. HITT: A bill (H. R. 12840) for the relief of L. Biertempfel—to the Committee on Claims.

By Mr. HUGHES: A bill (H. R. 12841) granting an increase of pension to Alonzo Dyke—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: A bill (H. R. 12842) granting an increase of pension to William J. Drake—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 3220) granting an increase of pension to Sarah

Johnston—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10447) granting a pension to Charles M. Bowen—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 12098) for the relief of Robert Jobe—Committee on Claims discharged, and referred to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of H. N. Robbs et al., for the repeal of tax on hides—to the Committee on Ways and Means.

Also, petition of the Farragut Association of Naval Veterans, against the destruction of the old ship *Constitution*—to the Committee on Naval Affairs.

Also, petition of Republicans of Mahone County, Ariz., against joint statehood—to the Committee on the Territories.

Also, petition of Seventh Day Adventists of District of Columbia, for bill H. R. 9734—to the Committee on the District of Columbia.

By Mr. ADAMS of Pennsylvania: Petition of the Brotherhood of Railway Trainmen of Philadelphia, for bills H. R. 239 and S. 1657—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Commercial Law League of America, for reform in the consular service—to the Committee on Foreign Affairs.

By Mr. ALEXANDER: Petition of East Buffalo Lodge, No. 417, Brotherhood of Railway Trainmen, for bills H. R. 239 and 9328—to the Committee on Interstate and Foreign Commerce.

Also, petition of Hunz & Munschauer and the Niagara Machine and Tool Works, of Buffalo, N. Y., for repeal of the tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. BARCHFELD: Petition of Coal Valley Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Commercial Law League of America, for reform in the consular service—to the Committee on Foreign Affairs.

Also, petitions of the American Mining Congress, relative to mining—to the Committee on Mines and Mining.

By Mr. BARTLETT: Petition of the Macon Trades and Labor League, of Macon, Ga., and the Georgia State and Labor League, against control of railway rates by Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, paper to accompany bill for relief of heir of Washington Hay—to the Committee on War Claims.

By Mr. BEALL of Texas: Paper to accompany bill for relief of James Pierce—to the Committee on Pensions.

By Mr. BOWERSOCK: Petition of citizens of Kincaid, Kans., for removal of duty on alcohol—to the Committee on Ways and Means.

By Mr. BROWN: Petition of Charles Derach and others, for relief of heirs of victims of the *Slocum* disaster—to the Committee on Claims.

By Mr. BURKE of Pennsylvania: Petition of citizens of Pittsburg, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petitions of the American Mining Congress, relative to mining—to the Committee on Mines and Mining.

Also, petition of the Commercial Law League of America, for reform in the consular service—to the Committee on Foreign Affairs.

Also, petition of the Humane Society of Pennsylvania, relative to transportation of live stock—to the Committee on Interstate and Foreign Commerce.

Also, petition of the General Assembly of the Presbyterian Church, relative to transportation of live stock—to the Committee on Interstate and Foreign Commerce.

By Mr. BURLEIGH: Paper to accompany bill for relief of John O. Johnson—to the Committee on Naval Affairs.

By Mr. BURTON of Delaware: Petitions of Harrington (No. 4), Felton, John M. Clayton, Stars and Stripes, Diamond, Overbrook, Frederica, and Enterprise Councils, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BUTLER of Pennsylvania: Petition of Master Grange No. 91, against tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of John P. Croser Council, No. 187, Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. CHANEY: Paper to accompany bill for relief of George W. McBride—to the Committee on Invalid Pensions.

By Mr. DARRAGH: Petitions of E. Rutan et al., C. F. Kraight et al., the Woman's Club, the Twentieth Century Club, the Current Events Literary Club, and the Hypatia Club, all of Greenville, Mich., against commercial spoliation of Niagara Falls—to the Committee on Foreign Affairs.

Also, petitions of Frank Dines et al., and the Boyne City Chemical Company, against tax on domestic alcohol—to the Committee on Ways and Means.

By Mr. DEEMER: Petitions of Master Granges Nos. 84 and 1183 and A. H. Heilman & Co., against tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. DOVENER: Petitions of Cumberland Council, No. 3, and Lincoln Council, No. 28, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. DRAPER: Petition of J. H. Allen Council, Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Western Fruit Jobbers' Association, relative to railway traffic—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Commercial Law League of America, for reformation of the diplomatic service—to the Committee on Foreign Affairs.

By Mr. ESCH: Petition of the Commercial Law League of America, for reform of the consular service—to the Committee on Foreign Affairs.

By Mr. FITZGERALD: Petition of the Union League Club of New York, for bill H. R. 3—to the Committee on Ways and Means.

Also, petition of 14 citizens of New York and vicinity, for relief of victims of the *General Slocum* disaster—to the Committee on Claims.

By Mr. FOSTER of Indiana: Petitions of the Evansville Mirror and Beveling Company and the Evansville Desk Company, against tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Clem Reitz et al., of Indiana, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Golden Rule Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of the Illinois State Horticultural Society, for protection of cider vinegar, etc.—to the Committee on Agriculture.

Also, petition of the National Reciprocity Conference, for revision of the tariff—to the Committee on Ways and Means.

Also, petition of Levi Doty, against extension of the time for leaving live stock on cars—to the Committee on Agriculture.

By Mr. GILBERT of Indiana: Petition of the Railway Postal Clerks of the United States, favoring bill H. R. 18469—to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM: Petition of Vesuvius Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalizaton.

Also, petition of the Commercial Law League of America, for reform in the consular service—to the Committee on Foreign Affairs.

Also, petition of the general assembly's permanent committee on temperance, relative to transportation of live stock—to the Committee on Interstate and Foreign Commerce.

Also, petitions of the American Mining Congress, relative to mining—to the Committee on Mines and Mining.

By Mr. GRANGER: Petitions of the Women's Christian Temperance Unions of Providence, East Greenwich, Woonsocket, Pawtucket, Saylesville, Arlington, Phoenix, and Ashton, and the Methodist Episcopal Church of Greenwich, all in the State of Rhode Island, against liquor selling in Indian Territory and Oklahoma when admitted as States—to the Committee on the Territories.

Also, petitions of the Providence (R. I.) Building Trades Council, and Local Union No. 195, Brotherhood of Painters, Decorators, and Paper Hangers of America, against tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petitions of Eagle and Washington councils, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petitions of the Women's Christian Temperance Union of Portsmouth, and Grace Marchant, of Woonsocket, R. I., against liquor selling in Indian Territory and Oklahoma when admitted as States—to the Committee on the Territories.

Also, petitions of Nonquit Lodge, No. 31; Portsmouth Grange,

No. 29, and Union Grange, No. 13, Patrons of Husbandry, of Tiverton, R. I., for bill H. R. 345—to the Committee on Agriculture.

By Mr. GROSVENOR: Paper to accompany bill for relief of Jesse H. Brandt—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of John H. McKenna—to the Committee on Military Affairs.

By Mr. HAMILTON: Petition of citizens of Michigan, for removal of tax from denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Otsego Chair Company, of Otsego, Mich., for removal of tax from domestic alcohol—to the Committee on Ways and Means.

Also, petition of the South Haven and Casco Pomological Society, of Van Buren and Allegan counties, relative to icing charges on railways—to the Committee on Interstate and Foreign Commerce.

By Mr. HAY: Paper to accompany bill for relief of Mary C. Spangler—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Joseph W. Harshbarger—to the Committee on War Claims.

Also, paper to accompany bill for relief of heirs of Samuel Miller—to the Committee on War Claims.

Also, paper to accompany bill for relief of estate of Mathias Diehl—to the Committee on War Claims.

Also, paper to accompany bill for relief of Samuel H. Sonner—to the Committee on War Claims.

Also, paper to accompany bill for relief of heir of John Bowman—to the Committee on War Claims.

Also, paper to accompany bill for relief of Augustus Walker—to the Committee on Pensions.

By Mr. HAYES: Paper to accompany bill for relief of John W. Ward—to the Committee on War Claims.

By Mr. HILL of Connecticut: Petition of Roger Sherman Council, No. 26, Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the New England Section of the Society of Chemical Industry, for untaxed denaturized alcohol—to the Committee on Ways and Means.

By Mr. HENRY of Connecticut: Petition of Chamberlain Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. HITT: Petition of Union Lodge, No. 138, Brotherhood of Locomotive Firemen, favoring bills H. R. 239 and 9328 and S. 1657—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Commercial Law League of America, for reform of the consular service—to the Committee on Foreign Affairs.

By Mr. HOGG: Petition of leading business firms of the United States, favoring the Grosscup plan—to the Committee on Interstate and Foreign Commerce.

By Mr. LAWRENCE: Petition of the Society of Chemical Industry, New England Section, against tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. LEE: Paper to accompany bill for relief of estate of Obadiah E. Payne—to the Committee on War Claims.

Also, paper to accompany bill for relief of estate of Joshua Johnston, of Chattanooga County, Ga.—to the Committee on War Claims.

Also, paper to accompany bill for relief of Jane S. White—to the Committee on War Claims.

Also paper to accompany bill for relief of heirs of Patrick Jennings—to the Committee on War Claims.

Also, paper to accompany bill for relief of heir of Sarah Hays—to the Committee on War Claims.

By Mr. LESTER: Paper to accompany bill for relief of heirs of Edward B. Porter—to the Committee on War Claims.

By Mr. LILLEY of Connecticut: Paper to accompany bill for relief of George Quien—to the Committee on Invalid Pensions.

By Mr. KAHN: Resolution of the Veterans' Home of California, favoring taking over Youngsville Soldiers' Home by the National Government—to the Committee on Military Affairs.

Also, petition of Yerba Buena Parlor, Native Sons of the Golden West, of San Francisco, Cal., relative to 5 per cent bill—to the Committee on Agriculture.

By Mr. KENNEDY of Nebraska: Petition of the Western Fruit Jobbers' Association, for enlarged powers for the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. KNAPP: Petition of Lorraine (N. Y.) Grange, No. 117, Patrons of Husbandry, for removal of tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. McCALL: Petition of Joseph P. A. Hanlon, for extension of a patent on a screw—to the Committee on Patents.

Also, petitions of the Hallet & Davis Piano Company, of Boston; furniture manufacturers of New England; the Northeast Society of Chemical Industry, and W. B. Badger & Co., for removal of tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. MACON: Paper to accompany bill for relief of Joseph Dongal—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Benjamin Bibb—to the Committee on Pensions.

By Mr. MAYNARD: Petition of the American Manufacturing Company, against tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. MOON of Pennsylvania: Paper to accompany bill for relief of Sallie B. Smith—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: Petition of the Riverside Chamber of Commerce, for improvement of Yosemite Valley—to the Committee on Agriculture.

By Mr. OTJEN: Petition of Banner Council, No. 17, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. PERKINS: Petition of Gates Grange, No. 421, for untaxed denaturized alcohol—to the Committee on Ways and Means.

By Mr. POLLARD: Petition of citizens of Dunbar, Nebr., favoring an appropriation of $135,000 asked for by Secretary Wilson—to the Committee on Agriculture.

Also, paper to accompany bill for relief of Lena Bush—to the Committee on Pensions.

By Mr. RIXEY: Paper to accompany bill for relief of Martha Brooks-Wilson—to the Committee on Invalid Pensions.

Also, petition of Alexandria Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. RYAN: Paper to accompany bill for relief of Joseph Rupert—to the Committee on Invalid Pensions.

Also, petition of Levi Doty, of Illinois, against bill relative to live stock in transit—to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Texas: Petition of citizens of Texas, for a Federal district court at Del Rio, Tex.—to the Committee on the Judiciary.

By Mr. SPERRY: Petition of the Northeast Section of the Society of Chemical Industry, against tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. STEVENS of Minnesota: Petition of the Minnesota National Guard Association, favoring bill H. R. 7136—to the Committee on Militia.

By Mr. SULLIVAN of New York: Petition of Anthony Rittes and others, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of the National Manufacturers' Association, relative to improvement in the merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, petition of John L. Beveridge and 100 others, for a volunteer general retired list for volunteer generals of the civil war—to the Committee on Military Affairs.

Also, petition of 10 citizens of New York and vicinity, for relief of heirs of victims of the *Slocum* disaster—to the Committee on Claims.

Also, petition of the Military Order of Foreign Wars, New York Commandery, relative to wearing badges by military societies—to the Committee on Military Affairs.

Also, petition of the Minerva Club of New York, for increasing the President's salary—to the Committee on Appropriations.

By Mr. SULZER: Petition of 13 citizens of New York and vicinity, for relief of heirs of victims of the *Slocum* disaster—to the Committee on Claims.

By Mr. TIRRELL: Petition of the Woman's Afternoon Club, of Abington, Mass., for a forest reserve in the White Mountains—to the Committee on Agriculture.

By Mr. TOWNSEND: Petitions of Madison Grange, No. 384, of Adrian, Mich.; Adrian Grange, No. 213; Macon Grange, No. 167, and Rollin Grange, No. 383, against tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. VAN WINKLE: Paper to accompany bill H. R. 12304—to the Committee on Invalid Pensions.

By Mr. VREELAND: Petitions of the Atlas Furniture Company, the Union Furniture Company, the Jamestown Lounge Company, and the Sheannan Brothers Company, against tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. WEISSE: Paper to accompany bill for relief of Charles H. Weaver—to the Committee on Pensions.

By Mr. WILEY of New Jersey: Petition of citizens of Washington, D. C., living on M street, against use of that street for an electric railway—to the Committee on the District of Columbia.

SENATE.

TUESDAY, *January 23, 1906.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 297. An act to authorize the construction of dams and power stations on the Tennessee River at Muscle Shoals, Alabama;

H. R. 11045. An act to amend an act entitled "An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania," approved February 21, 1903; and

H. R. 11263. An act to authorize the construction of a bridge across the navigable waters of St. Andrews Bay.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of Lafayette Division, No. 7, Brotherhood of Locomotive Engineers, of Lafayette, Ind., remonstrating against the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

Mr. PLATT presented a petition of Colonel Willett Council, No. 58, of Rome, and a petition of William McKinley Council, No. 76, of Brooklyn, Junior Order United American Mechanics, in the State of New York, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented the petition of Elizabeth P. Clarke and sundry other citizens of New York, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the Commercial Law League of America of Philadelphia, Pa., praying for the enactment of legislation to promote the efficiency of the consular service; which was ordered to lie on the table.

He also presented petitions of the Mount Pleasant Woman's Christian Temperance Union, of Schenectady; of the Woman's Christian Temperance Union of Pleasant Plains; of the Woman's Christian Temperance Union of Cohocton; of the Woman's Christian Temperance Union of Mount Vernon; of the Woman's Christian Temperance Union of Hulburton; of the Woman's Christian Temperance Union of Katonah; of the Woman's Christian Temperance Union of Pulaski, and of the congregation of the First Presbyterian Church of Wolcott, all in the State of New York, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings and grounds; which were referred to the Committee on Military Affairs.

Mr. MALLORY presented a petition of the Emerson Memorial Home, of Ocala, Fla., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Indian Territory when admitted to statehood; which was referred to the Committee on Territories.

Mr. GAMBLE presented a petition of the Woman's Christian Temperance Union of Mitchell, S. Dak., praying for an investigation of the charges made and filed against Hon REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. CLARK of Montana presented a petition of the Montana Bar Association, of the State of Montana, praying for the enactment of legislation providing for the creation of an additional judicial circuit court of appeals to embrace the States of Wyoming, Colorado, Utah, Montana, and Idaho and the Territories of New Mexico, Arizona, and the Indian Territory; which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Miles City, Mont., praying for the enactment of legislation regulating the hours of interstate transit for live stock; which was referred to the Committee on Interstate Commerce.

Mr. CARTER presented a petition of the Montana Bar Association, of the State of Montana, praying for the enactment of legislation providing for the establishment of a tenth judicial circuit court of appeals in that State; which was referred to the Committee on the Judiciary.

Mr. BURKETT presented a petition of the legislature of Nebraska, praying for the enactment of legislation to establish the true status of the Nebraska State Militia; which was referred to the Committee on Military Affairs, and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA, *State of Nebraska:*

I, A. Galusha, secretary of state of the State of Nebraska, do hereby certify that the within is a full, true, and correct copy of the memorial and joint resolution (house roll No. 174) as passed by the legislature of 1905, and appears upon the records of this office.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Nebraska. Done at Lincoln this 28th day of October, in the year of our Lord one thousand nine hundred and five, of the independence of the United States the one hundred and thirtieth, and of this State the thirty-ninth.

[SEAL.] A. GALUSHA, *Secretary of State,*
By FRED. W. MILLER, *Deputy.*

House roll 174—Memorial and joint resolution in relation to the Nebraska Territorial Militia.

Whereas the Fifty-seventh and Fifty-eighth Congress failed to pass any bill to establish the true status of the Nebraska Territorial Militia, who served ninety days in subduing the several raids and depredations of hostile Indians between 1862 and 1864 and were honorably discharged;

Whereas these volunteer soldiers were called and mustered into active service by our Territorial executive officers, appointed by the Federal Government, at a time when all its forces were engaged in the South suppressing the war of the rebellion;

Whereas the settlers of the border Territory, the overland mail, and the emigrants to the Rocky Mountain district were justly entitled to the fullest protection of the Government of the United States as against the unprovoked acts of marauding bands of Indians, its acknowledged wards: Be it

Resolved, That our Senators and Representatives in Congress be again requested to renew their best and earliest endeavors to procure the passage of an act similar to the one passed in February, 1895, giving the Missouri State Militia title to pension; and

Resolved, That the honorable secretary of the State of Nebraska be requested to forward a certified copy of this memorial to each of our Senators and Members of the Fifty-ninth Congress.

GEORGE L. ROUSE,
Speaker of the House of Representatives.

Attest:
JOHN WALL,
Chief Clerk of House of Representatives.

EDMUND G. MCGILTON,
President of the Senate.

Attest:
WM. M. WHEELER,
Secretary of Senate.

Approved April 1, 1905.

JOHN H. MICKEY, *Governor.*

STATE OF NEBRASKA, *ss:*

I, John Wall, chief clerk of the house of representatives, hereby certify that the within bill originated in the house and passed the legislature on the 30th day of March, 1905.

JOHN WALL,
Chief Clerk House of Representatives.

Secretary of state's office, Nebraska, received April 1, 1905.

Mr. BURKETT presented a petition of the Commercial Club of Omaha, Nebr., praying for the enactment of legislation providing for the reorganization of the consular service; which was ordered to lie on the table.

Mr. SCOTT presented a petition of Chattahoochee Tribe, No. 35, of Winona, W. Va., and a petition of sundry citizens of Winona, W. Va., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented petitions of Resolute Council, No 63, of Bayard; Center Point Council, No. 139, of Center Point, and of Wise Council, No. 185, of Wise, all of the Junior Order United American Mechanics, in the State of West Virginia, praying for the enactment of legislation to restrict immigration, and also for the revision of the laws governing naturalization; which were referred to the Committee on Immigration.

Mr. DEPEW presented a petition of the Merchants and Manufacturers' Board of Trade of New York City, N. Y., praying for the enactment of legislation to reorganize the consular service; which was ordered to lie on the table.

He also presented a petition of the Indian Association of New York City, N. Y., and a petition of the National Indian Association, of New York City, N. Y., praying that an appropriation be made for the purchase of small holdings for the landless Indians of northern California; which were referred to the Committee on Indian Affairs.

He also presented petitions of Colonel Willett Council, of Rome; of Greenwich Council, No. 24, of Freeport; of Woodmere Council, No. 83, of Woodmere; of Central Council, No. 52, of Syracuse; of Brooklyn Council, No. 2, of Brooklyn; of Victory Council, No. 82, of Wappingers Falls; of General Warren Council, No. 46, of Brooklyn; of Atlantic Council, No. 24, of Long Island City, and of Richmond Council, No. 19, of Port Richmond, all of the Junior Order United American Mechanics; of Local Union No. 8856, of Middletown, and of Local Union No. 1586, of Mechanicsville, of the American Federation of Labor, and of Sherman Lodge, No. 143, Brotherhood of Railroad Trainmen, of East Syracuse, all in the State of New York, praying

for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. KEAN presented a petition of Adopted Daughter Lodge, No. 3, Brotherhood of Locomotive Firemen, of Jersey City, N. J., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented a petition of the New Jersey Historical Society, of Paterson, N. J., praying for the enactment of legislation to establish a United States Historical Commission; which was referred to the Committee on the Library.

He also presented a memorial of the Trades and Labor Federation of New Brunswick, N. J., remonstrating against any reduction of the duty on cigars and tobacco imported from the Philippine Islands; which was referred to the Committee on the Philippines.

He also presented a petition of sundry citizens of Bayonne, N. J., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of sundry citizens of Trenton, N. J., praying for the enactment of legislation to prohibit the use of Indian trust funds for sectarian schools; which was referred to the Committee on Indian Affairs.

REPORTS OF COMMITTEES.

Mr. GAMBLE, from the Committee on the District of Columbia, to whom was referred the bill (S. 69) regulating the retent on contracts with the District of Columbia, reported it without amendment, and submitted a report thereon.

Mr. CRANE, from the Select Committee on Industrial Expositions, to whom was referred the amendment submitted by himself on the 17th instant, proposing to appropriate $40,000 to enable the Government of the United States to take official part in the international exposition to be held at Milan, Italy, during the year 1906, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

BILLS INTRODUCED.

Mr. WARREN introduced a bill (S. 3573) to protect the rights of women citizens of the United States to register and vote for Members of the House of Representatives; which was read twice by its title, and referred to the Select Committee on Woman Suffrage.

Mr. FRYE introduced a bill (S. 3574) for the relief of John H. Potter; which was read twice by its title, and referred to the Committee on Claims.

Mr. DILLINGHAM introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3575) granting an increase of pension to Sargent R. Emerson;

A bill (S. 3576) granting an increase of pension to Charles M. Batchelder (with accompanying papers);

A bill (S. 3577) granting an increase of pension to Warren W. Conger; and

A bill (S. 3578) granting an increase of pension to Laura M. Farnham.

Mr. FULTON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3579) granting a pension to Daniel R. Cone; and

A bill (S. 3580) granting an increase of pension to George W. Peters.

Mr. DEPEW introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3581) providing for the payment to the New York Marine Repair Company, of Brooklyn, N. Y., of the cost of the repairs to the steamship *Lindesfarne*, necessitated by injuries received from being fouled by the United States Army transport *Crook*, in May, 1900; and

A bill (S. 3582) for the relief of Gattlieb Schlecht and Maurice D. Higgins and for the relief of the heirs and legal representatives of William Bindhammer and Valentine Brasch.

Mr. DEPEW introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3583) granting an increase of pension to Kate O'Donnell Wood;

A bill (S. 3584) granting an increase of pension to Peter Quermbeck;

A bill (S. 3585) granting a pension to Thomas Allen;

A bill (S. 3586) granting an increase of pension to Martha S. Campbell; and

A bill (S. 3587) granting an increase of pension to Eliza Orr (with an accompanying paper).

Mr. CLARK of Montana introduced a bill (S. 3588) granting an increase of pension to James Lebo; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BLACKBURN introduced a bill (S. 3589) for the relief of Thomas H. Clay, administrator de bonis non of Benjamin Gratz, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. MONEY introduced a bill (S. 3590) for the relief of D. M. Snowden; which was read twice by its title, and referred to the Committee on Claims.

Mr. CLARKE of Arkansas introduced a bill (S. 3591) for the relief of the trustees of the Methodist Episcopal Church South, of Pine Bluff, Ark.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. WARNER introduced a bill (S. 3592) permitting the St. Louis, San Francisco and New Orleans Railroad Company (formerly the Arkansas and Choctaw Railway Company), the St. Louis and Oklahoma City Railroad Company, the St. Louis, Oklahoma and Southern Railway Company, and the Oklahoma City and Western Railroad Company, and each or either of them, to sell and convey their railroads and other property in the Indian Territory to the St. Louis and San Francisco Railroad Company, and for other purposes; which was read twice by its title, and referred to the Committee on Railroads.

Mr. RAYNER introduced a bill (S. 3593) granting an honorable discharge to Joseph P. W. R. Ross; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3594) granting a pension to Sebastian Brown; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3595) for the relief of the legal representatives of John N. Gatewood, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. OVERMAN introduced a bill (S. 3596) authorizing and directing the Secretary of the Navy to recommission and change the rank of Emmet C. Gudger; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. LONG introduced a bill (S. 3597) granting an increase of pension to Nathan T. Reed; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GAMBLE introduced a bill (S. 3598) granting an increase of pension to Charles D. Brown; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3599) granting an increase of pension to William Orr; which was read twice by its title, and referred to the Committee on Pensions.

Mr. STONE introduced a bill (S. 3600) granting an increase of pension to Henry A. Crandall; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3601) granting an increase of pension to Theodore M. Burge; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GALLINGER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (S. 3602) to prohibit the killing of wild birds and wild animals in the District of Columbia (with an accompanying paper); and

A bill (S. 3603) to incorporate the American Institute for Drug Proving.

Mr. LODGE introduced a bill (S. 3604) to purchase a painting of the several ships of the United States Navy, known as the "Squadron of Evolution," and entitled "Peace;" which was read twice by its title, and referred to the Committee on the Library.

Mr. WETMORE introduced a bill (S. 3605) granting an increase of pension to Albert Smith; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. HEYBURN introduced a bill (S. 3606) granting an increase of pension to John T. Morgan; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BACON introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 3607) for the relief of the heirs of A. K. Tribble, deceased;

A bill (S. 3608) for the relief of the heirs of William H. Harvill, deceased;

A bill (S. 3609) for the relief of the heirs of John C. Bowden, deceased;

A bill (S. 3610) for the relief of the heirs of Blueford D. Smith, deceased;

A bill (S. 3611) for the relief of the heirs of William McConnell, deceased;

A bill (S. 3612) for the relief of the heirs of William Wilmoth, deceased;

A bill (S. 3613) for the relief of the heirs of James Peek, deceased;

A bill (S. 3614) for the relief of the heirs of John Fisher, deceased;

A bill (S. 3615) for the relief of the heirs of Joseph Summerlin, deceased;

A bill (S. 3616) for the relief of the heirs of Willis Miller, deceased; and

A bill (S. 3617) for the relief of the heirs of John M. King, deceased.

Mr. BACON introduced a bill (S. 3618) granting an increase of pension to Martha E. Wardlaw; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (S. 3619) to amend the seventh section of the act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, and the several acts amendatory thereto; and

A bill (S. 3620) to allow and regulate amendments in judicial proceedings in the courts of the United States.

Mr. CARTER introduced a bill (S. 3621) for the relief of William H. Crook; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3622) for the relief of the heirs of Warren S. Baxter, deceased; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. FRYE introduced a joint resolution (S. R. 23) providing for an extension of time for completing the highway bridge and approaches across the Potomac River at Washington, D. C.; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENTS TO INDIAN APPROPRIATION BILL.

Mr. GAMBLE submitted the following amendments, intended to be proposed by him to the Indian appropriation bill; which were referred to the Committee on Indian Affairs, and ordered to be printed:

An amendment proposing to appropriate $30,000 to construct a girls' dormitory, kitchen, etc., at the Indian school at Crow Creek Agency, S. Dak.;

An amendment proposing to appropriate $25,000 to increase the capacity of Hope School, at Springfield, S. Dak.; and

An amendment relative to an investigation of the claims of Drifting Goose and certain other members of the Crow Creek band of Sioux Indians in South Dakota, for loss of property resulting from their removal from their homes in the James River Valley in South Dakota in 1864, and proposing to appropriate $1,053.05 therefor (with accompanying papers).

REPORT OF AMERICAN INSTRUCTORS OF THE DEAF.

Mr. PERKINS submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That there be printed for the use of the Convention of American Instructors of the Deaf, in style similar to that of the last report of said convention and wrapped for mailing, 600 copies of the Report of the Seventeenth Meeting of the Convention of American Instructors of the Deaf, being Senate Document No. 105, Fifty-ninth Congress, first session.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

H. R. 297. An act to authorize the construction of dams and power stations on the Tennessee River at Muscle Shoals, Alabama;

H. R. 11045. An act to amend an act entitled "An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania," approved February 21, 1903; and

H. R. 11263. An act to authorize the construction of a bridge across the navigable waters of St. Andrews Bay.

PURE-FOOD BILL.

The VICE-PRESIDENT. The Calendar is in order.

Mr. HEYBURN. I ask unanimous consent to call up the bill (S. 88) for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. HEYBURN. I yield to the Senator from North Dakota [Mr. MCCUMBER], who desires to submit some remarks.

Mr. McCUMBER. Mr. President, when I was last discussing this subject, the Senator from New Hampshire [Mr. GALLINGER], who I am sorry to see is not now present, referred to a certain publication in the National Druggist with reference to the action of the food commissioner of the State of Minnesota, and declared his hope that this bill was not so drawn that it would allow such offenses as had been committed in that State. He referred to the National Druggist as a magazine published, I would say, in the interest of patent medicines, etc., as a reputable publication. The Senator from Minnesota [Mr. NELSON] felt called upon to defend the action of the food commissioner of that State. I wish to say simply a word with reference to this publication and the influence it should have upon the Senate of the United States or the members of the Senate in the consideration of this most important bill.

I do not desire to challenge to any extent the good reputation of this particular publication. I prefer to leave every person to exercise his own judgment upon what is reputable and what is not reputable. It is apparent from the publication itself that it is the champion of wide-open adulterations and frauds in the matter of food and drug products; that it is the enemy of all good pure food and drug legislation; and, if I may judge from its advertisements, that it is a purveyor of all vile and fraudulent alleged remedies. One can not but be impressed with the truth of this if he will take up one by one the pages of advertising matter and then take up some of the investigations into those things, that are advertised as worthy of the consideraion of the public, found in the public documents of the State of Massachusetts. I will place side by side this journal and the declarations made by the chemists of the State of Massachusetts, appointed or chosen for that purpose, and will let the Senate itself decide, or anyone else who is interested in pure-food legislation, which is the most reputable.

But that we may understand fully another force which is at work to-day against this character of legislation and at the same time understand the animus of this publication against all pure-food legislation, I desire to call attention to page 204 of the number for July, 1905, and we will understand from this the object of a certain organization which is now in the city and whose efforts are to defeat the legislation which we are seeking to have enacted. On page 204 I find this heading: "How to fight pure-food legislation." It goes on to say:

About fifty representatives of food products met at the Waldorf Hotel in New York a week or two ago and formed a National Food Manufacturers' Association. The object of the association, as set forth in the call that was issued, is to obtain the cooperation of the various food and drug industries of the country "in an endeavor to secure a national food law at the next Congress, which law shall be one that will protect the public from unwholesome and adulterated foods and drugs, and at the same time conserve the rights and legitimate interests of the food and drug industries of the United States."

That is said to be the object of this organization.

The necessity for the organization was summed up by Mr. Thomas E. Lannen, of Chicago, who said:

"There will be a food law enacted at the next Congress. Of that there can be no doubt. What we must decide is, shall it be a food law of the manufacturers or of the food commissioners?"

Now, knowing the constituent elements of that association, reduced to simple English it means this: Will it be such legislation as the States themselves have seen fit to adopt in declaring that certain adulterated and misbranded goods shall not be sold within the borders of the State, or will it be such legislation as will enable the manufacturers of jellies and preserves and other such products to use aniline dyes, to use coal-tar products, in the preservation of their particular products, and also to substitute any other food product for the product which is advertised by them as the particular thing which they are selling? That to me, Mr. President, is what the real issue is in a nutshell.

Now, how is this to be accomplished? By certain amendments which this organization is to supply Members of Congress with from time to time and also by a separate bill if possible.

While the National Druggist agrees with them in much of what they are doing, so far as their attempt to prevent any legislation is concerned, it goes on to say:

In spite of all this, however, we believe that it is the part of wisdom to fight the proposed legislation on principle, to make no compro-

mise whatever with the scamps who are behind it, and to refuse to treat with them on any kind of terms.

Speaking then of this Congress, it says:

So far, their opposition has been effectual in forestalling such legislation altogether, and the grafters who have been endeavoring to obtain it will probably agree to any measure that may be proposed if it will secure the cooperation of those who have hitherto stood in the way and foiled their designs.

Again it says:

Therefore, as we have said, it seems to us that the wisest course is to oppose all laws which have for their aim the regulation of private enterprise, under whatever pretext they may be urged.

And again:

There is no demand whatever for such legislation from the general public, who are supposed to be suffering so much from impure and adulterated foods and drugs. Then why should Congress concern itself with an evil about which those whom it is supposed to affect so injuriously make no complaint?

Yet it is said that this is a reputable magazine, a magazine which declares that so long as the people submit to crime and injustice, no matter how apparent it may be, neither Congress nor any other legislative body should interfere with them in the slightest degree in perpetrating such injustice.

This journal also attacks all pure-food officials as criminal grafters. I call attention to the National Druggist of July, 1905, page 205.

I desire to call attention to the statement concerning Lea & Perrin, the Minnesota case, which is pronounced by Commissioner Slater, of that State, as "A chain of misstatements;" by the Commercial Bulletin of Minneapolis, "Wild and ranting," and by the American Grocer, "A fit of hysteria." The Lea & Perrin case was referred to by the Senator from New Hampshire. Here is a letter from Julius Hortvet, who is the chemist of the Minnesota State Commission, to Miss Lakey, who is secretary of a subcommittee of the Woman's Clubs of America, or the National Woman's Club Association; I do not remember the name of it. He says:

I have yours of the 8th inclosing circular and clipping.

That is the circular which is copied from the National Druggist.

The circular is, on the face of it, a bit of campaign literature gotten up by the antipure-food crowd. The whole thing is a misrepresentation. Our commissioner has not shut out Lea & Perrin's sauce. Our department has for several years consistently ruled against the use of salicylic acid in food products. We rule it out in catsups and other things; so to be fair and consistent, have applied the ruling to these sauces. This is the only so-called "Worcestershire sauce" I have found that contains salicylic acid. I had a conversation with the chemist who recommended salicylic acid to the manufacturers of the sauce in question, and he said neither he nor they had any preference and their feelings were not hurt on account of our action. They were perfectly willing to fall in line with the others and use benzoate of soda. They say that they are obliged to use some kind of preservative. We do not permit salicylic acid under any circumstances, even when its presence is announced on the label.

The so-called "steel-cut" coffee you ask about has never been analyzed in this laboratory. In order to show whether it is adulterated there would be required a large amount of special work on coffee—work that has not been carried on extensively as yet. I am planning some analyses of coffees, and maybe in course of a year or so can give my opinion on the question you ask. I am pleased to clear up these doubtful points whenever I can.

Very truly, yours, JULIUS HORTVET.

I have a further letter here which I will not stop to read from the company of Lea & Perrin, in which they thank the food commissioner of the State of Minnesota for getting them out of a rut in the matter of the use of these preservatives, and in which they say that instead of the use of these preservatives they now sterilize the bottles, and that they are using no preservative whatever, not even the benzoate that is spoken of here.

Mr. LODGE. If I may interrupt the Senator, I wish to ask for information if that is an English product?

Mr. McCUMBER. It is wholly American.

Mr. LODGE. It is wholly American?

Mr. McCUMBER. It is wholly American, although they do use the name "Worcester" in connection with it, and the label bears the mark of Worcester and New York. There has been some suggestion made by the Agricultural Department that they properly should use a name which would signify that it is wholly an American product.

I do not think it is necessary to cover that matter any further, Mr. President. I know how influential the Senator from New Hampshire is in what he may say upon this floor in reference to the effect of certain drugs. His long experience not only as a physician but as a legislator entitles him to a great deal of credit in whatever view he may take on a question of this kind. I desire, however, simply to say to the Senator that we are living to-day in an artificial age, and therefore we demand an artificial support for the conditions with which humanity is suffering.

The Senator himself, of course, says that he sees no particular dangers from the food products that are generally in use; and yet, Mr. President, one can not look over the United States, viewing the great army of physicians, viewing the hundreds of thousands of drug dispensaries, viewing the great number of advertisements in every magazine and in every paper in the United States, declaring the wonderful medicinal qualities of an innumerable character and kind of cure-alls, without becoming convinced that the health of the people themselves is a material thing that should be looked after by legislators.

Mr. President, we are coming more and more to understand that our health depends more upon the character of food we consume than upon the medicines that are given to allay and destroy diseases. We are coming more and more to understand that a proper diet, varied to meet the conditions of each individual, is not only the greatest panacea for, but also the greatest preventive against the evils with which humanity seems to be afflicted.

If that be true, I insist that there is a moral duty resting upon the Government to insure, so far as it is possible to do it, the health and comfort of every citizen constituting the public. How may it do this? It can not prescribe a dietary course for every individual. It can not declare what this person or that person shall consume. But, Mr. President, what it can do, and what it morally ought to do, is this: It ought to protect the individual against all character of imposition and fraud, so that entering into the markets he may purchase those things without fear which he knows to be conducive to his health and comfort, and above all that he may avoid those things which he knows to be detrimental.

But, Mr. President, at this age no man can possibly prepare his own food or his own drugs. He is therefore at the mercy of his fellow-men. His life is threatened at every point by the greed and the avarice of the manufacturers of drugs and many kinds of food products.

Mr. President, has food adulteration and drug adulteration reached such proportions in the United States that it demands national consideration and a national attempt to eradicate it? The very fact that nearly every State in the Union has passed pure-food laws, the very fact that their commissioners are working night and day to check the great evil of misbranded and adulterated articles of food which are pouring over the border lines of the States, and the fact that organizations are formed everywhere in the United States to check this great evil, seem to be proof conclusive not only of its existence but also of its danger.

Mr. President, several years ago the Secretary of Agriculture desired to make an estimate of the proportion of adulterated and misbranded foods that were sold in the United States. He called to his aid the food commissioners of the several States having food laws; and, in addition to his own investigation, he showed as a result that about 30 per cent in value of all the food products in the United States were either adulterated or misbranded. In order to be conservative, he cut that in two; he brought it down to 15 per cent, and even at those figures the amount of adulterated and misbranded articles which went into commerce every year was $1,175,000,000. To-day it is safely estimated that it is more than $3,000,000,000 per annum. Just think of it! The American people pay out every year for fraudulent and for adulterated articles of food a sum sufficient to pay the entire expenses of the civil war; they pay out enough every year, Mr. President, to pay the national debt three times over, and all for those adulterated and misbranded articles.

Now, if we will bear in mind that from 50 to 60 per cent of our food products consists of flour, potatoes, fresh vegetables, eggs, and a little fresh meat, we will see that of all the remaining many hundreds of articles of food the greater proportion of them are either adulterated or misbranded articles.

I referred heretofore, Mr. President, to the report of the commissioner of food of my own State. He made an examination of hams and other meats, which were imported into the State, and found that every ham or rib—which had been imported—which was examined contained from 25 to 45 grains of boracic acid. I have stated before that when given for medicinal purposes from five to ten grains of that drug constitute a daily dose. He examined the potted chicken and potted turkey put up in cans and shipped into the several States, and he could not find a single can in the entire State which contained the slightest amount of either chicken or turkey. As I have said before, it may be that calf neck and pig jaw are just as good; that they are just as wholesome as chicken or turkey; but what I insist upon is that it is not what the purchaser thinks he is buying, and that he is entitled to have for his good dollar good meats that he thinks he is purchasing, and not counterfeits. That is all that those who stand by this proposed pure-food law insist shall be done.

Let me give another case, one which I cited before, and it brings us back to this question of food. Perhaps one of the

most common of all the dangerous diseases in this country is diabetes. We know that physicians prescribe for this ailment a diet—a diet of gluten flour. A physician prescribes that for his patient. The patient goes to any of the stores in the city of Washington or in any of the great cities and calls for gluten flour. He gets a package of 5 or 10 pounds, which is marked "gluten flour." He takes that, and he follows out the prescription of his physician. In a short time he dies. The physician does not understand why his prescription has not had better results. He examines the contents of this package which is marked "gluten flour," and finds that there is no gluten flour whatever in it. Is this true? Doctor Bigelow went around the city of Washington a short time ago and called at thirteen different stores to purchase thirteen packages of gluten flour, and out of the entire thirteen but two or three contained gluten flour at all. All the remainder were frauds.

If I take the reports of Massachusetts—as good a State as that is, and where they attempt to enforce their laws, as I have shown here already this morning—I find that there is scarcely a drug in the market that is not adulterated, scarcely a can of fruit or a can of preserves or canned goods of any kind where a large proportion of them is not adulterated. Mr. President, it seems to me that this is sufficiently serious to challenge the attention of the American people.

Now, let me give an illustration of why we need national legislation. To do that I borrow from a statement made by one of the pure-food commissioners, or, rather, the secretary of the State of Kentucky. He states that in March, 1901, while standing in front of a grocery store in Morgansville, Ky., a woman and her little child came in with a basket and purchased a number of articles of food for their table, consisting of lard, of sirup, of jelly, of sausages. The price amounted to $1.80. She gave the grocer all she had—$1.57—and went away indebted to him 23 cents. Mr. Allen immediately purchased a quantity of each of those articles and analyzed them. He found the sirup was 70 per cent glucose, that the jelly contained nearly everything but fruit juice and was colored with coal-tar dye, the sausage contained an antiseptic, and the lard consisted of beef stearin and cotton-seed oil mixed. Had she gone into the market and bought those articles for what they were, at the very highest retail prices they would not have cost her over 90 cents, and she would have gone away with 67 cents in her pocket, instead of being indebted to the grocer 23 cents; and this, Mr. President, independent of the fraud that was perpetrated upon her, independent of the coal-tar dyes, which her children were compelled unconsciously to consume.

I know our opponents say, "You have got pure-food laws in about two-thirds of the States and you have got commissioners to enforce them; why, then, do they not exterminate these evils?" That can be easily explained by taking the very case which has been mentioned. The lard which was purchased from the retailer in Kentucky was manufactured in St. Louis, the jelly was manufactured in Indiana, the sirup was manufactured in Ohio, the sausage was manufactured in Chicago. Every one of these articles was manufactured in a State outside of the State of their consumption. So, if you got after any man in the State of Kentucky, you would get after the innocent retailer. So it is the manufacturer that must be reached.

I have already explained that in the construction of the interstate-commerce law it has been declared that the term "commerce" not only covers an article in its transit from one State to another, but it protects and shields that article until it is sold in original packages in the State of its consumption; and then if you can find it you can punish the innocent retail dealer for selling it, even if he was innocent of knowledge of its impurity.

It will be seen, therefore, Mr. President, that the root of the evil is planted in that territory over which the State has no control and over which Congress has complete control—that is, the jurisdiction over interstate commerce.

There is another reason which I desire to urge here, and that is the very moral reason that was suggested by the Senator from New Hampshire [Mr. GALLINGER] the other day. I want to say, Mr. President, that you can not for years surround a people with crime and deceit and imposition on every side without in time unconsciously affecting the moral character of the people. Constant association with crime and deceit soon dulls our senses to offenses of that character. Mr. President, for that reason alone I think it becomes a moral duty for the nation itself to take hold of this question. Why? Does it not create an absolute disrespect for all law when we severely punish a person for a breach of what is right in one respect while on the other hand we do not attempt in the slightest degree to punish persons guilty of other offenses? What right, Mr. President, has the Government to send me to the penitentiary for five or ten years for trading, we will say, a silver dollar which is one-half lead to a vender of sirup who gives me "pure maple sirup" which consists almost entirely of glucose, with a little of what is called "maple flavoring?" If I should be punished, Mr. President, by imprisonment of ten years for passing a dollar which was 50 per cent good, then I would ask in reason why a man should not be punished twice the length of time for giving me something which was absolutely a fraud from beginning to end?

The American people have submitted to this. They generally submit to fraud and imposition for a great while before they awake to it. They have been so used to being defrauded in what they purchase in drugs and foods that they for years have thought there was no possible remedy, and they would take it as a matter of course, but they are waking up to the imposition. The fact that the reputable magazines in the country and the reputable newspapers in the country are insisting upon some character of action seems to me to be the strongest proof that the people have made up their minds that they will no longer submit to this imposition.

Mr. President, that is all I desire to say to-day upon the general features of the bill. We desire to get a bill through here that every Senator can feel will bring about the very best results with the least possible injury to any person or to any business; but if we stand back and say that we will not pass a bill that interferes with fraudulent businesses of any kind, then we shall never in the world get any bill through.

As to the association to which I have referred, I can not but feel that while it sails under a banner which proclaims its desire to get a good pure-food law through Congress, the real intent and purpose, or at least the effect of its action, would be to prevent pure-food legislation of any character whatever. I can cite one example, and that is an amendment which says that they shall file the ingredients of the composition which they sell to the public with the Secretary of Commerce and Labor, and that the secrecy of that shall be entirely inviolate. Therefore they can call their goods anything they may have a mind to, under a trade name, and that would prevent any State official from in any way interfering with them in the first instance and preventing their sale in the State. Under an amendment of that kind they can simply use all the coal-tar dyes they desire; they can take a little timothy seed, they can take a pail of glucose, they can color it to represent the strawberry color, give it a little flavoring, throw in timothy seed to give it a little appearance of strawberry, a little clover seed if they want to make raspberry jelly out of it, and if they file the composition with the Secretary of Commerce and Labor no one can question their right to import that into any State.

This bill seeks not, Mr. President, to interfere with any legitimate business, but it does seek to protect the public, and we sincerely hope that if there is a prospect now of bringing this matter to a vote before the Senate action may be taken, and that the careful and conscientious attention of every Senator who desires to get a good pure-food law through Congress may be directed to that end.

Mr. HEYBURN. Some days ago, Mr. President, I gave notice that I would at an early day ask that a time be fixed to vote upon this bill. This morning I ask unanimous consent that the bill may be taken up for the consideration of the amendments of the bill, and that that consideration shall continue on the 2d day of February until the bill is disposed of.

The VICE-PRESIDENT. The Senator from Idaho asks unanimous consent that the bill before the Senate, together with the amendments then pending, may be voted upon on the 2d day of February next. Is there objection?

Mr. LODGE. I have no desire personally to make any objection to fixing a time that is agreeable to other Senators; but the Senator from Maine [Mr. HALE], who is detained at home by illness, before he left asked me to say that he was very much interested in this bill, and that he hoped no time would be fixed until he could have an opportunity to come back and further examine and discuss the bill. I personally have no objection to fixing a time to vote, but, in his absence, I hope the Senator will not ask that a day be fixed now, and that he will communicate with the Senator from Maine before he does ask it.

Mr. HEYBURN. Mr. President, I had not observed, when I asked for unanimous consent, that the Senator from Maine was not present. I think it might be said that I had an understanding with the Senator from Maine that I would not ask in his absence that a time be fixed for a vote on the bill. I will withhold the request for unanimous consent at this time.

Mr. SPOONER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Wisconsin?

Mr. HEYBURN. Does the Senator desire to speak on the pending bill?

Mr. SPOONER. I do not desire to speak on the bill, but un-

less the Senator desires to proceed with its discussion, I thought I would venture to address the Senate briefly on another subject.

Mr. HEYBURN. If the Senator will indulge me a few moments, then I will yield.

Mr. SPOONER. I can as well speak on this bill as on any other.

Mr. HEYBURN. The bill is before the Senate, and I do not want to have it laid aside for a few moments yet.

Mr. President, as the consideration of this bill proceeds new objections are raised from day to day by different Senators—of course in good faith—which it seems wise to consider without waiting for the final discussion upon the bill.

It has been suggested that this proposed legislation partook too much of the paternal in character and that it was not necessarily one of the functions of Congress to determine what may be designated as the small details of the public interest as it affects private individuals. I believe that one of the primary and most sacred duties of a legislative body governing and making laws for a country such as ours is the consideration of private interests relating to the welfare of the individual. Of course, it seems to be more of a legislative function upon casual glance to deal with international affairs, with great financial problems, with high-sounding legislative terms, but we are here primarily, Mr. President, for the individual people.

The word "government" is continually misapplied. The people are the government. The people govern themselves. Sometimes Congress conceives the idea that Congressmen govern the people; sometimes the Executive would seem, from the acts of the Executives—and I do not refer especially to the present head of the executive department of the Government—but, I repeat, sometimes the executive department of the Government would seem to consider that it governed the people. Sometimes it might appear that the other coordinate branch of the Government, the judiciary, thought it governed the people. Neither of these coordinate branches of the Government governs the people. They are only the voice that speaks and the hand that writes the law. It is the people, speaking through these branches of the Government, that govern the people themselves, and when the voice of the people is raised in behalf of a measure of legislation, we can not, as the authorized representatives of the people, ignore that voice.

Now, I appeal to Senators, has there ever been in the history of this country a more universal demand for action upon the part of Congress than the demand that has gone up from one end of the country to the other in regard to legislation upon the pure-food question? It affects the people more than the river and harbor bill; it affects the people more than the public-land question; it affects the people more than the relations between this country and some foreign country, because, unless the people are safeguarded in their individual rights, they care but little for the questions which are sometimes considered to be of larger importance. So I feel this morning like invoking that earnest, prompt consideration and determination of this question which befits the dealing with a question so near to the people as is this.

Mr. President, I have not gone into details as to the specific articles that are foisted upon the public because of the want of protection at the hands of the National Government. The Senator from North Dakota [Mr. McCUMBER] has given a very excellent exposition of the evils that this legislation is sought to remedy. I class the man who foists a bogus or an adulterated drug or medicine upon the market with the man who poisons the spring out of which the unknown public drinks. He does not know who his victim is going to be when he does it. He manufactures it for individual gain and selfishness; but when the physician, standing at the bedside of the sick, diagnosing the case, knowing from his education in the science of medicine that a certin drug will bring relief, writes a prescription, with instructions that that certain drug be procured, contemplating it in its purity, measuring its effect because of his knowledge of it in a pure state, and that prescription is taken to the drug store, and, instead of being compounded of the drugs that the physician had in mind when he wrote the prescription, it is compounded of a substitute, either an absolute fraud or a deleterious composition that will produce exactly the opposite result from that contemplated by the physician when he wrote the prescription, what is the effect? The medicine is taken to the bedside of the helpless sick. It is administered by the nurse in the hope that it may accomplish the result which the physician had in mind; but, on the contrary, because of the fact that it is a fraudulent substitute for the real panacea for the ill, the patient dies. Can you imagine a condition of affairs crying louder for a remedy than that?

Aside from the question of fraud from a financial standpoint, aside from the question of substituting a medicine that, perhaps, does not cost one-tenth what the real substance would cost, aside from the fraud that is based upon the gain in price between the real and the bogus article, the effect upon human life is as serious a question as could be presented in the consideration of a public measure asking for relief through legislation at the hands of Congress. Is that too small a question for Congress to deal with?

Only last Sunday I picked up one of the great journals of this country that ranks among the very best, and I found a very excellent little editorial commending pure-food legislation, commending the regulation and restraint of these bogus articles, and then in the same paper I counted sixty-two patent-medicine advertisements, and advertisements of the worst frauds that could be imagined. I appeal to the newspaper fraternity of the country to assist us in a real and substantial manner in settling this question.

The Post-Office Department could exclude from the mails these papers that carry upon their pages the tempting inducements to those who have real or imaginary ills to invest their money in these poisonous, deleterious, and fraudulent substances. That is one way to reach them.

Congress alone can make effective the laws of the several States prohibiting the manufacture or sale of this class of articles. The States are helpless under the law. Under the Constitution, as it has been construed by the Supreme Court of the United States, these goods may go from one State to another in unbroken packages, and it is not until the package is broken that the jurisdiction of the State attaches. The State laws are helpless. There is a cry from every State in the Union—I think I may say that I have within my possession a demand from nearly every State in the Union—that the Congress of the United States should supplement their legislation and afford relief against the impositions that come from one State to another.

Seldom are these forbidden articles sold in the State of their manufacture. Seldom do they bring themselves within the law of the State which would regulate them. What higher duty can Congress perform than that of assisting the State governments in their local self-government in a matter which affects the people so closely?

This principle of self-government to which I have referred begins in the home. It begins with the individual, and it rises through the home and the local community and the various political governments until it reaches here, and we are the last arbiter and should be the first to afford relief.

Mr. President, I do not intend unduly to abbreviate the consideration of this measure. So long as any Senator desires to speak upon it, I am more than content that it should rest in the consideration of this body; but when the hour arrives that it is evident that no Senator desires to speak further upon it, which is evidence that they have no further consideration to add to the wisdom of this body in disposing of it, I do hope the Senate will promptly take a vote upon it, and say to the people that we have time to attend to their wants, we are here to aid not only the individuals but the States, representing the individuals, which can legislate for themselves only within a limited scope. I hope the Senate will act promptly upon this matter, and I say now that at a very early day I shall again ask the Senate to fix a time for the final consideration and determination of this question.

MOROCCAN CONFERENCE AND RELATIONS WITH SANTO DOMINGO.

Mr. SPOONER. Mr. President, I take the floor upon this bill, not, however, to discuss it, but to present as briefly as I may my views upon another important subject. I am impelled to do this by recent debate here, more or less critical, of the conduct of our foreign relations by the President, and under circumstances which, with great deference, I can not regard as constituting in any degree wise precedent.

Matters which are being considered by the Senate as an executive body have been debated in open legislative session. Fifteen years of service here has fully confirmed in me the impression, early formed after my advent in this body, that the consideration of treaties and all questions involving our foreign relations are best, save in very exceptional cases, conducted behind closed doors. This, of course, Mr. President, not because there is anything said or done which Senators would wish withheld from our own people, but because it is inevitable that in the perfect frankness which should characterize debate involving our foreign relations many things must be said, and are always said, which, in the public interest, ought not to be said in the hearing of other nations. I am clearly of the conviction, having regard to the peculiar relations created by the Constitution between the Senate and the Executive in respect to the

exercise of the treaty-making power, that it is not a healthy precedent to establish, or one much to be followed, that involves public discussion of current foreign relations, including treaties. If indulged at all it ought to be done by a vote of the body since otherwise some feel justified in discussing phases which others feel not at liberty to debate.

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Nevada?

Mr. SPOONER. I do.

Mr. NEWLANDS. May I ask the Senator a question?

Mr. SPOONER. Certainly.

Mr. NEWLANDS. It is whether he does not think it advisable to open the discussion of this question in the Senate? Does he not think it involves something beyond mere treaty relations with the Government of Santo Domingo; that it involves the possible consideration of a new policy on the part of the United States, affecting our relations not only with Santo Domingo, but with all the Caribbean States, Central American and South American Republics? And inasmuch as that departure is threatened, would it not be wise for us to take the entire country into our confidence and discuss it with the aid of a discussion upon the outside by newspapers and periodicals?

Mr. SPOONER. That is a considerable "question." There are phases of the subject, and the larger phases of it, too, having reference to what the Senator is pleased to call the "new policy," which I fancy would be best first discussed in the frankness of executive session. I am conscious of views adverse to that policy, if I understand to what the Senator refers, which I would very much prefer, in the first instance, to utter in executive session; and on general principles, I reiterate, after more experience in this body than the Senator has had, but not so much as he doubtless will have, my conviction that the methods of the fathers in the treatment by the Senate of our foreign relations, all things considered, is a wise one and the one best conserving the public interest of the United States.

Of course one may miss the inspiration of the larger audience, but the debates of the executive session get to be very earnest; they are very frank, they are intensely patriotic, they exhibit great research and industry, and are, in my judgment, the most interesting if not the most valuable of all discussions in the Senate.

I have heard speeches here by Senators now present, and by Senators now gone from here, some of whom are dead, which for learning, eloquence, and patriotic solicitude and forethought for the interest of the United States in foreign relations of delicacy and grave importance, are not to be surpassed, and would have received enduring admiration could they, in harmony with the interest of the people, have been given to the world. By common consent they could not, and so they live only in the memories of those who heard them.

The distinguished and patriotic Senator from Georgia [Mr. BACON], whose friendship I greatly value, thought it wise and proper to introduce a resolution in the legislative session of the Senate calling upon the President for certain information, including the instructions given to the delegates or representatives accredited to the conference now being held at Algeciras relative to Morocco, in order that the Senate might, sitting in judgment upon the executive conduct of our foreign relations, determine whether they were being conducted in accordance with the traditions of our country or were being conducted in violation of them.

I regretted the introduction of the resolution. I justify the wisdom of the Senate in closing the doors upon its discussion. But notwithstanding, another resolution, general in its terms, dealing with the traditional policy of the United States, which no man in the United States would willingly see disregarded or departed from, opened the way for the full discussion of the subject.

Mr. President, with great respect for those who differ from me, I deprecate the course which has been pursued. I believe that it is not a proper course to be pursued by the Senate in respect of our foreign relations, save in extraordinary circumstances, if at all. The Senate has nothing whatever to do with the *negotiation* of treaties or the conduct of our foreign intercourse and relations save the exercise of the one constitutional function of advice and consent which the Constitution requires as a precedent condition to the making of a treaty. Except as to the participation in the treaty-making power the Senate, under the Constitution, has obviously neither responsibilities nor power.

From the foundation of the Government it has been conceded in practice and in theory that the Constitution vests the power of negotiation and the various phases—and they are multifarious—of the conduct of our foreign relations exclusively in the President. And, Mr. President, he does not exercise that constitutional power, nor can he be made to do it, under the tutelage or guardianship of the Senate or of the House or of the Senate and House combined.

Mr. TILLMAN. Will the Senator allow me to ask him a question?

Mr. SPOONER. Certainly.

Mr. TILLMAN. What interpretation does the Senator put upon the word "advice" in the Constitution? Can you give advice after a thing has been done?

Mr. SPOONER. Yes; you can give advice——

Mr. TILLMAN. As to whether or not a thing has been properly done, but you can not give advice after it has been done.

Mr. SPOONER. I will proceed to answer the question, if I am able.

The words "advice and consent of the Senate" are used in the Constitution with reference to the Senate's participation in the making of a treaty and are well translated by the word "ratification" popularly used in this connection. The President negotiates the treaty, to begin with. He may employ such agencies as he chooses to negotiate the proposed treaty. He may employ the ambassador, if there be one, or a minister or a chargé d'affaires, or he may use a person in private life whom he thinks by his skill or knowledge of the language or people of the country with which he is about to deal is best fitted to negotiate the treaty. He may issue to the agent chosen by him—and neither Congress nor the Senate has any concern as to whom he chooses—such instructions as seem to him wise. He may vary them from day to day. That is his concern. The Senate has no right to demand that he shall unfold to the world or to it, even in executive session, his instructions or the prospect or progress of the negotiation. I said "right." I use that word advisedly in order to illustrate what all men who have studied the subject are willing to concede—that under the Constitution the absolute power of negotiation is in the President and the means of negotiation subject wholly to his will and his judgment.

When he shall have negotiated and sent his proposed treaty to the Senate the jurisdiction of this body attaches and its power begins. It may advise and consent, or it may refuse. And in the exercise of this function it is as independent of the Executive as he is independent of it in the matter of negotiation.

I do not deny the power of the Senate either in legislative session or in executive session—that is a question of propriety—to pass a resolution expressive of its opiuion as to matters of foreign policy. But if it is passed by the Senate or by the House or by both Houses it is beyond any possible question purely advisory, and not in the slightest degree binding in law or conscience upon the President. It is easy to conceive of circumstances in which to pass in legislative session a resolution like that first introduced by my distinguished and learned friend, the Senator from Georgia [Mr. BACON], asking the President, if in his opinion not incompatible with the public good, to transmit the correspondence in a pendng negotiation to the Senate, might be productive of mischief. I think the Morocco case is perhaps one which could be productive of mischief in this, that the President's declination, which would be within his power, upon the ground that the public good required that the correspondence should not be sent to the Senate, might give rise to an inference in other countries that something with reference to one or more of the parties was being concealed from them.

Mr. President, I do not stop at this moment to cite authorities in support of the proposition, that so far as the conduct of our foreign relations is concerned, excluding only the Senate's participation in the making of treaties, the President has the absolute and uncontrolled and uncontrollable authority. Under the confederation there was felt to be great weakness in a system that made the Congress the organ of communication with foreign governments; but when the Constitution was formed, it being almost everywhere else in the world a purely executive function, it was lodged with the President. He was given the power, with all other Executive functions, "to receive ambassadors and other public ministers." His exercise of that function can not, under the Constitution, be controlled by any other body in the Government. That is a tremendous power given by the Constitution to the President—the power to receive or reject an ambassador or a public minister or any one of the representatives known to international law as it existed when the Constitution was adopted. That involves not simply the mere recognition of governments or administrations, but it involves sometimes the recognition of a new nation. It involves passing upon the question of independence. It involves decision as to the various changes which occur in the adminis-

tration or government of nations—one administration or faction in power to-day, another next week, another a month later. The President decides. He was given the power to appoint "ambassadors, other public ministers, and consuls," which has been held to include diplomatic agents then known to international law and international intercourse. Those offices are not created by the Congress. The Congress controls the purse, and may not see fit to appropriate compensation for those appointed by the President, but it has been well held and is irrefutable that under the Constitution the offices are created by that instrument, and he is given his own absolute will as to when he will appoint and whom he will appoint——

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. Except as to confirmation by the Senate.

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. Certainly.

Mr. TILLMAN. The Senator from Wisconsin having modified his statement to that extent, I will not allude to that point; but I should like to ask him, he having given us such a luminous exposition of the Constitution, what is the relation between the President and the Foreign Relations Committee of the Senate? Do those men never advise?

Mr. SPOONER. Is the Senator serious in putting to me that question?

Mr. TILLMAN. I am.

Mr. SPOONER. I will give it a serious answer.

The relation of members of the Foreign Relations Committee to the executive department of the Government in its relation to foreign relations is precisely the relation which the Senator from South Carolina and his colleagues sustain to the executive department in its relation to foreign relations. The Committee on Foreign Relations, like the other committees of this body, is not an independent entity. Its members are Senators who are designated by the body to study and report upon certain subjects, and the committee therefore is but the servant of the Senate, as all other committees are. A member of the Foreign Relations Committee, as a Senator, in his relation to the Senate and executive department is only a Senator, just as those who are not on that committee are Senators.

Of course it will sometimes happen that members of the Foreign Relations Committee, charged by the Senate with that particular subject, will obtain information as servants of the Senate, in order to bring it to the attention of the Senate, which other Senators might not seek; but that is all.

Mr. BEVERIDGE. It is a matter of expediency.

Mr. SPOONER. It is not a matter of expediency. It is a matter of industry, and a wise attempt at least to discharge the duty which the Senate has committed to them.

Mr. BEVERIDGE. They are not compelled to do it by the Constitution.

Mr. SPOONER. Oh, no.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Massachusetts?

Mr. LODGE. I merely wish to remind him of a fact with which he no doubt is very familiar, that in the Administration of Mr. Madison the Senate deputed a committee to see him in regard to the appointment of a minister to Sweden, I think, and he replied that he could recognize no committee of the Senate, that his relations were exclusively with the Senate. I have no doubt the Senator intended to recall that, but as he stated the exact relations as he understood them, it seemed to bear on that point.

Mr. SPOONER. I did not recall it; I am obliged to the Senator for recalling it; but I think I covered it——

Mr. LODGE. You did, entirely.

Mr. SPOONER. By saying that members of a committee have no relations to any Department of the Government, simply being servants of the Senate, which has the relation to the Departments of the Government.

Mr. TILLMAN. If the Senator will permit me, I will explain why I asked the question.

Mr. SPOONER. Certainly.

Mr. TILLMAN. The other day I submitted some observations on the Santo Domingo business. In them I brought out a statement from the New York Sun, which is in the RECORD of the 17th, that the present arrangement which is being carried out in Santo Domingo had the approval of the Senator from Wisconsin and the Senator from Massachusetts, both of whom are members of the Committee on Foreign Relations, or rather that those Senators, having objected previously, acquiesced in it; in other words, that they advised with the President and surrendered their own convictions as to the inadvisability of his action there. The statement goes on to say that——

Mr. SPOONER. I have that here. The Senator need not worry himself about that.

Mr. TILLMAN. The Senator is not worrying himself about anything; but I was just trying to get the Senator to give us, if he will be so kind, the relationship between the Foreign Relations Committee and the President. He says they have nothing whatever to do with it, and yet the members of this committee of the Administration party are caught in the act of having something to do with it in advising and objecting and all that kind of thing, unless the Senator denies the statement. If he denies it, I am done with it.

Mr. SPOONER. I think the Senator will be done with it——

Mr. TILLMAN. I will be done with it anyway.

Mr. SPOONER. Because I will deal with that.

Mr. TILLMAN. Will the Senator pardon me for a little common-sense observation there?

Mr. SPOONER. I may wish to judge for myself as to the common sense of it.

Mr. TILLMAN. I claim it is common sense. I do not ask the Senator's indorsement of it as being common sense. I assert that it is common sense.

Mr. SPOONER. I must indorse it on that assertion.

Mr. TILLMAN. Very well. Granting the Senator's contention to be correct, and knowing, as the Senator must acknowledge, that a treaty or any agreement made by the President must be submitted to the Senate for ratification, and it is first referred to the Committee on Foreign Relations, and that committee's attitude will almost certainly decide its fate, I ask the Senator whether, as a matter of common sense, any President would not prefer to have the advice of his Senatorial friends—advice, the constitutional word advice—and has not the Senator given that advice in his relationship of leader in the Senate and a member of the Foreign Relations Committee and a personal friend of the President?

Mr. SPOONER. Is the Senator through?

Mr. TILLMAN. Yes; I am through for the time being.

Mr. SPOONER. I was about to say that being held down by constitutional obligations and by the rule of courtesy which prevails in the Senate, I feel bound to say that the Senator's question is a common-sense question——

Mr. TILLMAN. For which I am very deeply grateful.

Mr. SPOONER. Only as a matter of politeness.

Mr. TILLMAN. Then the Senator convicts himself of insincerity.

Mr. SPOONER. I do not.

The VICE-PRESIDENT. The Chair calls the attention of Senators to the fact that in speaking they must address the Chair. The Senator from Wisconsin will proceed.

Mr. SPOONER. Now, if the Senator from South Carolina will possess his soul in patience, I wish to hurry through.

Mr. TILLMAN. Do not be in too big a hurry lest we lose something nice.

Mr. SPOONER. I will in time reach the phase of the subject to which the Senator has been alluding.

The President is so supreme under the Constitution in the matter of treaties, excluding only the Senate's ratification, that he may negotiate a treaty, he may send it to the Senate, it may receive by way of "advice and consent" the unanimous judgment of the Senate that it is in the highest degree for the public interest, and yet the President is as free when it is sent back to the White House with resolution of ratification attached, to put it in his desk never again to see the light of day as he was free to determine in the first instance whether he would or would not negotiate it. That power is not expressly given to the President by the Constitution, but it inheres in the executive power conferred upon him to conduct our foreign relations, and it is a power which inheres in him as the sole organ under the Constitution through whom our foreign relations and diplomatic intercourse are conducted. Out of public necessity the President should be permitted to pocket a treaty, no matter if every member of the Senate thought he ought to exchange the ratification. Why? Because the President, through the ambassadors, ministers, consuls, and all of the agencies of the Government, explores sources of information everywhere, it is his business to know whether anything has occurred since the Senate acted upon the treaty which would render it for the public interest that the ratifications be not exchanged. And he is empowered to withhold exchange of ratifications, if upon later knowledge he deems it for the public interest so to do.

The conduct of our foreign relations is a function which requires quick initiative, and the Senate is often in vacation. It is a power that requires celerity. One course of action may be demanded to-night, another in the morning. It requires also

secrecy; and that element is not omitted by the commentators on the Constitution as having been deemed by the framers of the most vital importance. It is too obvious to make elaboration pardonable.

We ratified the arbitration treaty unanimously, I believe. The President, in the exercise of the power which no one can dispute, pocketed it. The President may negotiate and sign a proposed treaty, and not send it to the Senate. In such case what would be thought of a resolution asking him to inform the Senate whether he had negotiated such a proposed treaty, and why he had not sent it to the Senate? Having sent a treaty to the Senate, he may withdraw it the next day.

Mr. President, the three great coordinate branches of this Government are made by the Constitution independent of each other except where the Constitution provides otherwise. We have no right to assume the exercise of any executive power save under the Constitution. We can not assume judicial functions. The President may not assume judicial functions. The President may not assume legislative functions. We as the Senate, a part of the treaty-making power, have no more right under the Constitution to invade the prerogative of the President to deal with our foreign relations, to conduct them, to negotiate treaties, and that is not all—the conduct of our foreign relations is not limited to the negotiation of treaties—we have no more right under the Constitution to invade that prerogative than he has to invade the prerogative of legislation.

Mr. MORGAN. If the Senator will allow me——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Alabama?

Mr. SPOONER. Certainly.

Mr. MORGAN. I wish to suggest to him that he is perhaps using the word "prerogative" in too broad a sense. I do not understand that the President has any prerogatives under the Constitution.

Mr. SPOONER. What is the power to pardon?

Mr. MORGAN. That is a power derived from the Constitution.

Mr. SPOONER. That begs the question.

Mr. MORGAN. It is not a prerogative of royalty.

Mr. SPOONER. Kings have the power of pardon, which is a prerogative of royalty. The Senator, however, is right in the last analysis. This is not a kingly government.

Mr. MORGAN. That is right.

Mr. SPOONER. In the most technical sense I cheerfully yield to him that this word is not a fit word for this atmosphere, but I have heard a thousand times talk here about the prerogatives of the Senate.

Mr. MORGAN. That was just a thousand times too many.

Mr. SPOONER. Strictly, I agree with the Senator.

The act creating the Department of State, in 1789, was an exception to the acts creating the other Departments of the Government. I will not stop to refer to the language of it or to any of the discussions in regard to it, but it is a Department that is not required to make any reports to Congress. It is a Department which from the beginning the Senate has never assumed the right to direct or control, except as to clearly defined matters relating to duty imposed by statute and not connected with the conduct of our foreign relations.

We *direct* all the other heads of Departments to transmit to the Senate designated papers or information. We do not address directions to the Secretary of State, nor do we direct requests, even, to the Secretary of State. We direct requests to the real head of that Department, the President of the United States, and, as a matter of courtesy, we add the qualifying words, "if in his judgment not incompatible with the public interest."

What does the conduct of our foreign relations involve? Does it involve simply, do Senators think, the negotiation of treaties? It involves keeping a watchful eye upon every point under the bending sky where an American interest is involved, where the American flag and citizens of the United States are to be found on sea and on land, every movement in foreign courts which might invade some American interest. It involves intercourse, oral and written, conferences, administrative agreements and understandings, not included in the generic word "treaty," as used in the Constitution. All treaties are agreements, but all international agreements and understandings are not "treaties." (See opinion Taney, C. J., in Holmes *v.* Jennison, 14 Peters, 570–573.)

Mr. Justice Story, speaking of the power of the President under the Constitution over foreign relations, says (2 Story on the Constitution, fifth edition, sec. 1567):

> That a power so extensive in its reach over our foreign relations could not be properly conferred on any other than the executive department will admit of little doubt. That it should be exclusively confined to that department without any participation of the Senate in the functions (that body being conjointly intrusted with the treaty-making power) is not so obvious. Probably the circumstance that in all foreign governments the power was exclusively confined to the executive department, and the utter impracticability of keeping the Senate constantly in session, and the suddenness of the emergencies which might require the action of the Government, conduced to the establishment of the authority in its present form. It is not, indeed, a power likely to be abused, though it is pregnant with consequences often involving the question of peace or war. And, in our own short experience, the revolutions in France and the revolutions in South America have already placed us in situations to feel its critical character and the necessity of having at the head of the Government an Executive of sober judgment, enlightened views, and firm and exalted patriotism.

Chancellor Kent says (1 Kent, 284):

> The President is the constitutional organ of communication with foreign powers and the efficient agent in the conclusion of treaties; but the consent of two-thirds of the Senators present is essential to give validity to his negotiations.

Mr. Justice McLean said (Williams *v.* Suffolk Insurance Company, 13 Peters, 415):

> There can be no doubt that when the executive branch of the Government, *which is charged with our foreign relations*, shall in its correspondence with a foreign nation assume a fact in regard to the sovereignty of any island or country it is conclusive on the judicial department, and in this view it is not material to inquire, nor is it the province of the court to determine, whether the Executive be right or wrong. It is enough to know that in the exercise of *his constitutional functions he has decided the question*. Having done this under the responsibility which belonged to him, it is obligatory on the people and the Government of the Union. (See Duran *v.* Hollins, 4 Blatch., Circuit Court, 448, opinion by Mr. Justice Nelson.)

Professor Pomeroy, section 671, third edition, says:

> The President is the sole organ of communication between our own and all other governments. Foreign ministers and ambassadors are accredited to him; to him they present their credentials and pay their formal official visits. The communications which they make, and the negotiations which they conduct, are, in fact, made and conducted to and with the Secretary of State, but only as that officer is the direct and personal organ of the President. All replies of the Secretary are supposed to be suggested by the Chief Magistrate, and he may, and doubtless often does, take an actual and leading part in the negotiation. Our own ministers are nominated by the President. When appointed they communicate alone with the Executive through the State Department. Instructions are sent to them, dispatches forwarded, demands made, claims insisted on, principles adopted and enforced as the President deems proper. How far he will actually interfere with the Secretary of State, and how far leave that officer to the exercise of his own discretion, must depend upon his own sense of duty and propriety and the completeness of his own convictions.
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> SEC. 672. Over all these proceedings the Congress has absolutely no control. The correspondence and negotiations may be, and generally are, conducted secretly; and although it is customary for the President to communicate dispatches to the legislature, this is never done until after their transmission, and, if necessary, they may be indefinitely withheld when the President deems that the public interests require it. Congress may pass resolves in relation to questions of an international character, but these can only have a certain moral weight; they have no legal effect; they can not bind the Executive. The necessity for this is evident. Negotiations generally require a certain degree of secrecy; one mind and will must always be more efficient in such matters than a large deliberative assembly. The President has thus intrusted to him a most momentous power, and one which he can not entirely delegate. Our foreign ministers must undoubtedly use their own judgment and discretion within narrow limits, but in all important matters they receive definite and positive instructions from home. The magnitude of this function may be easily illustrated. The President can not declare war; Congress alone possesses this attribute. But the President may, without any possibility of hindrance from the legislature, so conduct the foreign intercourse, the diplomatic negotiations with other governments, as to force a war, as to compel another nation to take the initiative; and that step once taken, the challenge can not be refused. How easily might the Executive have plunged us into a war with Great Britain by a single dispatch in answer to the demands of the British cabinet made in relation to the affair of the *Trent*. How easily might he have provoked a condition of active hostilities with France by the form and character of the reclamations made in regard to the occupation of Mexico.
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> I repeat that the Executive Department, by means of this branch of its power over foreign relations, holds in its keeping the safety, welfare, and even permanence of our internal and domestic institutions. And in wielding this power it is untrammeled by any other department of the Government; no other influence than a moral one can control or curb it; its acts are political, and its responsibility is only political.
>
> SEC. 673. But the other branch of this Executive function—the treaty-making power—is even more important. The language by which this authority is conferred and described is peculiar. The President shall have power, by and with the advice and consent of the Senate, to make treaties, provided that two-thirds of the Senators present concur. All treaties made, or which shall be made, under the authority of the United States shall be the supreme law of the land. The President must, of course, take the initiative in making all treaties.
>
> Congress, as such, has nothing to say in the matter. As a treaty is necessarily the result of negotiation, and as such negotiation is exclusively within the province of the President, the Senate having not the least authority to communicate with a foreign government, it is absolutely impossible for that body to dictate a treaty or to force the Chief Magistrate into any particular line of action. He must negotiate the treaty, make all the stipulations, determine all the subject-matter, and then submit the perfected convention to the Senate for ratification or rejection. They must take his finished work and approve or disapprove.

My friend from Georgia [Mr. BACON] seemed to think it extraordinary and novel that the President in exercising this constitutional power to conduct our foreign relations, should send delegates or representatives to the Moroccan conference. Where can there be found any warrant for denying that right? I

think the Senator did not deny the right. We have been engaged in conferences before.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Georgia?

Mr. SPOONER. Certainly.

Mr. BACON. I do not desire to interrupt the Senator.

Mr. SPOONER. I have no objection.

Mr. BACON. I desire not to do so. I prefer to answer the Senator afterwards, if I have an opportunity, rather than to take it up by piecemeal. Therefore I only interrupt him in this instance because he suggests what he understands to be my position, and it will require some little more elaboration than to answer categorically. So I will not now interrupt the Senator, but I will endeavor, if I have the opportunity, to express as fully and as clearly as I can what is my exact position about this matter.

Mr. SPOONER. But I think I misstated the Senator's position. I must correct it. Of course it was an inadvertence. The Senator did not deny the right of the President.

THE MERCHANT MARINE.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 529) to promote the national defense, to create a naval reserve, to establish American ocean mail lines to foreign markets, to promote commerce, and to provide revenue from tonnage.

Mr. GALLINGER. Mr. President, a brief communication that came in my mail this morning relating to the matter of the unfinished business I should like to have read, and then I will ask consent that the unfinished business may be laid aside temporarily.

The VICE-PRESIDENT. Without objection, the communication will be read.

The Secretary read as follows:

NATIONAL BOARD OF TRADE,
SECRETARY'S OFFICE,
THE BOURSE, ROOM 248,
Philadelphia, January 22, 1906.

Hon. J. H. GALLINGER,
Chairman Merchant Marine Commission,
Washington, D. C.

DEAR SIR: I have the honor to inform you that at the thirty-sixth annual meeting of the National Board of Trade, held in Washington January 16–18, 1906, the following resolution was adopted:

"*Resolved*, That the National Board of Trade approves of the Senate bill No. 529 as the best means now practicable before the country for the improvement of the merchant marine, and urges its approval by Congress, and further, the committee approves the postponement of the time of application for the present navigation laws as to the Philippines to July 1, 1909, as recommended in the Senate bill above referred to."

Very truly, W. R. TUCKER, *Secretary.*

Mr. GALLINGER. I ask unanimous consent that the unfinished business be laid aside until the Senator from Wisconsin concludes his remarks.

The VICE-PRESIDENT. The Senator from New Hampshire asks that the unfinished business be temporarily laid aside until the Senator from Wisconsin concludes his remarks. Is there objection? The Chair hears none, and the Senator from Wisconsin will proceed.

MOROCCAN CONFERENCE AND RELATIONS WITH SANTO DOMINGO.

Mr. SPOONER. Mr. President, I was saying when interrupted that the Senator from Georgia [Mr. BACON] did not deny the power of the President to send representatives to the conference at Algeciras, but he very greatly deprecated openly here, pending the assembling of the conference, their being sent as a violation of our national traditions and a dangerous departure from the principles of Washington's Farewell Address, which I support and defend.

Mr. President, I think in authorizing Ambassador White and Mr. Gummeré, our minister to Morocco, to attend this conference the President not only acted entirely within his constitutional capacity, but acted entirely in the interest of the country and in just obedience to the plain demands of the situation.

The Senator seemed to be afraid of international conferences. I do not share that fear, Mr. President. We have had numerous conferences. If we maintain our position internationally, which, of course, we will, with the lapse of years we will be called upon often, doubtless, to send representatives to conferences abroad. I assert, without fear of successful challenge, that that in no wise countervails the doctrines of Washington; that that in no wise involves a committal of this Government to entanglement with foreign governments upon purely foreign questions.

The treaty with Morocco of 1880, manifestly in the interest of the United States for the protection of our citizens, Mr. President, had its birth in a conference—the conference of Madrid. What harm has come from that?

We were represented in a conference called by Germany, which met at Berlin November 15, 1884. Fourteen countries were represented, including the United States. After a long session a treaty was agreed to relative to commerce, navigation, etc., in the Kongo Basin. We did not sign the treaty.

The framers of the Declaration of Independence and the Constitution did not intend to create a baby nation or a hermit nation. They said in the Declaration of Independence what their purpose was, and the framers of the Constitution carried it out. Once in a while it is worth referring to:

WE, therefore, the REPRESENTATIVES of the UNITED STATES OF AMERICA, IN GENERAL CONGRESS, Assembled, appealing to the Supreme Judge of the World for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly PUBLISH and DECLARE, That these United Colonies are, and of Right ought to be FREE AND INDEPENDENT States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as FREE AND INDEPENDENT STATES, THEY HAVE FULL POWER TO LEVY WAR, CONCLUDE PEACE, CONTRACT ALLIANCES, ESTABLISH COMMERCE, AND TO DO ALL OTHER ACTS AND THINGS WHICH INDEPENDENT STATES MAY OF RIGHT DO.

Did the framers of the Constitution whittle off anything from the measure of national power outlined in the Declaration of Independence? On the contrary, Mr. President, as the Supreme Court of the United States decided, they conferred upon the President (to negotiate) and upon the Senate (to ratify or reject) the whole treaty-making power known to international law and governments, except so far as specific provisions of the Constitution would take it away. We have a constitutional power to enter into a treaty of alliance. Who says "nay?" It is against the policy of this Government to make such treaties, but I speak not of expediency; I speak of power. I have heard it suggested if not declared here that the United States has no power under the Constitution to maintain a suzerainty or a protectorate. Why not? Where is that taken out of the power which inheres in a nation? Where is that taken out of the treaty-making power which the Supreme Court of the United States speaks of in this wise? I will stop to read it:

That the treaty power of the United States extends to all proper subjects of negotiation between our Government and the governments of other nations is clear. It is also clear that the protection which should be afforded to the citizens of one country owning property in another, and the manner in which that property may be transferred, devised, or inherited, are fitting subjects for such negotiation and regulation by mutual stipulations between the two countries.

That touches the Morocco treaty of 1880, which was in part negotiated for that purpose, as my friend from Ohio and other Senators will remember.

As commercial intercourse increases between different countries, the residence of citizens of one country within the territory of the other naturally follows, and the removal of their disability from alienage to hold, transfer, and inherit property in such cases tends to promote amicable relations. Such removal has been within the present century the frequent subject of treaty arrangement. The treaty power, as expressed in the Constitution, is in terms unlimited except by those restraints which are found in that instrument against the action of the Government or of its departments, and those arising from the nature of the Government itself and of that of the States. It would not be contended that it extends so far as to authorize what the Constitution forbids—

Of course not—

or a change in the character of the Government—

Of course not—

or in that of one of the States, or a cession of any portion of the territory of the latter, without its consent.

But with these exceptions it is not perceived that there is any limit to the questions which can be adjusted touching any matter which is properly the subject of negotiation with a foreign country. (De Geofroy *v.* Riggs, 133 U. S.)

That is not new, but it shows that in the later days the highest judicial tribunal of the land—and there is none greater in the world—measures the power of this Government under the Constitution as the framers of the Declaration of Independence measured it in that immortal document.

Mr. President, we are not a hermit nation; we can not be. I am not a jingo. I adhere strictly to the Washington doctrine of no entangling alliances. I would expect to be in accord in most instances with my friends on the other side in keeping our Government, as far as may be consistent with its dignity and self-respect, free from international complications. But I insist that all the power given by the Constitution to the President as to the conduct of our foreign intercourse and relations, including the negotiation of treaties, and including conferences such as are here criticised, should be put forth whenever and wherever American citizens in any lawful business or upon any lawful errand are to be protected in their liberty, or in their ownership of property, and wherever commercial interests of the United States are to be safeguarded, and of the exercise

of this constitutional function, as to occasion, time, and method, the Executive is the judge. I take it that as the years go by, as we grow in strength and power and wealth, in commerce and the esteem of the nations, as generous, patient, just, and peace-loving, occasions will arise oftener than hitherto when it will seem to the Executive of the country wise that this Government shall be represented in foreign conferences, not to deal with foreign politics, not to entangle us, not to violate in any manner the doctrine of Washington, but to conserve American interests, and to prevent by kindly offices, friendly action, and well-deserved international influence, war between nations at amity with us.

The United States has been a leader in a way in an attempt, Mr. President, to bring about as far as possible adjustment of controversies between nations without war. It is not beyond reasonable belief that Ambassador White, one of the ablest, most experienced and skilled diplomats in the service of this country, and his associate may at the right time, under instructions from the President, without in anywise jeopardizing our international status, in some way contribute to the peaceful issue of this conference.

Treaties with the Barbary States, Morocco included, are not new to us. They began about the time the United States began.

When we were colonies, Mr. President, and had a considerable commerce for those days in the Mediterranean, Great Britain, the mother country, protected our commerce, because it was hers, from the Barbary States pirates. When we had achieved our independence from Great Britain and were thrown upon our own resources, the Barbary pirates killed our commerce and took into slavery our sailors, perpetrated every crime and cruelty known to the brigand and the pirate. We asked France to incorporate in a treaty a stipulation to protect our Mediterranean commerce from the incursions and violence of the Barbary States. France declined, but offered to use her good offices. So, Mr. President, it went along until 1787, when we bought a treaty with several of the Barbary States, including Morocco, for consideration—money, including presents.

Mr. MONEY. Cash?

Mr. SPOONER. Cash; yes; and presents, in order that ships carrying our flag and manned by our sailors might navigate the sea with our commerce in safety.

So treaties were made with the other Barbary States. One was made in 1836 with Morocco. I will not take time to refer to it. Then came the treaty of 1880, the result of the conference at Madrid. I think there are not ten Senators in this Chamber who are now listening to this debate who have not forgotten that there ever was a conference at Madrid. I will ask the Senator from Iowa [Mr. ALLISON] whether he remembers it?

Mr. ALLISON. I had for the moment forgotten it.

Mr. SPOONER. Well, the Senator was here. I think I had not known of it until this subject came up, and yet there were, I suppose, timid Senators who, in the inception of that performance, saw danger to Washington's policy of nonentanglement. That treaty was executed by all of the powers represented at Algeciras.

I suppose it will not be asserted here that the programme of this conference embraced subjects of necessity involving international politics, or that it did not embrace subjects covered by the existing treaty, of concern to us, and possibly, Mr. President, calling for a revision of the treaty. I can not agree to the theory upon which the Senator from Georgia bases his criticism, that we are to send, no matter what American interests may be involved, no representatives to foreign conferences to conserve our interests and promote the general peace, lest we become enmeshed in foreign political intrigue or entangling alliance. Such a contention seems an assertion by ourselves to the world that we do not trust our own Government to exercise constitutional powers; that we either will not know the limit of our own safety or will knowingly disregard it. It happens to be true, Mr. President, in this very case that but for the acceptance of the invitation by the United States no conference would have been held, for two of the large powers refused to attend the conference at all if all the signatories to the Madrid treaty did not accept.

Mr. BACON. How does the Senator know that?

Mr. SPOONER. I know it, and I know it in the same way the Senator can know it if he goes to the trouble to which I have gone to find it out.

Mr. BACON. I suppose the Senator will not hesitate to give the source of his authority. That is all I want to know

Mr. SPOONER. Well, my authority is good. [Laughter.]

Mr. BACON. In other words, the authority is such as we would all recognize.

Mr. SPOONER. It is authority which would satisfy. It is not the President of the United States, but an authority which would satisfy any Senator on this floor.

If a conference were called to deal with Manchuria and all the governments interested in Manchuria were requested to attend with a programme indicating what would be there considered—that would be a very delicate conference doubtless; more combustible in its nature than this little affair at Algeciras—I wonder if the Government of the United States ought to stay away. We have treaty rights in Manchuria; we have in Manchuria one of the finest treaties, commercial in its character, ever made with a government; we have international servitudes, rights of navigation, residence, etc., in Manchuria. What a dignified and impressive spectacle it would be for the United States, nearer in its possessions to China than most governments, with an absolutely inexpressible interest in the Orient, to sit at home while a conference of other powers was dealing with Manchuria! We would send a representative there guarded by instructions to watch the interests of the United States, to hear the views expressed by the representatives of other governments, to get what one can not get by reading documents the real motives and schemes and dangers, instructed to withdraw or cease to participate by vote when some matter arose, if any did, falling within the category which our President and Secretary of State in their instructions would easily define as prohibited subjects.

I can not bring myself to the belief that there is any tradition of the United States, as there is no constitutional limitation, which makes it wise to determine, if we had the power to do it, that never hereafter shall the United States be represented at a conference abroad if it covers in its programme the consideration not only of our interests and the interests of our citizens, but also may involve a political question in which we are not interested.

I do not find in Washington's Farewell Address any support, as others in perfect good faith seem to do, for criticism of the action of the Executive in sending representatives to the conference at Algeciras. Of course, this is an honest difference of opinion. President Washington laid down general rules, which in his opinion should characterize in the future the general conduct of our foreign relations and intercourse, and he expressed his views in sentences which have become maxims of our national philosophy upon the subject. Out of the knowledge of his day as to our relations of hostility to one great country and peculiar friendship to another, and the situation which had been evolved from it, he spoke. He said:

> The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little *political* connection as possible.

It is a far cry from this temperate and wise attitude to the proposition that we should entirely abstain from attending to our own business abroad lest we find ourselves unable to abstain from unduly meddling with other people's business. Even the language of Washington involves the possibility that the country could not conduct its foreign affairs without having some political relation with other countries, for he says:

> We should have with them as *little* political connection as possible.

What he evidently had in mind was alliances more or less permanent in form. He says:

> Why quit our own to stand upon foreign ground? Why by *interweaving our destiny* with that of any part of Europe entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It seems quite impossible to apply this language to any European conference at which this Government has ever been or ever will be represented. Applied to the conference at Algeciras, or any others which we are likely to attend, the language certainly does not fit. The quoted language is his argument in support of the conclusion which follows it, thus:

> It is our true policy to steer clear of *permanent* alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it, for let me not be understood as capable of patronizing infidelity to existing engagements. * * * But, in my opinion, it is unnecessary and would be unwise to extend them.

That he was dealing with a situation then existing and with which he was ill content and guarding the country against permanent alliance, is indisputably clear from this language, which follows:

> Taking care always to keep ourselves by suitable establishments on a respectable defensive posture, we may *safely trust to temporary alliances* for *extraordinary emergencies*.

As a nation we have kept, are keeping, and doubtless will continue to keep far within the scope of President Washington's reasoning and admonition.

Mr. President, the President of the United States, who hit upon the psychological moment for successful intervention to bring to an end the terrible war between Russia and Japan, can be trusted to hit upon the psychological moment when the safety

of this Government demands that Ambassador White and Mr. Gummere shall withdraw from or cease to vote in the Algeciras conference. I am ready to assume that the President and his accomplished and very able Secretary of State are looking after their business and know what their duty is, and that they will do it. The Senate is bound to indulge, I think, in that assumption.

But, Mr. President, I beg permission to read from the address something further which is pertinent to this discussion:

It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment—

These are words of truth and soberness which no citizen ought for one moment to forget, in official or in private life—

The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominates in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions by the others, has been evinced by experiments, ancient and modern, some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If in the opinion of the people—

Mark this—

If in the opinion of the people the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Mr. President, if it be true that the Constitution vests in the President the sole power and responsibility, save as to the MAKING of treaties, for the conduct of our foreign relations, George Washington bids the Senate as well as the House of Representatives, "Hands off."

A President is not liable to injunction, although a President is subject to punishment in the proper case under the Constitution, but within his sphere of constitutional action he is free as the air in the exercise of his discretion. and the Senate ought not, and especially in this delicate matter of foreign relations, to invade that jurisdiction, any more than it should permit its jurisdiction to be invaded by an Executive.

SANTO DOMINGO.

I come now to the consideration, Mr. President, of the charge made not alone by the Senator from South Carolina [Mr. TILLMAN], but by many of his colleagues, and by a portion of the press, that the President in the conduct of our foreign relations has as to the miscalled "*modus vivendi*" alleged to exist between this Government and Santo Domingo usurped a power with which he is not clothed by the Constitution. It is not susceptible of doubt that a President may not lawfully put in operation as a treaty any understanding or agreement embraced by the word "treaty," as used in the Constitution, without precedent ratification of it by this body. Pending the action of this body upon a proposed treaty an attempt by the President to carry it into execution would be beyond his power and an act of usurpation indefensible from any standpoint. Such a charge, therefore, is a very serious one.

My purpose is now to consider the question whether the President has, in the slightest degree, gone beyond his power and duty in anything which he has done since the adjournment of the extraordinary session of the Senate in respect to the Republic of Santo Domingo.

I have a right, of course, to say that the President negotiated a treaty or a protocol for a treaty with Santo Domingo and sent it to the Senate. I have no right to say, Mr. President, what the attitude of the Foreign Relations Committee of the Senate was toward it; what amendments, if any, they proposed to it, or how far, if at all, the debates in the Senate were in nonapproval of one or more of the positions taken by the President in urging its ratification. All that I have no right to touch upon in the open session of the Senate. The arguments by which such a treaty was supported or opposed are as if never uttered, as I speak here to-day.

Under that proposed treaty the United States, disclaiming any purpose to acquire territory in Santo Domingo, avowing its friendliness to the Republic and the spirit in which it engages to attempt an adjustment of the obligations of the Santo Domingo Government, first, by investigation and determination, through American instrumentalities or a commission or commissions appointed in connection with creditor governments, of the justice of asserted indebtedness, and, this done, their payment out of revenues collected by the United States through American officials appointed by the President at the custom-houses of Santo Domingo in the various ports, paying 45 per cent of the customs collected to the Government for its support and holding in trust 55 per cent for application in equitable proportions to the payment of debts found honestly due by Santo Domingo, the latter Government in the meantime agreeing not to incur further indebtedness or to increase the customs, etc., pending the execution of the treaty. This is a very general, but I think adequate, statement for my present purpose.

The Senate declined to act upon the treaty, but adjourned for the long vacation, leaving it on the Calendar. What, Mr. President, was the danger in this situation, and what were the power and the duty of the President in respect of it should it arise? The Senator from Maryland [Mr. RAYNER] the other day, in a powerful and eloquent speech, dealt somewhat with the character of the claims against Santo Domingo, and he dealt also with the precedents illustrating the policy of this Government, limiting the governmental collection, by force, of claims of its citizens to such as are based upon torts. That is the doctrine which has been constantly sustained by our Department, as I recollect it. That is, however, not a principle of international law, as I understand it.

Mr. RAYNER. If the Senator from Wisconsin will allow me to interrupt him for a second, Secretary Seward says it is in one of the illustrations I gave.

Mr. SPOONER. The Senator is right. But, Mr. President, Lord Palmerston, speaking for England, said it was not. Every government has held itself free to pursue its own course and policy in respect of that matter, as I understand it.

At any rate, this is true: The debts of Santo Domingo were mainly obligations of the government, not of citizens of one government due to citizens of another government; and out of the "Venezuela blockade," if it may be called a blockade, established by three governments—England, Germany, Italy—with their war ships, had come a reference of the matter to The Hague. They had made a demonstration of force, and their claims were not claims sounding in tort, as I understand, save in small degree. The matter was referred to the great international tribunal at The Hague, our claims among the rest, and the international tribunal, so far from asserting as a principle of international law that contractual claims can not be collected by force, delivered a judgment or a decree giving precedence to those governments which had "levied execution" by war ships, as I said on a former occasion, thereby putting a premium upon the swift naval action of creditor governments everywhere in such cases.

When the Senate had adjourned there came from Santo Domingo, to the President undoubtedly, the cablegram read by the Senator from South Carolina:

SECRETARY OF STATE, *Washington:*

Under pressure foreign creditors and domestic peril Dominican Government offers to nominate—

That is an obvious misuse of the word "nominate" by the minister—

a citizen of the United States receiver southern ports pending ratification protocol, four northern ports to be administered under the award. Forty-five per cent total shall go to the Dominican Government, fifty-five to be deposited in New York for distribution after ratification. Creditors to agree to take no further steps in the meantime and receiver to have full authority to suspend importers' preferential contracts. Italian, Spanish, German, and American creditors, except the Improvement (company)—

Which is an American claimant—

accept unconditionally. Belgian, French representatives will recommend acceptance. Some modus vivendi absolutely necessary. I am ready, if desired, to start for Washington, D. C., 28th, to explain details and modifications of plan obtainable; the whole matter can be held open during my absence.

Foreign creditors could only "press" so as to disturb the status through their governments.

What reply should the President have made to that proposition? What action should the President have taken in that situation, if any?

Mr. TILLMAN. Does the Senator want an answer?

Mr. SPOONER. I was not asking for an answer, but the Senator evidently wants to give one——

Mr. TILLMAN. Go ahead and give it yourself.

Mr. SPOONER. And I invite him to make one.

Mr. TILLMAN. As I understand, the treaty having been negotiated and submitted to the Senate, it was in our keeping and no longer in charge of the President. We had not acted, but had adjourned without action, and, as I understand the limitations of the President's power in connection with treaties, he should have said: "I am powerless to do anything without usurpation."

Mr. SPOONER. It is a fortunate thing that the Senator from South Carolina did not happen to be President just at that time.

What did the President do with the treaty? The Senator is absolutely right when he says the treaty had been sent by the

President to the Senate. He is absolutely right when he says that when the Senate adjourned the treaty was still pending in the Senate. He is absolutely right when he says that the President had no power to put in operation in any way the treaty—absolutely correct. And yet, Mr. President, he is absolutely wrong from every possible standpoint, if I can understand the situation, when he contends that the President has, in any respect, put in operation the treaty. The Senator from South Carolina, ordinarily exceedingly clear of perception, seems in some way not to be able or willing to see the situation as it is outlined and clearly shown by the very documents to which he resorts as a basis of condemning the President for an alleged usurpation. The Senator seems unwilling to see the right. I do not know why. It is not natural to him.

Mr. TILLMAN. Kind.

Mr. SPOONER. Perhaps the Senator is so prejudiced that he can not see the right. I will not say that, for I do not believe it; but the Senator's mind is perverse on this subject.

Mr. TILLMAN. A little hard-headed.

Mr. SPOONER. A little perverse in his judgment upon this question.

What could the President do in that situation? The Senator did not answer the question which he rose to answer. He says that the President ought not to have done something that the President did not do, which affords me no——

Mr. TILLMAN. I am not nearly so skillful in dialectics and in making special pleas as is the Senator from Wisconsin.

Mr. SPOONER. There it is again—"special pleas."

Mr. TILLMAN. Yes; I have an unfortunate habit of calling things by their names, even in the Senate. The Senator tries to befuddle the situation. I want to ask the Senator now will he deny——

Mr. SPOONER. I myself wish to ask the Senator a question.

Mr. TILLMAN. Let me ask my question.

Mr. SPOONER. I desire to ask a question.

Mr. TILLMAN. I do not want any Yankee answers—answering questions with questions. However, the Senator from Wisconsin has the floor.

Mr. SPOONER. Oh, no. But I will ask a question. What, if anything, would the Senator from South Carolina have had the President do in response to this telegram?

Mr. TILLMAN. I told the Senator that in my view the President could do nothing, because the arrangement which was indicated in that cablegram could not be carried out without usurpation of authority, inasmuch as the Senate had refused to grant that authority by ratifying the treaty; the treaty was in the hands of the Senate, where it belonged, and unless something brand-new occurred in the affairs of Santo Domingo, the President was not warranted in doing what he did.

Mr. SPOONER. I accept that answer. I think that is the best I can do.

Mr. TILLMAN. Possibly I may give the Senator a better one a little later.

Mr. SPOONER. A "brand-new situation" did develop.

Mr. TILLMAN. In what way?

Mr. SPOONER. This cablegram shows it. He was notified by Santo Domingo of foreign pressure and of domestic peril, which was not the situation when the Senate adjourned, with proposal to appoint an American nominated by the President to collect revenues to be held pending action by the Senate on the treaty—and that with this creditors would be satisfied. Would the Senator have had our ships withdrawn from Santo Domingo? He complained the other day because they were not. Would he have had them withdrawn from Santo Domingo when the Senate adjourned?

Mr. TILLMAN. Does the Senator contend that there were any American citizens there whose lives were in jeopardy, or any facts to show it?

Mr. SPOONER. There were undoubtedly American citizens there. I know nothing definite upon that subject.

Mr. TILLMAN. You had better get some facts and not guess.

Mr. SPOONER. I know this: I know it is for the President to say where our ships shall be.

Mr. TILLMAN. I do not dispute that proposition at all, but——

Mr. SPOONER. And I know another thing, and I think the American people will see it, that the President would have been unfaithful to the people of the United States and to the interests of this Government had he withdrawn our ships from Santo Domingo. Why? Suppose they had been withdrawn, Mr. President. How long, under The Hague decision on the Venezuelan claims, would it have been before every harbor and custom-house in Santo Domingo would have been in charge of a foreign official, sustained by a foreign war ship?

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. Yes.

Mr. TILLMAN. Have the debts of Santo Domingo been submitted to The Hague tribunal?

Mr. SPOONER. I did not say they had been.

Mr. TILLMAN. But you alluded to The Hague decision as giving the President warrant for this action, or rather the Senator assumes that if we had withdrawn our war ships and left the Santo Domingo people to take care of themselves, which I think it was our duty to do, foreign war ships would have seized the ports. Why do not foreign war ships seize the ports of South American republics which are in debt?

Mr. SPOONER. Mr. President——

Mr. TILLMAN. Let me get through.

Mr. SPOONER. I prefer the Senator should be through.

Mr. TILLMAN. That is such a discourteous remark that I am through.

Mr. SPOONER. I did not intend to be discourteous, but I want to finish what I have to say. I will again ask the Senator the question which he did not answer.

Mr. TILLMAN. Well, ask it again and I will try to answer it.

Mr. SPOONER. Would the Senator have had the President on the adjournment of the Senate, leaving the treaty unacted upon, withdraw the war ships?

Mr. TILLMAN. I do not care where the war ships were, provided they were not there to collect this money, which they had no right to collect.

Mr. SPOONER. Ah, Mr. President, the President knew, as every intelligent man in this country knows, that if those war ships had been withdrawn their places would have been speedily taken by the war ships of other governments for the enforcement of their claims against Santo Domingo, to help to enforce the collection of the indebtedness, the greater part of which can not be regarded as honest. The President did two things through the Secretary of War, in response to the request of Santo Domingo. He recommended Colonel Colton to collect the revenues, and a bank in New York for the deposit of the money.

It has been shown to the Senate, and it is not denied by anyone, that during fifty years, at least, if not more, the rapidly succeeding revolutions in Santo Domingo have had their heart and inspiration in the custom-houses—revolutions not for liberty, but for money.

Mr. TILLMAN. Now will the Senator——

Mr. SPOONER. The presence of American war ships there up to the time of this dispatch had helped bring about a different situation, enabling the men of Morales to collect the revenues of the Government.

Mr. TILLMAN. Now that Mr. Morales is gone, who has got it?

Mr. SPOONER. I will get to that.

Mr. TILLMAN. I want to ask a question right here. The Senator mentioned Mr. Morales. I wish to ask him what harm would have come to us, or the Monroe doctrine either, if the foreign war ships had seized those ports and collected those debts?

Mr. SPOONER. I do not suspect that the Senator from South Carolina would see any harm in it, but the Senator forgets that Santo Domingo is to-day no farther from the soil of the United States, over which floats the flag of the United States, than Cuba was when the Spanish-American war broke out. I do not know more of the American people than the Senator from South Carolina does; I do not know as much of the southern people as the Senator does, but I think I know that the American people will not submit to-day to having within the sight of our flag, floating over our own soil, the war ships of half a dozen foreign governments indefinitely located in the harbors of Santo Domingo collecting the revenues to pay indefinite indebtedness, much of it dishonest or unconscionable. The portion of the people who would first rise in opposition to that situation would be the people of the South.

Mr. TILLMAN. Now, will the Senator permit me?

Mr. SPOONER. Yes.

Mr. TILLMAN. The Senator has not yet brought out the bugaboo, but it is undoubtedly coming—this sawdust-stuffed doll of foreigners seizing American ports and collecting debts by their war ships. But I want to say to the Senator that I believe that all that this Government will ever have to do under any conditions like those will be to serve notice on Europe—combined Europe, if necessary—that the Monroe doctrine as Monroe himself enunciated it is in full force and vigor and that 85,000,000 people are ready to enforce it.

Mr. SPOONER. Frankness requires me to say that that has nothing whatever to do with what I was talking about.

Mr. TILLMAN. Oh, of course.

Mr. SPOONER. The Senator from South Carolina can not inveigle me into any discussion with him, nor can any other Senator about the Monroe doctrine in connection with this Santo Domingo treaty. I am for the Monroe doctrine as Monroe proclaimed it, and as the country has accepted it, and as other countries have respected it. It is no part of international law. It is a national doctrine. It is an American doctrine. It is a doctrine that answers for this country all that the balance of power answers for abroad. It is a doctrine that amounts to something or nothing, as the war power of the United States is or is not behind it. It is a doctrine which is dear to the American people. It is a doctrine which they cherish and which they will see enforced. France goes to punish an insult in Venezuela, and France first assures the United States that she respects the Monroe doctrine. Italy, Germany, England send their ships to Venezuela, first, however, notifying the United States of a purpose to observe the Monroe doctrine. I do not intend to become involved in an attempt to sustain any amendment to it or any alleged corollary of it.

Mr. TILLMAN. Do not stretch it, either.

Mr. SPOONER. The doctrine in itself is doctrine enough for the American people, and as it was made and as it has been kept it will be enforced, Mr. President.

The question I put was this: Would the American people be satisfied to discover some morning that five or six foreign governments, having filed in the State Department each a notice that they respect the Monroe doctrine, had sailed their war ships into the harbors of Santo Domingo, there to remain for an indefinite period, within 90 miles of our own soil and flag, for the collection of twenty-five or thirty millions of dollars of alleged indebtedness?

Mr. TILLMAN. Why indefinite, pray?

Mr. SPOONER. They would remain there until they had collected sufficient customs revenue (and they would do it in their own way) to support the Government, probably poorly, and to pay $33,000,000 of claims, a large part of which the Senator from Maryland [Mr. RAYNER] the other day demonstrated were fictitious.

Mr. TILLMAN. Does the Senator from Wisconsin really and honestly believe that any nations in Europe, no matter how many, would dare go to Santo Domingo and seize its ports if the Secretary of State of the United States warned them that this Government would not permit it?

Mr. SPOONER. Ah!

Mr. TILLMAN. Now, answer "Yes" or "No," please.

Mr. SPOONER. That begs the question.

Mr. TILLMAN. Ah, yes. You are begging it, too.

Mr. SPOONER. The Senator is more enthusiastic than he is courteous just now.

Mr. TILLMAN. You accused me of begging the question. I thought I might make the same charge.

Mr. SPOONER. What I mean by "begging the question" is, that assumes that the Secretary of State would have the right under the law of nations to send notice to those foreign governments, to which they would be bound to give attention, that our doctrine must be their doctrine, under penalty of war; that no force should be used to collect contract obligations. The foreign governments would not listen to such a notice.

Moreover, Mr. President, which would the American people prefer? Would they prefer that the President should, without usurpation, violating no provision of the Constitution, aid in maintaining a status there until the Senate had acted upon this treaty, or withdraw his war ships and send a futile notice and involve this country in war?

Mr. TILLMAN. I want to ask the Senator right here, if he will permit me, whether the President himself did not bring about this status?

Mr. SPOONER. What status?

Mr. TILLMAN. The status in Santo Domingo, which the Senator says the President is maintaining.

Mr. SPOONER. What status?

Mr. TILLMAN. Is it not the status contemplated in the treaty?

Mr. SPOONER. It is not the status contemplated in the treaty.

Mr. TILLMAN. The Senator knows we can not discuss the treaty in public.

Mr. SPOONER. I will discuss the treaty in public.

Mr. TILLMAN. Then will the Senator from Wisconsin allow some others to do the same?

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Georgia?

Mr. SPOONER. I will yield to the Senator from Georgia, and then I will finish what I wish to say.

Mr. BACON. The Senator will not object to my stating what he knows, but which some people may not, that the treaty has been made public.

Mr. SPOONER. Yes; it has been made public.

Mr. BACON. So any man can discuss it.

Mr. SPOONER. It has not only been made public, but the President discusses it in his annual message. It is perfectly proper to discuss the treaty, observing some limitations.

Mr. TILLMAN. I wish the Senator would show wherein the present situation differs from the condition contemplated by the treaty?

Mr. SPOONER. That is just what I intend to do.

Mr. TILLMAN. I will listen to the Senator.

Mr. SPOONER. I hope the Senator will listen, and I hope I will be able to make my meaning intelligible to him. But, Mr. President, here came this message. The Senator scouts the advent of foreign war ships. One came.

Mr. TILLMAN. Forty would not make any difference.

Mr. SPOONER. And that one would have stayed, but for the arrangement which the Senator denounced as an usurpation and putting into force this treaty, and others would have followed, for other creditor nations would not have suffered one alone to appropriate the revenues of Santo Domingo.

Mr. RAYNER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Maryland?

Mr. SPOONER. Certainly.

Mr. RAYNER. I simply wish to ask a question for instruction.

Mr. SPOONER. There are very few men who can instruct the Senator. I am not one of them.

Mr. RAYNER. Did not precisely the same condition prevail in Venezuela? Venezuelan forts were bombarded, Venezuelan war vessels were sunk, and we never interfered for a moment when the German ambassador sent word that they did not intend a permanent occupation of Venezuelan territory. I wish to read just a few words of the communication on that subject:

> We declare especially that under no circumstances do we consider in our proceedings the acquisition or the permanent occupation of Venezuelan territory.

Was not the same thing done precisely at Corinto? Did we interfere with the English Government sending war ships and absolutely taking possession of the town of Corinto?

I interrupt the Senator solely for this purpose: My argument that I made some days ago was based on the proposition that temporarily taking possession of custom-houses is not a permanent occupation of territory.

Mr. SPOONER. I am not denying that, nor shall I do so.

Mr. RAYNER. But in both cases where the Governments assured us that they did not intend permanently to occupy the territory we desisted. Suppose we had notified the Belgian and Italian Governments that we desired to know from them whether they intended to take permanent possession of the territory of Santo Domingo, and they had given us assurances that they did not intend permanently to occupy Santo Domingo, does the Senator think we ought to have interfered and prevented the temporary possession of the custom-houses and occupied a different position from what we did in Nicaragua and Venezuela?

Mr. SPOONER. Mr. President, I do not discuss with the Senator the proposition that the taking possession of a custom-house, under an award or without it, for the purpose of collecting a debt is beyond the international legal right of a foreign government. But everything in this situation distinguishes morally and otherwise this case from the Venezuelan case and the Sorento case, in my judgment.

In the first place it is distinguishable in this respect, that there was a treaty pending between the United States and Santo Domingo, well known to these Governments. Santo Domingo was in honor bound, if possible, to maintain the status quo pending action upon that treaty, in order that if it were ratified it might be administered in accordance with the purpose which led to its negotiation. Santo Domingo could not without dishonor permit a change in that status and permit foreign governments to take possession of the custom-houses, so that when the Senate ratified the treaty, if it did, we would find an entirely changed situation, and the custom-houses, which, under the treaty, we were to administer for all the creditors, being administered by a half dozen other nations, each for itself. That is one thing. That was an obligation of honor upon Santo Domingo and equally an obligation of honor upon us that we should maintain on our side the status.

It is no matter that Santo Domingo is poor. It is no matter

that Santo Domingo is helpless. Honor required her not to permit if she could help it a changed status, and when Santo Domingo in this telegram from our minister gave us notice of her peril, advised us of her helplessness to maintain the status and asked us to act in the way outlined here, the President not only had a constitutional right to do it, but it was his duty to do it. It was his duty to this body where the treaty was pending to do it. It was his duty to the country to do it.

Did he put this treaty in operation? If so, how?

He recommended, as requested, a man whom he thought honest and capable, for appointment by Santo Domingo to collect the revenues. Through the Secretary of War he recommended a bank in which the 55 per cent set aside for creditors could safely be deposited by Santo Domingo in this country, and he gave the moral support arising from the continued presence of our war ships. "Only this and nothing more." The papers read by the Senator all show it, and that is what the President's alleged Executive order of March 28 clearly shows. I can not understand how it can be claimed otherwise. In what respect this can be said to be putting the treaty in operation is beyond my comprehension.

The Senator read from a paper that I, and perhaps the Senator from Massachusetts, was inconsistent; that I advised putting this treaty into operation.

Mr. TILLMAN. I think——

Mr. SPOONER. I am not talking to the Senator.

Mr. TILLMAN. The Senator misunderstands the statement.

Mr. SPOONER. I am talking about the statement.

Mr. TILLMAN. The statement says the Senator from Massachusetts and the Senator from Wisconsin surrendered their preconceived opinions and agreed with the President finally.

Mr. SPOONER. I was saying the same thing, only in my own language, and while it is not as clear or as fine as that employed by the Senator from South Carolina, I prefer to use my own because I am accustomed to it.

The Senator from South Carolina, in his speech the other day, read from a dispatch from Washington to the New York Sun, dated March 28, 1905, in which, among other things, it is stated that the Senator from Massachusetts [Mr. LODGE] and certain other Senators, including Senators FORAKER and KNOX, were consulted by the President as to what should be done and agreed to what was done. It was also said as to me that I had resented the Dillingham-Sanchez protocol of January 20, 1905, and that I had inconsistently consented or advised the President to put it in substantial operation. I do not know who informed the correspondent that I had, in secret session, resented the Dillingham-Sanchez protocol, which guaranteed the territorial integrity of Santo Domingo, without any reference to ratification, and to take effect in so short a time as to preclude, considering the distance between the two countries, an intention to submit it to the Senate; but whoever told it told the truth, because I am frank to say I regarded it as an attempt to do a thing which the Executive Department or its agents had no power to do, it being, in my opinion, clearly a treaty matter.

I have never imputed to the President, however, responsibility for that protocol, nor had I ever imputed to John Hay, whose name and memory is and forever will be revered, responsibility for it.

I hope it is unnecessary for me to assert that I could not under any circumstances have advised the putting into effect, in form or substance of a treaty pending in the Senate.

I have as high an opinion of the New York Sun as the Senator expressed the other day. I read it from day to day, and value it highly. I acquit the correspondent, of course, who wrote the dispatch of any purpose to do injustice. He was wrongly informed, or misled by some one who knew the truth, but felt not at liberty to be frank about it.

I was, with others, consulted by the President in what seemed to him, and was, an emergency. He was disturbed by the situation in which he was left by the nonaction of the Senate. He did not need to be advised—and I have a right to speak of the conversation—that the treaty should not be in anywise put into operation. He was as emphatic upon the subject as any Senator here could be. I do not at all hesitate to say that I had no doubt then any more than I have now—and many others who wished only the right thing to be done concurred—that it was right for the President favorably to respond to the request of the Government of Santo Domingo to nominate or recommend an American official for appointment by that Government, to recommend a place of deposit in this country for the safe-keeping of Santo Domingo moneys sent here to abide action upon the treaty, and to enable the Santo Domingan Government, by the continued presence of our flag in that vicinity, to keep the status unchanged until the Senate met again.

I did not obtrude my advice, but when asked, I gave it. I gave it as I would have given it to a Democratic President, and I gave it as I would have given it if I had intended when the Senate met again to oppose the ratification of the treaty.

I justify the course of the President as a constitutional and prompt discharge of Executive duty in the circumstances.

Mr. TILLMAN. Now, will the Senator be kind enough——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. If the Senator will allow me to go along and finish in this connection what I want to say, I will yield to him a little later.

Mr. TILLMAN. Right now, please.

The VICE-PRESIDENT. The Senator from Wisconsin declines to yield.

Mr. SPOONER. I will yield if the Senator insists.

Mr. TILLMAN. The Senator has been kind enough to give us his own version of what occurred, and of course we all know that he has given us the exact facts; but I want to ask the Senator now if he will be kind enough to tell us whether or not the Executive order which I read in my speech the other day from the New York Sun is a true document or not?

Mr. SPOONER. I did not see the Executive order. I assume it to be a true document.

Mr. TILLMAN. Will the Senator allow me?

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. Yes, if the Senator insists.

Mr. TILLMAN. I simply want to read article second of the treaty.

Mr. SPOONER. I am going to read article second of the treaty myself.

Mr. TILLMAN. Do not forget it, now.

Mr. SPOONER. Assuredly not.

Mr. TILLMAN. But I will remind you if you try to forget it, or if you do forget it. I want the Senator to understand that I intended no discourtesy whatever to him, but in some previous passages we have had he has had a very convenient way of dodging some questions I have asked him.

Mr. SPOONER. I have not dodged any question, Mr. President.

Now, Mr. President, the President kept the war ships there. He had a right to do it. He hoped, I suppose—and it has so turned out—that not in the least putting the treaty in operation, the utilization by Morales, on his own motion, of American citizens, although his own appointees, and the presence of war ships, would maintain that status until the Senate came together again and discussed and acted upon this treaty.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. Yes; I must, I suppose.

Mr. TILLMAN. Does the Senator contend that the status in Santo Domingo is the same as the one the President's order put into effect? What has become of Mr. Morales and his government?

Mr. SPOONER. The status is as it was when the Senate adjourned in March. No treaty ever was made or proposed to be made with Morales. The Senator can not get rid of Morales. Santo Domingo has parted with Morales, but the Senator can not.

Mr. TILLMAN. And the President of the United States can not get rid of the fact that the Morales government was a sham and a humbug, and its successor is equally liable to be overthrown to-morrow.

Mr. SPOONER. Oh, Mr. President, the Senator interrupts me constantly with questions that are not pertinent. But I will stop to answer his question. When this Government enters into a treaty it does not enter into a treaty with the administration of another government. It is not a treaty of Theodore Roosevelt with Morales, liberator. It is a proposed treaty between the United States and the Republic of Santo Domingo, and whether Morales goes up or goes down, whether Caceres is killed or continues to be President, the treaty once ratified is a treaty between the two nations, and the personnel of the Governments has nothing whatever to do with it.

Mr. TILLMAN. So much, so good; but if the Senator will permit me, this is not a treaty that is now in force. It is a temporary arrangement——

Mr. SPOONER. Very good.

Mr. TILLMAN. A modus vivendi between the President, Theodore Roosevelt, and Mr. Morales, and the so-called or actual, de facto or de jure, President of Santo Domingo, Mr. Morales, disappears. Now, the Senator falls back on the doctrine that it is a treaty. It is first a treaty and then it is not.

Mr. SPOONER. The Senator is inaccurate. Mr. President,

I propose to test by an examination of the proposed treaty itself the question whether it has been put in force. What does the treaty provide for? It provides that the United States shall attempt the adjustment of all the obligations of the Dominican Government, and that a commission shall be appointed to that end. Is that part of the treaty being carried out? Who will assert it? Is the United States in negotiation with any foreign government to adjust the indebtedness of Santo Domingo through commissions or otherwise? No. If the treaty were being carried out it would be.

Article second. In order to enable the United States Government to render the assistance above mentioned, it shall take charge of the existing custom-houses and those which may hereafter be created, shall name the employees necessary to their management, and shall collect and take charge of all custom-house receipts.

Is any of that article of the treaty being carried out? Is any agent of the United States collecting a dollar of customs in Santo Domingo? If so, who is he?

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. Under that treaty the Government of the United States was to take charge of the custom-houses in Santo Domingo. Is the Government of the United States in charge of any custom-houses in Santo Domingo? If so, what officer or appointee of the United States is in charge of any custom-house in Santo Domingo?

Mr. TILLMAN. Mr. President——

Mr. SPOONER. Is the United States collecting any revenues in Santo Domingo?

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. In a moment. This obligation of the treaty requires the United States as a national entity to do these things. This treaty being in operation, the United States agents would be in those custom-houses. The United States gunboats would have a right to land marines to protect those custom-houses as such, if there were Americans in the custom-houses as our agents. Does that situation exist? Not at all. Whether the President would have a right to land marines to protect American citizens acting in a foreign country as the paid officials of that country is an entirely different proposition. And that difference exists here.

Mr. TILLMAN. Now, Mr. President, will the Senator——

Mr. SPOONER. Yes; for one question, for I want to get through. Go ahead.

Mr. TILLMAN. I want to ask the Senator if the treaty does not provide that the United States shall nominate and put in possession its own officers to collect these revenues? Is not that true?

Mr. SPOONER. The treaty provides that the United States shall take charge of the custom-houses.

Mr. TILLMAN. And put in charge American officers.

Mr. SPOONER (reading)—

Shall name the employees necessary to their management, and shall collect and take charge of all custom-house receipts.

Mr. TILLMAN. Now, the Senator will not deny, as a matter of fact, that that condition exists to-day.

Mr. SPOONER. Mr. President——

Mr. TILLMAN. Why does not the Senator stop? Wait now. Not officially, but by the authority of the President, acting in that great emergency which the Senator has depicted.

Mr. SPOONER. I deny absolutely that that situation exists to-day in any respect whatever. I deny that any appointee of the President of the United States is collecting a dollar of customs in Santo Domingo. I deny that the United States is in Santo Domingo. I deny that the United States has technically or otherwise control of any custom-houses in Santo Domingo.

Mr. TILLMAN. Now, will the Senator——

Mr. SPOONER. I deny that the United States is doing anything or has done anything which it would be required to do under this treaty if it were ratified and a binding obligation. Now, if the Senator will let me go on a moment——

Mr. TILLMAN. But the Senator ought to let me get in my evidence first. He asserts, he denies, but he will not let me get the fact.

Mr. SPOONER. Well, get the fact.

Mr. TILLMAN. I will read from the order of the President just this paragraph:

The Secretary of War of the United States will present for nomination by the President of the Dominican Republic men to act in the position referred to in both the northern and southern ports. The utmost care will of course be taken to choose men of capacity and absolute integrity who, if possible, shall have some knowledge of Spanish. All the moneys collected from both the northern and southern ports not turned over to the Dominican Government will be deposited in some New York bank, to be designated by the Secretary of War, and will there be kept until the Senate has acted.

Mr. SPOONER. Very well; what of it?

Mr. TILLMAN. The treaty provides for that same thing.

Mr. SPOONER. The treaty does not provide for any such thing.

Mr. TILLMAN. That is a direct contradiction, and the people will have to read it so as to decide whether your version is right or mine.

Mr. SPOONER. The Senator will not see this thing as his own papers show it to be. That is the trouble. Is an officer of the United States collecting any customs in Santo Domingo?

Mr. TILLMAN. Technically, no; actually, yes.

Mr. SPOONER—

See what a ready tongue suspicion hath!

The Senator said the other day that an officer of the Army of the United States detailed by the Secretary of War is collecting revenues in Santo Domingo, when the Senator had before him the testimony of that same gentleman, Colonel Colton, that he ceased years ago to be an officer of the Army, that he had been on the civil list in the Philippines, was here on a vacation, and was absent now on leave without pay and in the service of Morales.

Mr. TILLMAN. Now, Mr. President, will the Senator permit me? He says I have that before me. I never saw it nor heard of it. My deduction arose from the fact that the President's order required the Secretary of War to detail somebody, and Colonel Colton had been detailed. I do not know how he could be a colonel if he had not been in the Army. That is all there is in that.

Mr. SPOONER. The Senator thinks once a colonel in the Army always a colonel in the Army.

Mr. TILLMAN. He is on the retired list.

Mr. SPOONER. Here is what Colonel Colton says, and there is nobody to countervail it, because it is the truth. He was asked by the Senator from Mississippi [Mr. MONEY]:

Who appointed you to your present position?

He is in charge of the collection of customs in Santo Domingo, and he himself appoints his subordinates.

Colonel COLTON. President Morales, of the Dominican Republic.
Senator MONEY. Who recommended you?
Colonel COLTON. The President of the United States.
Senator BACON. Are you an Army officer now?
Colonel COLTON. No, sir; I was in the volunteer service.
Senator MCCREARY. From whom do you draw your salary at the present time?
Colonel COLTON. From the Dominican Government.
Senator MONEY. Do you draw anything from the American Government?
Colonel COLTON. No, sir.
Senator FORAKER. Are you in the United States Army?
Colonel COLTON. No, sir.
Senator FORAKER. Have you been in the military service?
Colonel COLTON. Yes, sir; I went to the Philippines with my regiment in 1898, during the Spanish war.

* * * * * * *

Senator MCCREARY. What amount have you collected?
Colonel COLTON. In round figures we have collected during the period from April 1 to November 30, $1,445,000, of which $550,000 has been delivered to the Dominican Government as the 45 per cent due it on the terms of the modus vivendi.

The 45 per cent is more money than was annually collected hitherto, for the first time in a century, and the honest collection of that money, under circumstances which render the hold by the Government of Santo Domingo upon the custom-houses stable, is what defeated the attempted revolution by Morales, and is what led him to beg permission to leave Santo Domingo with a new President.

Mr. TILLMAN. Will the Senator permit me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. Yes.

Mr. TILLMAN. Did the Senator ever before hear of a President attempting a revolution against his own Government?

Mr. SPOONER. He left, another took his place, and he could not retake it.

Mr. TILLMAN. True, he went to the woods, because they threatened to cut his throat, as I have been informed, and who knows how soon somebody will say to Caceres "If you do not get out we will cut your throat?" That is the kind of people over whom the Senator would have this country become guardian ad litem. We are to establish courts of bankruptcy——

Mr. SPOONER. We have not got to that yet.

Mr. TILLMAN. Take charge of assets, establish receiverships, determine what debts are honest and what are not, and all that kind of thing.

Mr. SPOONER. Does the Senator consider that an imposition on my courtesy, or not?

Mr. TILLMAN. I consider that it is telling the truth, and I hope that is not an imposition on anybody. [Laughter.]

Mr. SPOONER. I do.
Mr. TILLMAN. I beg the Senator's pardon.
Mr. SPOONER. Granted.
Mr. TILLMAN. I am always, as I have said, unfortunately addicted to expressing my honest opinion, and the Senator objects to my telling him what I think to be the truth.
Mr. SPOONER. I do not object to it the first time, nor the second time, nor the third time.
Mr. TILLMAN. I have said it but once. [Laughter.]
Mr. SPOONER. I read further from the testimony of Colonel Colton:

Senator MCCREARY. Where is that deposited?

Referring to the money in New York.

Colonel COLTON. In the National City Bank, of New York.
Senator MONEY. What do you do with the 45 per cent?
Colonel COLTON. We deliver it to the Dominican Government.
Senator MONEY. Where do you get your authority for the collection and disbursement of this money?
Colonel COLTON. *That is done under a decree of the Dominican Government.*
Senator MONEY. *You act solely under the authority of that Government?*
Colonel COLTON. *Yes, sir.*

There is the testimony, Mr. President, of a distinguished ex-officer of the Army, a man of great intelligence, a man who was appointed by Morales, upon the recommendation of the President of the United States, a man who selects his subordinates. He says he was appointed by Morales; he says he is paid by Santo Domingo and that he is entirely under the control of the Santo Domingan authorities.
Mr. TILLMAN. Mr. President——
The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Carolina?
Mr. TILLMAN. In what way, if the Senator will permit me——
The VICE-PRESIDENT. The Senator from Wisconsin has not yielded.
Mr. SPOONER. Oh, I yield; of course I yield.
Mr. TILLMAN. In what way does Colonel Colton's status differ from that of an appointee of the President whose name is sent to us, except that Morales has confirmed the President's appointment of Colonel Colton, and sometimes, as the Senator knows, we used to reject appointments made by the President? The appointment of Colonel Colton is to all intents and purposes, as I think the Senator must acknowledge, an appointment by the President of the United States, and the work that is being done is in effect—I do not mean legally, for it may not be legally—the carrying out of the agreement in the treaty, which has been subsequently made a temporary arrangement, because the Senate refused to ratify the treaty. The agreement now is in effect the treaty itself, and it is being carried out.
Mr. SPOONER. Well, Mr. President, the Senator has repeated that a number of times. It does not gain anything of credibility or strength by "damnable iteration." It was not either technically or substantially the fact when the Senator first uttered it, though he thinks it is, and it is no more so now than when he first uttered it. Who knows better whether Colonel Colton is acting under Morales or Santo Domingo than does Colonel Colton? Who knows better who pays Colonel Colton for taking charge of the collection of revenue in Santo Domingo, the distinguished Senator from South Carolina or Colonel Colton? Who knows better who appointed Colonel Colton and to whom he is responsible, the President of the United States or the Senator from South Carolina? I asserted, and I assert again, that every man on the customs roll in Santo Domingo is there directly under the Santo Domingan Government, paid by the Santo Domingan Government, controlled by the Santo Domingan Government, and susceptible to discharge any minute by the Santo Domingan Government, and entirely independent of the President of the United States.
Mr. TILLMAN. Mr. President——
The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Carolina?
Mr. SPOONER. Yes.
Mr. TILLMAN. The Senator, in his catalogue of verbs——
Mr. SPOONER. Of what?
Mr. TILLMAN. The Senator repeated the verb "appointed," and other verbs of that kind, but he failed to say who protects Colonel Colton.
Mr. SPOONER. Well, I will tell you that.
Mr. TILLMAN. Wait a minute. I am afraid you will—but go ahead, I will wait and hear you tell it.
Mr. SPOONER. I will tell the Senator what protects Colonel Colton. I do not know whether Colonel Colton would be protected or not if the visible sign of the power of the United States were not in the waters of Santo Domingo.
Mr. TILLMAN. Ships, you mean?
Mr. SPOONER. Ships, of course, I mean. It is very likely, Mr. President, that but for the presence of our ships there Colonel Colton might not be able to continue acting for the Santo Domingan Government as the collector of customs, but that does not change the fact that from the beginning until to-day he has acted and is acting solely under Dominican authority.
Now, Mr. President, let me go on with this treaty——
Mr. CULBERSON. Mr. President——
The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Texas?
Mr. SPOONER. I decline to yield, as I wish to get through.
Mr. CULBERSON. I will not interrupt the Senator.
Mr. SPOONER. I am weary, but I will yield to the Senator.
Mr. CULBERSON. The Senator from Wisconsin has repeated so often that the United States are not in Santo Domingo that it is with some hesitation I interrupt him for a moment, if he will permit me, to read what the President himself has said about it.
Mr. SPOONER. The Senator can do that later.
Mr. CULBERSON. It is only a paragraph.
Mr. SPOONER. The Senator can do that later.
Mr. CULBERSON. Very well.
The VICE-PRESIDENT. The Senator from Wisconsin declines to yield.
Mr. SPOONER (reading)—

Article third: Out of the revenues which shall be collected in all the custom-houses of the Republic, the Government of the United States shall deliver to the Dominican Government a sum, which shall not be less than 45 per cent of the total amount collected—

Is that being done by the Government of the United States?
Mr. TILLMAN. It is in the treaty.
Mr. SPOONER. But it is not the situation in Santo Domingo to-day. If the treaty shall ever be ratified, it will be the situation, but it is not now—

for the purpose of meeting the needs of the public service, and which the Dominican Government shall receive in monthly payments from the date of the taking possession of the custom-houses by the *officials of the United States*, divided into four installments in the following manner:
Forty-five per cent of the total sum collected monthly in periods ending on the 8th, 15th, 22d, and the last day of each month.

Then article 4 reads:

Article fourth: The Government of the United States will apply the 55 per cent which it retains toward the payment of
A. The employees of all the custom-houses,

Is that being carried out in Santo Domingo? Does anybody pretend that the Government of the United States has a shadow of claim or title to the money on deposit in the New York bank? Colonel Colton says, in his testimony before the committee, that it is deposited to the credit of Santo Domingo; that it can be drawn only on the joint order of the President of Santo Domingo and himself, but if he were removed it could be drawn on the single order of the President of Santo Domingo. If the treaty had been carried into effect, if we had $750,000 collected under it, Santo Domingo would have no interest in that money, but the United States would hold it in trust, to be applied as provided by the treaty and as found to be due under the various commissions which might be appointed.
Is that the situation, Mr. President? Not at all. These appointments have been made under a decree of Morales, which, until reversed by his successor, is the law of Santo Domingo, and that very decree shows that this treaty is not being carried into operation.
Mr. TILLMAN. Mr. President——
The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Carolina?
Mr. SPOONER. I decline to yield, Mr. President.
The VICE-PRESIDENT. The Senator from Wisconsin declines to yield.
Mr. SPOONER. I must get through. Here, Mr. President, is this so-called "modus," here is the decree of Morales, under which all this work is being done:

With a view to protecting all the creditors of the Republic, until the Dominican Congress—

This was presented by the Senator from South Carolina and evidently not read by him—

With a view to protecting all the creditors of the Republic, until the Dominican Congress and the Senate of the United States shall take action in regard to the convention, signed on the 7th of February of the current year by the representative of the Governments of the Dominican Republic and the United States, providing that the said convention should be latent meanwhile, and to facilitate its complete execution if it should be ratified or not to prejudice any rights if it should fail of confirmation.
The opinion of the council of secretaries of state having been heard:
Be it resolved—1. To *appoint* a person to receive the revenues of all the customs of the Republic, and for the greater security of the

creditors of the latter it is left to the President of the United States to *designate*—

Not "appoint"—

to designate the person who shall receive the said revenues, and the *Dominican executive shall confer the office on the said person*, provided always that the designation made is *satisfactory to the said executive.*

Here is the decree, there is the recommendation, and here is the testimony of Colonel Colton that he was appointed under this decree by Morales, and yet it is claimed here that he was appointed by the President of the United States, and that the United States is collecting these revenues instead of the Republic of Santo Domingo.

2. The money collected shall be distributed in the following manner—

If the treaty were in operation, it would not be for Santo Domingo to say how the money collected should be distributed; the treaty would control that; but to-day the disposition of this money in Santo Domingo is in accordance with this decree made by President Morales, which, under their constitution, is law.

(a) Forty-five per cent to meet the expenses of the budget, (b) the necessary expenses of collecting, including the salaries of all the customs employees.

You see they are paid by decree out of the customs collected.

3. The residue, being the amount to be devoted to the payment of the debts, shall be immediately deposited in some New York bank to be designated by the President of the United States.

It was designated by the Secretary of War.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. TILLMAN. I do not want to interrupt the Senator any more, after he declined to yield me the floor a moment ago, but he must quit looking at me and making those assertions unless he wants me to ask him questions.

Mr. SPOONER. Well, ask me the question. It is a heavy penalty to pay for a look, but ask the question. [Laughter.]

Mr. TILLMAN. What is the difference in effect—I do not mean the technical, legal effect, but in actuality—between "designated" and "appointed?" The Senator is too fair a man to deny——

Mr. SPOONER. Mr. President, I am willing the Senator should ask the question, but I would a little prefer to answer it myself. The Senator ought to know——

Mr. TILLMAN. The Senator always quibbles, however, if I may use that word, in some of his answers. I do not say that offensively.

Mr. SPOONER. The Senator has used the word "quibbles." He did not intend it to be offensive——

Mr. TILLMAN. No, indeed.

Mr. SPOONER. But it is.

Mr. TILLMAN. I will take it back, and I will ask the Senator to correct me if I am wrong. It is the old Saxon that will come up, and I am obliged to use a word that conveys my exact meaning. I do not want to use the word "dodge"—another Saxon word—and therefore I am at a loss as to what to say, unless I were to get a thesaurus or use some word that would be Latinized, perhaps——

Mr. SPOONER. I think the Senator ought to apologize for his apology. [Laughter.]

Mr. TILLMAN. I will do that. I am willing to do almost anything in a friendly way for the Senator, because he has got a very hard case to prove this afternoon. [Laughter.]

Mr. SPOONER. I gave the Senator up some time ago, Mr. President. I do not expect him to see it as I see it, but I am perfectly frank in what I say. I see it as I state it, and I stand by it as I state it.

Mr. TILLMAN. What is the difference between "designated" and "appointed," in your opinion?

Mr. SPOONER. When the President of the United States sends the name of a person here for a particular office, he does not appoint him.

Mr. TILLMAN. No; he does not get his commission.

Mr. SPOONER. The President does not appoint him; he designates him; he nominates him. If the Senate "advises and consents," and the commission is signed, the appointment is complete.

Mr. TILLMAN. And Mr. Morales took our place in this transaction.

Mr. SPOONER. The commission, Mr. President, is not the appointment; it is evidence of the appointment. When Morales says in this decree that the person designated by the President is to be appointed by him, if he is satisfactory, the Senator ought to be able to understand it without assistance. The Senator is an able man, and, in good faith, apart from his feelings, he would not need to ask me for information as to the distinction between "designated" and "appointed" as used in this decree. "Designated" meant in this decree "recommended."

3. The residue, being the amount to be devoted to the payment of the debts, shall be immediately deposited in some New York bank to be designated by the President of the United States, to remain in deposit for the benefit of—

Whom?—

of all the creditors of the Republic, both Dominican and foreign, and shall not be drawn out until the Dominican Congress—

That is the test—

shall not be drawn out until the Dominican Congress and the Senate of the United States shall have taken action in regard to the pending convention.

Whose money is that, Mr. President? If the treaty to-morrow were ratified, who would draw out that money? The United States would distribute it in equitable proportions, according to the terms of the treaty, among the creditors found by us, through commissioners or by agreement, to be entitled to it. That can not happen until the treaty is ratified. We would then hold the money as trustee and be entitled to its custody. *We are not so in any sense to-day.* If day after to-morrow the Senate, in its wisdom, shall reject the treaty, whose money is it? *It remains the money of Santo Domingo, to be drawn out of that bank by Santo Domingo.* We would have no more right to draw it, no more right to touch it, than I would have or the Senator from Maryland [Mr. RAYNER] would have.

And yet this situation is said to be "putting in operation the treaty!" Here is the heart and test of the whole question that I have come to now. There is no escape from it. It is beyond reach of any bedevilment. One can not by "sticking in the bark," or misreading a word here and a word there in the President's order or in Morales's decree, obscure this crucial point. If Morales had had no communication with the President; if the Dawson dispatch had never been received, and the proposal in it never made; if no foreign creditors had brought pressure, and there had not been danger of domestic disturbance, and Morales had sent the money to New York, collected by Americans selected by himself or by the Santo Domingans, and deposited it to the credit of Santo Domingo in the bank, the situation in substance and essence would have been what it is to-day. Reading the documents as a whole, as one must do, makes it too plain for escape. If the treaty were ratified the money would not be transferred by the bank in New York to the credit of the United States, trustee, without the further action of the Santo Domingo Government, to whose credit it stands.

Mr. TILLMAN. Mr. President——

Mr. SPOONER. In a moment I will yield to the Senator; I am not quite through.

4. *If* the final determination of the Congress of the Dominican Republic and the Senate of the United States shall be favorable to the pending convention, the moneys deposited shall be distributed among the creditors, in proportion to their just credits, in accordance with the *terms of the said convention.*

If the Senate shall ratify the treaty, the money shall be distributed by the United States in accordance with its terms; and yet it is claimed here that the President has ratified the treaty and is actually putting it in force. Nor is that all.

Mr. TILLMAN. Now will the Senator yield to me?

Mr. SPOONER. In a moment; not in the middle of a sentence.

The VICE-PRESIDENT. The Senator from Wisconsin declines to yield.

Mr. SPOONER (reading)—

If the determination of the aforesaid Congress and Senate should be averse—

What then?

the said moneys shall be at the disposition of—

Whom?—

the *Dominican Government* for equitable distribution among the creditors, in accordance with the terms of such agreement as IT *shall make with them.*

Does the Senator see?

Mr. TILLMAN. Now will the Senator permit me to interrupt him?

The VICE-PRESIDENT. Does the Senator from Wisconsin now yield to the Senator from South Carolina?

Mr. SPOONER. Yes.

Mr. TILLMAN. The Senator has labored——

Mr. SPOONER. If I am laboring it is because I am tired.

Mr. TILLMAN. Most eloquently, and employed all of the——

Mr. SPOONER. "Sophistry and special pleading."

Mr. TILLMAN. No; I am going to say something sweet and nice [laughter]—all the resources at the command of his great and brilliant intellect and his long experience as a lawyer. But he has never had as bad a case as this that he ever won [laughter], and he will not win this because the facts are

known to all men who care to read that while the final disposition of the money, the million dollars collected by Colonel Colton and deposited in the New York banks, has not yet been made, and that under the temporary arrangement, in case the treaty is rejected, it shall return to Santo Domingo, where it would belong, because it would be none of ours—the Senator can not deny that practically, to all intents and purposes, in the appointment of Colonel Colton and his subordinates, or their nomination, or other designation, or whatever you choose to term it, in the presence of gunboats there to protect these officers in the collection of those customs, in the implied notice or direct notice to all——

Mr. SPOONER. "How long, O Lord, how long?" [Laughter.]

Mr. TILLMAN. Well, it is entirely relevant, even if I say it. [Laughter.]

Mr. SPOONER. Oh, it is not that, but I am anxious to get through.

Mr. TILLMAN. I will stop right there if the Senator cuts me off in that way.

Mr. SPOONER. I can not cut the Senator off.

Mr. TILLMAN. But the Senator ought not to get so restive under the spur when I have got a good chance at him—and it is not often that I get such a chance—but I want to say to the Senator that I believe his honesty of heart will not enable him to deny that the conditions of the treaty are to-day being carried out, not finally, but so far as getting the money, so far as preserving the status quo, so far as warning the war ships of European powers to keep away, so far as notice to creditors that their claims will be adjudicated, and all that is concerned, the treaty is in effect and is being carried out by the President, notwithstanding the fact that the Senate of the United States has not ratified it.

Mr. SPOONER. Of course, Mr. President, if the Senator from South Carolina chooses to put it in that way to me, availing himself of my permission to interrupt me, he may do so. It is a customary thing for the Senator, who has some great qualities, to meet a frank statement or argument by me with the suggestion that I am a lawyer; that I am habituated, or have been during my life, to the skillful and ingenious presentation of a client's case, implying that I bring to the discharge of the duties of a Senator, under oath, all the ardor and the ingenuity and the characteristics of the advocate. If the Senator from South Carolina is right about that it would give me very great pain and mortification. If, after having worked here, Mr. President, for fifteen years as a Senator, I were incapable of dealing frankly and as I find the truth to be, with my associates, if I could be a mere ingenious advocate in defense of a President, forgetting the honor which my people conferred upon me more than once, twice without my asking, in the confidence that when I reached the Senate I would think of them and my duty to the country, I should feel that my career here, of which I am not any too proud, had been a pitiful failure. The Senator means no discourtesy, much less insult, when he tells me at the end of a tedious and wearisome, both to you and to me, presentation of what I think is the only view which can be taken of this transaction, that I do not mean it, that it is the specious advocacy of a trained lawyer rather than the frank, honest, manly statement of a gentleman.

The Senator has said that more than once during this debate. I say to him now I do not think he appreciates its significance, nor do I think that, appreciating its significance, he would say it. I believe the Senator means to do what is right as a Senator. We disagree often. I am not suspicious of him. I resent suspicion of myself, and I utter to the Senate my best thought upon public questions.

Mr. President, I have not the slightest doubt that in this transaction—the papers show it, the knowledge of what occurred at its initiative prove it—there was not only no purpose to put in operation this paper, not a treaty, but nothing has been done which looks like it except that in the decree of Morales and in the cablegram from Santo Domingo 45 and 55 per cent, the proportions with which the treaty dealt, are fixed. That is natural, and no ground for challenge.

Why not be square with the President of the United States as we expect him and every other honest man to be with us? It is no light thing in this body, related as it is to the Executive, again and again or at all to impute to the President an act of violent usurpation, of which he would have been guilty if he had attempted to carry out a proposed treaty pending and unacted upon in the Senate of the United States. If he has, without usurpation, by a friendly office, invoked by Morales, bad as he may be, but speaking for Santo Domingo, led to the appointment of good men in Santo Domingo to honestly collect the revenue, and if by the presence of our war ships pending our long vacation he has maintained the situation to greet our return and to abide the action of this body, he is entitled to credit for it and not to criticism.

Mr. President, a few words in a general way about the Santo Domingo treaty, and I shall have finished. I wish there were no occasion to deal with it at all. On the general principle I am as radical as any Senator on the other side. But I differentiate Santo Domingo from the South American republics. I do not think differently from many others upon the proposition that the United States shall become the receiver of bankrupt nations to the south of us. Nor am I considering, either, the Monroe doctrine in connection with it, or the Panama Canal. With me, neither has to do with it in this connection. It is an unique case. It is nearly a hundred years now since Santo Domingo became a separate government. It has had a hundred years of irredeemably bad history from almost every standpoint.

Mr. TILLMAN. I may be mistaken, but from my reading Toussaint L'Ouverture is the only one who ever governed the country as a whole, and when he died it fell apart, one part French and the other Spanish.

Mr. SPOONER. It has been a pitiful record. It is an island of great richness and fertility. The people have suffered cruelly. There are good people there. Among their leading men, I am told, there are many able and good men. It would be difficult to imagine otherwise. They have been the prey of foreign usurers and of domestic blackmailers and revolutionists. Colonel Colton, in his statement before the committee, says: "When General Grant wanted to take the island in 1871, their entire indebtedness did not exceed sixteen hundred thousand dollars." I have regretted since this subject arose that the country did not take Santo Domingo when General Grant so impressed upon the Senate and upon the people the importance of it. Its population was small, and I do not know how others felt about it, but during the Spanish-American war I did not relish the notion that the ports of Santo Domingo were neutral ports, and men along the southern coast did not relish it either. There were thousands in our southern cities affrighted by the "phantom fleet," believed to be hovering along our coasts, who would have been delighted if they could have known that at Samana Bay and in the other harbors of Santo Domingo there were war ships of the United States safeguarding the southern cities from attack, and having a base of supplies and operations which would enable them efficiently to do that thing.

At that time—

Eighteen hundred and seventy-one—

the entire indebtedness of the country did not exceed $1,600,000. Since that time they have collected revenues amounting to a good many millions of dollars, at least thirty, but have not only been unable, from the entire revenues received, to pay their actual running expenses, but they have gone into debt at the rate of about a million dollars a year since 1871. So that when the affairs of the Republic were again the subject of investigation in 1905 it was found in such a state of confusion that its records gave no adequate explanation of its financial condition, but indicated a nominal debt amounting to more than $33,000,000, besides many disputed items and undeveloped claims.

It is believed that their honest debt, instead of being $33,000,000, is less than $10,000,000. Every year has been a year of horror, and it is now within sight of our flag. That is one thing which distinguishes the case from all the rest. It is 90 miles from Porto Rico.

Nor, Mr. President, is that all. There is another element in it which appeals to every man, I think, who stops to consider it, which will distinguish it probably from all to the southward. Santo Domingo *asks the United States to do this thing.* What? To help her to face the sunrise. To help her work her way out of the darkness. She wants to pay her debts. She can never rehabilitate herself until some one stronger than she investigates these claims, and, having influence with the creditor nations, scales them down to what is honest and right. All they want is to be protected from revolution by an honest collection of revenues until their debt is paid, and they believe that during that period of time the contrast between prosperity and anarchy, between law and peace and bloodshed and violence, will teach that people to prefer the improved condition. To whom else could she apply? We gave her warrant to apply to us. How? When? Where? When we went to war to free Cuba, and, after we had freed her, taught her people by an object lesson in their midst the true theory of government, organized a government and left her, under the resolution of which my friend the Senator from Colorado [Mr. TELLER] has a right always to be proud, to her people. What other nation has done that? And to us, her neighbor, known all over the world as not only a powerful and rich, but just and generous and liberty loving nation—little Santo Domingo appeals to give her a chance—that is all—for life and peace; not to compel her to pay usurious interest to rascals, not to force her to pay what she

does not owe, but to give her a chance. Is there any other case like it? She is a derelict little nation out in the near by sea. Any nation has the right to clear the sea of a derelict. It is a danger.

Is it not on the whole safer and better to extend to her our aid than to turn away from her appeal, with the complications certain to follow? This is a question for every Senator to decide for himself.

I have taken too long. I thank the Senate for its attention.

Mr. CULBERSON. Mr. President, it had not been my purpose to take part in this debate to-day or at any other time, and I would not do so except for the refusal of the Senator from Wisconsin [Mr. SPOONER] to grant me the courtesy to insert in the RECORD in the time he was speaking a statement of the President of the United States.

Mr. SPOONER. The Senator will pardon me. I did not understand what he said.

Mr. CULBERSON. I stated that it had not been my purpose to take part in the discussion of this question either to-day or at any other time, and I would not have done so had not the Senator from Wisconsin declined to grant me the courtesy to insert in the RECORD a statement of the President of the United States. Even now I propose to detain the Senate but a few moments.

Mr. SPOONER. The Senator will permit me. I meant no discourtesy to him. I had been interrupted so much that I was weary and was anxious to be through. That is all.

Mr. CULBERSON. Very well; I will speak in my own time.

Mr. President, so far as the question of Santo Domingo is concerned, what is it as it presents itself to this body this afternoon, after the Senator from Wisconsin has concluded? The question is whether the President of the United States has not put in operation the subject of the treaty with Santo Domingo before that treaty has been ratified by this body. The Senator from Wisconsin has admitted that the President could not put in operation, could not execute in this manner the treaty which is pending here. Why, Mr. President, could that not be done? Why was it impossible under the Constitution for the President to take this course? Because, sir, the subject-matter of that treaty is one with which he can not deal singly and exclusively, but he must treat it in connection with the Senate of the United States.

Now, Mr. President, if that be true—if that be the case here—what difference is there under the Constitution between carrying the treaty into effect by the President under the terms of the treaty, between doing that and making a separate and independent—partly verbal and partly written—agreement by which he undertakes to do so, by which he undertakes to act upon and to control the subject of the treaty without the consideration and consent of the Senate? Is he doing it, Mr. President? Has the President usurped the power of the Senate and the President under the Constitution to deal with this subject, not only to deal with the subject under the terms and provisions of the treaty, but to deal with the subject at all, without reference to this body?

Now, a moment, because I do not intend at this late hour to keep the Senate long in session upon the pending question. The principal questions dealt with in the treaty, the principal agreements, Mr. President, were that the Government of the United States was to take possession of the custom-house, collect the revenues, pass upon the validity of the debts of Santo Domingo, and then distribute the funds; and I say to you to-day the President is doing everything involved in that treaty which could not be conveniently postponed. What is he doing? The war ships are there protecting the custom-houses. Whatever the subterfuge and sham with which you may surround it, Americans are there in control of the custom-houses and collecting the money, and they are depositing in banks in New York, subject to distribution hereafter, 55 per cent, and paying 45 per cent of it to the Government of Santo Domingo.

Ah, Mr. President, in spite of rhetoric, in spite of undue excitement on the part of anyone, the President has taken into his control and he is exerting the power of the Senate and the President combined over this subject, over every part of it which could not be conveniently postponed, without reference to and in spite of the pendency of the treaty here. Americans are in control of the custom-houses, American war ships are protecting the coast and the ports, Americans are collecting the money and paying 45 per cent to Santo Domingo and depositing 55 per cent in banks in New York.

All I wanted to do when the Senator from Wisconsin reiterated time and again that we were not in possession was to add what the President of the United States himself had said upon the subject, and I am glad to be able to do so now. I place the statement of the President—frank, courageous, truthful, as we all know him to be—I place the statement of the President, in his speech to the people at Chautauqua, N. Y., against any afterthought here or elsewhere.

What did he say? I read from his speech at Chautauqua, N. Y., August 11, 1905, published in the Dallas Morning News of August 12, 1905, being an Associated Press account of his speech, written in the cloister, in his study, thought out, carefully worded, not a synopsis:

> Accordingly the executive department of our Government negotiated a treaty under which we are to try to help the Dominican people to straighten out their finances. This treaty is pending before the Senate, whose consent to it is necessary. In the meantime we have made a temporary arrangement which will last until the Senate has had time to take action upon the treaty. Under this arrangement we see to the honest administration of the custom-houses, collecting the revenues, turning over 45 per cent to the Government for running expenses and putting the other 55 per cent into a safe deposit for equitable division among the various creditors, whether European or American, accordingly as, after investigation, their claims seem just.
>
> The custom-houses offer well-nigh the only sources of revenue in Santo Domingo, and the different revolutions usually have as their real aim the obtaining possession of these custom-houses. The mere fact that we are protecting the custom-houses and collecting the revenue with efficiency and honesty has completely discouraged all revolutionary movement, while it has already produced such an increase in the revenues that the Government is actually getting more from the 45 per cent that we turn over to it than it got formerly when it took the entire revenue.

That, Mr. President, is all I desired to read when the proffer to do so was declined by the Senator from Wisconsin for reasons which he has explained and which I accept as entirely satisfactory. There is the statement of the President without equivocation, because I understand he does not equivocate, that we have taken possession of the custom-houses, we are collecting the revenue, we are paying 45 per cent to Santo Domingo and depositing the balance in places of safekeeping for future distribution. So in substance and in fact every important feature of the treaty, not as a treaty, but every important act in the treaty, every provision of the treaty, is being carried into effect, though under a different arrangement, except an inquiry into the validity of these debts and the distribution of the 55 per cent which will go to the creditors of the Santo Domingo Government.

Mr. LODGE. Mr. President, I do not think that it is possible for anybody to make any addition to the masterly statement in regard to the powers of the President in treaty making, or as to the condition of the Santo Domingo question, which we have heard from the Senator from Wisconsin [Mr. SPOONER] this afternoon. But my name has been brought into this debate several times by the Senator from South Carolina [Mr. TILLMAN], and I have also been referred to by the Senator from Wisconsin. I wish, before the debate closes, to say a few words in regard to the Santo Domingo question and the attitude of the President in sending delegates to Algeciras. It is now so late that I will not attempt to address the Senate at this time. With the kind indulgence of the Senate, I will trespass upon their patience by asking permission to address them briefly tomorrow on this same topic immediately after the close of the routine morning business.

EXECUTIVE SESSION.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were reopened, and (at 4 o'clock and 50 minutes p. m.) the Senate adjourned until tomorrow, Wednesday, January 24, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 23, 1906.

COLLECTOR OF CUSTOMS.

John B. Whelan, of Michigan, to be collector of customs for the district of Detroit, in the State of Michigan, to succeed John T. Rich, whose term of office will expire by limitation February 2, 1906.

COLLECTOR OF INTERNAL REVENUE.

Edmund B. Allen, of Missouri, to be collector of internal revenue for the first district of Missouri, to succeed Ben Westhus, resigned.

This nomination to be in lieu of the one made on January 22, 1906, wherein the name of Mr. Allen was given as Edward instead of Edmund.

PENSION AGENT.

Daniel Ashworth, of Pittsburg, Pa., to be pension agent at Pittsburg, Pa., vice John W. Nesbit, whose term will expire January 31, 1906.

PROMOTIONS IN THE NAVY.

Commander Lewis C. Heilner to be a captain in the Navy from the 7th day of January, 1906, vice Capt. Charles H. Stockton, promoted.

Lieut. Commander Harry S. Knapp to be a commander in the Navy from the 27th day of December, 1905, vice Commander William H. Allen, deceased.

Lieut. Waldo Evans to be a lieutenant-commander in the Navy from the 1st day of January, 1906, vice Lieut. Commander Harry H. Caldwell, an additional number in grade.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 23, 1906.

TERRITORIAL CHIEF JUSTICE.

John H. Burford, of Oklahoma, to be chief justice of the supreme court of the Territory of Oklahoma.

TERRITORIAL ASSOCIATE JUSTICE.

Bayard T. Hainer, of Oklahoma, to be associate justice of the supreme court of the Territory of Oklahoma.

SOLICITOR FOR THE DEPARTMENT OF STATE.

James B. Scott, of California, to be Solicitor for the Department of State.

PROMOTION IN THE NAVY.

Medical Inspector Presley M. Rixey, United States Navy, to be Surgeon-General and Chief of the Bureau of Medicine and Surgery in the Department of the Navy, with the rank of rear-admiral, for a term of four years from the 5th day of February, 1906.

CONSUL.

Theodosius Botkin, of Utah, to be consul of the United States at Port Louis, Mauritius.

SURVEYOR OF CUSTOMS.

Thomas B. McLemore, of Tennessee, to be surveyor of customs for the port of Knoxville, in the State of Tennessee.

DISTRICT ATTORNEY.

George R. Walker, of Indian Territory, to be United States attorney for the southern district of Indian Territory.

REGISTER OF LAND OFFICE.

Eugene Van Pattan, of New Mexico, to be register of the land office at Las Cruces, N. Mex.

POSTMASTERS.

CALIFORNIA.

Stephen D. Ballou to be postmaster at San Luis Obispo, in the county of San Luis Obispo and State of California.

Susan L. Drake to be postmaster at Colusa, in the county of Colusa and State of California.

George W. Holmes to be postmaster at Selma, in the county of Fresno and State of California.

CONNECTICUT.

Adelbert W. Crane to be postmaster at South Glastonbury, in the county of Hartford and State of Connecticut.

Nehemiah Jennings to be postmaster at Southport, in the county of Fairfield and State of Connecticut.

ILLINOIS.

Henry F. Bader to be postmaster at East St. Louis, in the county of St. Clair and State of Illinois.

Ralph F. Bradford to be postmaster at Pontiac, in the county of Livingston and State of Illinois.

Ansel B. Case to be postmaster at Prophetstown, in the county of Whiteside and State of Illinois.

Russell W. Folts to be postmaster at Atlanta, in the county of Logan and State of Illinois.

Francis A. Freer to be postmaster at Galesburg, in the county of Knox and State of Illinois.

Harry L. Frier to be postmaster at Benton, in the county of Franklin and State of Illinois.

Eva Y. Hole to be postmaster at Ridge Farm, in the county of Vermilion and State of Illinois.

Harrison P. Huntsinger to be postmaster at Pinckneyville, in the county of Perry and State of Illinois.

Arthur Merrill to be postmaster at Avon, in the county of Fulton and State of Illinois.

Calvin F. Randolph to be postmaster at Danvers, in the county of McLean and State of Illinois.

Homer S. Sanford to be postmaster at Chatsworth, in the county of Livingston and State of Illinois.

INDIANA.

Christopher Browand to be postmaster at Kendallville, in the county of Noble and State of Indiana.

George E. Burbank to be postmaster at Oakland City, in the county of Gibson and State of Indiana.

A. L. Kuhlman to be postmaster at Auburn, in the county of Dekalb and State of Indiana.

Charles A. Rockwell to be postmaster at Cloverdale, in the county of Putnam and State of Indiana.

INDIAN TERRITORY.

Bruce McKinley to be postmaster at Eufaula, in District Twelve, Indian Territory.

IOWA.

Thomas F. Armstrong to be postmaster at Lenox, in the county of Taylor and State of Iowa.

Frank E. Drake to be postmaster at Radcliffe, in the county of Hardin and State of Iowa.

John T. Hogan to be postmaster at Cherokee, in the county of Cherokee and State of Iowa.

John B. Hungerford to be postmaster at Carroll, in the county of Carroll and State of Iowa.

Thomas D. Long to be postmaster at Manson, in the county of Calhoun and State of Iowa.

James H. Morrison to be postmaster at Seymour, in the county of Wayne and State of Iowa.

Walter C. Ramsay to be postmaster at Belmond, in the county of Wright and State of Iowa.

G. W. Stapleton to be postmaster at Spirit Lake, in the county of Dickinson and State of Iowa.

Gardner S. Turrill to be postmaster at Jefferson, in the county of Greene and State of Iowa.

William H. Tyrrell to be postmaster at Waverly, in the county of Bremer and State of Iowa.

Thomas Walpole to be postmaster at Storm Lake, in the county of Buena Vista and State of Iowa.

Clinton L. Zollinger to be postmaster at Ogden, in the county of Boone and State of Iowa.

KENTUCKY.

Lucy O. Mason to be postmaster at Adairville, in the county of Logan and State of Kentucky.

James C. Florence to be postmaster at Stanford, in the county of Lincoln and State of Kentucky.

James A. Miller to be postmaster at Wickliffe, in the county of Ballard and State of Kentucky.

James T. Stephens to be postmaster at Hickman, in the county of Fulton and State of Kentucky.

Thomas Sympson to be postmaster at Franklin, in the county of Simpson and State of Kentucky.

MAINE.

John F. Davis to be postmaster at Bridgton, in the county of Cumberland and State of Maine.

William Fennelly to be postmaster at Bar Harbor, in the county of Hancock and State of Maine.

Edward Harding to be postmaster at Gorham, in the county of Cumberland and State of Maine.

Frank M. Hume to be postmaster at Houlton, in the county of Aroostook and State of Maine.

John V. Lane to be postmaster at Augusta, in the county of Kennebec and State of Maine.

Oramel Murray to be postmaster at Pittsfield, in the county of Somerset and State of Maine.

James H. Phair to be postmaster at Presque Isle, in the county of Aroostook and State of Maine.

Benjamin J. Woodman to be postmaster at Westbrook, in the county of Cumberland and State of Maine.

MASSACHUSETTS.

Albert E. Brownville to be postmaster at Needham, in the county of Norfolk and State of Massachusetts.

James C. Cooper to be postmaster at Chester, in the county of Hampden and State of Massachusetts.

William E. Dunbar to be postmaster at Taunton, in the county of Bristol and State of Massachusetts.

Harold A. Foster to be postmaster at North Brookfield, in the county of Worcester and State of Massachusetts.

Henry B. Hildreth to be postmaster at Townsend, in the county of Middlesex and State of Massachusetts.

MICHIGAN.

George M. Clark to be postmaster at Bad Axe, in the county of Huron and State of Michigan.

Thomas Connors to be postmaster at Negaunee, in the county of Marquette and State of Michigan.

Alfred Cruse to be postmaster at Iron Mountain, in the county of Dickinson and State of Michigan.

Robert G. Elliott to be postmaster at Munising, in the county of Alger and State of Michigan.

George B. Faxon to be postmaster at Ovid, in the county of Clinton and State of Michigan.

Benjamin B. Gorman to be postmaster at Coldwater, in the county of Branch and State of Michigan.

Elmer W. Hall to be postmaster at Lawton, in the county of Van Buren and State of Michigan.

Otto H. Mueller to be postmaster at Rockland, in the county of Ontonagon and State of Michigan.

Frank E. Priddy to be postmaster at Adrian, in the county of Lenawee and State of Michigan.

William C. Spreen to be postmaster at Watervliet, in the county of Berrien and State of Michigan.

MINNESOTA.

Brayton S. Buckingham to be postmaster at Argyle, in the county of Marshall and State of Minnesota.

Ida Erickson to be postmaster at Canby, in the county of Yellow Medicine and State of Minnesota.

Josie Forde to be postmaster at Graceville, in the county of Bigstone and State of Minnesota.

Dennis F. McGrath to be postmaster at Barnesville, in the county of Clay and State of Minnesota.

H. H. Neuenburg to be postmaster at Olivia, in the county of Renville and State of Minnesota.

John Schmelz to be postmaster at Springfield, in the county of Brown and State of Minnesota.

Ole A. Thoreson to be postmaster at East Grand Forks, in the county of Polk and State of Minnesota.

Edwin E. Tuttle to be postmaster at Hastings, in the county of Dakota and State of Minnesota.

MISSOURI.

Frank M. Filson to be postmaster at Cameron, in the county of Clinton and State of Missouri.

Theodore N. McHaney, to be postmaster at Kennett, in the county of Dunklin and State of Missouri.

Oliver W. Neff to be postmaster at Nevada, in the county of Vernon and State of Missouri.

Robert C. Rhodes to be postmaster at Seymour, in the county of Webster and State of Missouri.

Enoch T. Stark to be postmaster at Huntsville, in the county of Randolph and State of Missouri.

Walter F. Thompson to be postmaster at Plattsburg, in the county of Clinton and State of Missouri.

NEBRASKA.

William P. Freeman to be postmaster at Auburn, in the county of Nemaha and State of Nebraska.

Carl Kramer to be postmaster at Columbus, in the county of Platte and State of Nebraska.

Jehiel H. Secor to be postmaster at Madison, in the county of Madison and State of Nebraska.

Charles H. Snider to be postmaster at Tilden, in the county of Madison and State of Nebraska.

Dennis Tracy to be postmaster at Cedar Rapids, in the county of Boone and State of Nebraska.

NEW HAMPSHIRE.

Alfred E. Bean to be postmaster at Berlin, in the county of Coos and State of New Hampshire.

Albert Clement to be postmaster at Antrim, in the county of Hillsboro and State of New Hampshire.

John H. Henry to be postmaster at Lincoln, in the county of Grafton and State of New Hampshire.

Eri Oakes to be postmaster at Lisbon, in the county of Grafton and State of New Hampshire.

William H. Small to be postmaster at New Market, in the county of Rockingham and State of New Hampshire.

NEW YORK.

Robert C. Bailey to be postmaster at Schoharie, in the county of Schoharie and State of New York.

William L. Crothers to be postmaster at Phelps, in the county of Ontario and State of New York.

Melvin J. Stearns to be postmaster at Massena, in the county of St. Lawrence and State of New York.

George Tremper to be postmaster at Rhinebeck, in the county of Dutchess and State of New York.

Abram R. Wyckoff to be postmaster at Geneva, in the county of Ontario and State of New York.

OKLAHOMA.

John J. Burke to be postmaster at Norman, in the county of Cleveland and Territory of Oklahoma.

PENNSYLVANIA.

Harry H. Hawkins to be postmaster at Spring Forge, in the county of York and State of Pennsylvania.

Starling W. Waters to be postmaster at Warren, in the county of Warren and State of Pennsylvania.

W. Day Wilson to be postmaster at Clarion, in the county of Clarion and State of Pennsylvania.

TEXAS.

Sallie E. Brooks to be postmaster at Bastrop, in the county of Bastrop and State of Texas.

Henry M. Carson to be postmaster at Pilot Point, in the county of Denton and State of Texas.

Augustus S. Davis to be postmaster at McGregor, in the county of McLennan and State of Texas.

W. James Gilmore to be postmaster at Moody, in the county of McLennan and State of Texas.

Walter A. Hill to be postmaster at Phenix, in the county of Kent and State of Rhode Island.

Effie L. Houghton to be postmaster at Memphis, in the county of Hall and State of Texas.

M. B. Howard to be postmaster at Sweet Water, in the county of Nolan and State of Texas.

August F. Loessin to be postmaster at La Grange, in the county of Fayette and State of Texas.

J. F. McCarty to be postmaster at Comanche, in the county of Comanche and State of Texas.

Mary W. Morrow to be postmaster at Abilene, in the county of Taylor and State of Texas.

Charles O. Nelson to be postmaster at Clifton, in the county of Bosque and State of Texas.

Edmund F. Seydler to be postmaster at Weimar, in the county of Colorado and State of Texas.

Frank K. Sterrett to be postmaster at Albany, in the county of Shackelford and State of Texas.

VERMONT.

Raymond C. Ransom to be postmaster at Castleton, in the county of Rutland and State of Vermont.

WASHINGTON.

Joseph W. King to be postmaster at Asotin, in the county of Asotin and State of Washington.

WEST VIRGINIA.

James S. Posten to be postmaster at Elkins, in the county of Randolph and State of West Virginia.

Henry J. Rudkin to be postmaster at Burnsville, in the county of Braxton and State of West Virginia.

Robert B. Watson to be postmaster at Cameron, in the county of Marshall and State of West Virginia.

WISCONSIN.

George Luecker to be postmaster at Brillion, in the county of Calumet and State of Wisconsin.

L. L. Thayer to be postmaster at Bloomer, in the county of Chippewa and State of Wisconsin.

Hugh H. Williams to be postmaster at Randolph, in the county of Dodge and State of Wisconsin.

WYOMING.

William Pugh to be postmaster at Evanston, in the county of Uinta and State of Wyoming.

Perry L. Smith to be postmaster at Rawlins, in the county of Carbon and State of Wyoming.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January 23, 1906.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

STATEHOOD BILL.

Mr. HAMILTON. Mr. Speaker, I am authorized by the Committee on Territories to report favorably the bill H. R. 12707, commonly known as the "statehood bill."

The SPEAKER. The gentleman from Michigan, from the Committee on Territories, reports the following bill, the title of which the Clerk will read.

Mr. HAMILTON. Mr. Speaker, the gentleman from Tennessee [Mr. MOON], of the Committee on Territories, desires to present the views of the minority.

The Clerk read as follows:

A bill (H. R. 12707) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

The SPEAKER. The bill will be referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, printed.

Mr. MOON of Tennessee. Mr. Speaker, by direction of the minority of the Committee on Territories, I present to the House the views of the minority on the statehood bill, and ask that the same be filed and printed with the majority report.

The SPEAKER. The gentleman from Tennessee presents the views of the minority, which will also be printed and referred to the Committee of the Whole House on the state of the Union.

BATTLE MONUMENTS NEAR SANTIAGO, CUBA.

Mr. HULL. Mr. Speaker, I am directed by the Committee on Military Affairs to present the following resolution.

The Clerk read as follows:

House joint resolution 87.

Resolved, etc., That the Secretary of War is authorized to employ the United States Army transport *Sumner* to convey from New York to Santiago de Cuba and return the members of the Santiago Battlefield Commission and the representatives of the President and of the State and War Departments, to enable them to attend the ceremonies to be held at the dedication of the battle monuments at El Caney, Fort San Juan, San Juan Ridge, and San Juan de Mayares Hill, in the immediate vicinity of Santiago de Cuba.

Mr. HULL. I report this resolution by direction of the Committee on Military Affairs, and ask unanimous consent for its present consideration.

Mr. CLARK of Missouri. Mr. Speaker, I should like to inquire of my friend from Iowa if this is a unanimous report.

Mr. HULL. I understood there was one vote against it, but no question was reserved on any points of order or anything looking to an objection.

Mr. CLARK of Missouri. I reserve the right to object.

Mr. HULL. If the gentleman will withhold any objection until he can be fully informed of the object of the resolution, I think he will not then object.

Mr. CLARK of Missouri. I will reserve the right to object.

Mr. HULL. Mr. Speaker, I ask that the letter from the Secretary of War be read.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

WAR DEPARTMENT,
Washington, January 22, 1906.

SIR: I respectfully request that the following resolution be introduced and passed by the House of Representatives:

"*Resolved*, That the Secretary of War is authorized to employ the United States Army transport *Sumner* to convey, from New York to Santiago de Cuba and return, the members of the Santiago battlefield commission and the representatives of the President and of the State and War Departments, to enable them to attend the ceremonies to be held at the dedication of battle monuments at El Caney, Fort San Juan, San Juan Ridge, and San Juan de Mayaras Hill, in the immediate vicinity of Santiago de Cuba."

The project has received the sanction and cooperation of the War and State Departments, and the Government of Cuba has presented a number of cannon for use in the construction of the monuments. It has also granted a site for their erection, and will prepare suitable approaches.

The current act of appropriation for sundry civil expenses of the Government contains the following requirement:

"For marking the places where the American soldiers fell and were temporarily interred in Cuba and China, $9,500, said sum to be immediately available." (Act of March 3, 1905, 33 Stat. L., 1196.)

In a memorandum of instruction furnished by the Secretary of War to the Chief of Staff on May 12, 1905, a committee was appointed and charged with the duty of carrying out the provisions of the enactment above cited, with the proviso that "No mileage or traveling expenses or any other personal expenses incurred by the members of the committees will be charged to this appropriation or any other Government appropriation."

The members of this committee have paid their necessary traveling expenses themselves, and have discharged their duty in Cuba. The marking has been proceeded with so far as to permit the dedicatory exercises to be held on the 14th of February next.

A large amount of material procured out of the funds made available by the clause of the appropriation above cited has been procured by manufacture and can be conveyed to the places in which the monuments are to be erected on the transport *Sumner*, if assigned to this duty.

The Government of Cuba is disposed to make important this commemoration of the various battles in the neighborhood of Santiago. The resolution need not carry any appropriation. If it is passed, the expense can be met out of the general transportation appropriation for the War Department. The *Sumner* is now in New York Harbor. The trip would take from eleven to fourteen days. The additional cost, by reason of this trip, to the Government over and above that now involved in maintaining the transport in New York Harbor would be $500 a day for not exceeding fourteen days.

I inclose papers showing the action of the army societies of the Spanish war.

Very respectfully, yours,

WM. H. TAFT, *Secretary of War.*

Hon. JOHN A. T. HULL,
Chairman Committee on Military Affairs,
House of Representatives.

Mr. HULL. Mr. Speaker, I want to say to the House that heretofore the transports have been used in many cases, in my judgment, without any clear authority of law. In this case I suppose the Secretary of War had a right to order it for this proposed trip to Cuba as much as he had a right to order one to Colon or to any point in the West Indies, when not for legitimate Army service. If this resolution is passed it makes no precedent for the future, but it does establish the fact that Congress has entire jurisdiction over the use of the transports for anything outside of their legitimate use as transports of the Army for military purposes. This is a great occasion between the Government of Cuba and the Government of the United States. On many occasions not as important as this the Government has ordered war ships to do this service at an immensely increased cost, and it seems to me, in view of all the facts surrounding these great dedicatory exercises in Cuba, in view of the fact of the close relation between the Government of the United States and the Government of Cuba, in view of the fact that our soldiers' graves are the ones to be honored on this occasion and the valor of American troops exalted, that the House and the Senate should by a unanimous vote, without an objecting voice, grant the transport *Sumner* for the uses asked for by the President and the Secretary of War on this occasion, and I hope no objection will be made.

Mr. FITZGERALD. I desire to know if the gentleman does not think that some limitation should be fixed upon the expense of this trip in this resolution?

Mr. HULL. I will say that the limitation is stated by the Secretary of War not to exceed $500 a day, and I will say further that all parties going on the transport pay for their subsistence. There is no expense to the Government for subsistence at all. Everyone traveling on the transport, except officers of the ship and enlisted men of the Army, is compelled to pay for the entire cost of his meals.

Mr. FITZGERALD. I doubt whether the gentleman——

Mr. HULL. And the entire length of time will not exceed fourteen days and may fall under that.

Mr. FITZGERALD. I doubt whether the gentleman understood what I asked. I asked whether this resolution should not fix the limit. The Secretary of War says that, in his opinion, it will cost about $500 a day; but I suggest that that is no limitation upon the amount that can be expended.

Mr. HULL. I will say to the gentleman, Mr. Speaker, that if the resolution is considered now and any Member of this House believes that an amendment should be adopted providing that the total expense shall not exceed $7,000 I shall raise no objection to that amendment.

Mr. FITZGERALD. I would suggest $10,000. I only want a reasonable limit fixed.

Mr. HULL. I would take the Secretary at his word, where he says it will not exceed $500 a day for fourteen days, and that is $7,000.

Mr. SULZER. Mr. Speaker, it is only necessary, in my opinion, to say a word or so about the resolution asked to be passed by the Secretary of War. It should pass at once, and I trust there will be no objection to it. The letter of the Secretary of War gives the reasons why it should pass. It seems to me that it is a truly patriotic thing for this Government to participate in the ceremonies to be held to mark the graves of the American soldiers who fell in Cuba in the war between Spain and the United States, and to send this transport, now lying in New York Harbor at an expense to the Government, down to Santiago to participate in these commendable ceremonies. I believe this transport should be sent to Cuba for this purpose. The expense will be very small, simply the difference between keeping the fires of the transport up in New York Harbor and the additional coal that will be burned in having the transport go out on the ocean and down to Cuba. It will only require ten or fourteen days to make the trip, and the purpose is patriotic and praiseworthy. It is a small matter, too small for anybody to object to, and I hope there will be no opposition to the immediate adoption of the resolution.

I agree with all the Secretary of War has said in regard to this matter, and I hope this resolution will pass, and that this transport will be sent down there to participate in the proceedings inaugurated by Cuba and the United States relative to the marking of the graves of the brave and heroic soldiers who fell in the battle of Santiago. [Applause.]

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. HULL. Now, Mr. Speaker, in accordance with the suggestion of the gentleman from New York [Mr. FITZGERALD], I offer an amendment providing that the total additional expense shall not exceed $7,000.

Mr. FITZGERALD. Mr. Speaker, I suggest to the gentleman from Iowa that we give them a little leeway, because there might be something unforeseen, the steamer might be delayed.

Mr. HULL. Make it $10,000 additional expense.

The SPEAKER. The Clerk will read the amendment.

The Clerk read as follows:

Add at the end of the resolution: "*Provided*, That the total additional expense shall not exceed $10,000."

Mr. SULZER. Mr. Speaker, I do not care to object to the proposed amendment, but I do not think this resolution should have this limitation put upon it, and I hope for one that it will be voted down. We can trust our distinguished Secretary of

War in the matter. The steamer might be delayed in a storm or might be compelled by stress of weather to go to some other port. I am willing to take the assurance of the Secretary of War about the matter instead of adopting this suspicious amendment. I hate to be always fearful that some one is going to do something he should not do. I feel confident that not one cent more than is absolutely necessary will be expended. This is not to be a junketing trip, but a patriotic performance of a sacred duty.

Mr. FITZGERALD. Mr. Speaker, I wish to say a word. I thoroughly disagree with my colleague. I believe when an appropriation is proper for any purpose Congress should fix some limitation upon the amount which the executive officer shall expend. The Secretary of War says it will not take more than fourteen days, and allowing $500 a day for fourteen days the expense would be $7,000. We increase the limit to $10,000, which gives a leeway of six days. No possible contingency, except a shipwreck, could delay this boat more than six days. If there should be a serious breakdown they could easily get permission to expend additional money. But I am opposed to unlimited appropriations for any purpose, and I hope the amendment will be adopted.

Mr. SULZER. Mr. Speaker, that is all very fine as a general proposition, but I wish to ask the gentleman from New York if he can not take the assurance in this matter of the Secretary of War?

Mr. FITZGERALD. Mr. Speaker, I believe we are under obligations to perform our duty in accordance with the law and not to accept anybody's word as to how much money we should appropriate. We should decide that for ourselves. I am ready to assume my responsibility and act in that way.

Mr. HULL. Mr. Speaker, I move the previous question on the joint resolution and amendment.

The previous question was ordered.

The SPEAKER. The question is on the amendment to the joint resolution.

The question was taken; and on a division (demanded by Mr. JAMES) there were—ayes 134, noes 32.

So the amendment was agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

URGENT DEFICIENCY BILL.

Mr. LITTAUER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12320—the urgent deficiency bill.

The motion was agreed to; accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the urgent deficiency bill, with Mr. SHERMAN in the chair.

The Clerk, proceeding with the reading of the bill, read as follows:

THE ISTHMIAN CANAL.

To continue the construction of the Isthmian Canal, to be expended under the direction of the President in accordance with an act entitled "An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," approved June 28, 1902, as follows:

For miscellaneous material purchases in the United States, $1,000,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Page 15, lines 1 and 2, strike out the words "in the United States" and insert in lieu thereof "elsewhere than on the Isthmus of Panama," so that it will read:

"For miscellaneous material purchases elsewhere than on the Isthmus of Panama."

Mr. FITZGERALD. Mr. Chairman, I wish to call attention of the committee to the fact that this appropriation is made available for expenditure only in the United States. The language, I believe, was used inadvertently, without realizing what its significance would be. Everybody recollects that some months ago the Secretary of War announced that he would purchase materials for the Panama Canal wherever they could be purchased cheapest. In submitting his estimates and requests for these appropriations it was contended that certain purchases should be made on the Isthmus and certain other purchases should not be made on the Isthmus. In order to distinguish the appropriations the language in the bill was used, but if it be continued in the bill in its present shape it will be impossible for the Secretary of War to take advantage of the cheapest markets for the purchase of these particular supplies. In order that there may be no restriction on his power, in order that he may go into the market where he can purchase cheapest, this change of language should be made and the money available should be expended in any place except on the Isthmus. This will give him that opportunity.

Mr. DE ARMOND rose.

The CHAIRMAN. The gentleman from Missouri [Mr. DE ARMOND] is recognized in opposition to the amendment.

Mr. DE ARMOND. Mr. Chairman, I did not rise to oppose the amendment, but to make some observations upon the general subject and to ask for some information. I recollect that last spring, or early last summer, there was a good deal in the newspapers about an official decision to purchase wherever articles could be bought the cheapest. For a week or two, or perhaps a little more—for a very short period of time, at all events—there was considerable comment upon the subject in the public press of the country, and then a deep and profound silence ensued. Now, I would like right well to know something about where we have been buying things, something about whether we have been buying them at the best prices or whether we have been buying them at prices unreasonably high. How much have we bought abroad? How much have we bought at home? Have American manufacturers met the competition of foreigners and supplied such things as we need as cheaply as the foreigners are willing to do? Have they failed to meet that competition? If so, have we then bought from foreigners at cheaper rates or from Americans at higher rates? I do not know how this is, and I suppose the public does not know how it is. I am one of those who believe that the United States in carrying forward a great work like this, necessarily a very costly work, ought to do what a sensible man would do in the conduct of his own business; that is, buy what he needs where he can buy it the cheapest and to the best advantage. I believe that American manufacturers can supply what is needed down there just as cheaply as foreigners, but I believe that they will not do it unless they are sure that unless they do foreigners will supply the articles and they will lose the market. We have been in the habit of encouraging American manufacturers and permitting them and enabling them and inviting them to charge the Americans more than they charge foreigners. Now, when we come to a great undertaking like this the Government can not afford it; it is immoral and wrong and wasteful of the people's money for the Government to invest in American supplies unless they are furnished as cheaply as supplies equally good and equally adapted to the work can be obtained abroad. Now, I would be very glad to hear from somebody who knows, if there is somebody here who does know—and I presume there is—where we really have been making our purchases; whether we have been making them at competitive prices or whether we have been making them at trust prices; whether we have been buying as cheaply as we could buy or have been buying from favored Americans at such prices as they chose to exact. Instead of being opposed to this amendment, if I get the meaning of it, I am in favor of it.

This paragraph might provide for limiting the purchases to the United States, and of course that would mean purchases in the United States at such prices as may prevail in the United States. In other words, purchases from American manufacturers at American manufacturers' home prices, without any reference to the foreign prices and without any regard for the effect upon the Public Treasury or the people's rights. If this amendment be adopted, there should be no interference with purchases here in the United States, except that those who make the purchases will not be under compulsion to make them without any regard to prices or quality or fitness of the things to be purchased. If this limitation be imposed, it will be a closing against the United States of the foreign markets for the purchase of these things and will be turning over the Treasury of the United States to American manufacturers at their own figures and without competition. To that I am opposed, and to that it seems to me everybody ought to be opposed. Now, I hope, both for my own information and for the information of the general public, that some one who possesses the information will tell us where we have been buying and how we have been buying, whether we have been buying in a competitive market or in the trust market at trust prices. It seems to me these inquiries are pertinent, and I trust they will be frankly answered.

Mr. LITTAUER. Mr. Chairman, purchases under this head have been in nearly all instances made under the submission of proposals with full specifications, advertised throughout the United States, and, where it was believed material could be purchased cheaper, even in foreign countries. I should regret very much to see this additional legislation inserted in this paragraph. The separation between purchases in the United States and purchases at the Isthmus of Panama was made in the bill so

as to control and limit them plainly. The Isthmian Canal Commission have established a purchasing bureau, presided over by a man of great experience and capability in this particular field. They have exhibited to us carefully drawn specimens of their method of submitting proposals with elaborate specifications, advised us that it cost them practically $100 to $150 for advertising expense in connection with each contract; that the proposals were published wherever they had any idea that they would meet with consideration, and I can not see what good object can be achieved by legislating in this way in this bill. The purchases will all be made in the United States, or rather the contracts will be made here, whether the goods are produced or manufactured in a foreign country or in the United States.

Mr. FITZGERALD. This amendment does not prevent the expenditure of this money for purchases on the Isthmus.

Mr. LITTAUER. I realize that. The amendment concerns simply the first category in the bill, and is for material purchases in the United States. The purchase will be made here, whether the material comes from abroad or otherwise.

Mr. FITZGERALD. Not necessarily. It appears in the hearings that certain foreign firms have representatives in the United States who, if they desired, might submit bids. Well, if they submitted bids and agreed to deliver from some place in Europe to the Isthmus, then, though the contract was made in the United States, it might be so construed that they were purchases abroad and——

Mr. LITTAUER. I do not so understand it. All purchases will be made either through representatives of foreign firms having their offices here or through the submission of bids under proposals. It is not designed to confine the purchases simply to products of the United States. It is designed to buy whatever is bought from the lowest bidder.

Mr. JAMES. If that is true, what objection have you to inserting the amendment and say they shall expend this million dollars wherever they can expend it the cheapest?

Mr. LITTAUER. That is exactly what they are doing now.

Mr. JAMES. Well, then, what objection have you to making it plain?

Mr. LITTAUER. It simply adds new legislation where it is not required.

Mr. JAMES. It is a very easy matter; it will not take much time to do that.

Mr. FITZGERALD. There never has been any legislation in this language—"for material purchases in the United States"—and this language unquestionably limits——

Mr. LITTAUER. This is the first time we have attempted to make detailed appropriations in connection with this work.

Mr. FITZGERALD. And this language will limit purchases out of the million dollars to the United States.

Mr. LITTAUER. This will limit purchases in the United States, but the purchases can be made here in the United States of material coming from foreign countries.

Mr. FITZGERALD. There was an instance, if the gentleman will permit me, where the Isthmian Canal Commission sent abroad and intended, if they could succeed in doing so, to get contracts for the purchase of certain steamers.

Mr. LITTAUER. Provided they could have obtained steamers better fitted for their work than could be procured here. They found, however, they could not so procure them, and hence bought them in this country.

Mr. FITZGERALD. But if the money available for that purpose had been restricted by this provision, they could not have purchased those steamers on the other side.

Mr. LITTAUER. Oh, not at all.

Mr. MANN. Will the gentleman permit me? The reason the separation is made in these cases is because there are two auditors. How far that will go I will not undertake to say; but there is an auditor on the Isthmus and an auditor here. The auditor on the Isthmus audits the purchases which are made on the Isthmus. The auditor in the United States audits all other purchases, and the purpose of putting some language in there is so that we credit on the books of the different auditors the amount that is proper, and out of those items the audits are made in the two different auditors' offices.

Mr. FITZGERALD. I said I believe this language was used inadvertently. The next item provides for expenditure for purchases on the Isthmus. It was intended that this money should be expended elsewhere than on the Isthmus, and that is the language of the amendment I suggest. The language in the bill at present confines the purchase in the United States, because I say——

The CHAIRMAN. The time of the gentleman has expired.

Mr. JAMES. I ask that the gentleman may have his time extended.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York——

Mr. WILLIAMS. I ask unanimous consent that the gentleman's time be extended.

The CHAIRMAN. The Chair did not hear the remark of the gentleman from Mississippi.

Mr. WILLIAMS. I ask unanimous consent that the gentleman from New York may proceed for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi? [After a pause.] None is heard.

Mr. LITTAUER. I have no desire to consume any further time unless some one wishes to ask a question.

Mr. FITZGERALD. I wish to state to the gentleman, in the case I have stated, if this language had been in the law controlling the expenditure of the money that was to be used for the purchase of these steamers it would have been impossible for a representative of the Commission to have gone to Liverpool and purchased steamers there under a law that provided that the purchase should be made in the United States.

Mr. LITTAUER. I trust that the gentleman recognizes that we do not want to have traveling purchasing agents going all over the world attempting to make purchases, but that purchases should be made under bids submitted here in Washington and controlled by the chief purchasing agent.

Mr. FITZGERALD. Mr. Chairman, that is not the controlling reason for this language, and the result of it will be to prevent the expenditure of this money in any place except in the United States. I am in favor of giving the Secretary of War or the Isthmian Canal Commission a free hand to purchase in the market that is cheapest, be it in the United States or be it in some other country.

Mr. MANN. I quite agree with the gentleman, but I desire to call his attention to this, which I understand to be the fact: The Commission does purchase more or less from the island of Jamaica, which purchases are audited in the office of the auditor for the Isthmus, and will come out of the appropriation for the purchase of supplies on the Isthmus. Now, whether the language limits the purchase to articles that are on the Isthmus when they are purchased, in the one case, or articles that are in the United States when they are purchased, in the other case, I do not know. I think it ought to be done.

Mr. JAMES. Mr. Chairman, I would like to ask the gentleman from Illinois a question. Were the steam shovels that were purchased for the Isthmus purchased in the open market of the world or in the limited market of the United States?

Mr. MANN. I understand they purchase all of these articles in the open market of the world.

Mr. JAMES. Did they do it in that instance?

Mr. MANN. Yes; they did it in that instance.

Mr. JAMES. In the open market of the world?

Mr. MANN. In the open market of the world. I may say to the gentleman that there is only one manufacturer in the world at present that manufactures the best type of steam shovel, namely, the one which manufactures the Bucyrus steam shovel, in Ohio.

Mr. JAMES. I am not talking about the best type. That might control the purchases of some man, but some other man might think that some other type was the best. The question is whether or not the plows or these other implements were purchased in the United States at the price at which they are sold usually to purchasers of them—whether you went to the open market of the world for bids.

Mr. MANN. Anybody was permitted to bid upon these articles.

Mr. JAMES. Who got the contract?

Mr. MANN. Of course an enterprising citizen of the United States got the contract, and I am sorry that it was not a Kentucky citizen, because in that State enterprise is always supreme.

Mr. JAMES. Was he one of the "trustized" citizens of the United States?

Mr. MANN. Of course the gentleman wants me to make definitions. I will leave that with the gentleman.

Mr. GRAFF. May I ask the gentleman from Illinois a question?

Mr. MANN. If I have any time.

The CHAIRMAN. The gentleman from New York [Mr. LITTAUER] has the time.

Mr. GRAFF. I want to ask the gentleman from Illinois if he knows whether or not the tariff schedules of the United States operate in the Isthmian Zone?

Mr. MANN. The tariff schedules do not operate in the Isthmian Zone. The tariff schedules in the Isthmian Zone are the tariff schedules of the Republic of Panama.

Mr. GRAFF. Then if the purchase was made in the United

States of supplies in England, and they were shipped direct from England to the Zone, tariff would be collected by the Panama Government on those imports?

Mr. MANN. There is no tariff collected on articles sent there for the Isthmian Canal Commission——

Mr. GRAFF. Those are admitted free?

Mr. MANN (continuing). In the construction of the canal.

Mr. GRAFF. On articles admitted for general purposes outside of this enterprise there is imposed a duty by the Panama Government?

Mr. MANN. Yes.

The CHAIRMAN. The time of the gentleman from New York [Mr. LITTAUER] has expired.

Mr. TAWNEY. Mr. Chairman, I trust this amendment will not prevail. I want to say, in answer to the gentleman from Missouri [Mr. DE ARMOND] who asked the question as to how these purchases have been made, how it is proposed to continue purchases in the future, whether by advertising or whether by receiving private bids or private offers, every dollar that has been expended for material and supplies on the Isthmus up to this time, except $283,000, has been expended for materials and supplies after advertising in all of the principal cities in the United States.

I hold in my hand here a complete statement of all the contracts that have been made since the beginning of the work on the canal under the jurisdiction of the Canal Commission, and for the information of the committee I will read just a few items. Take the item of forage, $4,808.40, advertised twenty-eight days in the American Elevator and Grain Transactions, Chicago; Grain Dealers' Journal, Chicago; Hay and Grain Reporter, Chicago; Southwestern Grain Journal, Topeka; American Miller, Chicago; Operative Miller, Chicago; Northwestern Miller, Minneapolis; Roller Mill, Buffalo; Millers' Review, Philadelphia, and Dixie Miller, Nashville.

Now, I have another item here for the purchase of an air compressor, at a cost of $5,900.04, advertised twenty-eight days and the contract let to the lowest bidder. Advertised in the Iron Age, New York; Engineering News, New York; Engineering Record, New York; Metal Worker, New York; Metal Industry, New York; Scientific American, New York; Commercial Bulletin, Boston; Progressive American, Philadelphia; Engineers' Review, Cleveland; Pacific Hardware Journal, San Francisco, and twenty other trade journals.

The advertisements are very short, but they are uniform. Then I have here the specifications furnished to all proposed bidders for these various items. Bearing in mind that every dollar except $283,000 has been expended in this way and expended under contracts made in different parts of the United States for material, equipment, and supplies, gentlemen will readily see that the purchases have been made in the open and in the open market of the United States. There is no opportunity whatever for combinations or controlling the prices, and in every instance except in the case of the $283,000 the contracts were made to the lowest responsible bidder, and that $283,000 was expended upon order of the chairman of the Commission for absolute necessaries which they had to have immediately.

Mr. WILLIAMS. I would like to ask the gentleman from Minnesota if he does not think the language in the bill leaves it in doubt as to whether the Government can buy supplies and materials and equipment for the canal in France or Germany or anywhere else except either in the United States or on the Isthmus?

Mr. TAWNEY. I do not think it leaves any doubt at all, Mr. Chairman. I do not think on the particular items mentioned in this paragraph that the Commission could go abroad for the purpose of buying these materials. If material is shipped to the Isthmus from France or England or Germany or any other country, the Commission could buy it; but they would buy it under the paragraph following the one to which the gentleman from New York has offered his amendment.

Mr. WILLIAMS. If the gentleman will indulge me a moment further, I do not think this matter is as important from the standpoint of the actual purchase of the material elsewhere as it is from the standpoint of giving the Government the whip hand, in order to keep it from being combined against and imposed upon by our own people. I believe that the American manufacturers can manufacture all these things, or nearly all of them, cheaper than anybody else, and can sell them cheaper, if they will; but it is of the highest importance that there shall be no doubt about the fact that the Government can, if it will, purchase elsewhere, in order that the knowledge of the fact may make these people state a reasonable price to the Government. But if the gentleman is of the opinion that there is no doubt about the proposition, why of course the Government will still have this whip hand left.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAWNEY. I ask for a few minutes more, to reply to the gentleman from Mississippi.

The CHAIRMAN. The gentleman asks unanimous consent that his time be extended five minutes. Is there objection? The Chair hears none.

Mr. TAWNEY. When, I say, Mr. Chairman, that the prices paid for the material thus far purchased and the prices that will be paid for materials, machinery, and equipment hereafter purchased, will be purchased in the general competitive market, and when the Commission affords the manufacturers all over the United States engaged in the manufacture of that particular article an opportunity to make an open bid for the furnishing of the material, machinery, or equipment, I can not see how it is possible for the Government to suffer the least or for any combination to secure a higher price for that particular purchase. Now, I will answer the gentleman from Texas.

Mr. GILLESPIE. Will the gentleman inform the House how many bidders there were for any of these contracts, and who they were?

Mr. TAWNEY. I do not know. This paper shows the order, the date, the name of the firm to whom the contract was let, the character of the material, the amount of the cost, the period of advertising, whether the contract was let to the lowest bidder, and the names of the newspapers advertised in. It does not give the number of the bidders, but it does state in every instance that I have observed here in going through this that the contract was let to the lowest bidder, with the exception of $283,000 for supplies and material that the Commission had to have immediately and could not await the advertising.

Mr. GILLESPIE. Then I understand the gentleman has no information as to how many different bidders offered themselves for any one contract?

Mr. TAWNEY. The testimony before the committee was that there were a great many different bidders and that the bids varied very materially.

Mr. GILLESPIE. American manufacturers have two prices, a home price and a foreign price. For instance, on steel rails there is quite a difference between the price of steel rails for this country and steel rails for Mexico.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAWNEY. I want just a moment more.

Mr. FITZGERALD. I ask that the time of the gentleman be extended five minutes.

The CHAIRMAN. Is there objection to the request that the gentleman's time be extended five minutes?

There was no objection.

Mr. GILLESPIE. For instance, steel rails sell in Canada for $22 and in Mexico for the same price, and they are $28 here. Now, using that as a basis, can the gentleman inform me now——

Mr. TAWNEY. Right on that point I will say that of course the Commission is not purchasing a great many steel rails, but the price stated by the Commission to the subcommittee of the Committee on Appropriations was $26.45 alongside the ship, and $28 is the price at the mill.

Mr. GILLESPIE. And $26 over there?

Mr. TAWNEY. Twenty-eight dollars at the mill and $26.45 for these steel rails at the ship.

Mr. GILLESPIE. Now, is it not a fact that they sell these same steel rails and deliver them in Canada and Mexico for $22?

Mr. TAWNEY. I do not know anything about what they sell for in Canada or anywhere else. I am talking about the rails purchased by the Canal Commission, for which they paid $26.45 at the side of the ship, and the price to the American consumer at the mill is $28; so they are getting them down there for less than they could get them if they were using them here.

Mr. GILLESPIE. Are they getting them for less than these same manufacturers will sell the very same rails to purchasers in Canada or Mexico and deliver them there?

Mr. TAWNEY. That I do not know.

Mr. FITZGERALD. Does not the gentleman believe that these different materials can be purchased in the United States?

Mr. TAWNEY. I do, and I think they ought to be.

Mr. FITZGERALD. Then will the gentleman inform the committee why, if that is his opinion, he did not restrict the expenditures to be made in the appropriation of $1,565,786, in lines 17, 18, and 19, to purchases exclusively in the United States?

Mr. TAWNEY. Because of the difference in the character of the material to be purchased. Here we were dealing with miscellaneous material purchases in the United States, $1,000,000. Now, what the gentleman refers to is for new equipment purchases, $1,565,786.

Mr. FITZGERALD. I call the attention of the gentleman to

the fact that the new equipment purchases are steam shovels, locomotives, and dredges, which are particularly well manufactured in the United States.

Mr. TAWNEY. The number of manufacturers of that equipment in this country are comparatively small, and therefore the number of competitors should be much greater under this provision.

Mr. FITZGERALD. But the gentleman from Illinois [Mr. MANN] stated that there was only one manufactory in the world that made first-class steam shovels and that is a concern in Ohio.

Mr. TAWNEY. That may be true.

Mr. LITTAUER. If the gentleman will permit me, that item, $1,565,786, is an item to provide the money to pay for contracts already entered into, already partially delivered, and this will complete them. They can determine the amount of those contracts up to $6.

Mr. FITZGERALD. If the gentleman will pardon me, there was nothing in the hearings to the effect that this particular appropriation was required to complete contracts.

Mr. LITTAUER. It is nevertheless the fact, and the details given here—flat cars, locomotives, and other things in the same line—are a repetition of the details given us at the time the $16,500,000 deficiency appropriation was asked for, and this is for the proportion not provided for in that provision. The contract for the delivery of these various items have all been entered into, and this is simply the balance to be delivered and paid for under the contract.

Mr. FITZGERALD. I will say that that is not my understanding of the item.

Mr. PRINCE. Mr. Chairman, will the gentleman from Minnesota please state whether any person, company, or corporation outside of the United States made any bid, and if any of these bids are accepted?

Mr. TAWNEY. I am unable to answer the gentleman's question. My impression is, however, that there were no bids made by firms outside of the United States, and, therefore, there were none accepted. I would state to the gentleman, however, that there are representatives of foreign manufacturers in this country, all of whom have an opportunity to bid on these contracts. The bids are not limited to the products of the United States, nor to people who are engaged in the manufacture of these products in the United States. The bids are open bids, made in this country, and if a foreign representative of some foreign manufacturer wanted to put in a bid he could do so.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

Mr. THOMAS of North Carolina. Mr. Chairman, let us have the amendment again reported.

The CHAIRMAN. Without objection, the Clerk will again read the amendment.

The Clerk again reported the amendment.

Mr. DE ARMOND. Mr. Chairman, my object in rising is not so much to say anything myself as to endeavor to get further information from those who may possess it, and I would be glad to ask the gentleman from Minnesota, the chairman of the Committee on Appropriations, about these railroad iron bids. I did not quite understand him. If I understood him correctly, he said that we had been paying $26.45 a ton for railroad iron for use on the Isthmus.

Mr. TAWNEY. That is correct; that was the testimony before the committee.

Mr. DE ARMOND. Is it not a fact that the same manufacturers are selling the same sort of rails in foreign countries for from $20 to $22 a ton?

Mr. TAWNEY. I can not say it is a fact, for I do not know.

Mr. DE ARMOND. Were there any foreign bidders for any of these contracts?

Mr. TAWNEY. I do not know; but, as I said, the representatives of foreign manufacturers of steel rails in this country had an opportunity to bid here.

Mr. DE ARMOND. I mean contracts generally.

Mr. TAWNEY. My impression is there were no foreign bids made or accepted. I do not know as to the fact, but that is only an impression gathered from the testimony before the committee. The direct question was not asked nor answered or testified to.

Mr. DE ARMOND. I would like to ask the gentleman whether he knows how it happened that there were no foreign bidders, if there were none?

Mr. TAWNEY. I do not know, and I will not say positively that there were none.

Mr. DE ARMOND. Does the gentleman know whether the prices paid are the prices which American manufacturers usually get for similar articles abroad, or, approximately, prices which they get for the same articles at home?

Mr. TAWNEY. I only know this: That the prices at which this material and equipment and supplies are purchased is the lowest competitive price that could be obtained by the Commission after advertising for four weeks in particular localities where the material and supplies are manufactured and produced.

Mr. DE ARMOND. Can the gentleman answer this question——

Mr. TAWNEY. One moment. My colleague from New York on the committee calls my attention to this testimony of Mr. Shonts:

> Mr. LITTAUER. Now, I notice that a large item—about one-third of the amount it would be—is for steel rails. That you explain in connection with the second track and the spur tracks?
> Secretary TAFT. Yes.
> Mr. TAWNEY. What do you pay for steel rails?
> Mr. SHONTS. From $21.45 to $26.45. The railroads in this country charge $28.
> Mr. TAWNEY. What is the weight at the mills?
> Mr. ROSS. The weight is 70 pounds to the yard. They give us this price at Baltimore——
> Mr. SHONTS. Whereas $28 is the domestic price at the mills.

Mr. DE ARMOND. I will ask the gentleman a further question—whether it appears to him from his investigation of this matter that the Americans in these contracts got them because they were able to do the work or furnish the articles cheaper than anybody else could do. Is that the understanding of the gentleman?

Mr. TAWNEY. I did not quite catch the question of the gentleman.

Mr. DE ARMOND. Is it the gentleman's understanding from his investigation that the Americans obtained all these contracts for the sale of the articles because they could and did supply them cheaper than anybody else offered to do?

Mr. TAWNEY. I can not answer the gentleman's question, because I do not know whether there were foreign bids or not; but I do know that the prices for furnishing the material for the Commission—that the purchases were made at the lowest competitive price that could be obtained after advertising in the several localities throughout the country where these articles are produced.

Mr. DE ARMOND. I will ask this question: Does it appear, then, that these American manufacturers supplied articles to this Commission at the world's competitive prices, or approximating those, and were able to do so, or at the prices that they are supplying similar articles here?

Mr. TAWNEY. There is so much confusion in the House that I was unable to hear the gentleman's question. I endeavored to catch it, but I failed.

Mr. DE ARMOND. I will ask the gentleman another question: Does the gentleman know any reason why the American manufacturer can not supply people in this country with similar articles as cheaply as he can supply them to the Government in Panama?

Mr. TAWNEY. I do not, and I do not know that they are not doing so.

Mr. DE ARMOND. Well, the gentleman does not know, then, really, except in the matter of steel rails, whether the Government purchases these articles cheaper than the general American consumer purchases them from the American manufacturer?

Mr. TAWNEY. I do not know whether the Government is purchasing these items for less than the American consumer at home is doing, except in the item of steel rails, as I answered the gentleman a moment ago.

Mr. DE ARMOND. Let me ask one other question. Does not the gentleman believe that the tendency would be to get lower and better prices and greater and more valuable competition by advertising abroad as well as at home?

Mr. TAWNEY. What advantage is to be gained in advertising abroad, and thus add to the additional expense of advertising over there? If we made purchases abroad we would have to have foreign inspectors. The representatives of foreign manufacturers in this country are looking out for business all the time, and have access to the same newspapers in which these advertisements are made that the manufacturer here has.

Mr. DE ARMOND. Then I understand the gentleman to say that there would be no advantage, in his judgment, in advertising abroad?

Mr. TAWNEY. None whatever that I can see. The foreign manufacturer has the opportunity, just the same as the American manufacturer, to submit his bid for the various contracts that the Commission offers.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I would like to ask the gentleman from Minnesota a question. Is the gentleman prepared to state that the foreign representatives of European concerns are authorized generally to make bids for

large amounts of supplies on the canal, or whether these representatives would not be obliged to lose one week by corresponding with the home concern and another week by return of the mail before they would start on an even basis with the bidders here at home—with the domestic concerns?

Mr. TAWNEY. Well, whether there is any necessity for the delay incident to correspondence by mail I do not know, but if the contract is of sufficient size to justify them in undertaking to secure it, then they have the same access to the cables that is open to anybody else, and undoubtedly if they could secure the contract at a profit they would be glad to avail themselves of that cable.

Mr. SULLIVAN of Massachusetts. Now, the gentleman acknowledges that only twenty-eight days' notice is given in the advertisements for bids, and I understand he admits further that no foreigners have secured any contracts for supplies on the isthmian canal. Will the gentleman undertake to account for the reason, namely, why all of the supplies are furnished by United States concerns?

Mr. TAWNEY. I can not give the gentleman any reason why other than that foreign representatives of European concerns fail to make as low bids as the American manufacturers. [Applause on the Republican side.]

Mr. SULLIVAN of Massachusetts. Is there any tariff on supplies that come into the isthmian canal that gives American manufacturers a preference over European manufacturers?

Mr. TAWNEY. I suppose the gentleman is fully aware of the fact that there is no tariff. Our American tariff does not apply to the isthmian Canal Zone, but the goods under all contracts, by whomsoever they are taken, are required, under the specifications, to be delivered for payment at the Isthmus, and whether they come in from a foreign country or whether they are shipped from the United States they are paid upon the basis of delivery on the Isthmus of Panama.

Mr. PALMER. Pay no duty.

Mr. TAWNEY. Pay no duty.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were—ayes 53, noes 91.

So the amendment was rejected.

Mr. DE ARMOND. Mr. Chairman, I offer the following amendment, which I send to the desk, and ask to have the Clerk read it.

The Clerk read as follows:

Amend by adding the following: "Said purchases shall not be confined to the United States, but the things purchased shall be bought upon the best terms that the world's markets afford."

Mr. TAWNEY. Mr. Chairman, I make the point of order that the amendment is not in order; that it is legislation upon an appropriation bill.

Mr. DE ARMOND. I would like to be heard upon that, Mr. Chairman.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. DE ARMOND. I would ask the gentleman from Minnesota to again state the ground of his point of order.

Mr. TAWNEY. That it is new legislation.

Mr. FITZGERALD. This whole item is new legislation.

Mr. DE ARMOND. Mr. Chairman, in the discussion which preceded upon the amendment just voted down it was claimed that the amendment was unnecessary and is unnecessary because the phraseology under consideration has reference to the locus of the contract—the fact of the purchase being made in the United States—and that by this language it is not meant to exclude purchases of articles brought from elsewhere than the United States. The Chairman will recollect distinctly that that is the ground upon which this amendment was opposed; that it did not exclude purchases of articles outside of the United States, but that it had reference to the auditing of accounts in the United States by the purchasing agent in the United States, who, in the United States, would give orders for the articles no matter where they came from.

Now, I do not believe that fairly, or at least necessarily, the language will bear that construction beyond a possibility of doubt or misunderstanding. If the language means that the articles may come from anywhere; that anybody, whether a citizen of the United States or an alien, may supply them; that they may be brought from any place in the United States or from any place out of the United States, then I think the amendment which I suggested merely will make plainer and clearer that proposition.

The CHAIRMAN. The Chair desires to ask the gentleman from Minnesota if there is now any existing law upon this proposition?

Mr. TAWNEY. The general provisions of the act creating the Commission authorizing the purchase of the canal and the construction of the canal is the only law which we have on the subject. Of course, if this is not a change of existing law, then, of course, the Commission can buy anything anywhere, and what object has the gentleman from Missouri in offering the amendment?

The CHAIRMAN. The object of the gentleman does not concern the Chair.

Mr. TAWNEY. I do not think there is any specific law applicable to the place as to where the purchases made by the Canal Commission shall be made, but there is a general law beyond which the Commission heretofore claimed they were not authorized to go in the making of their purchases.

The CHAIRMAN. Unless the amendment of the gentleman from Missouri changes existing law, the Chair will rule the amendment to be in order.

Mr. TAWNEY. I am unable to cite the Chair to the law covering the point.

The CHAIRMAN. Then the point is overruled.

Mr. DE ARMOND. Mr. Chairman, I would like to make some remarks on the amendment.

The CHAIRMAN. The gentleman from Missouri desires to be heard on his amendment.

Mr. DE ARMOND. The purpose of the amendment is to make this provision of the law show just precisely and beyond the possibility of misunderstanding or misconstruction what gentlemen claim it already means without the amendment. Now, if the provision as it stands in this bill does not limit the purchasing agent in the United States making contracts in the United States to the American market, then there can be no objection, it seems to me, to this provision offered by this amendment. If, however, the provision as it stands does, or by misconstruction, if you please, might, limit the purchasing agent to articles of American production—in other words, to the American market—then there is the very greatest and very best of reasons why the amendment ought to be adopted. Now, if you really wish to confine the purchases to the American market, then vote down the amendment and interpret the construction of this provision contrary to what you now claim it means. If, on the other hand, you desire to enable the purchasing agent of the Government to purchase the articles at the world's price upon the best terms that can be obtained, no matter who supplies them or where they come from, then it seems to me that this amendment ought to be adopted to remove whatever of uncertainty or danger there might be from misconstruction of the provision as it stands. That is all I care to say about it.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. DE ARMOND. Division, Mr. Chairman.

The committee divided, and there were—ayes 58, noes 74.

Mr. DE ARMOND. Mr. Chairman, I believe I would like to have tellers.

The CHAIRMAN. The gentleman from Missouri demands tellers.

Tellers were ordered.

The CHAIRMAN. The gentleman from New York [Mr. LITTAUER] and the gentleman from Missouri [Mr. DE ARMOND] will take their places as tellers.

The committee again divided; and the tellers reported—ayes 66, noes 93.

So the amendment was rejected.

The Clerk read as follows:

For miscellaneous material purchases on the Isthmus and miscellaneous expenditures, consisting of hotel and hospital and other supplies, transportation of labor from West Indies, $400,000.

Mr. SULZER. Mr. Chairman, I move to strike out in lines 5 and 6 the words "from West Indies," so that the appropriation for the transportation of labor shall apply generally to the United States or any other place. This is only just and fair, it seems to me, to the workingman in our own country.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In lines 5 and 6 strike out the words "from West Indies."

The CHAIRMAN. Does the gentleman desire to discuss the amendment?

Mr. SULZER. Mr. Chairman, I will occupy the attention of the committee only a moment. I desire to say a word or two in support of this amendment. It seems to me this provision carrying $400,000 for transportation of labor should apply to the workingman of the United States as well as to the laboring man of the West Indies. I do not think there ought to be any limitation or distinction in this matter. In fact, if there is going to be any discrimination it should be in favor of our own people.

I want to give the working people of the United States a chance to do some of the work on the canal, as well as the laborers of the West Indies, and treat Americans, if anything, a little better than aliens. I wish to protect our own people as well as foreigners, so far as this provision goes, to pay the transportation of workingmen to and from the Canal Zone. My amendment will do this, and in my opinion it is just and fair. It is impossible for me to conceive why a distinction in the matter is made against our own working people in favor of laboring people from the West Indies. If we are going to pay the transportation of the West Indian laborers to and from the canal, then I submit we should pay the expenses of our own working people to and from the Isthmus. The provision in the bill discriminates against the hard-working and industrious people of our own country, and I am opposed to that in any way, just as I am opposed to the other provision in this bill to make the eight-hour law inapplicable to the Canal Zone. I am in favor of the eight-hour law here and everywhere. Industrial labor has struggled for years to place it on the statute books, and I shall always oppose its modification or repeal at the dictation of selfish contractors who want to work their men nine or ten hours a day, even if the work to be done is on the isthmian canal. I am surprised that the Republicans of this House favor this modification of the eight-hour law, and when that provision is reached I trust it will be stricken out of this bill on a point of order. I stand for the rights of the American workingman; and, in Congress or out of Congress, I shall always do all in my power to advance his interests and aid him in every way I can to ameliorate his condition. These provisions I refer to discriminate against our own workingmen and strike a blow at the dignity of the American toiler. I am absolutely against such legislation. I trust, therefore, that my amendment will be adopted, and the other provision in this bill, repealing the eight-hour law in so far as it is applicable to work in the Canal Zone, will be stricken out of the bill. [Applause on the Democratic side.]

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. SULZER) there were—ayes 51, noes 55.

Mr. SULZER. Mr. Chairman, I demand tellers.

Tellers were ordered.

The CHAIRMAN appointed Mr. LITTAUER and Mr. SULZER as tellers.

The committee again divided; and the tellers reported—ayes 64, noes 77.

So the amendment was rejected.

Mr. SULZER. Mr. Chairman, I now move to amend the bill as follows: In line 6, after the words "West Indies," insert "or colored labor from the United States."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 6, after the words "West Indies," insert the words "or colored labor from the United States."

Mr. SULZER. Mr. Chairman, I offer this amendment in behalf of the colored workingmen who are going to the Canal Zone from the United States. If we are going to pay the transportation of the West Indian negro, then why in the name of fairness and common sense should we not pay the expenses of the negro of the United States who leaves our own country to go to dig the Panama Canal? The gentlemen on the other side of this Chamber pretend to be the friends of the negro in America. I have often doubted your sincerity in the matter, but now I shall put it to the test and find out by your votes on this amendment if you think less of our own negro workingman than you do of a negro laborer from the West Indies—if you are willing to pay the latter's expenses to and from the Canal Zone and refuse to pay the transportation expenses of the American negro to and from the Isthmus. The vote on this amendment will tell the story more eloquently than words, and I am ready for the vote, and I shall hereafter point to the record.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. SULZER) the Chair announced that there were—ayes 26, noes 52.

So the amendment was rejected.

Mr. DE ARMOND. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Missouri [Mr. DE ARMOND] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert a new paragraph, as follows:
"All new purchases shall be made at the lowest price and upon the best terms that the markets of the world afford."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. DE ARMOND) there were—ayes 54, noes 63.

Tellers were demanded and ordered.

The CHAIRMAN appointed Mr. LITTAUER and Mr. DE ARMOND as tellers.

The committee again divided; and there were—ayes 61, noes 81.

So the amendment was rejected.

The Clerk read as follows:

For salaries, incidental expenses, rents, cable and telegraph service in the United States, covering Washington office, including Commissioners, offices of assistant purchasing agents at New Orleans, New York, and Tacoma, $75,000.

Mr. HAUGEN. Mr. Chairman, I move to strike out the last word. In this five-minute debate I will not undertake to discuss the question under consideration; but my morning mail brings me a very interesting and instructive letter touching on the question under consideration—one from William S. Bucknell, an employee in Panama, whose veracity and standing are vouched for by my friend, the Hon. A. K. Bailey, a pioneer journalist, editor of the Decorah Republican, Decorah, Iowa, a gentleman of the highest standing, a close student of national affairs for half a century, whose ability, judgment, and integrity are recognized all over our State and by all who know him.

In view of all the criticisms and misinformation that have been printed, I deem it proper and in justice to the administration of affairs there that this unbiased, reliable, and valuable information be printed in order that the truth be known.

The value of this information, coming as it does, I am sure will be appreciated, and it clearly establishes the fact that the sanitary conditions on the Isthmus have been much improved, and that every possible effort has been put forth in an effective and intelligent manner to provide for the comfort, convenience, and health of the people there.

I ask leave to print these papers in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The papers are as follows:

[The Decorah Republican, A. K. Bailey & Son, proprietors.

DECORAH, IOWA, *January 20, 1906.*

Hon. G. N. HAUGEN.

DEAR SIR: I take the liberty to send you herewith a letter that will appear in the Republican of January 25. The writer is a citizen of Decorah, a man of integrity and intelligence; by occupation an architect, and a good one. He went to Panama nominally to be a "foreman of carpenters," but when he got there and they found his caliber he was put into office work as a draftsman and has been engaged at that work for over a year.

It seems to me his testimony contradicts positively that of Mr. Poultney Bigelow. Mr. Bucknell has no cause that I can see for misreporting the situation of affairs as he has seen them. His theme is the largeness of deeds done in the year. That of Bigelow's is the reverse. The latter should have no motive to misrepresent, but the constant desire to make as much of a "good story" of what he writes is a constant incentive to exaggeration in a correspondent, and especially so to one who has a reputation to maintain. Because of this difference I contend that Mr. Bucknell, though an humble citizen, having no reputation to sustain as a correspondent, is the most reliable witness of the two.

Yours, truly,

A. K. BAILEY.

ALONG THE PANAMA RAILWAY—THE IMPROVEMENTS THAT HAVE BEEN MADE IN A YEAR—THE GOVERNMENT'S CARE OF ITS WORKERS.

ANCON, CANAL ZONE, ISTHMUS OF PANAMA,
January 10, 1906.

EDITORS REPUBLICAN: During the first of the month I took a trip on the cars across the Isthmus and back, and noticed in particular the improvements along the line—such a contrast between now and a year ago. Most everything is changed. At the towns and stations nearly all of the old buildings have been repaired, cleaned, and painted, and a number of new houses have been erected. Fly screens are being put on all houses, old and new. On some the entire verandas are screened. Brass and bronze screens are the only kinds used. Iron rusts out in a short time; therefore is not used at all. Along the railroad the brush and weeds have been cut and all present a more civilized appearance.

Perhaps it would be of interest to know a little of what is being done in the way of buildings and how employees are provided for. Nearly all buildings are frame structures, and all are furnished with shower baths, lavatories, and water-closets. At the present time there are three large buildings being erected at Ancon, Tivoli Hotel being the largest. It is to be three stories. It will have 150 bedrooms in the second and third stories. The first story will have several bedrooms, but most of the space will be taken up with dining halls, etc. Verandas for the three stories will extend around the entire building. The distance around the building, measuring at the outside edge of veranda, is 1,500 feet (over a quarter of a mile). The nurses' home and the bachelor officers' quarters are both alike and three stories high, with three-story verandas on all sides. Each will have rooms for 100 beds.

Plans are made for a $75,000 residence for the use of the governor of the Canal Zone. The walls will be of concrete blocks, and the interior finish of rooms will be hard wood. A large administration building, sanitary department building, and police court building are to be built at Ancon as soon as possible. Besides the foregoing, a large number of portable frame houses have been placed at Ancon for the use of married men. All of the best buildings are to have tile roofs. The cheaper kind have corrugated galvanized-iron roofs.

At Culebra a large office building is being erected for the engineering and architectural departments. Before many weeks these departments will be removed from Panama and located there. Empire, Culebra, and Gorgona are not far apart, and most of the married men's residences are being placed at these points.

At Corozal are married men's quarters and a Zone hotel. This hotel is typical of several that have been erected between Panama and Colon. Owing to the size it has lost favor, and smaller houses are taking the lead. It is three stories high, with three-story verandas on all sides. The first story is taken up with dining halls, office, and kitchen. The second and third stories are divided and have eighty bedrooms.

The material department is at Cristobal (the United States portion of Colon) and has quarters similar to the foregoing. A great many married men's residences have been built at this place and La Boca and other places along the canal.

A number of large hospitals were built at Colon and Ancon by the French, and others have been added by the Isthmian Canal Commission. These are the main centers, and most all sick are taken to one or the other of these places. There are a few emergency hospitals along the line that are made use of temporarily. Those who have been to these places when sick claim that they were well cared for.

Every station of any size is provided with a jail. Numerous other buildings have been erected, such as insane asylums, quarantine stations, cement-block plants, lumber sheds, barns, planing mills, etc.

According to contract the Commission are to furnish free quarters for all employees, and in case any of the employees are not allotted quarters they are allowed in lieu thereof a commutation equal to 15 per cent of their monthly salary, provided they apply for quarters and the Commission have none to give. If the Commission has quarters and the applicant refuses to take them, he is then barred from receiving commutation.

Married men who have their families here are provided with a private residence containing from three to eight rooms, the size of the house being according to the salary and the number to the family. Men without families are allotted rooms in the Zone hotels. The allowance to each is 1 square foot of floor space for each $1 of his month's salary. Those who receive less than $100 per month are allotted quarters several together in the same large room and sleep on cots. Those receiving $100 to $125 per month are allotted quarters, two to each room. Every person receiving $150 or more per month is given a room to himself. Rooms are furnished with oak furniture, and include bureau, washstand, table, two chairs, iron bedstead, bed springs, mattress, pillow, and lamp. The occupant furnishes his own sheets, blankets, and pillowcases. Married men receive furniture according to the size of the family, and are also furnished with a cooking range.

The Zone hotels are run by the Commission. It is understood that those who room at one of these are to take meals in the dining hall, the price being 30 cents (gold) for each meal. No extra is charged for taking care of rooms.

When an employee accepts quarters in one of these hotels he is furnished with a meal book containing fifty meal tickets by the timekeeper, and is charged $15 for it on the books. This amount is taken out of the salary at the end of the month. The books can be had in no other way, as the timekeeper is not allowed to take cash. By this method no one pays for more meals than he eats. Should an employee wish to leave before all the tickets have been used he can return the unused tickets and get credit for them. Two dining halls are in each of these hotels, one for office men and the other for carpenters and tradesmen.

There are a number of "chronic kickers" at these places that find more or less fault with meals, which at times is amusing and at other times disgusting. This, of course, is the natural consequence where so many board together. For my part, I can say that the board, with very few exceptions, is good, and far better than any that can be had at any other place on the Isthmus, and is as near like that of the United States as circumstances will permit.

Yours respectfully, WM. S. BUCKNELL.

P. S.—Eggs to-day in Panama are only 7½ cents (gold) each.

The CHAIRMAN. The pro forma amendment offered by the gentleman from Iowa [Mr. HAUGEN] is withdrawn.

Mr. MACON. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Arkansas [Mr. MACON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert at the end of line 16: "*Provided*, That no part of the sum herein appropriated shall be used in the payment of salaries to press agents or other sentiment-promoting officers or employees."

The CHAIRMAN. Does the gentleman desire to discuss the amendment?

Mr. MACON. Mr. Chairman, when the bill making appropriation for this project was before the House at an earlier day of the session the fact was disclosed that the Panama Commission had in its employ what was known as a "press agent." That produced in the minds of a good many people the conclusion that there was a kind of a scandal going on in connection with the operation of the affairs of the Commission; in other words, they had a Mr. Bishop employed at a salary of $10,000 per annum for the sole and express purpose of arousing a sentiment in favor of the project.

Now, sir, it seems to me that he was entirely useless in connection with this matter, if that was his sole business, for we all know that the sentiment in favor of the digging of the Panama Canal reaches from the Lakes to the Gulf and from one ocean to the other. Therefore it is entirely unnecessary to have one engaged in that capacity in connection with the affairs of the Commission. Now, sir, while I feel that I can not, in my humble capacity, change the policy of that Commission, still we can call attention of the country to the existence of such an evil; and while I understand that temporarily the Commission has decided to dispense with the services of that officer, the employee known as a "press agent," still we do not know, after this appropriation is made, after this Congress has adjourned, but what such an official will be employed again. Therefore if we call the attention of the Commission to the fact that the Congress does not favor the employment of officers or employees of that superfluous character it might cause them to act differently in the future.

Sir, at any rate, as I said a moment ago, if we can not do anything else, we can call the attention of the people to the fact that the Commission has willfully and deliberately paid out the sum of $10,000 per annum to one Mr. Bishop for the sole purpose of manufacturing sentiment in favor of the canal, when no sentiment was necessary, action alone being needed. Then, sir, they can do as they wish about the matter.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Arkansas.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. MACON. Division!

The committee divided; and there were—ayes 31, noes 62.

So the amendment was rejected.

The Clerk read as follows:

For salaries, incidental expenses, rents, cable and telegraph service in the United States, covering Washington office, including Commissioners, offices of assistant purchasing agents at New Orleans, New York, and Tacoma, $75,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 15, line 16, add: "*Provided*, That no part of the money herein appropriated shall be paid to any Commissioner as compensation in addition to his salary as Commissioner."

Mr. FITZGERALD. Mr. Chairman, the substance of this amendment was practically agreed upon by the committee. The intention of the committee was to prevent the payment of compensation to men under the guise of paying them for different services.

Mr. TAWNEY. Will the gentleman permit a question?

Mr. FITZGERALD. Certainly.

Mr. TAWNEY. Under your amendment, will it be possible to pay the president of the Commission, Mr. Shonts, any more than $7,500?

Mr. FITZGERALD. It will; if the President says that the Commissioner who shall be chairman of the Commission shall receive $30,000 a year, then that is his compensation as Commissioner. If he says that the Commissioner who shall act as governor of the Canal Zone shall receive $17,500, he receives that salary. This merely prevents the President saying that a man shall receive $7,500 a year as Commissioner and $22,500 as chairman. The salary for services ought to be fixed in a gross sum and paid them.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For new equipment purchases, $1,565,786; in all, $5,340,786, which shall continue available until expended: *Provided*, That all expenditures from the appropriation herein made for the isthmian canal shall be paid from, or reimbursed to the Treasury of the United States out of, the proceeds of the sale of bonds authorized in section 8 of the said act approved June 28, 1902.

Mr. WILLIAMS. Mr. Chairman, I offer an amendment, by striking out all beginning with the word "provided," on page 15, line 21, down to and including the word "two" on line 2, page 16.

The Clerk read as follows:

Line 21, page 15, beginning with the word "provided," strike out the remainder of the page and lines 1 and 2 on page 16.

Mr. WILLIAMS. Now, Mr. Chairman, I do not want to discuss that, but I do not want to pass it without renewing the objection formerly made, when the matter was up under the emergency bill, of this policy of bonding posterity, running in debt, issuing bonds to pay for these things when we have the money in the Treasury or in bank.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Mississippi.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WILLIAMS. Let us have a division, Mr. Chairman.

The committee divided; and there were—ayes 48, noes 57.

So the amendment was rejected.

Mr. DE ARMOND. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amend by inserting a new paragraph, as follows:
"All purchases shall, so far as may be practicable, be made at the lowest prices and upon the best terms that can be obtained."

Mr. DE ARMOND. Now, Mr. Chairman, a single word on the amendment. That amendment, I think, is as carefully and conservatively phrased as anyone can desire who wishes to give those who purchase for the Government any option or any opportunity to buy nowhere except in the United States at any prices except those which the trust may fix. It provides that the purchases shall be made at the lowest price and upon the best terms obtainable, so far as may be practicable, leaving out of consideration instances of emergency, where it might be supposed that purchases ought to be made at a higher price or on poorer terms.

Mr. TAWNEY. Will the gentleman permit a question?

Mr. DE ARMOND. Yes.

Mr. TAWNEY. What advantage does the gentleman from Missouri claim would result from this, or in what respect does this amendment of his differ from the practice that has obtained in the matter of making these purchases since the beginning of this work?

Mr. DE ARMOND. In answer to that, I will say that I shall be very much surprised if it is not contended later on that this peculiar language is intended to limit the purchasing agent to articles produced in the United States. I wish the Government to have the opportunity to buy where those who purchase conclude that they can do best, leaving it, so far as emergency purchases are concerned, to the option and judgment of the purchasing agent. If he thinks it is not practicable to buy at the lowest price that can be obtained or upon the best terms, owing to some exigency or contingency, or from some reason satisfactory to him, if this amendment be incorporated, there will be no coercion upon him; but the general admonition is: "Buy where you can buy best; make the money of the United States go as far as possible; expend as little as may be necessary to procure what you must have." That is the object and purpose of the amendment, and it seems to me a good object and a good purpose, which I think may not be accomplished by the provisions as they now stand.

Mr. LITTAUER. Mr. Chairman, the deficiencies carried in this section are to provide for deficiencies during the months of April, May, and June next. They amount to $5,000,000. Now, the Commission has already expended, or has had appropriations to expend, $21,000,000. They have followed out the course in making their purchases of having full advertisement and award to the lowest bidder. Why now make this comment on the procedure as it has properly proceeded?

Mr. DE ARMOND. If the gentleman will permit me to reply, this is not a comment upon anything that has been done. The incorporation of this amendment will not negative, does not criticise, will not interfere with any contract now subsisting, or any purchases that have heretofore been made. It is an admonition as to the future, from the time when this legislation shall become operative, as a general rule; in other words, when it is practicable, to buy for the best price and upon the best terms. Now, if there be objection to that, such objection can well be urged against this amendment. If there be no objection to that I do not know what objection can be urged against this amendment.

Mr. LITTAUER rose and was recognized.

Mr. WILLIAMS. Mr. Chairman—

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Mississippi?

Mr. LITTAUER. Certainly.

Mr. WILLIAMS. Mr. Chairman, if, as the gentleman from Minnesota [Mr. TAWNEY] says, the amendment offered by the gentleman from Missouri [Mr. DE ARMOND] will make no sort of change in the provision of the law as you have it before you now, and will result only in giving the Commission authority to pursue the practice which they have hitherto been pursuing and which they desire to pursue, then why not accept the amendment and let it go on the bill?

Mr. TAWNEY. Simply because I do not think it is good policy to attempt to prescribe by legislation the details for the running of any great business enterprise. If they do not conduct their business in a business-like manner, they can be removed at any time; but to attempt by legislation to confine them to certain rules and limitations which pertain merely to practical business common sense is not necessary, and I am opposed to it.

Mr. WILLIAMS. Mr. Chairman, the contention of the gentleman from Missouri [Mr. DE ARMOND] is that the language of this bill is a limitation and a restriction, and that the language which he offers as an amendment would remove all that, so that there would not be any limitation or restriction in the bill upon the discretion of the Commission to buy wheresoever they chose. So that when the gentleman says he does not believe in putting limitations or restrictions upon a bill of this character he argues over on the other side of the line and against the provision which he himself has offered. The very object of the amendment is to remove either the real or fancied restriction and limitation as to details in the provision of the bill itself.

Mr. TAWNEY. The statement that I made was not a limitation upon the expenditure of this appropriation, but I said it was impracticable to attempt by legislation to limit the carrying out of the details of a great enterprise like this.

Mr. WILLIAMS. That is what I understood. Now, it is alleged, and it seems to me with considerable plausibility, if not with actual truth, that the provisions of the bill do enter into details and limit the Commission to certain things. Now, whether the provisions of the bill do that or not, there certainly is room from this language for somebody so to construe it if anybody chooses.

Now, the gentleman tells the House that he is in favor of the Commission buying material and equipment wherever they can get them the cheapest. The gentleman from New York [Mr. LITTAUER] also tells us that. Then it is alleged that the language of the bill is doubtful, and still gentlemen will not consent to remove the doubt by saying in plain language that the Commission shall have the power which they say it has, that they shall pursue a practice which they say it has pursued, and that the discretion in purchasing shall not be limited, contending that hitherto it has not been limited.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of Iowa. Mr. Chairman, I do not feel that I am capable of fully understanding the position taken by the gentlemen on the other side in connection with this isthmian canal project. They insist, as I understand it, that the eight-hour law shall apply to employment, even of foreigners, upon the work upon the isthmian canal. They insist that we must employ them for only a limited length of time, like American workmen, and they insist at the same time that we shall buy the things that are necessary to use in the construction of the canal in the markets of the world, of contractors who employ their laborers ten and twelve hours a day.

I am unable to understand why it is any more desirable to employ foreign workmen under contractors ten and twelve hours a day, and thus take the labor from the American workmen, than it would be to employ foreigners upon the Isthmus to do the work that Americans can not do for ten or twelve hours a day.

Mr. DE ARMOND. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Missouri?

Mr. SMITH of Iowa. Certainly.

Mr. DE ARMOND. I would like to ask the gentleman a question. The question is whether the gentleman from Iowa opposes the policy of buying at the least price and upon the best terms that can be obtained?

Mr. SMITH of Iowa. I will answer the gentleman's question. Things that can be produced for use upon the Isthmus by American labor I am in favor of producing by American labor, and paying the American wage scale, and consequently I do not want to buy these things in Europe or elsewhere outside of the United States; but work that is to be done on the Isthmus and can not be done by Americans—that is, not displacing American workmen—I am in favor of doing at the cheapest price. I see no discrimination against labor in employing European labor or any other labor on the Isthmus in work that can not be done by the Americans at the best prices, and, at the same time, buying the goods that Americans can produce in the United States at fair prices here. [Applause.]

Mr. DE ARMOND. I would like to ask the gentleman from Iowa whether he is opposed to putting a prohibition upon the officers who deal for the Government as to buying where they can buy the best and cheapest?

Mr. SMITH of Iowa. I am not in favor of buying goods abroad that can be produced by American labor simply because they can be more cheaply produced by some other labor. I am in favor of buying these goods—the product of American labor—for use upon the Isthmus; but gentlemen come here and say they are in favor of buying things that we can produce from foreigners—the product of foreign labor—and when it comes to doing the work that we can not do by American labor, limiting it to eight hours, and putting all possible restrictions on it. I can not understand how they can reconcile these two positions.

Mr. DE ARMOND. The gentleman is confounding two propositions. We are on one now. The proposition we are on now is a simple, plain proposition, if this bill means what it is said it means—to buy upon the best terms the officers could get—it would be their duty to do it. If it doesn't mean that, the gentlemen have not been very ingenuous in what they claim about it.

Mr. SMITH of Iowa. Now, will the gentleman from Missouri permit me to ask him a question?

Mr. DE ARMOND. Certainly.

Mr. SMITH of Iowa. Is the gentleman from Missouri in favor of the employment of other than American labor on the Isthmus at more than eight hours a day?

Mr. DE ARMOND. When we come to that, I will take care of that. I have my own views upon that subject, but do not want to get away from this. As far as the gentleman from Iowa is concerned, I will meet him on that. The point we are on now is whether or not we should, in legislating on this subject where hundreds of millions, and the Lord only knows how many hundreds of millions, will be expended, say whether we are going to buy things at cost prices in America or at prices for which Americans are willing to sell similar articles abroad, or, in other words, whether we shall buy them in the world's market at the world's market prices.

Mr. SMITH of Iowa. Now, Mr. Chairman, the gentleman has declined to answer——

Mr. DE ARMOND. No; I have not declined to answer.

Mr. SMITH of Iowa. For the present—for the present—whether he is in favor of employing other than Americans on the Isthmus at more than eight hours a day; but he asserts that he is in favor as against American producers of buying goods for the Isthmus that could be produced in America of foreign producers who do employ labor more than eight hours a day.

Mr. DE ARMOND. Now, Mr. Chairman, in order to enlighten the gentleman I will answer, and I answer only for myself. I am not opposed to employing alien labor in the lower grades of work upon the construction of this canal upon terms of longer days than the eight-hour day. The reason I am not opposed to it is because, realizing that the American public will be compelled to pay untold numbers of millions of dollars for this great work, I am in favor by every reasonable, honest, and honorable method of lessening that expenditure as far as it may be done. I hope that is an answer to the question.

Mr. SMITH of Iowa. I then congratulate the distinguished gentleman from Missouri [Mr. DE ARMOND] upon his personal consistency, but can not so congratulate those gentlemen who insist that the work that can be done in America shall be done by laborers toiling ten or twelve hours a day in foreign lands, but the work that can not be done in America and by Americans shall be done under the eight-hour law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIAMS. Mr. Chairman, the gentleman from Iowa [Mr. SMITH] has left the consideration of the section just read and has proceeded to the consideration of the merits of the section to follow. Since he has done that, I shall imitate him. I am not in favor of suspending the laws of the United States in connection with governmental contracts or the hours of labor under that law. I do not believe that Congress ought to do it, and I am not at all fooled with the general argument that I am interfering "with freedom of contract." I understand human nature well enough to know that whenever you say to a lot of men, "You can work eight hours or you can work longer," or the Government says, "You can work eight hours if you want to or you can work longer if you want to; it is a matter of freedom of contract with you, between you and me"—I know that that is all high-sounding, empty fulmination. As a matter of human nature, I understand that that proportion of those laborers who would not want to work any more than eight hours, and who would dare say so, would soon find some occasion or opportunity to be dismissed—discharged from their work altogether. Common sense teaches that. I know it to be true. Here you have somebody working, let us say, in a governmental institution which keeps open on Sunday, but where it is left to the discretion of the employees to take Sunday labor or not as they please. Those who come in and take Sunday labor stay where they are, ensconced in position. Those who decline to agree that they will perform Sunday labor soon find that their services are not "absolutely needed" in the bureau or in the Department, and so it will be upon the Isthmus. The gentleman is, moreover, mistaken in concluding that there will not be any American labor upon the Isthmus. There will be American labor there, and there will be a great deal of it there before this is through with.

Mr. SULZER. Isn't there lots of it there now?

Mr. WILLIAMS. Of course there is, and I say there will be a great deal more of it there before this is through with.

Mr. SMITH of Iowa. I never said there would be no American labor there.

Mr. WILLIAMS. Oh, the gentleman referred to the labor there as "alien labor."

Mr. SMITH of Iowa. I referred to alien labor.

Mr. WILLIAMS. Now, Mr. Chairman, this contract law—this law which says that the Government in its work shall not work its men over eight hours—is a wise law. It does not rest for its basis or justice upon whether the man who is doing the work is an alien or an American. It rests upon grand industrial reasons that were satisfactory to Congress when the law was adopted, and it is the law itself, it is the nature of the contract that the provision affects, and has nothing to do with the parentage or color or nationality of the man who is doing the work, and if it is dispensed with in Panama it may be dispensed with elsewhere after a while.

Mr. SMITH of Iowa. Will the gentleman permit a question there?

The CHAIRMAN. Does the gentleman yield?

Mr. WILLIAMS. Yes.

Mr. SMITH of Iowa. As a matter of fact, in America almost all labor is governed by eight-hour rules, by negotiations between the unions and the employers. Would the gentleman then advocate breaking down that system by letting contracts for supplies upon the Isthmus to firms abroad who employ alien labor for more than eight hours a day?

Mr. WILLIAMS. Mr. Chairman, the gentleman is again trying to get from the one subject-matter to another. It seems to be this morning his favorite pursuit. I am talking about a law upon the statute books wherein the Government of the United States sets the example, with its persuasive power, to all other employers of labor in the way of employing labor for eight hours. So far as that example is persuasive so far it has force. It is in my opinion a good example. I think old Sir Matthew Hale, long before these latter-day industrial conditions arose, was wise in his division of a day into three parts: "Eight hours for sleep, eight hours for work, and eight hours for edification, recreation, and worship," and I think it is wise for the United States Government to do all that it can do, to wit: Just simply set an example. It is setting that example, and I do not want to break down that example in Panama or anywhere else.

Mr. SMITH of Iowa. Will you not break down that example if you let contracts to foreign firms that employ foreign labor for ten or twelve hours a day and therefore can do work cheaper than American labor at eight hours a day?

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. WILLIAMS. I move to strike out the last word. Mr. Chairman, the last remark of the gentleman has no pertinency at all to the matter I am discussing. Contractors might or might not work their men more than eight hours, and if it is better to build this canal by contract that is a minor consideration in a great question; but what I am contending for is that the Government of the United States as an employer of labor shall not set an example to them and to other people to work longer hours than eight hours any day. The gentleman would later on give work out by contract, probably—I have no doubt that he will have to come to that—and now he would, before that time, set an example to the contractors to work their men more than eight hours. Now, Mr. Chairman, this work after a while is going to be carried on in relays. This work is to be carried on all day and all night in order to economize in the use of the machinery. It will be best to have three relays of men working each eight hours, so that the three will work twenty-four hours and the work go on all the time.

I am unalterably opposed to the United States Government setting an example to the employers of labor, whether in Panama or anywhere else, of working their men longer than eight hours [applause], and I believe, moreover, Mr. Chairman—and there is no demagogue in me, I hope; I try at least to have none of it about me—but I believe that labor is more efficient, will do better work, work more intensely, more earnestly, and more efficiently when it is not overworked and when the hours are not too long. I believe that in almost every pursuit an honest man trying to work will turn out as much work in eight hours as he will in nine or ten. Not the first day, not the first week, but in the long run, because a man who is working nine and ten hours for months works down and has not the energy and ambition and working capacity of a man who works like the mischief the eight hours he is at work, but not working so long as to become absolutely paralyzed intellectually and physically with the drudgery of his pursuit.

Mr. LITTAUER. May I ask a question?

The CHAIRMAN. Does the gentleman from Mississippi yield?

Mr. WILLIAMS. Yes.

Mr. LITTAUER. Will not the gentleman admit that the

peculiar conditions existing at Panama demand some recognition here, even though we all agree upon the general proposition that eight hours should be the limit of a day's work here in the United States? Does he not recognize that it is in the first place difficult to get skilled mechanics and efficient common labor at the Isthmus, and there is a demand on the part of skilled mechanics who constantly implore the Commission that they should be permitted to work longer hours?

Mr. WILLIAMS. I never heard of anybody arguing for longer hours for labor or for child labor in factories or anything else oppressive who did not contend he was doing it at the request of the victims. It seems a wail is going up from all the children in all parts of the country to be allowed to work themselves into insanity in the factories of this country, and I suppose the wail is going up down there from men begging to be overworked. There is but one difference between the conditions there and the conditions here, and that is against your argument. That is that men can not work efficiently and energetically as many hours down in a tropical climate as they can in a temperate climate.

Mr. LITTAUER. Do they ever work in a tropical climate as energetically and efficiently as they do in a temperate climate?

Mr. WILLIAMS. Well, I think the general climatic conditions forbid a man working out in the sun as many hours or as long a time, and, generally speaking, if it is an unhealthful tropical climate like that at Panama the anæmic condition of the workman keeps him from being as efficient and as energetic a worker as another man would be in another climate. But that has nothing to do with this except to reenforce my argument.

Mr. DE ARMOND rose.

The CHAIRMAN. For what purpose does the gentleman from Missouri rise?

Mr. DE ARMOND. I desire to discuss the question.

The CHAIRMAN. The gentleman has already discussed the amendment.

Mr. GARDNER of New Jersey. Mr. Chairman, I rise to ask permission to interrupt the gentleman from Mississippi [Mr. WILLIAMS]. As I came in I understood the gentleman in his argument to be discussing the example of the United States and so much of the proposed amendment to the bill as referred to the employment of men for more than eight hours by the United States Government.

Mr. WILLIAMS. Under our existing law.

Mr. GARDNER of New Jersey. Well, that is the point. The existing law applies as much to the contractor and subcontractor on a public work of the United States as it does to the United States itself. And the abrogation of the law proposed in the bill reaches the contractor and subcontractor with as much force as it reaches the officers of the Government. Therefore a discussion which goes to oppose the Government's working men for more than eight hours and does not interpose the same objection against the contractor or subcontractor working them only partly opposes this amendment. In other words, it seems to express equal dissatisfaction with the present law as applicable to the Philippines as the committee expresses, only it is dissatisfaction with one part instead of the whole. Or does the gentleman oppose any modification of law and advocate keeping it as it is in its application to the subcontractor and the contractor, a point which I understood the gentleman to refuse to discuss?

Mr. WILLIAMS. In the first place, I do not understand the law to be as it is stated by the gentleman from New Jersey. I am probably less of a lawyer than the gentleman from New Jersey, but I do not understand the law to be as he states it. Now, Mr. Chairman, I will confine myself to this particular matter. I am trying to run out every other matter cognate or akin to it.

Mr. FITZGERALD rose.

The CHAIRMAN. Does the gentleman from New Jersey [Mr. GARDNER] yield the floor to the gentleman from New York [Mr. FITZGERALD]?

Mr. GARDNER of New Jersey. For the present.

Mr. FITZGERALD. One of the reasons assigned by Mr. Shonts in his testimony before the committee is that 80 per cent of the employees are aliens and never heard of the eight-hour law. If the logic of his argument were carried out then it would be proper not to apply the laws of the United States to all the aliens who came here, and simply because men had never heard of the right of trial by jury and the right of freedom of speech and freedom of religion it would be proper to suspend those laws in any territory controlled by the United States as well as to suspend this eight-hour law. While it is contended that the Isthmus is a perfectly healthful place at the present and men can work as long there as they can in the United States, or longer, I wish to read at this time an extract from the speech of Chairman Shonts, which was inserted in the RECORD by the gentleman from Ohio [Mr. GROSVENOR] yesterday. This speech was delivered Saturday at Cincinnati. Speaking of labor and the conditions on the Isthmus, he used this language:

> Experiment with the Italian laborers, while not made on a large scale, has not been satisfactory, for the reason that they did not seem possessed of great vitality, and succumb quickly to tropical fevers.

To-day in every part of the United States Italian laborers are doing the common laboring work of the country. They do possess great vitality. Perhaps they have not the same strength that men of other nationalities have, but from the Italian immigrants to-day the common laborers of the country are being obtained. And yet, according to Mr. Shonts himself, tropical fevers must be so prevalent there that these men can not successfully work on the Isthmus.

Mr. LITTLEFIELD. I beg the gentleman's pardon, but does he not think that Mr. Shonts had in his mind the fact that the Italians were not acclimated, and also had in his mind the kind of laborers they are able to get in that tropical section that are more capable of standing the exigencies of the situation? I think the gentleman will find that is true.

Mr. FITZGERALD. That may be, perhaps, what was in the mind of Mr. Shonts, but what came out of his mouth is the language that I have read, and I have no means of telling what was in his mind.

Mr. LITTLEFIELD. I think that if you will read his whole speech you will discover that fact running through it.

Mr. FITZGERALD. That may be true; but in this speech he in other places said that they hoped to obtain a great proportion of the labor from the United States. They hope to get the skilled mechanics from here; they hope to bring the clerks and other civil employees from here.

Mr. LITTLEFIELD. These are the day laborers that the gentleman has in mind now?

Mr. FITZGERALD. These are the day laborers. The fact is that the Italians who come to this country come from a more nearly tropical climate than ours, because the great mass of the Italian laborers in this country, unless I am misinformed, come from the southern part of Italy, and the climatic conditions there are more equal to the climatic conditions of the Isthmus than the climatic conditions of the northern parts of this country, where these men are to-day.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from Missouri.

Mr. DE ARMOND. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. DE ARMOND. For the purpose of discussing the amendment.

The CHAIRMAN. The gentlman has already discussed this amendment.

Mr. DE ARMOND. I move to strike out the last word, or the last twenty words, if need be. I ask unanimous consent to have three minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to address the committee for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. DE ARMOND. Mr. Chairman, the gentleman from Iowa [Mr. SMITH] desired to divert, and apparently succeeded in diverting, the attention of the committee from the matter pending to a matter that is not pending, but will be in a moment. The gentleman from Iowa bases his observations upon the suggestion that to incorporate the amendment that I had the honor to offer would be to place the American laborer in a disadvantageous position. Now, the object of this amendment is to enable the American Government, as a purchaser, to obtain what we need, if we choose to buy from the American producer, the American manufacturer, as cheaply as the American manufacturers would sell the same things to any other government, to any other people, or to any individual carrying on this same great work. If the gentleman from Iowa, or any other gentleman, is really opposed to enabling the Government of the United States to buy as cheaply as the persons from whom the Government of the United States shall buy are willing to sell to foreigners who wish to buy, then I am perfectly willing that he should take that position. Now, I ask that the amendment be read in my time.

Mr. BUTLER of Pennsylvania. Mr. Chairman, I ask that the amendment be read.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn, and the amendment offered by the gentleman from Missouri will again be reported.

The amendment was again reported.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DE ARMOND. Division!

The committee divided; and there were—ayes 41, noes 68.

So the amendment was rejected.

Mr. DE ARMOND. I offer another amendment.

The Clerk read as follows:

Amend by inserting a new paragraph, as follows:
"All purchases shall, so far as may be practicable, be made at prices and upon terms as favorable as those that Americans give to foreign customers."

The CHAIRMAN. The question is on the amendment.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DE ARMOND. Division!

The committee divided; and there were—ayes 45, noes 62.

Mr. DE ARMOND. Tellers!

Tellers were ordered.

The CHAIRMAN. The gentleman from New York [Mr. LITTAUER] and the gentleman from Missouri [Mr. DE ARMOND] will please take their places as tellers.

Mr. TOWNE. Mr. Chairman, may we have that amendment reported again?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The amendment was again reported.

The committee again divided; and tellers reported—ayes 63, noes 81.

So the amendment was rejected.

The Clerk read as follows:

The provisions of the act entitled "An act relating to the limitations of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia," approved August 1, 1892, shall not apply in the construction of the isthmian canal within the Canal Zone.

Mr. McNARY. A point of order.

Mr. WILLIAMS. I make a point of order that the language on page 16, lines 3 to 8, inclusive, is a change of existing law.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

At the Western Branch at Leavenworth, Kans.: For household, including the same objects specified under this head for the Central Branch in the sundry civil appropriation act for the fiscal year 1906, $7,000.

At the Danville Branch, Danville, Ill.: For household, including the same objects specified under this head for the Central Branch in the sundry civil appropriation act for the fiscal year 1906, $4,000.

For hospital, including the same objects specified under this head for the Central Branch in the sundry civil appropriation act for the fiscal year 1906, $3,500.

At the Mountain Branch, Johnson City, Tenn.: For transportation of members of the Home, $3,000.

For completion of coal shed, $1,000, and said coal shed may be constructed of steel or other suitable material.

At the Southern Branch, Hampton, Va.: For dredging and filling, $21,000.

Mr. LITTLEFIELD. I move to strike out the last word. I would like to inquire of the gentleman in charge of the bill whether these items were properly apportioned; and if so, whether the officers having in charge these expenditures properly waived them. Just a statement as to how these deficiencies arose.

Mr. LITTAUER. In each one of these National Homes we were advised that the appropriation had been apportioned and waived under special circumstances, and the necessity for each one of these deficiencies was demonstrated to us.

Mr. LITTLEFIELD. And had been properly waived by the officer in charge in writing?

Mr. LITTAUER. They were apportioned; as to the proper waiver I must take them up singly. In the Danville Branch the apportionment was made in accordance with the provision of section 3679 of the Revised Statutes, and waived by the president of the Board of Managers.

Mr. LITTLEFIELD. They were all waived properly. That is the only inquiry I have to make. I withdraw the pro forma amendment.

The Clerk read as follows:

State or Territorial Homes for Disabed Soldiers and Sailors: For continuing aid to State or Territorial Homes for the support of disabled volunteer soldiers, in conformity with the act approved August 27, 1888, including all classes of soldiers admissible to the National Home for Disabled Volunteer Soldiers, on account of the fiscal year 1905, $188,879.87: *Provided*, That no part of this appropriation shall be apportioned to any State or Territorial Home until its laws, rules, or regulations respecting the pensions of its inmates be made to conform to the provisions of section 4 of an act approved March 3, 1883, entitled "An act prescribing regulations for the Soldiers' Home located at Washington, in the District of Columbia, and for other purposes;" but the above proviso shall not apply to any State or Territorial Home into which the wives or widows of soldiers are admitted and maintained: *And provided further*, That no part of this appropriation shall be apportioned to any State or Territorial Home that maintains a bar or canteen where intoxicating liquors are sold.

Mr. GOULDEN. Mr. Chairman, on page 18, line 2, I move to strike out the proviso that no part of this appropriation shall be appropriated for State or Territorial Homes where intoxicating liquors are sold.

The CHAIRMAN. The gentleman from New York moves an amendment, which the Clerk will report.

The Clerk read as follows:

On page 18, lines 2 to 5, inclusive, strike out the proviso which reads as follows: "*And provided further*, That no part of this appropriation shall be apportioned to any State or Territorial Home that maintains a bar or canteen where intoxicating liquors are sold."

Mr. LITTAUER. I beg to call the attention of the gentleman making this motion to the fact that this paragraph concerns a deficiency made in the year 1905, on account of that fiscal year, and that consequently his amendment would not seem to be in order in connection with that deficiency.

Mr. GOULDEN. Very well; I will withdraw the amendment now, but shall offer it later on the regular appropriation bill.

Mr. LITTLEFIELD. The amendment is withdrawn.

Mr. CRUMPACKER. Mr. Chairman, the amendment has been withdrawn, so that I have nothing to say. I am somewhat familiar with this provision in the statute, and am opposed to its being stricken out.

Mr. SHERLEY. I renew the amendment.

Mr. PERKINS. Mr. Chairman, I should like to say that I think the gentleman from New York [Mr. LITTAUER] is wrong in his suggestion. The limitation was put upon the money appropriated. It seems it was only sufficient for nine months; but that limitation put upon the previous appropriation certainly does not bear at all upon any subsequent or further appropriation required to carry on the expenses of the Home until July 30, 1906.

Mr. TAWNEY. The gentleman from New York has misunderstood his colleague in charge of the bill [Mr. LITTAUER]. This money has already been earned during the fiscal year 1905.

Mr. PERKINS. When did the fiscal year 1905 end?

Mr. TAWNEY. The fiscal year 1905 ended on the 30th of June last.

Mr. PERKINS. How was it earned?

Mr. TAWNEY. Under the provisions of law.

Mr. PERKINS. Under a prior act?

Mr. TAWNEY. The appropriation was not sufficient to meet the expenditure, and this is to make up the deficiency and to pay an amount earned during that fiscal year.

Mr. PERKINS. You refer to an amount that became due on June 30, 1905?

Mr. TAWNEY. Yes.

Mr. PERKINS. Now, I will take advantage of my motion to ask a further question which, perhaps, is not of importance now, but may be in the future. I ask the gentleman what is his observation, if he has any, as to the effect of doing away with the canteen in these Soldiers' Homes? Has it had the same effect that has been produced by doing way with the canteen in Army posts?

Mr. LITTAUER. As far as I have learned it has had that same effect, and I believe that in the future the provision ought to come out of the appropriation bill.

Mr. PERKINS. I thank the gentleman.

Mr. CRUMPACKER. This provision has no reference to National Military Homes. It applies only to State homes, which admit the wives and widows of soldiers. An exception was wisely and properly made in relation to such homes. The gentleman from California [Mr. BELL], in the last Congress, made an argument that I regarded as unanswerable in favor of this provision as applicable to State homes. Those homes are constructed and maintained under State authority altogether. The Congress, in 1888, passed a law providing that $100 for each soldier maintained in a State home should be contributed from the Federal Treasury toward the maintenance of the soldiers, and I do not believe that Congress now ought to change in any way this benefaction or donation toward assisting the States in the maintenance of these institutions. But I want to disabuse the minds of gentlemen by stating that this provision applies only to State Homes and not to National Homes at all.

Mr. LITTAUER. Will you permit me, however, to call your attention to the fact that these provisos have all been observed in connection with the deficiency herein reported?

Mr. CRUMPACKER. They ought to have been, in relation to State Homes.

Mr. LITTAUER. And they were, under the law.

Mr. CRUMPACKER. And properly so.

Mr. LITTAUER. And the appropriation was found to be short the amount herein stated?

Mr. CRUMPACKER. Certainly. I simply rose to say that this proviso had no reference or application to National Military Homes.

Mr. TAWNEY. The canteen is not prohibited in National Military Homes.

Mr. CRUMPACKER. No; so that there is no question between the gentleman from New York and myself on that proposition.

Mr. SHERLEY. Mr. Chairman, a parliamentary inquiry. Is the amendment which was suggested on page 18 before the committee or has it been withdrawn?

Mr. TAWNEY. The amendment was withdrawn, and there is nothing now before the committee.

Mr. SHERLEY. Then, Mr. Chairman, I offer an amendment, on page 18, line 2, to strike out all the words, beginning with "*And provided further*," to the end of the paragraph. Now the gentleman can discuss his point of order.

Mr. TAWNEY. There is no point of order made against it.

Mr. SHERLEY. There was a suggestion that it would not be in order.

Mr. TAWNEY. The statement was made that an amendment would be of no effect, because this money has all been earned by the State Homes under the limitation during the fiscal year ending June 30, 1905. This is to pay the balance which the Government owes to these State Homes under the terms of the law, because the appropriations for that fiscal year were not large enough. That fiscal year expired June 30, 1905. This is an appropriation for that deficiency. This does not relate to the future of the Home or to this fiscal year or the next fiscal year.

Mr. SHERLEY. I understand, Mr. Chairman, that it does not, but it does give this House an opportunity to go on record on a very important matter. For that reason I desire to have the amendment passed upon by the committee. In that connection I desire to say simply this: The day has gone by when it ought to be necessary to discuss before an intelligent audience the merits or demerits of the canteen, either in the Army or the Soldiers' Home. If it was possible to surround an Army post or a Soldiers' Home with prohibition over so great an area that the inmates of the Home, or the men in the Army, could not obtain liquor, then there would at least be as much to be said in behalf of legislation abolishing the canteen as there would on the general question of prohibition. But the practical effect of such legislation is that it has turned the soldier in the Home and the soldiers in the Army from the canteen and forced him to go to houses of ill-repute, where he is not surrounded with restrictions and his appetite is unrestrained, where, instead of having any protection, he has ample opportunity to be intemperate and become the victim of drunkenness.

There is no man within the sound of my voice, with few exceptions, but believes that this is true, but, unfortunately, the statement once made by a Senator from my State that "whisky had no enemies in the cloakroom and no friends on the floor," seems to be frequently true, judging by the legislation of the House. [Laughter.] We have been hypocrites to permit ourselves to vote for legislation that in our secret souls we did not believe in, because of the pressure of misguided but good people on the outside, and I want to give this House an opportunity, as long as I am a Member of it, every time to vote on the question of whether we are to stifle our intelligence because of pressure that is brought to bear by temperance unions on the outside.

Mr TAWNEY. Mr. Chairman, if the gentleman will permit me, I will say that it is immaterial whether his amendment is voted up or voted down. I do not think the gentleman obtains any expression of opinion in securing a vote on this proposition. If the gentleman will withdraw his amendment and offer it when it is proposed to appropriate for the next fiscal year for these State Homes, and the bill should carry this provision, then he will have an opportunity of testing the real sentiment of this House. But for myself it is immaterial how we vote on the proposition now, because the paragraph or proviso is entirely immaterial and would have been dropped out had it not been overlooked in the preparation of the bill.

Mr. SHERLEY. It is of some value for this House, the first chance it gets, to go on record against this specially hypocritical legislation.

Mr. CRUMPACKER. Mr. Chairman, I would like to ask the gentleman if he has any information as to the operation of the canteen on Soliders' Homes, and particularly on institutions used by the several States and maintained by the States?

Mr. SHERLEY. I will answer that I have made no recent investigation, but when the subject was up for discussion last year and immediately subsequent to this legislation I did receive considerable information touching the matter, and that information went to show that what had been true in regard to the Army was true in regard to Soldiers' Homes—that the men were turned outside of the Homes to saloons, where they could get all the liquor they wanted and where they got drunk; that instead of drinking in the canteen, where there were proper restrictions, they went outside of the Homes and got into a worse condition of drunkenness than was ever known before.

Mr. CRUMPACKER. Did the gentleman make any inquiry on the subject in relation to the State Homes?

Mr. SHERLEY. I am speaking of them.

Mr. CRUMPACKER. Let me ask the gentleman if there is a State Home in his State?

Mr. SHERLEY. I do not recall that there is. There is not in my district.

Mr. CRUMPACKER. I think there is not.

Mr. LITTLEFIELD. Mr. Chairman, is it necessary to move to strike out the last word or the last two words?

The CHAIRMAN. The amendment has not yet been opposed. The gentleman is recognized for that purpose.

Mr. LITTLEFIELD. Very well. I have a suggestion I just want to make. I have not had the pleasure, although I have sat right exactly below my distinguished friend the gentleman from Kentucky [Mr. SHERLEY], of listening to his usual and customary assault on this legislation. I have assumed, however, that it is a repetition of the speech I frequently heard him make—that is, full of intemperate assertions, and, I undertake to say, ill-considered suggestions. Now, when the time comes and the sense of this House needs to be taken, I hope it will be under circumstances when we will get the sense of the House, and if they want to assail this legislation under proper conditions, we will try to be prepared to give the House some information on the question, and not ask the House to sit here and be dubbed as hypocrites by my distinguished friend from Kentucky [Mr. SHERLEY]—and I suppose he puts himself in the category, because he referred to "us"—and be influenced by inflammatory assertions such as my friend continually and always makes, induced undoubtedly to a large extent by the territory from which he happens to come, and possibly my view may be induced to a large extent by the territory from which I happen to come. But when the time comes, when it is properly in order and we can discuss this, we will endeavor to give the House some information on this question, so that it can act intelligently and not act on the spur of the moment. I hope that the gentleman's amendment, under these circumstances, will be voted down, and that we will not reverse the policy of this House which it has adopted for the last two or three sessions, although I agree with the chairman of the committee, the gentleman from Minnesota [Mr. TAWNEY], that the vote under these circumstances is not particularly significant one way or the other. When the time comes, however, I shall be very glad to go over the matter carefully with my friend.

Mr. SHERLEY. Mr. Chairman, doubtless the House appreciates that it is unwise in ever taking any action without a final, exhaustive statement from the gentleman from Maine [Mr. LITTLEFIELD]. I am exceedingly sorry that any views I may have and may see fit to express should meet with the severe condemnation and arraignment of the distinguished gentleman. Notwithstanding his attempt to impugn my motive because of the district I represent, notwithstanding the statement that my arguments are ill conceived and are not the result of that reflection which always characterizes the distinguished gentleman when he makes a speech, I still submit to the House that this is not a new question. It is not a question, even, that is necessarily confined for its proper determination to the wisdom of the gentleman from Maine [Mr. LITTLEFIELD], and it did seem to me that it was proper that this House should now consider this, even if it has no practical effect. The moral effect of the committee's action would be great. I have tried not to be intemperate on the matter.

The gentleman says I speak always on the subject. I have never spoken before on the subject save once when the matter was brought into the House by the amendment that was put on the bill last year by the gentleman from California [Mr. BELL], and I doubt if there is a gentleman in this House who has been more persistent in his views of prohibition and who has flaunted them more repeatedly in the face of the House than the gentleman from Maine [Mr. LITTLEFIELD]. Nobody took exception; nobody impugned his motives. I am willing to concede that he is perfectly sincere; that the fact that his district is a prohibition district and the political sentiment is in favor of prohibition has nothing to do with his motives. I would not be guilty of making the inference that he makes to those who differ from him; but this is aside from the question.

It is the first time that I have had occasion to make what might be called a "personal" reply relative to any position I may take. In my statement that the House had been hypocritical I did not have the distinguished gentleman in mind. It is possible to sometimes think of the House without having him in mind. I do know that a lot of us have been hypocritical about a lot of questions, and it seemed to me only fair and frank to say so.

Mr. GOULDEN. Mr. Chairman, I have no desire to enter into a discussion of this question at this time on account of the position taken by the Committee on Appropriations that it is not in order, but as a member of the board of the New York State Soldiers and Sailors' Home for the past five years, I possess practical information which at the proper time I shall gladly give to the House. I desire to say at this time that it has been the law to allow these canteens to be conducted in State Homes as they are in the National Homes since their establishment. Two years ago the gentleman from California [Mr. BELL] made a statement here which was afterwards verified by myself, that at the Home in California the canteen was badly conducted—in fact, was a disgrace. Hence, at the time I permitted the gentleman from California to introduce that rider to the appropriation bill and did not oppose it. I will at the proper time give the resolutions adopted by the board of trustees of the New York State Soldiers and Sailors' Home, as well as the views of the officials connected with that Home. I simply give this information to the House now for the information of the Members and serve notice that I shall at the proper time fully discuss the subject, giving good and convincing reasons for the proposed reestablishment of the canteen in the State Homes for the soldiers and sailors of the civil war.

Mr. TIRRELL. Mr. Chairman, I heard the distinguished gentleman from Kentucky [Mr. SHERLEY] say that there were no State Homes in the State of Kentucky, and therefore he can not have any personal information unless he has investigated outside of that State as to the condition of affairs relative to the sale or use of liquors in State Homes. I desire, however, to say a word in corroboration of what the gentleman from Maine [Mr. LITTLEFIELD] has advanced, because I have information from the Soldiers' Home there which will sustain the position that he has maintained. Two or three years ago I sent my partner to Togus, Me., to the Soldiers' Home located there, for the purpose of taking a deposition. In order to reach that place it is necessary to take a steamer and go up the Kennebec River. That steamer had perhaps half a dozen passengers on board, but it was loaded down with liquors for the Soldiers' Home. When he arrived there to his astonishment he found on the grounds of that Home a canteen and a stream of old veterans constantly passing in to obtain liquor, and, still more to his surprise, he found upon the other side of the State, within the precincts of the Soldiers' Home, a Keeley cure. On one side they were making drunkards and on the other side they were trying to cure them of drunkenness.

Mr. CRUMPACKER. In what State does that exist?

Mr. TIRRELL. In the State of Maine. I think that statement alone of such a disgraceful condition of things, partially authorized at least by our Government, is sufficient to vote down any amendment to strike out this clause of the bill.

Mr. LITTAUER. Mr. Chairman, I want the committee to distinctly understand, whether they vote for or against this amendment, that such action can not in any way prejudice the deficiency that exists and is provided for in this paragraph under the law. I personally sympathize with the objects of the gentleman from Kentucky, and I hope that some day I may be able to vote in an effective manner to carry out his stated purpose. [Applause.] But what is the use at this time of striking into the empty air?

Mr. FOSTER of Vermont. Mr. Chairman, it seems to me there is no connection between the provision of this section and the question of the Army canteen to which attention has been called by the gentleman from Kentucky. The question of the Army canteen is one entirely foreign to this proposition. The Soldiers' Homes are eleemosynary institutions, charitable institutions, and there is no sense in claiming that because there are old soldiers who desire and deserve to attend these charitable institutions the Government and the State should maintain a bar at which they can get their drinks. The condition of the American soldier is an entirely different situation. If it is true that cutting out the Army canteen has resulted in drunkenness among the American soldiery, as the gentleman from Kentucky intimates, we should give the matter our immediate and thoughtful attention. But that is not the question here. We take care of those old soldiers in these institutions because they have not the means with which to provide for themselves, and it is perfectly ridiculous for the gentleman from Kentucky or any other State in the Union to stand up and say we can not maintain order and keep these people from getting drunk unless we maintain a bar for them. If we can not keep them in health and comfort without maintaining a bar, if they can not lead orderly and sober lives there when they are cared for at the expense of the Government and the State, they should be permitted to go forth and look for themselves. [Applause.]

Mr. TAWNEY. Mr. Chairman, I offer as a substitute to the amendment on page 17, line 17, to strike out after the word "cents" the remainder of the paragraph.

The CHAIRMAN. The Clerk will report the substitute.

The Clerk read as follows:

Strike out all the paragraph beginning with the word "*Provided*" on line 17, page 17, down to and including the word "sold," line 5, page 18.

The CHAIRMAN. The question is on the substitute to the amendment.

Mr. BUTLER of Pennsylvania. What is the purpose of the substitute to the amendment?

Mr. TAWNEY. The purpose of the substitute is to strike out the language of the bill which is entirely immaterial. It is the custom in reporting a deficiency appropriation to quote the entire law under which the original appropriation was made. My amendment simply eliminates the language that is not material, because it relates to a deficiency that occurred in the fiscal year 1905.

Mr. BUTLER of Pennsylvania. I want to ask the gentleman another question. Does your substitute include this language, "that no part of this appropriation shall be apportioned to any State or Territorial Home," etc.?

Mr. TAWNEY. It strikes that out; but I will say to the gentleman from Pennsylvania this—he does not understand it——

Mr. BUTLER of Pennsylvania. I want to understand it; that is my purpose.

Mr. TAWNEY. If you will give me your attention for a moment——

Mr. BUTLER of Pennsylvania. I can listen with the side of my head toward the gentleman.

Mr. TAWNEY. The appropriation for the fiscal year 1905 was not sufficient to meet the obligations of the Government to these State Homes. Now that fiscal year has passed. This money has been earned by all the State Homes, and we are now appropriating for that deficiency.

Mr. BUTLER of Pennsylvania. Mr. Chairman, the bill reported from the committee contained the provision that there should be no further rum in these Homes. If the gentleman will look or listen——

The CHAIRMAN. Will the gentleman from Minnesota give attention to the gentleman from Pennsylvania?

Mr. BUTLER of Pennsylvania. When the committee reported this bill the committee evidently intended that the provision which has been discussed for five or ten minutes should become a law. Do you propose now to strike it out?

Mr. TAWNEY. It is the law to-day.

Mr. BUTLER of Pennsylvania. Then why do you include it?

Mr. TAWNEY. Because, as I stated at the outset, it is the custom in reporting deficiency appropriations to repeat the language of the original appropriation.

Mr. BUTLER of Pennsylvania. The gentleman is always clear and polite in his statements. Now, let me ask him a question further. Does the condition proposed in this bill now prevail at these Homes?

Mr. TAWNEY. Yes.

Mr. BUTLER of Pennsylvania. And if this item succeeds, will this be the result, that no part of the appropriation made shall be apportioned to any State or Territorial Home that maintains a bar or canteen where intoxicating liquors are sold?

Mr. TAWNEY. It will be apportioned just as the law stands to-day.

Mr. BUTLER of Pennsylvania. But my friend can answer the question yes or no and satisfy me.

Mr. TAWNEY. It will be apportioned to Homes only that comply with the law as it stands on the statute book to-day.

Mr. BUTLER of Pennsylvania. Then there is no occasion for this provision. We already have the prohibitory law.

Mr. TAWNEY. None at all.

Mr. GROSVENOR rose.

Mr. CRUMPACKER. Mr. Chairman, I believe I have been recognized.

Mr. GROSVENOR. I just wanted to ask one question. The amount of it is this: There is no deficiency, nor money to be used, in any State Home in which there is a bar or canteen?

Mr. TAWNEY. None whatever.

Mr. GROSVENOR. Therefore this appropriation will go exactly as a limitation upon the original appropriation?

Mr. TAWNEY. Certainly it does; and that limitation stands as a law until it is repealed.

Mr. CRUMPACKER rose.

The CHAIRMAN. The gentleman from Indiana [Mr. CRUMPACKER] is recognized.

Mr. CRUMPACKER. Mr. Chairman, I fully agree with the gentleman from Minnesota, the chairman of the Committee on Appropriations, in his interpretation of the legal effect of his proposed amendment. This paragraph contains an appropriation to cover a deficiency that occurred during the fiscal year 1905, a year that has already passed and gone, so an appropriation covering that deficiency, without containing the limitations that were upon the original appropriation bill, probably would have been sufficient. But since the committee has seen fit to report the appropriation with the conditions contained in the original bill, and in view of the argument made by the gentleman from Kentucky [Mr. SHERLEY] that action here would have some moral effect, it may be construed by managers of Soldiers' Homes and by the public generally that it is the judgment of Congress that State Soldiers' Homes ought to be permitted to maintain canteens. The question is now so presented that this committee can not strike out the limitations upon the appropriation without having its action construed to mean that, in the judgment of the committee or the House of Representatives, the canteen ought to be reestablished and maintained at State Soldiers' Homes.

Mr. PERKINS. Will the gentleman kindly yield for a question?

Mr. CRUMPACKER. Yes; for a question.

Mr. PERKINS. Suppose the committee, when they reported the bill, had omitted the section which is confessedly surplusage. What harm would it have done?

Mr. CRUMPACKER. None at all.

Mr. PERKINS. Then what harm is done by striking out the surplusage now?

Mr. CRUMPACKER. Simply because, Mr. Chairman, the argument has been made that this provision which the gentleman from New York denominates as surplusage ought to go out for the moral effect upon the country, to let the country know that it is the opinion of Congress that it was a mistake to abolish the canteen in State Soldiers' Homes. I have the honor to represent a district in the State of Indiana in which is located a Soldiers' Home that allows the wives and widows of veterans of the civil war to find shelter and protection, and the law of the State of Indiana prohibits the establishment and maintenance of saloons within a mile of that institution. This provision might go out without affecting the State Soldiers' Home at Lafayette, Ind. But I do believe, Mr. Chairman, in view of the argument that was made and the action of Congress a year ago and two years ago upon this question, that that action should not be reversed now, and the House ought to take no action that might be construed as a change of its judgment on the question until there has been a full, free, and thorough investigation and until we have had more information in respect to the influence of canteens upon these splendid institutions than we now have. Therefore I oppose the amendment of the gentleman from Minnesota. The provision he seeks to strike out was put in originally largely through the influence of Governor Lind, who represented the capital district in the State of Minnesota in the last Congress. I object to the amendment on account of the effect it would have—the interpretation the public would put on the action of Congress in this particular—and I sincerely hope it will be voted down.

Mr. LITTLEFIELD. I want to ask the gentleman from Indiana this question, so as to fix the effect of his argument before the committee. I understand your position to be this: That while it may be true, as a matter of law, in undertaking to control the disposition of this appropriation that it may not have been necessary for the committee to introduce this matter in the urgent deficiency bill, inasmuch as my distinguished friend from Kentucky raised the position that any construction by the committee would be regarded as a formal expression on the part of the House adverse to the legislation, and whether it had any effect or not it would look that action had been taken. Your view is that the construction that the country will get and the idea the men in the Homes will get will be the idea that the House is adversely inclined to this restriction.

Mr. CRUMPACKER. The gentleman has stated my views with admirable precision and clearness and much better than I could have said it.

Mr. LITTLEFIELD. I will say that if inadvertently I impugned the motives of the gentleman, my friend, a few moments ago I regret it very much. It seems to me that there is a great deal of force in the suggestion of the gentleman from Indiana. I do not think, after the explanation of the chairman of the committee, that this language is necessary. I am inclined to think that this urgent deficiency bill would have acted precisely as the appropriation carried before, but inasmuch as it was in the bill, I do not see how the House can avoid being placed on record, under these circumstances, if it goes out.

The CHAIRMAN. Debate is exhausted.

Mr. LITTLEFIELD. I move to strike out the last word.

Now, if it is to be considered as being adverse to this restriction upon the maintenance of canteens in State Homes, the gentleman from Vermont very appropriately said, and my distinguished friend thinks it does not affect the condition of the anticanteen with reference to the United States Army, but simply relates to the State Homes—we have none of them in my State and I know nothing about it. The people that do have them think it very unwise to allow a bar to be maintained by the people running these Homes; and that is the purpose of this restriction. Under these circumstances, while it may not be effective legislation on account of the moral effect that it would have, I certainly hope the House will decline to sustain the amendment and let the proviso stand exactly as it is.

Mr. TAWNEY. I wish to say that my purpose in offering this substitute for this paragraph was, if any of it should be eliminated, to eliminate all; but inasmuch as the Members of the House think that the construction of this provision is going to create an impression here or elsewhere as to what the impression and sentiment of this House is on the subject, I withdraw my amendment. [Loud applause.]

The CHAIRMAN. The question is on the amendment of the gentleman from Kentucky.

Mr. SHERLEY. Mr. Chairman——

The CHAIRMAN. The question is on the motion of the gentleman from Kentucky, to strike out on page 18——

Mr. SHERLEY. Mr. Chairman, I rise for the purpose of saying that I want to suggest——

The CHAIRMAN. The gentleman has once been heard.

Mr. LITTLEFIELD. I ask unanimous consent that the gentleman be allowed to proceed.

Mr. SHERLEY. I am not going to debate the question. If the Chair will indulge me a few moments he will see that I am facilitating the committee and not handicapping it.

The CHAIRMAN. Without objection, the gentleman will proceed.

Mr. SHERLEY. I desire to say that inasmuch as some Members whose views accord with mine on this question do not feel it is wise to raise the question, whether it would have any practical effect, I withdraw the amendment I offered. [Loud applause.]

The CHAIRMAN. If there be no objection, the amendment will be withdrawn. The Chair hears none.

The Clerk read as follows:

NAVY DEPARTMENT.

To enable the Secretary of the Navy to complete the distribution of the medals commemorative of the naval and other engagements in the waters of the West Indies and on the shores of Cuba, to the officers and men of the Navy and Marine Corps who participated in any of said engagements, as provided by public resolution No. 17, approved March 3, 1901, $10,000: *Provided*, That the medals herein authorized shall be delivered to the person entitled to the same at the place where he is located at the time of presenting the same.

Mr. LIVINGSTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Strike out all after the word "dollars," in line 19, and insert the following: "*Provided*, That the medals herein authorized shall be delivered at the place of residence to the person entitled to the same."

The CHAIRMAN. Will the gentleman from Georgia give his attention? Does the gentleman intend to strike out the proviso and insert what he sent up in its stead?

Mr. LIVINGSTON. Yes, sir.

The CHAIRMAN. Then it is so understood.

The question was taken, and the amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CURTIS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 1365. An act providing for the placing of an elevator in the public building at Boise, Idaho.

URGENT DEFICIENCY APPROPRIATION.

The committee resumed its session.

The Clerk read as follows:

BUREAU OF EQUIPMENT.

Coal and transportation: Purchase of coal and other fuel for steamers and ships' use, and other equipment purposes, including expenses of transportation, storage, and handling the same, and for the general maintenance of naval coaling depots and coaling plants for the fiscal years as follows:

For the fiscal year 1906, $500,000.

Mr. FITZGERALD. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from New York offers an amendment, which will be reported by the Clerk.

The Clerk read as follows:

On page 19, line 6, add: "*Provided*, That the amount hereby appropriated shall be expended without regard to the provisions of an act approved April 28, 1904, entitled 'An act to require the employment of vessels of the United States for public purposes.'"

Mr. LITTAUER. Mr. Chairman, I make the point of order against that amendment that it is a change of existing law.

Mr. FITZGERALD. Mr. Chairman, all I wish to say on the point of order is that this amendment is a limitation upon the expenditure of this appropriation.

Mr. TAWNEY. It may be a limitation, but still it changes existing law.

The CHAIRMAN. The amendment is out of order. The Chair sustains the point of order.

Mr. MACON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Arkansas offers an amendment which the Clerk will report.

The Clerk read as follows:

Provided, That no part of said sum herein appropriated shall be used for the payment of transportation charges upon American vessels where said transportation charges are more than 20 per cent in excess of similar transportation charges upon foreign vessels.

Mr. LITTAUER. Mr. Chairman, a point of order against that amendment for the same reason as before.

Mr. MACON. Will the gentleman from New York withhold his point of order for a minute? I should like to be heard on the amendment.

Mr. LITTAUER. Does the gentleman desire to have me reserve the point of order?

Mr. MACON. Yes.

Mr. LITTAUER. I will reserve the point of order.

Mr. MACON. Mr. Chairman, I think that this amendment is only a limitation upon the appropriation, and I am inclined to think the Chair will say that; but still the Chair is better informed upon questions of that character than I am, and hence I am going to leave that part of the work to him.

The CHAIRMAN. Can the gentleman from Arkansas point the Chair to the statute upon this subject?

Mr. MACON. This simply seeks to limit the appropriation.

The CHAIRMAN. Not the amendment which the gentleman has submitted; but is there not a general statute upon the subject of carrying coal in American vessels?

Mr. MACON. There is a statute which provides that it shall be carried in American vessels, and I do not seek to say in this amendment that it shall not be carried in American vessels; but I simply want to call the attention of the House to the fact that in the hearings before the Committee on Appropriations it was shown that before Congress passed a law requiring coal to be transported upon American vessels—and we had the right to transport it upon foreign vessels—the price charged was only $4.50 a ton. Since the passage of this law requiring the coal to be transported upon American vessels it has gone up 75 per cent, or, in other words, we have to pay at this good day and hour the sum of $7.50 per ton. That, sir, in my judgment, works a great wrong upon the American people; and while they are willing to contribute something toward the building up of American vessels, I do not think they are willing to pay as much as 75 per cent extra for that purpose. I know it is not just to require them to do so. Therefore my amendment seeks to limit this appropriation to the point that whenever an American vessel will not carry coal for a sum not in excess of 20 per cent of the charge made by a foreign vessel, then no part of the appropriation shall be paid to such American vessel. It certainly will open their eyes and awaken them to a proper sense of the situation and cause them to be reasonable in their charges for the transportation of coal. [Applause.]

The CHAIRMAN. The Chair believes that the proviso offered by the gentleman from Arkansas may be a change of the statute of April 28, 1904, which is as follows:

[Public—No. 198.]

An act to require the employment of vessels of the United States for public purposes.

Be it enacted, etc., That vessels of the United States or belonging to the United States, and no others, shall be employed in the transportation by sea of coal, provisions, fodder, or supplies of any description, purchased pursuant to law, for the use of the Army or Navy unless the President shall find that the rates of freight charges by said vessels are excessive and unreasonable, in which case contracts shall be made under the law as it now exists: *Provided*, That no greater charges be made by such vessels for transportation of articles for the use of the said Army and Navy than are made by such vessels for transportation of like goods for private parties or companies.

SEC. 2. That this act shall take effect sixty days after its passage.

Approved April 28, 1904.

Of course the Chair does not desire to become involved in a discussion of the question of fact as to whether American vessels charge more than 20 per cent in excess of the amount charged for like service by foreign vessels, but believing that the amendment offered by the gentleman may work a change in existing law, the Chair will sustain the point of order.

Mr. RIXEY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Provided, That no part of this appropriation shall be expended in the transportation of coal except upon contracts to the lowest bidders after due advertisement inviting full and free competition from all sources, and if it appears from said bids that the discrepancy in charges is more than 10 per cent higher in American bottoms the facts shall be laid before the President for his opinion as to whether the charges are not excessive and unreasonable.

Mr. LITTAUER. To that, Mr. Chairman, I make the point of order.

Mr. RIXEY. I would like to be heard, Mr. Chairman, on the point of order. Mr. Chairman, the law referred to by the Chair just now provides that—

Vessels of the United States, or belonging to the United States, and no others, shall be employed in the transportation by sea of coal, provisions, fodder, or supplies of any description, purchased pursuant to law, for the use of the Army or Navy unless the President shall find that the rates of freight charges by said vessels are excessive and unreasonable, in which case contracts shall be made under the law as it now exists: *Provided*, That no greater charges be made by such vessels for transportation of articles for the use of the said Army and Navy than are made by such vessels for transportation of like goods for private parties or companies.

The amendment which I send to the desk provides that when the evidence shows that the charges for carrying coal in American bottoms is more than 10 per cent of what it would be if put out to competitive bids the facts shall be laid before the President in order that he may decide as to whether the charges by the owners of the American ships are unreasonable. The amendment does not change existing law. It simply directs that the bureau chief shall lay the facts before the President in order that he, in compliance with this law, may decide whether the charges are excessive and unreasonable. If he holds that they are excessive, then the law which was enacted more than a year ago directs that the contract need not be given to American ships. That is all, Mr. Chairman, I care to say on the point of order.

The CHAIRMAN. For the same reasons the Chair gave in the previous ruling the Chair sustains the point of order.

Mr. PERKINS. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from New York in charge of the bill what is this $710,000 for?

Mr. LITTAUER. The entire appropriation is $710,000, composed of $210,000 which represents a deficiency for 1905.

Mr. PERKINS. Deficiency in what?

Mr. LITTAUER. Deficiency certified to by the Department for the purchase of coal and its transportation, and $500,000 represents an anticipated deficiency during the present fiscal year, the apportionments having been made and waived by the Secretary of the Navy.

Mr. PERKINS. Does it include coal and the transportation of coal for the Philippines?

Mr. LITTAUER. Yes; in part coal and in part transportation to the Philippines, the Asiatic stations, and to coal depositories along the Atlantic and Pacific seaboards.

Mr. PERKINS. Mr. Chairman, I withdraw the pro forma amendment.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I would like to ask the gentleman from New York an explanation of this deficiency. Have there been any unforeseen conditions since the original appropriation was made for the year 1906? And, if so, I would be glad if the gentleman would give the House the benefit of his information.

Mr. LITTAUER. Is the gentleman referring now to the deficiency for 1905 or for the current fiscal year?

Mr. WILLIAM W. KITCHIN. For both; I see that one follows the other.

Mr. LITTAUER. For 1905 the explanation is that that amount of coal was purchased and was transported, and that there is $210,000 now due because thereof. The 1906 deficiency, which is controlled by the new law demanding an apportionment. The apportionment has been waived for the reasons that the amount of coal in the Philippines station had run very low, and it was necessary to replenish it, and in addition because many coaling stations had been established along our coast, in the West Indies, at Guantanamo, San Juan, Narragansett Bay, and Key West. The Department thought it necessary to accumulate a stock of coal at these places, and in consequence the appropriation of $2,750,000 was not sufficient. The Department submitted an anticipated deficiency of $1,250,000, which in our judgment was excessive. We determined that

$500,000 would be quite enough to carry out the administration of this fund during the current fiscal year, and so recommended to the House.

Mr. WILLIAM W. KITCHIN. Does the gentleman mean by that statement that the Department has seen fit, or necessity has arisen, to purchase more coal than the Department originally recommended, or has this deficiency been caused in part, and if so, what part, by the increased price in the transportation rates?

Mr. LITTAUER. Both of these deficiencies have in part been caused by the increased price of transportation rates.

Mr. WILLIAM W. KITCHIN. That is a point on which I would like to have an explanation. What part has been caused by increased price of transportation?

Mr. LITTAUER. We were advised that during the year 1905 50,000 tons were transported to the Asiatic stations, the Philippines, and others at an increased cost of about $2.62½ a ton on the average. During 1905 coal which had cost $662,000, at the rate of $2.50 per ton alongside the wharf, cost for transportation $930,000, and this increased expenditure was caused because of the law requiring transportation in American ships.

Mr. WILLIAM W. KITCHIN. Is it a fact, as has been stated here this afternoon by another Member, that the increased price in transportation per ton has been in the neighborhood of $3?

Mr. LITTAUER. It was increased, as we were informed, from about $4.87½ a ton to $7 or $7.50 a ton under the operation of law.

Mr. WILLIAM W. KITCHIN. Something over $2.50 per ton, owing to that law.

Mr. LITTAUER. Yes.

Mr. WILLIAM W. KITCHIN. That amounts to how much in a year?

Mr. LITTAUER. I can only tell the gentleman that during the year 1905 we were informed that 50,000 tons of coal were so transported.

Mr. WILLIAM W. KITCHIN. During that year the increase must have been something over $120,000.

Mr. LITTAUER. Yes; the deficiency asked for is $210,000.

Mr. WILLIAM W. KITCHIN. Has the gentleman or his committee anything to recommend to relieve such a situation?

Mr. LITTAUER. Simply the amendment which the committee has proposed to insert in the last paragraph of this bill, amending section 3797, which will restrict the waiver of appropriation in the future as far as we believe good administration will permit.

Mr. WILLIAM W. KITCHIN. Nothing in that amendment will tend to reduce the price of transportation on coal, will it, or relieve the necessity of shipping in American bottoms, although the increased price is $2.50 a ton?

Mr. LITTAUER. The Appropriations Committee is not constantly concerned with the change of existing laws. If the Naval Committee desires to take up such a matter and correct the abuses that become evident under the operation of law, it has its opportunity in turn.

Mr. WILLIAM W. KITCHIN. I desire to state to the gentleman that my recollection is that this original law which caused this great increase in transportation rates did not come from the Committee on Naval Affairs.

Mr. LITTAUER. No; I believe it came from the Committee on Merchant Marine and Fisheries.

Mr. WILLIAM W. KITCHIN. I am not prepared to state. It seems to me a very grievous error.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn, and the gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert at the end of line 6, page 19, the words: "*Provided*, That no part of the amount hereby appropriated shall be expended for transporting coal between New York, N. Y., and Manila, P. I., at a rate greater than $5 a ton."

Mr. LITTAUER. Mr. Chairman, I make the point of order against the amendment. It changes existing law.

Mr. FITZGERALD. Mr. Chairman, I think it is clearly a limitation upon this appropriation.

The CHAIRMAN. Is there any present statutory provision upon the subject?

Mr. FITZGERALD. None other than the law.

Mr. LITTAUER. This is fixing a price for work now already provided for by law.

Mr. LITTLEFIELD. The discretion as to which is expressly vested in the President, and this deprives him of that discretion.

Mr. LITTAUER. It seems to me that we already have a provision of law placing it within the discretion of the President to make any exceptions when coal shall not be transported in American bottoms.

The CHAIRMAN. Can the gentleman from New York [Mr. LITTAUER] point me to any statute relating to this transportation other than the one to which he has referred? The Chair rather inclines to the opinion that this is a limitation.

Mr. LITTAUER. I ask, then, that the amendment be again reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection; and the Clerk again reported the amendment.

The CHAIRMAN. The Chair overrules the point of order.

Mr. FITZGERALD. Mr. Chairman, this is an important question. It transpired in the hearings before the Committee on Appropriations that so long as it had been possible to accept bids of foreign shipowners it was possible to transport coal from Atlantic coast ports to Manila for $4.50 a ton. The highest price ever paid while it was possible to transport in foreign bottoms was $4.87½ a ton. On the 28th of April, 1904, a law was enacted providing "that vessels of the United States or belonging to the United States, and no others, should be used in the transportation by sea of coal, provisions, fodder, or supplies of any description purchased pursuant to the law for the use of the Army and Navy, unless the President shall find that the rates of freight charges by said vessels are unreasonable and excessive."

After that law went into effect and it became necessary to transport coal in American vessels the cost of transporting coal from Atlantic coast ports to Manila increased from $4.50 a ton to $7.50 a ton. The next item in this bill is an appropriation of $210,000 for transportation of coal for the fiscal year 1905. One hundred and fifty thousand dollars of that sum is required because of the passage of the law just mentioned. During the fiscal year 1905 144,000 tons of coal were sent from New York to the Philippine Islands. Ninety thousand tons were sent in foreign bottoms at $4.50 a ton and 50,000 tons were sent in American bottoms at $7.50 a ton. Coal that cost the Government of the United States and this country about $360,000 cost to transport to the Philippine Islands $900,000, and if this law had been in effect, so that the 90,000 tons transported in foreign bottoms had been transported in American bottoms, it would have cost more than $1,200,000 to transport $360,000 worth of coal to Manila. This law of April 28, 1904, provides that American vessels shall be used unless the President shall find the price excessive.

The Chief of the Bureau of Equipment testified that his Bureau is to-day receiving bids from foreign shipowners to transport this coal at $4.50 a ton. He also states that it is unnecessary for American shipowners to enter a combination, because the prices that they are now charging the Government are so high that there is no necessity for a combination to take advantage of the Government. If this amendment be adopted it will enable the American shipowners to obtain an increase over the price that foreign shipowners are willing to charge of 50 cents a ton. This is about an 11 per cent increase. There is nothing in this law which shows how great an increase in the cost will be considered unreasonable, and, whatever excuse there may be for legislation to encourage the American merchant marine, I am unable to see any justification for appropriations that, under the operations of this act, compel the great mass of the American people to contribute to the enrichment of a very restricted class of citizens owning ships. Mr. Chairman, if this amendment be adopted, instead of using the $500,000 provided in the item now before the House, it is very likely that at least $250,000 will be saved to the Government. I am not aware that the country is in such a prosperous condition that we can afford to pay these excessive prices and to squander money in this way.

Mr. LITTAUER. Mr. Chairman, if this amendment be adopted I do not believe that the Government would save one cent. The only object of the amendment is an attempt by the gentleman from New York to limit the shipment of coal from the port of New York. His amendment declares that only $5 per ton shall be paid on the shipment of coal from New York, N. Y., to Manila, P. I. Now, coal is generally shipped from other ports than New York, N. Y. Our principal ports of coal supply are the Chesapeake Bay, Baltimore, Newport News, and Lamberts Point, consequently it amounts simply to an attempt at a limitation in connection with the port of New York, N. Y.

Mr. FITZGERALD. Mr. Chairman, I will change the amendment I sent up.

Mr. LITTAUER. And I do not believe that the object sought to be achieved here would be anything but a matter of bothera-

tion to the Department; that it would achieve no good result. We have a law which specifically states that this coal is to be transported in American bottoms——

Mr. LITTLEFIELD. And the price is regulated in the discretion of the President.

Mr. LITTAUER. And the price is regulated within the discretion of the President as far as the application of the law goes.

The CHAIRMAN. Is there objection to the gentleman from New York withdrawing his amendment and substituting another in its place? [After a pause.] The Chair hears no objection. Now, will the gentleman submit the amendment in the form he desires?

The Clerk read as follows:

Insert after "New York" the words "and other ports on the Atlantic coast of the United States."

Mr. LITTAUER. Mr. Chairman, I make the point of order against the amendment.

The CHAIRMAN. The gentleman from New York makes the point of order against the amendment.

Mr. GROSVENOR rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. GROSVENOR. I rose to oppose this amendment.

The CHAIRMAN. The Chair will dispose of the point of order first.

Mr. GROSVENOR. I hope the Chair will sustain the point of order and relieve me of the responsibility.

The CHAIRMAN. The modified amendment does not change the amendment, it seems to the Chair, and the point of order is overruled.

Mr. RIXEY. Mr. Chairman, if this amendment is adopted it will not, in my opinion, affect the efficiency in any way of the naval establishment. The hearings before the Committee on Appropriations show that at the beginning of the present fiscal year there were at Manila only 7,000 tons of coal. Since that time the Department has sent to Manila enough coal to furnish our ships with what they needed and to provide a depot there with a surplus of from sixty to seventy thousand tons of coal. There is now that quantity at Manila—more than sufficient to answer all of our purposes at the place during the present fiscal year even if not another ton is sent there.

Mr. TAWNEY. I would say that that is the judgment also of the Committee on Appropriations, and one of the reasons why we reduced the estimates.

Mr. RIXEY. I am glad to hear the statement of the chairman of the committee.

Mr. BUTLER of Pennsylvania. How much coal did the gentleman say the Government now has at Manila?

Mr. TAWNEY. Sixty thousand to 70,000 tons.

Mr. BUTLER of Pennsylvania. That is a good bit of coal.

Mr. RIXEY. Now, Mr. Chairman, I am glad to hear the statement of the chairman of the Appropriations Committee that we have that quantity of coal there, and that it is more than enough to carry us until the 1st day of July, 1906. Therefore there is no necessity for us to hire any more American ships during this year to carry the coal to Manila at an exorbitant price. If these American ships are willing to carry it there at a dollar a ton more than we pay to foreign ships, then there is no prohibition upon the Department preventing it from adding to this supply, already large enough however; but if the American bottoms will not carry the coal to the Philippine Islands for $5 a ton, which is $1 per ton more than it would cost in foreign bottoms, and more than we paid when the present law went into operation, then the Department would not be embarrassed, because we have sufficient coal there to answer our purpose until after the end of the present fiscal year.

Mr. LITTAUER. I would like to call the attention of the gentleman to some testimony in the hearings.

The CHAIRMAN. Does the gentleman from Virginia [Mr. RIXEY] yield to the gentleman from New York?

Mr. RIXEY. Yes.

Mr. LITTAUER. On page 107 Admiral Manney states:

We have to continue the purchase, but not to such an extent. For instance, at Manila 9,000 tons a month is about what they draw on the Cavite station. But when we are stocking up, putting in 70,000 tons a year where there was but 7,000 tons, the expenditure is greater than when we were just keeping up the supply.

Mr. RIXEY. Will not the gentleman also refer to page 106, where the statement is made:

And that increased the deposit to between 60,000 and 70,000 tons, which amount we now have there.

Mr. LITTAUER. That is not sufficient at the rate of 9,000 tons a month.

Mr. RIXEY. To carry us until July? I think so.

Mr. LITTAUER. It is, of course; but we can not permit our entire coal supply there to be wiped out. The gentleman knows that it takes months to replenish it. Any accident on the way might delay or injure the service of the Navy.

Mr. RIXEY. If we did not get another ton there between this time and the 1st of July, we would have then more coal in the Philippine Islands than was there the 1st day of last July.

Mr. LITTAUER. I quite agree with the gentleman.

Mr. RIXEY. We can not afford to go on piling up this coal at Manila at this enormous cost of transportation and to the extent that the Navy Department wishes. For instance, in the hearings it is stated that the General Board of the Navy Department recommends that there should be a depot there with a stock on hand of 200,000 tons. Unless some protection is afforded against exorbitant charges for freight we should call a halt, and we can do so and still have at Manila a sufficient supply for all purposes.

Now, Mr. Chairman, I agree with the gentlemen in this House who hold that the rehabilitation of the merchant marine is one of the greatest and most important problems before the country to-day; but the statement was made before the Naval Committee by Admiral Manney that since the law went into operation providing that coal should only be shipped in American bottoms the number of ships at the service of the Government was less than when the law went into operation. He stated that the American steamers had so much of other business to attend to that they did not care for this; that there was practically no competition; and it is the opinion, so far as I can see, of the bureau chiefs that there ought to be some provision made by Congress which would protect the Government against extortionate freight charges and bring some competition in the bids. This unrestricted law that all coal for the Government shall be carried in American bottoms seems not to build up the merchant marine, but does cost many hundreds of thousands of dollars, and there should be some limit fixed for the protection of the Government.

The CHAIRMAN. The time of the gentleman from Virginia [Mr. RIXEY] has expired.

Mr. GROSVENOR. I think if the gentleman from Virginia [Mr. RIXEY] would understand this entire question he would not favor the amendment that he has proposed. I speak only on one phase of the question, leaving the discussion of the fairness or unfairness of the prices asked by the American ships for this transportation to other gentlemen. If I wanted to close up all the mines of the American continent from New York to Galveston, situated upon all the streams emptying into the Atlantic ocean, so as to stop their output from going to the oriental markets, I would favor this amendment; for not one ton of coal will ever be shipped to the Orient if that sort of limitation is put upon it, and for the manifest reason that an abundance of coal is to be had right on the line of these ships at a price far below what it would cost to carry it from the American mines at the price the gentleman is proposing. The Pacific Mail Steamship Company understands the situation tolerably well, and is operating eight large ships, four very fine large ships, and buy their coal not even at San Francisco. They buy it at Nagasaki, Hongkong, and other points.

The ship on which the Taft party came home—the *Korea*—one of the finest ships in the Pacific Ocean, and, by the way, the whole line is about to be sold out, practically, to the Japanese Government; and furthermore, the Oceanic Line with them, so that our flag will go entirely off the Pacific Ocean in a very short time if these contracts are carried out. That ship upon which we traveled took in its coal at Nagasaki—2,500 tons. It cost on board the ship trimmed and ready for our departure, less than $7 a ton. I will say to the gentleman that coal was put on board by the labor of 1,200 men, women, and children. They began at 9 o'clock in the morning and finished about 7 o'clock in the evening. The process was astonishing to every American on board that ship.

Mr. RIXEY. I would like to ask the gentleman if this coal——

Mr. GROSVENOR. Let me finish my statement. The coal was brought to the ship in different barges. Each barge had its narrow point against the ship, and the discharge of the coal from these barges occupied almost the entire length of the ship, and 1,200 men, women, and children—and a great many of them women—handed that coal in baskets up the sides of the ship, then on board the ship, and trimmed it in the bunkers of the ship. This was done by labor at the cost of 15 cents a day to the women and 25 cents a day to the best men, making about 20 or 23 cents a day for the labor. That was the coal that brought our ship over and that was the coal that would take the same ship back again. Now, I will yield to the gentleman.

Mr. RIXEY. I am a little surprised that the gentleman

would come on a ship where the coal was furnished from some other country.

Mr. GROSVENOR. Walking was a little troublesome. [Laughter.]

Mr. RIXEY. I would like to ask the gentleman what country this coal came from?

Mr. GROSVENOR. Why, it came from Japan.

Mr. RIXEY. Was it coal that was mined in Japan or in some other country?

Mr. GROSVENOR. I presume it was mined in Japan; there are great quantities of coal in Japan. I want the gentleman to know that this was an American ship under an American register, and I will want to say further to him that it is one of the last of our ships that fly the American flag on the Pacific Ocean.

Mr. RIXEY. I want to read to the gentleman what the Chief of the Bureau of Equipment said in reply to a question on coal supply:

The native coal of Japan is not a good quality of coal for military purposes. It is hard on the boilers and makes so much smoke as to interfere with ship maneuvering and signals.

Mr. GROSVENOR. I have said nothing about that.

Mr. RIXEY. I think the gentleman has stated that we could use coal from Japan.

Mr. GROSVENOR. I have not; but every ship carrying the American flag on the Pacific is using it.

Mr. RIXEY. But here is what the Chief of the Bureau of Equipment says about its quality.

Mr. GROSVENOR. Now, the gentleman must not presume that I do not know something of the character of coal. More than one-third of all the coal products of Ohio is produced in my Congressional district; so when I am talking about coal I know something about what I am talking about.

Mr. FITZGERALD. Did I understand the gentleman to say that he would favor this amendment under certain conditions?

Mr. GROSVENOR. I did not say anything of the kind.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GROSVENOR. I would like to proceed for five minutes.

The CHAIRMAN. Is there objection to the gentleman proceeding five minutes? [After a pause.] The Chair hears none.

Mr. GROSVENOR. And I would like to have gentlemen let me alone unless they have something to talk about.

Mr. FITZGERALD. I understood the gentleman from Ohio to state that he would favor such an amendment if it would have the effect of preventing ships of another country carrying this coal.

Mr. GROSVENOR. I said if I wanted to stop all the coal traffic of the United States in this direction I would vote for such an amendment as that.

Mr. FITZGERALD. Does the gentleman think——

Mr. GROSVENOR. I am trying to make myself understood, and the gentleman need not catechise me about it. I think everybody knows what I am trying to get at.

The CHAIRMAN. The gentleman declines to yield further.

Mr. GROSVENOR. I do not understand anything that the gentleman is talking about.

Mr. FITZGERALD. The gentleman from New York is not responsible for that condition of the gentleman from Ohio.

Mr. GROSVENOR. Well, I think he is. What I have been trying to say was that this was to put a stumbling block, an impediment in the way of the traffic in American coal that ought not to be permitted, and I wanted to say—and that is what I took the floor for—this whole question of limitation upon freight rates between the United States and the Philippine Islands is a question that has been under discussion in the two committees of the House and Senate having these matters in charge, for seven years. In my opinion it is probable they made a mistake in the passage of the bill in the last session of Congress, in extending the navigation laws of the United States to the Philippine Islands at so early a date as we put them, and whatever the committee may do—I can not speak for them—I shall advocate a postponement over to the end of the treaty time of 1909, so that the competition that seems to be strangled by the operation of the law of last year shall be gotten rid of. Therefore, in the meantime, it seems to me that it is ill advised for us to undertake, in an appropriation bill, and an emergency deficiency bill at that, to fix rates upon the transportation of coal. That is all I wish to say.

Mr. CRUMPACKER. I should like to have the opinion of the gentleman upon this proposition: The amendment proposes to fix the rates from Atlantic ports in the United States to the Philippine Islands. What is the gentleman's information as to that proposition violating the post-preference clause of the Constitution of the United States?

Mr. GROSVENOR. It is clearly unconstitutional, and not alone unconstitutional, but clearly wrong and discriminative in its character and ought not for a moment be considered. I do not know exactly what the coal facilities of the Pacific coast may be—how rapidly coal can be gotten to a shipping point on the Pacific coast; but if it should so happen that it is available to deliver this coal to a shipping point on the Pacific Ocean and you then undertake to strangle it by this legislation upon the Atlantic coast, you have clearly violated the law in the first place and you have violated propriety in the second place.

Mr. CRUMPACKER. I do not know whether the port of Philadelphia or the port of Baltimore can be technically called Atlantic ports, because they are not on the ocean.

Mr. GROSVENOR. Neither can New Orleans be called an Atlantic port.

Mr. CRUMPACKER. It seems to me it is quite clearly a violation of the post-preference clause of the Constitution.

Mr. GROSVENOR. And out of New Orleans can be brought the mighty coal supplies of the Ohio and Tennessee and Kentucky rivers.

If the gentleman will allow me to say a single word and then I am through, this legislation ought to be carefully considered by the committees of the House and not put in here in the form of an amendment to an appropriation bill.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, in regard to what the gentleman from Ohio [Mr. GROSVENOR] has just said, I desire to call his attention to the fact that the purpose of this resolution is not to require the Government to purchase coal in the open market, or to purchase Welsh coal, or any other, but it merely affects the transportation of coal from this country to Asiatic ports.

Mr. GROSVENOR. That is very true; but whenever you interfere with the rate of transportation you have interfered with the propriety of purchase.

Mr. WILLIAM W. KITCHIN. But the gentleman will understand that the normal rate of transportation before the passage of the act of April 28, 1904, was much less than the limitation carried by this amendment.

Mr. GROSVENOR. I disagree utterly with the reports that have come to us upon this subject.

Mr. WILLIAM W. KITCHIN. According to all the testimony. Another thing, I understood the gentleman from Ohio to say that he would favor this amendment if he desired to close up all the mines on the Atlantic coast.

Mr. GROSVENOR. So far as oriental traffic is concerned.

Mr. WILLIAM W. KITCHIN. Does the gentleman seriously intend this House to understand that the purchase in a foreign country of all the coal necessary at Manila would perceptibly affect the mines of this country?

Mr. GROSVENOR. My statement was that if we wanted to close up the mines of the United States, so far as the oriental traffic was concerned, it wouldn't amount to a drop in the bucket.

Mr. WILLIAM W. KITCHIN. I understood the gentleman to leave the impression that the adoption of this amendment would have a tendency to close up the mines.

Mr. GROSVENOR. It would not close a single mine.

Mr. WILLIAM W. KITCHIN. Of course it would not, and it would not appreciably affect the mines of this country. The real question is whether it would not be better for the United States, the people at large, to adopt this amendment. The Department claims that at Manila something like 100,000 tons a year are needed. Now, the purpose of this amendment is to get that coal transported from this country at $5 a ton instead of $7.50 a ton. The gentleman from Virginia has well stated that even if during the remainder of this fiscal year there is not another ton transported we will not be harmed, because now there are 70,000 tons of coal at Manila, all put there by virtue of the last appropriation act. That is more than sufficient to supply the needs of the Department until the end of the fiscal year and leave a greater surplus than there was at the beginning of the fiscal year.

Mr. LITTLEFIELD. Does the gentleman assume that the Navy Department will go on accumulating coal unnecessarily without justification? If they will not go on, then what is the object of the gentleman's amendment?

Mr. WILLIAM W. KITCHIN. Oh, the gentleman will not get us off from the main question. The question is not whether you are going to accumulate unnecessarily, but whether you will pay an unnecessary rate of transportation on that coal. I brought in the amount of coal to show that you could not be harmed even if during the remainder of this fiscal year there was not another ton of coal transported from this country to Manila. But why does the gentleman presume that no more coal will be transported under this limitation?

Mr. LITTLEFIELD. I am getting information from the gentleman myself.

Mr. WILLIAM W. KITCHIN. The information given to the Committee on Appropriations is that under the present conditions shipowners expect the United States to pay the entire cost of ships going to Manila and returning to this country when they carry our coal. Instances have been cited in which these owners would carry a cargo of coal to Manila and coming back bring part of a cargo that was shipped from this country to Honolulu at a less rate than the Government paid for the trip from this country to Manila. And, again, none of the coal from Ohio, as I understand, goes to the Philippines. If I recollect the printed testimony correctly, this coal is shipped from Baltimore, Lamberts Point, and Newport News, all on Chesapeake Bay. It is Pocahontas coal, Georges Creek coal, and New River coal. It seems to me that no industry of this country can be harmed by this amendment, but the public Treasury will save a vast amount of money by being relieved from the necessity of paying any price that the American shipowner may exorbitantly charge for the transportation of coal. They charge $7.50 a ton, when it used to be transported for less than $5 a ton.

Mr. LOUDENSLAGER. Mr. Chairman, I do not believe it would be the part of wisdom for this committee to adopt this amendment. The restriction in the amendment, in my judgment, would prohibit the Department from purchasing coal. I am inclined to think that undue interest has been manifested here in regard to the difference charged for transporting coal. I remember distinctly the testimony of the admiral, and I remember his reply when the question was asked him if the foreign shipowners were not induced at this time to offer a lower rate of freight than they had previously charged from the fact that they felt that they could not get any of the coal to transport. He stated that perhaps that might be the reason. The difference in the cost of transporting this coal in our American bottoms is not so great as has been stated here upon the floor of the House, or as can be inferred by the statement of the admiral, when you compare it with the charges made previous to the passage of this act.

The report of Admiral Manney on the charges for transporting coal from the Atlantic coast to Manila, which was all transported in foreign bottoms from 1889 to 1904, was that it averaged $6.53 a ton.

Mr. FITZGERALD. May I make a suggestion to the gentleman there?

Mr. LOUDENSLAGER. Certainly.

Mr. FITZGERALD. Admiral Manney stated to the subcommittee——

Mr. LOUDENSLAGER. I am quoting his report of those years.

Mr. FITZGERALD. He stated that the highest price paid in foreign bottoms was $4.87½ a ton and the average price was $4.50 a ton.

Mr. TAWNEY. The gentleman from New York wants to be entirely fair?

Mr. FITZGERALD. I do.

Mr. TAWNEY. He stated that the price was made at a time when there was a rate war between the steamship companies.

Mr. FITZGERALD. And he said $4.87½ was the highest price ever paid, whether there was a rate war or not.

Mr. LITTAUER. Will the gentleman permit me a moment?

Mr. LOUDENSLAGER. Yes.

Mr. LITTAUER. Permit me to read from the testimony before the committee. Colonel Edwards states as follows——

Mr. FITZGERALD. Colonel Edwards has nothing to do with the transporting of coal.

Mr. LITTAUER. No; but he also comments on freight rates, and he gives us the following:

> When I first went into the office I found that the freight rates were $12.50 a ton. That was in 1899. I had to ship out the printing plant, which cost something over $200,000 at that rate. I found the combination there then. That combination was finally broken and we got a rate of $10, then $8.20, then $7, and then near $6. Then the rate war came on, which was very destructive; no money was made at all, and the rate went down to $4.50. That was, if I recollect aright, in 1903. Since then they have gone back to what they call a living rate, $7.

Mr. FITZGERALD. That is not on the transportation of coal for the Navy at all. It is the transportation of other freight for the Philippine government.

Mr. LITTAUER. Permit me to continue.

Mr. LOUDENSLAGER. Mr. Chairman——

The CHAIRMAN. The gentleman from New Jersey has the floor.

Mr. LOUDENSLAGER. Mr. Chairman, I want to state to the gentleman from New York [Mr. LITTAUER] that I understand full well the testimony of Admiral Manney, both before the Committee on Appropriations and the Committee on Naval Affairs, and that he made the statement that foreign bottoms were offering to carry coal at $4.50 and that American bottoms at $7.50, but that he replied to a question that perhaps the foreign owners were making these offers because they did not believe they would get a cargo of coal, and it seems to me that the figures for that Bureau for the years preceding the passage of this law show conclusively that that inference could be honestly obtained; and if this amendment is carried with those facts as they are, it would be entirely prohibitive, and the Navy Department would find it impossible to transport coal from the Atlantic to the port of Manila. While there may be at the present time, as stated, 70,000 tons of coal there now, yet that is an infinitesimal amount in case of emergency and our battle ships demanding a recoaling. It would be very unwise for us to permit them to get below thirty or forty thousand tons or even fifty thousand tons, and I hope that the facts stated here in the report that the lowest average for the years previous to the passage of this law was $6.53 will be sufficient, and that the committee will not favor this amendment.

Mr. RIXEY. Mr. Chairman, I would like to ask the gentleman a question.

Mr. LOUDENSLAGER. Certainly.

Mr. RIXEY. Did not Admiral Manney also state that for the years before this law went into effect the highest price he paid for the transportation of coal to Manila was $4.50 a ton?

Mr. LOUDENSLAGER. I think not. I did not so understand him.

Mr. RIXEY. I think he did; and did he not also state that the passage of this law had not given them any more ships in which to transport coal, and that there were fewer American ships to-day willing to take this coal to Manila than there were when it was passed?

Mr. LOUDENSLAGER. I did not so understand it, in that broad sense, but I did understand it that he was unable, as he desired to transport the coal, to find them as conveniently at some times in the season as at others.

Mr. RIXEY. Did he not also state that there was practically no competition by the owners of these ships in the carrying of this coal?

Mr. LOUDENSLAGER. He said, on the other hand, that so far as he was able to judge there was no combination.

Mr. RIXEY. Did he not state that the price was exactly the same that was offered in each case?

Mr. LOUDENSLAGER. He said practically the same, but that he had given the matter some thought and he said positively in regard to the matter that there was no combination.

Mr. FITZGERALD. Will the gentleman let me read just what he said about the price?

The CHAIRMAN. The time of the gentleman has expired. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were—ayes 46, noes 81.

So the amendment was rejected.

Mr. DE ARMOND. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

> Amend by adding the following: "*Provided*, That no rates or amounts shall be paid for carrying coal in American ships in excess of one and one-fifth times what it would cost to make the same shipment in a foreign vessel."

Mr. LOUDENSLAGER. Mr. Chairman, it seems to me that that is in effect new legislation. I make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. DE ARMOND. But I would like to be heard.

The CHAIRMAN. The Chair does not care to hear the gentleman.

Mr. DE ARMOND. I do not care. The gentleman cares to be heard and he ought to be heard. It is not material to the gentleman whether the Chair hears him or not.

The CHAIRMAN. The provision is clearly legislative, and so clearly so that the Chair did not care to waste the time in listening to the gentleman discussing it.

Mr. DE ARMOND. The Chair has his privilege of ruling upon the point of order.

The CHAIRMAN. Certainly, and the Chair has the privilege of hearing it discussed. If the gentleman desires to discuss it, the Chair will hear him, but it was so perfectly clear that the Chair thought the gentleman would hardly care to discuss the matter.

Mr. DE ARMOND. But the gentleman at that time had assured the Chair that he did care to discuss the matter.

The CHAIRMAN. Very good; the Chair will hear the gentleman.

Mr. DE ARMOND. Mr. Chairman, ordinarily one does not care much to discuss a question after it has been decided, so far as the decision itself goes. I take this amendment to be a limitation upon this appropriation. The provision of the law, as I understand, is for the carrying of coal in American ships. The provision in this bill is for an appropriation for deficiencies for that kind of service. It has been developed in discussion here, and admitted, that coal can be carried in foreign ships for, say, in round numbers, two-thirds of the cost of carrying it in American ships. The excess, it seems to me, is an unreasonable one. A limitation that came in some other way, I suppose, would hardly, in the judgment of the Chair, be regarded as a change of law. I think it would be proper, as a matter of law, after providing that conveyance shall be made in American ships, to provide that the payment should not be greater than the average charge for conveyance in foreign vessels. This provision, however, is that it shall not be more than one-fifth greater; that there may be given an absolute bonus of not more than 20 per cent, or one-fifth, to the American shipowner over the foreigner. If that be not a limitation of an appropriation, I do not know what it is. If it were to say that there should be given $1,000 less or $100 less or 1 cent less in certain contingencies, I think it would be a limitation. Stating it by percentage, it seems to me the same thing, but whether it is to be disposed of by the ruling of the Chairman upon the point of order or by the vote of the committee on partisan lines, as other propositions have been disposed of here to-day, is of comparatively slight consequence. The result is practically the same—that you provide for carrying coal only in American ships, that you know that you are paying more for carrying it than you would have to pay otherwise, that you refuse to put in a provision that you shall not pay more than one-fifty more, and desire to have it stand so you may pay one-half more, or twice as much, or four times as much, if the American shipowner chooses to exact it; that is what will be decided. That is all I care to say, either about the merits of the amendment or upon the point of order. Let it all be disposed of as you please. [Applause on the Democratic side.]

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

BUREAU OF SUPPLIES AND ACCOUNTS.

Freight, Bureau of Supplies and Accounts: All freight charges pertaining to the Navy Department and its bureaus, except the transportation of coal for the Bureau of Equipment, $75,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 20, line 9, insert:

"Bureau of Steam Engineering—Steam machinery: For completion, repairing, and preservation of machinery and boilers of naval vessels, including cost of new boilers; distilling, refrigerating, and auxiliary machinery; preservation of and small repairs to machinery and boilers in vessels in ordinary, receiving, and training vessels; repair and care of machinery of yard tugs and launches, $500,000."

Mr. TAWNEY. Mr. Chairman, I reserve the point of order on that.

The CHAIRMAN. The gentleman from Minnesota reserves the point of order.

Mr. FITZGERALD. Mr. Chairman, that is the language of the appropriation bill for the present fiscal year, and there was an estimate for deficiency of $1,000,000.

Mr. TAWNEY. Do you put it in as a deficiency or as an original appropriation?

Mr. FITZGERALD. It is estimated for as a deficiency.

Mr. TAWNEY. I say, does your amendment specify that it is to supply a deficiency?

Mr. FITZGERALD. No more than these other amendments do. It follows the same form for the different bureaus as provided in here.

The CHAIRMAN. Will the gentleman from New York inform the Chair upon what page of the sundry civil bill of last year this provision can be found?

Mr. FITZGERALD. The Chair will find that in the naval appropriation bill, on page 22.

The CHAIRMAN. Will the gentleman send to the Chair the provision?

Mr. LITTAUER. Mr. Chairman, the appropriation for this year under this heading was $3,950,000, Bureau of Steam Engineering.

Mr. FITZGERALD. He has that.

The CHAIRMAN. It seems to the Chair that this is offered as a supplemental appropriation for the conduct of work which was provided for in the act of March 3, 1905, and therefore it is in order as an appropriation to be expended during the year ending June 30, 1906. The Chair therefore overrules the point of order.

Mr. FITZGERALD. Mr. Chairman, I wish to make a very brief statement regarding this amendment. Last year the estimate for the Bureau of Steam Engineering was $4,095,000. The Committee on Naval Affairs allowed $3,905,000. The work of the Bureau has been such that by the 1st of January, 1906, $2,300,000 had been utilized in keeping in repair machinery of vessels in commission. For the second half of the fiscal year—that is, from January 1, 1906, to June 30, 1906—the Bureau has left $1,600,000. The Chief of the Bureau of Steam Engineering submitted, through the Secretary of the Navy and Secretary of the Treasury, an estimate for a deficiency of $1,000,000. He stated to the committee in response to an inquiry that the amount of money that he had at his disposal if apportioned monthly would not be sufficient to do the work the Bureau must necessarily do. The importance of providing additional money for this Bureau is due to this fact: A number of vessels are sent into the navy-yards to be overhauled; the Bureau of Steam Engineering, the Bureau of Construction, and Bureau of Equipment, and the other bureaus all work hand in hand; if, because of lack of funds, one bureau must stop its work, it necessarily makes necessary the stoppage of the work in other bureaus.

There have been sent into the different yards several vessels upon which large repairs have been ordered, and unless additional money is provided work will necessarily stop to a great extent in the navy-yards. The fact that this Bureau is spending a great sum of money is due to the fact that there are in commission a great number of naval vessels. The horsepower of the machinery of these naval vessels has, during the past few years—from 1901–1905—increased threefold, while the appropriations have increased but 1.5 times. These vessels, if put in perfect condition and laid up in ordinary, would then be ready for an emergency at a moment's notice. But under the policy of keeping them in active service, of making these vessels participate in maneuvers, so that the officers and crew will be in a highly efficient state, the wear and tear upon the machinery and the necessary repairs are greatly increased.

Mr. Chairman, I have inserted here but one-half of the amount the Bureau has estimated as necessary. This is one of the Bureaus that has been criticised for not having followed the apportionment under the law of last year; but it is utterly impossible to anticipate the repairs that will be necessary to machinery unless it is definitely determined just how much service the different vessels will be called upon to perform. For these reasons I hope, in order to keep the work of this Bureau going, and not to cripple it and the different naval stations of the country, that this amendment will be adopted.

Mr. TAWNEY. Mr. Chairman, I want to say in reply to the gentleman from New York [Mr. FITZGERALD] that the committee gave very careful consideration to this item. In the first place, the Bureau has now $1,600,000 available. They went to the Committee on Naval Affairs, or they came to Congress, before the beginning of the present fiscal year, and they estimated that they would require for this fiscal year $4,095,000. Congress gave them within $190,000 of what they asked, and now they come here with a deficiency of $1,000,000.

Now, Mr. Chairman, there are several reasons why the committee declined to allow this deficiency estimate. In the first place, if the apportionment made by the Secretary of the Navy at the beginning of this fiscal year had been adhered to, there would have been no deficiency. But the necessity for the waiver, as stated by the Secretary, was that it was necessary to maintain the machinery of the vessels in proper shape.

I read yesterday morning in the Washington Post, under the heading of "Army and Navy News," a statement which I think more accurately explains the reason for the deficiency than that given by the Secretary. It is as follows:

The battle ship *Indiana* will be ready for service, it is expected, by February 3, and will immediately join the fleet in the West Indies. The crew of the *Massachusetts*, which recently went out of commission, will be transferred to the *Indiana*. The *Massachusetts* will be repaired at a cost approximating $750,000, and in all probability will be laid up at the New York Navy-Yard for two years or more.

The Chief of the Bureau told us, when he was before the committee, that they had recently overhauled a number of large naval vessels. I stated at the opening of this debate that in our investigation we found that we have to-day two systems of naval construction, one authorized by Congress and the other authorized by the Secretary of the Navy under the word "overhauling." I do not know, and we could not get the information in time, as to what the cost of overhauling a naval vessel is, but, according to this item, the cost of overhauling the *Massa-*

chusetts, or reconstructing her, will be $750,000, equaling almost the aggregated expenditure authorized by Congress for the building of four naval vessels in the Forty-seventh Congress, and almost twice as much as the cost of any one of the vessels authorized between 1873 and 1876; twice as much as the cost of the *Alert*, which is an iron ship, or the *Ranger*, built between 1873 and 1876.

Now, Mr. Chairman, I submit that if we are to go on appropriating money for the maintenance and repairs of machinery, and then allow the Navy Department to divert that appropriation for the purpose of reconstructing the Navy, there is no telling to what extent the deficiencies will hereafter occur in the naval appropriation bills, or to what extent it will be necessary for us to make appropriations for carrying out the orders of the Secretary of the Navy in respect to the reconstruction of naval vessels. This deficiency arises not because of any extraordinary emergency, but it arises because the apportionment was waived in order that the reconstruction of vessels might be carried on under the direction of the Secretary of the Navy. If we are going to have two kinds of naval construction in the United States, then let both be under the jurisdiction and under the authority of Congress. I asked the Chief of this Bureau when before the committee if he did not think the Navy Department or the Secretary, when he desired to reconstruct, or, as he called it, "overhaul," naval vessels to come to Congress with his estimates as to what the cost would be, when that cost involves an expenditure of hundreds of thousands of dollars, and secure the approval or authority of Congress before making that expenditure. The only objection, he said, was that it might cause delay in the rebuilding or reconstruction of the battle ships.

Mr. FITZGERALD. Does not the gentleman know that under the law no repairs can be made upon any vessel in the Navy that exceeds 10 per cent of its appraised cost?

Mr. TAWNEY. There is no such law; there is no law on the subject. There was an old law that applied to wooden vessels, but there is no law to-day that applies to a naval ship in respect to the amount that may be expended for that purpose; and for that reason this deficiency was omitted.

[Here the hammer fell.]

Mr. BUTLER of Pennsylvania. I will ask unanimous consent that the gentleman have sufficient time to answer the question that I would like to ask him.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BUTLER of Pennsylvania. What is the purpose of this amendment?

Mr. TAWNEY. To supply a deficiency of a million dollars for the maintenance and repair of machinery.

Mr. BUTLER of Pennsylvania. Does the gentleman know whether this item has been submitted to the Committee on Naval Affairs?

Mr. TAWNEY. It is a deficiency. The Committee on Naval Affairs in the last appropriation allowed the Navy Department $190,000 less than they estimated.

Mr. BUTLER of Pennsylvania. Yes.

Mr. TAWNEY. Now there is an estimated deficiency of $1,000,000. This $500,000 proposed by the gentleman from New York is to make up that part of the deficiency, which deficiency the Committee on Appropriations declined to allow for the reasons I have given.

Mr. BUTLER of Pennsylvania. We allowed them what we thought they should have, and it was not intended that a deficiency should be created. If there is one, there should be some way to prevent a repetition of it. Last year we appropriated more than $100,000,000 for the maintenance of the naval establishment, and it was not intended that there should be a single deficiency.

Mr. TAWNEY. I am very glad to have that statement from a member of the Committee on Naval Affairs.

Mr. WALDO. Mr. Chairman, I understand this deficiency appropriation is asked for by reason of the fact that repairs were necessary, not only to the particular ship mentioned by the gentleman from Minnesota, but others, which necessitated the use of a portion of the appropriation intended for new ships. Now, it ought to be understood that there are several thousand men at work in the New York Navy-Yard, and a large portion of these men will have to be laid off if appropriations are not made so as to keep them employed, and this expert labor will be disseminated all over this country and perhaps in foreign countries. The Navy Department is opposed to that. Now, there may possibly be something in what the gentleman from Minnesota has said about the battle ship *Massachusetts;* but if he had taken his information from the Navy Department instead of out of some paper that he happened to read this morning, I should perhaps pay more attention to it. It seems to me now that this additional appropriation asked for in the amendment of the gentleman from New York [Mr. FITZGERALD] ought to be allowed for the benefit of the Navy Department, in order to keep that force at work there, so that this work may be done and that the battle ships under construction may proceed.

Mr. TAWNEY. Just one word in reply. I want to say that this is one of two cases where the Committee on Appropriations felt that there had been a clear evasion of the law enacted by the last Congress to prevent deficiencies. That was one of the reasons why this deficiency item was not included in this bill.

Mr. PERKINS. Was it not a violation of the law?

Mr. TAWNEY. No; not technically; but it was a violation of the spirit of the law.

Mr. BUTLER of Pennsylvania. I move to strike out the last word. I think it is well for this committee to understand where we are on the subject of navy-yards. The estimates sent to the Navy Department from our navy-yards, covering the next fiscal year, amount to how much, do you suppose? They amount to more than $42,000,000. They have, of course, been reduced. We have been struggling in the Committee on Naval Affairs for two weeks to get away from the reduced estimates. I want to repeat, so that you will understand—$42,000,000; and if navy-yard officials are "given their heads," they will absorb the American Treasury. Now is the time to halt. Of course a class of naval officials want thousands of men in the navy-yards. It is a part of their programme to fill the different yards with employees and to provide for their continuous employment. Now, I understand we made an appropriation for new machinery to be used on a certain ship, and it has been used for some other purpose not designated in the last naval appropriation bill.

I sincerely hope that the committee will not for one instant make the appropriation provided for in the amendment and thereby clearly defeat the aim which our committee is now making. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question being taken, on a division (demanded by Mr. FITZGERALD) there were—ayes 18; noes 67.

Accordingly the amendment was rejected.

The Clerk read as follows:

GEOLOGICAL SURVEY.

To enable the Director of the Geological Survey to complete the investigation of the useful values contained in the black sands of the United States, under the conditions prescribed in the sundry civil act approved March 3, 1905, $25,000, of which not exceeding $2,000 may be expended for rent of rooms.

Mr. LITTLEFIELD. I should like to inquire the circumstances with reference to this appropriation, and how it becomes necessary.

Mr. LITTAUER. In the sundry civil act of last year $25,000 was appropriated to make an investigation of useful mineral values contained in the black sands about placer mines. The investigation was carried on at the Portland exhibition, much of the machinery being furnished by manufacturers free. There were many tons of samples brought there, also at the expense of those who sent them. It was found that very valuable minerals were contained in these sands, particularly platinum, which at the present time is exceedingly scarce and in great demand, because of its use in electrical development. Now, this experiment has gone on to the point of determining that there were great values not only of platinum but other minerals in these sands, but a method of extracting them had been found. Many samples were yet to be examined, the examination of which would enable the expert in charge to further perfect the method of extracting the ores, and that these experiments could be completed by an additional appropriation of $25,000.

Mr. LITTLEFIELD. So this makes $50,000 in all appropriated for that purpose?

Mr. LITTAUER. It makes in all $50,000 for this purpose.

The CHAIRMAN. The pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

For the necessary transportation of Indian goods, provisions, and other supplies for the Indian service for the fiscal year 1905, $10,000.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Transportation of Indian supplies," fiscal year 1905, $9,693.86.

Mr. MACON. Mr. Chairman, I move to strike out the last word. I should like to ask the gentleman in charge of the bill for an explanation of these two paragraphs.

Mr. LITTAUER. In reference to the paragraph—

For the necessary transportation of Indian goods, provisions, and other supplies for the Indian service for the fiscal year 1905, $10,000—

The supplies had been purchased and transported to the Indian agencies, where they were distributed. A deficiency arose

in the year 1905, a deficiency of $10,000, to pay for such transportation.

Mr. MACON. In the next paragraph is an appropriation to pay amounts found due by the accounting officers of the Treasury on account of the transportation of Indian supplies, $9,693.

Mr. LITTAUER. The latter paragraph contains amounts that have already been audited, while the former is for deficiencies yet to be provided for.

Mr. MACON. One is a finding and the other is an appropriation direct?

Mr. LITTAUER. The other is an appropriation to meet a deficiency which the Department advises us is actually necessary. The second item is an appropriation to pay accounts that have been audited.

Mr. MACON. One is an estimate and the other is an account already adjudicated?

Mr. LITTAUER. One is an estimate and the other is an account audited.

The CHAIRMAN. If there be no objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For the care and support of insane persons in the Indian Territory until the close of the fiscal year 1906, and to be expended under the direction of the Secretary of the Interior: *Provided, however,* That the Indian citizens in said Territory shall be cared for at the asylum in Canton, Lincoln County, S. Dak., $25,000, or so much thereof as may be necessary.

Mr. BURKE of South Dakota. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from South Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 27, line 16, after the word "necessary," insert: "For asylum for insane Indians, Canton, S. Dak., 1906: For the equipment and maintenance of the asylum, for incidental and other necessary expenses for its proper conduct and management, including pay of employees and necessary expenses of transporting insane Indians to and from said asylum, $3,500."

Mr. LITTAUER. I will state that this is an item that came to us after the bill had been reported to the House, and it seems to be perfectly proper.

The question was taken, and the amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

DEPARTMENT OF JUSTICE.

To reimburse the appropriation "Miscellaneous expenditures" of the Department of Justice for the fiscal year 1906, the amount expended for a portrait of ex-Attorney-General P. C. Knox, $2,615.

Mr. JAMES. Mr. Chairman, I make a point of order that this appropriation is not authorized by existing law.

Mr. LITTAUER. Mr. Chairman, I can not appreciate how a point of order can be raised at this time. This is a reimbursement for an appropriation for miscellaneous expenditure—expenditures that have already been made—and is a character of expenditure that has been made in the past constantly under the authorization for this miscellaneous expenditure.

Mr. JAMES. It appears to me that the argument of the gentleman from New York is an admission that this appropriation is not authorized by existing law. The only reason he gives why it should be allowed is that at other times such expenditures have been made. If a wrong has been committed in former times by ordering pictures painted of distinguished men, that is no reason why it ought to be committed again. If this gentleman wants his picture hung on frescoed walls, he is able to pay for it.

Mr. LITTAUER. The gentleman from Kentucky must know that the picture has been hung and that the amount has been paid, and that this is to reimburse the miscellaneous account.

Mr. JAMES. It ought not to be hung at the expense of the American people.

The CHAIRMAN. The Chair would inquire of the gentleman in charge of the bill whether, in his judgment, this does not conflict with the provision in last year's appropriation bill prohibiting the expenditure of any money by the head of any Department?

Mr. LITTAUER. It was waived by the Attorney-General and his waiver sent to Congress.

The CHAIRMAN. What provision of law permits the Attorney-General to waive a law of Congress?

Mr. LITTAUER. The law itself contains such a provision.

Mr. TAWNEY. I will state, Mr. Chairman, that, in my judgment, the only question that pertains to this matter is whether it is an expenditure authorized by law—whether it is such an item as can be properly construed to be a contingent expense incident to that particular Bureau under the language of the appropriation.

Mr. LITTAUER. And further, Mr. Chairman, the law states that this appropriation was for miscellaneous expenditures, enumerating various articles, current books of reference, periodicals "and other necessaries directly ordered by the Attorney-General."

Mr. JAMES. I would like to ask the gentleman if this is a necessary expenditure?

Mr. PERKINS. Does the gentleman claim that this is a necessity?

Mr. LITTAUER. No; I do not claim that.

Mr. JAMES. I would suggest that if anybody wants to see the picture of the ex-Attorney-General they can see the real article at the other end of the Capitol. If he should pass away, they could put a statue in the hall of fame to commemorate him. I do not think, therefore, the picture of ex-Attorney-General Knox is a necessity now; I think the point of order should be sustained.

The CHAIRMAN. The Chair will sustain the point of order.

The Clerk read as follows:

For miscellaneous expenditures, including telegraphing, fuel, lights, foreign postage, labor, repairs of buildings, care of grounds, books of reference, periodicals, and other necessaries, directly ordered by the Attorney-General, for the fiscal year 1905, $413.45.

Mr. MACON. Mr. Chairman, I move to strike out the last word. I want to ask the gentleman in charge of the bill about these periodicals and their necessity and why they are considered necessary in the conduct of the Attorney-General's Office.

Mr. LITTAUER. This is a deficiency occuring in the fiscal year of 1905 of $413.45. It is exactly in the terms of the law. Periodicals are provided for under the law.

Mr. MACON. As necessary articles?

Mr. LITTAUER. Not as necessary. The law, with which we have no concern here, simply reads "periodicals and other necessaries."

Mr. MACON. Does that mean that the Department has a right to purchase any periodical it wants for private reading?

Mr. LITTAUER. It gives them the right to purchase periodicals. That law was passed for the fiscal year of 1905, and a deficiency exists thereunder.

Mr. MACON. Under the circumstances, Mr. Chairman, it is impossible for me to give any relief by moving to strike out the word "periodicals."

Mr. LITTAUER. The expenditure has already been incurred.

Mr. MACON. As I say, we can give no relief by striking it out; but it strikes me as being a rank evil to give under the law the Departments the right to purchase periodicals or any old thing they want.

Mr. LITTAUER. Will not the gentleman reserve his motion until the legislative bill is up again, when he can offer an amendment?

Mr. MACON. I do not make any motion; I was making a few remarks in the time I had under the five-minute rule, and only moved to strike out the last word. I am not making any motion; but it strikes me as being a crying evil to allow such an extravagance as periodicals purchased by the heads of Departments to amuse themselves with when they have nothing else to do, and incidentally at any time, and therefore I simply called the attention of the Committee on Appropriations to the fact, not that I expect to right it at this time, but that the committee might correct the wrong in its next bill. I am simple enough to think that it is wrong to tolerate such a proceeding. Mr. Chairman, I withdraw the pro forma amendment.

Mr. LITTAUER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee determined to rise; and the Speaker having resumed the chair, Mr. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the urgent deficiency bill (H. R. 12320) and had come to no resolution thereon.

APPOINTMENT OF JANITORS, ETC., TO COMMITTEES.

Mr. CASSEL. Mr. Speaker, I present the following privileged resolution from the Committee on Accounts.

The SPEAKER. The gentleman from Pennsylvania presents a privileged resolution from the Committee on Accounts, which the Clerk will read.

The Clerk read as follows:

[House resolution No. 182, Fifty-ninth Congress, first session.]

Mr. CASSEL, from the Committee on Accounts, reported, in lieu of H. Res. No. 18, H. Res. No. 109, H. Res. No. 79, H. Res. No. 107, H. Res. No. 101, H. Res. No. 74, H. Res. No. 111, H. Res. No. 148, H. Res. No. 95, H. Res. No. 71, H. Res. No. 83, H. Res. No. 84, H. Res. No. 113, H. Res. No. 19, H. Res. No. 147, H. Res. No. 21, H. Res. No. 78, H. Res. No. 40, H. Res. No. 26, H. Res. No. 36, H. Res. No. 156, H. Res. No. 44, H. Res. No. 58, H. Res. No. 150, and H. Res. No. 127.

Resolved, That the chairmen of the Committees on (first) Education, (second) Levees and Improvements of the Mississippi River,

(third) Mines and Mining, (fourth) Patents, (fifth) Industrial Arts and Expositions, (sixth) Coinage, Weights, and Measures, (seventh) Railways and Canals, (eighth) Militia, (ninth) Expenditures on Public Buildings, (tenth) Expenditures in the Department of Justice, (eleventh) Expenditures in the Navy Department, (twelfth) Expenditures in the Department of Commerce and Labor, and (thirteenth) Pacific Railroads, be, and they are hereby, authorized to appoint a janitor to each of said committees to serve during the sessions of the Fifty-ninth Congress, whose compensation shall be paid out of the contingent fund of the House, at the rate of $60 per month, and said janitors, under the direction of the Doorkeeper, shall also have the care of the rooms of the following-named committees and offices and shall perform all of the duties required of messengers, namely:

First. Revision of the Laws, and Labor.

Second. Reform of the Civil Service, and the room of the index clerks.

Third. Expenditures in the Department of Agriculture, and Irrigation of Arid Lands.

Fourth. Expenditures in the Treasury Department, and Mileage.

Fifth. Manufactures.

Sixth. Disposition of Useless Papers in the Executive Departments.

Seventh. Private Land Claims, and Expenditures in the Post-Office Department.

Eighth. Census, and Ventilation and Acoustics.

Ninth. Alcoholic Liquor Traffic, and Immigration and Naturalization.

Tenth. Election of President, Vice-President, and Representatives in Congress.

Eleventh. Lieutenants, and guard rooms of the Capitol police and the room formerly used by the Committee on Examination and Disposition of Documents.

Twelfth. Expenditures in the State Department and Expenditures in the War Department.

Thirteenth. Expenditures in the Interior Department.

The pay of such janitors shall begin from the time they entered upon the discharge of their duties, which shall be ascertained and evidenced by the certificate of said chairman.

Resolved, That the Clerk of the House is hereby authorized to appoint a janitor to perform service in the office of the file, journal, and printing clerks of the House, to be paid out of the contingent fund of the House, at the rate of $60 per month.

Resolved, That the chairmen of the following-named committees are hereby authorized to appoint clerks to such committees to serve during the sessions of the Fifty-ninth Congress, to be paid out of the contingent fund of the House the usual per diem compensation of $6, which shall in each case equal in the aggregate the amount paid session clerks whose employment is provided for by law, namely, Census, Pacific Railroads, Private Land Claims, and Election of President, Vice-President, and Representatives in Congress: *Provided*, That the pay of such clerks shall begin from the time they entered upon the discharge of their duties, which shall be ascertained and evidenced by the certificate of the chairmen of said committees.

Resolved, That the chairmen of the following-named committees are hereby authorized to appoint assistant clerks to such committees to serve during the sessions of the Fifty-ninth Congress, to be paid out of the contingent fund of the House the usual per diem compensation of $6, which shall in each case equal in the aggregate the amount paid session clerks whose employment is provided for by law, namely: District of Columbia, Enrolled Bills, Indian Affairs, and Pensions: *Provided*, That the pay of such clerks shall begin from the time they entered upon the discharge of their duties, which shall be ascertained and evidenced by the certificate of the chairmen of said committees.

Resolved, That the chairman of the Committee on the Judiciary is hereby authorized to appoint a messenger to said committee, to serve during the present Congress, whose compensation shall be paid out of the contingent fund of the House at the rate of $60 per month from and after December 4, 1905.

Resolved, That the Doorkeeper of the House is hereby authorized to employ Hugh Williams as a page in the press gallery of the House during the remainder of the present fiscal year, to be paid out of the contingent fund of the House at the rate of $75 per month from and after December 4, 1905.

Resolved, That the Clerk of the House is hereby authorized and directed to pay to Mrs. Sarah M. Henshaw, daughter of Norton McGiffin, deceased, late a folder on the rolls of the Doorkeeper of the House of Representatives, a sum equal to six months' pay at the rate of compensation received by him at the time of his death, and a further sum, not exceeding $250, on account of the funeral expenses of said Norton McGiffin, said amounts to be paid out of the contingent fund of the House.

Resolved, That the Clerk of the House is hereby authorized and directed to pay, out of the contingent fund of the House, to Thomas W. Conway, brother of Joseph R. Conway, deceased, late a laborer in the Doorkeeper's department of the House, a sum equal to six months' salary at the rate of compensation received by him at the time of his death, and a further sum not exceeding $250 on account of the funeral expenses of said Thomas W. Conway, said amounts to be paid out of the contingent fund of the House.

Resolved, That the compensation of the assistant clerk to the Committee on Interstate and Foreign Commerce, whose employment was authorized by a resolution adopted by the House December 19, 1905, is hereby authorized to be paid out of the contingent fund of the House.

Resolved, That the Doorkeeper of the House is hereby authorized and directed to employ a lady attendant in the ladies' reception room, Statuary Hall, to serve during the sessions of the Fifty-ninth Congress, to be paid out of the contingent fund of the House, at the rate of $60 per month.

[House Report No. 526, Fifty-ninth Congress, first session.]

The Committee on Accounts, to whom was referred sundry resolutions providing for the employment of janitors, clerks, assistant clerks, etc., to certain committees of the House, having had the same under consideration, recommend the adoption by the House of the following resolutions in lieu thereof, viz:

"1. *Resolved*, That the chairmen of the Committees on (1) Education, (2) Levees and Improvements of the Mississippi River, (3) Mines and Mining, (4) Patents, (5) Industrial Arts and Expositions, (6) Coinage, Weights, and Measures, (7) Railways and Canals, (8) Militia, (9) Expenditures on Public Buildings, (10) Expenditures in the Department of Justice, (11) Expenditures in the Navy Department, (12) Expenditures in the Department of Commerce and Labor, and (13) Pacific Railroads be, and they are hereby, authorized to appoint a janitor to each of said committees to serve during the sessions of the Fifty-ninth Congress, whose compensation shall be paid out of the contingent fund of the House at the rate of $60 dollars per month; and said janitors, under the direction of the Doorkeeper, shall also have the care of the rooms of the following-named committees and offices and shall perform all of the duties required of messengers, namely:

"(1) Revision of the Laws, and Labor;

"(2) Reform in the Civil Service, and the room of the index clerks;

"(3) Expenditures in the Department of Agriculture, and Irrigation of Arid Lands;

"(4) Expenditures in the Treasury Department, and Mileage;

"(5) Manufactures;

"(6) Disposition of Useless Papers in the Executive Departments;

"(7) Private Land Claims, and Expenditures in the Post-Office Department;

"(8) Census, and Ventilation and Acoustics;

"(9) Alcoholic Liquor Traffic, and Immigration and Naturalization;

"(10) Election of President, Vice-President, and Representatives in Congress;

"(11) Lieutenants' and guard rooms of the Capitol police, and the room formerly used by the Committee on the Disposition of Documents;

"(12) Expenditures in the State Department and Expenditures in the War Department;

"(13) Expenditures in the Interior Department.

"The pay of such janitors shall begin from the time they entered upon the discharge of their duties, which shall be ascertained and evidenced by the certificate of said chairmen.

"2. *Resolved*, That the Clerk of the House is hereby authorized to appoint a janitor to perform service in the office of the file, journal, and printing clerks of the House, to be paid out of the contingent fund of the House at the rate of $60 per month.

"3. *Resolved*, That the chairmen of the following-named committees are hereby authorized to appoint clerks to such committees, to serve during the sessions of the Fifty-ninth Congress, to be paid out of the contingent fund of the House the usual per diem compensation of $6, which shall in each case equal in the aggregate the amount paid session clerks whose employment is provided for by law, namely, Census, Pacific Railroads, Private Land Claims, and Election of President, Vice-President, and Representatives in Congress: *Provided*, That the pay of such clerks shall begin from the time they entered upon the discharge of their duties, which shall be ascertained and evidenced by the certificate of the chairmen of said committees.

"4. *Resolved*, That the chairmen of the following-named committees are hereby authorized to appoint assistant clerks to such committee, to serve during the sessions of the Fifty-ninth Congress, to be paid out of the contingent fund of the House the usual per diem compensation of $6, which shall in each case equal in the aggregate the amount paid session clerks whose employment is provided for by law, namely: District of Columbia, Enrolled Bills, Indian Affairs, and Pensions: *Provided*, That the pay of such clerks shall begin from the time they entered upon the discharge of their duties, which shall be ascertained and evidenced by the certificate of the chairmen of said committees.

"5. *Resolved*, That the chairman of the Committee on the Judiciary is hereby authorized to appoint a messenger to said committee, to serve during the present Congress, whose compensation shall be paid out of the contingent fund of the House, at the rate of $60 per month from and after December 4, 1905.

"6. *Resolved*, That the Doorkeeper of the House is hereby authorized to employ Hugh Williams as a page in the press gallery of the House during the remainder of the present fiscal year, to be paid out of the contingent fund of the House, at the rate of $75 per month from and after December 4, 1905.

"7. *Resolved*, That the Clerk of the House is hereby authorized and directed to pay to Mrs. Sarah M. Henshaw, daughter of Norton McGiffin, deceased, late a folder on the rolls of the Doorkeeper of the House of Representatives, a sum equal to six months' pay, at the rate of compensation received by him at the time of his death, and a further sum not exceeding $250 on account of the funeral expenses of said Norton McGiffin, said amounts to be paid out of the contingent fund of the House.

"8. *Resolved*, That the Clerk of the House is hereby authorized and directed to pay out of the contingent fund of the House to Thomas W. Conway, brother of Joseph R. Conway, deceased, late a laborer in the Doorkeeper's department of the House, a sum equal to six months' salary, at the rate of compensation received by him at the time of his death, and a further sum not exceeding $250 on account of the funeral expenses of said Thomas W. Conway, said amounts to be paid out of the contingent fund of the House.

"9. *Resolved*, That the compensation of the assistant clerk to the Committee on Interstate and Foreign Commerce, whose employment was authorized by a resolution adopted by the House December 19, 1905, is hereby authorized to be paid out of the contingent fund of the House.

"10. *Resolved*, That the Doorkeeper of the House is hereby authorized and directed to employ a lady attendant in the ladies' reception room, Statuary Hall, to serve during the sessions of the Fifty-ninth Congress, to be paid out of the contingent fund of the House, at the rate of $60 per month."

Taking up these resolutions in their order, your committee begs leave to state:

First. That we find 36 rooms, including committee rooms and certain offices connected with the House of Representatives, without janitor service, namely: Alcoholic Liquor Traffic; Census; Coinage, Weights, and Measures; Disposition of Useless Papers in the Executive Departments; Education; Election of President, Vice-President, and Representatives in Congress; Expenditures in the Department of Agriculture; Expenditures in the Department of Commerce and Labor; Expenditures in the Department of Justice; Expenditures in the Interior Department; Expenditures in the Navy Department; Expenditures in the Post-Office Department; Expenditures in the State Department; Expenditures in the Treasury Department; Expenditures in the War Department; Expenditures on Public Buildings; office of the file, journal, and printing clerks; Immigration and Naturalization; index clerk's office; Industrial Arts and Expositions; Irrigation of Arid Lands; Labor; Levees and Improvements of the Mississippi River; Manufactures; Mileage; Militia; Mines and Mining; Pacific Railroads; Patents; Private Land Claims; Railways and Canals; Reform in the Civil Service; Revision of the Laws; Ventilation and Acoustics; lieutenants and guards' room, and the room formerly used by the Committee on the Disposition of Documents.

The resolution reported herewith provides for the care of these thirty-six rooms and offices by the employment of fourteen janitors, who are

to be appointed by the chairmen of certain committees named in the resolution, whose compensation shall be $60 per month during the sessions of the Fifty-ninth Congress. The pay of these janitors is to begin from the time they entered upon the discharge of their duties, which is to be ascertained and evidenced by the chairmen authorized to appoint them. This resolution, if adopted, will provide every committee room and every office in the House wing of the Capitol with janitor service that are not now so provided. And by assigning each janitor to two or more rooms, and by requiring that they shall also perform messenger service, we believe to be a proper, an equitable, and at the same time an economical arrangement. Janitors appointed under this resolution will have the care of the groups of committees indicated by the numbers, and they will be directly responsible to the chairmen appointing them for the proper discharge of their duties in all of the rooms to which assigned, and inefficiency, inattention to duty, or misconduct on the part of any janitor should be reported to the chairman of the first-named committee of the group of committees to which such janitor may belong.

In the last Congress (Fifty-eighth) nine janitors in addition to the regular force were provided for by resolutions reported from the Committee on Accounts and adopted by the House. They were assigned as follows:

Alcoholic Liquor Traffic, Election of President, Vice-President, and Representatives in Congress, and Expenditures in the Department of Agriculture, one janitor; Expenditures in the Department of Justice, Expenditures in the Interior Department, and Expenditures in the Navy Department, one janitor; Expenditures in the Post-Office Department, Expenditures in the State Department and Expenditures in the Treasury Department, one janitor; Expenditures in the War Department, Expenditures on Public Buildings, Mileage, and Ventilation and Acoustics, one janitor; Education, Enrolled Bills, and Levees and Improvements of the Mississippi River, the House document room, and the library of the House.

Of the foregoing the House document room, the library of the House, and the Committee on Enrolled Bills are the only rooms now provided with janitors, the two first mentioned having been provided for by law and the latter by resolution of the House of December 19, 1905.

It will be seen that nine janitors in the last Congress had the care of eighteen committee rooms and offices. They were employed for the entire Congress, including the recess between sessions, and their compensation, at $60 per month each, aggregated $7,896. We now propose to employ fourteen janitors at the same rate of pay, but to confine their employment to the sessions of the present Congress. This will be an apparent increase of five janitors, but an actual increase of only two chargeable to the contingent fund of the House, for the reason that three committees, namely, Labor, Industrial Arts and Expositions, and Revision of the Laws, are taken care of in our resolution which are entitled, according to custom, to janitors by law, but provision for same having been omitted from the current legislative appropriation act, we have included them in the plan now recommended. But while there is a total increase of five janitors over the number provided in the last Congress the number of rooms to be cared for is increased from eighteen in the Fifty-eighth Congress to thirty-six in the present Congress—just double the number of rooms. And while nine janitors in the last Congress cost $7,896, it is now proposed that fourteen janitors shall cost, it is estimated, $5,880 for the present session, carrying it until the end of the fiscal year, $300 during the recess, and $2,520 for the second session, making the total for this Congress $8,700, an increase of only $904 over the last Congress for double the amount of service.

Considerations of health, cleanliness, the comfort of Members, the dispatch of the public business, and the fact that some Members of the House have themselves been paying for janitor service induced your committee to recommend this general provision for janitors, leaving nothing of this kind to be done during the remainder of this Congress, and in so doing we have had due regard for economy as well as for the other purposes to be subserved.

SUMMARY.

Number of janitors recommended, 14.
Number of rooms provided for, 36.
Number of janitors, Fifty-eighth Congress, by resolution, 9.
Number of rooms, Fifty-eighth Congress, 18.
Apparent increase of janitors, 5.
Actual increase chargeable to contingent fund, 2.
Increased number of rooms to be cared for, 18.
Amount paid for 9 janitors, Fifty-eighth Congress, $7,896.
Amount estimated for 14 janitors, Fifty-ninth Congress, $8,700.
Estimated increase by proposed resolutions, $904.

Estimates are based on employment during first session Fifty-ninth Congress, until June 30, 1906, whereas if Congress sooner adjourns the expenditure will be less.

We recommend that resolutions numbered 18, 109, 79, 107, 101, 156, 74, 111, and 148 lie on the table.

Second. The janitor authorized by this resolution for the office of the file, journal, and printing clerks of the House, an overcrowded room wherein a great volume of important public business is transacted, is undoubtedly necessary. This janitor is included in the foregoing general statement relative to janitors.

We recommend that House resolution No. 95 lie on the table.

Third. This resolution authorizes the appointment of clerks during the sessions of the Fifty-ninth Congress to the Committees on Census, Pacific Railroads, Private Land Claims, and Election of President, Vice-President, and Representatives in Congress, at the usual per diem compensation of $6, and in order to equalize their salaries with those of session clerks to committees whose employment is authorized by law we provide that they shall be paid an amount which, in the aggregate, shall equal that paid such session clerks. It is also provided that the pay of these clerks shall begin from the time they entered upon the discharge of their duties.

The current legislative, executive, and judicial appropriation act provides for eleven session clerks to committees, which clerks have already been assigned by resolution to that many committees, leaving certain other committees unprovided for, among them the four committees above named, three of which, namely, Census, Pacific Railroads, and Private Land Claims, were provided for in the Fifty-eighth Congress by resolution. It is now proposed to add the Committee on the Election of President, Vice-President, and Representatives in Congress to this class. This committee has had referred to it in the present session a number of important bills pertaining to its jurisdiction, which the chairman of that committee states will receive consideration, and the services of a clerk will therefore be necessary. For these reasons we recommend this additional clerk.

During the time these clerks are on the roll the chairmen of the committees named will be denied, under the law, the usual allowance for personal clerk hire, so that, while their total compensation will be $7,087 for the entire Congress from the contingent fund of the House, a saving of $4,000 will be effected in personal clerk-hire allowances, which will revert to the Treasury from the appropriation for clerks to Members. Thus the actual net expenditure for these four clerks will be $3,087.

SUMMARY.

Number of clerks recommended, 4.
Number of these authorized in Fifty-eighth Congress, 3.
Increase, 1.
Estimated expenditure from contingent fund, $7,087.
Amount of clerk-hire allowance deducted, $4,000.
Net expenditure from Treasury, $3,087.

Fourth. This resolution provides assistant clerks during the sessions of the Fifty-ninth Congress for the Committees on the District of Columbia, Enrolled Bills, Indian Affairs, and Pensions. This is an increase of one assistant clerk—to the Committee on Pensions—and this we are convinced is necessary for the proper and expeditious transaction of the business of that committee, for the reasons set forth in the following letter from its chairman, viz:

HOUSE OF REPRESENTATIVES, COMMITTEE ON PENSIONS,
Washington, D. C., January 15, 1906.

DEAR SIR: I am very anxious to have your committee take favorable action on resolution No. 40, which I introduced for the appointment of a session clerk to facilitate the work of this committee.

When I became chairman of this committee, in the Fifty-fourth Congress, it had 661 bills referred to it for consideration. Since that time the work has steadily increased, and particularly since the Spanish-American war. At the last session we had 1,519 bills, and at this session, up to this time, we are 34 per cent ahead of last Congress at the same stage of the term, and if the present rate of increase should continue during the term we will have at least 2,000 bills to consider.

The handling of this large volume of business requires close and painstaking work, involving much time and care. The miscellaneous character of the work coming before the committee embraces all of the ramifications of the pension system, and the papers to be considered are voluminous and complicated. Much of the time of the limited clerical help attached to the committee is taken up in answering questions and furnishing blanks and information for the use of Members. The hours of labor have heretofore and will doubtless hereafter be greatly increased, often extending into the night, and the additional help provided for in the resolution is necessary, not only to the committee, but in aid of the individual Members who come to the committee for help concerning their pension matters generally.

Yours, truly,

H. C. LOUDENSLAGER, *Chairman.*

Hon. H. B. CASSEL,
Chairman Committee on Accounts, Washington, D. C.

The expenditure for the four assistant clerks recommended will be $7,087 for both sessions of the present Congress, from which there will be no reduction on account of personal clerk-hire allowance, for the reason that the chairmen of the committees named are granted personal clerk-hire allowance by law.

SUMMARY.

Number of assistant clerks recommended, 4.
Number of these authorized in Fifty-eighth Congress, 3.
Increase, 1.
Estimated expenditure for entire Fifty-ninth Congress, $7,087.
Increase over Fifty-eighth Congress, $1,772.

We recommend that House resolutions numbered 71, 83, 84, 113, 19, 147, 21, 78, and 40, providing for clerks and assistant clerks, be laid on the table.

Fifth. This resolution authorizes the chairman of the Committee on the Judiciary to appoint a messenger to said committee at $60 per month. Such messenger was granted in the last Congress and is shown to be necessary in this Congress, and we therefore recommend the adoption of the resolution. The amount involved is $660.

We recommend that House resolution numbered 57 be laid on the table.

Sixth. This resolution authorizes the appointment of Hugh Williams as a page in the press gallery of the House. It has been customary to so name him and to pass a resolution providing for this position. Service of this kind has been shown to be necessary in the press gallery and it is recommended by the members of the press gallery committee. We therefore recommend the adoption of the resolution.

We also recommend that House resolutions numbered 26 and 36 be laid on the table.

Seventh. Authorizes payment out of the contingent fund of the House to Mrs. Sarah M. Henshaw, daughter of Norton McGiffin, late a folder, of a sum equal to six months of his salary and not exceeding $250 for funeral expenses. This resolution is in due form and is in accordance with the practice relative to payments on account of deceased employees.

Eighth. Same as No. 7, except that the proposed beneficiary is Thomas W. Conway, brother of Joseph R. Conway, late a laborer. The amount involved in this and in the preceding paragraph is $1,320, both men having received at the time of their death $720 per annum each.

We recommend that resolutions numbered 44, 58, and 150 be laid on the table.

Ninth. This resolution simply makes effective the resolution of the House adopted December 19, 1905, providing an assistant clerk to the Committee on Interstate and Foreign Commerce, by authorizing payment out of the contingent fund of the House in accordance with the joint resolution approved January 17, 1906, relating to contingent expenses of the House of Representatives.

Tenth. This resolution authorizes the Doorkeeper to appoint a lady attendant in the ladies' reception room, at a salary of $60 per month, during the sessions of the Fifty-ninth Congress. A portion of Statuary Hall has been set off, by direction of the Speaker of the House, as a public reception room, from whence ladies may send in their cards to Members of the House. This room has been fitted up with the necessary appurtenances, and it is quite evident to your committee that a lady attendant there is not only proper, but necessary. We therefore favorably recommend the resolution, and that resolution numbered 127 be laid on the table. The amount involved is estimated to be $500.

For the further information of the House we would state that it is estimated that the resolutions adopted by the House December 19 and 20, 1905, will involve a total expenditure for the present session, carrying the session to the end of the fiscal year, of $4,440.50.

RECAPITULATION.

Salaries of 14 janitors	$8,700
Salaries of 4 clerks to committees	7,087
Salaries of 4 assistant clerks to committees	7,087
Salary, messenger to Committee on Judiciary	660
Salary, page, press gallery	515
Payments on account of deceased employees	1,310
Salary, attendant ladies' reception room	500
Total	25,859
Less amount of clerk hire reverting to Treasury	4,000
Net total	21,859

During the reading of the above,

Mr. CLARK of Missouri. Mr. Speaker, I rise to a parliamentary inquiry. Is this thing that is being read now a privileged report?

The SPEAKER. The Chair has not been paying very close attention to the reading, but presumably it is.

Mr. CLARK of Missouri. If it is not, I desire to object and end it right now.

Mr. CASSEL. It is a privileged report, Mr. Speaker; it carries an appropriation.

Mr. CLARK of Missouri. I serve notice on the gentleman, Mr. Speaker, that he may as well withdraw it, for if he does not I shall fight it, roll call and all.

The SPEAKER. The Clerk will proceed.

The Clerk concluded the reading of the report.

Mr. CASSEL. Now, Mr. Speaker, I desire to say that the Committee on Accounts has prepared this resolution and report with a very great deal of care; that we have had before us the various resolutions which have been introduced into the House and after careful consideration have prepared the report; that we have had prepared a detailed statement of all of these appointments, and I now ask that this report of the committee be printed in the RECORD so that each Member of the House can have a full copy of it in the morning, and that the matter be left open for further discussion at that time.

The SPEAKER. The gentleman asks that the report accompanying the resolution be printed in the RECORD. Is there objection?

Mr. CLARK of Missouri. That is all right. I did not propose to have any such resolution as that come up at this time.

Mr. PAYNE. The gentleman asks that the matter go over to be called up again?

Mr. CASSEL. Yes; as unfinished business or as a privileged resolution.

There was no objection.

FRENCH SPOLIATION CLAIMS.

The SPEAKER. The Chair lays before the House a request coming from the Committee on Claims and also the Committee on War Claims, taking from the Committee on Claims certain Executive documents touching findings of the Court of Claims in the matter of the French spoliation claims, and asking that the reference be changed from the Committee on Claims to the Committee on War Claims. The effect of this, if done, would be to change the jurisdiction of the respective committees as that jurisdiction has been heretofore exercised. If the change should be made, about which the Chair does not intimate any opinion as to the propriety thereof, the Chair will feel justified in the future, if not incidentally authorized when similar communications come, to refer the same to the Committee on War Claims instead of to the Committee on Claims. With the explanation given, is there objection to the request?

Mr. GARRETT. Mr. Speaker, may I ask who it is that presents this request?

The SPEAKER. It comes with the indorsement of the gentleman from Kansas [Mr. MILLER], the chairman of the Committee on Claims.

Mr. FINLEY. Mr. Speaker, I would like to have some explanation giving the reason for this. Some of us know that the jurisdiction of these various committees is a matter of very great moment sometimes, and I would like to have some explanation of the necessity for it.

The SPEAKER. The gentleman from Kansas not being present, with the permission of the House the matter will go over until another day.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted as follows:

To Mr. SMITH of Maryland to withdraw from the files of the House, without leaving copies, the papers in the case of Charles Chaille Long, Fifty-eighth Congress, no adverse report having been made thereon.

To Mr. CALDERHEAD to withdraw from the files of the House, without leaving copies, the papers in the case of Eliza M. Burke, Fifty-eighth Congress, no adverse report having been made thereon.

To Mr. MOON of Tennessee to withdraw from the files of the House, without leaving copies, the papers in the case of Asa Faulkner, O. B. Spurlock, and others, Forty-ninth Congress, no adverse report having been made thereon.

BILLINGS LAND DISTRICT.

Mr. DIXON of Montana. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8994) to provide for a land district in Yellowstone, Carbon, and Rosebud counties, in the State of Montana, to be known as the "Billings land district," which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That all that portion of the State of Montana included within the present boundaries of Yellowstone and Carbon counties and all that portion of the ceded and unceded part of the Crow Indian Reservation lying within the limits of Rosebud County, is hereby constituted a new land district, and that the land office for said district shall be located at Billings, in said Yellowstone County.

With the following committee amendment:

In line 7, after the word "county," insert the following: "west of the Big Horn River."

Mr. PAYNE. Mr. Speaker, reserving the right to object, I would like to ask the gentleman a question. As I understand it, the general law provides for the arrangement of land districts by the President of the United States.

Mr. SMITH of Kentucky. Mr. Speaker, I desire to reserve the right to object before any discussion is had.

Mr. PAYNE. I have reserved the right to object.

Mr. SMITH of Kentucky. I did not hear the gentleman.

Mr. PAYNE. I understand the President has full authority to create a land district or change a land district. Why the necessity of this special act?

Mr. DIXON of Montana. The President does not have the right to create a new land district. He does have the right when the business of old districts has become very small to consolidate old districts or move the land office. In this case the Crow Reservation is to be opened this coming August, and the Department has asked that this land office be created at Billings right at the head of the Crow Indian Reservation.

Mr. PAYNE. And it is shown there is a necessity for this office?

Mr. DIXON of Montana. Absolutely. There is a report from the Commissioner of the General Land Office, and it is unanimously reported by the Committee on Public Lands.

Mr. PAYNE. I have no objection, Mr. Speaker.

The SPEAKER. Is there objection?

Mr. SMITH of Kentucky. Mr. Speaker, I did not hear the colloquy which ensued between the gentleman from New York and the gentleman from Montana. Still reserving the right to object, I want to know the necessity for this piece of legislation.

Mr. DIXON of Montana. As I have just explained, the great Crow Indian Reservation is to be opened this coming August under the act passed two years ago. At the present time there is no land office within a hundred and fifty miles on one side of the reservation and probably a hundred and thirty or a hundred and forty on the other. This is the creation of a new land office asked for by the Department and unanimously reported by the Committee on Public Lands to establish a new land office on the edge of the Crow Indian Reservation soon to be opened for settlement.

Mr. SMITH of Kentucky. How many acres are there in the Crow Reservation?

Mr. DIXON of Montana. About 1,300,000.

Mr. SMITH of Kentucky. I have no objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading, was read the third time, and passed.

On motion of Mr. DIXON of Montana, a motion to reconsider the last vote was laid on the table.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 2159. An act authorizing the Jasper and Eastern Railway Company, its successors and assigns, to construct and operate a railroad bridge across the Sabine River, in the States of Texas and Louisiana; and

S. 321. An act to provide for the extension of time within which homestead settlers may establish their residence upon certain lands which were heretofore a part of the Uinta Indian Reservation, within the counties of Uinta and Wasatch, in the State of Utah.

LEAVE OF ABSENCE.

Mr. ANDRUS, by unanimous consent, was granted leave of absence for three days on account of death in the family.

Mr. LITTAUER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 11 minutes p. m.) the House adjourned to meet on Wednesday, January 24, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for enlarging the Army Building at New York City—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting a supplemental estimate of appropriation for pay of the Army—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect submitting an estimate of appropriation for a heating, power, and light plant for the new custom-house building at San Francisco—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for post exchange and amusement hall, general hospital, Presidio, San Francisco, Cal.—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of deficiency appropriation for pay of Military Academy—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, submitting an estimate of appropriation for completion of revenue steamer for Albemarle and Pimlico sounds, North Carolina—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for Mountain Branch, National Home for Disabled Volunteer Soldiers—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of the Red River of the North from Fargo to the international boundary line—to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SLAYDEN, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 11543) to correct the military record of Benjamin F. Graham, reported the same with amendment, accompanied by a report (No. 497); which said bill and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 11976) for the relief of the Compañía de los Ferrocarriles de Puerto Rico, reported the same without amendment, accompanied by a report (No. 500); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on War Claims, to which was referred the bill of the House (H. R. 11108) for the relief of Benjamin F. King, reported the same without amendment, accompanied by a report (No. 501); which said bill and report were referred to the Private Calendar.

Mr. KENNEDY of Nebraska, from the Committee on War Claims, to which was referred the bill of the House (H. R. 1863) for the relief of M. A. McCafferty, reported the same without amendment, accompanied by a report (No. 502); which said bill and report were referred to the Private Calendar.

Mr. SPIGHT, from the Committee on War Claims, to which was referred the bill of the House (H. R. 8952) for the relief of the trustees of Weir's Chapel, Tippah County, Miss., reported the same without amendment, accompanied by a report (No. 503); which said bill and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 5217) for the relief of Agnes W. Hills and Sarah J. Hills, reported the same with amendment, accompanied by a report (No. 504); which said bill and report were referred to the Private Calendar.

Mr. SIMS, from the Committee on War Claims, to which was referred the bill of the House (H. R. 3997) for the relief of John A. Meroney, reported the same with amendment, accompanied by a report (No. 505); which said bill and report were referred to the Private Calendar.

Mr. HASKINS, from the Committee on War Claims, to which was referred the bill of the House H. R. 2299, reported in lieu thereof a resolution (H. Res. 161) referring to the Court of Claims the papers in the case of W. M. Justice, of Hunt County, Tex., accompanied by a report (No. 506); which said resolution and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the House H. R. 8838, reported in lieu thereof a resolution (H. Res. 162) referring to the Court of Claims the papers in the case of Joseph Loudermilk, of Monroe County, W. Va., accompanied by a report (No. 507); which said resolution and report were referred to the Private Calendar.

Mr. CLAYTON, from the Committee on War Claims, to which was referred the bill of the House H. R. 1272, reported in lieu thereof a resolution (H. Res. 163) referring to the Court of Claims the papers in the case of the representatives of the estate of Reuben Dawkins, deceased, accompanied by a report (No. 508); which said resolution and report were referred to the Private Calendar.

Mr. HASKINS, from the Committee on War Claims, to which was referred the bill of the House H. R. 2302, reported in lieu thereof a resolution (H. Res. 164) referring to the Court of Claims the papers in the case of the legal representatives of Jonathan Holmes, deceased, accompanied by a report (No. 509); which said resolution and report were referred to the Private Calendar.

Mr. CLAYTON, from the Committee on War Claims, to which was referred the bill of the House H. R. 6938, reported in lieu thereof a resolution (H. Res. 165) referring to the Court of Claims the papers in the case of Mrs. R. D. Smith, accompanied by a report (No. 510); which said resolution and report were referred to the Private Calendar.

Mr. SIMS, from the Committee on War Claims, to which was referred the bill of the House H. R. 12436, reported in lieu thereof a resolution (H. Res. 166) referring to the Court of Claims the papers in the case of the legal representatives of William A. Crawford, deceased, accompanied by a report (No. 511); which said resolution and report were referred to the Private Calendar.

Mr. HASKINS, from the Committee on War Claims, to which was referred the bill of the House H. R. 2301, reported in lieu thereof a resolution (H. Res. 167) referring to the Court of Claims the papers in the case of the legal representatives of Dr. Thomas B. Waters, deceased, accompanied by a report (No. 512); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 2303, reported in lieu thereof a resolution (H. Res. 168) referring to the Court of Claims the papers in the case of estate of J. V. McDaniel, accompanied by a report (No. 513; which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 12408, reported in lieu thereof a resolution (H. Res. 169) referring to the Court of Claims the papers in the case of the estate of John Holleman, accompanied by a report (No. 514); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 6978, reported in lieu thereof a resolution (H. Res. 170) referring to the Court of Claims the papers in the case of Robert Tillson & Co., a partnership company of Robert Tillson and Maitland Boon, accompanied by a report (No. 515); which said resolution and report were referred to the Private Calendar.

Mr. CLAYTON, from the Committee on War Claims, to which was referred the bill of the House H. R. 4330, reported in lieu thereof a resolution (H. Res. 171) referring to the Court of Claims the papers in the case of Felix Weeden, accompanied by a report (No. 516); which said resolution and report were referred to the Private Calendar.

Mr. KENNEDY of Nebraska, from the Committee on War Claims, to which was refered the bill of the House H. R. 10729, reported in lieu thereof a resolution (H. Res. 172) referring to the Court of Calims the papers in the case of estate of John North, deceased, accompanied by a report (No. 517); which

said resolution and report were referred to the Private Calendar.

Mr. CLAYTON, from the Committee on War Claims, to which was referred the bill of the House H. R. 1278, reported in lieu thereof a resolution (H. Res. 173) referring to the Court of Claims the papers in the case of A. J. Smith, accompanied by a report (No. 518); which said resolution and report were referred to the Private Calendar.

Mr. KENNEDY of Nebraska, from the Committee on War Claims, to which was referred the bill of the House H. R. 11055, reported in lieu thereof a resolution (H. Res. 174) referring to the Court of Claims the papers in the case of Miller Smith, accompanied by a report (No. 519)); which said resolution and report were referred to the Private Calendar.

Mr. CLAYTON, from the Committee on War Claims, to which was referred the bill of the House H. R. 1271, reported in lieu thereof a resolution (H. Res. 175) referring to the Court of Claims the papers in the case of Mary F. Casey Tucker, accompanied by a report (No. 520); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 1270, reported in lieu thereof a resolution (H. Res. 176) referring to the Court of Claims the papers in the case of the heirs of T. L. Scott, deceased, accompanied by a report (No. 521); which said resolution and report were referred to the Private Calendar.

Mr. SIMS, from the Committee on War Claims, to which was referred the bill of the House H. R. 4034, reported in lieu thereof a resolution (H. Res. 177) referring to the Court of Claims the papers in the case of A. G. Hawkins, administrator of estate of George H. Prince, accompanied by a report (No. 522); which said resolution and report were referred to the Private Calendar.

Mr. KENNEDY of Nebraska, from the Committee on War Claims, to which was referred the bill of the House H. R. 4238, reported in lieu thereof a resolution (H. Res. 178) referring to the Court of Claims the papers in the case of Jane Lemaster, accompanied by a report (No. 523); which said resolution and report were referred to the Private Calendar.

Mr. OTJEN, from the Committee on War Claims, to which was referred the bill of the House H. R. 6230, reported in lieu thereof a resolution (H. Res. 179) referring to the Court of Claims the papers in the case of the heirs of Robert B. Love, deceased, accompanied by a report (No. 524); which said resolution and report were referred to the Private Calendar.

Mr. SPIGHT, from the Committee on War Claims, to which was referred the bill of the House H. R. 7989, reported in lieu thereof a resolution (H. Res. 180) referring to the Court of Claims the papers in the case of J. J. Miller, of De Soto County, Miss., accompanied by a report (No. 525); which said resolution and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. KENNEDY of Nebraska, from the Committee on War Claims, to which was referred the bill of the House (H. R. 548) to reimburse A. J. Caufman, Girard, Erie County, Pa., in the sum of $300, together with interest thereon from October 16, 1862, for soldier furnished United States, being the amount paid by him to one Charles Morton, as a substitute, reported the same adversely, accompanied by a report (No. 498); which said bill and report were ordered laid on the table.

Mr. FULKERSON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 3343) for the relief of Daniel W. Boutwell, reported the same adversely, accompanied by a report (No. 499); which said bill and report were ordered laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BABCOCK: A bill (H. R. 12844) to amend the Code of Law for the District of Columbia, relating to incorporations—to the Committee on the District of Columbia.

By Mr. MILLER: A bill (H. R. 12845) to consolidate the city of South McAlester and the town of McAlester, in the Indian Territory—to the Committee on Indian Affairs.

By Mr. ROBERTS: A bill (H. R. 12846) to reorganize and increase the efficiency of the Hospital Corps of the Navy of the United States and to define its duties and regulate its pay—to the Committee on Naval Affairs.

By Mr. NORRIS: A bill (H. R. 12847) for the erection of a public building at Grand Island, Nebr.—to the Committee on Public Buildings and Grounds.

By Mr. FLACK: A bill (H. R. 12848) for the establishment of a subport of entry at Massena, N. Y.—to the Committee on Ways and Means.

By Mr. BENNETT of Kentucky: A bill (H. R. 12849) for the construction of a lock and dam in the Ohio River, below mouth of the Big Sandy River—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 12850) providing for construction of an ice pier at Russell, Ky.—to the Committee on Rivers and Harbors.

By Mr. SMITH of Iowa: A bill (H. R. 12851) to provide for the enlargement of the court-house and post-office building at Council Bluffs, Iowa—to the Committee on Public Buildings and Grounds.

By Mr. MILLER: A bill (H. R. 12852) providing for the erection of a public building at South McAlester, Ind. T.—to the Committee on Public Buildings and Grounds.

By Mr. SHARTEL: A bill (H. R. 12853) for the erection of a public building at Aurora, Mo.—to the Committee on Public Buildings and Grounds.

By Mr. BENNETT of Kentucky: A bill (H. R. 12854) for the construction of two ice piers at Ashland, Ky.—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 12855) to establish a fish-hatching or fish-culture station in Greenup, Lewis, or Carter County, Ky.—to the Committee on the Merchant Marine and Fisheries.

By Mr. KINKAID: A bill (H. R. 12856) to authorize the sale of isolated tracts of the public domain containing less than 320 acres—to the Committee on the Public Lands.

By Mr. ANDREWS: A bill (H. R. 12857) to validate certain acts of the legislative assembly of the Territory of New Mexico with reference to the issuance of certain bonds—to the Committee on the Territories.

Also, a bill (H. R. 12858) permitting the county of Taos, in the Territory of New Mexico, to refund its indebtedness at a lower rate of interest—to the Committee on the Territories.

By Mr. SPARKMAN: A bill (H. R. 12859) increasing the pensions of those now receiving or entitled to pensions under the acts of Congress approved July 27, 1892, and June 27, 1902—to the Committee on Pensions.

By Mr. HOWELL of New Jersey: A bill (H. R. 12860) to establish a uniform rule of naturalization in the United States—to the Committee on Immigration and Naturalization.

By Mr. POLLARD: A bill (H. R. 12861) to require all corporations engaged in interstate commerce to secure license from the General Government, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. BURGESS: A bill (H. R. 12862) to appropriate $50,000 to build a post-office building at Gonzales, Tex.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12863) to create a new division of the southern judicial district of Texas and to provide terms of court at Victoria, and for other purposes—to the Committee on the Judiciary.

By Mr. HULL: A bill (H. R. 12864) to provide for the purchase of certain coal lands in the Philippine Islands, and to authorize the lease of the same and the Batan Military Reservation, for the purpose of securing a local coal supply to the United States Government in the Philippine Islands—to the Committee on Insular Affairs.

By Mr. SPARKMAN: A bill (H. R. 12865) in relation to claims arising under the provisions of the captured and abandoned property acts, and for other purposes, and to amend and revive the same—to the Committee on War Claims.

Also, a bill (H. R. 12866) to authorize the establishment of a fish-cultural and biological station on the Gulf of Mexico within the limits of the State of Florida—to the Committee on the Merchant Marine and Fisheries.

By Mr. WEEKS: A bill (H. R. 12867) to define and punish hazing at the United States Naval Academy, Annapolis, Md.—to the Committee on Naval Affairs.

By Mr. FASSETT: A bill (H. R. 12868) defining natural, pure, artificial, and carbonated wines; for preventing adulteration, misbranding, and imitation of wines; for imposing a tax upon and regulating the sale of artificial wines; for regulating interstate traffic and foreign trade therein, and for other purposes—to the Committee on Ways and Means.

Also, a bill (H. R. 12869) to revise and amend the United States Statutes relating to the commitment of United States prisoners to reformatories of States or Territories—to the Committee on the Judiciary.

By Mr. CLARK of Missouri: A bill (H. R. 12870) appropriat-

ing money for continuing certain primary schools in the Indian Territory—to the Committee on Indian Affairs.

By Mr. VAN WINKLE: A bill (H. R. 12871) to bridge the Newark Bay—to the Committee on Interstate and Foreign Commerce.

By Mr. HAMILTON: A bill (H. R. 12872) to amend an act entitled "An act to amend and codify the laws relating to municipal corporations in the district of Alaska," approved April 28, 1904—to the Committee on the Territories.

Also, a bill (H. R. 12873) to amend an act entitled "An act to define and punish crimes in the district of Alaska, and to provide a code of criminal procedure for said district"—to the Committee on the Territories.

By Mr. HASKINS, from the Committee on War Claims: A resolution (H. Res. 161) referring to the Court of Claims H. R. 2299—to the Private Calendar.

By Mr. HAUGEN, from the Committee on War Claims: A resolution (H. Res. 162) referring to the Court of Claims H. R. 8838—to the Private Calendar.

By Mr. CLAYTON, from the Committee on War Claims: A resolution (H. Res. 163) referring to the Court of Claims H. R. 1272—to the Private Calendar.

By Mr. HASKINS, from the Committee on War Claims: A resolution (H. Res. 164) referring to the Court of Claims H. R. 2302—to the Private Calendar.

By Mr. CLAYTON, from the Committee on War Claims: A resolution (H. Res. 165) referring to the Court of Claims H. R. 6938—to the Private Calendar.

By Mr. SIMS, from the Committee on War Claims: A resolution (H. Res. 166) referring to the Court of Claims H. R. 12436—to the Private Calendar.

By Mr. HASKINS, from the Committee on War Claims: A resolution (H. Res. 167) referring to the Court of Claims H. R. 2301—to the Private Calendar.

Also, from the same committee: A resolution (H. Res. 168) referring to the Court of Claims H. R. 2303—to the Private Calendar.

Also, from the same committee: A resolution (H. Res. 169) referring to the Court of Claims H. R. 12408—to the Private Calendar.

Also, from the same committee: A resolution (H. Res. 170) referring to the Court of Claims H. R. 6978—to the Private Calendar.

By Mr. CLAYTON, from the Committee on War Claims: A resolution (H. Res. 171) referring to the Court of Claims H. R. 4330—to the Private Calendar.

By Mr. KENNEDY of Nebraska, from the Committee on War Claims: A resolution (H. Res. 172) referring to the Court of Claims H. R. 10929—to the Private Calendar.

By Mr. CLAYTON, from the Committee on War Claims: A resolution (H. Res. 173) referring to the Court of Claims H. R. 1278—to the Private Calendar.

By Mr. KENNEDY of Nebraska, from the Committee on War Claims: A resolution (H. Res. 174) referring to the Court of Caims H. R. 11055—to the Private Calendar.

By Mr. CLAYTON, from the Committee on War Claims: A resolution (H. Res. 175) referring to the Court of Claims H. R. 1271—to the Private Calendar.

Also, from the same committee: A resolution (H. Res. 176) referring to the Court of Claims H. R. 1270—to the Private Calendar.

By Mr. SIMS, from the Committee on War Claims: A resolution (H. Res. 177) referring to the Court of Claims H. R. 4034—to the Private Calendar.

By Mr. KENNEDY of Nebraska, from the Committee on War Claims: A resolution (H. Res. 178) referring to the Court of Claims H. R. 4238—to the Private Calendar.

By Mr. OTJEN, from the Committee on War Claims: A resolution (H. Res. 179) referring to the Court of Claims H. R. 6230—to the Private Calendar.

By Mr. SPIGHT, from the Committee on War Claims: A resolution (H. Res. 180) referring to the Court of Claims H. R. 7989—to the Private Calendar.

By Mr. HAMILTON: A resolution (H. Res. 181) providing for the consideration of the bill H. R. 12707—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BARTHOLDT: A bill (H. R. 12874) granting a pension to Ellen Dickens—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 12875) granting a pension to Martin Dixon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12876) granting a pension to Nannie M. Burnett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12877) granting a pension to Andrew Cooksey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12878) granting an increase of pension to Louisa January—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 12879) granting an increase of pension to Catherine Myers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12880) granting an increase of pension to Lorenzo D. Mason—to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 12881) to pay Thomas P. Morgan amount found due to him by Court of Claims—to the Committee on Claims.

By Mr. CLARK of Missouri (by request): A bill (H. R. 12882) restoring John R. Owen to the pension roll—to the Committee on Pensions.

By Mr. DAWSON: A bill (H. R. 12883) granting an increase of pension to Benjamin Owen—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 12884) granting a pension to Lucinda Gain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12885) granting an increase of pension to John D. McFadden—to the Committee on Invalid Pensions.

By Mr. ELLIS: A bill (H. R. 12886) to remove the charge of desertion from the military record of (John) Jefferson Wilson—to the Committee on Military Affairs.

By Mr. ESCH: A bill (H. R. 12887) granting a pension to Mary Van Dyck—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 12888) granting an increase of pension to Jacob Sannar—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12889) granting an increase of pension to James E. Jones—to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 12890) granting a pension to Martha F. Turner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12891) granting a pension to Martha F. Turner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12892) granting an honorable discharge to Seth Davis—to the Committee on Military Affairs.

By Mr. GILLESPIE: A bill (H. R. 12893) for the relief of A. J. Bryson—to the Committee on War Claims.

By Mr. GLASS: A bill (H. R. 12894) for the relief of Edward S. Brown—to the Committee on Claims.

By Mr. HALE: A bill (H. R. 12895) granting a pension to John Green—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12896) granting an increase of pension to John N. Fagan—to the Committee on Invalid Pensions.

By Mr. HARDWICK: A bill (H. R. 12897) granting an increase of pension to Robert B. Malone—to the Committee on Invalid Pensions.

By Mr. HIGGINS: A bill (H. R. 12898) to refund legacy taxes illegally collected from the estate of Jane E. Osgood—to the Committee on Claims.

By Mr. HUBBARD: A bill (H. R. 12899) granting an increase of pension to George W. Johns—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12900) granting an increase of pension to James D. Havens—to the Committee on Invalid Pensions.

By Mr. LACEY: A bill (H. R. 12901) granting an increase of pension to Milton T. Dougherty—to the Committee on Invalid Pensions.

By Mr. CHARLES B. LANDIS: A bill (H. R. 12902) for the relief of Frank W. Tucker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12903) granting an increase of pension to Daniel T. Ferrier—to the Committee on Invalid Pensions.

By Mr. LOUD: A bill (H. R. 12904) to incorporate the American Institute for Drug Proving—to the Committee on the District of Columbia.

By Mr. McCLEARY of Minnesota: A bill (H. R. 12905) granting an increase of pension to Albert Steinhauser—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12906) for the relief of Albert Steinhauser—to the Committee on War Claims.

By Mr. McKINLAY of California: A bill (H. R. 12907) authorizing and directing the Secretary of War to grant an honorable discharge to John McDermott—to the Committee on Military Affairs.

Also, a bill (H. R. 12908) granting an increase of pension to Lewis R. Anthony—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12909) authorizing and directing the Secretary of War to grant an honorable discharge to Benjamin Franklin Littlejohn—to the Committee on Military Affairs.

Also, a bill (H. R. 12910) authorizing the appointment of Henry G. Burton, a captain on the retired list of the Army, as a major on the retired list of the Army—to the Committee on Military Affairs.

By Mr. MANN: A bill (H. R. 12911) granting an increase of pension to A. S. Delaware—to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 12912) granting a pension to James E. Howard—to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 12913) granting a pension to John G. Hunt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12914) granting a pension to Sarah Osborn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12915) granting a pension to Betsey A. Crumley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12916) granting a pension to Julia A. Dugan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12917) granting a pension to Con. Frawley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12918) granting a pension to Reuben Vermillion—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12919) granting a pension to Alban E. Bentley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12920) granting a pension to Catherine M. Trusty—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12921) granting a pension to Samuel Whitsett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12922) granting a pension to George W. Towe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12923) granting an increase of pension to Levi Maule—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12924) granting an increase of pension to John R. McMasters—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12925) granting an increase of pension to Benjamin R. Crawford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12926) granting an increase of pension to T. M. Laughlin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12927) granting an increase of pension to William Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12928) granting an increase of pension to Daniel Reasoner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12929) granting an increase of pension to Washington Siria—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12930) granting an increase of pension to Moses H. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12931) granting an increase of pension to H. D. Craft—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12932) granting an increase of pension to John H. Morrison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12933) granting an increase of pension to Henry C. Cavender—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12934) granting an increase of pension to William Jones—to the Committee on Invalid Pensions.

Also ,a bill (H. R. 12935) removing the charge of desertion from the military record of Samuel D. Richardson—to the Committee on Military Affairs.

Also, a bill (H. R. 12936) removing the disabilities from the military record of Newman Tennison, and granting him an honorable discharge—to the Committee on Military Affairs.

By Mr. PALMER: A bill (H. R. 12937) granting an increase of pension to James Hoover—to the Committee on Invalid Pensions.

By Mr. RIVES (by request): A bill (H. R. 12938) granting an increase of pension to William F. Dallas—to the Committee on Invalid Pensions.

By Mr. SCROGGY: A bill (H. R. 12939) for the relief of Asher E. Brooks—to the Committee on War Claims.

Also, a bill (H. R. 12940) granting a pension to James McClelland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12941) granting a pension to Attie Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12942) granting a pension to Samuel Paxton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12943) granting a pension to Sarah D. Wood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12944) granting a pension to Rosa Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12945) granting an increase of pension to Joshua Shaffer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12946) granting an increase of pension to William Mull—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12947) granting an increase of pension to Silas Woodmansee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12948) granting an increase of pension to Frederick Bierley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12949) to correct the military record of Andrew M. Dunn—to the Committee on Military Affairs.

Also, a bill (H. R. 12950) to remove the charge of desertion from the record of Joseph F. Ford—to the Committee on Military Affairs.

Also, a bill (H. R. 12951) to refer to the Court of Claims the claim of Bernard Quinn for compensation for the loss of dwelling houses, fencing, stable, and other property in Dalton, Ga., by order of General Sherman—to the Committee on War Claims.

By Mr. SMITH of California: A bill (H. R. 12952) to correct the military record of John H. Moody—to the Committee on Military Affairs.

By Mr. SMITH of Maryland: A bill (H. R. 12953) for the relief of Pay Inspector Worthington Goldsborough, United States Navy—to the Committee on Naval Affairs.

By Mr. SMITH of Iowa: A bill (H. R. 12954) granting an increase of pension to William R. Keep—to the Committee on Pensions.

By Mr. SMYSER: A bill (H. R. 12955) granting a pension to Lyman Critchfield, jr.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12956) granting an increase of pension to Joseph Brindley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12957) granting an increase of pension to Rebecca B. Eason—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12958) granting an increase of pension to William P. Schott—to the Committee on Invalid Pensions.

By Mr. TOWNE: A bill (H. R. 12959) granting an increase of pension to James W. Brockway—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12960) granting a pension to William F. Hewitt—to the Committee on Invalid Pensions.

By Mr. TOWNSEND: A bill (H. R. 12961) for the relief of Henry Hayden, John Kennedy, Wright H. Calkins, and James E. Barrett—to the Committee on Claims.

By Mr. TYNDALL: A bill (H. R. 12962) granting a pension to Anton Gockel—to the Committee on Invalid Pensions.

By Mr. WACHTER: A bill (H. R. 12963) for the relief of William Lanahan & Son, of Baltimore, Md.—to the Committee on Ways and Means.

Also, a bill (H. R. 12964) granting a pension to Thomas Rolle—to the Committee on Pensions.

Also, a bill (H. R. 12965) for the relief of the heirs of Henry Leef, deceased—to the Committee on Claims.

By Mr. WOOD of New Jersey: A bill (H. R. 12966) granting a pension to Lydia Van Marter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12967) granting a pension to Mary Ann Le Bars—to the Committee on Invalid Pensions.

By Mr. WOODYARD: A bill (H. R. 12968) granting an increase of pension to William H. Jordon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12969) granting an increase of pension to Alexander Buck—to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 12970) granting a pension to Drucilla Beekman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12971) granting an increase of pension to Matthew H. Brandon—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 10862) granting a pension to Mary E. McCracken—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 8169) granting an increase of pension to Eliza C. Jones—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 2942) for the relief of the heirs of John Smith, deceased—Committee on War Claims discharged, and referred to the Committee on Claims.

A bill (H. R. 10546) referring to the Court of Claims for adjudication and determination the claims of the widow and family of Marcus P. Norton and the heirs at law of others—Committee on Patents discharged, and referred to the Committee on Claims.

A bill (H. R. 12723) for the relief of the estate of Marcus

Walker, deceased—Committee on Invalid Pensions discharged, and referred to the Committee on War Claims.

A bill (H. R. 12735) for the relief of Green Edmondson—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Master Grange, No. 853, of Pennsylvania, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. ALEXANDER: Petition of Buffalo Lodge, No. 187, Brotherhood of Railway Trainmen, of Buffalo, N. Y., favoring bills H. R. 239 and 9328 and S. 1657—to the Committee on Interstate and Foreign Commerce.

Also, petition of T. D. Welch Division, No. 641, Brotherhood of Locomotive Engineers, of Hornellsville, N. Y., favoring bills H. R. 239 and 9328 and S. 1657—to the Committee on Interstate and Foreign Commerce.

By Mr. ANDREWS: Petition of the Republican central committee of Bernalillo County, N. Mex., urging passage of the joint statehood bill—to the Committee on the Territories.

By Mr. BATES: Petition of Order of Railway Conductors Division No. 32, of Meadville, Pa., favoring bills H. R. 239 and 9328—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Merchants' Protective Association, of Titusville, Pa., opposing a parcels-post law—to the Committee on the Post-Offices and Post-Roads.

By Mr. BRICK: Petition of the Woman's Home Missionary Society of Goshen, Ind., against liquor selling in any Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. BURLEIGH: Paper to accompany bill for relief of David Davis—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: Paper to accompany bill for relief of John R. Owen—to the Committee on Pensions.

By Mr. COUSINS: Petition of George W. Bettesworth, who respectfully avers that he has discovered the site of the Ancient Open Temple, where the Bible was written, from whence its learning was disseminated over the world; asks that its area, about two sections, be purchased and held as a public park in appreciative honor of the event; that as the legend of the North American Indian contains the highest exemplification of the arts and sciences of the Bible, a suitable school be erected thereon, where the learned men of the Indian tribes can meet and restore to us their secrets of those arts and sciences—to the Committee on Education.

By Mr. DALE: Paper to accompany bill for relief of Charles H. Shippey—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Archus M. Tompkins—to the Committee on Pensions.

By Mr. DOVENER: Petition of Union Council, No. 70, of Dallas, W. Va., Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. DRESSER: Petitions of Washington Camp, No. 372, Patriotic Order Sons of America, and citizens of Woodland, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Gray Chemical Company and the Keeler Chemical Company, against bill H. R. 7079—to the Committee on Ways and Means.

By Mr. DWIGHT: Petition of the Brandt Chemical Company, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Bartonville Grange, No. 589, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. ESCH: Petition of the Western Fruit Jobbers' Association, to give the Interstate Commerce Commission power over railway rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of State Horticultural Society of Arkansas, relative to rebates on car lines—to the Committee on Interstate and Foreign Commerce.

Also, paper to accompany bill for relief of Mary Van Dyck—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: Petition of the Union League Club of New York, for reduction of duties on works of art—to the Committee on Ways and Means.

Also, petition of the Society of Medical Jurisprudence of New York, for reorganization of the Medical Department of the Army—to the Committee on Military Affairs.

By Mr. FLETCHER: Petition of the National Guard Association, for increasing efficiency of State militia—to the Committee on Militia.

Also, petition of the Southwestern Medical Society, relative to medical efficiency of the United States Army—to the Committee on Military Affairs.

By Mr. FLOOD: Paper to accompany bill for relief of Mrs. Bettie Glick—to the Committee on War Claims.

Also, paper to accompany bill for relief of Martin Kline—to the Committee on War Claims.

By Mr. FOWLER: Petitions of Councils Nos. 4 and 5, and Overlook Council, No. 211, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of citizens of Alaska, concerning legislation for the Territory—to the Committee on the Post-Office and Post-Roads.

Also, petition of the American Mining Congress, for a National Department of Mines and Mining—to the Committee on Mines and Mining.

By Mr. GARRETT: Petition of citizens of Tennessee, for relief of the duty on hides—to the Committee on Ways and Means.

By Mr. GRAHAM: Petition of the City Parks' Association of Philadelphia, for preservation of Niagara Falls—to the Committee on Foreign Affairs.

Also, petition of J. Walter Hay, against legislation unfavorable to live stock in transit—to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Association of Cement Users, relative to structural materials—to the Committee on Public Buildings and Grounds.

Also, petition of the Western Fruit Jobbers' Association, relative to private car lines—to the Committee on Interstate and Foreign Commerce.

By Mr. GRANGER: Petition of the Society of Chemical Industry of Boston, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of West Kingston (R. I.) Grange, No. 10, Patrons of Husbandry, for bill H. R. 345—to the Committee on Agriculture.

Also, petitions of the First Methodist Episcopal Church of Woonsocket, the Methodist Episcopal Church of Middletown, the First Baptist Church of Block Island, the Woman's Christian Temperance Unions of Block Island, Middletown, Carolina, and Providence, all in Rhode Island, for prohibition in Indian Territory and Oklahoma as States—to the Committee on the Territories.

By Mr. KNOWLAND: Petition of Riverside Chamber of Commerce, California, for improvement of Yosemite Valley—to the Committee on the Public Lands.

Also, petition of the board of trustees of the Chamber of Commerce of San Francisco, for liberal legislation relative to the better classes of the Chinese coming to the United States—to the Committee on Immigration and Naturalization.

By Mr. LACEY: Petition of Paper Hangers' Union of Oskaloosa, Iowa, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. LESTER: Paper to accompany bill for relief of Mary M. Blackwell—to the Committee on War Claims.

By Mr. LOUDENSLAGER: Petition of J. C. Strittmatter, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. MAHON: Paper to accompany bill for relief of John H. Sothoron's heirs—to the Committee on War Claims.

By Mr. MANN: Paper to accompany bill for relief of A. S. Delaware—to the Committee on Invalid Pensions.

By Mr. OTJEN: Petition of A. D. Bamyer and 100 others, relative to the statehood bill, etc.—to the Committee on the Territories.

By Mr. OVERSTREET: Paper to accompany bill for relief of William J. Drake—to the Committee on Invalid Pensions.

By Mr. PADGETT: Paper to accompany bill for relief of Maria Lester—to the Committee on War Claims.

Also, paper to accompany bill for relief of Thomas Dunn—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Robert P. Call—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of James B. Chaffin—to the Committee on War Claims.

Also, paper to accompany bill for relief of James T. Reagan—to the Committee on War Claims.

By Mr. PATTERSON: Petition of Washington Camp, No. 112, Patriotic Order Sons of America, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. PRINCE: Petition of James Moore and others, against repeal of the canteen law—to the Committee on Military Affairs.

By Mr. RIVES: Paper to accompany bill for relief of William F. Dallas—to the Committee on Invalid Pensions.

By Mr. RUPPERT: Petition of Paul G. Mehlen & Sons, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the American Mining Congress, for Government aid for State school of mines—to the Committee on Mines and Mining.

Also, petition of the American Mining Congress, for a Department of Mines and Mining—to the Committee on Mines and Mining.

Also, petition of the American Mining Congress, for a law regulating working of mines—to the Committee on Mines and Mining.

Also, petition of the Western Fruit Jobbers' Association, for a law repealing private car line companies—to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Piano Manufacturers' Association of America, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Association for the Protection of Commerce, of New York, for an appropriation to deepen Coney Island channel—to the Committee on Rivers and Harbors.

Also, petition of Edward G. Janeway et al., for a pure-food law—to the Committee on Agriculture.

Also, petition of the Society of Medical Jurisprudence, for reform of the Medical Department of the Army—to the Committee on Military Affairs.

Also, petition of the Union League Club of New York, for repeal of duty on art works—to the Committee on Ways and Means.

Also, petition of the Commercial Law League of America, for reform in the consular service—to the Committee on Foreign Affairs.

By Mr. RYAN: Petition of the Western Fruit Jobbers' Association, for increased power of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of Commercial Law League of America, for reform in the consular service—to the Committee on Foreign Affairs.

By Mr. SCROGGY: Petition of citizens of Mount Carmel, Ohio, and Xenia Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of 10 citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, paper to accompany bill for relief of Bernard Quinn—to the Committee on War Claims.

Also, paper to accompany bill for relief of William Mull—to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: Paper to accompany bill for relief of Mary Christopher, heir of Lowell G. Spaulding—to the Committee on War Claims.

By Mr. SHERMAN: Paper to accompany bill for relief of O. De Witt—to the Committee on Invalid Pensions.

By Mr. SMITH of Iowa: Petition of citizens of Bridgewater, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. SMITH of Maryland: Petitions of Bozman Council, of Bozman; Ashbury Council, of Lawsonia; Harmony Council, of Cecilton; Parrieville Council, of Habnab, and South Mountain Council, of Boonsboro, all in Maryland, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SOUTHWICK: Petition of the Woman's Christian Temperance Union of Schenectady, N. Y., against sale of liquor in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. STEENERSON: Petition of J. J. Koare et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. SULZER: Petition of Western Fruit Jobbers' Association, for legislation in control of railway traffic—to the Committee on Interstate and Foreign Commerce.

By Mr. WADSWORTH: Petition of Byron Grange, No. 375, Patrons of Husbandry, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. WANGER: Petition of Grange No. 2, Patrons of Husbandry, of Upper Providence, Pa., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Council No. 240, Order United American Mechanics, of Pottstown, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Local Union No. 658, of the Brotherhood of Painters, Decorators, and Paper Hangers, of Bryn Mawr, Pa., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. WEBB: Petition of the Wesleyan Methodist Church Conference, at High Point, N. C., relative to the evils of polygamy—to the Committee on the Judiciary.

Also, petition of Virgin Spring Council, Junior Order United American Mechanics, favoring restriction of immigraton—to the Committee on Immigration and Naturalization.

By Mr. WOODYARD: Petition of Center Point Council, No. 139, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

SENATE.

WEDNESDAY, *January 24, 1906.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Journal of yesterday's proceedings was read and approved.

LIST OF JUDGMENTS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a list of judgments rendered by the Court of Claims, amounting to $19,963.19, etc.; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

TRAVELING EXPENSES OF MIDSHIPMEN.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, for inclusion in the urgent deficiency appropriation bill, an estimate of appropriation to pay the amounts found due by the Auditor for the Navy Department for traveling expenses of midshipmen from their homes to the Naval Academy in June, 1905, etc., $6,478.57; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House has passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

H. R. 8994. An act to provide for a land district in Yellowstone, Carbon, and Rosebud counties, in the State of Montana, to be known as the "Billings land district;" and

H. J. Res. 87. Joint resolution to authorize use of transport *Sumner* to convey members of Santiago Battlefield Commission and others to Cuba and return.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

S. 321. An act to provide for the extension of time within which homestead settlers may establish their residence upon certain lands which were heretofore a part of the Uinta Indian Reservation, within the counties of Uinta and Wasatch, in the State of Utah; and

S. 2159. An act authorizing the Jasper and Eastern Railway Company, its successors and assigns, to construct and operate a railroad bridge across the Sabine River, in the States of Texas and Louisiana.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the petition of Eleanor G. Swan and 52 other citizens of Independence, Iowa, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. GALLINGER presented a memorial of the congregation of the Calvary Methodist Episcopal Church, of Hinsdale, N. H., remonstrating against the repeal of the present anticanteen law, and also praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Military Affairs.

He also presented the petition of E. C. Lewis, of Boston, Mass., praying for the adoption of an amendment to the present pension law, increasing pensions for partial deafness; which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Washington, D. C., praying for the enactment of legislation to regulate child

labor in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented petitions of Potomac Post, No. 11; of Frederick Douglass Post, No. 21, of the Department of the Potomac, Grand Army of the Republic, and of the Legion of Loyal Women, all of Washington, D. C., praying for the enactment of legislation providing a temporary home in the District of Columbia for ex soldiers and sailors of the late wars; which were referred to the Committee on the District of Columbia.

Mr. PILES (for Mr. ANKENY) presented a petition of the Commercial Club of Walla Walla, Wash., praying that an appropriation be made for the improvement of the Columbia and Snake rivers in that State; which was referred to the Committee on Commerce.

He also (for Mr. ANKENY) presented a petition of the Chamber of Commerce of Spokane, Wash., praying that an appropriation be made for the maintenance of the Farm Management Bureau of the Department of Agriculture; which was referred to the Committee on Agriculture and Forestry.

Mr. KITTREDGE presented a petition of Local Division No. 238, Order of Railway Conductors, of Aberdeen, S. Dak., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented a petition of Local Division No. 238, Order of Railway Conductors, of Aberdeen, S. Dak., praying for the passage of the so-called "anti-injunction bill;" which was referred to the Committee on the Judiciary.

Mr. DRYDEN presented the petition of Daniel E. Ridge, of Gloucester City, N. J., praying that he be granted relief for injuries sustained during the late civil war; which was referred to the Committee on Claims.

He also presented petitions of sundry citizens of Elizabeth, N. J., praying for the passage of the so-called "pure-food bill;" which were ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union, of Haddonfield, N. J., and a petition of the Young Woman's Christian Temperance Union of Haddonfield, N. J., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented a petition of the New Jersey State Horticultural Society, of Mount Holly, N. J., praying that increased appropriations be made for the maintenance of agricultural experiment stations; which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of the Society for Organizing Charity, of Salem; of Industry Council, No. 50, Junior Order of United American Mechanics, of Jersey City, and of Local Council No. 290, Junior Order of United American Mechanics, of Martinsville, all in the State of New Jersey, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented a memorial of Local Union No. 146, Cigar Makers' International Union, of New Brunswick, N. J., and a memorial of the Trades and Labor Federation of New Brunswick, N. J., remonstrating against any reduction of the duty on cigars and tobacco imported from the Philippine Islands; which were referred to the Committee on the Philippines.

He also presented a petition of Local Lodge No. 3, Brotherhood of Locomotive Firemen, of Jersey City, N. J., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

Mr. PERKINS presented petitions of Carpenters' Local Union No. 668, of Palo Alto; Abraham Lincoln Council, of San Francisco, and U. S. Grant Council, of San Francisco, all in the State of California, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented a petition of the board of directors of the Merchants' Association of San Francisco, Cal., praying for the enactment of legislation requiring that the fineness of gold or silver in goods made of those metals and used in interstate or foreign commerce be stamped thereon; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the enactment of legislation providing for the reestablishment of the Army canteen; which was referred to the Committee on Military Affairs.

He also presented a petition of the Merchants' Exchange of San Francisco, Cal., praying for the enactment of legislation to reorganize the consular service; which was ordered to lie on the table.

He also presented a memorial of the board of supervisors of Cochise County, Territory of Arizona, remonstrating against the enactment of legislation providing for the admission of New Mexico and Arizona into the Union as one State; which was referred to the Committee on Territories.

He also presented a petition of the Santiago Orange Growers' Association, of Orange, Cal., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented memorials of the Cigar Makers' International Union, No. 332, of San Diego, and of Cigar Makers' International Union, No. 228, of San Francisco, in the State of California, remonstrating against any reduction in the duty on cigars and tobacco imported from the Philippine Islands; which were referred to the Committee on the Philippines.

He also presented a petition of the board of directors of the Merchants' Association of San Francisco, Cal., praying that Congress provide for proper representation of the United States at the Milan exposition; which was referred to the Select Committee on Industrial Expositions.

He also presented a petition of sundry citizens of Santa Clara, Cal., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Oklahoma Territory when admitted to statehood; which was referred to the Committee on Territories.

He also presented a petition of the Chamber of Commerce and Board of Trade of San Francisco, Cal., praying for the enactment of legislation providing for the unrestricted entrance into the United States of Chinese merchants, professional men, travelers and students; which were referred to the Committee on Immigration.

He also presented a petition of the Chamber of Commerce of Riverside, Cal., praying that adequate appropriation be made for certain impovements in the Yosemite Valley; which was referred to the Committee on Appropriations.

Mr. DUBOIS presented a petition of the governing board of the Commercial Club of Lewiston, Idaho, praying that an appropriation be made for the improvement of the navigation of Clearwater River, in that State; which was referred to the Committee on Commerce.

He also presented a petition of sundry citizens of Rupert, Idaho, praying for the enactment of legislation providing that the lots in the town site of Rupert be sold for cash; which was referred to the Committee on Public Lands.

Mr. BURKETT presented a petition of sundry citizens of Swanton, Nebr., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission, and also for the passage of the so-called "pure-food bill;" which was referred to the Committee on Interstate Commerce.

He also presented sundry affidavits to accompany the bill (S. 3285) granting an increase of pension to Mary M. Hull; which were referred to the Committee on Pensions.

Mr. CLAY. I present certain memorials from citizens of my State, relative to a railroad-rate bill. They are very brief, and the memorialists request that the memorials be printed in the RECORD. I ask that the body of the memorials be printed in the RECORD, and that they be referred to the Committee on Interstate Commerce.

The VICE-PRESIDENT. The Senator from Georgia presents certain memorials, and asks that they be printed in the RECORD, excepting the signatures, and referred to the Committee on Interstate Commerce. Without objection, it will be so ordered.

The memorials are as follows:

MACON TRADES AND LABOR LEAGUE, No. 5,
Macon, Ga., January 18, 1906.

Whereas bills are pending in Congress and Senate of the United States to empower the Interstate Commerce Commission with authority to fix freight rates on all railroads in the United States; and

Whereas rate making means rate reduction, which will have to be met by the railroad management, reducing expenses, and as they can not reduce the interest on their bonds, price of steel rails, cross-ties, bridge iron, etc., then the reduction must come off of the wages of their employees, thus taking it from the wage-earning class and giving it to the rich shippers: Now, be it

Resolved by the Macon Trades and Labor League in regular session, That we are opposed to this class legislation and pray our Senators and Congressmen to vote against it, believing it to be for the best interest of a large majority of the people.

Be it further resolved, That a copy of these resolutions be sent to Senators Bacon and Clay, and Congressman Bartlett, with a request that they read them before their respective bodies, and we spread them on our record for future reference.

We certify that we represent and voice the wishes of 3,500 wage-earners.

Atlanta Labor League, composed of the following crafts: Machinists, blacksmiths, boiler makers, carpenters, carmen, engineers, conductors, clerks, firemen, flagmen, trainmen, coppersmiths, tinsmiths, laborers.

Whereas we are opposed to any rebates or favoritism in freight rates, we are equally opposed to any law which would empower any Government commission with arbitrary power to make rates, believing it to be dangerous to our form of government; and

Whereas we feel confident that said commission would reduce rates, compelling the railroads to reduce expenses, which would first come off of the wages of the employees: Therefore, be it

Resolved by the Atlanta Labor League in regular session on January 10, 1906, That we are opposed to any bill becoming a law which would clothe seven men with such gigantic power.

Be it further resolved, That the secretary mail Hon. A. O. BACON and A. S. CLAY and Hon. L. F. LIVINGSTON each a copy of these resolutions, with a request that they have them read before their respective bodies, and a copy to be sent to the chairman of the committee of the Senate and House of Representatives on Interstate Commerce, and the same to be spread on our record for further reference.

Unanimously passed January 10, 1906, at a regular meeting held at Atlanta, Ga.

These resolutions represent 1,350 employees.

SAVANNAH TRADES AND LABOR LEAGUE, No. 6,
Savannah, Ga., January 20, 1906.

Whereas several bills are now pending in the United States Senate and House of Representatives to take out of the hands of the railroads the right to make freight rates and delegate said right to Interstate Commerce Commission, appointed by the President of the United States; and

Whereas we consider this a dangerous class of legislation which would undermine the shrine of American liberty and result in chaos, where now tranquillity exists, between employer and employee, said Commissioners would justify this additional power by reducing rates and the railroads would be compelled to reduce expenses, as they can not control price of steel rails, cross-ties, bridge iron, etc. The reduction would fall upon a million and a half of employees who are not protected in any of the recent bills pending before Congress: Therefore, be it

Resolved by the Savannah Trades and Labor League, No. 6, in regular session, That we are opposed to this class of legislation, and pray our Senators and Representatives to work and vote against it, believing it to be to the best interest of the majority of people in this country.

Be it further resolved, That a copy of these resolutions be sent Senators BACON and CLAY and Congressman LESTER, with the request that they be read in each of their respective Houses, and a copy be sent the chairman of the Interstate Commerce Commission, and be spread on our records for future reference.

We certify that we represent and voice the wishes of 7,500 citizens and wage-earners of this district.

Resolutions unanimously adopted. Regular session, Savannah, January 20, 1906.

Mr. PENROSE presented a petition of the Woman's Christian Temperance Union of Pittsburg, Pa., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the Indian Territory when admitted to statehood; which was referred to the Committee on Territories.

He also presented a memorial of the Woman's Christian Temperance Union of Pittsburg, Pa., remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented a petition of the Woman's Christian Temperance Union of Pittsburg, Pa., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of George W. Childs Assembly, No. 6401, Knights of Labor, of Philadelphia, Pa., praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

He also presented petitions of Decatur Council, No. 613, of Tarentum; Vine Cliff Council, No. 107, of Pittsburg; Shermanstown Council, No. 834, of Shermanstown; James A. Garfield Council, No. 206, of Johnstown; Bainbridge Council, No. 128, of Pittsburg; East Tyrone Council, No. 346; Banner Council, No. 310, of Cokeville; Colonel H. B. Wright Council, No. 896, of Slocum; Coatesville Council, No. 421, of Coatesville; Chatham Council, No. 235, of Chatham; Blairsville Council, No. 216; Atlas Council, No. 963, of Siegfrieds; Haner Council, No. 1013, of Spring Grove; Anna M. Ross Council, No. 553, of Philadelphia; William J. Byers Council, No. 282, of Wilkes-Barre; Crystal Council, No. 800, of Jeannette; Ashley Council, No. 149, of Ashley; Willow Grove Council, No. 139; Dawson Council, No. 75, of Dawson; Springville Council, No. 659, of Artz; Jordan Council, No. 746, of Allentown; Colonel Fred Taylor Council, No. 762, of Philadelphia; Annette Council, No. 732, of Philipsburg; Morning Star Council, No. 29; Aurora Council, No. 304; Aspinwall Council, No. 233; John R. Marlen Council, No. 20, of Philadelphia; Painterville Council, No. 211; Wilkes-Barre Council; Aliquippa Council, No. 567, of Aliquippa; Dunmore Council, No. 1022, of Dunmore; Rockdale Council, No. 803, all of the Junior Order United American Mechanics, in the State of Pennsylvania, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented petitions of Penfield Grange, No. 1240, Patrons of Husbandry, of Penfield; Mehoopany Grange, No. 1139, of Mehoopany; Columbia Grange, No. 83, of Columbia; Summit Grange, No. 1155, Patrons of Husbandry, of St. Marys; Fort Grange, No. 951, Patrons of Husbandry, of McAlevys Fort; Logan Valley Grange, No. 664, Patrons of Husbandry, of Bellwood; Tunkhannock Grange, No. 209, Patrons of Husbandry, of Eatonville, and Brandywine Grange, No. 60, Patrons of Husbandry, of Westchester, all of the State of Pennsylvania, praying for the adoption of an amendment to the oleomargarine law of 1886 by striking out the word "knowingly" in the sixth section thereof, and also for the enactment of the so-called "pure-food bill;" which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Chamber of Commerce of Pittsburg, Pa., praying for the adoption of an amendment to the present Chinese-exclusion law admitting Chinese merchants, visitors, and travelers into the United States; which was referred to the Committee on Immigration.

ROADS IN ALASKA.

Mr. BEVERIDGE. I present letters from the Secretary of War, transmitting a memorandum prepared by Maj. W. P. Richardson, Ninth Infantry, president of the board of road commissioners of Alaska, containing data and recommendations relative to railroad construction in the district of Alaska, and recommending that an appropriation of $150,000 be immediately available for the construction and maintenance of roads, trails, etc., in that Territory. I move that the letters and accompanying memorandum be printed as a document.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was referred the bill (S. 2451) granting to the State of North Dakota 30,000 acres of land to aid in the maintenance of a school of forestry, reported it without amendment, and submitted a report thereon.

Mr. DRYDEN, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2087) to provide for the purchase of a site and the erection of a public building at Jersey City, N. J., reported it with amendments, and submitted a report thereon.

HEARINGS BEFORE COMMITTEE ON INTEROCEANIC CANALS.

Mr GORMAN, from the Committee on Interoceanic Canals, reported the following order; which was considered by unanimous consent, and agreed to:

Ordered, That there be printed 500 copies of the hearings before the Committee on Interoceanic Canals, 300 for the use of the Senate and 200 for the use of the committee.

BILLS INTRODUCED.

Mr. HOPKINS introduced a bill (S. 3623) to regulate interstate traffic in adulterated or misbranded articles and to permit the respective States and Territories to regulate the sale thereof within their respective boundaries; which was read twice by its title, and referred to the Committee on Interstate Commerce.

Mr. CARTER (by request) introduced a bill (S. 3624) granting a pension to Martha J. Bryan; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BURROWS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3625) granting an increase of pension to Anthony Grisvoi (with an accompanying paper); and

A bill (S. 3626) granting a pension to Catherine Coyle.

Mr. KEAN introduced a bill (S. 3627) removing the charges of desertion, and granting an honorable discharge to Benjamin Warner; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3628) granting an increase of pension to Charles Moyer (with an accompanying paper); and

A bill (S. 3629) granting an increase of pension to William Hibbs.

Mr. LONG introduced a bill (S. 3630) granting an increase of pension to Martin L. Barber; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DILLINGHAM introduced a bill (S. 3631) for the relief of Frances A. Bliss; which was read twice by its title, and referred to the Committee on Claims.

Mr. GALLINGER introduced a bill (S. 3632) to amend an act entitled "An act granting an increase of pension to soldiers of the Mexican war in certain cases," approved January 5, 1893; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLARK of Montana introduced a bill (S. 3633) to erect a statue to Pierre Charles L'Enfant; which was read twice by its title, and referred to the Committee on the Library.

Mr. DUBOIS introduced a bill (S. 3634) granting a pension to Thomas H. Pierce; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SCOTT introduced a bill (S. 3635) to increase the number

of Commissioners of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. ALGER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 3636) to correct the military record of Robert B. Tubbs;

A bill (S. 3637) to correct the military record of George H. Keating; and

A bill (S. 3638) providing for the retirement of noncommissioned officers, petty officers, and enlisted men of the Army, Navy, and Marine Corps of the United States.

Mr. McCREARY introduced a bill (S. 3639) granting an increase of pension to William Coxton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BEVERIDGE introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 3640) granting an increase of pension to Oliver Brenton;

A bill (S. 3641) granting an increase of pension to William P. Marshall; and

A bill (S. 3642) granting an increase of pension to Cassius M. C. Jones.

Mr. BURKETT introduced a bill (S. 3643) granting an increase of pension to Seth Raymond; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 3644) to amend section 1 of an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3645) to correct the military record of Edwin H. Moyer; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3646) granting an increase of pension to Jacob Zimmerman;

A bill (S. 3647) granting an increase of pension to Jonathan S. Crawford;

A bill (S. 3648) granting an increase of pension to James Jaermiah;

A bill (S. 3649) granting a pension to Sarah Agnes Sullivan;

A bill (S. 3650) granting an increase of pension to William W. Archer;

A bill (S. 3651) granting an increase of pension to John H. Martens;

A bill (S. 3652) granting an increase of pension to Sallie Noble;

A bill (S. 3653) granting an increase of pension to Francis J. Keffer (with accompanying papers);

A bill (S. 3654) granting an increase of pension to Charles C. Jones (with an accompanying paper); and

A bill (S. 3655) granting an increase of pension to Mary A. Good (with an accompanying paper).

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3656) for the relief of William Mays;

A bill (S. 3657) for the relief of Joseph A. Kerbey (with an accompanying paper); and

A bill (S. 3658) for the relief of Matthew H. Elder (with an accompanying paper).

Mr. GORMAN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3659) for the relief of the legal representatives of John H. Sothoron (with accompanying papers);

A bill (S. 3660) to pay Lot Flannery and Martin C. Flannery for extra work on the terraces of the United States Capitol;

A bill (S. 3661) for the relief of the Corporation of Roman Catholic Clergymen of Maryland;

A bill (S. 3662) for the relief of Milton F. Colburn, administrator of the estate of Gilbert Colburn, deceased; and

A bill (S. 3663) for the relief of Gotleib Feldmeyer.

Mr. GORMAN introduced a bill (S. 3664) granting an honorable discharge to Thomas Saville; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3665) for the relief of Col. P. H. Ellis, of the United States Army, retired; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 3666) granting a pension to Alice O. Stewart; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3667) granting an increase of pension to Martha J. Brisco; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3668) to authorize the Washington Spa Spring and Gretta Railroad Company, of Prince George County, to extend its street railway into the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. TELLER introduced a bill (S. 3669) providing for the resurvey of certain townships of land in the county of Baca, Colo.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Public Lands.

He also introduced a bill (S. 3670) for the relief of David M. Pearson; which was read twice by its title, and referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3671) granting an increase of pension to Louis Castinetti (with an accompanying paper);

A bill (S. 3672) granting an increase of pension to Daniel R. Emery (with an accompanying paper);

A bill (S. 3673) granting an increase of pension to George W. Wicks; and

A bill (S. 3674) granting an increase of pension to Louis Dufraine.

Mr. TELLER. I introduce a bill providing for an exchange of certain public lands, which I do by request, without committing myself to the bill in any manner.

The bill (S. 3675) to provide for exchanging certain public lands of the United States with the owners of lands heretofore granted in aid of the construction of any railway was read twice by its title, and referred to the Committee on Public Lands.

Mr. BAILEY (by request) introduced a bill (S. 3676) granting an increase of pension to James M. McCorkle; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CLARKE of Arkansas introduced a bill (S. 3677) to pay S. W. Peel for legal services out of Choctaw funds; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CLAY introduced a bill (S. 3678) to correct the relative rank of Lieut. Frederick S. L. Price, Fourteenth Regiment of Infantry, United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

INTERNATIONAL COMMISSION ON WATERS AT NIAGARA FALLS.

Mr. PLATT. I introduce a joint resolution which I ask may be read and referred to the Committee on Foreign Relations.

The joint resolution (S. R. 24) authorizing the President of the United States to invite the Government of Great Britain to join in the formation of an international commission to examine and report upon the diminution in the volume of water passing over the falls of Niagara was read the first time by its title and the second time at length, and referred to the Committee on Foreign Relations, as follows:

Resolved, etc., That the President of the United States be, and he is hereby, authorized to invite the Government of Great Britain to join in the formation of an international commission, to be composed of four members from each country, whose duty it shall be, from time to time, to report upon the conditions and uses of the waters adjacent to the boundary line between the United States and Canada, and particularly the waters of the Niagara River above the falls of Niagara, and also upon the effect upon the shores of these waters by reason of their diversion from their natural flow, and further to report upon the necessary measures to regulate such diversions, having in view the protection of the falls of Niagara against such diminution of the flow of water over said falls as to impair their natural beauties.

The President is authorized to appoint the United States members of such commission, and said commission is authorized to employ such surveyors, experts, and other persons as it may deem needful in the performance of the duties hereby imposed.

The sum of $20,000 is hereby appropriated to pay the portion of the expenses of said commission chargeable to the United States, including the compensation of the commissioners representing the United States and of surveyors, experts, and other necessary services.

AMENDMENTS TO BILLS.

Mr. TELLER submitted an amendment, intended to be proposed by him to the bill (H. R. 5976) to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indan Territory, and for other purposes; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. FOSTER submitted an amendment proposing to appropriate $215,820.89 to pay the Citizens' Bank of Louisiana the amount due it by the Court of Claims, etc., intended to be proposed by him to the urgent deficiency appropriation bill;

which was referred to the Committee on Claims, and ordered to be printed.

Mr. BRANDEGEE submitted an amendment proposing to appropriate $450 to pay Charles G. Phelps for extra services as clerk of the select committee appointed to consider the message of the House of Representatives relating to the impeachment of Charles Swayne, intended to be proposed by him to the urgent deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

REPORT OF ISTHMIAN CANAL COMMISSION.

On motion of Mr. GORMAN, it was

Ordered, That 300 copies of House Document No. 226, Fifty-eighth Congress, third session, be printed for the use of the Senate document room.

HOUSE BILL REFERRED.

H. R. 8994. An act to provide for a land district in Yellowstone, Carbon, and Rosebud counties, in the State of Montana, to be known as the Billings land district, was read twice by its title, and referred to the Committee on Public Lands.

BATTLEFIELD MONUMENTS IN CUBA.

The joint resolution (H. J. Res. 87) to authorize the use of the transport *Sumner* to convey members of the Santiago Battlefield Commission and others to Cuba and return was read the first time by its title.

Mr. WARREN. I ask for the present consideration of the joint resolution.

The VICE-PRESIDENT. It will be read for the information of the Senate.

The joint resolution was read the second time at length, as follows:

Resolved, etc., That the Secretary of War is authorized to employ the United States Army transport Sumner to convey, from New York to Santiago de Cuba and return, the members of the Santiago Battlefield Commission and the representatives of the President and of the State and War Departments, to enable them to attend the ceremonies to be held at the dedication of battle monuments at El Caney, Fort San Juan, San Juan Ridge, and San Juan de Mayaras Hill, in the immediate vicinity of Santiago de Cuba: *Provided*, That the total additional expense shall not exceed $10,000.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COMMITTEE SERVICE.

Mr. BLACKBURN was, on his own motion, relieved from further service upon the Committee on Naval Affairs.

Mr. MALLORY was, on his own motion, relieved from further service upon the Committee on the District of Columbia.

On motion of Mr. GORMAN, and by unanimous consent, Mr. BLACKBURN was assigned to the Committee on the District of Columbia and Mr. MALLORY was assigned to the Committee on Naval Affairs.

PURE-FOOD BILL.

The VICE-PRESIDENT. The morning business is closed, and the Calendar is in order.

Mr. HEYBURN. I ask unanimous consent that Senate bill 88 be laid before the Senate for consideration.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 88) for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes.

Mr. HEYBURN. I yield to the Senator from Massachusetts [Mr. LODGE].

MOROCCAN CONFERENCE AND RELATIONS WITH SANTO DOMINGO.

Mr. LODGE. Mr. President, I am entirely conscious of the great difficulty involved in following the Senator from Wisconsin [Mr. SPOONER] in the discussion of the important subject upon which he spoke to the Senate yesterday. I quite realize that, after the manner in which he dealt with those questions, anything that I may say is in great danger of being an anticlimax. Where the Senator from Wisconsin has reaped there is very little left for anyone else to glean. But I was referred to so frequently in the course of the debate in connection with the attitude of the Administration in regard to Santo Domingo, that it seemed to me I owed it to myself to say a few words at least upon that subject.

Moreover, Mr. President, I think both questions discussed by the Senator from Wisconsin are of such importance that even reiteration, which is always valuable in bringing important matters home to the public mind, will not be wholly misplaced. I can not hope to throw much new light upon the subject. Neither can I hope to change personal or partisan prejudice or alter a stolid determination not to look at the facts as they are. But even the most imperfect presentation of the case may help to make it clearer than it now seems to be in certain quarters.

I do not myself think it is a wise practice to discuss matters affecting foreign relations in open Senate. I believe most thoroughly in the wisdom of the practice of the Senate, which has always been to treat such questions in executive session. It is very well, and perhaps within certain limits desirable, that in the House of Representatives, as in the House of Commons in England, subjects relating to our foreign relations should be at times publicly discussed. But the Senate occupies toward our relations with other countries a wholly different attitude. We are a part of the executive government in the administration of foreign affairs, and that which would be an impropriety on the part of the Executive, or on the part of our ambassadors or our Cabinet officers, would be an impropriety on our part, because what is said here carries necessarily greater weight than what is said anywhere else.

But, Mr. President, it is useless to attempt to keep such subjects within the executive session or in secret session unless all Senators are themselves agreed as to the wisdom of doing so. No matter what the practice of the Senate may be, no matter what action it may take on any specific case, it is always perfectly possible for any Senator, by a general resolution, to disregard custom or order and discuss the subject in public if he chooses to do so.

I think too often also we abandon the morning hour, which should be reserved for legislative business, to the discussion of foreign affairs and of general resolutions which rise but little beyond the discussions of a moot court.

Nevertheless, Mr. President, the subject, or rather the two subjects, upon which I desire to speak are here. They have been brought before the Senate and their discussion can not be avoided. I shall endeavor, however, in what I have to say not to travel out of the public record or to discuss anything which is more properly to be considered behind closed doors.

The Senator from Georgia [Mr. BACON], in his interesting speech a day or two ago, devoted all his eloquence and earnestness to the preservation of the principles laid down by Washington in his Farewell Address. If salvation were needed by the principles laid down by Washington, I have no doubt that the Senator from Georgia would then and there have saved them. But I do not myself apprehend that the principles laid down by Washington in the Farewell Address are in the slightest danger.

The conference at Algeciras in regard to Moroccan affairs is the incident which has excited the alarm of the Senator from Georgia, and yet it is the most natural thing in the world. As was pointed out by the Senator from Wisconsin yesterday, this is by no means the first time that, in common with other nations, we have dealt with the affairs of Morocco. We made a treaty with Morocco herself in 1787. In 1865 we made another treaty with Morocco in company with the principal powers of Europe. That treaty was for the erection of a light-house at Cape Spartel and for its neutralization and protection. In 1880 we made another treaty with Morocco in which all the European powers joined, not strictly commercial, but for the protection of foreigners and defining the rights of foreigners in Morocco, and that treaty was ratified by the Senate in 1882. Our representative at the conference was General Fairchild, who was appointed to perform that duty by the President.

When the present troubles began in Morocco we were invited, as a matter of course, as one of the signatories of both these prior conventions, to take part in the new conference. It would have been impossible for Morocco to do otherwise. We have commercial interests there, and in that semicivilized State we have found it necessary to join with other countries in suitable provisions for the protection of our citizens. Now, when questions have arisen which may alter very much the commercial relations of Morocco, it becomes not only our right, but our duty, to see that those interests are still protected.

Senators will remember that last June the German Emperor made a protest against the agreement of the French and English Governments in regard to Morocco, basing his objections upon the maintenance of the open door, which he considered to be in danger. If I am correctly informed and the press is correct about it, he invited us to join in that protest, and we declined. Then subsequently came this invitation to the conference, and this conference was the method by which the danger of war at that period, if it existed, was avoided. The President, of course, appointed delegates. They are now there, and I have no doubt that their presence will be of very great value. We have no right to assume that their instructions are in any way in

conflict with the provisions of the Constitution or with the traditions of the Government.

It is not necessary for me again to go over the ground which the Senator from Wisconsin traversed yesterday. No one, I think, can doubt the absolute power of the President to initiate and carry on all negotiations; and after a treaty has been returned to him with the ratification of the Senate to withhold it from ratification if he sees fit so to do. There is no doubt that the Senate can by resolution advise the President to enter upon a negotiation, or advise the President to refrain from a negotiation; but those resolutions have no binding force whatsoever, and the action of the Senate becomes operative and actually effective only when a treaty is actually submitted to it. We have no possible right to break suddenly into the middle of a negotiation and demand from the President what instructions he has given to his representative. That part of treaty making is no concern of ours. As was suggested to me by a distinguished Senator the other day, it would be just as if the President were to send word to us that, if not incompatible with the public interest, he would be obliged if we would send him our secret journals.

He is entitled under the Constitution to come here and join with us in the consideration of treaties or other executive business. As a matter of fact, that was never done but by Washington, and it has been abandoned ever since, although the right remains recognized by our rule to-day. Yet I think we should be disposed to resent it if a request of that sort was made to us by the President of the United States.

We are rightly jealous in the maintenance of our prerogatives. I use the word as the Senator from Wisconsin correctly used it yesterday, for prerogative is not necessarily a royal prerogative. Meaning merely a special privilege or inherent right it may appertain to anything or to anybody. In looking up the word in order to confirm my own memory I found a quotation from Burke in which he referred to the prerogative of a freeman, and we speak of the prerogative of Parliament, or the prerogative of a court, or the prerogatives of the Senate.

Mr. President, I repeat we are justly jealous of our own prerogatives and our own rights, but we can not maintain them or insist upon them unless we are equally observant of the prerogatives and the rights of the other departments of the Government. It is a mere invasion of the powers and rights of the President if we are to plunge in at a stage of the negotiation where we have no business whatever and demand from him the instructions which he has given to his properly appointed representatives. When the treaty made by those representatives comes before us then is the time, and not before, in which we can properly ask for information in regard to all which led up to it.

Mr. President, the idea that there is something very strange and very novel in our joining with other nations in the settlement by treaty of matters affecting commercial questions, or, indeed, other questions, is a wholly mistaken one. The famous warning against entangling alliances which is embodied in the Farewell Address, as everyone is aware, grew out of the troubles which Washington endured on account of our alliance with France. The party of opposition, the "Anti-Federalist party," as it was then called, the party of Thomas Jefferson, had opposed with the utmost bitterness the neutrality policy of Washington and his Cabinet. They had urged that we should interpret that treaty to mean that we should go to war with the enemies of France whether France was making an offensive or a defensive war. Out of that situation grew Washington's wise and judicious warning; but he was altogether too sensible and too practical a man to suppose that because we were not to engage in alliances which might involve us in the wars of Europe, with which we had no concern, therefore we were never to engage in any agreements with any nations of Europe, no matter how beneficial they might be to the world at large or to ourselves.

I have here a rough list of some of the treaties in which we have joined with other countries. In 1863 we joined with the countries of Europe in a general treaty as to tariff dues on the river Scheldt. In 1866 we joined with France, Great Britain, and the Netherlands in a tariff treaty with Japan. In 1899 we made a joint treaty with Germany and Great Britain for the settlement of the Samoan question. We joined in international conventions in 1864 relating to wounded in time of war; again in 1868 on the same subject; in 1875 on weights and measures; in 1883 as to industrial property; in 1884 as to submarine cables; in 1886 as to the exchange of official documents; in 1890 as to customs tariffs; in 1890 as to the African slave trade; in 1899 in a general treaty for the exclusion of spirituous liquors from Africa; in 1901 we were one of the signers of the protocol with China as to the Boxer trouble, and in 1899 we joined in all of The Hague conventions.

Mr. President, if the principle were carried out that we were never to join with any other countries, that entangling alliances meant anything of that kind, most of the great and beneficial things which have been achieved by international agreement would have become impossible to us.

We have joined, as I have shown, with other countries in regard to Morocco before. We are there now properly, entirely properly, in regard to commercial interests, if nothing else. I am prepared to go further than that, Mr. President. If the influence of the United States can be exerted at that conference, if its good offices can be used toward the preservation of the world's peace, I sincerely hope they may be.

It is the policy of the United States to be at peace; but, more than that, the policy and interest of the United States alike demand the peace of the world, and it is not to be supposed for a moment that we are never to exert our great moral influence or to use our good offices for the maintenance of the world's peace.

The moral influence of the United States was exerted last summer, through the President of the United States, in such a way as to bring to an end one of the bloodiest wars of modern times. I believe there are persons who are disposed to criticise the President even for doing that. When those little criticisms have sunk into silence and been forgotten the peace between Russia and Japan, which was due to the President of the United States, representing, as he did, the moral influence of this country, will stand out as a noble and historic achievement and one of the great events of modern times.

Mr. President, in entangling alliances, of course, no man wants to engage this country; we have no concern with the wars of Europe; no one for a moment would think of engaging us in a position where we might be involved in them, the President least of all, for on the President, whoever he may be, falls the most dire responsibility in case of war; but, Mr. President, the phrase "entangling alliances" does not mean that we should not unite with other nations on commercial questions, on the settlement of the rights of commerce, as to the rights of our citizens in other countries, or in the promotion of those great and beneficent objects which are embodied in international conventions.

Mr. President, I do not care to go further into the question of our relations to the conference at Algeciras. The case is really too plain to require more than a mere statement. I for one am very glad that we are represented there. I have no doubt that what is there done and the presence of our envoys there will make for the advancement of our commerce in Morocco and will also make for what is infinitely more important, the peace of the world.

I desire now to say a further word in regard to Santo Domingo, which has been the principal subject of discussion in the debate which has sprung up here in regard to various resolutions. That treaty, Mr. President, involves a very large question of policy, and has been used to open a very extensive discussion upon the Monroe doctrine. I was quoted the other day as having said that it was a "new departure," that it was a "new policy." The reference was to a speech which I made last summer—an entirely extemporaneous speech—in which I used neither the phrase "new departure" nor "new policy." I spoke of the treaty as "the beginning of a great policy," and in using the word "beginning" I spoke loosely and inaccurately. I should have said that it was the continuance of a great policy; and I am prepared, and desire briefly, to show why I think it is also a sound and necessary policy. In the first place, I do not think that we can escape from our responsibilities, and I think our responsibilities in those islands are not created for us merely by the Monroe doctrine, but by the very fact of our neighborhood to those islands.

As the Monroe doctrine has been brought into the case, I want to say a word in regard to it. It was very ably and very eloquently discussed by the Senator from Maryland [Mr. RAYNER], and upon what he then said I wish myself to say something. The Monroe doctrine is very familiar and almost as much misunderstood I sometimes think. We constantly refer to the famous passage in which President Monroe said:

> With the existing colonies or dependencies of any European power we have not interfered and shall not interfere; but with the governments who have declared their independence and maintained it, and whose independence we have on great consideration and on just principles acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power, in any other light than as the manifestation of an unfriendly disposition toward the United States.

But there was another principle laid down in another part of the message, where Mr. Monroe said:

> That the American continents, by the free and independent condition which they have assumed and maintained, are henceforth not to be considered as subjects for future colonization by any European powers.

The exclusion of Europe from meddling with the political conditions of the American States was advanced by Canning before it was advanced in this country, and, as is well known, he invited us to join with him in that protest; but it is not quite so well known that after Mr. Monroe's message Mr. Canning, in more than one dispatch, absolutely repudiated the doctrine on account of the clause relating to colonization. When he repudiated it, he refused to go on with us as against the claims of Russia on the northwest coast.

Up to that time England and the United States had protested jointly and proposed to act jointly against the enormous claims put forward by Russia in the ukase of 1820. But Canning broke from us at that time on account of that clause relating to colonization. The clause relating to colonization is the really vital one, for it covers the acquisition of territory; and it is that which I desire to discuss briefly, with some reference to what the Senator from Maryland said in regard to it.

I am quite ready to admit that the temporary possession of a custom-house does not in the least necessarily involve the Monroe doctrine. So far as enforcing contractual obligations by force of arms may go, that is something about which there is a great variety of opinions, and the practice has been as various as the opinions. But in regard to the Monroe doctrine, the Senator from Maryland cited three cases which he suggested settled our interpretation of it. I do not think his citations were altogether fortunate for his purpose, and yet I think he covered the only cases where the Monroe doctrine has been brought into controversy, except, perhaps, the first Venezuelan case.

The Senator from Maryland referred first to the action of France in regard to Mexico, and quoted from a letter of Mr. Seward as showing that we did not regard that at the outset, at least, as an infringement of the Monroe doctrine. He drew a large deduction from mere silence, and the inference is contradicted by subsequent events. Mr. President, it is to be remembered that when England, France, and Spain conjointly determined to send a fleet over here for the purpose of taking coercive measures in regard to Mexico they stated in the convention which they made:

ART. II. The high contracting parties engage not to seek for themselves, in the employment of the coercive measures contemplated by the present convention, any acquisition of territory nor any special advantage, and not to exercise in the internal affairs of Mexico any influence of a nature to prejudice the right of the Mexican nation to choose and to constitute freely the form of its government.

In other words, they explicitly in their convention included all the prohibitions of the Monroe doctrine. England and Spain found that France intended to go much further, and they withdrew from the agreement. Then it became evident that it was the purpose of France to overthrow the Mexican Government and establish on its ruins an imperial government with a member of the House of Austria as the head.

There was never any doubt then, I think, in the minds of anyone here that it was an infringement of the Monroe doctrine. Certainly if we had not been engaged in our civil war, we should have acted with immense promptitude; but, as it was, the House of Representatives passed a resolution, without a dissenting voice, in 1864, declaring that:

The Congress of the United States are unwilling by silence to have the nations of the world under the impression that they are indifferent spectators of the deplorable events now transpiring in the Republic of Mexico, and that they therefore think fit to declare that it does not accord with the policy of the United States to acknowledge any monarchical government erected on the ruins of any republican government in America under the auspices of any European power.

The very day after the surrender of Lee at Appomattox a dispatch went from Washington, through our London legation, to our French legation notifying the Government of France that the United States expected the immediate withdrawal of her forces; and we moved an army down to the Mexican border to support our demand.

There was no doubt whatever as to what the world thought of it. Sir Edward Creasy, a distinguished English historian, says in his book, the First Platform of International law:

The United States (occupied by their own civil war which was then raging) did not actually send troops to oppose the French in Mexico, but they steadily refused to recognize Maximillian or any other government except a republican government in Mexico; and the language of their statesmen exhibited the fullest development of the Monroe doctrine.

I have always believed, and I still think, Mr. President, that our action after the civil war was a thorough and powerful vindication of the Monroe doctrine, which had been seriously invaded and disregarded by the French.

Now, as to the Corinto incident, which is referred to by the Senator from Maryland. That was brought about, not by a contractual obligation of any kind or by the failure to pay bonds, but by an affront offered to the British consul. An indemnity for that indignity was demanded by the British Government. They sent a fleet to Corinto; they took temporary possession, and they compelled Nicaragua and the surrounding States to pay this indemnity of £75,000. I thought at the time that the attitude of our Government was weak and spiritless. I thought, despite the fact that there was no attempt to overturn the Government of Nicaragua and no attempt to take permanent possession there, that nevertheless our Government ought to have interfered and that the incident was one of evil example.

I desire further merely to show that very far from establishing a precedent as to our interpretation of the Monroe doctrine, the Corinto incident was thought at the time by American statesmen to have been treated by our Government in a very dangerous manner and in a way we should not have permitted.

I quote the words of one of the ablest international lawyers who ever sat in this Chamber—a man of profound learning, who had given the study of years to this question. I refer to the late Senator Davis, of Minnesota. In his little book On International Law he says:

The events at Corinto, in Nicaragua, are recent and well known. For a trifling offense to her dignity, which was either wholly denied or greatly palliated by the statement of Nicaragua, which was committed during a time of revolutionary excitement, Great Britain fined that weak and poverty-stricken Republic $75,000, and demanded immediate payment in gold. It was in vain that Nicaragua pleaded for arbitration. It was in vain that she asked for time to pay the money, arbitration having been refused. In default of immediate payment, the British ships of war appear in Corinto. British troops take possession of the town. The British flag floats over Nicaraguan soil, and this armed occupation continues, until, it is said, Costa Rica, San Salvador, Guatemala, the little brothers of that family of republics, contribute what pocket money they have to get the burly, blustering intruder out of the house. Of course, the pretext was that England has the right to make war upon Nicaragua, and that her seizure of a portion of its territory, to hold it and govern it until the fine is paid, is not an infraction of the Monroe doctrine. But, all things considered, the nature of the grievance, the brutality of the reprisal, the refusal to arbitrate or to give time to pay, the actual seizure of territory, the position of Great Britain on the Atlantic coast as to the Nicaragua Canal, her position at Corinto, on the Pacific, as to the same work, the great investments of American capital in that enterprise, the successful continuation of which greatly depends upon political stability in Nicaragua; considering also what Great Britain is doing in Venezuela at the mouth of the Orinoco, looking north to the canal, her possessions in Jamaica and the Windward Islands completely commanding it, it is my opinion that the seizure of Corinto was "dangerous to our peace and safety," and should have been prevented.

I quote that passage merely to show that one of the leading statesmen of the United States at that time not only questioned the attitude of the Administration, but absolutely denied its soundness.

Later, in his second Administration, however, Mr. Cleveland, by his action in the Venezuela question, entirely redeemed the weakness which he had shown in regard to Corinto. The Venezuelan case was an attempt to take additional territory. I do not think anyone will now dispute that the English course then was an infringement of the Monroe doctrine. I very cordially supported the attitude of Mr. Cleveland at that time, and I firmly believe now in the wisdom of his action. It did more to vindicate the Monroe doctrine than anything that had been done up to that period, with the single exception of the expulsion of the French from Mexico. It had a profound effect on Europe, and greatly improved his own relations with Great Britain.

The last case cited by the Senator from Maryland was the recent trouble with Venezuela, when we, without interference, allowed Germany and Italy and Great Britain to go to Venezuela, bombard her towns, and compel her to enter into an arbitration.

Mr. President, it was perfectly understood before those powers moved a ship that no territory was to be taken, and later, if I am not mistaken, assurances were given that no troops were to be landed and no custom-houses taken. It is too early as yet for all the correspondence in relation to that incident to be placed before the world, but I think it will be found that in that incident, as in the case of the invasion of Mexico, the policy of our Government was firmly against permitting even temporary occupations. These cases, far from showing that we have confined our enforcement of the Monroe doctrine to attempts to subvert American governments or seize territory, exactly prove the reverse.

Temporary occupations, so wisely resisted and frowned upon by our Government, are very dangerous things, for there is no limitation on the word "temporary." Egypt began with a temporary occupation by the British and the French, and to-day it is wholly in the control of England. And France has now disavowed by the treaty that relates to Morocco all further connection with Egypt.

Mr. BEVERIDGE. May I ask the Senator whether Great Britain did not, at the very time she entered upon the occupation, disavow any intention to permanently stay there?

Mr. LODGE. Absolutely.

Mr. BEVERIDGE. Not only was it to be temporary, but she disavowed that it would be permanent.

Mr. LODGE. I think it would be a very great misfortune to this country to have foreign powers taking possession, temporarily or otherwise, for any purpose, of the custom-houses or other portions of the territory of any of the American republics. I think when that is done it creates a perilous situation, which we should all deplore. It is far wiser to avoid situations of that kind than to wait for them and try to cure them after they have arisen.

I freely admit that the Monroe doctrine in nowise interferes, and ought not to interfere in any way, with the right of any nation to seek redress for any infringement of the rights of its citizens, anything in the nature of a national affront, or anything which derogates from its honor. Of course, the Monroe doctrine touches no question of that kind. In the same way, I am perfectly willing to admit that the Monroe doctrine interferes in no way with the collection of debts. But, Mr. President, that is not the point.

The Monroe doctrine is not a question of international law. As the Senator from Wisconsin [Mr. SPOONER] said, it is a declaration of national policy. It is coextensive with the American Navy—not one bit bigger than that. If you have no navy, all the fine talk about the power of the United States and 80,000,000 people will not amount to anything as against the greed of foreign nations. The Monroe doctrine is a vital and effective doctrine just so long as the United States stands behind it with an effective and powerful navy; and the question that we are dealing with in Santo Domingo to-day is not a question of how far the Monroe doctrine goes or where it stops, but is a question simply and solely of the facts and conditions now existing in that unfortunate island.

Look at those three islands as they lie there by the coast of the United States. One of them, Porto Rico, has passed into our hands. Another, Cuba, is under our suzerainty or protectorate. She is limited by us as to her foreign relations; she is limited by us as to her power to borrow money. We made her make those limitations a part of her constitution. The result is that Cuba to-day is the most successful of all the South American Republics which border on the Caribbean Sea, with the exception of Mexico. She has been prosperous; she has been peaceful; there has been no suggestion of foreign interference, and it is simply because we took with her the position we now occupy.

Our policy in regard to Porto Rico and our action in regard to Cuba are not matters of chance. They have come about by necessity. Not only are these islands near our coast, but we are going to build the Panama Canal. We have begun that great work. Its protection and its defense are of enormous importance to the people of the United States, as well as to the commerce of the world, and every portion of the Caribbean Sea is essential to the safety of the canal. We can not possibly allow the canal and the approaches to it to be commanded by any other power, and we have taken naval stations in Cuba for no other reason than its protection.

Between the islands of Cuba and Porto Rico, within 90 miles of Porto Rico, where our flag floats, lies the island of Santo Domingo. It is in a condition of chaos. It is buried in debt. It has had a revolution every year at every annual election practically for the last forty years. It is no credit to us or to civilization that such a condition should exist in one of the most fertile and beautiful islands on the face of the earth.

Now, we have been brought face to face with this situation, and I am not summoning up any ghosts or any bogies or anything of that kind. The financial condition of Santo Domingo had reached such a point that foreign nations, representing their bondholders, were determined to get some of the money back. At the time when these negotiations began, at the very time when Colonel Colton went down there by the appointment of Morales and took over the custom-houses, there was an Italian man-of-war lying in the harbor ready to take possession, and intending to take possession, of those custom-houses in case some one like Colonel Colton, representing order and decency, was not put in control of those custom-houses by the Dominican Government.

I think, Mr. President, that in order to avoid the complications growing out of the taking of custom-houses by a foreign government it is infinitely better to take possession of them and administer them ourselves. I do not like this alternative, but I like the present condition still less, and I much prefer doing what it is now proposed that we should do than waiting until some foreign government steps in there. Then we should find ourselves in complications with the foreign power, and some of the very people who are now denouncing the President for interfering in Santo Domingo would be rending the air with shrill cries and demanding to know why he did not enforce the Monroe doctrine.

Mr. President, the policy embodied in this treaty is the peaceable, the sensible, the intelligent way to deal with this question. I admit it is a disagreeable thing to do. I admit it is not a thing that we naturally would like to do. That is not the question. The point is whether it is not a better process of dealing with a question which we can not avoid than to leave it alone feebly and helplessly until other nations undertake to settle it for themselves. I for one have never had the slightest doubt in regard to the wisdom of this policy.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Georgia?

Mr. LODGE. Certainly.

Mr. BACON. I wish to ask the Senator a question, with his permission, not for the purpose of argument, but that I may correctly understand the proposition; and if the Senator will accept the interrogatory in that spirit, I should like to submit it.

Mr. LODGE. Certainly.

Mr. BACON. The Senator states with force the influences which these neighboring islands, and I suppose he would also include countries upon the Caribbean Sea, or rather the bordering islands and lands on the Caribbean Sea, have necessarily upon our interest in the Panama Canal. The question I desire to ask the Senator is whether the logic of his proposition extends to other islands and bordering countries on the Caribbean Sea, and whether in that case the Senator goes further and means that in every case where a Central American or South American country bordering on the Caribbean Sea or one of the islands should become insolvent and on account thereof be threatened with violence for the collection of debts by some European power, a like obligation would necessarily, whether we desired it or not, rest upon the United States; and if not an obligation, whether the interest of the United States would require similar action in such a case?

Mr. LODGE. Mr. President, the island of Santo Domingo and the adjoining Republic of Haiti, of course, are exceptional in their condition, as they are in their geographical situation. I trust no such condition as that of Santo Domingo will arise in any of the states bordering upon the Caribbean Sea. I certainly hope that nothing of that sort will happen. But if a question should arise which would involve the taking possession, permanently or temporarily—and by "temporarily" I do not mean overnight, but taking possession for administration for a time—of any of these strategic and important points along the Caribbean Sea, I do not think we as the builders and owners of the canal ought to permit it, and I think we ought to take proper steps to stop it if such a thing should occur.

I do not think either that we could afford to see the transfer of islands now held by small and friendly European powers, nonmilitary powers, to great military powers. I do not think we could permit the establishment of great places of arms by any military nation in the Caribbean Sea. I do not think we could afford, in our own interest and in the interest of the canal, to permit those ports and harbors bordering on that sea to be taken possession of.

Mr. BACON. I am very much interested in the statement of the Senator, and he will pardon me for making my question a little more explicit, in order that I may understand him correctly. Does he go to the extent which I will now suggest? I would ask the Senator whether I am to understand from his reply that he means that in case of the insolvency of any of the countries bordering upon the Caribbean Sea and the proposed action by any European power to take possession of custom-houses for the purpose of collecting debts the Senator would recognize that the logic of the proposition suggested by him would either require or make it to the interest of the United States Government to interpose, as it is now proposed to interpose in the case of Santo Domingo, by the United States itself undertaking to administer upon the revenues of that Government, their collection and disbursement, for the purpose of thus satisfying those European nations and for the settlement of the country's debts?

Mr. LODGE. I do not think that is a very practical question—I do not mean the way of putting it, but the question itself—at this moment. I think we must deal with each of these cases as they arise. I see no governments around the Caribbean Sea, except the unfortunate Government on this island, which can not take charge of its debts. We may very likely be compelled to exercise some pressure in order to compel them to pay their debts, but I do not see any prospect of such a situation as the Senator suggests.

Mr. BACON. Will the Senator pardon me? I think the situation exists now in the case of Venezuela, and we all know that

the finances of Colombia are in a condition where that situation may speedily develop.

Mr. LODGE. When a foreign nation undertakes to take the ports, then will be the time for us to interfere. I do not think the only way of preventing a foreign nation from taking ports for the security of debts or for the payment of indemnity is what we desire to do in Santo Domingo. I think it can be prevented by proper representations and in the way of diplomatic negotiations, as it could be, I believe, and will be eventually in Venezuela; as it was done at the time when Germany and Italy and Great Britain came over and forced Venezuela into The Hague arbitration and into sufficient arrangements for the payment of her debts. But Santo Domingo is too feeble and too helpless to stand alone, and somebody must take possession of her custom-houses in order to relieve her people from the mass of fraudulent debts which are set up against them and to put them in a position where they shall have their debts in process of liquidation and shall be prevented from incurring more.

Under those circumstances I believe they would go on with a reasonable degree of peace and progress, and if we do not do the work somebody else will.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Indiana?

Mr. LODGE. Certainly.

Mr. BEVERIDGE. I dislike to interrupt the Senator from Massachusetts, but I wish to suggest in this connection whether it is not true that if some government instead of ours does it, the just and admitted claims of American citizens would be extinguished by the preference of the claims of active governments under the award of The Hague tribunal in the Venezuela case? Would not the just and admitted claims of American citizens which would be placed in jeopardy be extinguished?

Mr. LODGE. Certainly. We should be relegated to a secondary place in the payment of debts, and, moreover, we should have to join with other nations in that arrangement, if it were made. Instead of doing it ourselves on our own terms, we should join with other countries and have them do it.

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Nevada?

Mr. LODGE. I yield.

Mr. NEWLANDS. I understand the Senator from Massachusetts objects to the occupation of the custom-houses in Santo Domingo by foreign military powers——

Mr. LODGE. By any foreign power.

Mr. NEWLANDS. By any foreign military power, because he fears that that temporary occupation may result in a permanent occupation.

Mr. LODGE. That is not the reason, at least it is not the only reason.

Mr. NEWLANDS. Is that one reason?

Mr. LODGE. That is a reason, but I do not think it the only one in this case.

Mr. NEWLANDS. I will ask him if that fear exists, whether there is not also fear that if we enter into the temporary occupation of these custom-houses for the purpose of collecting the debts due foreign nations, it will end in our drifting into permanent occupation, not simply of the custom-houses, but of the territory?

Mr. LODGE. One of my reasons for advocating this policy is that, in my judgment, it will have precisely the opposite effect. It has saved us from the annexation of Cuba, by the establishment of the partial control which we have over her debt and her foreign relations. One of the dangers I want to guard against is the reduction of Santo Domingo to such a condition that she will be forced into our hands. I do not want to take possession of those islands. I do not want to annex them to the United States.

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Nevada?

Mr. LODGE. Let me finish. I say I think the arrangement we made with Cuba, which was embodied in her constitution, by which we should have a voice in her foreign relations; by which we should have a voice in the manner in which her debt was incurred, is what prevented the annexation of the island. I think if we establish order in Santo Domingo by administering her custom-houses and settling her debts, we shall bring that island into a condition where annexation will be out of the question; but if we leave it in this welter of financial distress and political disorder, sooner or later we shall have to take her in self-defense, because we can not let anybody else take possession of the island; and I do not want to annex any more islands.

Mr. NEWLANDS. Will the Senator from Massachusetts permit me to cite several instances where mere possessio pedis, such as we shall have under his proposed plan in Santo Domingo, has ripened into occupation and alleged title?

Mr. LODGE. I know that. I have already stated so myself. I have been over some of those cases in illustrating another part of the argument. I know what the Senator means.

Mr. NEWLANDS. Then I will not trespass upon the Senator's time.

Mr. LODGE. I think temporary occupation by a foreign power might easily ripen into something of that sort. I do not believe our taking possession will, because we tested it in the case of Cuba, and I think we have a well-settled policy which I think we are capable of following out.

Mr. NEWLANDS. Will the Senator permit me to cite him at least two instances in our own history in which innocent acts, temporary possession, accidental acts, have ripened into possession, and——

Mr. LODGE. Taking possession of custom-houses?

Mr. NEWLANDS. No; to occupation of territory.

Mr. LODGE. Have ripened into annexation? I should like to hear them.

Mr. NEWLANDS. For instance, under our treaty with Colombia we had a mere possessio pedis on the Isthmus of Panama, involving a mere right of way——

Mr. LODGE. The Senator knows that is not a parallel case. It was settled by treaty.

Mr. NEWLANDS. I propose to show it is a parallel case.

Mr. LODGE. I wish the Senator would do so in his own time. It will take too much of mine.

Mr. NEWLANDS. I will not trespass upon the Senator's time.

Mr. LODGE. I have no objection to a question, but this will take too much time.

Mr. NEWLANDS. The Senator asked me to cite several instances, but, of course, I do not wish to proceed without his consent.

Mr. LODGE. The point I wish to make is that I believe that this treaty is the surest way of avoiding annexation. I believe it is the surest way of preventing temporary foreign interference or occupation; and, Mr. President, except for the great mistake of the Clayton-Bulwer treaty, we have sedulously guarded ourselves from permitting any foreign nation even to join us in anything relating to American affairs. One of the great and, to my mind, vital objections to the first Hay-Pauncefote treaty was that we invited the nations of Europe to join with us in neutralizing the canal. We do not want any assistance in managing American affairs.

Mr. President, if we take this ground, and we always have taken it, then the responsibility goes with it, and the responsibility is to see that these people, where they are helplessly unable to do it themselves, should be aided by us to pay their debts and maintain a reasonable degree of order. It was with that view that the treaty was made. The Senate adjourned without action upon the treaty. It neither ratified it nor did it reject it.

The Senator from South Carolina [Mr. TILLMAN], in his usual picturesque way, described the Senator from Wisconsin [Mr. SPOONER] and myself as going to see the President in regard to it after the adjournment of the Senate. He might have included the Senator from Ohio [Mr. FORAKER] as being present at the conversation to which, I suppose, he alludes, and he further described us as there surrendering our convictions and joining in with this Presidential policy which, under guise of a temporary arrangement, put the treaty in force.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from South Carolina?

Mr. LODGE. Certainly.

Mr. TILLMAN. The Senator is giving me credit for language which is not mine. It is the New York Sun's that I quoted, and I could not pretend to compete with the Sun in picturesque language.

Mr. LODGE. I was referring to the phrase "surrender at discretion."

Mr. TILLMAN. That, too, is in the Sun's article.

Mr. LODGE. Very well; then, the picturesque language is the New York Sun's. I am quite willing to admit that it is better language than the Senator's, if the Senator says so. I made no surrender, that I know of, of any kind. I was, personally, heartily in favor of this policy from the beginning as I am today. I think it is essential. I think it is absolutely sound and

wise. I think it is a preventive of much greater and much worse evil.

Mr. TILLMAN. The Senator says he is in favor of this policy now and has been from the beginning. As I understand him, this policy involves the prevention of any European nation acquiring a foothold in the Caribbean. The Senator, of course, is already aware that Great Britain owns Jamaica——

Mr. LODGE. Oh, yes, Mr. President.

Mr. TILLMAN. And has fortified it.

Mr. LODGE. It owned it at the time the Monroe doctrine was enunciated.

Mr. TILLMAN. I know. They already have great naval stations there, and either of their navies is larger than ours.

Mr. LODGE. The Senator does not follow current events. Great Britain has given up Santa Lucia as a place of arms and has specifically withdrawn.

Mr. TILLMAN. Bermuda is right north. She is close enough, and she has ships enough to give us trouble.

Mr. LODGE. Where does the Senator think the Bermudas are?

Mr. TILLMAN. They are a little off Florida—a little west.

Mr. LODGE. Has not the Senator mixed them up with the Bahamas?

Mr. TILLMAN. I have not studied geography lately, but they are close enough, and in case of trouble——

Mr. LODGE. The Bermudas are far off in the Atlantic. They are not in the Caribbean at all.

Mr. TILLMAN. That may be. I am not trying to bring out the exact geographical location of these places, but the fact is that Great Britain already owns and controls the island of Jamaica, and her fleet is able to trouble us, I think, though I doubt whether there is any other fleet that could seriously disturb us on this side of the ocean. Her fleet controls the Caribbean Sea and is likely to control it; and is not this a bugaboo which the Senator is trying to bring out here to frighten the imagination of the American people when he says it is our business to seize upon and control the destinies of this little black republic and become responsible for its good order and thrift and responsibility as a debt payer?

Mr. LODGE. I have no objection to the Senator from South Carolina asking me a question, but I do hope that he will not put into my mouth words I never uttered or anything resembling them.

Mr. TILLMAN. I did ask a question.

Mr. LODGE. The Senator from Idaho [Mr. HEYBURN] fortunately has a map here. I merely call attention to the fact that the Bermudas are off here [indicating] in the Atlantic Ocean, in the latitude of Charleston.

Mr. TILLMAN. I said they were off Florida, only a hundred or two miles away, north.

Mr. LODGE. I should think they are, roughly, about a thousand miles from Santo Domingo. The Senator from Indiana [Mr. BEVERIDGE] says about fifteen hundred miles from Santo Domingo. They are, as I said, near the center of the Atlantic Ocean and north of the West Indies, and have nothing to do with them.

Mr. TILLMAN. Jamaica is one of the West Indies.

Mr. LODGE. I will not discuss what any nation might do in case of war. At least now there is no nation with a great place of arms there, and I do not wish to see a great nation establish itself there; and if there is one, I do not care for another.

Mr. MONEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Mississippi?

Mr. LODGE. Certainly.

Mr. MONEY. The Senator from South Carolina evidently did not intend to include Bermuda, for he mentioned several islands in the neighborhood under discussion. The Senator from Massachusetts, well aware of the absence of Bermuda from the neighborhood, mentioned the fact that England had broken up its great naval establishment at St. Lucia. But the nearest land to the mouth of the Panama Canal is Jamaica. It lies due north of it, and in Jamaica, at Kingston, is the largest entrepôt of naval stores and arms and the greatest dock and the greatest shipyard in the Western Hemisphere. That is certainly a fact that ought not to be excluded while we are showing what there is there.

Mr. LODGE. The great fleet, which I understood the Senator to say was at the island of St. Lucia, has certainly been withdrawn; at least it was so announced by the prime minister of England, just as they withdrew from Halifax.

Mr. MONEY. If the Senator will allow me, they also proposed to withdraw the troops from the Blue Mountains of Jamaica, and it so excited the white people that they threatened to go away.

Mr. LODGE. I am not discussing the possessions of Great Britain there. They are there. They have always been there. Great Britain is not seeking to interfere with us. We are not seeking to interfere with her possessions, but the fact that there is one foreign nation there does not alter the force of the argument that it is not desirable to have another.

To return to the point at which I was interrupted. The case being in that condition, the treaty pending in the Senate, the President of the United States is said by Senators on the other side to have put the treaty into practical operation by his own act. I need not go over the ground, as stated by the Senator from Wisconsin, that the President of the Dominican Republic appointed a man designated by the President of the United States, and that under a decree of the Dominican Republic that man and his assistants have collected the revenues of Santo Domingo.

There is not one single arrangement beyond the division of the amount of revenue which has a counterpart in the treaty. The President by that arrangement, which the Dominican Government submitted to him and which he accepted, has maintained the status in the island and prevented it from going to wreck while the treaty was pending. Nothing is more common than to make arrangements for maintaining a status during the pendency of a treaty.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from South Carolina?

Mr. LODGE. Certainly.

Mr. TILLMAN. Will the Senator, from his great familiarity with these matters, cite us to another case in which one party maintained the relationship of both parties; in other words, where one party not only undertook for himself to preserve the status quo, but also took upon himself the obligation to preserve the status quo for the other fellow?

Mr. LODGE. Mr. President, nobody undertook to preserve the status quo. That is a common provision in treaties. The Senator can look over the treaties and conventions in our collection of treaties and in other collections and he will find it is a very common provision.

Mr. TILLMAN. I understand that, but——

Mr. LODGE. There is no such provision in this treaty, and it would not have expedited matters if there had been. The President of the Dominican Republic made an arrangement, with the approval of our Executive, for the maintenance of the status quo in Santo Domingo.

Mr. TILLMAN. As I understand it, from the documents that have been furnished, the President himself made the decree, and then the Dominican people, or the Dominican President, accepted it, and the proclamation of Morales is subsequent to the order of the President to the War Department to detail Colonel Colton. One is dated in April and the other is dated in March, and the President's order is dated in March.

Mr. LODGE. Of course the request was submitted through the usual diplomatic channels to the President, asking him if he would make such a designation. He was asked to do it, and when they were informed that he would, they made the necessary decree and proclaimed it; and that is all that has been done. My own judgment is that the President would have been derelict in his duty if he had not done that precise thing.

I think, Mr. President, it is extremely important that that treaty should be ratified. I can not enter upon a discussion of the details of the treaty here, and I have no desire to do so. It is not properly before us. It is quite true that the treaty is not——

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Nevada?

Mr. LODGE. Certainly.

Mr. NEWLANDS. I wish right here to ask the Senator, as he is commenting upon the treaty——

Mr. LODGE. I am not going to comment on the treaty.

Mr. NEWLANDS. Well, he is referring to it, and I wish to ask him whether he does not think it would be advisable to discuss that treaty in the open Senate?

Mr. LODGE. I do not.

Mr. NEWLANDS. Here let me say that whilst I object to the method in which the President has intervened in this matter, I realize that there is a situation which requires serious consideration by the Government of the United States, and perhaps action. But I believe that as we are now considering a new policy with reference to the Central American, South American, and Caribbean republics, which are hopelessly involved in debt, we should take the entire country into our confidence and discuss that entire question before the entire people. I believe the end of such a discussion, aided by the public judgment as ex-

pressed in discussion elsewhere, in newspapers and in periodicals, would be to reach a just conclusion.

I appeal to the Senator from Massachusetts as one of the influential members of the Committee on Foreign Relations to favor a resolution making this treaty a matter of open discussion in the Senate. Already I understand it has been discussed by the President practically in his public utterances, and I see no reason why we should not discuss it before the American people. I ask the Senator whether he would not favor such a resolution?

Mr. LODGE. No, Mr. President, I should not favor it, and I do not care to discuss it now, for it does not seem to be at all apposite to what I am trying to discuss, which is the general policy which has been adopted. This task in Santo Domingo is not an agreeable one, as I have said; but if we now reject this treaty, if we now abandon this policy, if the President withdraws the ships and leaves the island alone, on what ground can we rightfully interfere with some other nation which goes down there to collect her debts?

We are told that it is not an infringement of the Monroe doctrine; that they may go down there and take the custom-houses and that doing so would not infringe the Monroe doctrine. When we withdraw and foreign vessels go down there and foreign marines are landed and custom-houses are taken possession of by foreign troops, I think you will find that the American people will consider that the Monroe doctrine is involved.

Now, that is the precise situation I wish to avoid. I do not believe it can be avoided wisely and well in any way but by the one proposed in the treaty. I think the President pursued the precisely correct course in the line which he has taken. He has kept the matter so that if the treaty should be ratified nothing would be lost, and that we shall not be complicated by changes in the fiscal administration of the island in the meantime.

These attacks, Mr. President, are aimed at the President of the United States, with the idea apparently of creating an impression that he is a usurper, seeking to break through the constitutional limitations which have been drawn about his great office. He has the right to interpret the Constitution, as we have, and he is as loyal to it, and has always been as loyal to it, as any of his critics.

This same charge was made during the campaign when he was a candidate for election to the Presidency. It was made the main issue that he was a dangerous man, disposed to break down and disregard the Constitution of the United States. The question was fought out before the people of the United States, and those who made the charge got their answer at the polls. They failed to convince the people of the United States that there was one particle of truth in their charge; and this dangerous man, whom they held up as likely to involve the country in war, has made the greatest achievement of his Administration the establishment of peace between two great warring nations.

Mr. President, every step the President has taken has been in the interests of peace, our own peace, and that of the world. I believe this treaty to be another important movement, not merely for the peace and prosperity of the little disorderly Republic of Santo Domingo, but for the maintenance of peace and the removal of causes of discord in American waters and in the American hemisphere.

This old attack upon the President has now been renewed. It failed utterly when the President was a candidate for election before the great tribunal of the American people. It will fail again and react upon its author. What is the use of trying to arouse feeling now when the President has received the great indorsement of the American voters, when he has passed out finally and irrevocably from the region of candidates for the office of President, and put his refusal in his own words as explicitly and as honestly as man could do it? Yet they charge with usurpation a man who refused not merely to be a candidate, but even to accept the great office if it were again offered to him, because he said that although technically he had not received two terms, practically he had, and he wished to live up to the customs and the traditions which had been established by Washington.

A man who is as sensitive as that, Mr. President, to the traditions of his country, I think can be trusted not to violate the Constitution openly or secretly in an agreement with another nation. He has aimed, and aimed alone, in this policy at the promotion of the peace and well-being of the great islands which lie near our shores. The policy involved is something much more important than any little details which may be in the treaty. It is a question whether we are going to maintain in the West Indies a condition of peace and progress and ordered liberty, not on account of the Monroe doctrine, but to the end that danger to the Monroe doctrine and all that such danger imports need never arise.

Mr. TELLER. Mr. President, with very much that the Senator from Massachusetts [Mr. LODGE] has stated as to the power of this nation I fully agree. I am particularly opposed, though, to some remarks that he has made within the last few moments. We have before the Senate of the United States a treaty which is to be considered in secret session, although it has been made public. Everybody knows what it is. I have expressed my opinion on it everywhere, as I have a right to do. I am now charged by the Senator from Massachusetts with attacking the President because I do not agree with that treaty.

Mr. LODGE. Oh, Mr. President, I was not referring to the Senator from Colorado or his opposition to the treaty. The Senator knows to what I was referring.

Mr. TELLER. The Senator was not referring to me individually, because I have not spoken on this question, but the Senator knows very well what my attitude has been on the treaty. He knows very well that I am not in favor of it. I am opposed to it.

The question really before us when we come to consider the treaty is not the power of the President to make a treaty, but whether the treaty will be beneficial and useful to us or whether it may not be dangerous to us. That is the question, Mr. President; but I can not discuss it here, I suppose; at least the Senator says I can not, and I know that if I should try it the door would be shut on me instantly.

Mr. PATTERSON. The treaty has been made public.

Mr. TELLER. The treaty has been made public, but it is said I can not discuss it all the same, and I am not disposed to discuss it. I do not believe in the theory of government that closes the doors except in extreme cases. I have contended here for twenty-five years for an open Senate upon treaties that do not involve any great amount of foreign concern—I mean European concern—but I know it can not be had. I am going to comply with the rule and not discuss it, not even as much as the Senator from Massachusetts has done. I want to stand upon my right here to pass upon a treaty and to discuss it, when the proper time comes, in terms and measures proper for a United States Senator to use.

The Senator from Wisconsin [Mr. SPOONER] yesterday spent a long time to show the power of the President of the United States over foreign affairs. The Constitution fixes the power of the President of the United States over foreign affairs as certainly as it fixes the power of the members of this body or of the body itself. I do not deny that the President of the United States may initiate a treaty. He may propose a treaty to us. But I do deny that the President can make a treaty or a protocol or agreement or modus vivendi with any power coming from the United States unless this body here, by two-thirds of the Senators present, shall agree that he may make such a treaty. When he sends his proposed treaty here it is as dead as Julius Cæsar until we by our consent shall give it life.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 529) to promote the national defense, to create a naval reserve, to establish American ocean mail lines to foreign markets, to promote commerce, and to provide revenue from tonnage.

Mr. GALLINGER. I ask unanimous consent that the unfinished business may be temporarily laid aside.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that the unfinished business may be temporarily laid aside. Is there objection? The Chair hears none. The Senator from Colorado will proceed.

Mr. TELLER. There is complaint made—it has been made here, it has been made in the press—that the President has attempted at least to put in operation a proposed treaty. The Senator from Wisconsin said yesterday he had not put it in operation. He certainly has not put it in operation on the part of the Government of the United States, because he has not the authority so to do. When he said, as he did say at Jamestown, where the Chautauqua was being held, that the Government had put it in operation, he was mistaken as to his power and mistaken as to the law; and the Senator from Wisconsin is much nearer right when he says he did not put it in operation than is the President when he says he did put it in operation.

But, Mr. President, for all practical purposes this proposed treaty is now doing service. If it was ratified by the President after we had consented to it, the status quo would be exactly as it is now; there would be no difference. Not a single thing down there would be done under the treaty that is not being

done now, that I know of. That has nothing to do with the merit of the treaty. It may have something to do with the administration of public affairs.

Mr. President, no matter who may be the President nor what claims he may have upon the public for his great ability and honesty, I am not willing to admit that any man can, under the Constitution of this country, make an agreement with a foreign power and put it in operation. The Constitution marks out plainly his relation to foreign affairs. He may appoint ambassadors, ministers, and consuls. That is, he may do that with the advice of this body. He can not do it without. He may make treaties with our advice. He can not do it without.

The other day it seemed to me that the discussion took the form of a complaint because we wanted some information from the State Department, information that it turns out now any Member could have had by walking up to the State Department and asking leave to look at the papers. What I am entitled to do as a Senator this body as a body is entitled to do. That is a complete answer to all the claim in the discussion that was had with closed doors, to which I suppose I can not refer, that we were invading another branch of the Government, the executive department, by such a resolution.

There are more than a hundred resolutions that could be read here to-day where the Senate has called upon the executive department to give them information, that has come to us sometimes in the open Senate, frequently with the seal of secrecy on it. There are some cases where the President has stated: "I do not consider it compatible with the public interest to give that information now." "Subsequently," in one case, he said, "I hope to be able to give it."

Mr. President, in all the inquiries made in more than a hundred years there is not a single line to show that any Executive ever took offense at a resolution here. The President recognized what Madison said was an emergency duty on his part and on ours when it came to treaty making. We are as much a part of the treaty-making power as he, and a little more. Mr. President, for while he has a veto on the treaty after we have said "You may ratify it," as the Senator from Wisconsin said yesterday and once before, I believe, after all, the custom has been that when this body amended a treaty, or when this body consented to the ratification of a treaty, that treaty has been ratified; and I recall no instance in my reading and none in my public service where a treaty, having been amended by the Senate as it might, the President has refused to ratify it because of that amendment——

Mr. BACON. It was done in the recent general arbitration treaty.

Mr. TELLER. Wait until I get through. It has been done in no case, I say, until the case that occurred within a very short time. I said I knew of no other.

Mr. BACON. I beg the Senator's pardon.

Mr. TELLER. Mr. President, I do not know that I care to take up that question, because I did not rise to make a general speech. I did not rise to criticise the President. I rose to present a few of what I think are the principles which ought to govern this body and to repudiate some things I have heard here to-day. I mean for myself to maintain the right the Constitution gives to this body, not because I want the prerogative. It is not mine. It is the prerogative of the body. You could no more avoid exercising these duties——

Mr. SPOONER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Wisconsin?

Mr. TELLER. I will simply say the Senate must exercise the duty of making treaties, and it must exercise it with judgment and discretion, and not simply take the treaty the President sends us, good or bad, as he may dictate. If the Senator wants to ask a question I will yield.

Mr. SPOONER. Of course, Mr. President, I am in entire accord, as every Senator must be, with the proposition which the Senator makes. I wanted to ask the Senator whether in his experience or as a result of his study (and I know of no one who has been a more industrious student of our history) he has known of any request, public or private, open or secret, by this body upon a President of the United States that he shall communicate the instructions given by him to diplomatic agents in the absence of a pending treaty before the body?

Mr. TELLER. If I had a little time I could do it. I have had my attention called by my study within the last ten days to cases where requests have been made by this body for the instructions given to ministers who were negotiating treaties.

Mr. SPOONER. I was asking for information.

Mr. TELLER. I have right here, if I could turn to it in a moment, in the Messages and Papers of the Presidents, one of those cases where the President returned in secret what the instructions had been.

Mr. President, there was allusion made here to-day to the fact that the President of the United States has the right to come here when we make treaties and sit in the Senate. I believe there is only one instance of it, and that is where George Washington came here, giving the Senate notice that on a certain day he would appear. He came here and consulted the Senate about a treaty not made, not drafted, not what some of the Senators call a protocol, nor a project; but in that case he wanted to know what the Senate thought about it, and he came here to discuss it beforehand, before he prepared the treaty. On several occasions Washington sent a message to the Senate saying: "I would like to make a treaty of this character. Will it be satisfactory to the Senate?" He said, "I should like to know whether the Senate would be willing that I should make a treaty to pay $40,000 to the Algerine pirates, or would the Senate be willing to put it higher than that, if it became necessary." I have not found what the answer to that was, except that the treaty was made and we paid the money. There can be half a dozen cases of that kind cited.

Mr. Lincoln sent to the Senate a treaty made by Mr. Corwin in Mexico. It was that we should join in the defense of Mexico against the combined powers of Europe. We were to award or guarantee certain expenditures of money. That is all we were asked to do. The Senate did not take up the treaty and pass on it. It passed a resolution saying it was not, in their judgment, wise that it should be done, and sent it to Mr. Lincoln. Later Mr. Lincoln, referring to this same action of the Senate, sent back a treaty on a different line, from Mr. Corwin, who was still our minister there, and who had negotiated something with Mexico of a different character.

There has not been, until within a few years, that absolute claim for independence on the part of the State Department, I will say, and the sensitiveness that appears sometimes to be growing, if we may take the statement of the friends of the Administration here as representing how they feel. None such existed then. There was a feeling between the Executive and the Senate that they were doing a duty put on them by the Constitution. The President, by the Constitution, is the maker of treaties. Our fathers followed what was the world's practice. Everywhere, so far as I know, in those days the sovereign made the treaty. Even in powers that had legislatures the legislative power had no interest or control over a treaty. I think that now France has a system something like ours, and perhaps some other country may, but I do not know of any other country that does.

Mr. MONEY. Denmark.

Mr. TELLER. "Denmark," the Senator says. Perhaps so. But, Mr. President, those are things that have grown up in later years. They did not exist originally. The old Roman senate made the only treaties that were made, because the executive power at that time was supposed to be lodged in the senate. Our fathers did not think it was wise to leave it to the Executive, and in the discussion in the convention it will be seen that there was not only a feeling that it was not wise to leave it with the Executive and the Senate, but there was a strong party there who thought the treaty must be passed on also by the House. During President Washington's Administration the House made such a claim by calling on the President for information touching a treaty then in controversy, which he declined to send for the reason that the House was not charged with any duty in that particular. I believe that practically settled the matter. The House has no right.

But, Mr. President, the Senate was confined to making treaties that were recognized to be legitimate and proper for a sovereign to make in those days, except the limitation the Constitution put upon us. I do not think this body could make a treaty by which we could dismember the Union. I do not think we could give up any of the territory that belongs to the United States by a treaty. I think if we did the House of Representatives would undoubtedly come into the arena. I do not know but we could as a Congress do that with the consent of the President. I do not mean that we could dismember a State, but we could perhaps get rid of Alaska by a Congressional act if we saw fit to do so. I do not believe, however, that the Senate of the United States and the President, without the concurrence of the House of Representatives, could get rid of Alaska under our Constitution.

Mr. President, I do not intend to make any long discussion on this question. The Senator from Massachusetts [Mr. LODGE] alluded to Cuba and our interference there as a defense of our interference in Santo Domingo. I agree with the Senator from Massachusetts that a condition might become so intolerable in

Santo Domingo as to require the interference of the United States, but I deny the right of the Executive of the United States to make such interference. When the condition grew so bad in Cuba, why did not the then President of the United States interfere? The whole people of the United States were clamoring for interference in the affairs of Cuba. A hundred Members of the House of Representatives, of his own political faith, met in caucus and declared that it was the duty of the Government to interfere.

Why did the President not interfere? He recognized that that was the duty of Congress; that Congress alone could interfere, and Congress did interfere. I do not mean to say that the body and the other acting under the Constitution might not interfere; I will not say that they should not interfere; but that is not the case presented. It is like putting up a man of straw to say we may do this, that, or the other.

Nobody denies the President's right to withhold a treaty after we have consented to its ratification; nobody could doubt that; it has been done, not because the Senate amended the treaty, but because conditions arose that made the Executive think that it ought not to be put in operation. I do not hesitate to say that the President of the United States has the right to withhold a treaty that we have amended here which he thought would be objectionable to foreign powers if he sent it to them. That is his right.

Mr. SPOONER. Will the Senator permit me a moment?

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Wisconsin?

Mr. TELLER. Yes.

Mr. SPOONER. I of course concur with the Senator as to the Senate's participation under the Constitution as a part of the treaty-making power; but does the Senator claim, under the Constitution, that the Senate has any part or lot whatever with the President of the United States in the negotiation of treaties, or in the negotiations with foreign governments that may or may not lead to the signing of treaties?

Mr. TELLER. Mr. President, I have cited a case where the first President of the United States thought it was very proper to consult the Senate before he attempted to send the draft of a treaty to the Senate. I do not know that it is necessary to do that, but if we knew the President of the United States was engaged in the negotiation of a treaty which the Senate would not ratify, or might not ratify, I think it would be courteous to inform the President that we would not consent to ratify it. I think it would be courteous for us to say, just as was done in the case I mentioned in reference to Mexico, by a resolution of the Senate, "We do not think it is wise to make that treaty." It is no invasion of the power of the President or of his right when we make that declaration to him, and it ought to be accepted in a friendly way, this branch having just as much power as he in the matter of treaties.

Mr. SPOONER. The Senator would not claim that such a resolution would be anything more than advisory, would he? It would not be at all binding upon the President, would it?

Mr. TELLER. The President can no more make a treaty than the Senator from Wisconsin can make one.

Mr. SPOONER. I know that.

Mr. TELLER. And when he sends here what is miscalled "a treaty," it is not a treaty at all.

Mr. SPOONER. Ah, but, Mr. President, the Senator misunderstands me. I understood the Senator to speak of the passage by the Senate of a resolution regarding a treaty which it was understood the President was negotiating.

Mr. TELLER. Yes.

Mr. SPOONER. The Senator surely does not intend to be understood as saying that the passage of a resolution of that sort, pending any negotiation of a treaty by the President, would be anything more than advisory to the President. It would not be binding upon him, would it?

Mr. TELLER. Of course he could go on and have his clerks draft the treaty.

Mr. SPOONER. And he could go on and negotiate the treaty, sign it, and send it to the Senate.

Mr. TELLER. He would have the power to sign it, if he wanted to, but it would be an idle thing for the President to do if he knew the Senate of the United States would not consent to its ratification. I do not believe it possible that we shall ever get a President who would do so foolish and absurd a thing as that, although, of course, nobody can tell what in the course of time may happen in that direction. I have seen some gentlemen who were aspiring to that office who, possibly, if they could ever be elected, might do something of that kind, but the chances of their election are so remote that I do not think the Senator or I need cause ourselves any uneasiness for fear such a discourteous thing would be done to the Senate as making the draft of a treaty which the Senate had said it would not ratify.

Mr. SPOONER. There is that much more reason, Mr. President, if the Senator will allow me, why the Senate should not inject into a negotiation conducted by the President in a constitutional way a prejudgment as to what the body would do if the President did not discontinue the negotiation.

Mr. TELLER. Mr. President, it may be that that is correct.

Mr. SPOONER. In other words, if the Senator will permit me another interruption——

Mr. TELLER. Certainly.

Mr. SPOONER. I have always assumed that the Senate would not commit itself hastily for or against a treaty, that it would abide the debate amongst members of this body and in the other branch which prevails in such discussion before they would in any wise become bound one way or the other, that the Senate would never pursue any course in relation to a treaty which would deprive the people of the benefit of the unfettered judgment, upon full debate, of the members of the body in that interest.

Mr. TELLER. The Senate might have that unfettered debate before the treaty was made.

Mr. SPOONER. Before it found out what it was?

Mr. MONEY. Mr. President, I do not want to take time by mingling in this little colloquy between the Senator from Wisconsin [Mr. SPOONER] and the Senator from Colorado [Mr. TELLER] as to the authority of the Executive, but I wish to invite the attention of the Senate to the constitutional provision on that point. It is that—

He—

The President—

shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur.

That would seem to carry out the inferences of the first President, who did consult us in the case cited by the Senator from Colorado, but the Constitution does not use the same language when it comes to the matter of appointments. It says that the President—

shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States.

It might as well be inferred that the President shall negotiate and, by and with the advice and consent of the Senate, make treaties as that he shall nominate and, by and with the advice and consent of the Senate, make appointments. I will say to my friend from Wisconsin that I am not denying the right of the President to make treaties, but I say that ground might be very well taken, in view of the precedents cited by the Senator from Colorado and the language used in the same paragraph about the right to make nominations and appointments by the consent of the Senate.

Mr. TELLER. I do not care to dwell upon that. I agree with the Senator from Wisconsin in his statement that we are neither a baby nation nor a hermit nation; but I must say that I can hardly see why that declaration should be made in this body. I was not aware that there was anyone here who believed that we were either a hermit nation or a baby nation. If that was addressed to those of us who do not believe in this Santo Domingo treaty, there was no reason why it should have been addressed to us, for none of us entertains any such crude idea as that.

Mr. SPOONER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Wisconsin?

Mr. TELLER. Yes.

Mr. SPOONER. In the first place, I did not say what the Senator attributes to me. I stated that it was never intended by the framers of this Government that we should be either a puny or a baby or a hermit nation. At that time I was discussing entirely the question of the strictures upon the President for sending delegates to the Moroccan conference. I had no reference whatever to the Santo Domingo treaty. What I said yesterday on the subject of the Santo Domingo treaty I would say if I were opposed to the treaty on principle as quickly as if I were for it.

Mr. TELLER. Mr. President, the making of such a statement puts the Senators who are in opposition to the treaty before the country as if they were condemning it on some such idea as that.

The Senator from Massachusetts [Mr. LODGE] spent some time to show that we could make treaties with other nations by which we would agree to do certain things, such as the Morocco treaty we made some years ago, when we signed a treaty with six or eight other powers; I do not remember how many.

Why, Mr. President, I do not suppose there is anybody here who has ever doubted our right to do that. We have a right to make such a treaty, and we have a right to do it if we do it as the Constitution provides we may do it, for we have a right to do what any other nation in the world has a right to do. We could make a treaty of alliance with Great Britain if we saw fit so to do, though I should regret to see it done. That, however, is a question of judgment for the Senate and the President of the United States. But, Mr. President, it will not do to put this Santo Domingo case upon that theory. You can not carry through a treaty that the President may have power to make simply by proving that he has the power to make it, nor can you carry through a treaty that shall come to us from the coast of Africa simply because the President has power to make it. This body must pass on it; this body must agree to it as much as the President himself. I insist, as the burden is upon us as much as it is upon him, as the responsibility is as great upon this Senate as it is upon the Executive, that our right to all the information he has is as good as his right would be to any information that he desired from this body.

Mr. President, in the course of this debate a great many things have been drawn in which I do not propose to touch upon; but the principal point in the debate was whether there was a condition down in Santo Domingo brought about by the President of the United States that was practically the same as it would be if the treaty had been ratified by our advice and consent. I have said heretofore that I did not believe any change in the existing condition would be made if that treaty were put in operation.

The Senator from Texas [Mr. CULBERSON] contributed what I think was a very important piece of evidence to this controversy, to the effect that the President of the United States assumes now that he has practically put in force this treaty. The President in the last message he sent to us states this very question:

> This brings me to what should be one of the fundamental objects of the Monroe doctrine.

You notice he does not say that it is one of the fundamental doctrines, but what should be one of the fundamental doctrines.

> We must ourselves in good faith try to help upward toward peace and order those of our sister republics which need such help.

Certainly not, Mr. President, unless the sister republics ask it. It is no part of our duty to go out as missionaries, lifting up other people. Even if we had the power, it may be doubted whether we ought to do anything of that kind.

> Just as there has been a gradual growth of the ethical element in the relations of one individual to another, so we are, even though slowly, more and more coming to recognize the duty of bearing one another's burdens, not only as among individuals, but also as among nations.

I deny that there is any authority in the President of the United States to commit us to any policy under which we should bear the burdens of any other nation. If Congress sees fit to do it, Congress, perhaps, within the power granted to it, may possibly do so, although I should think that would be very doubtful.

Then the President turns to Santo Domingo and says:

> Santo Domingo, in her turn, has now made an appeal to us to help her, and not only every principle of widsom but every generous instinct within us bids us to respond to the appeal. It is not of the slightest consequence whether we grant the aid needed by Santo Domingo as an incident to the wise development of the Monroe doctrine, or because we regard the case of Santo Domingo as standing wholly by itself, and to be treated as such, and not on general principles or with any reference to the Monroe doctrine.

I understood the Senator from Massachusetts to declare that there was no new doctrine here; that there was no new development. This is a declaration on the part of the President, at least, that he thinks there has been a new development of the Monroe doctrine, or rather a wise development. I suppose that is what the Senator from Maryland [Mr. RAYNER] the other day called the "Roosevelt doctrine," as contradistinguished from the Monroe doctrine.

The President goes on at some length—and I will not read all he says in this connection—to argue the question; but I want to call attention to something that he said on the following page:

> Accordingly the Executive Department of our Government negotiated a treaty under which we are to try to help the Dominican people to straighten out their finances. This treaty is pending before the Senate. In the meantime a temporary arrangement has been made which will last until the Senate has had time to take action upon the treaty.

If that is not a declaration that the arrangement has been made by the Government, I do not understand the meaning of plain English language. On another page he says, referring to the action under the treaty:

> We shall ourselves thoroughly examine all these claims, whether American or foreign, and see that none that are improper are paid. There is, of course, opposition to the treaty from dishonest creditors, foreign and American, and from the professional revolutionists of the island itself. We have already reason to believe that some of the creditors who do not dare expose their claims to honest scrutiny are endeavoring to stir up sedition in the island and opposition to the treaty.

That, at least, is not very flattering to the Senate of the United States, which, through one session of Congress, declined to take up that treaty.

On yesterday the Senator from Texas [Mr. CULBERSON] read an extract from a speech of the President delivered at Chautauqua, N. Y., on August 11, 1905. I will not read it again, but I ask to have it put in the RECORD as a part of my remarks, and then I shall drop that part of the subject.

The extract referred to is a follows:

> Accordingly the executive department of our Government negotiated a treaty under which we are to try to help the Dominican people to straighten out their finances. This treaty is pending before the Senate, whose consent to it is necessary. In the meantime we have made a temporary arrangement which will last until the Senate has had time to take action upon the treaty. Under this arrangement we see to the honest administration of the custom-houses, collecting the revenues, turning over 45 per cent to the Government for running expenses and putting the other 55 per cent into a safe deposit for equitable division among the various creditors, whether European or American, accordingly as, after investigation, their claims seem just.
>
> The custom-houses offer well-nigh the only sources of revenue in Santo Domingo, and the different revolutions usually have as their real aim the obtaining possession of these custom-houses. The mere fact that we are protecting the custom-houses and collecting the revenue with efficiency and honesty has completely discouraged all revolutionary movement, while it has already produced such an increase in the revenues that the Government is actually getting more from the 45 per cent that we turn over to it than it got formerly when it took the entire revenue.

Mr. TELLER. There has been considerable discussion in the Senate——

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Idaho?

Mr. TELLER. Yes.

Mr. HEYBURN. I should like to inquire whether the Senator questions the President's power to do this, or is it a question of policy? I have not been able to gather clearly from his remarks whether the Senator questions the President's power to do it.

Mr. TELLER. To do what?

Mr. HEYBURN. To make the arrangement which he admits having made, and to which the Senator has just referred, with reference to the collection of the revenues and customs of Santo Domingo.

Mr. TELLER. If I desired to inquire what power the President has to do a thing, I should look in the Constitution and see what the Constitution authorizes him to do. I deny utterly that the President has the right to make any arrangement or treaty—and I so stated in beginning my remarks, when the Senator was probably not here—I deny that he has the right to make any arrangement of that kind and call it a treaty or a modus vivendi or a protocol or anything else; and he has no right to put in operation any system of government in the island without first having the consent of the Senate, no matter whether it is written or verbal.

Mr. HEYBURN. I should like to know if the Senator uses the word "right" as synonymous with "power." The Senator has used the word "right." He says the President "had no right to do it." Does that mean he had no power to do it?

Mr. TELLER. I mean he had no right under the Constitution to do it; he had no authority to do it. I do not mean to say that he can not do it by mere force, in violation of law; I do not mean to say that he can not send down there men and put them in charge of the custom-houses; but I do say that his doing it is without the slightest authority of law; and every act of the President of the United States without authority of law is absolutely void, as the Senator from Idaho knows as well as anybody else in this Chamber; it is nugatory.

There has been a good deal of debate about some legislation that ought to be had. As I am speaking to the shipping bill now, I believe, though I am not sure as to the particular bill that is pending——

Mr. GALLINGER. The pure-food bill, I will suggest to the Senator. [Laughter.]

Mr. TELLER. The pure-food bill. I know what I am trying to speak about, but I do not know the particular bill which is pending. Freedom of debate in the Senate is such that we are entitled to speak on any subject, and I thank God that we are, because it is the only body under the Government in which there can be open discussion. It is the only place where the spoken word can go to the people; and a great writer on international law and liberty has declared that the right of free and full discussion of public affairs is the dearest thing that a free people could have and the last thing that they should surrender.

Although here in the Senate we may sometimes transcend the usual ideas of debate and go beyond what in other places

is permissible, yet after a hundred years or more no injury has come to the Republic by the action of this body.

I am about to call the attention of the Senate to some things touching this body which, I think, are of especial interest just now. I believe I can say without offense, and everybody will admit its truth, that the Senate is somewhat in a shadow, or, in ordinary parlance, under a cloud. In the last few months there have been newspaper articles, magazine articles, and various declarations in public—some of them where they ought not to have been made—to the effect that this body is an obstruction, and that the Senate stands as an objection and a hindrance to the reforms that are desired in certain circles.

The other day one of the newspapers of this city had a long article—and I want to digress far enough to say that I am not going to charge that on the Executive, for I know how irresponsible some newspapers are, and I know how responsible some others are. I know that frequently they may get wrong information, which they think is correct. The article to which I allude does not pretend to come from the Executive, consequently, whatever I say about the condition of the Senate must not be taken as a reply to anything that the Executive has said or even thought. I am not going to read all of the article; I will read only the first few lines. In order to establish the authenticity of the statement the article says:

> Through a source so close to the President that its authenticity can not be doubted, it is learned that the Administration is convinced that interests in Congress hostile to railroad rate legislation are creating a fog of opposition to the Roosevelt foreign policies under which to disguise their organized plans to defeat the reforms to which President Roosevelt stands committed before the world.
>
> From the Administration viewpoint these antagonistic interests are seeking to show that the President's foreign policies, particularly with reference to Latin-America, prove him to be ambitious to drag the United States into world politics with a reckless disregard of George Washington's admonition against "foreign entanglements," to the end that the name of Theodore Roosevelt may live in the history of his country as one of the few Presidents who "did things."
>
> In support of this contention friends of the President point to the threatening rows thus early in the record of the Fifty-ninth Congress over his course in these various affairs—

Then Santo Domingo is named, a subject which I have been discussing as much as I dare in the open Senate. Then the article continues:

> Panama.
> Venezuela.
> Morocco.
> China.
>
> Presumably, it is the theory of the opposition to the President's programme for railroad reform—granting, of course, that the Administration's diagnosis of the hidden causes of the opposition is correct—that if it can be shown that he has erred in his foreign policies he will, to a greater or less extent, be discredited before the country, and that with this accomplished the opposition will be emboldened to fight his other proposals vigorously and openly without hazarding the risk of arousing the implacable wrath of their constituencies.

I know what the President is doing in Santo Domingo and I know what his proposition is; I do not agree with it; but I do not know what is meant by the reference to Panama. I do not know what the President wants to do in relation to the Panama Canal. I have made some remarks on the floor of the Senate on that subject, and I defy any man to torture anything I have said into an attack upon the President or his policy. In the argument which I attempted to make I contended simply that what we wanted to do was to build the best canal in the world, if we built any; that there was but one canal that would meet the demands of commerce, and that was a sea-level canal. Whether the President is in favor of a sea-level canal or a lock canal I do not know. I myself did not in the slightest degree—and perhaps I made as extended a speech as was made on this subject—criticise the President. I did not take up the question that was discussed here somewhat as to the wisdom of certain appointments and salaries. My position on that subject I should like to define in just a moment. Congress gave to the President of the United States the power to build the canal within a certain limit. I did not vote for the bill. I did not think it was right. I think now it was vicious legislation. I stated on the floor of the Senate when that bill had passed and had become a law that I should faithfully endeavor as a Senator to carry out its provisions and make the canal a success; and I would feel myself recreant to my trust here if I should directly or indirectly put a hindrance to the efforts of the Executive to build the canal.

I deny here that the President ought to be subjected to criticism for the mistakes which people say he has made. When Congress conferred that authority upon him, it must have known that in all human affairs men are liable to make mistakes. We ought to have known that no man could construct this great work unless he was learned and experienced in that kind of business; and we put this duty upon the President of the United States with his multitudinous duties otherwise, and we must have presumed that he would do the work with agents and with such agents as he might select, and we ought to have understood that he would make mistakes. We left it to him, and if he thought it was necessary, in order to get a good man to build it, to pay him $50,000, that is what we instructed him to do—to act upon his own judgment and not ours. We abandoned our control over the subject for the present at least. While we can repeal that act, there has been no indication for more than three years that Congress intends to abandon that policy and adopt any other. I think we ought to repeal the act. I think we ought to provide some better and safer method, but until we do that let us leave the President of the United States to carry out this work upon the very theory on which we turned it over to him—because he was better qualified to do it than we.

The statement on my part or on the part of anybody else that the work is not being well done and that some other method ought to be adopted, is no attempt to interfere with the doing of the work and is no implication that the President has not discharged his duty as well as we expected he would.

Some day I shall have something further to say on the Panama Canal, but I do not desire to say it now.

The next is Venezuela. Just exactly what we have to do about Venezuela now I do not know, and I certainly do not know what the Executive proposes to do. I am not in his confidence. I do not believe anyone in this body knows what is to be done with Venezuela. Whether there will be war with France or whether there will be peace in Venezuela nobody now knows. That is a question which has not yet been presented to Congress, and if the President presents it I have no doubt we shall deal with it according to the best judgment we have and with such information as we may be able to get.

Morocco we have discussed.

I do not know that there has been any criticism in this body of his policy toward China. I do not know that there has been anything done here which could possibly under any condition of affairs be said to be hostile to the purpose of the President in reference to China.

But the important item of legislation before this body and the House is the question of regulating railroads and their rates. A year ago last December the President of the United States sent us a message in which he declared a principle upon which he thought it wise for us to pass a law. He said he thought it would be wise to give the Interstate Commerce Commission power, whenever a railroad had made a rate that was unfair or unreasonable, to change the rate and put the new rate in operation until the railroad should go into some court and there have it set aside as an improper decision on the part of the Commission.

At the last session of Congress the House sent us a bill. It was called the "Esch-Townsend bill." It came here, I think, about three or four weeks before Congress adjourned by law. We had before us one of the important things of that session, and that was an impeachment case. It was a judicial hearing by this body. It was a hearing that could not be hurried. It was a hearing upon which every Senator was to act as a judge, and nothing that came before this body could justify us in neglecting our duty in that particular.

Then there were left about two weeks before Congress was compelled to adjourn. There is nowhere a man who is disposed to be fair, and who knows anything of public affairs, who knows anything of the difficulty of dealing with this question, who can say that we could have dealt with it in the two weeks. We in this body ought not to be charged as a body with any dereliction of duty because we did not take up and pass that bill. We had a right to pass upon these questions ourselves. Nay, more, it was our duty to do it. We were not to take up so great a subject as that, involving millions of dollars, involving great legal principles, upon which the legal profession of the nation are at sea, and pass a bill in haste.

What was this body made for? It was supposed when this body was organized that it would stand against the public cry for immediate legislation; that it would stand against the "radicalism," if I may so term it, of another body, moved, perhaps, because of their close relation to the voters of the country. We were to come, not only with clean hands, but with clean judgment. We were to look into these things.

It has been six weeks—almost eight weeks now—since Congress assembled, and yet there is no rate bill here. Can anybody say that there has been any dereliction here because the rate bill is not before this body? There is not a body of lawyers anywhere in this country who can sit down together—ninety of them, the best in the land—and agree what is the law in the first place; and if they know what the law is can agree what will be the method of enforcing the law so as to give protection

not only to the shipper, but to the railroads. We can not legislate, and we will not legislate, in the interest of either of them. When we come to legislate we will take into consideration the interest of all the people and the combined capital connected with these great enterprises.

Does delay here indicate that the Senate is obstructing the President in that particular? I have here on my table—I sent over and got them—thirty-odd bills pending now in the House of Representatives touching this question, and I have seven bills which have been introduced in the Senate touching the same question. That indicates the diversity of opinion in this body and the other, and while we might perhaps get up a bill and send it over to the House, the House would have to be convinced that the bill is a good measure.

Mr. President, I am moved to say these things because the Senate is being attacked, the Senate is being derided, the Senate is being abused, because we have not with quick feet rushed to the solution of this question, which needs the wisdom of the world to settle. If we should settle it improperly, the old adage would come in that no question is settled until it has been settled right, and it would appear before us again. It is wisdom to delay, it is wisdom to take time, and it is wisdom on the part of the Executive and his friends to let the legislative body deal with this subject. He has expressed his opinion—and that is all the law authorizes him to do—and there he should stand. A proper respect for the Senate, a decent regard for the legislative body, should incline the Executive and those who stand near him to let the Senate work out this great problem as it sees fit, and not in haste.

Mr. President, I do not know that it is worth while to have said this—much more might be said—but I do think the time has come when the Senate should vindicate its right to deliberate legislation, when the Senate should vindicate its right to legislate without Executive interference. Mr. President, when the time comes I shall be ready to vote upon this question. I shall not say now how I am going to vote. I shall vote as I think the interest of the whole country demands. If I should agree with the President and vote with him, it will not be because of anything he has said or anything he has done. I take it that is the position of this membership, that we will pass upon this question because it is our duty to pass upon it and not the Executive's. We will act with the other branch of Congress, and we will not let them send us a bill here at the close of the session in hot haste and demand of us that we pass it. We will take time to deliberate on it, and when we get through all that the chances are a hundred to one we shall have made a mistake. But we shall have some excuse for the mistake we make, if we make it, after careful deliberation, after careful consideration, after we have considered every argument for and against the proposition. Then we shall be able to say to the country, if they complain, that we did the best we could.

Mr. MONEY. Mr. President, I desire to submit some remarks upon the matters which have been debated during the day, and I now give notice that I will take the floor to-morrow after the routine morning business for the purpose of addressing the Senate.

POST-OFFICE BUILDING AT ELIZABETH, N. J.

Mr. KEAN. My colleague [Mr. DRYDEN] has been called from the Senate Chamber, and he asked me to make a report. On his behalf, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 846) to increase the limit of cost of the United States post-office at Elizabeth, N. J., I report it favorably without amendment, and submit a report thereon.

It is a short bill, and I ask unanimous consent for its present passage. It might just as well be passed now.

Mr. SCOTT. I think the bill had better go over.

Mr. KEAN. All right. I have no objection.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

ELIJAH R. WILKINS.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 2481) granting an increase of pension to Elijah J. Wilkins.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Elijah R. Wilkins, late chaplain Fifth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

The VICE-PRESIDENT. The unfinished business, which was temporarily laid aside by request of the Senator from New Hampshire, is now before the Senate.

Mr. GALLINGER. If no one is now prepared to speak, and I think no Senator on either side of the Chamber is, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened.

CONSIDERATION OF PENSION AND MILITARY RECORD BILLS.

Mr. McCUMBER. I ask unanimous consent that the Senate proceed to the consideration of unobjected pension bills on the Calendar and also unobjected bills to correct military records.

Mr. GALLINGER. Mr. President, of course I shall not object to that order, but I should like to have the further understanding that no other business shall be transacted during the remainder of the day.

Mr. McCUMBER. That is all I desire to bring up, Mr. President.

The VICE-PRESIDENT. The Senator from North Dakota asks unanimous consent that the Senate proceed to the consideration of unobjected pension bills and unobjected bills correcting military records, no other business to be transacted to-day. Is there objection? The Chair hears none, and the first bill under the order on the Calendar will be stated.

ADOLPHUS N. PACETTY.

The bill (S. 1702) granting a pension to Adolphus N. Pacetty was announced as the first bill on the Calendar under the order, and the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Adolphus N. Pacetty, late captain Pacetty's boat company, Florida Volunteers, Seminole Indian war, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FLORENCE GREELEY DE VEAUX.

The bill (S. 1709) granting a pension to Florence Greeley De Veaux was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "widow," to strike out the name "De Veax" and insert "De Veaux;" in line 9, before the word "dollars," to strike out the word "twenty-five" and insert "seventeen;" and in the same line, after the word "month," to insert "and $2 per month additional on account of the minor child of the said James G. De Veaux until she reaches the age of 16 years;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Florence Greeley De Veaux, widow of James G. De Veaux, late acting assistant surgeon, United States Army, war with Spain, and pay her a pension at the rate of $17 per month and $2 per month additional on account of the minor child of the said James G. De Veaux until she reaches the age of 16 years.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN HECK.

The bill (S. 2112) granting an increase of pension to John Heck was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Heck, late of Company I, First Regiment Maryland Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AGNES ZENTZ.

The bill (S. 2113) granting an increase of pension to Agnes Zentz was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Agnes Zentz, widow of Charles A. Zentz, late of Company A, Sixth Regiment Maryland Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HIRAM SWAIN.

The bill (S. 622) granting an increase of pension to Hiram Swain was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hiram Swain, late of Company I, Second Regiment Minnesota Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN SAVAGE.

The bill (S. 238) granting an increase of pension to John Savage was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Savage, late of Company G, Eleventh Regiment Michigan Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PHEBE J. BENNETT.

The bill (S. 625) granting an increase of pension to Phebe J. Bennett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twenty-five" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Phebe J. Bennett, widow of Edwin W. Bennett, late of Company I, Twenty-sixth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRANCIS PICCARD.

The bill (S. 1042) granting an increase of pension to Francis Piccard was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis Piccard, late of Company A, One hundred and ninety-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOANN MORRIS.

The bill (S. 1456) granting a pension to Joann Morris was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joann Morris, widow of Jordan D. Morris, late acting assistant surgeon, United States Army, and pay her a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN W. WARNER.

The bill (S. 328) granting an increase of pension to John W. Warner was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Warner, late captain Company M, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ISABELLA WORKMAN.

The bill (S. 322) granting an increase of pension to Isabella Workman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Iowa," to strike out "Volunteer Infantry" and insert "Volunteers, war with Mexico;" and in line 9, before the word "dollars," to strike out "thirty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isabella Workman, widow of Oliver G. Workman, late of Company B, Mormon Battalion, Iowa Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ROBERT CATLIN.

The bill (S. 1841) granting pension to Robert Catlin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "Forty-third," to insert "captain;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert Catlin, helpless and dependent child of Robert Catlin, late second lieutenant, Fifth Regiment United States Artillery, and captain, Forty-third Regiment United States Infantry, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EMMA M. REA.

The bill (S. 950) granting a pension to Emma M. Rea was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma M. Rea, widow of John P. Rea, late captain Company I, First Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES M. WITTIG.

The bill (S. 493) granting an increase of pension to Charles M. Wittig was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "Regiment," to strike out "One hundred and eighty-second" and insert "Eighty-second;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles M. Wittig, late of Company B, Eighty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM FURLONG.

The bill (S. 142) granting an increase of pension to William Furlong was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Furlong, late of First Independent Battery Minnesota Volunteer Light Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MICHAEL LINEHAN.

The bill (S. 138) granting an increase of pension to Michael Linehan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Michael Linehan, late of Company C, Eleventh Regiment Maine Volunteer Infantry, and Company F, Sixth Regiment United States Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OSCAR R. ARNOLD.

The bill (S. 943) granting an increase of pension to Oscar R. Arnold was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Oscar R. Arnold, late of Company C, Fourth Regiment Wisconsin Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GORDON H. SHEPARD.

The bill (S. 206) granting an increase of pension to Gordon H. Shepard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Gordon H. Shepard, late of Company M, Second Regiment Ohio Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE F. ROSS.

The bill (S. 209) granting an increase of pension to George F. Ross was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George F. Ross, late second lieutenant Company G, Thirteenth Regiment Iowa Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SILAS P. HALL.

The bill (S. 210) granting an increase of pension to Silas P. Hall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Silas P. Hall, late of Company H, Twenty-first Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARTHA G. CUSHING.

The bill (S. 1163) granting an increase of pension to Martha G. Cushing was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "lieutenant," to strike out "and adjutant;" in the same line, after the word "Company," to strike out the letter "K" and insert "H," and in line 9, before the word "dollars," to strike out "twenty-five" and insert "seventeen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha G. Cushing, widow of Martin G. Cushing, late first lieutenant Company H, Fifth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALETHA E. REYNOLDS.

The bill (S. 314) granting a pension to Aletha E. Reynolds was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "dependent," to strike out "indigent and," and in line 7, before the word "late," to strike out "deceased;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Aletha E. Reynolds, dependent mother of Cyrus W. Reynolds, late of Company D, Seventh Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE PIKE.

The bill (S. 315) granting an increase of pension to George Pike was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the words "late of," to strike out "Company E, Second United States Dragoons, and late;" and in line 9, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Pike, late of Company A, First Regiment Dakota Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DAVID F. MAGEE.

The bill (S. 472) granting an increase of pension to David F. Magee was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of" and insert "first lieutenant;" and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David F. Magee, late first lieutenant Company D, Ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN FLYNN.

The bill (S. 575) granting an increase of pension to John Flynn, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Flynn, late of U. S. S. *Hastings*, United States Navy, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FREDERICK J. SHELLEY.

The bill (S. 576) granting an increase of pension to Frederick J. Shelley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frederick J. Shelley, late of Company I, Thirteenth Regiment Connecticut Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PHILENA DAVIS.

The bill (S. 1466) granting an increase of pension to Philena Davis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Philena Davis, widow of Martin V. B. Davis, late of Company E, Second Regiment Vermont Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGIA A. ROLLINS.

The bill (S. 715) granting a pension to Georgia A. Rollins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Georgia A. Rollins, widow of Willis A. Rollins, late of Company H, Seventeenth Regiment Maine Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FREDERICK HOUSER.

The bill (S. 851) granting an increase of pension to Frederick Houser was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frederick Houser, late of Company A, Ninety-first Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AARON T. CURRIER.

The bill (S. 74) granting an increase of pension to Aaron T. Currier was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Aaron T. Currier, late of Company B, Nineteenth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALVIN ABBOTT.

The bill (S. 1828) granting an increase of pension to Alvin Abbott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alvin Abbott, late of Tenth Independent Battery, Massachusetts Volunteer Light Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LAURA A. BLODGETT.

The bill (S. 1467) granting an increase of pension to Laura A. Blodgett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Laura A. Blodgett, widow of Pearl D. Blodgett, late captain Company E, Tenth Regiment Vermont Volunteer Infantry, and captain Company G, Second Regiment Veteran Reserve Corps, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SUSAN H. CUTLER.

The bill (S. 16) granting a pension to Susan H. Cutler was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twelve" and insert "eight;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan H. Cutler, widow of Nathan Cutler, late of Company B, Twenty-eighth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY F. HUNT.

The bill (S. 183) granting an increase of pension to Henry F. Hunt was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "and," to insert "and Company K, Fourth Regiment Massachusetts Volunteer Heavy Artillery;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry F. Hunt, late of Company I, First Regiment Rhode Island Volunteer Cavalry, and Company K, Fourth Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH C. DUNTON.

The bill (S. 837) granting an increase of pension to Elizabeth C. Dunton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth C. Dunton, widow of Warren R. Dunton, late first lieutenant Company B, Fifth Regiment Vermont Volunteer Infantry, and first lieutenant, Nineteenth Regiment United States Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALICE E. GILLEY.

The bill (S. 707) granting a pension to Alice E. Gilley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "and," to insert "and Company G, First Regiment Maine Volunteer Heavy Artillery;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alice E. Gilley, widow of Charles B. Gilley, late of Company D, First Regiment Maine Volunteer Cavalry, and Company G, First Regiment Maine Volunteer Heavy Artillery, and pay her a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES W. PAIGE, ALIAS JACKSON MORSE.

The bill (S. 1258) granting an increase of pension to Charles W. Paige was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the words "late of," to strike out "Company" and insert "Battery;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles W. Paige, alias Jackson Morse, late of Battery I, Fourth Regiment United States Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Charles W. Paige, alias Jackson Morse."

IRENE A. COCHRANE.

The bill (S. 178) granting an increase of pension to Irene A. Cochrane was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendmnets, in line 9, before the word "and," to insert "and captain and assistant quartermaster, United States Volunteers;" and in line 10, before the word "dollars," to strike out "thirty-five" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Irene A. Cochrane, widow of William H. D. Cochrane, late first lieutenant Company E, Tenth Regiment New Hampshire Volunteer Infantry, and captain and assistant quartermaster, United States Volunteers, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRANKLIN C. PIERCE.

The bill (S. 785) granting an increase of pension to Franklin C. Pierce was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "and," to insert "and Company B, First Regiment Veteran Reserve Corps;" and in

line 9, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Franklin C. Pierce, late of Company C, Second Regiment Vermont Volunteer Infantry, and Company B, First Regiment Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DAVID P. BOLSTER.

The bill (S. 9) granting an increase of pension to David P. Bolster was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "surgeon," to insert "Twenty-first and;" in line 7, before the word "Maine," to insert "regiments;" and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David P. Bolster, late assistant surgeon Twenty-first and Sixteenth Regiments Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DENNIS A. DAVIS.

The bill (S. 534) granting an increase of pension to Dennis A. Davis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Dennis A. Davis, late second lieutenant, Company F, Two hundred and eleventh Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. SATTERTHWAIT.

The bill (S. 531) granting an increase of pension to William H. Satterthwait was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Satterthwait, late of Company E, Fifteenth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NATHANIEL L. BADGER.

The bill (S. 923) granting an increase of pension to Nathaniel L. Badger was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nathaniel L. Badger, late of Company C, Seventh Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JANE M'MAHON.

The bill (S. 991) granting a pension to Jane McMahon was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "dollars," to strike out "thirty" and insert "twelve;" and in line 9, after the word "month," to insert "in lieu of that she is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane McMahon, widow of Patrick McMahon, late of Company I, Fourth Regiment California Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Jane McMahon."

GEORGE A. FRANCIS.

The bill (S. 96) granting an increase of pension to George A. Francis was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George A. Francis, late of Company H, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN C. EBERLY.

The bill (S. 193) granting an increase of pension to John C. Eberly was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John C. Eberly, late of Company I, Ninety-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANDREW M'CLORY.

The bill (S. 1035) granting an increase of pension to Andrew McClory was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew McClory, late first lieutenant Company H, District of Columbia and Maryland Volunteers, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MICHAEL STUMP.

The bill (S. 122) granting an increase of pension to Michael Stump was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Michael Stump, late of Company H, Thirteenth Regiment West Virginia Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN M. SCOTT.

The bill (S. 2825) granting an increase of pension to John M. Scott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John M. Scott, late of Company A, Ninety-seventh Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HENRY T. ANSHUTZ.

The bill (S. 2071) granting an increase of pension to Henry T. Anshutz was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry T. Anshutz, late second lieutenant Company B, Twelfth Regiment West Virginia Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ESTHER G. WHARTON.

The bill (S. 1200) granting a pension to Esther G. Wharton was considered as in Committee of the Whole. It proposes to

place on the pension roll the name of Esther G. Wharton, widow of George W. Wharton, late of Companies L and I, Tenth Regiment United States Cavalry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DENNIS BUCKLEY M'CREADY, ALIAS THOMAS BUCKLEY.

The bill (S. 515) granting an increase of pension to Dennis Buckley McCready, alias Dennis McCready, alias Thomas Buckley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dennis Buckley McCready, alias Thomas Buckley, late of U. S. S. Bermuda and Savannah, United States Navy, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Dennis Buckley McCready, alias Thomas Buckley."

ANNIE L. TREDICK.

The bill (S. 509) granting a pension to Annie L. Tredick was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the word "Infantry," to insert "and hospital steward, United States Army;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie L. Tredick, widow of John Tredick, late of Company K, Eleventh Regiment New Hampshire Volunteer Infantry, and hospital steward, United States Army, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILSON HYATT.

The bill (S. 564) granting an increase of pension to Wilson Hyatt was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the words "rate of," to strike out "twenty-five" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wilson Hyatt, late of Company F, Second Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LUMBARD B. ALDRICH.

The bill (S. 565) granting an increase of pension to Lumbard D. Aldrich was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the name "Lumbard," to strike out the initial "D." and insert the initial "B.;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lumbard B. Aldrich, late of Company A, Twelfth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Lumbard B. Aldrich."

GEORGE W. GEAREY.

The bill (S. 385) granting an increase of pension to George W. Gearey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Gearey, late of Company H, Forty-third Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH DAVIS.

The bill (S. 1474) granting an increase of pension to Joseph Davis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Davis, late of Company F, Georgia Battalion Mounted Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. HICKS.

The bill (S. 1368) granting an increase of pension to William H. Hicks was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Hicks, late of Company F, One hundred and forty-fourth Regiment Illinois Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now reciving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ZACHARIAH BRADFIELD.

The bill (S. 1525) granting an increase of pension to Zachariah Bradfield was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Zachariah Bradfield, late of Company H, Twenty-first Regiment Missouri Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. PURVIS.

The bill (S. 407) granting an increase of pension to George W. Purvis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Purvis, late of Company D, First Regiment Georgia Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIZA J. HARDING.

The bill (S. 596) granting an increase of pension to Eliza J. Harding was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "seventy-two" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza J. Harding, widow of Charles G. Harding, late of Company C, Eighth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LIDE S. LEONARD.

The bill (S. 603) granting an increase of pension to Lide S. Leonard was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lide S. Leonard, widow of William L. Leonard, late second lieutenant Company C, First Regiment Colorado Volunteer Cavalry, and late of Company G, Eighth Regiment United States Veteran Volunteer Infantry, and pay her a pension at the rate of $15 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM J. GROW.

The bill (S. 1098) granting an increase of pension to William J. Grow was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William J. Grow, late of Company H, One hundred and ninety-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEONARD HARMONY.

The bill (S. 647) granting an increase of pension to Leonard Harmony was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Leonard Harmony, late of Company F, Ninety-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN M. BERKEY.

The bill (S. 1524) granting an increase of pension to John M. Berkey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out "of Company G, Forty-sixth" and insert "lieutenant-colonel Ninety-ninth;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Berkey, late lieutenant-colonel Ninety-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN C. KENNEDY.

The bill (S. 1517) granting an increase of pension to John C. Kennedy was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendemnt, in line 8, before the word "dollars," to strike out "sixty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John C. Kennedy, late captain Company G, Thirteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LAURA CLARK.

The bill (S. 1559) granting an increase of pension to Laura Clark was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Laura Clark, widow of William T. Clark, late brigadier-general and brevet major-general, United States Volunteers, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Laura Clark."

ANDREW PATRICK.

The bill (S. 666) granting an increase of pension to Andrew Patrick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew Patrick, late of Company I, One hundred and tenth Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LAURENCE MERICLE.

The bill (S. 669) granting an increase of pension to Laurence Mericle was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Laurence Mericle, late of Company E, Fifteenth Regiment Michigan Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANTHONY BARRETT.

The bill (S. 670) granting an increase of pension to Anthony Barrett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Anthony Barrett, late of Company G, Fiftieth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HARRISON BROTT.

The bill (S. 1303) granting an increase of pension to Harrison Brott was considered as in Committee of the Whole. It proposes to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harrison Brott, late of Company B, Fifty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JASPER H. KEYS.

The bill (S. 727) granting an increase of pension to Jasper H. Keys was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jasper H. Keys, late captain Company G, Sixty-fifth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH M'SWAIN.

The bill (S. 1015) granting an increase of pension to Joseph McSwain was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the name "McSwain," to strike out "orderly sergeant" and insert "late of Company F;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph McSwain, late of Company F, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALEXANDER F. M'CONNELL.

The bill (S. 2256) granting an increase of pension to Alexander F. McConnell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "seventy-two" and insert "sixty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of Alexander F. McConnell, late of Company K, One hundred and twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $60 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES W. KNIGHT.

The bill (H. R. 5027) granting an increase of pension to Charles W. Knight was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles W. Knight, late of Company E, Seventieth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RICHARD C. SILENCE.

The bill (S. 2486) for the relief of Richard C. Silence was considered as in Committee of the Whole. It provides that Richard C. Silence shall be held and considered to have been a first lieutenant of Company I, First Regiment, West Tennessee, from November 29, 1862, to March 7, 1863, and to have been honorably discharged from the service of the United States as of date of March 7, 1863, and directs that a certificate of such service and discharge shall be issued.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL FOSTER.

The bill (H. R. 2735) granting an increase of pension to Samuel Foster was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Foster, late of Company I, One hundred and fourth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAURA J. FORBES.

The bill (H. R. 2089) granting an increase of pension to Laura J. Forbes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Laura J. Forbes, widow of Henry C. Forbes, late lieutenant-colonel Seventh Regiment Illinois Volunteer Cavalry, and to pay her a pension of $30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACOB SHADE.

The bill (H. R. 1789) granting an increase of pension to Jacob Shade was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob Shade, late of Company K, Sixty-eighth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GALON S. CLEVENGER.

The bill (H. R. 1056) granting a pension to Galon S. Clevenger was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Galon S. Clevenger, late chaplain Third Regiment United States Volunteer Cavalry, war with Spain.

Mr. McCUMBER. I move to amend the bill by inserting at the end the following words: "and pay him a pension at the rate of $20 per month."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

STERNS D. PLATT.

The bill (H. R. 1288) granting an increase of pension to Sterns D. Platt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sterns D. Platt, late of Company K, Ninth Regiment Iowa Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the thrd time, and passed.

THOMAS PICKET.

The bill (H. R. 1179) granting an increase of pension to Thomas Picket was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Picket, late of Company H, Eighteenth Regiment Iowa Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY C. WILDY.

The bill (H. R. 4153) granting an increase of pension to Henry C. Wildy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry C. Wildy, late of Company K, Fifth Regiment Illinois Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARVEY GASKILL.

The bill (H. R. 3449) granting an increase of pension to Harvey Gaskill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harvey Gaskill, late of Company L, Third Regiment Iowa Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY G. STERNBERG.

The bill (H. R. 4165) granting an increase of pension to Henry G. Sternberg was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry G. Sternberg, late of Company F, One hundred and fifty-fourth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID PALMER.

The bill (H. R. 3405) granting an increase of pension to David Palmer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David Palmer, late second lieutenant Company F, Seventy-sixth Regiment Illinois Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM MOORHEAD.

The bill (H. R. 3340) granting an increase of pension to William Moorhead was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Moorhead, late of Company B, Forty-second Regiment Illinois Volunteer Infantry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LYDIA A. JEWELL.

The bill (H. R. 1199) granting a pension to Lydia A. Jewell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lydia A. Jewell, dependent stepmother of Jefferson M. Jewell, late of Company C, Eleventh Regiment Indiana Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES F. HARE.

The bill (H. R. 2718) granting an increase of pension to James F. Hare was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James F. Hare, late of Companies I and D, Third Regiment Illinois Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RANSOM O. THAYER.

The bill (S. 1842) granting an increase of pension to Ransom O. Thayer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ransom O. Thayer, late of Second Battery Michigan Volunteer Light Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to be engrossed for a third reading, read the third time, and passed.

ELLA T. HAPEMAN.

The bill (S. 1987) granting a pension to Ella T. Hapeman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ella T. Hapeman, widow of Douglas Hapeman, late lieutenant-colonel One hundred and fourth Regiment Illinois Volunteer Infantry, and to pay her a pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WELLINGTON MARLATT.

The bill (S. 145) granting an increase of pension to Wellington Marlatt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Wellington Marlatt, late of Companies E and A, First Regiment Missouri Volunteer Engineers, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MAITLAND J. FREEMAN.

The bill (S. 140) granting an increase of pension to Maitland J. Freeman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Maitland J. Freeman, late of Company D, Seventh Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES W. CALVERT.

The bill (S. 143) granting an increase of pension to James W. Calvert was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James W. Calvert, late of Company I, Twenty-fifth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AKEY C. JOHNSON.

The bill (S. 3243) granting an increase of pension to Akey C. Johnson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Akey C. Johnson, late of Company D, First Regiment Minnesota Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AUGUST WESTFIELD.

The bill (H. R. 5023) granting an increase of pension to August Westfield was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "Corps," to strike out "Reserve Veteran" and insert "Veteran Reserve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of August Westfield, late of Company A, Ninth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

AMANDA M. RICHEY.

The bill (S. 2023) granting a pension to Amanda M. Richey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twelve" and insert "eight;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amanda M. Richey, widow of John Richey, late of Company I, One hundred and twelfth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CAROLINE M. DOAN.

The bill (S. 986) granting an increase of pension to Caroline M. Doan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out "sergeant" and insert "of;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caroline M. Doan, widow of Amos Doan, late of Company A, Thirty-second Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN S. WILCOX.

The bill (S. 1212) granting an increase of pension to John S. Wilcox was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "Fifty-second," to insert "and colonel;" and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John S. Wilcox, late lieutenant-colonel and colonel Fifty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JACOB H. EPLER.

The bill (S. 949) granting an increase of pension to Jacob Eppler was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob H. Epler, late of Company K, Fourth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Jacob H. Epler."

JAMES J. EGAN.

The bill (S. 2779) granting an increase of pension to James J. Egan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "and," to strike out "and adjutant of regiment;" and in line 9, before the word "dollars" to strike out "fifty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James J. Egan, late first lieutenant Company B, First Regiment Minnesota Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN T. LIDDLE.

The bill (S. 212) granting an increase of pension to John T. Liddle was considered as in Committee of the Whole. It proposes to place on the pension roll, the name of John T. Liddle, late of Company C, Hatch's Independent Battalion Minnesota Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to be engrossed for a third reading, read the third time, and passed.

WILSON J. POOL.

The bill (S. 211) granting an increase of pension to Wilson J. Pool was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Wilson J. Pool, late of Company H, Forty-fourth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES J. WINANS.

The bill (H. R. 4196) granting an increase of pension to James J. Winans was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James J. Winans, late of Company E, Second Regiment Ohio Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. M'CORMICK.

The bill (H. R. 3506) granting an increase of pension to George W. McCormick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. McCormick, late of Company L, Third Regiment Michigan Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEVI BEARSS.

The bill (H. R. 2594) granting an increase of pension to Levi Bearss was considered as in Committee on the Whole. It proposes to place on the pension roll the name of Levi Bearss, late of Company A, First Regiment Michigan Volunteer Light Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN LEZENBY.

The bill (H. R. 2011) granting an increase of pension to John Lezenby was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Lezenby, late second lieutenant Company K, Twelfth Regiment New Jersey Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HILIA ANN CONNOR.

The bill (H. R. 2435) granting a pension to Hilia Ann Connor was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hilia Ann Connor, widow of Laban Connor, late of Company E, Eighth Regiment Michigan Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHRISTOPHER CLINTON.

The bill (H. R. 2395) granting an increase of pension to Christopher Clinton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Christopher Clinton, late of Company G, Third Regiment Michigan Volunteer Cavalry, and to pay him a pension of $50 per per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HUGH LOKERSON.

The bill (H. R. 1752) granting an increase of pension to Hugh Lokerson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hugh Lokerson, late of Company G, Third Regiment New Jersey Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM BIRMINGHAM.

The bill (H. R. 1505) granting an increase of pension to William Birmingham was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Birmingham, late of Company H, First Regiment Michigan Volunteer Engineers and Mechanics, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CORNELIUS A. HALLENBECK.

The bill (H. R. 1511) granting an increase of pension to Cornelius A. Hallenbeck was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Cornelius A. Hallenbeck, late of Company H, Sixth Regiment Michigan Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUCINDA STAMPER.

The bill (S. 393) granting an increase of pension to Lucinda Stamper was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lucinda Stamper, dependent mother of William E. Stamper, late of Company D, Eighth Regiment Kentucky Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM E. BLEWETT.

The bill (S. 329) granting an increase of pension to William E. Blewitt was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William E. Blewett, late first lieutenant Company F, Second Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William E. Blewett."

FANNIE I. EDGERTON.

The bill (S. 2415) granting an increase of pension to Fannie Ida Edgerton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fannie I. Edgerton, widow of Wright P. Edgerton, late professor, with rank of lieutenant-colonel, United States Army, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving and $2 per month additional on account of the minor child of said Wright P. Edgerton until she reaches the age of 16 years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Fannie I. Edgerton."

MILTON MARSH.

The bill (S. 1852) granting an increase of pension to Milton Marsh was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "Company," to strike out "of;" and in line 8, before the word "dollars," to insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Milton Marsh, late captain Company G, Eighty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES THOMPSON.

The bill (S. 2255) granting an increase of pension to James Thompson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out

"thirty-six" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Thompson, late of Company G, Second Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. CRITES.

The bill (H. R. 3006) granting an increase of pension to William H. Crites was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Crites, late of Company F, Seventh Regiment West Virginia Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS C. MEADOWS.

The bill (H. R. 3010) granting an increase of pension to Thomas C. Meadows was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas C. Meadows, late of Company F, Tenth Regiment West Virginia Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM J. CASTLOW.

The bill (H. R. 1073) granting an increase of pension to William J. Castlow was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William J. Castlow, late of the U. S. S. *Princeton*, *Powhatan*, and *Ohio*, United States Navy, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY H. HOBART.

The bill (H. R. 1378) granting an increase of pension to Henry H. Hobart was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry H. Hobart, late of Company C, One hundred and forty-fourth Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN T. STONE.

The bill (H. R. 1766) granting an increase of pension to John T. Stone was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John T. Stone, late second assistant engineer U. S. S. *Choctaw*, United States Navy, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES C. PLYBON.

The bill (H. R. 1772) granting an increase of pension to James C. Plybon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James C. Plybon, late of Company H, Thirteenth Regiment West Virginia Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN F. BEAN.

The bill (H. R. 1074) granting an increase of pension to Benjamin F. Bean was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin F. Bean, late captain Company I, One hundred and twenty-ninth Regiment Pennsylvania Volunteer Infantry, and Company B, Thirty-fourth Regiment Pennsylvania Emergency Militia, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN ARMSTRONG.

The bill (H. R. 486) granting an increase of pension to John Armstrong was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Armstrong, late of Company A, Second Regiment Pennsylvania Reserve Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID H. QUIGG.

The bill (H. R. 1381) granting an increase of pension to David H. Quigg was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David H. Quigg, late of Company G, Eighth Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PERRY EGGE.

The bill (H. R. 1868) granting an increase of pension to Perry Egge was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Perry Egge, late of Company B, Forty-seventh Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN BIERER.

The bill (H. R. 8550) granting an increase of pension to John Bierer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Bierer, late first lieutenant Company K, Sixth Regiment Pennsylvania Volunteer Heavy Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MICHAEL MATHENEY.

The bill (S. 2564) granting an increase of pension to Michael Matheney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Michael Matheney, late of Company E, Thirteenth Regiment West Virginia Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM I. HILKEY.

The bill (S. 2229) granting an increase of pension to William I. Hilkey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William I. Hilkey, late of Company I, Tenth Regiment West Virginia Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM J. STREET.

The bill (S. 126) granting an increase of pension to William J. Street was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William J. Street, late of Company C, Third Regiment West Virginia Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN M. BUCKLEY.

The bill (S. 120) granting an increase of pension to John M. Buckley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Buckley, late of Company E, First Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS ROBEY.

The bill (S. 2583) granting an increase of pension to Thomas Robey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with

an amendment, in line 7, before the word "Artillery," to strike out "Volunteer;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Robey, late of Company C, Fourth Regiment United States Artillery, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JACOB A. GEIGER.

The bill (S. 3180) granting an increase of pension to Jacob A. Geiger was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob A. Geiger, late of Company A, First Regiment New Jersey Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM KRESS.

The bill (S. 508) granting an increase of pension to William Kress was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Kress, late of Company G, Twenty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

KEMENSKIO A. N. L. COLLINS.

The bill (S. 330) granting an increase of pension to Kemenskio A. N. L. Collins was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of" and insert "second-class fireman;" in line 8, before the word "and," to strike out "as second-class fireman" and insert "United States Navy," and in line 9, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Kemenskio A. N. L. Collins, alias Lewis Collins, late second-class fireman, United States steamer Tacony, United States Navy, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Kemenskio A. N. L. Collins, alias Lewis Collins."

JOHN W. FOREAKER.

The bill (S. 1432) granting an increase of pension to John W. Foreaker was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Regiment," to strike out "Eighty-eighth" and insert "First;" and in the same line, before the word "Volunteer," to strike out "Pennsylvania" and insert "Delaware;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Foreaker, late of Company K, First Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES P. FORD.

The bill (S. 2730) granting an increase of pension to James P. Ford was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James P. Ford, late of Company D, Thirteenth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HARVEY S. HARRIMAN.

The bill (S. 1838) granting an increase of pension to Harvey S. Harriman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the word "of," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harvey S. Harriman, dependent father of William C. Harriman, late of Company K, Third Regiment United States Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM R. HUBBELL.

The bill (S. 644) granting an increase of pension to William R. Hubbell was considered as in Committee on the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-five" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William R. Hubbell, late of Company K, Thirty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN D. O'BRIEN.

The bill (S. 637) granting an increase of pension to John D. O'Brien was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John D. O'Brien, late of Company F, Fourth Regiment United States Infantry, and captain Company F, First Battalion Wyoming Volunteer Infantry, war with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MYRON E. BILLINGS.

The bill (S. 1041) granting an increase of pension to Myron E. Billings was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Myron E. Billings, late of Company L, First Regiment United States Volunteer Sharpshooters; Company L, Fifth Regiment Iowa Volunteer Cavalry, and captain, One hundred and twentieth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. KEAN. What is the "private report" with this bill?

The VICE-PRESIDENT. What is the inquiry of the Senator?

Mr. KEAN. In looking over the Calendar I find entered the words "private report." I do not understand what that means.

The VICE-PRESIDENT. Does the Senator desire to have the report read?

Mr. KEAN. No; but I should like a brief explanation of what the "private report" is. I do not doubt the chairman of the Committee on Pensions can tell us.

Mr. McCUMBER. I will say that generally a private report is understood to be a report on a private pension bill.

Mr. KEAN. I only saw that it was labeled "private."

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES FRAZIER.

The bill (S. 1038) granting an increase of pension to James Frazier was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Frazier, late of Company H, Sixteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS BRAMEL, ALIAS THOMAS BRAMBLE.

The bill (S. 244) granting an increase of pension to Thomas Bramel was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Bramel, alias Thomas Bramble, late of Company E, Second Regiment Illinois Volunteers, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Thomas Bramel, alias Thomas Bramble."

LOUISE J. D. LELAND.

The bill (S. 2552) granting an increase of pension to Louise J. D. Leland was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "chaplain," to strike out "of;" in line 8, before the word "and," to insert "war with Spain;" and in line 9, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louise J. D. Leland, widow of Lewis Jay Leland, late chaplain First Regiment Tennessee Volunteer Infantry, war with Spain, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WASHINGTON HOGANS.

The bill (S. 1735) granting an increase of pension to Washington Hogans was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Washington Hogans, late of Captain Ledwith's company, Florida Volunteers, Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES A. M. BROWN.

The bill (S. 2144) granting an increase of pension to James A. Brown was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Volunteers," to insert "Seminole Indian war," and in line 9, before the word "dollars," to strike out "twenty" and insert "sixteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James A. M. Brown, late of Capt. N. P. Willard's company, First Regiment Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ROBERT C. SMYTH.

The bill (H. R. 3245) granting an increase of pension to Robert C. Smyth was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert C. Smyth, late of Company B, Fourth Regiment Kentucky Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SILAS B. HOVIOUS.

The bill (H. R. 3575) granting an increase of pension to Silas B. Hovious was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Silas B. Hovious, late of Company G, Fourth Regiment Indiana Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN S. HOOVER.

The bill (H. R. 3606) granting an increase of pension to John S. Hoover was considered as in Committee of the Whole. It proposes to place on the peusion roll the name of John S. Hoover, late major and aid-de-camp, United States Volunteers, and to pay him a pension of $25 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADELLE TOBEY.

The bill (H. R. 5686) granting an increase of pension to Adelle Tobey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Adelle Tobey, widow of Henry Tobey, late of Company D, Seventy-fifth Regiment Illinois Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIJAH THOMPSON HURST.

The bill (H. R. 4701) granting an increase of pension to Elijah Thompson Hurst, alias Elijah Thompson, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elijah Thompson Hurst, alias Elijah Thompson, late of Company F, Twentieth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE NULTON.

The bill (H. R. 3758) granting an increase of pension to George Nulton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Nulton, late of Company I, Fourteenth Regiment Iowa Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AUGUSTUS FOSS.

The bill (H. R. 3716) granting a pension to Augustus Foss was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Augustus Foss, late of Company A, Marion County Battalion Missouri Home Guards, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PAYTON S. LYNN.

The bill (H. R. 8713) granting an increase of pension to Payton S. Lynn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Payton S. Lynn, late of Company F, Third Regiment Indiana Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES M. LONG.

The bill (H. R. 6518) granting an increase of pension to James M. Long was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James M. Long, late of Company I, Third Regiment Kentucky Volunteer Infantry, war with Mexico, and to pay to him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN V. SANDERS.

The bill (H. R. 3573) granting an increase of pension to John V. Sanders was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John V. Sanders, late of Company H, Twenty-eighth Regiment Kentucky Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE S. M'GREGOR.

The bill (H. R. 1686) granting an increase of pension to George S. McGregor was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George S. McGregor, late of Company H, First Regiment Potomac Home Brigade Maryland Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES KELLEY.

The bill (H. R. 1339) granting an increase of pension to James Kelley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Kelley, late of Company I, Fourth Regiment Kentucky Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM J. JOHNSON.

The bill (H. R. 1853) granting an increase of pension to William J. Johnson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William J. Johnson, late of Company G, Fourth Regiment Ohio Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HELEN A. FREDERICK.

The bill (S. 164) granting a pension to Helen A. Frederick was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Forty-ninth," to strike out "of the;" and in line 8, after the word "Infantry," to insert "and Fifth Regiment Veteran Reserve Corps;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Helen A. Frederick, widow of Calvin H. Frederick, late lieutenant-colonel Fifty-ninth Regiment Illinois Volunteer Infantry and Fifth Regiment Veteran Reserve Corps, and pay her a pension at the rate of $30 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ROBERT BOON.

The bill (H. R. 4216) granting an increase of pension to Robert Boon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert Boon, late of Company D, First Regiment North Carolina Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNA F. KEITH.

The bill (S. 3244) granting an increase of pension to Anna F. Keith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Anna F. Keith, widow of William Keith, late first lieutenant Company F, Fifth Regiment Michigan Volunteer Cavalry, and to pay her a pension of $17 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY J. HOGE.

The bill (S. 2879) granting an increase of pension to Mary J. Hoge was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary J. Hoge, widow of Marion D. Hoge, late of Captain Jones's company, Second Regiment Illinois Foot Volunteers, war with Mexico, and major One hundred and tenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM M'NAIR.

The bill (H. R. 3368) granting an increase of pension to William McNair was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William McNair, late of Company K, Fifty-ninth Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MORRIS BENNETT.

The bill (H. R. 1986) granting an increase of pension to Morris Bennett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Morris Bennett, late of Company A, Twenty-fourth Regiment New Jersey Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. RAIGLE.

The bill (H. R. 723) granting an increase of pension to George W. Raigle was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Raigle, late of Company I, Ninety-seventh Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HIRAM F. ARMSTRONG.

The bill (H. R. 604) granting an increase of pension to Hiram F. Armstrong was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hiram F. Armstrong, late of Company C, Eighth Regiment Michigan Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM M'CRAW.

The bill (H. R. 4348) granting an increase of pension to William McCraw was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William McCraw, late of Company A, Tenth Regiment New Jersey Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH W. PRICE.

The bill (H. R. 7408) granting an increase of pension to Joseph W. Price was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph W. Price, late of Company D, Second Regiment, and Company A,

First Regiment, Provisional Enrolled Missouri Militia, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUIS DIECKGRAEFE.

The bill (H. R. 7309) granting a pension to Louis Dieckgraefe was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Louis Dieckgraefe, late of Company A, Gasconade Battalion Missouri Home Guards, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES L. SMALL.

The bill (S. 1529) granting an increase of pension to James L. Small was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James L. Small, late of Company H, Nineteenth Regiment Maine Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALMON FOSTER.

The bill (S. 1367) granting an increase of pension to Almon Foster was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Almon Foster, late captain Company G, Twelfth Regiment Indiana Volunteer Cavalry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN H. CROWELL.

The bill (S. 606) granting an increase of pension to John Houston Crowell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Crowell, late captain and assistant quartermaster, United States Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John H. Crowell."

CAMILLUS B. LEFTWICH.

The bill (H. R. 1361) granting an increase of pension to Camillus B. Leftwich was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Camillus B. Leftwich, late of Company I, Thirty-ninth Regiment, and Company I, Seventh Regiment, Iowa Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM L. BEEKS.

The bill (H. R. 4876) granting an increase of pension to William L. Beeks was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William L. Beeks, late of Company C, Fourth Regiment Missouri State Militia Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS T. HODGES.

The bill (S. 1509) granting an increase of pension to Thomas T. Hodges was considered as in Committee of the Whole. It proposes to place on the pension roll the names of Thomas T. Hodges, late of Company H, Seventy-ninth Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SARAH A. BARGAR.

The bill (S. 2555) granting a pension to Sarah A. Bargar was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah A. Bargar, widow of Jeptha Bargar, late of Company E, Eighty-eighth Regiment Ohio Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM C. HITCHCOCK.

The bill (S. 2293) granting an increase of pension to William C. Hitchcock was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William C. Hitchcock, late of Company D, First Regiment Oregon Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EDWARD IRWIN.

The bill (S. 1271) granting an increase of pension to Edward Irwin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the words "New York," to strike out "Volunteer Infantry" and insert "Volunteers, war with Mexico;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin Irwin, late of Company A, Stevenson's regiment New York Volunteers, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN C. BARR.

The bill (S. 1270) granting an increase of pension to John C. Barr was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John C. Barr, late acting ensign, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MICHAEL MOHAN.

The bill (H. R. 4176) granting an increase of pension to Michael Mohan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Michael Mohan, late of Company F, Twenty-fifth Regiment United States Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL E. CHAMBERLAIN.

The bill (H. R. 3428) granting an increase of pension to Samuel E. Chamberlain was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel E. Chamberlain, late major and lieutenant-colonel First Regiment Massachusetts Volunteer Cavalry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. CRANSTON.

The bill (H. R. 3481) granting an increase of pension to William H. Cranston was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Cranston, late of Company C, Forty-ninth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALPHEUS A. ROCKWELL.

The bill (H. R. 3451) granting an increase of pension to Alpheus A. Rockwell was considered as in Committee of the

Whole. It proposes to place on the pension roll the name of Alpheus A. Rockwell, late of Company B, Sixteenth Regiment Connecticut Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM B. KIMBALL.

The bill (H. R. 3427) granting an increase of pension to William B. Kimball was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William B. Kimball, late captain Company K, Thirteenth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. NEWLANDS. Mr. President, I ask leave, out of order, to introduce a bill.

The VICE-PRESIDENT. The Chair would state that, under the unanimous-consent agreement, the consideration of the Calendar of unobjected pension bills and unobjected bills correcting military records was to be proceeded with until completed; and it was understood that no other business should be transacted.

Mr. NEWLANDS. Does that apply to the introduction of bills?

The VICE-PRESIDENT. The Chair understands it applies to all business except that which was specifically included in the unanimous-consent agreement.

SIDNEY S. BRIGHAM.

The bill (H. R. 3402) granting an increase of pension to Sidney S. Brigham was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sidney S. Brigham, late first lieutenant Company H, Third Regiment Vermont Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRUNO TIESLER.

The bill (H. R. 3283) granting an increase of pension to Bruno Tiesler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Bruno Tiesler, late of Company C, Second Regiment Massachusetts Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FERDINAND WEISE.

The bill (H. R. 3487) granting an increase of pension to Ferdinand Weise was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ferdinand Weise, late of Company K, Second Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EPHRAIM PLUMPTON.

The bill (H. R. 2770) granting an increase of pension to Ephraim Plumpton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ephraim Plumpton, late of Company C, First Regiment New Hampshire Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANK W. WEEKS.

The bill (H. R. 1653) granting an increase of pension to Frank W. Weeks was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frank W. Weeks, late of Company D, Twenty-first Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MELISSA S. LEE.

The bill (H. R. 1675) granting an increase of pension to Melissa S. Lee was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Melissa S. Lee, widow of Gideon E. Lee, late of Company K, Sixteenth Regiment Vermont Volunteer Infantry, and to pay her a pension of $24 per month in lieu of that she is now receiving: *Provided, however*, That in the event of the death of Lucy L. Lee, helpless and dependent child of said Gideon E. Lee, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Melissa S. Lee the name of said Lucy L. Lee shall be placed on the pension roll subject to the provisions and limitations of the pension laws, at the rate of $12 per month, from and after the date of death of said Melissa S. Lee.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMMA ROWE.

The bill (H. R. 1908) granting an increase of pension to Emma Rowe was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emma Rowe, widow of Charles W. Rowe, late of the Second Battery, Connecticut Volunteer Light Artillery, and to pay her a pension of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Guy W. Rowe, helpless and dependent child of said Charles W. Rowe, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Emma Rowe the name of the said Guy W. Rowe shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month, from and after the date of death of said Emma Rowe.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE E. BRICKETT.

The bill (H. R. 1062) granting an increase of pension to George E. Brickett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George E. Brickett, late surgeon Twenty-first Regiment Maine Volunteer Infantry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM A. HILDRETH.

The bill (H. R. 1330) granting an increase of pension to William A. Hildreth was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William A. Hildreth, late of Company D, First Regiment California Volunteer Cavalry, and to pay to him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES T. BERRY.

The bill (H. R. 532) granting an increase of pension to James T. Berry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James T. Berry, late of the U. S. S. *Mohican*, *Dawn*, and *Emma*, United States Navy, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEWIS H. CATE.

The bill (S. 185) granting an increase of pension to Lewis H. Cate was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lewis H. Cate, late of Company G, Eighteenth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES H. MAYHEW.

The bill (S. 179) granting an increase of pension to Charles H. Mayhew was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles H. Mayhew, late of Company C, Tenth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JULIA A. STANYAN.

The bill (S. 80) granting an increase of pension to Julia A. Stanyan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Julia A. Stanyan, widow of John M. Stanyan, late captain Company B, Eighth Regiment New Hampshire Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE C. CHASE.

The bill (S. 1827) granting an increase of pension to George C. Chase was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George C. Chase, late of Company E, Sixteenth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DAVID E. EVERETT.

The bill (S. 81) granting an increase of pension to David E. Everett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David E. Everett, late first lieutenant Company D, Twelfth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HENRY G. SALISBURY.

The bill (S. 572) granting an increase of pension to Henry G. Salisbury was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry G. Salisbury, late of Company D, Twentieth Regiment Connecticut Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SARAH A. PAGE.

The bill (S. 845) granting an increase of pension to Sarah A. Page was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah A. Page, widow of Leverett H. Page, late of Company C, Third Regiment Vermont Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STEPHEN ERNST.

The bill (S. 787) granting an increase of pension to Stephen Ernst was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Stephen Ernst, late of Company E, One hundred and nineteenth Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SUSIE PLACE.

The bill (S. 714) granting an increase of pension to Susie Place was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Susie Place, widow of Charles E. Place, late of Company K, Twenty-fourth Regiment Wisconsin Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JULIET A. BAINBRIDGE-HOFF.

The bill (S. 3001) granting an increase of pension to Juliet A. Bainbridge-Hoff was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Juliet A. Bainbridge-Hoff, widow of William Bainbridge-Hoff, late captain, United States Navy, and to pay her a pension of $40 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARTHA E. SALTAR.

The bill (S. 706) granting an increase of pension to Martha E. Saltar was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifteen" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha E. Saltar, widow of John C. Saltar, late of Company E, Second Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RUTH B. GURNEY.

The bill (S. 11) granting an increase of pension to Ruth B. Gurney was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "sixteen" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ruth B. Gurney, widow of Horace M. Gurney, late of Company K, First Regiment Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The biH was ordered to be engrossed for a third reading, read the third time, and passed.

ARTHUR F. DEVEREUX.

The bill (S. 850) granting an increase of pension to Arthur Forrester Devereux was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Arthur F. Devereux, late lieutenant-colonel and colonel Nineteenth Regiment Massachusetts Volunteer Infantry and brevet brigadier-general, United States Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Arthur F. Devereux."

HORACE E. BARKER.

The bill (S. 279) granting an increase of pension to Horace E. Barker was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Horace E. Barker, late of Company I, Tenth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THE MERCHANT MARINE.

Mr. GALLINGER. The bill just passed completes the pension Calendar. I ask that the unfinished business be laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business, which will be stated by title.

The SECRETARY. A bill (S. 529) to promote the national defense, to create a naval reserve, to establish American ocean mail lines to foreign markets, to promote commerce, and to provide revenue from tonnage.

Mr. GALLINGER. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 12 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 25, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 24, 1906.

CONSUL-GENERAL.

George E. Anderson, of Illinois, now consul at Amoy, to be consul-general of the United States at Rio de Janeiro, Brazil, vice Eugene Seeger, superseded.

CONSULS.

Albert H. Michelson, of Massachusetts, to be consul of the United States at Turin, Italy, vice Pietro Cuneo, resigned.

Edward B. Walker, of New York, to be consul of the United States at Burslem, England, vice William P. Smyth, removed.

Ross R. Brattain, of Washington, to be consul of the United States at Hangchow, China, vice George L. Dobson, resigned.

COLLECTORS OF CUSTOMS.

Walter I. Lillie, of Michigan, to be collector of customs for the district of Michigan, in the State of Michigan, to succeed George A. Farr, whose term of office will expire by limitation February 9, 1906.

James J. Haynes, of Texas, to be collector of customs for the district of Corpus Christi, in the State of Texas. (Reappointment.)

Robert W. Dowe, of Texas, to be collector of customs for the district of Saluria, in the State of Texas. (Reappointment.)

RECEIVER OF PUBLIC MONEYS.

Lucius Q. Hobbs, of Colorado, to be receiver of public moneys at Leadville, Colo., vice Fred Butler, resigned.

PLACED ON RETIRED LIST OF ARMY.

Col. Frank Thorp, Artillery Corps, to be placed on the retired list of the Army with the rank of brigadier-general from the date upon which he shall be retired from active service.

PROMOTION IN THE NAVY.

Lieut. Commander Roy C. Smith to be a commander in the Navy from the 22d day of January, 1906, vice Commander Joseph B. Murdock, promoted.

POSTMASTERS.

ARKANSAS.

John H. Avery to be postmaster at Hot Springs, in the county of Garland and State of Arkansas, in place of John W. Howell, resigned.

J. H. McPherson to be postmaster at Paragould, in the county of Greene and State of Arkansas, in place of James R. Snodgrass. Incumbent's commission expired January 16, 1906.

CALIFORNIA.

Walter H. Metcalf to be postmaster at Sawtelle, in the county of Los Angeles and State of California. Office became Presidential April 1, 1905.

Thomas H. Selvage to be postmaster at Eureka, in the county of Humboldt and State of California, in place of Nathaniel Bullock. Incumbent's commission expired January 13, 1906.

CONNECTICUT.

Edwin W. S. Pickett to be postmaster at Fairfield, in the county of Fairfield and State of Connecticut, in place of Edwin W. S. Pickett. Incumbent's commission expired January 16, 1906.

IDAHO.

Hugh Cramer to be postmaster at Hailey, in the county of Blaine and State of Idaho, in place of Hugh Cramer. Incumbent's commission expires January 31, 1906.

INDIANA.

Sherman L. Keach to be postmaster at Bedford, in the county of Lawrence and State of Indiana, in place of Vinson V. Williams. Incumbent's commission expired January 9, 1906.

Martin V. Starr to be postmaster at Goshen, in the county of Elkhart and State of Indiana, in place of Chauncey D. Sherwin, removed.

George D. Taylor to be postmaster at Worthington, in the county of Greene and State of Indiana, in place of Adolphus C. Stephenson. Incumbent's commission expired January 9, 1906.

INDIAN TERRITORY.

George B. Roderick to be postmaster at Holdenville, in District Thirteen, Indian Territory, in place of George B. Roderick. Incumbent's commission expired January 21, 1906.

IOWA.

W. R. Prewitt to be postmaster at Onawa, in the county of Monona and State of Iowa, in place of James J. Elliott. Incumbent's commission expired January 20, 1906.

MAINE.

Marcellus L. Hussey to be postmaster at Guilford, in the county of Piscataquis and State of Maine, in place of Marcellus L. Hussey. Incumbent's commission expired January 16, 1906.

MARYLAND.

Harry A. Carroll to be postmaster at Havre de Grace, in the county of Harford and State of Maryland, in place of Joseph Kelly. Incumbent's commission expired January 20, 1906.

Asa Hepner to be postmaster at Sykesville, in the county of Carroll and State of Maryland, in place of Asa Hepner. Incumbent's commission expired January 20, 1906.

MASSACHUSETTS.

Charles L. Hammond to be postmaster at Quincy, in the county of Norfolk and State of Massachusetts, in place of Charles L. Hammond. Incumbent's commission expires January 31, 1906.

Edgar J. Whelpley to be postmaster at Salem, in the county of Essex and State of Massachusetts, in place of William H. Merrill. Incumbent's commission expires January 29, 1906.

MINNESOTA.

Frederick A. McVicar to be postmaster at Grand Rapids, in the county of Itasca and State of Minnesota, in place of Frederick A. McVicar. Incumbent's commission expired January 21, 1906.

MISSOURI.

Emory H. Brant to be postmaster at Maysville, in the county of De Kalb and State of Missouri, in place of Frank B. Miller. Incumbent's commission expired Janaury 22, 1906.

Thomas Francis to be postmaster at Bevier, in the county of Macon and State of Missouri, in place of Thomas Francis. Incumbent's commission expired January 22, 1906.

NEBRASKA.

Cyrus E. Hunter to be postmaster at Wakefield, in the county of Dixon and State Nebraska, in place of Cyrus E. Hunter. Incumbent's commission expired January 20, 1906.

Roy A. Richmond to be postmaster at Wausa, in the county of Knox and State of Nebraska, in place of Roy A. Richmond. Incumbent's commission expired January 20, 1906.

NEW JERSEY.

Robinson J. M. Chase to be postmaster at Nutley, in the county of Essex and State of New Jersey, in place of Robinson J. M. Chase. Incumbent's commission expired January 21, 1906.

NEW YORK.

Stephen D. Boyce to be postmaster at Port Jervis, in the county of Orange and State of New York, in place of Stephen D. Boyce. Incumbent's commission expired January 21, 1906.

Edward J. Lewis to be postmaster at Saugerties, in the county of Ulster and State of New York, in place of John C. Davis. Incumbent's commission expired January 21, 1906.

Charles V. Nye to be postmaster at Harrisville, in the county of Lewis and State of New York. Office became Presidential January 1, 1906.

NORTH CAROLINA.

Cyrus P. Frazier to be postmaster at Greensboro, in the county of Guilford and State of North Carolina, in place of Tyre Glenn. Incumbent's commission expires February 18, 1906.

Louis N. Grant to be postmaster at Goldsboro, in the county of Wayne and State of North Carolina, in place of John F. Dobson. Incumbent's commission expires January 27, 1906.

OHIO.

Plympton S. Lybarger to be postmaster at Shelby, in the county of Richland and State of Ohio, in place of Plympton S. Lybarger. Incumbent's commission expired January 16, 1906.

OKLAHOMA.

E. E. Darrough to be postmaster at Pondcreek, in the county of Grant and Territory of Oklahoma, in place of Mervain L. Thomas. Incumbent's commission expired January 21, 1906.

PENNSYLVANIA.

E. Wesley Keeler to be postmaster at Doylestown, in the county of Bucks and State of Pennsylvania, in place of James W. Bartlett, deceased.

TENNESSEE.

Joseph W. Howard to be postmaster at Greeneville, in the county of Greene and State of Tennessee, in place of Joseph W. Howard. Incumbent's commission expires May 7, 1906.

Eli A. Warren to be postmaster at Bristol, in the county of Sullivan and State of Tennessee, in place of Eli A. Warren. Incumbent's commission expires March 20, 1906.

TEXAS.

D. R. Emerson to be postmaster at Marlin, in the county of Falls and State of Texas, in place of George J. Elam. Incumbent's commission expired January 16, 1906.

John J. Stevens to be postmaster at San Antonio, in the county of Bexar and State of Texas, in place of George G. Clifford, deceased.

VERMONT.

Orrin H. Jones to be postmaster at Wilmington, in the county of Windham and State of Vermont, in place of Orrin H. Jones. Incumbent's commission expired January 13, 1906.

VIRGINIA.

T. B. Einstein to be postmaster at East Radford, in the county of Montgomery and State of Virginia, in place of Jacob W. Dudley. Incumbent's commission expired January 20, 1906.

WEST VIRGINIA.

George E. Bare to be postmaster at Alderson, in the county of Monroe and State of West Virginia, in place of George E. Bare. Incumbent's commission expired January 13, 1906.

William A. Mason to be postmaster at Philippi, in the county of Barbour and State of West Virginia, in place of William A. Mason. Incumbent's commission expired January 13, 1906.

Sira W. Willey to be postmaster at Hinton, in the county of Summers and State of West Virginia, in place of Sira W. Willey. Incumbent's commission expired January 13, 1906.

WISCONSIN.

E. Darwin Sperry to be postmaster at Phillips, in the county of Price and State of Wisconsin, in place of Benjamin R. Evans. Incumbent's commission expired January 21, 1906.

William B. Tscharner to be postmaster at La Crosse, in the county of La Crosse and State of Wisconsin, in place of William B. Tscharner. Incumbent's commission expires January 30, 1906.

WYOMING.

Joseph Iredale to be postmaster at Rock Springs, in the county of Sweetwater and State of Wyoming, in place of Dwight M. Thayer. Incumbent's commission expired January 21, 1906.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 24, 1906.

AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

David E. Thompson, of Nebraska, now ambassador extraordinary and plenipotentiary to Brazil, to be ambassador extraordinary and plenipotentiary of the United States to Mexico.

SURVEYORS OF CUSTOMS.

John Albus, jr., of Missouri, to be surveyor of customs for the port of St. Joseph, in the State of Missouri.

Charles W. Clarke, of Missouri, to be surveyor of customs for the port of Kansas City, in the State of Missouri.

POSTMASTERS.

ARKANSAS.

Walter E. Dodson, to be postmaster at Springdale, in the county of Washington and State of Arkansas.

Bryant W. Ford, to be postmaster at Mammoth Springs, in the county of Fulton and State of Arkansas.

William P. Jones, to be postmaster at Batesville, in the county of Independence and State of Arkansas.

James C. Russell, to be postmaster at Camden, in the county of Ouachita and State of Arkansas.

CALIFORNIA.

Mrs. Frank P. Church, to be postmaster at San Leandro, in the county of Alameda and State of California.

COLORADO.

Richard G. Dalton, to be postmaster at La Junta, in the county of Otero and State of Colorado.

William H. Davie, to be postmaster at Florence, in the county of Fremont and State of Colorado.

Homer H. Grafton to be postmaster at Manitou, in the county of El Paso and State of Colorado.

CONNECTICUT.

Frederick L. Gaylord to be postmaster at Ansonia, in the county of New Haven and State of Connecticut.

IOWA.

Henry E. Bolinger to be postmaster at Afton, in the county of Union and State of Iowa.

John H. Kolthoff to be postmaster at New Hampton, in the county of Chickasaw and State of Iowa.

Charles A. Merrill to be postmaster at Nora Springs, in the county of Floyd and State of Iowa.

KANSAS.

David D. Beck to be postmaster at Scott, in the county of Scott and State of Kansas.

E. M. Clark to be postmaster at Centralia, in the county of Nemaha and State of Kansas.

John N. Evans to be postmaster at Liberal, in the county of Seward and State of Kansas.

John W. Nyce to be postmaster at Caldwell, in the county of Sumner and State of Kansas.

Alpheus K. Rodgers to be postmaster at Topeka, in the county of Shawnee and State of Kansas.

Melville H. Soper to be postmaster at Horton, in the county of Brown and State of Kansas.

Henry M. Stewart to be postmaster at Hutchinson, in the county of Reno and State of Kansas.

KENTUCKY.

George L. Barnes to be postmaster at Frankfort, in the county of Franklin and State of Kentucky.

William B. King to be postmaster at Pineville, in the county of Bell and State of Kentucky.

MAINE.

Abial H. Jones to be postmaster at Wilton, in the county of Franklin and State of Maine.

Arthur T. Moor to be postmaster at Farmington, in the county of Franklin and State of Maine.

MASSACHUSETTS.

George F. Bourne to be postmaster at Lenox, in the county of Berkshire and State of Massachusetts.

Frank E. Whiting to be postmaster at Plainville, in the county of Norfolk and State of Massachusetts.

MICHIGAN.

Charles H. Castle to be postmaster at Armada, in the county of Macomb and State of Michigan.

George W. Dafoe to be postmaster at Brown City, in the county of Sanilac and State of Michigan.

Eric Ericson to be postmaster at Republic, in the county of Marquette and State of Michigan.

John W. Hance to be postmaster at Mount Pleasant, in the county of Isabella and State of Michigan.

Samuel C. Kirkbride to be postmaster at Clare, in the county of Clare and State of Michigan.

John T. Owens to be postmaster at Benton Harbor, in the county of Berrien and State of Michigan.

Blair F. Scott to be postmaster at Lake City, in the county of Missaukee and State of Michigan.

Eugene S. Upson to be postmaster at Durand, in the county of Shiawassee and State of Michigan.

Fred A. Woodruff to be postmaster at St. Joseph, in the county of Berrien and State of Michigan.

MINNESOTA.

Moses Emery to be postmaster at Caledonia, in the county of Houston and State of Minnesota.

MONTANA.

Charles A. Burg to be postmaster at Livingston, in the county of Park and State of Montana.

NEBRASKA.

Alfred L. Brande to be postmaster at Pierce, in the county of Pierce and State of Nebraska.

M. A. Brown to be postmaster at Kearney, in the county of Buffalo and State of Nebraska.

William H. McNeal to be postmaster at Wayne, in the county of Wayne and State of Nebraska.

Wellington A. Post to be postmaster at Stromsburg, in the county of Polk and State of Nebraska.

Delbert E. Sherman to be postmaster at Valentine, in the county of Cherry and State of Nebraska.

Charles A. Warner to be postmaster at Geneva, in the county of Fillmore and State of Nebraska.

NEW HAMPSHIRE.

Fred H. Perry to be postmaster at Charlestown, in the county of Sullivan and State of New Hampshire.

John C. Richardson to be postmaster at Gorham, in the county of Coos and State of New Hampshire.

NEW JERSEY.

David M. Anderson to be postmaster at Gloucester City, in the county of Camden and State of New Jersey.

William H. Hamilton to be postmaster at Ocean Grove, in the county of Monmouth and State of New Jersey.

NEW YORK.

R. Burchard Hults to be postmaster at Port Washington, in the county of Nassau and State of New York.

NORTH DAKOTA.

Harry S. Oliver to be postmaster at Lisbon, in the county of Ransom and State of North Dakota.

Tobias R. Tobiason to be postmaster at Hatton, in the county of Traill and State of North Dakota.

OKLAHOMA.

Harry B. Gilstrap to be postmaster at Chandler, in the county of Lincoln and Territory of Oklahoma.

PENNSYLVANIA.

John C. Chamberlain to be postmaster at Everett, in the county of Bedford and State of Pennsylvania.

William J. Leahy to be postmaster at Falls Creek, in the county of Clearfield and State of Pennsylvania.

RHODE ISLAND.

Clinton D. Sellew to be postmaster at Providence, in the county of Providence and State of Rhode Island.

TEXAS.

William E. Dwyer to be postmaster at Brenham, in the county of Washington and State of Texas.

Talvus D. Wilson to be postmaster at Livingston, in the county of Polk and State of Texas.

UTAH.

James P. Driscoll to be postmaster at Eureka, in the county of Juab and State of Utah.

WISCONSIN.

Samuel S. Fifield to be postmaster at Ashland, in the county of Ashland and State of Wisconsin.

Frank A. Johnson to be postmaster at Spring Valley, in the county of Pierce and State of Wisconsin.

Peter E. Olsen to be postmaster at Rice Lake, in the county of Barron and State of Wisconsin.

Charles P. Peterson to be postmaster at Glenwood, in the county of St. Croix and State of Wisconsin.

Charles L. Valentine to be postmaster at Janesville, in the county of Rock and State of Wisconsin.

Ambrose H. Woodworth to be postmaster at Tomahawk, in the county of Lincoln and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January 24, 1906.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment joint resolution (H. J. Res. 87) to authorize use of transport *Sumner* to convey members of Santiago Battlefield Commission and others to Cuba and return.

STATEHOOD BILL.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] submits a privileged report from the Committee on Rules, which the Clerk will read.

The Clerk read as follows:

The Committee on Rules, to whom was referred House resolution No. 181, have had the same under consideration and respectfully report the following resolution in lieu thereof:

"*Resolved*, That immediately upon the adoption of this order, and daily hereafter, immediately on the approval of the Journal, so long as the bill hereinafter referred to shall be pending in Committee of the Whole House on the state of the Union, the House shall resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 12707) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States; that after the said bill shall have been read general debate shall continue until Thursday next at 3 p. m.; and at that hour, or, if general debate shall be concluded before that hour, immediately upon the conclusion of said general debate, the Committee of the Whole House on the state of the Union shall rise and report the bill to the House; whereupon immediately, without debate, intervening motion, or appeal, a vote shall be taken on the bill to a final passage: *Provided further*, That general leave to print remarks on the bill is hereby granted for six legislative days after Thursday, the 25th day of January next."

Mr. DALZELL. Mr. Speaker, I would like to have the attention of the gentleman from Mississippi for a moment. I would suggest that instead of the forty minutes' debate that we would have under the rule on the previous question that we agree upon a time to be equally divided between us.

Mr. WILLIAMS. Say forty-five minutes on a side.

Mr. DALZELL. That is satisfactory to me. Then I ask unanimous consent, Mr. Speaker, that an hour and a half debate be allowed upon the discussion of the rule, one half to be controlled by myself and the other half by the gentleman from Mississippi.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that an hour and a half be allowed for debate upon the proposed rule, and that the time be equally divided between the gentleman from Pennsylvania and the gentleman from Mississippi. Is there objection? [After a pause.] The Chair hears none.

Mr. DALZELL. In order that there may be no misunderstanding, I will say this hour and a half is to be in lieu of the forty minutes under the rule.

Mr. WILLIAMS. Yes.

Mr. DALZELL. Mr. Speaker, I do not propose at this stage of the discussion to take any time further than to explain the proposition before the House. The Committee on Territories has reported to this House a bill providing for the admission to statehood of the Indian Territory and Oklahoma as one State and Arizona and New Mexico as another State. If this rule be adopted, that bill will come before the House at once for immediate discussion. The House will resolve itself into the Committee of the Whole House on the state of the Union, and general debate will continue until to-morrow at 3 o'clock. At 3 o'clock to-morrow, or at the end of general debate, if it should end sooner, a vote will be taken upon the adoption of the bill.

Having said this much, Mr. Speaker, I reserve the balance of my time until later on.

The SPEAKER. The gentleman from Pennslyvania reserves the remainder of his time. The gentleman from Mississippi [Mr. WILLIAMS] is recognized.

Mr. WILLIAMS. Mr. Speaker, I take it that the House understands the question, and yet it is important that the country should understand it as well. This rule which we are now considering is a rule to make the House vote upon a bill admitting four Territories as two States, denying to the House the right to separate the two propositions, denying to the House the right to give a separate vote in these separate Territories to the people thereof upon the question of whether or not they desire to enter the Union in the manner prescribed in the bill.

Mr. Speaker, this morning in the Committee on Rules several efforts were made, as the efforts will be made here, if possible, to amend the rule itself. Gentlemen must not deceive themselves. The point of this fight is upon voting up or voting down the previous question. If the previous question is voted upon the House, then no opportunity will be left to amend either the rule or the bill. You must take the bill as it is, in its omnibus shape, or you must reject it as it is. You will have no opportunity whatsoever to admit, as an independent proposition, Oklahoma and the Indian Territory into the Union as a State; and yet there is not a man upon this floor opposed to admitting those two Territories as a State into the Union. This queer situation confronts us, that the majority is holding over the House as a whip the impossibility of admitting Oklahoma and Indian Territory, a thing that everybody desires, unless the House will do something that the House does not wish to do, to wit, at the same time, as a part of the same mouthful, admit Arizona and New Mexico, against the will of the people of Arizona, into the Union as one State; coupled together for all time as a State into the Union, with populations differing in language, differing in religion, differing in traditions, differing in customs, necessarily antagonistic to one another; admitting into the Union a State within the womb of which there will be at all times a race antagonism of the most considerable sort.

But the thing to which I am addressing myself now is the fact that this rule if passed prevents this House, representative of the people of the United States, in a matter of the very highest privilege and most permanent importance, of expressing its true will. If you adopt the previous question, that will be the end of your connection with this bill, except a vote in favor of the bill or a vote opposed to the bill. Now, if the previous question is voted down, I shall move to strike out of the rule all the language after the word "States," in line 13 of the first page of the rule. That would then bring the statehood bill into the House under the ordinary rules of the House, subject to the control and management of the House, so that the House could vote up the proposition to bring Oklahoma and Indian Territory into the Union as a State, and could vote down the proposition to bring Arizona and New Mexico into the Union as a State, or could take the opposite course, or could vote both up or could vote both down.

All that is aimed at is to give the House the control of itself; and you gentlemen over there must remember that you as a party control the House. All that we are asking is that each individual Member of you, in the interest of what is good for the general welfare of the country, may have an opportunity to vote upon each of these items separately; may have an opportunity to amend this bill and make it better for everybody. [Loud applause on the Democratic side.] Now, you understand the proposition. There can not be any mistake about it; every one of you knows if you vote the previous question upon this House that you cut off the opportunity of admitting Oklahoma and the Indian Territory, no matter how advisable or wise and absolutely just and requisite it may be, unless at the same time the population of Arizona is forced into an unwilling marriage with the population of New Mexico, and the population of New Mexico into an unwilling marriage with the population of Arizona.

Now, Mr. Speaker, how much time have I consumed?

The SPEAKER. The gentleman has consumed six minutes.

Mr. WILLIAMS. Mr. Speaker, I yield six minutes to the gentleman from Idaho [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, we have yet to hear the arguments that will be made on this side in support of this resolution. So we can only guess what these arguments shall be. I hope that the motion for the previous question on this resolution will be voted down, and that the motion which will then be made, to strike out all after the word "States," in line 13 of the rule, will be carried. The House will then proceed to the consideration of this bill under the rules of the House, and every Member here will have an opportunity to record his honest judgment on this measure and all features of it.

I know it will be said, Mr. Speaker, that this is a party measure, and therefore those on this side should vote for the rule. Mr. Speaker, nothing can ever be made a Republican party measure save and alone by the action of the Republican party. The only official action that has ever been taken by our party on the question of statehood for Arizona and New Mexico has been contrary to the provisions of this bill. No measure can ever be made a Republican measure that does violence to the wishes and desires of the people of two great Territories of the Union, and we know that practically every man, woman, and child in Arizona is opposed to the jointure of the two Territories; and only by reason of the fact that the people of New Mexico have been assured that they must accept this jointure or remain out of the Union have they tardily, reluctantly acquiesced in a procedure which makes them unwilling parties to the outrage of a sister Territory.

We can not escape the responsibility we owe our constituents by voluntarily tying our own hands and placing ourselves in a position where we can not vote in accordance with the dictates of our conscience and the promptings of our judgment on this measure. Practically all are agreed in regard to the bringing of the Territory of Oklahoma into the Union. There is wide difference of opinion in this body, as is known to every Member, with reference to the action which should be taken with regard to Arizona and New Mexico. There are some who believe that both should be admitted separately; there are others who believe that neither Territory should be admitted at this time, and there is unquestionably a majority here who, if their hands and votes are not tied by this rule, will insist that these two Territories, promised through the act that established the government of Arizona separate statehood, promised by the voice of the Republican party in convention assembled, separate statehood, shall not be joined against their will in an unwieldy, inharmonious State.

I hope, therefore, Mr. Speaker, that the previous question will be voted down, and that an opportunity will be given to the Members of this House to express their judgment on this measure, to the end that the people of those two Territories in the Southwest may have justice done them; that this violence to the pledges of our party shall not be accomplished, and that our party may continue to be what it always has been—a party true to its every pledge and promise; a party that does justice and equity. [Loud applause.]

I yield back the balance of my time to the gentleman from Mississippi.

Mr. GAINES of Tennessee. Mr. Speaker, I rise to a question of order. I could not hear anything the gentleman said.

Mr. WILLIAMS. Mr. Speaker, how much time did the gentleman consume?

The SPEAKER. The gentleman consumed six minutes. Occupants of the galleries will please not converse; gentlemen on the floor of the House will please be in order.

Mr. WILLIAMS. I hope that the gentleman from Pennsylvania will now consume some of his time.

Mr. DALZELL. Mr. Speaker, I yield ten minutes to the gentleman from Ohio [Mr. GROSVENOR].

The SPEAKER. The gentleman from Ohio [Mr. GROSVENOR] is recognized for ten minutes.

Mr. GROSVENOR. Mr. Speaker, I will not attempt to disguise the position of the Republican party on this floor in the support of the rule pending and ultimately the bill as reported from the Committee on Territories. The gentleman from Wyoming [Mr. MONDELL] appeals to the House to waive politics, and, whatever we do, to avoid tying anybody's hands. I should like to know what light the gentleman has seen so suddenly. I have before me the RECORD of the long session of the last Congress, showing the pendency of a rule exactly similar to this one in all important respects; a demand for the previous question and the vote of the gentleman from Wyoming in favor of the previous question; secondly, in favor of the rule, and, thirdly, in favor of the bill itself.

Mr. DALZELL. And, if my colleague will allow me to interrupt him at this point, fourthly, in favor of a rule which took the bill out of the Committee on Territories and sent it to conference disagreeing in the Senate amendments—votes on four different occasions.

Mr. GROSVENOR. Gagging the House of Representatives and tying up the hands of the House of Representatives! Why, Mr. Speaker, the event figured in by St. Paul on his way down to Damascus was not a circumstance compared with the glorious blaze of light that has suddenly attacked the gentleman from Wyoming; and without any apology, without any explanation, he comes here and undertakes to drive his views through this House by an appeal against a rule of this arbitrary character.

Mr. MONDELL. If the gentleman will permit me, the world has benefited a great deal by the light which appeared to Paul.

Mr. GROSVENOR. Well, the world has not been benefited by the light that the gentleman from Wyoming has shed on this question. [Laughter.] He parted company with his great predecessor at that particular point in the place where the ways parted. [Laughter.]

Now, Mr. Speaker, this is a party measure, and if we shall have a debate upon this bill ultimately I will show from the records that from the day when Vermont was admitted into the fellowship and partnership of the thirteen original States down to the present time no State ever came into this Union that was not the offspring and outgrowth of party investigation and party consideration. The State that I live in, the State that I love, the State that I, in part, represent on this floor, never submitted a vote on her constitution. Her people never asked to come into this Union; and for a partisan, political purpose, which I will lay plainly before this House if I have the opportunity, Ohio was created a State, dragged into the Union, and her electoral vote was cast for Thomas Jefferson and aided his election. [Applause on the Democratic side.]

Now, Mr. Speaker, how stands the Republican majority on this floor and how stands the Republican party of this country upon this question? The President of the United States, a fairly good Republican, in my estimation, recommends the passage of this bill; and how is he met? Why, the cry comes, "He is undertaking to force his views upon the House of Representatives; he is dictating," they say, "to the House of Representatives." Let us see. The House of Representatives, taking the initiative in the Fifty-eighth Congress, without a single suggestion from the President, by the action of a majority of its caucus and by the action of substantially the whole body on this floor, not only indorsed this rule but passed it and sent it over to the Senate, and what the President has done was just exactly what a good Republican might do, just the sort of an act a Republican always does; he came and followed the leadership of the Republican party and recommended that they again do what they had already done. So this House is the leader and the President is the efficient and valued follower.

That this is a party question can be easily recognized within the next hour and a half. Here is a question that the gentleman from Wyoming [Mr. MONDELL] says ought to be passed upon by the deliberate judgment of every man. Well, I am one of the sort of Republicans who believe that the Republican party as a whole knows more than I know as an individual. That is one of the concessions that I make against my own greatness. [Laughter.] And the Republican party is actuated on this occasion to careful consideration of a fact. Every Democrat on this floor, without exception, will vote against this rule and against this bill; and you might as well try to get me to disregard the suggestion of "thin ice" on a skating pond or the red light of danger on the railroad track as to vote in favor of a proposition for which the solid Democracy of this House votes. [Applause on the Republican side.]

Mr. MONDELL. Will the gentleman yield for a question?

Mr. GROSVENOR. Well, if it is not too long.

The SPEAKER. One moment. The gentleman from Wyoming will suspend. The Chair has difficulty in hearing what is taking place upon the floor, and it arises principally from conversation amongst the Members. The galleries seem to be observing the injunction of the Chair not to converse. It is up to the membership to say whether the membership desire to hear what is being said. Does the gentleman from Ohio yield to the gentleman from Wyoming?

Mr. GROSVENOR. I do; for a question.

Mr. MONDELL. I simply wish to ask the gentleman if he did not vote with practically the solid Democratic side last week on a very important question?

Mr. GROSVENOR. I did not. Practically the solid Democratic side voted with me. [Great laughter.]

Mr. MONDELL. Following the gentleman's illustrious example, we have their promise that they will follow us to-day. [Laughter.]

Mr. GROSVENOR. And with "us" are the people of Eng-

land who were represented by the "three tailors of Tooley street." Now, the difference between the condition the gentleman suggests and his condition is this: In the case of the Philippine tariff bill the Republican majority of this House had a bill reported by one of its great committees and made a public measure, not only by the action of the House itself, but by the recommendation of the President of the United States in his message, and giving an opportunity to the Democratic party to come in here and vote if they wanted to. Now, we offer the same opportunity to the Democratic party, and not one of them will vote with us, and unfortunately a few of our Republican friends will be found out on the mountain top, where the lost sheep which has been the subject of a beautiful hymn was found. [Laughter.]

Mr. WILLIAMS. Will the gentleman allow an interruption?

Mr. GROSVENOR. Certainly.

Mr. WILLIAMS. The bill which was passed the other day, the Philippine tariff bill, which the gentleman says was a Republican measure, was passed through this House by Democratic votes, was it not, and would have failed but for the Democratic vote? [Applause on the Democratic side.]

Mr. GROSVENOR. Yes; it would have failed by 7 votes. It would not have passed without Democratic votes, as I suggested at the time. I only regretted that any Democrat voted for it simply from a partisan standpoint, but from a personal good feeling toward the Democratic party I was glad to see some of them stray over into the reservation. I gladly make this correction to my remarks. [Laughter.]

Mr. WILLIAMS. Does not the fact still remain, shown by the record of the roll call, that without the Democratic votes the bill would have failed?

Mr. GROSVENOR. I am told that that is so. I don't care whether it is or not. I stand here to say frankly to the House that this is a party measure, and I am frank to say another thing. You let this rule be defeated to-day, gentlemen—it is a small matter, a very small matter apparently—and the control of this House passes absolutely into the hands of the Democracy on the other side of this Chamber. Can you afford to do that because somebody's gold mine or somebody's coal bank or somebody's railroad is interested in suppressing the taxgatherer in these Territories out there?

Mr. FINLEY rose.

The SPEAKER. Does the gentleman from Ohio yield to the gentleman from South Carolina?

Mr. GROSVENOR. I do.

Mr. FINLEY. Mr. Speaker, I wish to ask the gentleman from Ohio if in the Fifty-seventh Congress he did not vote to admit the Territories of Arizona and New Mexico as States separately?

Mr. GROSVENOR. I think I did. [Applause on the Democratic side.] I think I did, but at that time my party had not made this decree. Now it has, and I am a Republican, and I do not propose to shift the leadership of this House to the handful of Democrats on the other side. [Applause on the Republican side.] And since that time the Republican party has distinctly acted in favor of this measure, and since that time I placed myself upon record—and the gentleman heard me a few days ago. I am not consistent with my record of that time, and if there is anything I am proud of, it is that I am never consistent two years at a time amid changing events such as we have. [Applause and laughter.] It is enough for me to know, and it ought to be enough for any Republican to know, that the responsibility of the passage of this bill, if it shall pass, does not rest upon me or him. He will not be selected as an individual to be assaulted and assailed, but the responsibility will rest upon the great party of this country, headed by the great President of the United States, that, after a full consideration, has decided that this is the proper thing to do. Therefore, Mr. Speaker, I hope that this rule may be adopted. Ample debate is provided for in the rule, ample opportunity for every man to set himself straight before the country, and the alternative is the defeat of the Republican party and chaos on the floor of this House. [Applause on the Republican side.]

Mr. WILLIAMS. Mr. Speaker, I protest against the cunning effort upon the part of the gentleman from Ohio [Mr. GROSVENOR] to turn this into a partisan question. [Applause on the Democratic side.] It is an effort to make a mere question of partisanship out of the question of the permanent welfare of the population of two great Territories proposed to be made States. The gentleman says that there is an attempt "to shift the control of the House to the Democratic side." The statement is absolutely incorrect. The only thing we are trying to do is to shift the control and framing and molding of this bill to the House of Representatives [applause on the Democratic side]; to shift it out of the hands of the Committee on Rules into the hands of the House of Representatives, almost a two-thirds majority of which is Republican. Ah, Mr. Speaker, do not let the gentleman say that he is afraid of Democratic control. What he is afraid of is that the House may control itself. [Applause on the Democratic side.]

Now, Mr. Speaker, I yield two minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, I have asked for a moment in which to reply to the suggestion of the gentleman from Ohio that I have been inconsistent in my attitude relating to the admission of these two Territories into the Union. It is scarcely necessary for me to discuss that matter now that the gentleman, after having accused me of inconsistency, makes a virtue of inconsistency himself. [Applause.] There is no opportunity at this time to lay before the House the reasons that actuated gentlemen in their action last winter on a measure similar to this. I did not approve it then any more than I approve it now; and I thank heaven that the opportunity has been given, as I hoped then it would be given, to place myself right on this question.

Mr. GROSVENOR. The gentleman interrupted me with a question, and I would ask him now if he will allow me to interrupt him with a question?

Mr. MONDELL. Certainly.

Mr. GROSVENOR. Does not the gentleman think he ought to be very thankful that he has discovered one virtue and has embraced it? [Laughter.]

Mr. MONDELL. I did not catch the gentleman's inquiry, Mr. Speaker, and not having heard the gentleman's question I am unable to answer it.

Mr GROSVENOR. Oh, my question was, if the gentleman does not think he ought to be very thankful that he has been able during two years to find one virtue and to embrace that virtue? [Renewed laughter.]

Mr. MONDELL. I have discovered many virtues in the gentleman from Ohio [Mr. GROSVENOR], Mr. Speaker, and I regret his lack of virtue at this time in not being on the right side of this question. [Applause on the Democratic side.]

Mr. WILLIAMS. Mr. Speaker, I yield six minutes to the gentleman from Wisconsin [Mr. ADAMS].

Mr. ADAMS of Wisconsin. Mr. Speaker, I am one of those "misguided" individuals who have been so unfortunate as to meet the disapproval of the gentleman from Ohio [Mr. GROSVENOR] in opposing this rule. I suppose that I am one of the "lost sheep" that he refers to. I am one of the men who voted in the last Congress in favor of a similar rule and in favor of joint statehood for Arizona and New Mexico. I have changed my position. I say to the gentleman from Ohio, who glories in his own inconsistency, although his friends are sometimes ashamed of it [laughter and applause], that I have changed my position simply because I have gone to the Territory of Arizona, have visited twenty of its cities, met thousands of its people, seen the school children and the women and the merchants and the bankers and the ministers, all of them wearing labels, "We are opposed to joint statehood." I voted for it in the last Congress because I believed that the people of that Territory wanted it. I shall vote against this rule in this Congress because I know from personal observation that the people of that Territory do not want it. What do you propose to do? You bring in a rule here binding together with rivets of steel two propositions, and entirely distinct, in this House, one joining Oklahoma and the Indian Territory in a single State—everybody for it in the Territories and in the Congress of the United States—and then you tie to that another proposition joining New Mexico and Arizona in a single State, in defiance of the sentiment of the people of Arizona, in defiance of the sentiment of the gentlemen on the other side of the Chamber, and in defiance of the real sentiment of three-fourths of the Republicans on this side of the Chamber. [Applause.] You talk to us about politics. The gentleman says that we want to waive the question of politics. Not for one solitary moment do we want to waive the question of politics. We oppose this rule because it is an un-Republican measure. What do you do? Put two propositions together—one good, the other bad—like the old riders that you used to put on the appropriation bills until public sentiment stopped it. You put these two together, compelling the men who want to vote for the good measure to vote for the bad and try to pound it through this House under the party lash. Is that Republicanism? The Republican party is strong. Never was there such a majority as was cast for Theodore Roosevelt; not for many years such a majority has been here as in this Chamber to-day, but the Republican party has not been strong enough, it is not now strong enough, and it never will be strong enough to violate the principles of republican government. [Applause.] Why, do you know what caused the birth of the Republican party? It was born because an effort was made to force

upon the Territories, in defiance of the sentiment of their people, the obnoxious institution of slavery. From that day to this the Republican party has stood for representative government, and you come in here with this rule in a Republican House and in the name of Republicanism propose to do, what? Take the people of Arizona, a hundred and fifty thousand, with their tens of millions of dollars of property, protesting through the press, from the pulpits, from the Catholic Church, from the Presbyterian Church, from every church, from every schoolhouse, from every business house, against this outrage. You will not permit the Members of this House to separate these propositions and put them squarely upon their own feet. Do you know what is being done? Every one of you know that the men who love the Speaker of this House as a brother, that the men who love and honor the President of the United States because he is honest and true, are being brought in here to vote for this rule against their convictions because of their love for the two men whom I have named. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. WILLIAMS. Mr. Speaker, I hope the gentleman from Pennsylvania will now yield some of his time.

Mr. GROSVENOR. Mr. Speaker, I wish to ask the gentleman from Mississippi to give me an opportunity to ask unanimous consent that I may have one minute.

Mr. DALZELL. Mr. Speaker, I yield one minute to the gentleman, or as much time as the gentleman may desire.

Mr. GROSVENOR. Mr. Speaker, the gentleman from South Carolina, during the progress of my remarks, asked me if I did not vote for a bill of a similar character in the Fifty-seventh Congress. There are some things I can not always carry at my tongue's end, and I admitted that I might have done so. I always take it for granted, when a gentleman puts a question of that kind to me and appears to be looking down at a book in front of him, that he has the record and means to charge that I did so vote. [Laughter.] Now, I do not want to be interrupted, but I want to say to the gentleman I not only did not vote for the bill, but I voted against the bill and made a speech against the bill. [Laughter and applause.]

Mr. WILLIAMS. Will the gentleman from Pennsylvania yield to somebody on his side?

Mr. DALZELL. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. PAYNE].

The SPEAKER. The gentleman from New York is recognized for five minutes.

Mr. PAYNE. Mr. Speaker, the gentleman from Mississippi protests against the attempt, as he says, to make this a partisan measure. Mr. Speaker, the Republican party generally decides what they think is a partisan measure. We had this proposition before a Republican conference in the last Congress, and by a large majority of votes we decided upon the same course that we are pursuing to-day, and when we brought the rule into the House we had substantially the whole Republican majority voting in favor of that rule and in favor of the same action we are proposing to-day. Since then there has been an election. Gentlemen upon this side of the House, gentlemen who voted for that rule and that measure two years ago and who are to-day pursuing a different course, went before their constituents, and if there was any opposition among the constituents of any gentleman on this side of the Chamber to the course we pursued it was then the time to show it in the election which we had; but, Mr. Speaker, we come back here to-day with a Republican majority in this House larger than we ever had before, and that after taking just this action. Then we had a conference in this Congress, and a large majority vote decided again in favor of this action. If anything ever is a partisan question here, it would seem to me that after the action of two conferences on this side of the House we had come pretty near to making this a partisan question.

Why, Mr. Speaker, only a few weeks ago we had the spectacle of the gentleman from Florida [Mr. LAMAR] and the gentleman from Missouri [Mr. SHACKLEFORD] complaining of the action of the gentleman from Mississippi [Mr. WILLIAMS] in taking them off of the Committee on Interstate and Foreign Commerce. And what was his excuse? Why, that the bill which he advocated was a party measure, and adopted by the party conference, and he was disciplining these gentlemen because they had seen fit to go a little beyond what the conference had said and vote an amendment foreign to the bill, that was not covered precisely by the terms of the resolution in the party conference. He is the last man in the world to advise this side of the House as to what is a partisan measure. [Applause on the Republican side.]

Gentlemen plead for justice for the people of Arizona. I believe in the greatest good to the greatest number. There are 100,000 people in Arizona, but there are 80,000,000 people in the balance of the United States. I plead for the rights of the 80,000,000 people; I plead for the rights of the 8,000,000 people in the State of New York, represented in the Senate of the United States by two Senators, and I am unwilling that the people of Arizona, with her 100,000 people, shall have an equal representation in the United States Senate. There is the great and glorious State of Washington, with a million of population. Shall we wait until they get a million and a half and have some future Congress give us two States of New Mexico and Arizona?

Mr. WILLIAMS. I would like to ask the gentleman a question, if he will yield.

Mr. PAYNE. Certainly.

Mr. WILLIAMS. In case we voted down the previous question, could not this House, if it so desired, keep Arizona out of the Union?

Mr. PAYNE. Certainly it could, and I trust it will so long as there is a majority on this side of the House. But the other day the gentleman was triumphantly prophesying that the majority would change to the other side in the next Congress. It may come some day. The providence of God may again inflict the Democratic party upon the United States. [Laughter and applause on the Republican side.] But when the time comes, one of the worst inflictions that can come to the United States is the admission of New Mexico and Arizona to suffrage and statehood, with four Democratic Senators.

Mr. WILLIAMS. Mr. Speaker, I now yield five minutes to the gentleman from Minnesota [Mr. BEDE]. [Applause.]

Mr. BEDE. Mr. Speaker, I say first in reply to the gentleman from New York [Mr. PAYNE] that if the Democratic party gets into power again it will not be because of the providence of God, but because of the mistakes of the leaders of the Republican party in this House. [Loud applause on the Democratic side.] I arise to oppose this resolution, because it proposes political miscegenation by the Territories of New Mexico and Arizona. I oppose it because it is not a reasonable thing, and the people of the United States and the Republicans of this House stand for the reasonable thing. Let us vote separately upon these two questions—questions that are not germane to each other. If you had a bill in here for the admission of Oklahoma, the leaders would not let a Member on the other side introduce an amendment to let in Arizona or New Mexico. Then why not divide them now, and let us vote intelligently on measures that should be separated. [Applause.] The gentleman speaks of the Senators from New York. Most people are trying to forget them. [Great and long-continued laughter.]

The SPEAKER. The gentleman will suspend. The gentleman from Minnesota does know, or ought to know, that his remark is against the rule of the House and is against all parliamentary usage. [Applause on the Republican side.]

Mr. GAINES of Tennessee. Republican Senators referred to and criticised Mr. HEARST over in the Senate yesterday; why can not the House permit the gentleman to refer to the Senators from New York here?

The SPEAKER. Does the gentleman from Minnesota [Mr. BEDE] yield to the gentleman from Tennessee [Mr. GAINES]?

Mr. GAINES of Tennessee. No; he did not.

Mr. BEDE. I only intended my reference in the kindliest manner. [Laughter.] But the treatment of the East toward that part of the United States west of the Mississippi is a mistaken one. They speak of us as the "woolly West." They have gotten so that they are like the girl from Kentucky that I heard of the other day, whose father was an old unreconstructed Confederate, who said she was 21 years old before she knew that "damned Yankee" was not one word. [Great laughter and applause.]

When they want to whip us into line and get something done here, they call up the great name of Theodore Roosevelt, but when they want to defeat something that he wishes to bring about, they call him (not Members of this House, but the great interests of the East) the "bronco statesman." [Laughter.] They heap contumely on him merely because he once lived in Dakota. I say to you that the territory west of the Mississippi is two and one-half times greater than the territory east of the Mississippi. When you admit Oklahoma, Arizona, and New Mexixco, there will be twenty-two States, with forty-four Senators, west of the Mississippi. East of the Mississippi we shall have twenty-six States, with fifty-two Senators. The territory east of the Mississippi must forever have a density of population three times as great as that west of that river in order not to exceed it in representation. Oh, they say that they fear Senators from the West. I do not. But they say, "You haven't folks enough out there." When did a Senator ever represent folks? [Great laughter and applause.] If that is the policy, why did you not begin twenty years ago? Why did you divide the Dakotas and give them four Senators? Why did you not

make Montana and Idaho come in as one State? Why did you bring in these other States if your policy is now to unite Territories, as you are proposing to do with Arizona and New Mexico—Territories that were once together, but were divided because we could give better government to them separately than together.

The SPEAKER. The time of the gentleman has expired.

Mr. BEDE. I would like to have one or two minutes more.

Mr. WILLIAMS. I yield to the gentleman two minutes more.

Mr. BEDE. That will do. [Laughter.]

Why, we used to hear it said that New England was not fit to live in [laughter]; yet we have made that a great country. Even Governor Bradford, in his notes on the early settlement of that country, intimates that the Pilgrim Fathers themselves would not have landed in New England if they had not been seasick. [Great laughter.]

We have made a great country of New England, and we love every State of it; I would not strike down one of her Representatives in this House or the other; but we love the West too. We have heard it said that Minnesota, the two Dakotas, Nebraska, and Kansas were the Great American Desert; but that idea has been wiped out and they are now garden spots. As a boy I heard it asserted that you could never run a railroad through Minnesota with the thermometer 30° below zero, because the water would freeze in the boiler and the locomotive would go dead. [Laughter.] We have now a great State there and other great States have been made in the West, and I believe in a fair representation for this great country west of the Mississippi River.

But this bill proposes to unite these two Territories which are greater in area than Massachusetts, New York, Pennsylvania, Ohio, Indiana, and Illinois all combined. Take all this territory from Plymouth Rock to the Mississippi River and you still have a territory smaller than that which you now propose to make into one State by combining the two Territories of Arizona and New Mexico. [Loud applause.]

Mr. WILLIAMS. Mr. Speaker, I hope the gentleman from Pennsylvania will consume some of his time.

The SPEAKER. There are seventeen minutes on each side remaining.

Mr. DALZELL. Mr. Speaker, I have not occupied more than sixteen or eighteen minutes.

The SPEAKER. The Chair will see in a moment. [After a pause.] The gentleman from Mississippi, the Chair finds, has seventeen minutes remaining and the gentleman from Pennsylvania has twenty-seven minutes remaining.

Mr. WILLIAMS. I ask the gentleman from Pennsylvania to consume some of his time.

Mr. DALZELL. I yield five minutes to the gentleman from Minnesota [Mr. TAWNEY].

Mr. TAWNEY. Mr. Speaker, no Member of this House believes more sincerely than I do that Arizona and New Mexico ought not to be admitted into the Union either jointly or severally. Neither of them possesses the natural conditions that give assurance of its ability to maintain a permanent population of sufficient size to entitle it to be a State forever.

But, Mr. Speaker, our Government is a government by party and party responsibility, not a government by individuals or individual responsibility. Our Government as such has no policies. Its policies are the policies of the party in control of the Government. These policies are formulated and declared by national conventions or by the representatives of the party in control in the legislative and executive branches of the Government, and we must either stand or fall with the policies of our party. In this particular instance the representatives of the party now in control of the Government have declared in favor of the policy it is sought to be enforced by this rule, and although I differ individually with that policy and with the judgment of those who have framed it, nevertheless, as a member of the party in control of the Government, I bow to the judgment of the majority of my party associates, and will therefore support this resolution. [Loud applause on the Republican side.]

Mr. DALZELL. I will say to the gentleman from Mississippi [Mr. WILLIAMS] that there will be only one other speech on this side of the House, and therefore I ask him to occupy all of the remainder of his time.

Mr. WILLIAMS. I yield four minutes to the gentleman from Washington [Mr. JONES].

Mr. JONES of Washington. Mr. Speaker, I do not believe that any policy of this House has tended so much to impair its influence and power in legislation as the adoption of rules of this character. If we, as a part of the National Legislature, have lost effectiveness, it has been through the policy of gagging ourselves by rules of this kind. I have voted for them, and I will possibly vote for them again in the future, but I consider the question now before this House, the admission of States into the brotherhood of the Union, as the most transcendent question that can come before this body, and while I am willing to give up my convictions upon matters of detail, upon schedules, matters of purely party policy, or something of that character, I can not give up my convictions upon a proposition of this kind. I love and admire the Speaker of this House more than any other man in this Union. I love and admire the President of the United States as much as any President we have ever had. I would desire more than I can say to carry out their wishes, but I can not sink my conscience even to do that. Nor would either of them ask it. They would think less of me if I did so.

What is the question here? It is not the question of admitting these States now, but it is the question of saying to the people of Arizona and to the people of the United States that their rights and their claims shall not even be presented or considered on the floor of this House. If you adopt this rule, you might just as well vote on this bill without any further debate. This rule allows no amendment. Under it we can not even offer an amendment. Some gentleman suggested a moment ago that if this rule is adopted we can debate until 3 o'clock to-morrow, and every gentleman can set himself right before the country. I do not ask any time to set myself right before the country or my constituents on this proposition. [Applause.] I voted for this proposition two years ago. I admit it, but I did it under protest. I did it at the earnest solicitation, yea, pleading, of the leaders of this House. When I visited Arizona last spring and saw the people there and the splendid civilization that they have built up, I said, "I will not vote again to force these people into an unholy union, even to bring them into the Union of States against their wishes."

Gentlemen, shall we say that we are afraid of ourselves? That is what we say if we vote for this rule. If you can adopt this rule you can not reject any amendment that you are opposed to. You know that there are many on this side of the House who would like to vote for Oklahoma alone, but who don't like to vote against this rule. You are afraid of yourselves. This is a sorry spectacle for the country to gaze upon. They say the President of the United States is in favor of this proposition. The President of the United States has declared in favor of the admission of these States, but he has not declared for this rule. He never would declare for this rule. If he were on the floor of this House every element in his nature would protest against it. If I know him as I think I do, I venture to assert that he would oppose this rule with all the power that he possesses. If he would not, he is not the man that I take him to be, he is not the man that the country believes him to be. If he would not do it, then the words that he has uttered with reference to a "square deal" are as "sounding brass and a tinkling cymbal." [Applause.]

No; the President of the United States believes in independence of thought and independence of action. If there is any one thing that has endeared him to the people of this country, it is his sturdy adherence to what he believes to be fair and right. He believes in doing what is right. He believes in considering the claims of every section and of every class, and he would be the last man to endeavor to force these people into this unholy alliance, at least until they have a chance to be heard. [Applause.]

[Here the hammer fell.]

Mr. WILLIAMS. Mr. Speaker, I yield two minutes to the gentleman from Arizona [Mr. SMITH].

Mr. SMITH of Arizona. Mr. Speaker, it seems somewhat tragic to me that the day of my birth should have been selected as the one day in the year for the sacrifice of the people in whose devoted service I have spent most of my life. When I saw the chairman of the Appropriations Committee [Mr. TAWNEY] take the floor in favor of this rule, I was reminded of another and much more tragic scene:

> And Joab said to Amasa, Art thou in health, my brother? And Joab took Amasa by the beard with the right hand to kiss him.
>
> But Amasa took no heed to the sword that was in Joab's hand: so he smote him therewith in the fifth rib, and shed out his bowels to the ground.

[Applause.]

In the guise of friendship he gives us the most savage, the cruelest cut of all. Mr. Speaker, this is not a party question. If it is, it is time for any party, mine or yours, to hand down its scepter to other people. When the rights of a people can be made the shuttlecock of party rule, and when the great good heart of that Republican majority to-day, unhampered by your great power, unhampered by the President of the United States, would beat this bill four to one, yet men like the gentleman from Ohio [Mr. GROSVENOR] and other gentlemen arise and swing the party lash over the weak, but give no reason whatever for this outrageous proceeding except allegiance to party com-

mand. There was no caucus of the Republican party on this question. The pretense of a caucus was a fraud on new Members. Whenever the Republican party or mine can make the rights of men subservient to the mere party lash, then that party deserves to be beaten and will be beaten. [Applause.]

Mr. WILLIAMS. Mr. Speaker, I understood the gentleman from Pennsylvania to say that he intended to have only one more argument on his side.

Mr. DALZELL. Yes.

Mr. WILLIAMS. Mr. Speaker, I now yield three minutes to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Speaker, as a member of the Committee on Rules, I could not honestly cast my vote in favor of reporting this rule. As a Member of the House I can not honestly support it. So far as the people who sent me here are concerned, they have interest in it only as the people of the Union in general have interest in it. It would make no difference in my political fortunes were I to vote for this rule or vote against it, were I to support the bill or oppose it .

I am one of those who believe that so far as politics are concerned, the great American people, when their attention is really awakened and when a great question is before them, like the skilled navigator, will take the great circle as the shortest route between two points. American politics, when the people are interested in politics, and they are when great questions are up, are not to find solutions on narrow lines or in btiter prejudices.

In my vision there is that picture which is portrayed by that inimitable artist, Mr. Berryman, in the Washington Post of this morning. Beautiful American Arizona at the window with a hatchet in her hand; the Mexican endeavoring to ascend the ladder and forcibly make her his own. I see Arizona, in her magnificent American citizenship, earnest in protest against this measure and the method of it, and without a solitary vote in this body or in the other. However others may view it, whatever others may do, the people of Arizona, the people of our own blood, the American citizenship of this land, whether in a Territory or in a State, so long as I may raise my voice, so long as I may cast my vote on any proposition, shall at least find one, whatever the fates may decree, who is American and not Mexican. These people differ in traditions, they differ in education, they differ in race, they differ in ambition, they differ in religious faith, they differ largely in everything, and yet you are to weld them together as one in this indissoluble Union of States.

You separated Arizona from New Mexico years and years ago because the people of these two Territories could be governed better in two Territories than in one. Let Arizona speak, let New Mexico speak, and if the people in either protest against it, in the name of God, in the spirit of American patriotism and justice, in the honor of American citizenship, for the sake of American manhood, for the sake of American womanhood, do not perpetrate this outrage. [Applause.]

Mr. WILLIAMS. Mr. Speaker, if I have kept correct count, I have now eight minutes remaining.

The SPEAKER. The gentleman is right; the gentleman has eight minutes.

Mr. WILLIAMS. I now yield three minutes to the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Speaker, it seems to me that there has been more or less shifting on this question since it was first brought up in the Fifty-seventh Congress. At that time Mr. OVERSTREET, the gentleman from Indiana, introduced an amendment to the bill that was then pending providing for the formation of three States—that these two Territories of Arizona and New Mexico should be united as one State, and that was voted down by 108 noes to 28 ayes.

If the Members of this House could visit Arizona, they would soon realize that the jointure of that Territory with New Mexico would be wholly unjust to the citizens of the former Territory.

Mr. Speaker, during the past summer a number of Members of this House did go to Arizona and among them was my friend from Minnesota [Mr. TAWNEY]. He now urges us to stand by the Republican party. I remember when the gentleman was himself an insurgent in this House upon the Cuban reciprocity bill. I honored him for his stand at that time, and I honor him now for having taken that stand; but this is what the gentleman from Minnesota [Mr. TAWNEY] said while he was in Arizona, when he was among those people, when he saw conditions in Arizona, and when he had an opportunity to personally observe the state of things in that Territory. I read from the San Francisco Examiner of October 16, 1905.

The SPEAKER. The time of the gentleman has expired.

Mr. MONDELL. Mr. Speaker, I would ask the gentleman from Mississippi to yield the gentleman one minute more.

Mr. WILLIAMS. I will yield the gentleman one-half minute.

Mr. KAHN. I read from that paper:

Representative TAWNEY, of Minnesota: "Were the Members of Congress to come here and see, I doubt if four-fifths who have voted for jointure would do so after the visit. I now know the conditions, and my next vote will meet with Arizona's approval."

Mr. DALZELL. Mr. Speaker, I desire to yield one minute to the gentleman from Minnesota [Mr. TAWNEY].

Mr. TAWNEY. Mr. Speaker, in reply to the gentleman from California, I will again say that what he has read in respect to my statement in Arizona, with the exception of my future vote, is true, and just what I said a moment ago on the merits of the proposition. I am not in favor of admission of either one of these Territories, but that I would ever vote one way or the other, no statement of the kind was ever made by me on the trip through Arizona.

Mr. WILLIAMS. Mr. Speaker, I yield the balance of my time to the gentleman from Wisconsin [Mr. BABCOCK].

The SPEAKER. The gentleman from Mississippi yields to the gentleman from Wisconsin [Mr. BABCOCK] four minutes and a half.

Mr. BABCOCK. Mr. Speaker, I have been consistently opposed to the admission of Arizona or New Mexico either as single or joint States ever since the proposition has been before Congress, and I desire to call the attention of the House and of gentlemen who are familiar with the amendment for joint statehood, which has been referred to in this debate, to the fact that the question of joint statehood was brought up in this House, not in good faith, but for the purpose of defeating single statehood, and many gentlemen on the floor know this fact. That was the purpose of the amendment at that time; the idea in bringing it up was to defeat single statehood. Now, if I were called upon to vote on either proposition—and I am opposed to both—before I would cast my vote for what I consider a crime against representative American people, that of coercing them to join two different classes of civilization in one State, I would vote for two single States. And I desire to refer, Mr. Speaker, to the political aspect of this proposition which has been referred to by our distinguished leader on the floor of the House. The argument has been made on this side of the House that if this were not done at this time, later we would have two States—Arizona and New Mexico—and four Democratic Senators. Now, I desire to call attention to a little history. I want the Members of this House to stop and think about that question. When the Dingley bill passed this House it went to the Senate and before the Finance Committee of that body. At that time, as we all know, the Senate was controlled by Democrats and Populists, or free-silver Republicans. The Finance Committee was composed of six Republicans, six Democrats, and Senator Jones of Nevada. That bill could not be moved or taken out of that committee without the vote of Senator Jones, and every amendment that he offered or proposed was accepted by that committee. What are the interests of New Mexico and Arizona? First, wool; second, mines, mining, and minerals, and third, fruits—all protected to the very highest extent under the Dingley tariff bill; and a distinguished Member of Congress from California said on one occasion that the Dingley tariff schedules fitted the West and the Pacific coast as a knit shirt does the human body; it touches every part. Now, how can Arizona or New Mexico ever be Democratic under any present conditions? A Democratic policy would take the bread and butter out of their mouths; it would destroy the protection on their mines, their minerals, their wool, and their fruit, and yet we are presented with the argument here that these States will be Democratic if they are admitted.

Mr. Speaker, I shall not further take up the time of the House, but I do want the Members on this floor to consider that proposition. Why, you might just as well go to Vermont and ask for Democratic Senators as to go to New Mexico and Arizona for them, if they should in the future have statehood.

Mr. CHARLES B. LANDIS. Mr. Speaker, I would like to ask the gentleman from Wisconsin to state the politics of the present Delegate from Arizona.

Mr. BABCOCK. I understand the present Delegate is a Democrat.

Mr. CHARLES B. LANDIS. How does it happen, if Arizona is as strongly Republican as Vermont, that the present Delegate is a Democrat?

Mr. SMITH of Arizona. I would like to answer that in the time of the gentleman from Wisconsin.

Mr. BABCOCK. If the gentleman from Indiana [Mr. CHARLES B. LANDIS] will go to Arizona he will find that the present

Delegate is a man who has spent his life among those people, and as he goes from town to town everybody says, "Why, here is MARK—MARK SMITH." The gentleman's own personality brought him here, coupled with his position on this statehood matter. That is what elected him to Congress.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. GROSVENOR. Then why was he beaten two years ago?

Mr. CHARLES B. LANDIS. Yes; why was he beaten two years ago?

Mr. WILLIAMS. Mr. Speaker, I understand the time on this side is exhausted.

The SPEAKER. It is exhausted, and the gentleman from Pennsylvania has twenty-three minutes.

Mr. DALZELL. Mr. Speaker, for over fifty years the Territory of New Mexico has been knocking at the doors of Congress for admission into this Union, and when I say New Mexico, I mean both Arizona and New Mexico, because they were originally one, and they ought yet to be one. Fifty-three or fifty-four bills for the admission of New Mexico have been introduced into this House. Seventeen times one or the other branch of Congress has passed laws admitting New Mexico as a State into the Union.

Now, under those circumstances, the time has finally come when the two great parties of this country, the Democratic and the Republican parties, have decreed that these Territories should be admitted into the Union on some terms or other; and each of those parties has adopted a policy with respect to the manner in which they should be admitted. The Democratic party, in its platform at the last national convention, said:

> We favor the admission of the Territories of Oklahoma and Indian Territory. We also favor the immediate admission of Arizona and New Mexico as separate States.

Now, here is one thing upon which the two parties are agreed, and that is that the Territories shall be admitted, but they exercise a different judgment as to the manner in which they shall be admitted. The Democratic party says they shall be admitted as separate States with four Senators. The Republican party says they shall be admitted as the Territories originally stood, as one one State with two Senators. Why the gentleman from Wisconsin [Mr. ADAMS] says he is pleading for representative government. He is pleading against representative government and against the theory of our Government as it was originally determined. Let me call your attention to some significant figures. There are fourteen States in this Union to-day that have twenty-eight Senators and only twenty-eight Representatives. There are six States in this Union to-day that have twelve Senators and only six Representatives. There are five States in this Union to-day that have ten Senators and ten Representatives, and if you admit Arizona and New Mexico as a single State you will have sixteen States with thirty-two Senators and thirty-two Representatives. I ask my friend if that is the representative government that was intended by the men who made the Constitution? There are east of the west line of Kansas 80,000,000 of people. There are west of the west line of Kansas 5,000,000 of people. I stand here to-day for the 80,000,000 as against the 5,000,000. [Applause.] My State has thirty-two Representatives in this body and their vote amounts to nothing in the Senate as against the votes of two Senators from Nevada that has not as much population—men, women, and children—as there are voters in my representative district.

Mr. ADAMS of Wisconsin. Mr. Speaker——

The SPEAKER. Does the gentleman yield?

Mr. DALZELL. Certainly.

Mr. ADAMS of Wisconsin. I would like to ask the gentleman from Pennsylvania if he intends to hold upon this floor that Representatives of Western States are antagonistic in their purposes, in their desires, and in their work to eastern interests or any other?

Mr. DALZELL. I am not arguing that question. I am arguing that there is an undue number of Senators in the United States as compared with the Members of Congress at this end of the Capitol representing population, and that the whole system of Government as devised by the fathers has been overturned by the introduction of these Senators from these small States. Mr. Speaker, I am arguing that Senators ought to represent population, and not rocks and sand. [Applause.]

Mr. JONES of Washington. Will the gentleman yield?

Mr. DALZELL. Oh, yes.

Mr. JONES of Washington. There have been a great many people from Pennsylvania who have gone westward. Does the gentleman contend there are no more going in the future?

Mr. DALZELL. Oh, I do not know what that has to do with this matter. Possibly the gentleman does.

Mr. JONES of Washington. Well, this is legislation for all time.

Mr. DALZELL. When those Territories are filled up with a sufficient population to be admitted as independent States in this Union the Congress that then exists will deal justly and fairly, I have no doubt, with the question. Now, Mr. Speaker, it is denied that this is a political proposition. Why, if this is not a political proposition then it is impossible to make any proposition political. In the Fifty-eighth Congress the Democratic party of this House met in caucus and passed a resolution against this proposition that we are now arguing for, and made it, so far as the Democratic party is concerned, a political proposition. Upon the other hand, in that same Congress—the Fifty-eighth Congress—the Republicans of this House, many of them Members of this present Congress, met in caucus or conference—I care not whether you call it caucus or conference, it amounts to the same thing. This is a Government by parties, and the only way for a party to govern is by an organization whereby the will of the majority my impress itself upon the minority——

Mr. MARSHALL. Mr. Speaker, may I ask the gentleman a question?

Mr. DALZELL. Certainly.

Mr. MARSHALL. Was it not distinctly understood, before a single step was taken in this conference, that the Members were not to be bound by it?

Mr. DALZELL. Mr. Speaker, every solitary Republican Member, with two exceptions, who attended the conference to which I am referring in the Fifty-eighth Congress voted the Republican proposition in the House, and the gentleman who now interrupts me attended that conference and subsequently voted for this present proposition in the House.

Now, I say that the Democratic party, by a caucus, made this a party measure. I say that the Republican party, by a caucus, made it a party measure. But I do not stop there. On the 19th day of April, 1904, a rule was introduced into this House almost identical in terms with the rule that is now pending, and every solitary Republican Member of the Fifty-eighth Congress, with two exceptions, voted for that rule. The gentleman from Wisconsin [Mr. BABCOCK], who has recently taken his seat and who expressed himself with such bitterness against this measure, voted for that rule. Every Republican Member of this Congress that was a Member of the Fifty-eighth Congress, as I say, with two exceptions, voted for that rule. But that is not all. Every single Republican Member, with one exception, when the time came, voted for the passage of the bill. That is not all. That bill went over to the Senate. The Senate added a number of amendments, but the most prominent and conspicuous amendment was the one that carried out the views now advocated by the gentlemen on the other side of the House. A rule was brought into this House that took from the Committee on Territories the bill with the Senate amendments and sent that bill to a conference with a disagreement to all of those amendments, and every solitary Republican Member of this House voted for that rule.

Mr. JONES of Washington. Does not the gentleman know that that bill went to the Committee on Territories, and they absolutely refused to bring it into this House until those who were opposed to it would agree to allow it to go to conference, and when it went to conference would not allow it to come out?

Mr. DALZELL. I know nothing of the kind.

Mr. JONES of Washington. I do.

Mr. DALZELL. I know that the gentleman voted for the rule.

Mr. JONES of Washington. I know, and I know the reason why.

Mr. DALZELL. How the gentleman's conscience may have been influenced is a question with him and not with me.

Now, in addition to that, there was a Republican conference at the present session of Congress. That conference was well attended. The gentlemen who are opposing this bill here to-day attended that conference.

Mr. MONDELL. Mr. Speaker, will the gentleman yield for a question?

Mr. DALZELL. Oh, certainly.

Mr. MONDELL. I do not know that it is proper here to refer to what has occurred in conferences, or what may occur in the conferences, but inasmuch as the gentleman insists upon referring to it, if it would be proper for me to do so, I would like to inquire of him how many moments of that entire conference were given to the gentlemen opposing this bill?

Mr. DALZELL. Well, Mr. Speaker, I do not see the relevancy of the question. Any gentleman who would allow himself

to be controlled upon a question of this kind by a matter of personal pique, either with respect to the time that he served in a conference or for any other personal reason, is unworthy, in my judgment, to sit in the House of Representatives. Now, I do not propose to be interrupted any more.

Mr. MONDELL. I wish to inquire of the gentleman if he has reference to myself in what he has just said?

Mr. DALZELL. The gentleman is perfectly capable of understanding what I have said, and if he does not now, he can think about it.

Now, Mr. Speaker, I say that this has been made a party measure by a Democratic caucus, by a Republican caucus, by three votes of Republicans on the floor of this House, and by a conference only recently held. It has been made a party measure by the President of the United States, who adopted in his last message the action of the Republican party in this House. And I say further that it is perfectly manifest from what has taken place here to-day that it is a party measure. Why, every gentleman on this side of the House who has arisen to speak against the rule has risen by the courtesy of the leader of the Democratic party. And every Republican on this side of the House who votes against this rule votes shoulder to shoulder with the Democratic party.

Mr. WILLIAMS. Mr. Speaker, I would like to ask the gentleman a question, if he will yield.

Mr. DALZELL. Certainly.

Mr. WILLIAMS. If I had not yielded time to those gentlemen, would the gentleman from Pennsylvania have yielded it?

Mr. DALZELL. Not at all; not a minute. [Laughter.]

Mr. WILLIAMS. Then the gentleman is not going to blame me for permitting the representatives of the people to have opportunity to address the House? [Applause on the Democratic side.]

Mr. DALZELL. I am not blaming the gentleman at all. I am admiring his cunning. I am admiring his ingenuity as a party leader in surrendering his time, not to the Democrats, all of whom are lined up, but to Republicans whom he hopes to have follow his leadership.

Now, Mr. Speaker, I am not the keeper of any man's conscience, but it does seem to me that in a Government such as ours, where the government is purely a government by party, it is the duty of every member of a party upon a party measure to stand by his party; and I leave the subject just here. [Loud applause on the Republican side.]

The SPEAKER. The question is on ordering the previous question.

Mr. DALZELL. Mr. Speaker, I ask for the previous question, and on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—ayes 192, nays 165, answered "present" 3, not voting 26, as follows:

YEAS—192.

Acheson	Davis, Minn.	Holliday	Mouser
Adams, Pa.	Dawes	Howell, N. J.	Murdock
Alexander	Dawson	Hubbard	Nevin
Allen, Me.	Deemer	Huff	Norris
Allen, N. J.	Denby	Hughes	Olcott
Ames	Dickson, Ill.	Hull	Olmsted
Bannon	Dixon, Mont.	Jenkins	Overstreet
Barchfeld	Dovener	Keifer	Palmer
Barthoidt	Draper	Kennedy, Nebr.	Parker
Bates	Dresser	Ketcham	Parsons
Bennet, N. Y.	Driscoll	Kinkaid	Patterson, Pa.
Bennett, Ky.	Dunwell	Klepper	Payne
Bingham	Dwight	Knapp	Pearre
Birdsall	Edwards	Knopf	Perkins
Bishop	Ellis	Lacey	Pollard
Blackburn	Fassett	Lafean	Powers
Boutell	Flack	Landis, Chas. B.	Reynolds
Bowersock	Fletcher	Landis, Frederick	Rhodes
Bradley	Foss	Law	Rives
Brick	Foster, Ind.	Lawrence	Roberts
Brownlow	Foster, Vt.	Le Fevre	Rodenberg
Buckman	Fowler	Lilley, Conn.	Samuel
Burke, Pa.	Fuller	Lilley, Pa.	Schneebell
Burke, S. Dak.	Gaines, W. Va.	Littauer	Scott
Burleigh	Gardner, Mass.	Littlefield	Scroggy
Burton, Ohio	Gardner, Mich.	Longworth	Shartel
Butler, Pa.	Gardner, N. J.	Lorimer	Sherman
Calder	Gilbert, Ind.	Loudenslager	Sibley
Campbell, Kans.	Gillett, Mass.	Lovering	Smith, Ill.
Campbell, Ohio	Graff	McCall	Smith, Iowa.
Capron	Greene	McCarthy	Smith, Samuel W.
Cassel	Grosvenor	McCleary, Minn.	Smith, Wm. Alden
Chaney	Hale	McGavin	Smith, Pa.
Chapman	Hamilton	McKinley, Ill.	Smyser
Cocks	Haskins	McKinney	Snapp
Cole	Haugen	Madden	Southard
Conner	Hedge	Mahon	Southwick
Cooper, Pa.	Henry, Conn.	Mann	Sperry
Cooper, Wis.	Hepburn	Martin	Stafford
Cousins	Higgins	Michalek	Sterling
Currier	Hill, Conn.	Miller	Stevens, Minn.
Dale	Hinshaw	Moon, Pa.	Sulloway
Dalzell	Hoar	Morrell	Tawney
Taylor, Ohio	Volstead	Watson	Wiley, N. J.
Tirrell	Vreeland	Webber	Wilson
Townsend	Wadsworth	Weeks	Wood, N. J.
Tyndall	Waldo	Weems	Woodyard
Van Winkle	Wanger	Welborn	The Speaker

NAYS—165.

Adams, Wis.	Gaines, Tenn.	Lamb	Robertson, La.
Adamson	Garber	Lee	Robinson, Ark.
Aiken	Garner	Legare	Rucker
Babcock	Garrett	Lester	Ruppert
Bankhead	Gilbert, Ky.	Lever	Russell
Bartlett	Gill	Lewis	Ryan
Beall, Tex.	Gillespie	Lindsay	Shackleford
Bede	Gillett, Cal.	Livingston	Sheppard
Beidler	Glass	Lloyd	Sherley
Bonynge	Goebel	Loud	Sims
Bowers	Goldfogle	McCreary, Pa.	Slayden
Bowie	Goulden	McKinlay, Cal.	Slemp
Brantley	Granger	McLachlan	Small
Broocks, Tex.	Gregg	McLain	Smith, Cal.
Brooks, Colo.	Griggs	McMorran	Smith, Ky.
Brown	Gronna	McNary	Smith, Md.
Brundidge	Gudger	Macon	Smith, Tex.
Burgess	Hardwick	Marshall	Sparkman
Burleson	Hay	Maynard	Spight
Burnett	Hayes	Meyer	Stanley
Butler, Tenn.	Heflin	Minor	Steenerson
Calderhead	Henry, Tex.	Mondell	Stephens, Tex.
Candler	Hermann	Moon, Tenn.	Sullivan, Mass.
Clark, Fla.	Hopkins	Moore	Swanson
Clark, Mo.	Houston	Mudd	Talbott
Clayton	Howard	Murphy	Taylor, Ala.
Cushman	Howell, Utah	Needham	Thomas, N. C.
Darragh	Humphrey, Wash.	Otjen	Thomas, Ohio
Davey, La.	Humphreys, Miss.	Padgett	Towne
Davidson	Hunt	Page	Trimble
Davis, W. Va.	James	Patterson, N. C.	Underwood
De Armond	Johnson	Pou	Wachter
Dixon, Ind.	Jones, Va.	Pujo	Wallace
Ellerbe	Jones, Wash.	Ramey	Watkins
Esch	Kahn	Randell, Tex.	Webb
Field	Keliher	Ransdell, La.	Weisse
Finley	Kennedy, Ohio	Reeder	Wiley, Ala.
Fitzgerald	Kitchin, Claude	Reid	Williams
Flood	Kitchin, Wm. W.	Rhinock	Wood, Mo.
Floyd	Kline	Richardson, Ala.	
French	Knowland	Richardson, Ky.	
Fulkerson	Lamar	Rixey	

ANSWERED "PRESENT"—3.

Crumpacker	Curtis	Patterson, S. C.

NOT VOTING—26.

Andrus	Cromer	Little	Van Duzer
Bell, Ga.	Fordney	McDermott	Wharton
Broussard	Graham	Patterson, Tenn.	Williamson
Burton, Del.	Hearst	Prince	Young
Byrd	Hill, Miss.	Southall	Zenor
Castor	Hitt	Sullivan, N. Y.	
Cockran	Hogg	Sulzer	

So the previous question was ordered.

The SPEAKER. The Clerk will call my name.

The name of the Speaker was called, and he voted "yea."

The following pairs were announced:

Until further notice:

Mr. CRUMPACKER with Mr. ZENOR.

Mr. BURTON of Delaware with Mr. BELL of Georgia.

Mr. CURTIS with Mr. LITTLE.

Mr. CROMER with Mr. PATTERSON of South Carolina.

On statehood:

Mr. GRAHAM with Mr. VAN DUZER.

Mr. HITT with Mr. HILL of Mississippi.

Mr. WHARTON with Mr. BYRD.

Mr. ANDRUS with Mr. SULZER.

Mr. CURTIS. Mr. Speaker, I voted; and I find that I am paired with the gentleman from Arkansas [Mr. LITTLE]. I desire to withdraw my vote.

The name of Mr. CURTIS was called, and he voted "present."

Mr. SMITH of Arizona. Mr. Speaker, is it proper in this connection to announce that I have a telegram from the gentleman from Nevada [Mr. VAN DUZER], who reports that his absence was caused by a railroad wreck in which he was somewhat injured? I would like to state that as the reason for his absence.

The SPEAKER. If there be no objection, the statement will go in the RECORD.

The result of the vote was then announced as above recorded. [Loud applause on the Republican side.]

Mr. WILLIAMS. Mr. Speaker, would it now be in order to ask for a recapitulation of the vote?

The SPEAKER. The difference in the vote is 38. It is in the discretion of the Chair to order a recapitulation. Unless there is some reason to question the roll, it is not usual to order it when there is so great a disparity in the vote.

Mr. WILLIAMS. I would like to have it recapitulated, if the Chair will exercise his discretion in that respect.

The SPEAKER. If the gentleman is not satisfied or doubts the result, the roll will be recapitulated.

Mr. WILLIAMS. I do not doubt the result, but there has been such confusion that I doubt the accuracy of some of the votes.

The SPEAKER. Well, on that suggestion the Clerk will recapitulate the vote.

Mr. WILLIAMS. I do not doubt the general result, Mr. Speaker.

The SPEAKER. Well, the gentleman doubts the accuracy.

The vote was recapitulated.

The SPEAKER. The previous question, as before announced, has been ordered, and the question is on agreeing to the resolution.

Mr. WILLIAMS. Mr. Speaker, in order to save the time of the House I think we had better have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 188, nays 158, answered "present" 2, not voting 38, as follows:

YEAS—188.

Acheson	Dixon, Mont.	Kinkaid	Powers
Adams, Pa.	Dovener	Klepper	Reynolds
Alexander	Draper	Knapp	Rhodes
Allen, Me.	Dresser	Knopf	Rives
Ames	Driscoll	Lacey	Roberts
Bannon	Dunwell	Lafean	Rodenberg
Barchfeld	Dwight	Landis, Frederick	Samuel
Bartholdt	Edwards	Law	Schneebeli
Bates	Ellis	Lawrence	Scroggy
Bennet, N. Y.	Fassett	Le Fevre	Shartel
Bennett, Ky.	Flack	Lilley, Conn.	Sherman
Bingham	Fletcher	Lilley, Pa.	Sibley
Birdsall	Foss	Littauer	Smith, Ill.
Bishop	Foster, Ind.	Littlefield	Smith, Iowa
Blackburn	Foster, Vt.	Longworth	Smith, Samuel W.
Boutell	Fowler	Lorimer	Smith, Wm. Alden
Bowersock	Fuller	Loudenslager	Smith, Pa.
Bradley	Gaines, W. Va.	Lovering	Smyser
Brick	Gardner, Mass.	McCall	Snapp
Brownlow	Gardner, Mich.	McCarthy	Southard
Buckman	Gilbert, Ind.	McCleary, Minn.	Southwick
Burke, Pa.	Gillett, Mass.	McGavin	Sperry
Burke, S. Dak.	Graff	McKinley, Ill.	Stafford
Burleigh	Greene	McKinney	Sterling
Burton, Ohio	Grosvenor	Madden	Stevens, Minn.
Butler, Pa.	Hale	Mahon	Sulloway
Calder	Hamilton	Mann	Tawney
Campbell, Ohio	Haskins	Martin	Taylor, Ohio
Capron	Haugen	Michalek	Tirrell
Cassel	Hedge	Miller	Townsend
Chaney	Henry, Conn.	Moon, Pa.	Tyndall
Chapman	Hepburn	Morrell	Van Winkle
Cocks	Higgins	Mouser	Volstead
Cole	Hill, Conn.	Murdock	Vreeland
Conner	Hinshaw	Nevin	Wadsworth
Cooper, Pa.	Hoar	Norris	Waldo
Cooper, Wis.	Hogg	Olcott	Wanger
Cousins	Holliday	Olmsted	Watson
Currier	Howell, N. J.	Overstreet	Webber
Dale	Hubbard	Palmer	Weeks
Dalzell	Huff	Parker	Weems
Davis, Minn.	Hughes	Parsons	Welborn
Dawes	Hull	Patterson, Pa.	Wiley, N. J.
Dawson	Jenkins	Payne	Wilson
Deemer	Keifer	Pearre	Wood, N. J.
Denby	Kennedy, Nebr.	Perkins	Woodyard
Dickson, Ill.	Ketcham	Pollard	The Speaker

NAYS—158.

Adams, Wis.	Fulkerson	Knowland	Rixey
Adamson	Gaines, Tenn.	Lamar	Robertson, La.
Aiken	Garber	Lamb	Robinson, Ark.
Babcock	Garner	Lee	Rucker
Bankhead	Garrett	Legare	Ruppert
Bartlett	Gilbert, Ky.	Lester	Russell
Beall, Tex.	Gill	Lever	Ryan
Bede	Gillespie	Lewis	Shackleford
Bonynge	Gillett, Cal.	Lindsay	Sheppard
Bowers	Glass	Livingston	Sherley
Bowie	Goebel	Lloyd	Sims
Brantley	Goldfogle	McCreary, Pa.	Slayden
Broocks, Tex.	Goulden	McKinlay, Cal.	Small
Brooks, Colo.	Granger	McLachlan	Smith, Cal.
Brown	Gregg	McLain	Smith, Ky.
Brundidge	Griggs	McNary	Smith, Md.
Burgess	Gudger	Macon	Smith, Tex.
Burleson	Hardwick	Marshall	Sparkman
Burnett	Hay	Maynard	Spight
Butler, Tenn.	Hayes	Meyer	Stanley
Calderhead	Heflin	Minor	Steenerson
Candler	Henry, Tex.	Mondell	Stephens, Tex.
Clark, Fla.	Hermann	Moon, Tenn.	Sullivan, Mass.
Clark, Mo.	Hopkins	Moore	Swanson
Clayton	Houston	Mudd	Talbott
Cushman	Howard	Murphy	Taylor, Ala.
Darragh	Howell, Utah	Needham	Thomas, N. C.
Davey, La.	Humphrey, Wash.	Padgett	Towne
Davidson	Humphreys, Miss.	Page	Trimble
Davis, W. Va.	Hunt	Patterson, N. C.	Underwood
De Armond	James	Pou	Wachter
Dixon, Ind.	Johnson	Pujo	Wallace
Ellerbe	Jones, Va.	Rainey	Watkins
Esch	Jones, Wash.	Randell, Tex.	Webb
Field	Kahn	Ransdell, La.	Weisse
Finley	Kelliher	Reeder	Wiley, Ala.
Fitzgerald	Kennedy, Ohio	Reid	Williams
Flood	Kitchin, Claude	Rhinock	Wood, Mo.
Floyd	Kitchin, Wm. W.	Richardson, Ala.	
French	Kline	Richardson, Ky.	

ANSWERED "PRESENT"—2.

Curtis Otjen

NOT VOTING—38.

Allen, N. J.	Cromer	Little	Sullivan, N. Y.
Andrus	Crumpacker	Loud	Sulzer
Beidler	Fordney	McDermott	Thomas, Ohio
Bell, Ga.	Gardner, N. J.	McMorran	Van Duzer
Broussard	Graham	Patterson, S. C.	Wharton
Burton, Del.	Gronna	Patterson, Tenn.	Williamson
Byrd	Hearst	Prince	Young
Campbell, Kans.	Hill, Miss.	Scott	Zenor
Castor	Hitt	Slemp	
Cockran	Landis, Chas. B.	Southall	

The SPEAKER. The Clerk will call my name.

The Clerk called the name of the Speaker, and he voted in the affirmative.

The Clerk resumed and completed the calling of the roll.

So the resolution was agreed to.

The Clerk announced the following additional pairs:

On this vote:

Mr. SCOTT with Mr. COCKRAN.

Mr. GARDNER of New Jersey with Mr. SOUTHALL.

Mr. CAMPBELL of Kansas with Mr. BROUSSARD.

Mr. CHARLES B. LANDIS with Mr. SULLIVAN of New York.

The result of the vote was announced as above recorded.

The SPEAKER. The resolution is agreed to; and under the order the House is in Committee of the Whole House on the state of the Union for the consideration of the bill, and the gentleman from Indiana [Mr. CRUMPACKER] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 12707) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States, with Mr. CRUMPACKER in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk began the reading of the bill.

During the reading of the bill the following occurred:

Mr. SMITH of Arizona. Mr. Chairman, I can not see the object in reading a bill which there is no possible opportunity to amend. It seems to me like consuming the time of the House unnecessarily, and I therefore ask unanimous consent that the further reading be dispensed with.

Mr. HAMILTON. Mr. Chairman, I think it can not be dispensed with, under the rules.

The CHAIRMAN. That is the opinion of the Chair, that under the order of the House the reading can not be dispensed with.

The Clerk proceeded and completed the reading of the bill.

Mr. HAMILTON. Mr. Chairman, inasmuch as the rule adopted by the House makes no provision for a division and control of the time, I ask unanimous consent that the time shall be equally divided between the Democratic and Republican sides of the House, and that the gentleman from Tennessee, Mr. MOON, shall control the time on that side, and that I be permitted to control the time on this side.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the time for debate upon the pending bill shall be divided equally between those supporting and those opposing the measure, and that the time of those supporting the bill shall be under the control of the gentleman from Michigan, Mr. HAMILTON, and those opposing the bill under the control of the gentleman from Tennessee, Mr. MOON. Is there objection?

Mr. HEFLIN. Mr. Chairman, I understood the gentleman from Michigan to ask that the time be divided between the Democratic side and the Republican side.

The CHAIRMAN. The request, as put by the Chair, was that it be divided between those who support the bill and those who oppose the bill. Is there objection? [After a pause.] The Chair hears none.

Mr. HAMILTON. Mr. Chairman, it becomes my duty to attempt a review of the provisions of this bill. I desire at this time to occupy only a short time, and would be glad if I might finish what I have to say, by way of opening, in thirty minutes. To that end I will ask that I be permitted to proceed for a time, and then if inquiries shall suggest themselves I will endeavor to make response to them.

The Constitution provides that "New States may be admitted by Congress into the Union," but it nowhere prescribes the number or character of the people who shall constitute a proposed State.

No community, I take it, can claim admission into the partnership of States as a matter of absolute right, but whether a community shall be admitted into the partnership of States

ought to depend on the national judgment as to whether the best interests of the Government will be subserved by such admission.

Lying between the thirty-first and thirty-seventh degrees of north latitude stretches an immense domain, bounded on the east by Arkansas and Missouri and on the west by California and Nevada, out of which it is proposed by this bill to create two States, provided the people living thereon shall so elect.

Out of that part of this immense domain, now known as Oklahoma and the Indian Territory, the one organized about fifteen years ago and the other still unorganized, it is proposed to create a State to be known as the "State of Oklahoma." These Territories—Oklahoma and the Indian Territory—are rich in corn, cotton, wheat, coal, gas, and oil, and their cities, staked out upon the level plain but a few years ago by a virile population, drawn from all parts of the Union, have sprung like magic into opulence and power, equipped with every device of energy and luxury. Indian names once synonyms of savage warfare have become the musical names of municipalities, of civilized progress, in which both Indians and white men are participating. [Applause.]

Oklahoma, Mr. Chairman and gentlemen, is an area of 38,830 square miles, divided into 26 counties, with a population according to the last national census of 398,000, and that population has now probably increased to about 700,000. The Indian Territory has an area of 31,000 square miles, with a population of 392,000 by the last national census, which has now grown probably to a population of about 700,000.

These two Territories when combined as a State will make a State smaller than Kansas, smaller than Nebraska, smaller than South Dakota, and about the size of North Dakota. Gentlemen, the arguments in favor of statehood for Oklahoma and the Indian Territory are urgent and compelling. I take it there is hardly a man on the floor of this House who is opposed to statehood for Oklahoma and the Indian Territory, although some few would prefer to see those two Territories separately admitted.

One important provision I desire to call attention to before passing to a discussion of Arizona and New Mexico, and that is the provision whereby it is proposed to project Federal authority into the proposed State of Oklahoma by a requirement that the constitution of the proposed State shall compel prohibition for twenty-one years of the sale of intoxicating liquors within those parts of the proposed State now known as the Indian Territory and the Osage Nation and any Indian reservations which may have existed as such on the 1st day of January of this year.

The reason why this provision is sought to be incorporated in the constitution of the proposed State grows out of what the committee regards as our moral obligations to the Indians. It is true, Mr. Chairman, that our treaty relations with the Indians have almost ceased by their own limitations, and that such treaties as still exist will expire on the 4th day of March of this year; but our committee could not escape the view that there was a certain moral obligation incumbent upon the Federal Government to protect the Indian from himself. We do not doubt the legality of the proposition—we believe in the constitutionality of it.

Farther west lie the Territories of Arizona and New Mexico, with their deserts shimmering in eternal sunshine, their mountains towering toward the sky, their canyons where daylight is twilight, their river valleys of inexhaustible fertility when touched by the magic of irrigation, their mines of inexhaustible wealth, their climate with health in every inspiration, their cities teeming with activity, and here and there the remnants and reminders of one of the oldest civilizations on the American continent. [Applause.]

Topographically the Territory of New Mexico has been called a part of the roof of the continent, sloping not only eastward and westward, but southward, from the eastern side of which the waters flow into the Atlantic and from the western side of which the waters flow into the Pacific.

The Territory is divided, according to the governor's last report, into three regions; one, the eastern plains, being an extension of the high plains of Texas; another, the valley of the Rio Grande, and the third, the western plateaus. In this valley of the Rio Grande and its tributary valleys two-thirds of all the population of New Mexico live, and in these valleys are to be found three-fourths of all the irrigable lands of the Territory of New Mexico.

Arizona is divided into two regions, one the high northern plateaus, where, from plateaus 5,000 to 7,500 feet above sea level, great mountain peaks and spurs and volcanic cones rise still higher. These plateaus farther south in Arizona become great mountain ranges, which grade off into low volcanic ridges; and these volcanic ridges farther southward descend, by a succession of mesas or table-lands, down to a great alkali desert, almost on a level with the sea. Arizona has an area of 113,000 square miles, or 73,000,000 acres. New Mexico has 122,580 square miles, or 78,000,000 acres. This makes a total area of 235,580 square miles, or 151,000,000 acres, and of all that vast area only about 1 per cent is irrigable. The governor of New Mexico in his last report, which I have here on my desk—and they claim a larger population than the last Federal census gives them—says that there are 300 acres of land down there to every person, and that only 1 acre out of the 300 is cultivated.

Arizona has a population of 123,000. I say 123,000. By the last Federal census it is a trifle less, between 122,000 and 123,000. Of this, 26,000 are Indians, and it is only fair to the people of Arizona to say that they claim a much larger population. They say that they have a population of from 140,000 to 170,000. New Mexico, by the last Federal census, has a population of 195,000. They also claim more. They also claim that the Federal census is inaccurate; and of that population of 195,000, there are about 16,000 Indians, if I remember correctly; but the Indians in New Mexico are the Pueblo Indians.

Now, Mr. Chairman, there are certain powerful interests that are opposed to statehood for Arizona and New Mexico. Among these powerful interests which are opposed to the admission of Arizona and New Mexico as one State are the railroads of Arizona and New Mexico—and I do the railroads no injustice in supposing that in their opposition to statehood for Arizona and New Mexico they are animated, at least in part, by their financial relation to the situation. Supporting this supposition, permit me to call your attention to that part of the last report of the governor of Arizona, in relation to the assessment of railroads. He says, on page 19, as to the second class—that is, those railroads to which he has previously referred as being in part exempt from taxation:

> In the second class is the Santa Fe Pacific Railroad, extending across the Territory from east to west, a distance of 390.99 miles. This road constitutes a part of the transcontinental line of the Santa Fe. By an act of Congress it is provided that it shall pay to the Territorial treasurer the sum of $175 per mile in lieu and in full of all taxes leviable for Territorial or county purposes. *This flat rate is arbitrary, and must in every instance be greater or less than the rule of equality would impose.* At a 3 per cent rate of taxation (which is probably less than the actual rate) this would fix the valuation of one of, if not the most, valuable railroad lines in the Territory at $5,833.33 per mile. And this must be assumed to be a valuation fixed, inferentially, by Congress. *It would seem, therefore, unequal to assess a railroad of no greater actual value at a higher rate, just as it destroys every notion of equality to assess arbitrarily 390.99 miles of a total of 1,837 miles at $5,833.33, or approximately that, and wholly exempt another 558 miles of the total mileage from any taxation.* At best, if the railroads were the only property upon which taxes were to be levied, it would seem fair that those having no greater value than the one whose valuation is, inferentially, fixed at $5,833.33 per mile should not be assessed at a higher rate than that, and that roads of less real value should, for the purposes of taxation, be assessed at less than $5,833.33 per mile. *But the railroads are not the only property upon which taxes are to be levied, and hence, if a valuation upon them is to be fixed at a proportionately lower rate than upon other taxable property,* an inequality arises that is unjust to the owners of other property than railroads.

The difficulty is, Mr. Chairman, that this system of taxation—that is, the flat rate of $175 per mile per annum—is not applied equally to the whole Territory, as the governor complains. Now, in addition to this, there are railroads in Arizona estimated by the governor (on page 32 of his report) to be worth $10,312,380 exempt from taxation. To enable the House to form some idea of the condition of which the governor complains, permit me to call your attention to the fact that the Atchison, Topeka and Santa Fe Railroad north and east of Albuquerque, which is not part, I take it, of the exempt roads, is taxed on a valuation of $7,000 per mile. That part between Albuquerque and Rincon is taxed on a valuation of $6,500 per mile. That part west of Albuquerque is taxed $175 per mile per year. This tax of $175 per mile per year, the governor of Arizona says, would be on a valuation of a little over $5,000 per mile in Arizona, whereas in New Mexico this tax of $175 per mile per year, it is estimated, would be on a valuation of about $4,000 per mile. Some gentlemen may say, Now, how would this condition be cured if these two Territories were made into a State? This one suggestion ought to help—that that very same railroad, when it crosses the border line from Arizona into California, at the town of Needles, if I remember correctly, has a valuation fixed upon it by the State of California of $14,000 per mile, and by Census Bulletin No. 21, recently issued, it appears that these roads have a commercial value in the Territories of $39,000 per mile. Further, the Southern Pacific, when it crosses the line from New Mexico into Texas, at El Paso, has its valuation there raised by the State of Texas to $17,000 per mile. These facts to every fair-minded man ought to suggest some reason why these powerful interests are opposed to statehood for Arizona and New Mexico, and the

act of Congress which provides that flat rate of $175 per mile per year says it shall continue so long as they shall continue to be Territories. Another interest——

Mr. MOON of Tennessee. Will the gentleman from Michigan yield?

Mr. HAMILTON. I yield, certainly, for a question.

Mr. MOON of Tennessee. Whose fault is it that that act of Congress exists?

Mr. HAMILTON. I have not any defense to make for that act, I will say to the gentleman from Tennessee.

Mr. MOON of Tennessee. That is one Republican act you do not defend?

Mr. HAMILTON. It ought to be plain to my friend that I am not defending that act.

Mr. MOON of Tennessee. Then I want to ask you this question: Conceding there is corruption on the question of taxation in Arizona, and it is admitted that it is also in New Mexico by the Delegate——

Mr. HAMILTON. Yes.

Mr. MOON of Tennessee. How much better condition will they be in under joint statehood than under single statehood on this question?

Mr. HAMILTON. Certainly that is a a very proper inquiry. Just as soon as Arizona and New Mexico are joined in statehood, I take it, all the American citizenship of that Territory would immediately see the impropriety of taxing a railroad at the rate of $175 per mile per annum, when in California, just over the line, that same railroad was taxed at the rate of $14,000 per mile; when in Texas, just over the line, another railroad, taxed in the Territories at about $7,000 per mile, was taxed at the rate of $17,000 per mile [appaluse], and when the Census Bulletin shows that these roads have a commercial value of $39,000 per mile; and further, I take it that the gentleman from Tennessee will not dispute that American citizens, having the interest of the State at heart, desiring to have fair taxation of every industry, not desiring that other industries shall be discriminated against, will see to it that some fair system of taxation is substituted.

Mr. MOON of Tennessee. The gentleman from Tennessee concedes——

Mr. HAMILTON. The gentleman from Michigan.

Mr. MOON of Tennessee. I am conceding something myself now.

Mr. HAMILTON. Good!

Mr. MOON of Tennessee. The gentleman from Tennessee concedes that American citizens would do that and American citizens do that everywhere, and yet he wants to make the suggestion to the gentleman from Michigan that 90 per cent of the people of the present Territory of Arizona are American citizens and that the American Congress is composed of American citizens.

Why is it, then, that the Congress does not remedy it, if it is wrong? Why is it that the people of Arizona do not remedy it, if it is wrong? In other words, is not the gentleman from Michigan undertaking to present to this House a statement that is totally irrelevant to the question of joint statehood?

Mr. HAMILTON. Now, the gentleman has propounded a somewhat lengthy question.

Mr. MOON of Tennessee. Would Americans in the Territory do as well——

Mr. HAMILTON. I do not yield further now. Arizona as a Territory is permitting these improprieties. New Mexico as a Territory is permitting these improprieties. If, as it is hoped by my friend from Tennessee and his Democratic brethren, Arizona could come into the Union as a separate State, these same influences, which are very powerful in that Territory, would still continue to be very powerful in the proposed little State of Arizona, and the same influences, which are very powerful in the little Territory of New Mexico, would still be very powerful in the little State of New Mexico. But sometimes two poisons neutralize each other. Put these two Territories together and they will not pursue that course.

Mr. MOON of Tennessee. I desire to ask my friend one question now.

Mr. HAMILTON. I want to pursue this line further.

Mr. MOON of Tennessee. Corruption, the gentleman says, exists.

Mr. HAMILTON. I have not charged corruption, nor have I made one suggestion of it.

Mr. MOON of Tennessee. What does the gentleman charge there?

Mr. HAMILTON. I read the governor's report. I ask gentlemen to draw their inference as thinking gentlemen.

Mr. MOON of Tennessee. The only inferences an intelligent man can draw is that it means corruption. Let me ask the gentleman, if corruption exists in Arizona, where the population is 90 per cent American; if corruption exists in New Mexico, where the majority of the population is Mexican, then if you unite those two Territories will not the corruption have a better advantage in the control of one legislature and one governor than of two legislatures and two governors?

Mr. HAMILTON. Let me answer the gentleman. Under present conditions the Territory can not purge itself as well as a State can. [Applause.] The governor of a Territory is an appointive officer. He is not responsible to the electorate. Make the governor of Arizona and the governor of New Mexico responsible to the moral sentiment of the people and a different condition might prevail there. [Applause.] The governor of New Mexico—and I can not speak about Arizona—appoints a little coterie of officeholders—about 350 of them. That little coterie of officeholders go about the Territory of New Mexico. They owe their position to that appointive power. That makes a close corporation for the carrying along of any purpose which they desire to carry on as a Territory. Change that condition, give them a legislature, let the people be represented there, and I take it that the gentleman from Tennessee [Mr. MOON], unless he wants to reflect upon State government, will admit that those people ought to be able to regulate and change their condition, or else State government is a failure.

Mr. MOON of Tennessee. Just one suggestion there——

Mr. HAMILTON. The gentleman stated he would allow me to proceed.

Mr. MOON of Tennessee. I will in one second. The logic of the gentleman's position is this: If the forces of corruption are united they become weaker.

Mr. HAMILTON. They are united now. [Applause.] I said that sometimes one poison neutralizes another.

Mr. MOON of Tennessee. But the corrupt poison——

Mr. HAMILTON. I made my position clear. Now, I want to call the attention of my friend, and he does not approve this any more than I do, to the mining interests, referred to on page 23 of the report of the governor of Arizona. The governor of the Territory, in his annual report, has taken occasion to call attention to the gross undervaluation of mines for purposes of taxation. Referring to the manner in which the law is disregarded by the local taxing officers, he says:

> It is conceded by estimates made by the most conservative experts that the mines of Arizona have not heretofore been assessed in the aggregate at 5 per cent of their value.

Mr. NEEDHAM. Mr. Chairman——

Mr. HAMILTON. I can not yield now.

> At a recent meeting of the Territorial board of equalization (August 14–21, 1905) an attempt was made in the direction of remedying this palpable evil. So careless or ignorant in the discharge of their duties have been the local taxing officers that gross inequalities are found in the assessment of the mining properties. It would appear that because of this disregard of duty any step taken to rectify the inequality in the valuation of such properties may work hardships in individual cases. These cases, however, are not numerous. It is a usual result, where those charged with the administration of law are ignorant, habitually careless, or corrupt, that an attempt to return to a fair administration of it is temporarily followed by apparent hardships upon some.

Now, I would like to make a comment on that.

The CHAIRMAN. Did the Chair understand the gentleman from Michigan to request that he be informed when he had consumed thirty minutes of his time?

Mr. HAMILTON. I think perhaps I will try to proceed ten or fifteen minutes longer.

The CHAIRMAN. That is entirely under the control of the gentleman.

Mr. HAMILTON. I want to discuss this just a moment, and then I will give my friend from California a chance.

Now, this state of affairs as to mining assessments is not a matter solely of testimony before the committee. There is not any possible conflict of opinion. It is not one man's opinion against another man's opinion. It is a cold statement in type of the goveror of Arizona. The railroads in Arizona are valued for commercial purposes at about $68,000,000; they are valued for taxation at about $6,000,000; that is about 9 per cent. In New Mexico the railroads are valued at about $86,000,000, and valued for taxation at about $8,000,000, about 9 per cent of their value. The mines in Arizona—and there is where the principal mines are—are taxed at less than 5 per cent of their value.

Now, I could call your attention to specific instances which appeared before our committee, and in doing this I desire not to cast any reflection upon anybody. Take, for instance, the case of a gentleman who appeared before the committee—a Senator of the United States. The Senator, having waived his privilege as United States Senator, proceeded to make comment upon the governor's statement to which I have referred, and upon the statements made by the well-known newspaper correspondent, Mr. William E. Curtis, and of the equally well-known

correspondent, Mr. Walter Wellman, as to the value of certain mines. It appeared that William E. Curtis had said that the owner of the mine told him that he had been offered $25,000,000 for his mine. The Senator said he had never been offered $25,000,000 for his mine, and that he did not make any such statement to Mr. Curtis. In that same connection I called his attention to the fact that Mr. Curtis said that there had already been taken out of that mine $90,000,000 worth of ore and that the annual income of that mine had been upward of $3,000,000, and that there was about $150,000,000 worth of ore in sight. The mines of Arizona are rich beyond the dreams of avarice.

Mr. ADAMS of Wisconsin. The gentleman need not look that way at me.

Mr. HAMILTON. I was trying to get some inspiration out of my friend. Well, now, that mine with an annual $3,000,000 output is valued for taxation at less than a million dollars. Now, I yield to the gentleman from California.

Mr. NEEDHAM. Do you not know that the assessors in Arizona and New Mexico are now elected by the people? Then what difference would there be under joint statehood?

Mr. HAMILTON. The governor says that these matters are regulated by a board of equalization.

Mr. NEEDHAM. Only the railroad property; but all other property is assessed by assessors elected by the people.

Mr. HAMILTON. My recollection is not in accordance with the statement of the gentleman from California.

Mr. NEEDHAM. You are mistaken.

Mr. HAMILTON. I simply ask my friend from California to draw that just inference which the governor's report permits to be drawn, and I do not care to discuss this subject any further.

Mr. NEEDHAM. Is not that inference drawn by nearly every governor of every State in the Union to-day?

Mr. HAMILTON. No; not every State. Here is an assessment of less than 5 per cent of the valuation of these mines, which are rich beyond conjecture.

Another great interest is said to be opposed to joint statehood for Arizona and New Mexico, the lumber interest. On page 23 the governor of Arizona says that this interest is very inadequately taxed. I do not care to make any further comment upon that.

Mr. SMITH of California. Will the gentleman yield for another question?

Mr. HAMILTON. Yes.

Mr. SMITH of California. Are the taxing officers elected or appointed? Which is it, under the Territorial government?

Mr. McGUIRE. The assessors are elected, and in addition to the assessors there is a board of equalization which can either raise or lower taxes.

Mr. SMITH of California. I wanted to know whether we had to charge this condition of things to the people of the Territory or to the President of the United States, the appointing power.

Mr. HAMILTON. Charge it where you will, but look for your remedy——

Mr. SMITH of California. Now, if they are elected by the people will you change the nature of the people and therefore the nature of their public servants by transferring the form of government from a Territory to a State?

Mr. HAMILTON. I will ask the gentleman to study that board of equalization pretty carefully in connection with the governor's report. That is all I have to say about that.

The cattlemen are said to be opposed to joint statehood for Arizona and New Mexico, and this casts no reflection upon the cattlemen. One gentleman down there appeared before the committee. He had cattle on a thousand hills and more, and probably did not know how many cattle he has. The interests which he represents are opposed to joint statehood for Arizona and New Mexico because of the disappearing public domain. These lands, intended for school purposes, for making one of the finest school systems of any State in the Union, would be set aside for that purpose and would no longer be free grazing ground for the gentlemen who own large herds of cattle.

I have commented upon the Territorial officers. Now, I want to hurry on. Objection is made because the systems of laws in the two Territories are inconsistent. Gentlemen, there is not a shadow of an argument to any fair mind, I take it, in that. They say there is a difference in the system of laws. New Mexico has one code of laws, Arizona has another code of laws; but witnesses before the committee stated that these laws were drawn from various States—California, Texas, and New York—and that they were practically drawn from the same sources, and that the Territory of Arizona is talking about adopting the sanitary laws of New Mexico. Their codes of laws are not inconsistent, but what difference? If they were made one State, they would get together and adopt a code of laws which would contain the best elements in both the old codes.

Ah, but they say the administration of the law in the courts would be difficult. Let us examine that. You gentlemen come from the different States of the Union. You know that the administration of State laws is by what we in Michigan call circuit courts. Some of you in other States call them district courts. From these courts an appeal lies to the supreme court of the State. Now all over these two Territories, after they are admitted to statehood, would be circuit courts responsive to the people living within those circuits. Is there any difficulty in such administration of laws any more than there would be difficulty in the administration of the laws by a circuit court in the city of Chicago, or in the city of New York, where the population is very largely mixed, and where there is a larger foreign element than there is in the Territory of New Mexico? Besides all that, when it comes to the Federal courts, we have made Arizona into a western district and New Mexico into an eastern district, added to the ninth Federal circuit.

They say that the school system would be injuriously affected. Gentlemen, follow me a moment. What is the school system? The school system of these Territories does not differ in any degree from the school system which prevails all over the United States of America. It is the same old common school system, the splendid old common school system that gave many and many a man who sits before me to-day the only chance he ever had in the world. It is the same old common school system down there. There is no difference between Arizona and New Mexico. Besides that, one Territory has as much school property as the other to put up against the other and make a splendid common school system. Further than that, we propose to give them 4 sections of land to help them. That arid land is not very valuable, but we are going to give them this land so that they will get along pretty well.

Now, they say the area and distance is a great objection to making a State of Arizona and New Mexico, because it will be such a large State. It will be about 26,000 square miles less in extent than Texas. Gentlemen, from Prescott to Santa Fe is about 420 miles in a straight line. From Phoenix to Santa Fe is about 420 miles. From Sacramento to San Diego, Cal., is about 540 miles. When you talk about distance, look at the distance from Austin, Tex., to El Paso, about 580 miles. From Austin, Tex., to the north line of Texas is about 540 miles. I have a large number of comparisons here to show that the argument of distance ceases to be of any force on this question. Of course you see it will be large. Why, gentlemen, if area makes a State, the Desert of Sahara would long ago have been a great state in North Africa. But area does not make a State. The irrigable land down there is about a million and a half acres in both Territories. The gentleman from Tennessee [Mr. MOON] has in his district 3,780,480 acres of land. Talk about size. Why, we have in the Fourth district of Michigan 2,309,120 acres of land.

Now, they say that there are barriers here—insuperable barriers to the joint statehood of Arizona and New Mexico. There is no natural barrier. What is it? None. The great Continental Divide is about 100 miles east of the imaginary dividing line. What is it? My friend Mr. Rodey—and I want to pay a tribute to Mr. Rodey, now that I have got along to him—no better Delegate ever came from any Territory to Congress [applause], and he worked to the best of his ability for joint statehood, and now he is back here hoping to see this thing go through. He told me that that so-called "Continental Divide," which has been raised up in the fertile imagination of some gentlemen here, is nothing but a hump, graded up on one side and down on the other, four railroads crossing it back and forth. He says the valley of the Rio Grande is 5,000 feet above the sea level, and when you talk about divides, there is a divide at Raton, on the Santa Fe route, and one at Glorietta, but there is no difficult divide between New Mexico and Arizona. There are two important divides in Arizona.

Now, they say it is difficult to get about these Territories. Of course it is difficult to get about from one place to another, and it will be difficult until they get more railroads.

They say there are people in New Mexico who are extracted from the Spanish, who speak partly Spanish. How many? Some people say two-fifths of the population, which is 195,000 by the last census, and that would be about 70,000—but say one-half of the people of New Mexico are of Spanish descent. As a matter of fact these people, as a rule, are God-fearing, church-going, upright, honest people, belonging to the Catholic Church, of good morals, and I understand, as a rule, they vote the Republican ticket. [Laughter.]

Mr. KLEPPER. And let me say to the gentleman that one-half of them speak English.

Mr. HAMILTON. Yes; and as my friend from Missouri says, one-half of them speak English.

But they say that the lesser population of Arizona fears merger with the greater population of New Mexico because of this population in New Mexico of Spanish extraction. Why, suppose half of the population of New Mexico were people of Spanish extraction. Suppose you had 100,000 Americans in New Mexico and 100,000 Americans in Arizona and there were 100,000 other people in New Mexico who were extracted from Spanish blood, somewhat remotely—three hundred years ago—that would be two to one on the count, would it not? Ah, but they say, "When you get a constitutional convention they will make their power felt there." Let us see about that. We provide for 66 delegates to a constitutional convention from New Mexico. We provide for 44 delegates to a constitutional convention from Arizona. Divide your 66 delegates from New Mexico and say that there are 33 of those reputable, respectable people who have the misfortune to speak two languages at least—which is more than a good many of us can speak—say that there are 33 of them out of the 66; well, add to your 33 Americans the 44 from Arizona, and you have 77. There you have it—77 to 33. Now, who has cause to be afraid there? What becomes of that bugaboo? Why, gentlemen, these people of Spanish extraction in New Mexico have demonstrated their loyalty and patriotism to this great Union of which they seek to be more intimately a part. From the Territory of New Mexico, a large percentage of whom were these same people, were drawn 6,500 men in the late civil war, and those men fought on the side of the Union; and in the late Spanish war, of those people 1,000 were recruited, and 500 of them were rough riders, who went, some of them, to war against the very nation from which they are extracted. In Arizona they have set up a monument to Bucky O'Neill, who died at San Juan Hill. Ah, if it had not been for the patriotism of people like that we might, indeed, possibly have been reduced to the condition somewhere described by Mr. Dooley, where travelers on the way to China would be getting up and looking over the side of the ship and saying, "There is where America used to be."

Now, because of the patriotism of people like that, we have become forty-five indestructible States in an indestructible union of States, united under one written Constitution, symbolized by one flag, known and respected the whole world over as the Stars and Stripes. [Applause.] And, Mr. Chairman, we hope to add two more stars to that flag, one to be known as the State of Oklahoma and the other to be known as the State of Arizona. [Prolonged applause.]

Mr. REID. Mr. Chairman, I had not intended to take part in this debate until morning, and I am not as fully prepared as I had hoped to be to present what few facts occur to me might contribute interest to this discussion, and yet when I reflect upon it the whole subject appears somewhat in the nature of satire to me. I do not think any gentleman who will address this committee on this subject entertains the slightest hope that a single vote will be changed by any character of argument that may be made. After the passage of the rule adopted by the House to-day, it becomes perfectly manifest that it is not a question of facts or figures; it is not a question, Mr. Chairman, of right or wrong. It has been boldly stated upon the floor of this House in the discussion of the adoption of the rule that the rights of these people are not to be considered, that the interests of this country are not to be considered, that these things must all be subordinated to party expediency of the hour, and it is that proposition alone which it is conceded actuates the majority of this House in the adoption of the rule by which we are forbidden to offer an amendment to this bill or to discuss it as it should properly be discussed. The hurried reading of the measure before the committee is the only one, permit me to say, that has been had or will be had either in this House or in the committee that had this measure under consideration. When the committee that had this bill in charge met for its consideration, I think it proper that this House should know that we were informed by the chairman and other Republican members of the subcommittee that they had met together previous to the meeting of the whole committee and had agreed upon every line and word of that measure, that every "i" had been dotted, every "t" had been crossed, and that every amendment which might be offered by the minority or anybody else relating to any subject involved in this bill would be promptly voted down. I want the country to know, Mr. Chairman, that in that committee we did what we were not permitted to do in this House. We offered to compromise our views upon this subject by separating these two propositions, and offered to amend the bill so as to submit to this House the question as to whether Oklahoma and Indian Territory should come into the Union as an independent State, striking out that part of the bill which related to Arizona and New Mexico. Not being satisfied with that, intending to go to the very farthest limits in justice to the people of Arizona, we offered to insert the word "each" in the bill at the proper place, which would leave to the people of Arizona and New Mexico the right to say whether they would accept the character of government that it is proposed shall be forced upon them now. The gentlemen promptly voted it down. We are not permitted to ask the consideration of the House of that subject.

I listened with great pleasure and interest to the chairman of the committee who has this bill in charge. I was in hope that he would assign some reason why Arizona and New Mexico should be combined in this unwilling union. Let us look at this matter as it appears to this House for a few minutes. On the one hand, here is Oklahoma and the Indian Territory, either one of them measuring up, in my humble judgment, to the highest standard of statehood; either one of them entitled to come into this Union on an equal footing with any other State in the Union; either of them with more taxable wealth, with more population, more area than dozens of Territories had when they were admitted to the sisterhood of States, entitled to admission by every rule that has ever been prescribed by Congress in the one hundred and twenty years since a Territory was first admitted into this Union as a State.

Many of us insist, Mr. Chairman, that they should be admitted as separate States now; but conceding that the people down in that country are the best judges of their interests, or at least have more at stake upon the proper solution of the question than others, and realizing that they are suffering from the form of government that obtains, we are willing to make that concession, and there is not a man upon this side of the Chamber, so far as my information goes, but who is ready and willing to step up here and join the other side of the House and make a State in twenty-four hours from Oklahoma and Indian Territory. Show me the man, Mr. Chairman, who has lifted his voice in this House in opposition to that proposition. Will the chairman of the committee having in charge this bill, will anybody deny that Oklahoma and the Indian Territory, under the conditions provided in this bill, are not entitled to be admitted now as a State in this Union? That being true, why is it not promptly done? Why are we standing here to-day in opposition to this measure? On the other hand, here is Arizona, through her Delegate, pleading simply to be let alone, begging the Congress of the United States not to destroy her original boundaries, not to join her forever in an unwilling union with her neighbor, New Mexico.

New Mexico is here to-day telling us through her Delegate that they are not anxious to be joined with Arizona. They claim that they have the right to statehood upon their own merits. This is also claimed, and justly claimed, in my judgment, in behalf of Arizona. The gentleman who preceded me referred in complimentary terms to the former Delegate from Arizona. I concur in everything he said complimentary to that gentleman, but I can not but mention the fact that when a similar measure was pending for consideration before the Committee on Territories two years ago the gentleman was then an earnest and ardent advocate of single statehood for New Mexico, and convinced me then that New Mexico should be made a State of this Union and made a State upon her own individual merits; and when the gentleman pictured to us the great Continental Divide that made an impassable barrier between those two Territories and told us that it would be impossible ever to adjust their different conditions and to communicate to that extent and with that ease that was necessary to carry on a proper State government and gave many and various other reasons why they could never be joined and why the Territory of New Mexico should be made a separate State, I listened to him with interest, and I became thoroughly convinced of the correctness of his views. He added to that argument another before the committee of the Senate, and I think I quote him correctly when he said before that committee that if the proposition were left to the people of New Mexico as to whether they should be joined with Arizona at this time it would be promptly voted down, and he said they would never surrender their views unless coerced by the unjust action of Congress. I stand upon what he said, Mr. Chairman, and insist it is the unjust action of Congress that is coercing the people of New Mexico into surrendering their views upon this subject. [Applause.] It is a species of powerful coercion, Mr. Chairman, and let me go a step further and say not only I feel absolutely sure, having learned from association with people in that section and what I have learned before the committees that have investigated this matter, that if the proposition were put to the people to-day in Oklahoma and Indian Territory as to whether they should have statehood as one State or as two, if we would just simply say,

"Now, you can have either one you want, it is not a question of what party is in power or what party is not, we leave it to you," three-fourths of the people of those Territories will say that they should have a single State of each Territory. They have been coerced into this position—coerced by the unjust action of this House.

Now, Mr. Chairman, the gentleman at some length went on to show that the railroads and mining interests, the lumbering interests, and the various other great interests in Arizona and New Mexico were not properly taxed. That may or it may not be true. I am inclined to believe that it is true, that it is there as it is elsewhere, that these institutions and industries, great and powerful as they are there, often escape their just portion of the burdens of civil government, and I thought when the gentleman took up that phase of the subject that he would certainly assign to this House some reason why it was necessary to force a union of New Mexico and Arizona in order to remedy that condition. I heard from him that they were not properly taxed. I heard from him for the first time also, Mr. Chairman, that the railroads of this country were opposed to joint statehood. I should like for the gentleman to tell me upon what authority he bases that statement. I heard him say that the mining interest is opposed to joint statehood; that the lumbering interest is opposed to joint statehood, and the only reason he assigned was that they escaped their share of taxation. I have no doubt they are opposed to statehood—opposed to statehood in any form—and they know there is no better way to defeat statehood legislation than by means and under the guise of this omnibus bill. In this form, in order to secure even a partial recognition of the rights of Oklahoma and Indian Territory, we must trample the rights of New Mexico and Arizona ruthlessly under our feet and turn deaf ears to the piteous appeal that comes to us from every village and hamlet and hill and plain in Arizona.

I attended the committee when they had the hearings upon this subject closely, I think, and it escaped my memory if any man said that the railroads were opposed to joint statehood or that the mining interests were opposed to joint statehood, or any of these other interests to which the gentleman has referred. The gentleman may correct me if it is not true. This is the first time that I have ever heard that proposition stated in that way. I have always understood they were opposed to any statehood legislation.

Mr. HAMILTON. Has the gentleman not heard that the railroads are opposed to joint statehood?

Mr. REID. Mr. Chairman, there is just the point. They are opposed, perhaps, to statehood. I do not blame them, if they are not taxed any more than it is said they are taxed; but who said they were opposed to joint statehood?

Mr. HAMILTON. May I suggest to the gentleman that the railroad is not an eleemosynary corporation, and that when it sends a train of cars down into the Territory, furnishing transportation, it will be an inference from which one might suppose that they were opposed to statehood?

Mr. REID. When they did what?

Mr. HAMILTON. They are not eleemosynary corporations.

Mr. REID. I have never heard of them being accused of being eleemosynary corporations. I do not understand the force or relevancy of the gentleman's remark, Mr. Chairman. My statement is that no such proof as that was made before the committee. I do not know whether they are opposed to joint statehood or single statehood. I assume, if what he says is true, they would oppose statehood under any circumstances. But it occurs to me that if they were compelled to make any concession whatever that these powerful institutions to which he refers, these railroads and the mining interests that take legislative bodies by the throat and direct them as they will, they would much prefer to have one legislature down somewhere in the mountains, from five to seven hundred miles to the farthest end of its jurisdiction, to deal with than two legislatures composed of such people as constitute the population of Arizona and New Mexico. [Applause.]

Mr. LILLEY of Connecticut. It is only in the Territory of Arizona that they have mining. It would hardly apply, as all mines are in that Territory. They do not have to deal now with two legislatures.

Mr. REID. I think the gentleman is mistaken about that. There are mining interests in both Territories, and they would have two legislatures. The railroads are not all in the Territory of Arizona, and it is railroads that constitute a large per cent of the taxable wealth that, I understand, is escaping its just part of taxation.

Mr. KLEPPER. I would like to ask the gentleman if he remembers any evidence to the effect that the cattle barons of Arizona are opposed to joint statehood?

Mr. REID. I do not know. There was no such evidence before the committee when I was present.

Mr. HAMILTON. A gentleman by the name of Sturgis appeared, representing the cattlemen of Arizona.

Mr. REID. Perhaps I was not present when that occurred. I remember that the chairman made a remark once there that the cattle barons were opposed to statehood, but they have been keeping very quiet about it if they are opposed to joint statehood, Mr. Chairman, and that is all the more reason that they ought to have statehood. If these railroad corporations and mining interests and these great cattle barons are all doing what they can to prevent statehood, it is all the more reason why we ought to have statehood. We are here to agree with you that Arizona and New Mexico ought to be incorporated into the Union. The only question upon which we divide is as to whether they ought to come in here as separate States or to come in as one State. Now, I undertake to say if there has ever been any test prescribed in all the history of this country by which a Territory is entitled to admission into the Union that either of these Territories measures up fully to that standard.

What does it take to constitute a State? Is there any rule, any test, any standard by which we are to be governed, or any precedent which we are under legal or moral obligation to observe? Are we to give these people and the nation to understand that the destiny of these Territories depends not upon any question of right and wrong, not upon population, wealth, resources, and extent of area, but, spurning the jewel of consistency, as boldly stated by the gentleman from Ohio, the whole matter is to be determined by the political whim of the leaders of this House?

Let us test their sincerity. Take Oklahoma and Indian Territory. The people there are pleading for the "home rule" you proudly promised them in your party platform. They point you to their wonderful industrial development and inexhaustible resources, to their teeming hordes of population and immigrants streaming across their borders. They challenge a comparison with their sister States wearing the purple robe of sovereignty and demand to know why this great reward of the industry and courage and thrift of the American people is so long and so unjustly withheld from them. You promised them statehood. You can not deny that they are entitled to it. Let these people make no mistake as to who are their friends. You put us to the alternative of perpetrating an awful and an eternal outrage upon Arizona and New Mexico or still further deny to Oklahoma and Indian Territory the rights that are justly theirs. This is the miserable game you have always played; this is the insidious means by which you have succeeded in so far defeating all legislation whatever upon this subject. On behalf of these unfortunate people we have conceded everything but their political existence; offered to compromise everything but honor. There are many vicious things of a minor importance hidden between the lines of this bill, but we have no power to strike out. There are many things that should be added and inserted, conducive to the peaceful and proper organization of the States, but we have no power to amend.

No argument has ever been made why these Territories should be consolidated that does not apply with much greater force, if force there be in it, to the case of numbers of the Eastern States. Surely if Oklahoma and Indian Territory or Arizona and New Mexico should be made one State, then Delaware and New Jersey, New Hampshire and Vermont, Rhode Island and Connecticut should be made one. Has the country ever suffered on account of the fact that States were made of these small areas? And what are your reasons for consolidating the Territories? I confess that I have never heard a sound one advanced. In the case of Oklahoma and Indian Territory it is insisted that different resources exist in the two; that one has many things that go to make up material excellence that the other does not possess; that one is the complement of the other, and they should therefore be made one. But gentlemen forget that in the next breath they argue that Arizona and New Mexico are alike; that their material wealth is the same; that their people are engaged in similar pursuits, and should therefore be governed under the same code of laws.

In the early history of this country Territories organized themselves into States, came to the doors of Congress, presented their constitution, and demanded and received recognition as a sovereign State without any enabling act of Congress, and none is necessary to-day. Refuse to recognize them, if you will, but these communities to-day are, and of right ought to be, sovereign and independent States.

Thirteen States have been admitted to the Union with less taxable wealth than either Arizona or New Mexico. Oklahoma alone has more wealth than was possessed by any State when

it was admitted to the Union. The proposed State of Oklahoma has 200,000 more people than any State had when it was admitted, and she has more school children than many States to-day have population. Under the ordinance of 1787, which I insist is to-day an implied contract, in good faith, binding upon the Union, and these people in all these Territories have the right to make its terms in their behalf, 60,000 free inhabitants was all that was necessary. Nothing was said about area, whether small or large, or wealth and resources, whether great or small. But you say the ratio of representation has increased. I deny that this has ever been made the test. Twenty-five States were admitted, beginning with Vermont in 1791 and coming on down to Colorado in 1876, and Maine and Kansas were the only ones that had 100,000 people. From 1836 to 1837 the ratio of representation was 47,700. Arkansas was admitted with 25,000 people, and let me call the attention of the gentleman from Michigan to the fact that his own State came in, and came in as a matter of right, with only 31,000 people.

From 1845 to 1848, when the ratio was 70,600, Florida was admitted with only 28,700, Iowa with 43,000, and Wisconsin with 30,000. In 1858, with a census ratio of 93,500, Minnesota came in with 7,000 and Oregon with 13,200. With a ratio of 127,000 Nebraska came in with 28,800 and Colorado with 39,000.

The secret of the whole matter is the growing influence of the West in the Senate of the United States. If these Territories were east of the mountains they would have been admitted years ago. Gentlemen cry out in alarm at the prospect of granting to these Territories the same representation upon the floor of the Senate that is enjoyed by the older States. "What," they ask, "Is Arizona or Oklahoma to have the same power and influence in the Senate that is exercised by the great States of New York and Pennsylvania?" Why do they never compare these Territories with Connecticut and Rhode Island? Why do we hear nothing of the wonderful resources of Vermont, the multiplying populations of Maine and Massachusetts, or the boundless domain of Delaware? Ah, no, indeed! From the foundation of this Government New England has dictated the financial and fiscal policy of this nation, but the day of western ascendency has begun to dawn. The ability to sustain great populations in New England is rapidly diminishing, while that of the South and West is becoming greater and greater as year is added unto year.

There is more than twice as much territory west of the Mississippi as there is east of that river. The population east has increased in the last decade at about 17 per cent, while that west has increased at from 60 to 70 per cent. Fifty years from now, if the same ratio prevails, there will be three times as many people west as there are east of the Mississippi. The same per cent, and greater, holds true in regard to material development.

The two Territories of Arizona and New Mexico have more acreage in lumber than the area of the New England States. Arizona alone has more cattle and sheep than New England. This extraordinary development is true in every department of industrial life.

But, be it understood, that while I view the grand progress and development of my own section with all of the pride of a patriot, I take no pleasure in the declining glories of New England. I love every foot of her historic soil and all that is grand and glorious in her mighty past. I am proud to trace my own ancestry back to her sturdy loins. It is not that she is less, but that in the West there has grown up a greater. God has prospered the fortunes of her sons and daughters sent forth to take the land and subdue it. The son has grown greater than the sire. Mr. Chairman, the West has won her way to the position of power and influence in the nation that she demands shall be hers. It is unjust to withhold it from her. East of the Mississippi there are 26 States, with 52 representatives in the United States Senate. If all the remaining Territories were made into States there would be 23 States with 46 Senators west of the Mississippi, representing in the comparatively near future three times as many people.

But arguments do not avail. It is vain to repeat them here. Everything must give way to the politics of the hour. Your determination is taken. Go on and pass your bill, but let it be recorded that I am one among those who will not sell their birthright for a mess of pottage. When that day shall come, as come it will if this measure is enacted into law, when the populations of the South and West, far outnumbering the East, shall cry in vain for just recognition in the legislation of the nation; when their industrial development is hampered and made to pay tribute to less populous sections; when they demand their share of appropriations for public buildings and for rivers and harbors, let them turn back and read the history of this hour and determine who among us had the real interest of the whole country at heart. Let them say who it was that laid sacrilegious hand upon the covenant of our fathers and destroyed that equilibrium of power among the States represented in the Senate which they considered so necessary for the peace and perpetuity of this Union. [Loud applause.]

Mr. HAMILTON. Will the gentleman from Tennessee proceed?

Mr. MOON of Tennessee. Mr. Chairman, I know that the usual hour for adjournment has arrived, but inasmuch as this debate is so very limited under the rule, and advantage was taken of reading the bill, which occupied a great deal of time, I think we had better go along a little later. I yield fifteen minutes to the gentleman from Texas [Mr. BEALL].

Mr. BEALL of Texas. Mr. Chairman, not in recent years has this country witnessed a more disgusting spectacle of "bossism" than has been displayed in this controversy over the admission of these Territories into the Union of States, and in no instance has this House shown more signally into what depths of degradation it has sunk. I do not believe it is an exaggeration to say that if every Member here followed his own judgment and observed the behests of his own conscience there would not be fifty votes in favor of this measure. But they have not been permitted to do this.

The Speakership of the House of Representatives has always been a position of honor and of power. Under the system of rules prevailing now he is vested with autocratic power. Blind when he does not want to see, deaf when he does not want to hear, he is the great joss of this House before whom every member of the majority must daily prostrate himself or risk political excommunication. The Committee on Territories held this bill for thirty days awaiting the order of its master to report it. For thirty days the Speaker of this House concentrated his energies upon the insurgents of his own party. He wheedled and coaxed them; he flattered and frightened them; he cooed like a dove and roared like a lion, as occasion required. He pointed out green political pastures for those who would sacrifice conviction to be servile, and pictured the dark waters of political oblivion sweeping over those whose independence was above price.

The Speaker was not alone in this crusade. Under the Constitution the President is vested with the duty to "give to Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient." This the President did at the beginning of this Congress. There the duty of the President ended. But this did not mark the limit of Presidential activity. According to press reports, he has directed the campaign in this House; he has had the little coterie that through him control this House in frequent consultation, and anointed them anew with the oil of Presidential approval. From the same high authority it is known that he has summoned the "insurrectos" into his awful presence, singly and by squads. He has appealed to every sentiment of selfishness, every instinct of pride, every phase of partisanship, and every element of fear. The demand seems to have been, "Surrender your principles or surrender your 'pie.'" To appreciate the seriousness of this choice to Republicans it is necessary to know their childlike fondness for "pie."

By these methods a sufficient number of insurgents were chloroformed into silence or cudgeled into obedience to make sure of the adoption of this iniquitous rule under which the voice of this House is stifled and its true will thwarted. When this was assured the bosses passed the word down to the Committee on Territories, and, in servile obedience that would be amusing were it not so shameful, this bill was reported.

Mr. Chairman, the passage of this bill reveals so completely the shameless hypocrisy of the Republican party that this country would be startled if it were not for the fact that the country has grown accustomed to this phase of its character. For twenty years it has been demanding through its national platforms just precisely what it is now seeking to defeat, viz, separate statehood for New Mexico and Arizona. In the convention of 1888 Mr. McKinley was chairman of its committee on resolutions and reported to the convention and secured the adoption of a platform containing this language:

> The Republican party pledges itself to do all in its power to facilitate the admission of the Territories of New Mexico, Wyoming, Idaho, and Arizona to the enjoyment of self-government as States, such of them as are now qualified as soon as possible, and the others as soon as they may become so.

If it be said that as to New Mexico and Arizona this was only a pledge for statehood for the future upon their becoming qualified therefor, I call attention to the fact that prior to that time Republicans had passed bills through one or the other branches of Congress granting statehood to both New Mexico and Arizona. Between 1888 and 1892 Wyoming and Idaho had been admitted

to statehood. At the Republican convention of 1892 the platform contained the following declaration:

We favor the admission of the remaining Territories at the earliest practicable day, having due regard to the interests of the people of the Territories and of the United States.

In 1896 Mr. McKinley was nominated and was declared elected. The platform upon which he ran repeated the language of the platform of 1892 upon this subject.

In all these platforms the declarations quoted were understood by Republicans and Democrats alike to mean that these conventions were declaring in favor of the admission of the Territories to separate statehood.

In 1896 Mr. FORAKER, now Senator from the State of Ohio, was chairman of the committee on resolutions and chairman of the subcommittee that drafted the platform. Speaking in the Senate on January 15, 1903, on the statehood bill, he said:

It was my fortune to be not only a member of the committee on resolutions in the national Republican convention of 1896, but I was also chairman of that committee, and I was a member of the subcommittee and chairman of the subcommittee that drafted that platform. I knew then exactly what we were putting in that platform. We put it in after giving a hearing to everybody who wanted to be heard; we put it in there thinking it would strengthen the cause of Republicanism throughout the West. It was not an idle thing; it was not an ill-considered thing on the part of those who did it; it was carefully considered, and it was done after it was thoroughly discussed. * * *

I can understand how a man might think, even in 1896 or in 1900, that these Territories ought to be admitted to statehood and might now think differently, but before any man has a right to change his mind he must profess to have new light of some kind or other. I have no new light. I was in earnest then. I knew what I was doing, and every other member of that committee knew what he was doing. There was a careful hearing. That declaration was not put in there to help the opposition—it was put in there to help the Republican party; and we put it in there because we thought it was right. I feel to-day just as I did then, and I intend to vote now, when it is not a mere platform proposition, as I voted then, because I am in earnest now, as I was then.

But the platform of 1900 settled beyond all controversy the position of the Republican party upon this question. The convention at which this platform was adopted nominated Mr. McKinley for a second term and nominated Mr. Roosevelt for the Vice-Presidency. This platform made this declaration:

We favor home rule for, and the early admission to statehood of, the Territories of New Mexico, Arizona, and Oklahoma.

Speaking of this declaration, Senator FORAKER, in the speech referred to before, says:

I supposed it was a settled proposition when we came out of the national Republican convention of 1900 that the Republican party of this country proposed to do what we had promised to do—to bring these Territories into statehood. I suppose we had so settled it. I have been in favor of the unqualified admission of these Territories from that time until now. I helped draft that declaration and I helped to secure its adoption. Without new light I could not repudiate it now, and, Mr. President, I have had no light except only that which has strengthened me in the belief that I was right then and that I am in the right now.

Not only must the Republican party abandon every platform declaration it has made to pass this bill, but it must repudiate its legislative record of the last forty years. Bills admitting New Mexico to statehood have been considered in twenty-two Congresses and have passed either the Senate or House seventeen times and both Senate and House at least twice, dying in conference. Bills admitting Arizona to statehood have passed the Senate or House several times. In every instance Republicans and Democrats alike have voted for their admission. The able Speaker of this House, in his distinguished service here of more than thirty years, has witnessed the passage through this body of most of these bills, and the absence of protest would suggest that he consented; but now, with the mercilessness of a czar, he would crush any Republican who dares to think as he thought or to vote as he voted. The gentleman from Pennsylvania, who reported on yesterday the rule and who always becomes the spokesman of his party when conscience is to be silenced and right crucified, has been a Member of this House in Congress after Congress when these bills passed, and never, so far as I have heard, did he raise his voice in protest against them. The gentleman from Maine [Mr. POWERS], into whose face I now look, has been for years a member of the Committee on Territories. Only four years ago he was on the subcommittee and assisted in preparing the bill admitting Oklahoma, New Mexico, and Arizona all three to separate statehood. He is now prepared to denounce as treason that which he himself assisted in reporting and passing only a few years ago. Indeed, the distinguished chairman of the Committee on Territories [Mr. HAMILTON] was a member of that committee in the Fifty-seventh Congress when the bill making States of these Territories was passed, and neither in committee nor in the House did he oppose it. I observe that the gentleman smiles. The gentleman from Ohio [Mr. GROSVENOR] frequently boasts that he is not consistent. I presume the gentleman from Michigan is one of his disciples.

Mr. HAMILTON. I do not suppose the gentleman wants me to interrupt him, but in fairness to myself I would like to say——

Mr. BEALL of Texas. I do not object to interruptions.

Mr. HAMILTON. I only want to say this to my friend from Texas. I never voted for the bill in committee. I never voted for it on the floor of the House; never voted to report it out of committee, and never had anything to do with the bill.

Mr. BEALL of Texas. I think it would have been infinitely better for Arizona and New Mexico if the gentleman from Michigan had continued in his policy of doing nothing. [Laughter and applause on the Democratic side.]

Mr. Chairman, you will observe that Senator FORAKER, in the paragraphs I have quoted, refers to the "new light" which gentlemen have seen, causing them to reverse themselves upon this great question. From whence did this "light" come? Not from any change for the worse in the condition of these Territories, because both Arizona and New Mexico are infinitely better prepared for statehood than they were when Republicans voted to admit them. It must be a partisan "light," because it was never a partisan question until this new "light" broke in upon the President and the Speaker. It must be a sectional "light," because it was never a sectional question until now. The Standard Oil trust and other great combinations, which have found in the East a congenial soil and which find in the West and South the only remaining obstacles to their complete mastery of the American people, may, perhaps, supply this new "light."

The Democratic record upon this matter has been consistent throughout. In its platforms it has declared in favor of separate statehood for these Territories, and in both Senate and House throughout all the long period of time this question has been pending the Democrats have done their utmost to secure the admission of these Territories.

Mr. Chairman, the Democratic belief now is not only that New Mexico and Arizona should be admitted as separate States, but that Oklahoma and Indian Territory are likewise entitled to separate statehood, and we would so vote if we could do so without sacrificing their chance for statehood in some form. We believe each is large enough for a State. In area Oklahoma contains 39,030 square miles, and Indian Territory 31,000. Oklahoma alone is as large as Ohio, and the Indian Territory is much larger than West Virginia and about the size of Indiana. Each has a population more than twice that of any other State when admitted into the Union. Each now has a population greater than that of sixteen other States. No other State when admitted has ever approached either of these in resources and wealth. Their climate is delightful; their soil is most productive; their rainfall abundant. They have coal and iron and oil. They have magnificent cities springing up on every hand. They have churches and schoolhouses and colleges and universities that would do credit to any State in the Union. They have an intelligent, refined, and patriotic people, worthy of the right to work out their separate destiny in their own time and way and worthy to wear the diadem of statehood.

Mr. Chairman, I believe that in honesty and good morals the Indian Territory should be admitted to separate statehood. It is a pitiable sight to see an individual forget his honor or break his faith with his fellow-man, but it is infinitely worse to see a great government do so. The act of the individual may affect only himself, but an act of dishonor of our Government puts the stain upon every citizen. To me there is something unspeakably pathetic in the history of the Indian tribes now living in the Indian Territory. Many years ago their homes and hunting grounds were in the great forests east of the Mississippi River. They were there before the white man came there. There came a time when the white man wanted these lands. The white man and the Indian could not occupy them together in peace. The white man said the Indians must abandon them. The white man's Government—our Government—entered into the controversy. It looked westward, far beyond the border land of civilization as it then existed, and beheld a land of prairie and of forest, of rugged hills and peaceful valleys, of genial climate and fertile soil, where game was plentiful, and our Government said to these Indians: "If you will abandon your lands, which the white men covet; if you will forsake the forests that have been your home; if you will leave the ashes of your dead behind you, we will give you this new land, a land which shall be yours and your children's 'so long as fire burns and water runs.'" The Indians believed the "Great White Father at Washington" and entered into treaties with the United States, relinquishing their lands east of the Mississippi and receiving in exchange the lands embraced in what is now almost the whole of Oklahoma and Indian Territory. Not only this, but this Government made a most solemn pledge to them

that this Territory should never be embraced in or annexed to any other Territory or State. I quote from some of the treaties made at this time with some of these Indian tribes. The treaty with the Cherokees contained this provision:

The United States hereby covenants and agrees that the lands ceded to the Cherokee Nation in the foregoing article shall, in no future time, without their consent, be included within the territorial limits or jurisdiction of any State or Territory.

The treaty with the Creeks and Seminoles provided this:

The United States do hereby solemnly agree and bind themselves that no State or Territory shall ever pass laws for the government of the Creek or Seminole tribes of Indians, and that no portion of either of the tracts of country defined in the first and second articles of this agreement shall ever be embraced or included within or annexed to any Territory or State, nor shall either or any part of either ever be erected into a Territory without the free and full consent of the legislative authority of the tribe owning the same.

Article 4 of the Chickasaw and Choctaw treaty was as follows:

The Government and people of the United States are hereby obliged to secure to the said Choctaw Nation of red people the jurisdiction and government of all the persons and property that may be within their limits west, so that no Territory or State shall ever have a right to pass laws for the government of the Choctaw Nation of red people and their descendants, and that no part of the land granted them shall ever be embraced in any Territory or State.

In 1871 the Government ceased to recognize these Indian tribes as independent nations, but it was with the express stipulation that all treaties made with them prior to that time should be sacredly observed. The following language occurs in the act of 1871:

No Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty; but no obligation of any treaty lawfully made and ratified with any such nation or tribe prior to March 3, 1871, shall hereby be invalidated or impaired.

The years rolled on. The time came when the greedy, grasping, all-conquering spirit of the white man demanded that the Indian give up some portions of that which the Government said should be his forever. In Congress the organization of the Territory of Oklahoma was attempted. It took years to overcome the scruples of Congress against breaking a solemn treaty with the Indian tribes. Old Dave Culberson, of precious memory in Texas and in this House, protested against it as an act of bad faith. In another Congress Hon. Thomas B. Reed joined in a minority report in which this language was used:

The conclusions arrived at by your committee are: First, that the bill under consideration conflicts with existing treaty stipulations; second, that while the right to decide in a last resort that a treaty is no longer binding is undoubtedly lodged in Congress, the exercise of that right is a judicial act affecting the honor and dignity of the nation, requiring for its justification reasons which commend themselves to the principles of equity and good conscience, particularly where the parties to the compact with the United States are weak and powerless and depend solely on the good faith of the Government; third, that no such reasons exist for violating the treaty stipulations which reserve the Indian Territory exclusively for the Indians, and which secures to the Cherokees, Choctaws, Chickasaws, Creeks, and Seminoles the right of self-government under the restrictions of the United States Constitution.

It seems that you may as easily stay the tides of the ocean as to stay the Anglo-Saxon lust for land when it is once aroused. Oklahoma became a Territory, and from time to time other portions of the Indian Territory were added until now less than one-half of its original area remains. The influences operating to take from the Indian the control and ownership of this Territory given to him and to his forever by solemn treaty have been moving resistlessly on. His lands have been divided and parceled out under conditions that make certain the white man's ultimate ownership of it, and on March 4 of this year the tribal governments, the last link of the chain that bound them together as peoples and nations and that connects them with a past that is not without its glories, will be dissolved. Back in their cabins in the mountains, whither they have been driven by the encroachments of the white man, the few thousand full bloods of these tribes of Indians remaining will sit and weep in silent anguish over the death in a single day of their Five Nations.

And now, without their consent and even against their earnest protest, and forgetful of our solemn promise not to do so, it is proposed to merge them with another people and with another Territory and admit them to statehood as a part of Oklahoma.

Mr. Chairman, we know how useless it is to protest against this wrong. We know how intolerable the present condition in the Indian Territory is, and we know how earnestly the white people desire statehood and how they have despaired of ever securing this blessing except in connection with Oklahoma. We know that in their desperation they are anxious for statehood upon any conditions. Because the one and one-half millions of people in Oklahoma and Indian Territory need statehood so badly and can not secure it upon any other terms, every Democrat in this House is willing to vote for the admission of these Territories as the State of Oklahoma.

But, Mr. Chairman, while we have been driven by necessity to agree to the union of Oklahoma and Indian Territory in opposition to our view of what is right and what is just to them, we are unalterably opposed to the union of New Mexico and Arizona. We are reluctantly agreeing to the union of Oklahoma and Indian Territory, because it has been made clear to us that the great majority of the people of these Territories favor this union as the only feasible plan of securing statehood and because it would be a greater crime to longer deny them the right of self-government. For the same reason, because, as we believe, the people of Arizona are unalterably opposed to union with New Mexico and the people of New Mexico are opposed to the union with Arizona, we protest against the passage of this bill.

Mr. Chairman, there were thirteen States originally. There are forty-five States now. Congress has been called upon thirty-two times to perform one of the highest functions it possesses, that of lifting out of the slough of dependence the people of a defined territory and planting them upon the high, firm ground of equality granted to the States—to perform the great function of changing those who merely belong to the United States into those who are citizens of the United States. The responsibility that accompanies the exercise of this power is also great. States are made not for to-day, to-morrow, or next year, but for all time. We may legislate amiss upon questions of finance or matters of trade and the evil effects are but transient. We may for the moment be misled by passion and strife, but reason will return. The glamour of world power and the imagined glories of conquest may tempt us from our ancient landmarks, but there is chance to face about and retrieve the wrong; but when grouping in the dark night of partisanship this Congress inflicts a wrong upon the people of New Mexico and Arizona by joining them against their will, you commit a crime that all the ages can not repair.

In the admission of the thirty-two States already admitted all the territory capable of forming States has been exhausted except that embraced in the territory included in this bill. Now, when you are dealing with the last of the Territories, why should we depart from the rules that have prevailed for more than a century?

Mr. Chairman, in times past whenever any Territory has applied for admission as a State three general propositions have been considered in determining her right of admission. One was area. Was the proposed State large enough? Another was wealth. Did the proposed State have sufficient property subject to taxation to enable her to maintain a proper State government without it being too great a burden upon her citizenship? The third consideration was population. Did the proposed State have a sufficient population? I submit that measured by these same tests that have been applied to every other State that has been admitted both New Mexico and Arizona are now and have long been entitled to admission as States.

It is surely not necessary to argue that in area each of them is entitled to associate upon terms of equality with Rhode Island and the other New England States or with the States of any other section. Arizona has in round numbers 114,000 square miles, while New Mexico has 121,000. Arizona, the smaller of the two, is larger than New York and Pennsylvania, with New Jersey, New Hampshire, and Delaware thrown in. It is more than twice the size of Illinois, nine and one-half times as large as Maryland, twelve times as large as Vermont, thirteen times as large as Massachusetts, fourteen times as large as New Jersey, twenty times as large as Connecticut, fifty-five times as large as Delaware, ninety-one times as large as Rhode Island. It is as large as Indiana, Ohio, and Virginia combined.

Mr. POWERS. How many could you make of Alaska?

Mr. BEALL of Texas. You could make a great number, of course. But you can make out of Arizona three States the size of your State of Maine.

Mr. JOHNSON. Four.

Mr. BEALL of Texas. No; three, but with enough territory over to make two or three other New England States.

So it can hardly be claimed that either of these Territories is wanting in sufficient area. Have they sufficient wealth to properly support and maintain a State government? The wealth of Arizona has been estimated to be about $400,000,000. She has almost 2,000 miles of railroad within her borders. This railroad mileage is worth four times the value of all the property in Ohio, Indiana, or Michigan when these States were admitted. Its mines yielded in one year—last year—$30,000,000, which is double the value of all the property of some of the States when admitted. It is the third copper-producing district in the Union and will soon be first. There are twenty-nine banks in Arizona, with resources of more than $11,500,000. She

has the largest unbroken forest in the world, with an area in excess of 6,000 square miles and with timber reserves of more than 7,000,000 acres. It has hundreds of thousands of acres of land that a few years ago were a part of the desert that have felt the vivifying touch of irrigation and are now producing in marvelous abundance. She has an educational system of which she may well be proud. In her American population there is comparatively no illiteracy. She has a compulsory system of education, with 22,000 children filling her school rooms. She pays the highest salary to her teachers, and has in her schools a larger per cent of college-bred teachers than any State in the Union. She has her system of high schools, two normal schools, and a Territorial university.

She has her asylum for the unfortunate and her penitentiary for her vicious. She has a splendid capitol and other public buildings. Her bonds are selling above par in the market places. She collected in taxes last year $675,504.85, and expended $593,071.48. All this development has occurred and all these things have been accomplished while she has been fettered and oppressed by her dependent position as a Territory. If given the prestige of statehood and the advantage that will result, who can forecast what her development will be during the next decade?

Is New Mexico rich enough for separate statehood? The assessed value of her property is $40,000,000, while its real value is nearly $400,000,000. She has nearly 3,000 miles of railway, more than many of the present States. Her farms are worth $75,000,000. She has 32 banks, with resources of nearly $10,000,000. She has produced many millions of gold and silver. She has a million and a half acres of coal land and an amount of coal in sight worth $10,000,000. She has one and a half million of cattle and nearly 6,000,000 head of sheep. In four years 737 corporations, with a capitalization of $413,884,866, were organized to develop the great resources of this Territory. In four years insurance companies wrote, in New Mexico, policies aggregating $66,511,000. She maintains 15 Territorial institutions, whose buildings and grounds are valued at $2,200,000. She has school property of the value of $2,071,000. In three years she has expended for her public schools $1,168,224. She has a school population of 75,000, with 54,000 in attendance. She has 225 churches. She has institutions for the insane, the blind, and the deaf and dumb. She maintains now a normal school and a normal university. She has a military institute, an agricultural and mechanical college, a school of mines, and a Territorial university, all under Territorial control, and all well equipped and well patronized.

With all this array of facts before us, all attesting the intellectual and moral development of these Territories, and all evidencing the marvelous material prosperity they are enjoying, who can say that these people are not now thoroughly equipped for statehood?

Has each of these Territories a sufficient population to justify statehood? Let us examine this proposition in the light of rules that have been applied in the past. Congress has heretofore adopted two rules to govern the admission of Territories into statehood, so far as population is concerned. The ordinance of 1787 fixed the conditions upon which States might be carved out of the Northwest Territory, which Virginia and others had so generously surrendered. After this ordinance had provided for the future division of this Territory into not less than three and not more than five States, and had fixed the boundary of three of them, namely, Ohio, Indiana, and Illinois, it contained this provision:

> And whenever any of the said States shall have 60,000 free inhabitants therein, such State shall be admitted, by its delegates, into the Congress of the United States on an equal footing with the original States in all respects whatever, and shall be at liberty to form a permanent constitution and State government: *Provided*, The constitution and government so to be formed shall be republican and in conformity to the principles contained in these articles; and so far as it can be consistent with the general interest of the Confederacy, such admission shall be allowed at an earlier period and when there may be a less number of free inhabitants in the State than 60,000.

This ordinance was afterwards extended so as to apply to the territory south of the Ohio River and later to Oregon. Under its authority Ohio, Indiana, Illinois, Michigan, Wisconsin, Kentucky, Tennessee, Alabama, Mississippi, and Oregon were admitted. Under this ordinance it was conceded that when a Territory attained a population of 60,000 free people it had a right to demand immediate admission. Tennessee was the first to apply for admission under authority of this ordinance. She proceeded, without any enabling act from Congress authorizing it, to hold a convention in which she framed a constitution, and then she chose a legislature and elected her Senators and Member of Congress. She notified Congress of her action and advised that upon a certain day her Territorial government established by Congress would cease and she would take her place as a State. She took her own census and notified Congress that she had 54,000 whites and 6,000 free negroes. George Washington transmitted this constitution to Congress with the following message:

> Gentlemen of the Senate and House of Representatives: By an act of Congress passed on the 26th of May, 1790, it was declared that the inhabitants of the territory of the United States south of the river Ohio should enjoy all the privileges, benefits, and advantages set forth in the ordinance of Congress for the government of the territory of the United States northwest of the river Ohio; and that the government of said territory south of the Ohio should be similar to that which was then exercised in the territory northwest of the Ohio, except so far as was otherwise provided in the conditions expressed in an act of Congress passed the 2d of April, 1790, entitled "An act to accept a cession of the claims of the State of North Carolina to a certain district of western territory."
>
> Among the privileges, benefits, and advantages thus secured to the inhabitants of the territory south of the river Ohio appear to be the right of forming a permanent constitution and State government, and of admission as a State by its delegates into the Congress of the United States on an equal footing with the original States in all respects whatever when it should have therein 60,000 free inhabitants: *Provided*, The constitution and government so to be formed should be republican and in conformity to the principles contained in the article of the said ordinance.
>
> As proofs of the several requisites to entitle the territory south of the river Ohio to be admitted as a State into the Union, Governor Blount has transmitted the return of the enumeration of its inhabitants and a printed copy of the constitution and form of government on which they have agreed, which, with letters accompanying the same, are herewith laid before Congress. (United States, April 8, 1796. G. Washington.)

Tennessee did not come as a supplicant begging for admission. She came demanding it as a right, because she had the requisite 60,000 of population.

But under this ordinance a population of 60,000 was not essential to admission into statehood. It provided: "And, so far as it can be consistent with the general interest of the Confederacy, such admission shall be allowed at an earlier period and when there may be a less number of free inhabitants in the State than 60,000."

Under the authority of this last proviso Ohio was admitted in 1802 with a population of 45,000, and Illinois in 1818 with a population of 55,000.

It will thus be seen that the ordinance of 1787 provided not that there must be 60,000 people for a State, but that there must be a State for 60,000 people, leaving Congress free to create a State for a Territory having less than that number of people if it was deemed advisable to do so.

Now, what was the other rule that Congress has prescribed upon this subject? By the treaty of 1803 the territory of Louisiana was purchased by Mr. Jefferson, and out of this a number of States have been carved. In this treaty the following language occurs:

> The inhabitants of the ceded territory shall be incorporated in the Union of the United States and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess.

In 1819 a treaty was made with Spain under which Florida was ceded to the United States. This treaty contained the following:

> The inhabitants of the territories which His Catholic Majesty cedes to the United States by this treaty shall be incorporated in the Union of the United States as soon as may be consistent with the principles of the Federal Constitution and admitted to the enjoyment of all the privileges, rights, and immunities of the citizens of the United States.

In 1848 the treaty of Guadalupe Hidalgo, under which a great area, including New Mexico and Arizona, was ceded to the United States, was made, and this treaty contains the following:

> The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States according to the principles of the Constitution.

I have quoted the provisions of these several treaties to show that in each of them it was contemplated that the territory secured should at the earliest practicable moment be carved into States. The language in each was a covenant and promise that this would be done. In one it was stipulated that the people should be "admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States," and substantially the same language was used in the other treaties.

Arkansas was the first of this territory to seek admittance as a State, and it was necessary for Congress to interpret the meaning of the phrase, "according to the principles of the Federal Constitution." After protracted discussion it was agreed that it meant that when a people in an area called a

"Territory" reached the point in population where this population was equal to the number of people required for a Congressional district in a State, then that they should be admitted as a State.

Under the ordinance of 1787, while a Territory had a right to demand admission as a State when its population reached 60,000, yet such Territory could be properly admitted by Congress when it had a much smaller population, and likewise Congress interpreted the provisions in these treaties to mean that while a Territory could demand admission into the Union as a matter of right when its population was equal to the unit of representation in Congress, yet Congress could admit such Territory when its population was far below the point named. The instances of such admission when the population was far below the unit of representation prevailing at such time are numerous. Florida when admitted had a population of 54,000, when the basis of representation was 70,000; Oregon came in with 52,000 people, when the unit was 93,000. Nevada was admitted in 1864 by the Republican party for partisan purposes, with a population of only 6,800 at the preceding census, when the unit of representation was 127,000; and in 1866 both Houses of Congress passed a bill admitting Colorado when her population was less than 30,000, when the basis of representation was 127,000. The next year Nebraska was admitted when her population was only 60,000. I call attention to the fact that all the territory that came to us as a result of the three great treaties named has been carved into States except that embraced in this bill. With respect to all the balance the rule I have been referring to was the only one applied; but now, when the last of all the Territories are seeking admittance, Republicans demand a new rule and a severer test than have ever been applied to any other people. The same party that admitted Nevada in 1864, when in 1860 her population was less than 7,000, to serve a mean partisan purpose, does not hesitate now to serve a purpose equally mean and sectional by refusing admission to Arizona with her 180,000 people and to New Mexico with her 300,000 people unless they agree to come in together.

We oppose the union of New Mexico and Arizona because New Mexico, if a free expression of her will could be secured, opposes the union. She feels that she is entitled to separate admission. More than fifty years ago she adopted a constitution, elected her Senators and a Member of Congress, and hand in hand with California sought admission. California was admitted and New Mexico was rejected, though both came supported by the solemn treaty obligation that they should be admitted. For fifty years with patient earnestness she has waited and waited for the fruition of her hopes. She has built up her own institutions, maintained her own civilization, and wrought out her own destiny, and now it is proposed to destroy her identity and her very name. She protests against it; protests against the violation of public faith, and protests to the President against the violation of the promise he voluntarily made her. At Las Vegas, in 1899, in the course of a speech, President Roosevelt said:

> All I shall say is that if New Mexico wants to be a State you can count me in, and I will go to Washington to speak for you or do anything you wish.

The President has not kept that promise.

We oppose this union because Arizona opposes it. She opposes it, because for almost fifty years she has been led to believe that she would ultimately receive in fullest measure the blessings of statehood.

Mr. HAMILTON. Will the gentleman permit just one more interruption?

Mr. BEALL of Texas. Certainly.

Mr. HAMILTON. In reference to the statehood of Arizona I want to call the gentleman's attention to this language of the act of February 4, 1863, organizing the Territory of Arizona and separating it from New Mexico:

> *Provided*, That nothing contained in the provisions of this act shall be construed to prohibit the Congress of the United States from dividing said Territory or changing its boundaries in such manner and at such times as it may deem proper.

Mr. BEALL of Texas. I am entirely familiar with that provision, but there is another provision in that same act creating the Territory of Arizona, which the gentleman does not read, which gave those people a solemn promise that they should finally be admitted as a State. [Applause.] If gentlemen desire to be fair in their discussion of this question, let them submit all the facts, omitting none.

Mr. HAMILTON. In fairness to both of us I will quote the language of the statute.

Mr. BEALL of Texas. I have it here, and will read it for the benefit of the House. Speaking of the government of Arizona, it says:

> That said government shall be maintained and continued until such time as the people residing in such Territory shall have the consent of Congress to form a State government, republican in form, as prescribed by the Constitution of the United States, and apply for and obtain admission into the Union as a State.

The people of Arizona have believed that this obligation meant something. They have recognized that Congress reserved the right to divide her territory if it should be considered too large, but they have never recognized the right of Congress to merge her with a Territory still larger. They have conceded that Congress has the right to change her boundary lines, but they have never believed that Congress would blot out the line of division made when she was separated from New Mexico. For more than forty years Arizona and New Mexico have walked apart, each working out its destiny in its own peculiar way. Their customs and habits, their hopes and ambitions, their language and religion, their history and their traditions have all been different, and the conditions that required their separation more than a generation ago still require it now. The God of nature and of nations decreed that they should live apart. The great continental divide of mountains has created a mighty barrier between them that the puny hand of Congress can not destroy. People of the western counties of New Mexico and people of the eastern part of Arizona, though near together, when measured by miles are yet as far apart as though an uncharted ocean rolled between them.

It has never been the policy to unite two political divisions into one in order to create a State. Why should it be done now? Territories, and even States, have been divided, but never two united. Vermont separated herself from New York before the Constitution was adopted. For political purposes Maine was created out of the larger part of Massachusetts. When Texas was admitted it was upon condition that she might make of herself five separate States. While the passions of war were rife the Republican party laid its cruel hand upon Virginia, the dear old mother of so many States, and tore from her side the State of West Virginia. Out of Dakota two States, North and South Dakota, were formed. The rule has always been that of division, not addition; separation of one into two political divisions, not the combination of two into one.

But gentlemen from the East say that these Territories are barren, desolate, and unproductive for the most part, and can never separately become worthy to wear the crowns of statehood. New England has prophesied before. If the Government should do no more for New England than it has done for these Territories a great part of New England would become barren and unproductive waste.

In 1811, when Congress was considering the question of admitting some of the territory purchased from France by Mr. Jefferson as a State into the Union, Mr. Josiah Quincy said:

> If this bill passes it is virtually a dissolution of the Union. It will free the States from their moral obligations and, as it will be the right of all, so it will be the duty of some, definitely to prepare for a separation—amicably if they can, violently if they must.

This first threat of secession was made by a Member from Massachusetts. And for what reason? Because Congress was preparing to admit into the Union some of the great West. Mr. Chairman, without the great West, which New England so despised, to feed and clothe her New England would be hungry and shivering to-day and her cities would be silent in the stagnation of death. That great West has been the brawn and muscle, the heart and brains of this nation. In peace it has made her prosperity the marvel of the world, and in war it preserved her from dissolution and death. Without the Lincoln of the West, the Grant of the West, the Sherman of the West, and the legions upon legions of soldiers from the West who marched to the music of the Union, the men who followed the strains of Dixie would have knocked at the gates of every city in the Eastern and Middle States and would have swept their armies off the field of battle.

When California sought admission, men from the East, among whom was Webster, said that a large portion of it was destined to remain a desert. The strong and rugged men of that State have answered the charge by making that very portion of California by far the richest of all. The "wise men of the East" once called a great part of the country west of the Mississippi River "the Great American Desert." That "Great American Desert" lives only in memory now. Men have waged war with the desert and have made it yield abundant harvests. West of the Mississippi River two-thirds of the area of this country is located, and toward this section the great tides of population and development are flowing. Under present conditions a comparatively small part of this country is controlling its legislation, while that controlling portion is itself controlled by the basest influences in American politics. While this condition prevails it is not surprising that a few are favored while the many are forgotten. This is the last opportunity that will ever exist to correct some of these inequalities of representa-

tion in the United State Senate, to escape in some degree from the dominion and control of those who believe that the world is bounded on the east by Cape Cod and on the west by the Alleghany Mountains.

We oppose this bill because, considering their rough and mountainous character, the union of New Mexico and Arizona will make a State of unwieldly proportions. Communication between its different parts will be too difficult and too expensive. The two combined will make a State containing 235,000 square miles. It will be as large as all of the New England States with New York, Pennsylvania, New Jersey, Delaware, Maryland, West Virginia, and Indiana added. From portions of Arizona to the proposed capital is as far as from Washington to Boston, or from Iowa to New York. It will be larger than the whole of France by 28,000 square miles; 27,000 square miles larger than the entire German Empire in Europe; 88,000 square miles larger than Japan with the island of Formosa added; twice as large as Italy with 15,000 square miles over; 40,000 square miles larger than Spain. It will be six times as large as Portugal; 63,000 square miles larger than Sweden; twenty times as large as Belgium; ten times as large as Greece; fifteen times as large as Denmark; four and a half times as large as England; eight times as large as Scotland; seven times as large as Ireland, and twice as large as the entire United Kingdom.

This proposed State will be twenty-five times larger than Vermont; twenty-five times larger than New Jersey; thirty times larger than Massachusetts; sixty times larger than Connecticut; one hundred and seventeen times larger than Delaware, and one hundred and eighty-eight times larger than Rhode Island. It is even several times larger than the State of the gentleman from Maine [Mr. POWERS].

Mr. KLEPPER. You could make five States the size of Maine out of Texas.

Mr. BEALL of Texas. Why, my dear sir, you have but a poor conception of the size of Texas. Instead of five you could make about eight. In fact, Texas would have to "spread herself" but just a little to make five States like Missouri. [Laughter.]

But, Mr. Chairman, references have constantly been made during this debate and in committee to the size of Texas and her refusal to permit herself to be divided. The conditions existing in Texas and that have always existed are so different from the conditions in New Mexico and Arizona that any argument based upon an attempted comparison must, of necessity, be faulty. Arizona and New Mexico might be fused into one great, prosperous, and harmonious State if conditions prevailed there like those in Texas—if they had a homogeneous people, alike in race and religion, with the same interests and industries, and the same memories and traditions. But this is not the case. Their people are unlike; their institutions are different; their religions are in conflict, and their interests clash.

It is not so with Texas. Before the white man came it was Texas then. It was Texas when, as a part of Mexico, it came out from under the dominion of Spain. It was our Texas that defied the rule of Mexico. It was our Texas that existed for ten years as a separate and independent republic. It was our Texas that came into the Union and afterwards linked her fortunes with the Confederacy and then came again into the Union. Amidst the shock of her revolution her flag bore a single star, and it blazes upon her flag now. The same threads run throughout all of her history, and these conditions have begotten a sentiment in Texas that makes division impossible. I observe that gentlemen smile at the thought of such a sentiment controlling a people upon so great a question, but so long as we exist as a people, venerating our institutions and honoring our past, such sentiments as I have named will thrill our hearts and ennoble our lives. [Loud applause.]

Mr. Chairman, upon every side we see some manifestation of the spirit to which I have alluded. The flag that hangs in graceful folds above your chair is but strips of silk that separate and apart mean nothing. Combine them and let the stars flash from a field of blue and you have the flag of our country, at the very sight of which our souls are filled with patriotic fervor. Let it be one tattered and torn by the strife of battle and we touch it reverently and kiss it tenderly, because there is a sentiment that hallows it.

A few days ago something occurred here with reference to the old ship *Constitution*. A great petition was presented against its destruction. What is that old ship that it should be preserved? It is but a dismantled and rotting mass of wood and iron. In the marts of trade, in the markets of the world, it would have but little intrinsic value. We could construct a vessel of equal value and send it out upon the deep to be destroyed by American guns and nobody would protest against it. But this is "*Old Ironsides*," that rode the waves amidst the thunder of battle a hundred years ago; the blood of dying men stained and hallowed her decks, and when it is proposed to ruthlessly destroy her the voices of our living and the memories of our dead protest against it. [Applause.]

So it is with Texas. If area alone were considered, Texas could be divided. You could divide her forests and her prairies, her mountains and her valleys; but there are some things about Texas you can not divide. There is her Alamo—greater than the Thermopylæ of old. The babes of Texas have been taught to lisp the names of Travis and Crockett and Bowie and the others who died there. The Alamo belongs alike to all, and no son of Texas would be so unworthy as to surrender his claim to it. There is Goliad and there is the field of San Jacinto. In dividing Texas could these battlefields be divided also and their glories parceled out to different States? There is the memory of Houston; of Austin; of Burleson; of Rusk; of Albert Sidney Johnston; of Roberts, the "Old Alcalde;" of Reagan, the "Grand Old Man," who loved Texas and who was beloved by Texas, and a great host of other illustrious ones. Can such memories be weighed and measured and apportioned to different sections? The soldiers who went from Texas homes mingled in the tumult of every great battle of the war between the blue and the gray, and they sleep upon every field from Gettysburg to the Gulf. Will anyone be found so base as to give up the memory of their deathless deeds?

No, Mr. Chairman, to give up any of these to one section would be to impoverish all others. They belong to Texas—to all of Texas, and not a part of Texas. They were given to us by the fathers, and we must hand them down to our children. They belonged to Texas in her weakness; they must still be hers in her strength. They comforted and blessed her in her night of sorrow; they must adorn her in her day of triumph. [Prolonged applause.]

Mr. HAMILTON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee determined to rise; and the Speaker having resumed the chair, Mr. CRUMPACKER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration, under the special order of the House, House bill 12707, and had come to no resolution thereon.

SELECTION OF JURORS IN OKLAHOMA.

Mr. BIRDSALL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5289) to provide for the selection of grand and petit jurors for the district court in the Territory of Oklahoma.

Mr. MOON of Tennessee. Mr. Speaker, reserving the right to object——

Mr. CLAYTON. Mr. Speaker, may I interrupt the gentleman? This bill comes from the Judiciary Committee with a unanimous recommendation for its passage. It is very much needed in order that the laws of Oklahoma may be enforced. A decision of the court out there has set aside the present jury law, so that they have no law for the selection of jurors, and this bill is to provide a system for drawing grand and petit jurors for the trial of cases, and I hope the gentleman from Tennessee will not object.

Mr. MOON of Tennessee. I did not rise to object, but to get some information about the matter. If it is the unanimous report of the committee, I have no objection.

The SPEAKER. Is there objection to the present consideration of the bill.

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That until otherwise provided by the legislature of Oklahoma it shall be the duty of the judge of the district court in each judicial district of the Territory of Oklahoma to appoint in each county of his district two discreet, honorable, and reputable persons of opposite politics, and having the qualifications of jurors as prescribed by the laws of said Territory, and not interested in any cause, civil or criminal, pending in the district court of the county for which he is appointed, which two persons, together with the clerk of the district court, or his resident deputy, in such county, shall constitute a board of jury commissioners. Said commissioners shall meet at the office of the clerk of the district court upon the order of the judge of said court at least once each year, at such time as the judge shall disignate, and after having taken and subscribed an oath that they will honestly, faithfully, and impartially discharge their duties as such jury commissioners, shall proceed to select from the names recorded upon the poll books of persons who voted in said county at the last preceding general election held for the election of county officers the names of not less than 300 nor more than 325 persons, having and possessing the qualifications of jurors as prescribed by the laws of said Territory of Oklahoma. Said names for jurors shall be apportioned to and selected from the several voting precincts in said county as near as practicable according to the voting population of each precinct. The board of jury commissioners shall make a list of said names, showing the election precinct from which each juror was selected, and shall certify to the same and file said list in the office of the clerk of the district court for the county for which said names were selected. The clerk shall record said list upon the journal of the court and certify to the cor-

rectness thereof. As soon as said list is completed and recorded the clerk of the district court shall forthwith write each of said names upon a separate slip of paper, which slips shall be of uniform size and color, and shall fold said slips and place them in a box provided with two locks and keys of different designs and securely lock the same, leaving no opening. When said box is closed and locked, the key of one lock shall be retained by the clerk and the other shall be delivered to and retained by the sheriff of the county. Prior to any term of court at which a grand or petit jury will be required the judge of the district court shall certify to the clerk of the district court the number of jurors that will be required for either a grand or a petit jury, and direct said jury to be drawn and summoned at such times as he shall direct. Upon receiving such order the clerk of the district court shall notify the sheriff of the time of the drawing of such jury, and the sheriff or one of his deputies, and the clerk of the district court or one of his deputies, shall take said box containing the names of the jurors so selected and thoroughly shake the same. They shall then together, in the presence of each other, open said jury box, and after placing the same in a position that neither can see into it, shall draw therefrom alternately one name at a time and record the same until the number of jurors have been drawn required in the order of the judge, which may be not to exceed thirty persons from which to select a grand jury and not to exceed forty persons from which to select a petit jury. As soon as said jurors are drawn and the names recorded, the slips shall be destroyed and the box securely locked and retained in the custody of the clerk, one key being retained by the sheriff. Upon the completion of such drawing the clerk shall issue separate venires for the grand and petit jurors, returnable at such time as the judge shall in his order direct. The first names drawn to the number stated in the judge's order shall be summoned as grand jurors, and the grand jury shall be empaneled from said persons: *Provided*, That additional and other drawings may be had at such times as the court or judge may order for the completion of the panel of either the grand or petit jury, or for the empaneling of a new grand jury during any term of court, if, in the judgment of the court, the same shall become necessary, or if, for any cause, the court, in its discretion, shall deem other jurors necessary. The court may excuse or discharge any person drawn and summoned as a grand or petit juror whenever, in the discretion of the court, such action may be deemed expedient: *Provided further*, That at any time during a term of court after a petit jury has been drawn and summoned in the manner as herein provided, when for the trial of any cause, civil or criminal, the regular panel of jurors shall appear to be insufficient, the jury may be completed from talesmen or the court may direct that an open venire issue to the marshal or sheriff for such number of jurors as may be deemed necessary to be selected from the body or any portion of the county.

SEC. 2. That the commissioners shall each receive as compensation for his services the sum of $10 per day for each day actually and necessarily employed in the discharge of their duties, to be paid upon the order of the judge of the district court, either by the United States or the county, as the judge in his order shall direct. The venires for juries, grand or petit, may be served by either the United States marshal or the sheriff of the county, as the court or judge shall order.

SEC. 3. That all laws of the Territory of Oklahoma inconsistent with the provisions of this act are hereby repealed.

The following amendments, recommended by the committee, were read:

Insert after the word "That," in the third line on page 1, the words "until otherwise provided by the legislature of Oklahoma."

Strike all after the word "select," in line 4 on page 2, down to and including the word "officers," in line 7 on page 2.

Insert after the word "county," in line 23 on page 4, the following: "*And provided further*, The probate judges of the several counties may order a jury drawn in like manner from said jury box for any term of the probate court or for the trial of any cause in said court wherein a jury is authorized by the laws of Oklahoma to be drawn from such box."

Insert after the word "duties," in line 2 on page 5, the words "the time necessarily employed to be determined by the judge and."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. BIRDSALL, a motion to reconsider the last vote was laid on the table.

CHANGE OF REFERENCE.

By unanimous consent, change of reference was made of the bill (H. R. 64) making an appropriation for the administration and improvement of the Mount Rainier National Park, in the State of Washington, from the Committee on the Public Lands to the Committee on Appropriations.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title; when the Speaker signed the same:

H. J. Res. 87. Joint resolution to authorize use of transport *Sumner* to convey members of Santiago Battlefield Commission and others to Cuba and return.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. GOEBEL was given leave to withdraw from the files of the House, without leaving copies, papers in the case of bill H. R. 5649 (granting a pension to Martha Kates), first session Fifty-ninth Congress, no adverse report having been made thereon.

Also, to Mr. GOEBEL, to withdraw from the files of the House, without leaving copies, papers in the case of bill H. R. 5648 (granting an increase of pension to William Hand), first session Fifty-ninth Congress, no adverse report having been made thereon.

HOUR OF MEETING.

Mr. HAMILTON. Mr. Speaker, in view of the fact that there are a number of requests for time to speak upon the statehood bill, I ask unanimous consent that the House come in to-morrow at 11 o'clock instead of 12 o'clock.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the House meet to-morrow at 11 o'clock instead of 12 o'clock. Is there objection?

There was no objection.

Mr. HAMILTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 25 minutes p. m.) the House adjourned until to-morrow, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, recommending an appropriation for equipment of the new public building at Seattle, Wash.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting, with recommendation, a draft of a bill relating to the custody and control of certain buildings at Perry and Kingfisher, Okla.—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an additional estimate of appropriation for the Southern Branch of the National Home for Disabled Volunteer Soldiers—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State submitting an estimate of appropriation for third secretary of embassy to Japan—to the Committee on Foreign Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BRANTLEY, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 12843) to amend the seventh section of the act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, reported the same without amendment, accompanied by a report (No. 542); which said bill and report were referred to the House Calendar.

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 10129) to amend section 5501 of the Revised Statutes of the United States, reported the same with amendment, accompanied by a report (No. 545); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. LEE, from the Committee on War Claims, to which was referred the bill of the House H. R. 7641, reported in lieu thereof a resolution (H. Res. 183) referring to the Court of Claims the papers in the case of James N. Richards, accompanied by a report (No. 533); which said resolution and report were referred to the Private Calendar.

Mr. FULKERSON, from the Committee on War Claims, to which was referred the bill of the House H. R. 7645, reported in lieu thereof a resolution (H. Res. 184) referring to the Court of Claims the papers in the case of the estate of John Williams, deceased, accompanied by a report (No. 534); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 11901, reported in lieu thereof a resolution (H. Res. 185) referring to the Court of Claims the papers in the case of the estate of D. L. Pritchard, deceased, accom-

panied by a report (No. 535); which said resolution and report were referred to the Private Calendar.

Mr. PATTERSON of South Carolina, from the Committee on War Claims, to which was referred the bill of the House H. R. 8260, reported in lieu thereof a resolution (H. Res. 186) referring to the Court of Claims the papers in the case of the legal representatives of J. H. Brantly, deceased, accompanied by a report (No. 536); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 9559, reported in lieu thereof a resolution (H. Res. 187) referring to the Court of Claims the papers in the case of Mrs. Sarah C. Bryan, accompanied by a report (No. 537); which said resolution and report were referred to the Private Calendar.

Mr. LEE, from the Committee on War Claims, to which was referred the bill of the House H. R. 6438, reported in lieu thereof a resolution (H. Res. 188) referring to the Court of Claims the papers in the case of Joel Cross, accompanied by a report (No. 538); which said resolution and report were referred to the Private Calendar.

Mr. CLAYTON, from the Committee on War Claims, to which was referred the bill of the House H. R. 1276, reported in lieu thereof a resolution (H. Res. 189) referring to the Court of Claims the papers in the case of Mrs. L. E. Boatwright, accompanied by a report (No. 539); which said resolution and report were referred to the Private Calendar.

Mr. FULKERSON, from the Committee on War Claims, to which was referred the bill of the House H. R. 3975, reported in lieu thereof a resolution (H. Res. 190) referring to the Court of Claims the papers in the case of M. F. Thomas, accompanied by a report (No. 540); which said resolution and report were referred to the Private Calendar.

Mr. LEE, from the Committee on War Claims, to which was referred the bill of the House H. R. 5923, reported in lieu thereof a resolution (H. Res. 191) referring to the Court of Claims the papers in the case of M. J. Conley, heir of Harmon Conley, deceased, accompanied by a report (No. 541); which said resolution and report were referred to the Private Calendar.

Mr. HENRY of Texas, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 12560) for the relief of John C. Lynch, reported the same without amendment, accompanied by a report (No. 543); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2, Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. PATTERSON of South Carolina, from the Committee on War Claims, to which was referred the bill of the House (H. R. 9992) for the relief of John Beasley, of Rhea County, Tenn., reported the same adversely, accompanied by a report (No. 527); which said bill and report were ordered laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 8211) for the relief of the estate of H. S. Simmons, deceased, reported the same adversely, accompanied by a report (No. 528); which said bill and report were ordered laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 8476) for the relief of Mrs. R. N. Pharr and Mrs. H. B. Fant, reported the same adversely, accompanied by a report (No. 529); which said bill and report were ordered laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 8261) for the relief of the legal representatives of Nalote Biraghi, reported the same adversely, accompanied by a report (No. 530); which said bill and report were ordered laid on the table.

Mr. FULKERSON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 7644) for the relief of the estate of C. H. Medlin, deceased, late of Crockett County, Tenn., reported the same adversely, accompanied by a report (No. 531); which said bill and report were ordered laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 7638) for the relief of Mathew Williams, reported the same adversely, accompanied by a report (No. 532); which said bill and report were ordered laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BEIDLER: A bill (H. R. 12972) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes—to the Committee on Claims.

By Mr. FOSTER of Vermont: A bill (H. R. 12973) to prohibit the coming of Chinese laborers into the United States, and for other purposes—to the Committee on Foreign Affairs.

By Mr. MUDD: A bill (H. R. 12974) to authorize the Washington, Spa Spring and Gretta Railroad Company, of Prince George County, to extend its street railway into the District of Columbia—to the Committee on the District of Columbia.

By Mr. HAYES: A bill (H. R. 12975) making an appropriation for the improvement of grounds within the Presidio Military Reservation, at San Francisco, Cal.—to the Committee on Appropriations.

By Mr. McCARTHY (by request): A bill (H. R. 12976) for the restoration of annuities to the Mdewakanton and Wahpakoota (Senate) Sioux Indians declared forfeited by the act of February 16, 1863—to the Committee on Indian Affairs.

By Mr. BUTLER of Tennessee: A bill (H. R. 12977) to provide for the erection of a public building at Carthage, Tenn.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12978) to provide for the erection of a public building at Gallatin, Tenn.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12979) to provide for the erection of a public building at Gallatin, Tenn.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12980) to provide for the erection of a public building at Cookville, Tenn.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12981) to provide for the erection of a public building at Gainesboro, Tenn.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12982) to provide for the erection of a public building at Dayton, Tenn.—to the Committee on Public Buildings and Grounds.

By Mr. TYNDALL: A bill (H. R. 12983) providing for the erection of a public building at Poplar Bluff, Mo.—to the Committee on Public Buildings and Grounds.

By Mr. WILLIAM W. KITCHIN: A bill (H. R. 12984) authorizing a public building at Burlington, N. C.—to the Committee on Public Buildings and Grounds.

By Mr. OLCOTT: A bill (H. R. 12985) making an appropriation for New York custom-house—to the Committee on Appropriations.

By Mr. GOULDEN: A bill (H. R. 12986) to provide for the proper lighting and repairs of the Statue of Liberty at Fort Wood, Bedloes Island, New York Harbor—to the Committee on Appropriations.

By Mr. HEPBURN: A bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG: A bill (H. R. 12988) to establish a life-saving station at or near Menominee, State of Michigan—to the Committee on Interstate and Foreign Commerce.

By Mr. WACHTER: A bill (H. R. 12989) for the erection of an addition to the post-office in the city of Baltimore, Md.—to the Committee on Appropriations.

By Mr. BROOKS of Colorado: A bill (H. R. 13085) to provide souvenir medallions for The Zebulon Montgomery Pike Monument Assocation—to the Committee on Coinage, Weights, and Measures.

By Mr. WEBB: A bill (H. R. 13086) requiring shippers and manufacturers of medicine for interstate shipment to label said medicine and print thereon the ingredients contained in such medicine—to the Committee on Interstate and Foreign Commerce.

By Mr. LEE, from the Committee on War Claims: A resolution (H. Res. 183) referring to the Court of Claims H. R. 7641—to the Private Calendar.

By Mr. FULKERSON: A resolution (H. Res. 184) referring to the Court of Claims H. R. 7645—to the Private Calendar.

Also, from the Committee on War Claims: A resolution (H. Res. 185) referring to the Court of Claims H. R. 11901—to the Private Calendar.

By Mr. PATTERSON of South Carolina, from the Committee on War Claims: A resolution (H. Res. 186) referring to the Court of Claims H. R. 8260—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 187) referring to the Court of Claims H. R. 9559—to the Private Calendar.

By Mr. LEE, from the Committee on War Claims: A reso-

lution (H. Res. 188) referring to the Court of Claims H. R. 6438—to the Private Calendar.

By Mr. CLAYTON, from the Committee on War Claims: A resolution (H. Res 189) referring to the Court of Claims H. R. 1276—to the Private Calendar.

By Mr. FULKERSON, from the Committee on War Claims: A resolution (H. Res. 190) referring to the Court of Claims H. R. 3975—to the Private Calendar.

By Mr. LEE, from the Committee on War Claims: A resolution (H. Res. 191) referring to the Court of Claims H. R. 5923—to the Private Calendar.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMS of Wisconsin: A bill (H. R. 12990) granting an increase of pension to Elizabeth Criddle—to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 12991) granting a pension to Christopher Buckhanan—to the Committee on Invalid Pensions.

By Mr. BEDE: A bill (H. R. 12992) granting an increase of pension to Henry G. Klink—to the Committee on Invalid Pensions.

By Mr. BEIDLER: A bill (H. R. 12993) to correct the naval record of Alfred Burgess—to the Committee on Naval Affairs.

Also, a bill (H. R. 12994) granting a medal of honor or certificate of merit to Frederick Meng—to the Committee on Military Affairs.

By Mr. BISHOP: A bill (H. R. 12995) granting an increase of pension to Henry M. Kromer—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE: A bill (H. R. 12996) granting a pension to Eugene B. McDonald—to the Committee on Invalid Pensions.

By Mr. BUTLER of Tennessee: A bill (H. R. 12997) granting a pension to John S. Draper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12998) granting a pension to Ann Bart—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 12999) for the relief of the estate of William Keith—to the Committee on War Claims.

Also, a bill (H. R. 13000) for the relief of the estate of Jonathan H. Ellison, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13001) for the relief of the estate of Solomon Kean—to the Committee on War Claims.

Also, a bill (H. R. 13002) for the relief of the estate of Wade Smith—to the Committee on War Claims.

Also, a bill (H. R. 13003) for the relief of the estate of Andrew Reece—to the Committee on War Claims.

By Mr. CHANEY: A bill (H. R. 13004) granting an increase of pension to John W. Risher—to the Committee on Invalid Pensions.

By Mr. DAVEY of Louisiana: A bill (H. R. 13005) granting an increase of pension to Robert R. Wilson—to the Committee on Pensions.

By Mr. DAVIS of West Virginia: A bill (H. R. 13006) for the relief of Levi W. Stalnaker—to the Committee on War Claims.

Also, a bill (H. R. 13007) for the relief of the heirs of Abraham Parsons, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13008) for the relief of the heirs of Elias W. Phares, deceased—to the Committee on War Claims.

By Mr. DRESSER: A bill (H. R. 13009) granting a pension to Clara T. Leathers—to the Committee on Pensions.

Also, a bill (H. R. 13010) granting an increase of pension to Alice B. Hartshorne—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13011) appropriating money to pay William Tucker for services and expenses as acting captain and drillmaster of Company D, One hundred and fifth Regiment Pennsylvania Volunteers—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 13012) granting an increase of pension to C. L. Cole—to the Committee on Invalid Pensions.

By Mr. FLOYD: A bill (H. R. 13013) for the relief of the heirs of Matthias Price, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13014) granting an increase of pension to Humphrey N. Thomas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13015) granting an increase of pension to James Drake—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13016) granting an increase of pension to John D. Reynolds—to the Committee on Invalid Pensions.

By Mr. FOSTER of Indiana: A bill (H. R. 13017) granting an increase of pension to Stephen A. Turner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13018) granting an increase of pension to Joseph McCain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13019) granting an increase of pension to George Whitman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13020) granting an increase of pension to Gottlieben Frey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13021) to remove the charge of desertion from the military record of Henry Rucker—to the Committee on Military Affairs.

By Mr. GARBER: A bill (H. R. 13022) granting an increase of pension to Sarah L. Ghrist—to the Committee on Invalid Pensions.

By Mr. GILL: A bill (H. R. 13023) for the relief of the heirs of William Henry Saddler—to the Committee on Claims.

Also, a bill (H. R. 13024) granting a pension to William J. Beach—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13025) granting an increase of pension to William H. Ross—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13026) granting an increase of pension to J. Bailey Orem—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13027) granting an increase of pension to Susan H. Donaldson—to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 13028) granting an increase of pension to Sarah E. Bennett—to the Committee on Invalid Pensions.

By Mr. HIGGINS: A bill (H. R. 13029) granting an increase of pension to Betsey M. Potter—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: A bill (H. R. 13030) granting an increase of pension to John C. Heney—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Nebraska: A bill (H. R. 13031) granting an increase of pension to Thomas H. Leslie—to the Committee on Pensions.

By Mr. KINKAID: A bill (H. R. 13032) granting an increase of pension to Stewart McKeney—to the Committee on Invalid Pensions.

By Mr. CHARLES B. LANDIS: A bill (H. R. 13033) granting an increase of pension to William A. Huff—to the Committee on Invalid Pensions.

By Mr. LAW: A bill (H. R. 13034) granting an increase of pension to Frederick Hildenbrand—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: A bill (H. R. 13035) granting an increase of pension to Maggie D. Russ—to the Committee on Pensions.

By Mr. McKINNEY: A bill (H. R. 13036) granting a pension to John Barry—to the Committee on Invalid Pensions.

By Mr. McLAIN: A bill (H. R. 13037) granting an increase of pension to Elizabeth Jane Kearney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13038) granting an increase of pension to Rebecca Ramsey—to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 13039) for the relief of Lina Hennig—to the Committee on Claims.

By Mr. MORRELL: A bill (H. R. 13040) for the relief of the persons who sustained damage by the explosion of detonating fuses at Frankford Arsenal, Philadelphia, Pa., of February 5, 1903—to the Committee on Claims.

By Mr. MUDD: A bill (H. R. 13041) for the relief of Richard H. Marshall—to the Committee on War Claims.

By Mr. OLMSTED: A bill (H. R. 13042) for the relief of Alexander C. Landis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13043) granting an increase of pension to Emeline Smink—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13044) granting an increase of pension to Frank C. Gratz—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 13045) granting an increase of pension to Henry Jacob Fox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13046) granting an increase of pension to W. H. Staubs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13047) granting an increase of pension to Walter Saunders—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13048) to remove the charge of desertion from the record of Thomas Sedgwick—to the Committee on Military Affairs.

By Mr. SAMUEL: A bill (H. R. 13049) granting an increase of pension to William Gable—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 13050) granting an increase of pension to William G. Crockett—to the Committee on Pensions.

By Mr. SMITH of Pennsylvania: A bill (H. R. 13051) granting an increase of pension to J. P. George—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13052) to remove the charge of desertion against John Mervine—to the Committee on Military Affairs.

By Mr. SOUTHARD: A bill (H. R. 13053) granting a pension to Eli Bunting—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13054) granting a pension to James M. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13055) granting a pension to Anna M. Kitchen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13056) granting a pension to Sarah B. Baker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13057) granting an increase of pension to James S. Salsberry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13058) granting an increase of pension to Thomas J. Baum—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13059) granting an increase of pension to Kate O'Connor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13060) granting an increase of pension to Henry De Graff—to the Committee on Invalid Pensions.

By Mr. SPIGHT: A bill (H. R. 13061) for the relief of W. M. McKie—to the Committee on War Claims.

Also, a bill (H. R. 13062) for the relief of the estate of Abner W. Lanier, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13063) for the relief of the estate of Harriet W. Fleming, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13064) for the relief of the estate of Mark M. Harwell, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13065) for the relief of the estate of Francis S. Jones, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13066) for the relief of the heirs of William Bailey, deceased—to the Committee on War Claims.

By Mr. THOMAS of Ohio: A bill (H. R. 13067) granting a pension to Hiram Roe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13068) granting an increase of pension to Esther Crane—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13069) granting an increase of pension to Friend S. Esmond—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13070) granting an increase of pension to Marquis D. Townsend—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13071) for the relief of William C. Armstrong—to the Committee on Military Affairs.

By Mr. WEEKS: A bill (H. R. 13072) granting a pension to Laura S. Ware—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13073) granting an increase of pension to Elizabeth L. W. Bailey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13074) granting an increase of pension to Charles W. Arrand—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 13075) granting an increase of pension to Pard Lamoreux—to the Committee on Invalid Pensions.

By Mr. GREENE: A bill (H. R. 13076) for the relief of Hosmer, Crampton & Hammond and others, and providing for the adjudication of certain claims by the Court of Claism—to the Committee on Claims.

By Mr. McKINLEY of Illinois: A bill (H. R. 13077) granting an increase of pension to James S. Prose—to the Committee on Invalid Pensions.

By Mr. POU: A bill (H. R. 13078) granting an increase of pension to Elizabeth F. Parten—to the Committee on Pensions.

Also, a bill (H. R. 13079) granting an increase of pension to James H. Griffin—to the Committee on Pensions.

Also, a bill (H. R. 13080) granting an increase of pension to Jesse A. B. Thorne—to the Committee on Pensions.

Also, a bill (H. R. 13081) granting an increase of pension to Orren R. Smith—to the Committee on Pensions.

Also, a bill (H. R. 13082) granting an increase of pension to Herbert Williams—to the Committee on Pensions.

Also, a bill (H. R. 13083) granting an increase of pension to Mordical B. Borbee—to the Committee on Pensions.

Also, a bill (H. R. 13084) granting an increase of pension to William Dixon—to the Committee on Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 5058) granting a pension to Bernard Sutton—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9216) granting an increase of pension to Catherine R. Michell—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12902) for the relief of Frank W. Tucker—Committee on Invalid Pensions discharged, and referred to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of C. H. Hampaugh, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Commercial Club of the city of Albuquerque, N. Mex., for union statehood of New Mexico and Arizona—to the Committee on the Territories.

By Mr. ADAMS of Pennsylvania: Petition of the Clearing House Association of Banks of Philadelphia, relative to bank legislation—to the Committee on Banking and Currency.

By Mr. AIKEN: Petition of James P. Lattimer et al., for repeal of duty on hides—to the Committee on Ways and Means.

By Mr. BEDE: Paper to accompany bill for relief of H. G. Klink—to the Committee on Invalid Pensions.

By Mr. BEIDLER: Paper to accompany bill for relief of F. Meng—to the Committee on Military Affairs.

By Mr. BENNET of New York: Petition of Methodist Preachers' Association of New York City, against liquors for soldiers on Army transports—to the Committee on Military Affairs.

By Mr. BURKE of South Dakota: Petition of Hall of Order of Railway Conductors, for bill H. R. 9328—to the Committee on the Judiciary.

Also, petition of Hall of Order of Railway Conductors, for bills H. R. 239 and S. 1657—to the Committee on the Judiciary.

By Mr. BURLEIGH: Petition of the National Woman's Christian Temperance Union, against a Federal law relative to prohibition in the States—to the Committee on Alcoholic Liquor Traffic.

Also, paper to accompany bill for relief of Daniel Lane—to the Committee on Invalid Pensions.

By Mr. CALDER: Petition of Daniel C. McEwen for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. CASTOR: Petition of the Philadelphia Clearing House, favoring an amendment to the national-banking act—to the Committee on Banking and Currency.

Also, petition of Spring Garden Council, No. 18, Junior Order United American Mechanics, of Philadelphia, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. CHANEY: Paper to accompany bill for relief of John W. Risher—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: Petition of the Commercial Law League of the United States, for the Lodge bill on the consular service—to the Committee on Foreign Affairs.

By Mr. CRUMPACKER: Paper to accompany bill H. R. 3024—to the Committee on the Judiciary.

By Mr. DALZELL: Petition of the Woman's Christian Temperance Union of Pittsburg, on the McCumber-Sperry bill—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the Woman's Christian Temperance Union of Pittsburg, for the anticanteen law—to the Committee on Military Affairs.

Also, petitions of the Woman's Home Missionary Society of Christ Methodist Episcopal Church, of Pittsburg, Pa., and the Woman's Christian Temperance Union of Pittsburg, favoring prohibition in the Indian Territory as a State—to the Committee on the Territories.

Also, petition of the Commercial Law League of America, favoring the consular bill—to the Committee on Foreign Affairs.

Also, petitions of Vesuvius Council, Junior Order United American Mechanics, and the Woman's Home Missionary Society, for the anticanteen law—to the Committee on Military Affairs.

Also, petition of the Woman's Home Missionary Society of Emory Methodist Episcopal Church, of Pittsburg, Pa., against sale of liquor on Army transports—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Mrs. Charles A. Wright et al., for prohibition in Indian Territory—to the Committee on the Territories.

By Mr. DOVENER: Paper to accompany bill for relief of Lucinda Gain—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Frances P. McMurtrie—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: Petition of the Commercial Law

League of America, for a law to reform the consular service—to the Committee on Foreign Affairs.

Also, petition of Dr. Edw. F. Janeway and 25 others, for a pure-food law—to the Committee on Agriculture.

By Mr. FLETCHER: Petition of the Western Fruit Jobbers' Association, relative to the interstate-commerce bill—to the Committee on Interstate and Foreign Commerce.

By Mr. FLOYD: Paper to accompany bill for relief of Henry Albert Crandell—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of N. W. Plymate—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of Smith Brothers & Sparks, of the National Stock Yards, for an amendment to the law governing the time stock may be kept in cars—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Alaska, relative to legislation for that Territory—to the Committee on the Territories.

Also, petition of the General Synod of the Reformed Church in America, against recognition of persons affiliated with the Mormon Church—to the Committee on the Judiciary.

By Mr. GILBERT: Petition of citizens of South McAlester and Indian Territory, for union of statehood of Indian Territory and Oklahoma—to the Committee on the Territories.

By Mr. GRANGER: Petition of Summit Grange, No. 15, Patrons of Husbandry, for passage of bill H. R. 345—to the Committee on Agriculture.

Also, petitions of the Woman's Christian Temperance Unions of Manton and Mount Pleasant, and the Methodist Episcopal Church of Phenix, R. I., against liquor traffic in Indian Territory and Oklahoma as States—to the Committee on the Territories.

Also, petition of Union Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Woman's Christian Temperance Union of Washington, R. I., against liquor traffic in Indian Territory—to the Committee on the Territories.

By Mr. HARDWICK: Paper to accompany bill (H. R. 12897) for relief of Robert B. Malone—to the Committee on Invalid Pensions.

By Mr. HAY: Paper to accompany bill for relief of Mary C. Spangler—to the Committee on Pensions.

By Mr. HENRY of Connecticut: Petition of Monitor Council, No. 61, Order United American Mechanics, of Glastenbury, Conn., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. HINSHAW: Petition of the Farmers' Institute of Western, relative to railway freight rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Farmers' Institute of Western, favoring power for the President to adjust the tariff with foreign nations by reciprocal measures when the interests of the people demand—to the Committee on Ways and Means.

By Mr. HOWELL: Paper to accompany bill for relief of William C. Butler—to the Committee on Military Affairs.

By Mr. KETCHAM: Petition of Mount Hope Grange, No. 902, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of A. T. Johnson and 35 others, of Catskill, N. Y., for an investigation of the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. KNAPP: Petitions of Barnes Corners, Star, and St. Lawrence granges, Patrons of Husbandry, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. LAFEAN: Petition of 16 citizens of New York and vicinity, for relief of heirs of victims of the *General Slocum* disaster—to the Committee on Claims.

By Mr. LEVER: Paper to accompany bill for relief of James D. Blanding—to the Committee on Pensions.

By Mr. MAHON: Petition of Grange No. 1282, of Altenwold, Pa., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. MARTIN: Petition of Hall of Order of Railway Conductors, for bills H. R. 239 and S. 1657—to the Committee on the Judiciary.

Also, petition of Hall of Order of Railway Conductors, for bill H. R. 9328—to the Committee on the Judiciary.

By Mr. MILLER: Paper to accompany bill for relief of William N. Hughes—to the Committee on Military Affairs.

By Mr. OLMSTED: Petition of Samuel E. Light, against any bill for free denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Elizabethville (Pa.) Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. RYAN: Paper to accompany bill for relief of James W. Jones—to the Committee on Invalid Pensions.

By Mr. SAMUEL: Petition of Master Grange, No. 88, of Benton, Pa., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. SMITH of Maryland: Papers to accompany bill to equalize rank and pay of certain retired officers of the Marine Corps—to the Committee on Naval Affairs.

Also, paper to accompany bill for relief of Worthington Goldsboro—to the Committee on Naval Affairs.

By Mr. SMITH of Pennsylvania: Petition of New Maysville Council, No. 395, Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SPIGHT: Paper to accompany bill for relief of Abner W. Lanier—to the Committee on Naval Affairs.

Also, paper to accompany bill for relief of Patti Rodgers Crawford—to the Committee on War Claims.

Also, paper to accompany bill for relief of A. C. Marr—to the Committee on War Claims.

Also, paper to accompany bill for relief of estate of Mrs. Harriett W. Flemming—to the Committee on War Claims.

Also, paper to accompany bill for relief of Mark M. Harwell—to the Committee on War Claims.

Also, paper to accompany bill for relief of Francis S. Jones—to the Committee on War Claims.

Also, paper to accompany bill for relief of W. M. McKie—to the Committee on War Claims.

By Mr. STEPHENS of Texas: Paper to accompany bill for relief of Joseph Henry Martin—to the Committee on Pensions.

Also, paper to accompany bill for relief of W. B. Johnson—to the Committee on Pensions.

Also, paper to accompany bill for relief of William Winans—to the Committee on Pensions.

Also, paper to accompany bill for relief of Bayles E. Cobb—to the Committee on Pensions.

Also, paper to accompany bill for relief of Milton R. Dungan—to the Committee on Pensions.

Also, paper to accompany bill for relief of William Cook—to the Committee on Pensions.

Also, paper to accompany bill for relief of J. W. McQuire—to the Committee on War Claims.

By Mr. STERLING: Paper to accompany bill for relief of Thomas Pinneo—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Olden Myers—to the Committee on Invalid Pensions.

By Mr. THOMAS of Ohio: Petition of 16 citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. WEISSE: Petition of the Commercial Law League of America, against commercial spoliation of Niagara Falls—to the Committee on Foreign Affairs.

SENATE.

THURSDAY, *January 25, 1906.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. TILLMAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

Mr. TILLMAN. Have we reached the order of petitions and memorials?

The VICE-PRESIDENT. The Chair will first lay before the Senate an executive communication.

Mr. TILLMAN. Very well.

ANNUAL REPORT OF COMMISSIONER OF PATENTS.

The VICE-PRESIDENT laid before the Senate the annual report of the Commissioner of Patents for the year ended December 31, 1905; which was referred to the Committee on Patents, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 5289) to provide for the selection of grand and petit jurors for the district courts in the Territory of Oklahoma; in which it requested the concurrence of the Senate.

ENROLLED JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 87) to authorize the use of the transport *Sumner* to convey members of the Santiago Battlefield Commission and others to Cuba and return, and it was thereupon signed by the Vice-President.

OVERCAPITALIZATION OF RAILROADS.

Mr. TILLMAN. Mr. President, we have had some discussion during the week on the subject of railway-rate regulation. There has been some presentation of views by different Senators on one of the most important phases of it—overcapitalization. In order to contribute in a feeble way to the subject I have here a very important paper, a letter from Prof. William D. Marks, a very distinguished engineer, publicist, and statistician, which I ask to have read.

The VICE-PRESIDENT. The Senator from South Carolina asks that the communication sent by him to the desk shall be read. Is there objection? The Chair hears none, and the Secretary will read it.

The Secretary read as follows:

DECEMBER 11, 1905.

Hon. WHARTON BARKER, *Philadelphia, Pa.*

DEAR SIR: Referring to our verbal interviews regarding the overcapitalization of the steam railway corporations of this United States, and more particularly in reply to your query of the 5th current, "Let me know what you think a fair capitalization of the railroads or capitalization the public should pay for," I would say that in my experience of late years as a consulting engineer I have been struck by the deplorable and almost universal "watering" of securities in railway corporations practiced by our promoters of these enterprises.

Not only are our railways often wastefully built wholly upon the proceeds of the sale of bonds at figures far below par, but the promoters frequently add to the burden of the earnings of their enterprises by issuing as a bonus (to go with the bonds or appropriated by themselves) an equal or greater amount of stock, representing a speculative profit in the future.

So invariably have I found this to be the case that I felt justified, after numerous individual experiences, in saying to you that more than one-half of the railway securities issued represented no real property or investment of cash.

Besides the "water" injected into securities by the original builders of a new railway, other and often larger percentages of it are poured in by financiers who have found their profit in combining a number of individual railways into a "system" by means of a holding and operating corporation.

As a result we frequently find stratum of securities piled upon stratum of securities until a chart of the securities of a system of some railway systems very closely resembles a geological section.

There can (if my statement is correct) be but one of two results of these manipulations.

Either the public is robbed by overcharging to render these watered securities valuable to their owners or innocent purchasers of them lose all or a portion of their investments, if they have been led to believe that their securities represent real property.

Tersely, either the traveler and shipper are robbed or the purchaser of securities is swindled if he buys believing them to have been honestly issued.

The purchaser of "water" securities is either helping thieves to rob the public or is himself the victim of thieves.

But probably my general experience and feeling in these matters will not serve to convince you or others, and I will ask your careful attention to an analysis of the Massachusetts railroad commissioner's report, 1904:

Returns of year ending June 30, 1903.

	Miles owned.
Massachusetts railways, total length of lines	3,794
Massachusetts railways, total length of single track	7,601

The cost of construction of these lines, excluding equipment, land, and buildings, securities of other companies, cash, and miscellaneous assets, is given as $293,236,332; in round figures, $73,800 per mile of roadbed; $38,600 per mile of single track.

This single-track valuation is the important item, for it includes every foot of track, wherever or however used.

Omitting long bridges, tunnels, heavy rock cuts, extraordinary excavations, allowing 10,000 cubic yards excavation per mile, the cash cost of the average standard-gauge railway to the top of the rail head is, from many instances, about as follows, when prudently constructed:

Preliminary legal papers and rights of way	$700
Civil engineering construction to top of rail	11,000
Architects, stations, shops, and houses	1,500
Total	13,200

Of course, we have excepted long bridges (say over 60-foot span) and other unusual features, but throughout Massachusetts and the United States there are very few railways requiring 10,000 cubic yards excavation ($3,500) per mile.

There are notable individual instances of costly and unavoidable engineering expense, but these will be balanced by the average savings from $13,200 allowance per mile for construction.

We see that the average book cost, $38,600, of construction is nearly three times the necessary cost, $13,200, of steam railways to the rail top.

The cost of equipment of the Massachusetts railways is given as $32,057,122. By this is principally meant the rolling stock. For the purpose of this comparison I will place very high figures upon it, though much of it is old and largely depreciated in value.

Locomotives, 2,277, at $10,000 each	$22,770,000
Passenger cars, 3,338, at $5,000 each	16,690,000
Baggage and mail cars, 650, at $3,000 each	1,950,000
Freight cars, 34,825, at $500 each	17,412,500
Gravel and construction cars, 1,865, at $400 each	746,000
Total	59,568,500

Many of these locomotives and cars are leased, but for the purpose of our discussion they should be valued, and so we had better fix their total cost at, say, $76,000,000 instead of $33,000,000—book value given.

There are 7,601 miles of single track owned, and with sufficient accuracy for our purposes we can put the first cost of equipment with rolling stock at $10,000 per mile, a very liberal estimate for the Massachusetts railways, which serve a denser population than exists in any other portions of this United States, and which, being a manufacturing community, must use its railways largely.

We have omitted occasional extraordinary expenditures, say, for the tunnels and long bridges over rivers and also for rock cuts and deep excavations.

We are perfectly safe, however, in allowing an average of $2,000 per mile of track, or $15,202,000, to cover the cash cost of these extras.

Recapitulating for the average honest cash cost of Massachusetts railways, we have for each mile of single track owned:

Preliminary legal papers and right of way	$700
Civil engineering construction to top of rail	11,000
Minor stations, machine shops, and houses	1,500
Equipment of locomotives and cars	10,000
Extraordinary expenditures	2,000
Estimated cost of construction and equipment per mile	25,200

Massachusetts has been selected because its railroad commissioners have largely reduced the usual amount of corporate dishonesty by their most careful examinations and enforced publicity of corporate accounts.

Its dense population requires a larger equipment than the average of the rest of the United States. Its costs of construction are increased by reason of its rocky soil and hilly topography far above the average of many other sections.

I have increased the stated book value of equipment from $33,000,000 to $76,000,000; I have added $15,000,000 to well-known standard average costs of construction; I have allowed $11,400,000 for architectural work, and as a result I have obtained an average cash cost per mile of $25,200, which I have no doubt substantially exceeds the true costs of railways.

In education, frugality, industry, and honesty Massachusetts's population stands in the first rank of these United States, and yet we have the following capitalization of the Massachusetts railways:

Funded debt	$133,435,355
Mortgages, etc. (?)	25,007,318
Capital stock	235,834,466
Total capitalization	394,277,139

Dividing this by 7,601 miles of single track, we obtain about $52,000 capitalization per mile—51½ per cent of water, probably more.

Referring to gross assets of companies given on page 9, Massachusetts railroad commission report, June 30, 1903, we find as book accounts, but probably not the practical truth:

Construction	$293,236,332
Equipment	32,957,122
Land and buildings	1,497,218
Cash	40,880,067
Total	368,570,739
Stocks, bonds, and other property	64,210,110
Gross assets	432,780,849

The item of $64,000,000 probably represents "strategic purchases," having no proper relation to expenditures required to operate the roads for the convenience of the public and the profit of the stockholders.

The Interstate Commerce Commission, June 30, 1903, reports total miles of single track 283,821.52. (This is not the length of road bed, which is less; it is the total length of all the tracks wherever placed.) Outside of Massachusetts, with a few exceptions in the Eastern and Middle States, the equipment rarely costs as much as $5,000 per mile, and we are liberal in putting the cash cost of construction and equipment of all at an average of $20,000 per mile, or $5,676,420,000. The total railway capital June 30, 1903, was (Interstate Commerce Commission report) $12,599,990,258, or about $7,000,000,000 watered securities and $5,600,000,000 actual value.

Experienced engineers (I mean those who have been through the mill) will tell you the same as I do as to actual costs of constructions and equipment, if not (as in most cases) prevented by personal fear of consequences from disclosing the truth.

You may and probably will have many instances of extraordinary cost of construction brought to prove to you the higher cost of our railways. Many of these instances are both unwise and unnecessary expenditures.

Do not forget that for every such case there are hundreds of miles of railway which honestly have not cost $17,500 per mile to construct and equip; on the contrary, very much less.

The fairest index of the proper cost of a railway is not to its length of roadbed, but its length of single track.

Twenty thousand dollars per mile is an overestimate of the average cost of most railways crossing the vast prairies of the West.

You will note that I have not brought forward the many individual instances which have come to my notice upon which I based my former statements to you, but have delayed long enough to enable me to verify them, generally by a consideration of all the railways of Massachusetts.

For thirty-four years, beginning on the Delaware, Lackawanna and Western road, as a civil engineer, in the days of the crimes of Fisk & Gould, of the Erie, I have watched the growth of this criminal method called "watering" securities, and to-day we find that their success had led to the perpetration by their imitators of a colossal fraud reaching $7,000,000,000 upon the citizens of this United States.

I wish you godspeed in trying to put a stop to it. If you succeed you will earn the gratitude of every honest man.

I return to you the bill, which could be much improved, and I also hand you Engineering News, November 2, 1905, containing a brief article of mine on railway rates for an electric railway, and the following papers: "What are the facts?" by Slason Thompson; "Facts about railroad rates," by H. T. Newcomb; "Solution transportation problem," by P. S. Grosscup; Massachusetts Railroad Commissioners' Report, June 30, 1903.

After you have read my article in the Engineering News I wish you would refer to Census Bulletins Nos. 3 and 21, just to see how carefully they have avoided giving the required data enabling the fixing of the cost of construction, equipment, and operation of the railways they pretend to deal with.

To the engineer's lot it falls to deal with the concrete and tangible, and when he seeks help from these expensive publications by our Government he finds that because no one compiling the data in them appears to have power to demand replies on practical experience and grasp that all our Government statisticians have fallen victims to the conspiracy of secrecy among railway promoters and operators who, above all things, fear honest publicity for their deeds.

Very truly, yours,

WM. D. MARKS.

The VICE-PRESIDENT. The Chair will refer the letter just read to the Committee on Interstate Commerce.

Mr. TILLMAN. I should like to have it printed as a document.

The VICE-PRESIDENT. The Senator from South Carolina requests that the communication be printed as a Senate document. Is there objection? The Chair hears none, and it is so ordered.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of Post Q, Indiana Division, Travelers' Protective Association, of New Albany, Ind., praying for the enactment of legislation providing that letter postage should be reduced to 1 cent before the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

Mr. GALLINGER presented a petition of Burnside Council, No. 25, Junior Order United American Mechanics, of Chester, N. H., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented a petition of the Oklahoma Woman's Christian Temperance Union, of Cushing, Okla., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Oklahoma Territory when admitted to statehood; which was referred to the Committee on Territories.

Mr. MILLARD presented a memorial of sundry citizens of Nebraska, remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Nebraska, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. BURNHAM presented the petition of Ward R. Clarke, of Dover, N. H., praying for an investigation of existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented the petition of Mary S. Fuller-Smith, of Hampstead, N. H., praying for the adoption of an amendment to the postal laws relative to fraud orders; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the New England Section of the Society of Chemical Industry, of Boston, Mass., praying for the enactment of legislation to remove the internal-revenue tax on denaturized grain alcohol; which was referred to the Committee on Finance.

He also presented petitions of Mount Pleasant Council, No. 10, of Plymouth; of Liberty Council, No. 37, of East Tilton; of John P. Hate Council, No. 9, of Barrington, and of Burnside Council, No. 26, of Chester, all of the Junior Order United American Mechanics, in the State of New Hampshire, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. CARTER presented petitions of sundry citizens of Choteau, Dupuyer, Conrad, Great Falls, Saypo, Cut Bank, and Cascade County, all in the State of Montana, praying for the enactment of legislation opening to settlement and disposal, under the land laws of the United States, the Blackfeet Indian Reservation in that State; which were referred to the Committee on Indian Affairs.

He also presented memorials of the Conrad Investment Company and sundry other citizens of Great Falls, Mont., remonstrating against any proceeding on the part of the Government to abate the dam of the Conrad Investment Company or to prevent the diversion of the waters of Birch Creek into its canal, and praying that the Blackfeet Indian Reservation be opened to settlement; which were referred to the Committee on Indian Affairs.

Mr. NELSON presented a petition of Winona Lodge, No. 510, Brotherhood of Railroad Trainmen, of Winona, Minn., praying for the passage of the so-called "anti-injunction bill;" which was referred to the Committee on the Judiciary.

He also presented a petition of Winona Lodge, No. 510, Brotherhood of Railroad Trainmen, of Winona, Minn., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Goodhue County Farmers' Association, of Kenyon, Minn., praying for the enactment of legislation to remove the duty on denaturized alcohol; which was referred to the Committee on Finance.

He also presented a petition of the Minnesota National Guard Association, of St. Paul, Minn., praying for the enactment of legislation to increase the efficiency of the militia and promote rifle practice; which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Northfield, Minn., praying for the enactment of legislation to investigate the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Tanana Miners' Association, of Seattle, Wash., remonstrating against the action taken by the Seattle convention of delegates relative to the mining interests of Alaska; which was referred to the Committee on Mines and Mining.

Mr. GAMBLE presented a petition of Local Division No. 258, Order of Railway Conductors, of Aberdeen, S. Dak., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented a petition of Local Division No. 258, Order of Railway Conductors, of Aberdeen, S. Dak., praying for the passage of the so-called "anti-injunction bill;" which was referred to the Committee on the Judiciary.

Mr. WARNER presented an affidavit to accompany the bill (S. 3453) granting an increase of pension to John F. Cluley; which was referred to the Committee on Pensions.

Mr. TELLER presented a petition of Printing Pressmen's Union No. 40, American Federation of Labor, of Denver, Colo., praying for the enactment of legislation to secure official recognition of the position of foreman of presswork in the Government Printing Office; which was referred to the Committee on Printing.

He also presented a memorial of sundry citizens of Denver, Colo., remonstrating against the ratification of the Isle of Pines treaty; which was referred to the Committee on Foreign Relations.

He also presented a petition of the El Paso County Horticultural Society, of Colorado Springs, Colo., praying for the enactment of legislation to prevent the impending destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the State Teachers' Association of Denver, Colo., and a petition of the Colorado Society of the Archæological Institute of America, of Denver, Colo., praying for the enactment of legislation to establish the Mesa Verde National Park in that State; which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of Local Division No. 186, Brotherhood of Locomotive Engineers, of Denver, Colo., and of Lincoln Council, No. 9, Junior Order of United American Mechanics, of Pueblo, Colo., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented a petition of W. E. McGraw Lodge, No. 680, Brotherhood of Railroad Trainmen, of Denver, Colo., praying for the passage of the so-called "anti-injunction bill;" which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Buena Vista, Colo., praying that an appropriation be made to enable the Geological Survey to make further examination of black sands for gold and platinum in that State; which was referred to the Committee on the Geological Survey.

He also presented a petition of Local Union No. 306, Cigar Makers' International Union, of Pueblo, Colo., and a petition of Local Union No. 129, Cigar Makers' International Union, of Denver, Colo., remonstrating against a reduction of the duty on cigars and tobacco imported from the Philippine Islands; which were referred to the Committee on the Philippines.

He also presented a petition of the Chamber of Commerce of Colorado Springs, Colo., praying for the enactment of legislation to reorganize the consular service; which was ordered to lie on the table.

He also presented a petition of the People's Sunday Alliance of Denver, Colo., praying for the enactment of legislation to reduce the Congressional representation of those States that have disfranchised colored citizens; which was referred to the Committee on Privileges and Elections.

He also presented a petition of sundry citizens of Baca County, Colo., praying for the enactment of legislation providing for a resurvey of the boundary lines of that county; which was referred to the Committee on Public Lands.

He also presented a memorial of the Wholesale Grocers' Club of Colorado Springs, Colo., remonstrating against any increase of the duty on tea and coffee; which was referred to the Committee on Finance.

He also presented a petition of the congregation of the First Methodist Episcopal Church of Central City, Colo., and a petition of the Denver Christian Citizenship Union, of Colorado, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings and grounds;

which were referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Colorado Woman's Christian Temperance Union, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the Indian Territory when admitted to statehood; which was referred to the Committee on Territories.

He also presented a memorial of the Board of Trade of Durango, Colo., relative to the tariff on beet sugar manufactured in that State; which was referred to the Committee on Finance.

He also presented a petition of the city council of Durango, Colo., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of W. E. McGraw Lodge, No. 680, Brotherhood of Railroad Trainmen, of Denver, Colo., and a petition of Pikes Peak Lodge, No. 218, Brotherhood of Locomotive Firemen, of Colorado City, Colo., praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

Mr. CLARK of Montana presented a petition of the Commercial Club of Great Falls, Mont., praying for the enactment of legislation providing for the opening of the Blackfoot Indian Reservation in that State to settlement, except such a portion as would be set aside for allotment to the Indians; which was referred to the Committee on Indian Affairs.

Mr. HEMENWAY presented a petition of Jefferson Council, No. 13, Junior Order United American Mechanics, of Upland, Ind., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented a petition of the Manufacturers' Association of Indianapolis, Ind., praying for the enactment of legislation to permit the industrial use of alcohol; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. WARREN, from the Committee on Public Buildings and Grounds, to whom was referred the letter from the Secretary of the Department of Commerce and Labor submitting a draft of a bill "authorizing the Secretary of Commerce and Labor to lease for a term of years a suitable building for the Department of Commerce and Labor," asked to be discharged from its further consideration, and that it be referred to the Committee on Appropriations; which was agreed to.

Mr. FRYE, from the Committee on Commerce, to whom was referred the joint resolution (S. R. 23) providing for an extension of time for completing the highway bridge and approaches across the Potomac River at Washington, D. C., reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3416) to prohibit any vessel from anchoring in such manner as to obstruct or interfere with the range lights established in any navigable waters of the United States by the United States Light-House Board, reported it without amendment, and submitted a report thereon.

Mr. FRYE. I am directed by the Committee on Commerce, to whom was referred the bill (S. 31) to amend certain sections of title 52 of the Revised Statutes of the United States, entitled "Regulation of steam vessels," and acts amendatory thereto, and for other purposes, to report it adversely, the purposes of the bill having been accomplished in other legislation. I move that the bill be indefinitely postponed.

The motion was agreed to.

Mr. CRANE, from the Committee on Commerce, to whom was referred the bill (S. 3409) for the construction of an able seagoing tug for the Revenue-Cutter Service for New Bedford, Mass., reported it without amendment, and submitted a report thereon.

Mr. PILES, from the Committee on Commerce, to whom was referred the bill (H. R. 11045) to amend an act entitled "An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania," approved February 21, 1903, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 11263) to authorize the construction of a bridge across the navigable waters of St. Andrews Bay, reported it without amendment.

Mr. HOPKINS, from the Committee on Fisheries, to whom was referred the bill (S. 1462) to establish one or more fish-cultural stations on Puget Sound, State of Washington, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Commerce, to whom was referred the bill (S. 3263) to amend an act entitled "An act to establish a port of delivery at Salt Lake City, Utah," reported it with an amendment, and submitted a report thereon.

Mr. PERKINS, from the Committee on Commerce, to whom was referred the bill (S. 2274) to establish a fog signal on one of the jetties at the entrance to the harbor at Humboldt Bay, California, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3318) to allow the entry and clearance of vessels at Port Harford and Monterey, Cal., reported it with an amendment, and submitted a report thereon.

Mr. MALLORY (for Mr. FOSTER), from the Committee on Commerce, to whom was referred the bill (H. R. 7085) authorizing the Pea River Power Company to erect a dam in Coffee County, Ala., reported it without amendment.

Mr. MALLORY. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 297) to authorize the construction of dams and power stations on the Tennessee River at Muscle Shoals, Alabama, to report it without amendment.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. MALLORY. I move that Order of Business No. 120, being Senate bill 2354, to authorize the construction of dams and power stations on the Tennessee River at Muscle Shoals, Alabama, be indefinitely postponed, and that House bill No. 297, just reported by me, take its place upon the Calendar.

The motion was agreed to.

Mr. FORAKER, from the Committee on Pacific Islands and Porto Rico, to whom was referred the amendment submitted by Mr. MCCUMBER on the 22d instant, intended to be proposed to the urgent deficiency appropriation bill, proposing to appropriate $35,000 for filling in the United States quarantine station at Honolulu, Hawaii, reported it with an amendment, submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. BLACKBURN, from the Committee on Military Affairs, to whom was referred the bill (S. 368) to correct the military record of Shadrack F. Brown, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. HANSBROUGH, from the Committee on the Library, to whom was referred the bill (S. 3292) to incorporate the Great Council of the United States of the Improved Order of Red Men, asked to be discharged from its further consideration, and that it be referred to the Committee on the Judiciary; which was agreed to.

STATUE OF COUNT DE ROCHAMBEAU.

Mr. PLATT, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. WETMORE December 13, 1905, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the concurrent resolution passed February 2, 1904, providing for the publication of the proceedings on the occasion of the unveiling of the Rochambeau statue is hereby continued in force and excepted from the limitation of one year as provided in section 80 of the act of January 12, 1895, providing for the public printing and binding and the distribution of public documents.

FRENCH COMBATANTS IN AMERICAN REVOLUTION.

Mr. PLATT, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. LODGE on the 16th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,000 copies of Senate Document No. 77, Fifty-eighth Congress, second session, "Les Combattants Françaises de la Guerre Américaine, 1778–1783," of which 500 shall be for the use of the Senate, 2,000 for the use of the House of Representatives, and 500 for the use of the National Society of the Sons of the American Revolution, to be distributed under the direction of A. Howard Clark, registrar.

REPORT OF SUPERINTENDENT OF INDIAN SCHOOLS.

Mr. PLATT, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent and agreed to:

Resolved by the Senate, That the Public Printer be, and he is hereby, authorized and directed to print from the stereotype plates 1,500 copies of the Report of the Superintendent of Indian Schools for 1905, for the use of the Department of the Interior.

REPORT OF RECLAMATION SERVICE.

Mr. PLATT. I am directed by the Committee on Printing, to whom was referred the joint resolution (S. R. 17) to print the Fourth Annual Report of the United States Reclamation Service, to report it without amendment, and I ask for its present consideration.

The Secretary read the joint resolution; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It provides for printing 9,000 copies of the Fourth Annual Report of the Reclamation Service, of which

1,000 are to be bound in form similar to the preceding reports of the Service; and of that entire edition 1,500 shall be for the use of the Senate, 2,500 for the use of the House of Representatives, and 5,000 for distribution by the Director of the Geological Survey.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPORT ON THE REFORMATORY SYSTEM.

Mr. PLATT, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed and bound in cloth, for the use of the Department of State, 1,000 copies of the report on "The Reformatory System in the United States," House Document No. 459, Fifty-sixth Congress, first session.

HARBOR OF REFUGE AT POINT JUDITH, R. I.

Mr. GALLINGER, from the Committee on Commerce, to whom was referred the concurrent resolution submitted by Mr. ALDRICH on the 22d instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to inform the Senate whether changed conditions necessitate a change of project for the main breakwater of the harbor of refuge at Point Judith, R. I., and if so, to submit plans and estimates for such revised project.

PUBLIC BUILDING AT AUBURN, ME.

Mr. SCOTT. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 25) to provide for the purchase of a site and the erection of a building thereon at Auburn, in the State of Maine, to report it with amendments. I call the attention of the Senator from Maine [Mr. FRYE] to the bill.

Mr. FRYE. As that is practically my own city, there being simply between mine and it a narrow frith, I hope the Senate will indulge me in allowing it to be considered now.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Treasury to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post-office and other Government offices in the city of Auburn, Me., the cost of the site and building, including the vaults, heating and ventilating apparatus, and approaches, complete, not to exceed $50,000.

The first amendment of the committee was to strike out section 4 in the following words:

SEC. 4. That if, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after said examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all maps, statements, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The amendment was agreed to.

The next amendment was to strike out section 5 in the following words:

SEC. 5. That the compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

SEC. 6. That the building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT FAYETTEVILLE, N. C.

Mr. SIMMONS. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S.1277) authorizing a public building at Fayetteville, N. C., to report it favorably without amendment, and I ask unanimous consent for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Treasury to purchase, or otherwise acquire, a suitable site at Fayetteville, N. C., and cause to be erected thereon a suitable public building to accommodate the needs of the United States post-office at that place, and for other public purposes, at a total cost not to exceed $75,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 3679) to amend the Code of Law for the District of Columbia, relating to incorporations; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. McCUMBER introduced a bill (S. 3680) to provide for the admission of the State of Sequoyah into the Union, and for other purposes; which was read twice by its title, and referred to the Committee on Territories.

Mr. SCOTT introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3681) granting a pension to Sanford H. Moats; and

A bill (S. 3682) granting an increase of pension to Reuben M. Harlow (with an accompanying paper).

Mr. FORAKER introduced a bill (S. 3683) for the relief of James W. Jones; which was read twice by its title, and referred to the Committee on Claims.

Mr. MILLARD introduced a bill (S. 3684) granting an increase of pension to George W. Hyde; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CARTER introduced a bill (S. 3685) to enable the Secretary of Agriculture to examine and report upon the nature, quality, and condition of seed and grain; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. LODGE introduced a bill (S. 3686) for the relief of Robert G. Carter, United States Army (retired); which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HANSBROUGH introduced a bill (S. 3687) providing for the segregation of $1,000,000 from the reclamation fund created by the act of June 17, 1902, and for other purposes; which was read twice by its title, and referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. GAMBLE introduced a bill (S. 3688) directing the Court of Claims to hear and determine the question of the restoration of the unpaid annuities of the Sisseton and Wahpeton bands of Sioux Indians; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. WARREN introduced a bill (S. 3689) to create a new land district in the State of Wyoming; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 3690) to provide for the purchase of certain coal lands in the Philippine Islands, and to authorize the lease of same and of the Batan Military Reservation for the purpose of securing a local coal supply to the United States Government in the Philippine Islands; which was read twice by its title, and referred to the Committee on the Philippines.

Mr. FULTON introduced a bill (S. 3691) granting a pension to Rollin S. Belknap; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. TALIAFERRO introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3692) for the relief of the estate of Raphael Cohen;

A bill (S. 3693) for the relief of the estate of Calvin Read, deceased (with accompanying papers); and

A bill (S. 3694) for the relief of the estate of Cyprian T. Jenkins, deceased (with accompanying papers).

Mr. RAYNER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3695) granting an increase of pension to Alexander McCormick;

A bill (S. 3696) granting an increase of pension to Joseph Ward; and

A bill (S. 3697) granting an increase of pension to Sarah A. Petherbridge.

Mr. RAYNER introduced a bill (S. 3698) for the relief of the heirs of Michael Carling, assignee of Joseph R. Shannon, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3699) for the relief of James Hooper; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3700) to place Worthington Goldsborough upon the retired list of the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. WARNER introduced a bill (S. 3701) granting a pension to Mollie A. Jones; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BURKETT introduced a bill (S. 3702) for the relief of the Gurley Memorial Presbyterian Church, of the District of Columbia; which was read twice by its title, and referred to the Committee on Claims.

Mr. DICK introduced a bill (S. 3703) to amend section 918 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

He also (by request) introduced a bill (S. 3704) to regulate the practice of dentistry or dental surgery in the Indian Territory; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. HOPKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3705) to amend the act of June 27, 1890, as amended by the act of May 9, 1900;

A bill (S. 3706) granting a pension to Joseph Farrell;

A bill (S. 3707) granting an increase of pension to Eugenia J. Hunt; and

A bill (S. 3708) granting an increase of pension to John McArthur.

Mr. HOPKINS introduced a bill (S. 3709) to correct the military record of Bernhard Franz; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PETTUS (for Mr. MORGAN) introduced a bill (S. 3710) for the relief of the estate of Thomas V. Provence, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. PETTUS introduced a bill (S. 3711) for the relief of Dan Walden; which was read twice by its title, and referred to the Committee on Claims.

Mr. ALLISON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3712) granting an increase of pension to Davis S. Loudon;

A bill (S. 3713) granting an increase of pension to David W. Farington; and

A bill (S. 3714) granting an increase of pension to James Ruth.

Mr. HEMENWAY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3715) granting an increase of pension to Samuel S. Watson;

A bill (S. 3716) granting an increase of pension to Isaac G. Cisnea; and

A bill (S. 3717) granting an increase of pension to Paul L. Bahr.

Mr. NEWLANDS introduced a bill (S. 3718) declaring the purpose of the United States regarding the future government of the Philippine Islands, providing for a Philippine agricultural bank, for the issue and guaranty of Philippine bonds for public and railroad construction, and for other purposes; which was read twice by its title, and referred to the Committee on the Philippines.

Mr. FULTON introduced a joint resolution (S. R. 25) authorizing the Secretary of War to negotiate with John T. Dolan, of Portland, Oreg., for purchase of original manuscript copy of "Order Book of General Arthur Saint Clair;" which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENT TO DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. NELSON submitted an amendment proposing to strike out the words "Amsterdam, Netherlands," where they occur in Class IV, Schedule B, and insert the same words in Class III of said schedule, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

INVESTIGATIONS AT TESTING PLANTS AT ST. LOUIS.

Mr. HEMENWAY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and he hereby is, directed to transmit to the Senate a summary of the results obtained in the investigations, under the Director of the Geological Survey, of fuels and structural materials at the testing plants at St. Louis, and a statement of his opinion, with the reasons therefor, whether or not it is desirable for the Government to continue the investigations, together with an estimate of the amount of money which will be necessary to carry on the investigations in a satisfactory manner, during the fiscal year commencing July 1, 1906.

GEORGIA RAILROAD AND BANKING COMPANY.

Mr. BACON submitted the following resolution; which was referred to the Committee on Claims:

Resolved by the Senate of the United States of America in Congress assembled, That the claim of the Georgia Railroad and Banking Company (Senate bill 819) be, and the same is hereby, referred to the Court of Claims under the provisions of the act of Congress approved March 3, 1887, commonly known as the "Tucker Act."

ESTATE OF J. P. LAMAR.

Mr. BACON submitted the following resolution; which was referred to the Committee on Claims:

Resolved by the Senate of the United States of America in Congress assembled, That the claim of the legal representatives of J. P. Lamar, deceased (Senate bill 818), be, and the same is hereby, referred to the Court of Claims under the provisions of the act of Congress approved March 3, 1887, commonly known as the "Tucker Act."

HOUSE BILL REFERRED.

H. R. 5289. An act to provide for the selection of grand and petit jurors for the district courts, in the Territory of Oklahoma, was read twice by its title, and referred to the Committee on the Judiciary.

CHINESE BOYCOTT OF AMERICAN MANUFACTURES.

Mr. TILLMAN. I submit a resolution, which I send to the desk, for which I should like immediate consideration.

The Secretary read the resolution, as follows:

Whereas the boycott of American manufactured products by the people of China is a matter of very serious and deep concern to the capitalists and laborers interested in those industries; and

Whereas it is understood that the former United States minister, Wu Ting Fang, is a leader of this movement among his countrymen, assigning as a reason therefor the outrages and indignities put upon Chinese travelers and students under our immigration laws, and through the unwise and drastic methods which have been followed in executing these laws; and

Whereas the policy thus stigmatized by the Chinese is not such as should be followed by one great nation in dealing with another; and

Whereas it is in the interest of our commercial expansion and growth that the just complaints of the Chinese people should be carefully investigated and the whole subject presented to Congress for its guidance and information: Therefore, be it

Resolved by the Senate, That the Committee on Immigration shall consider and, after thorough investigation, report to the Senate the facts in the case and suggest any remedies that may be deemed advisable.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. ALDRICH. Let the resolution go over, Mr. President.

The VICE-PRESIDENT. Under objection, the resolution will go over.

FUNERAL EXPENSES OF THE LATE SENATOR MITCHELL.

Mr. FULTON submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay the expenses incident to the sickness and death of the Hon. JOHN H. MITCHELL, late a Senator from the State of Oregon, from the miscellaneous items of the contingent fund of the Senate, amounting to $547.75.

MEDICAL DEPARTMENT OF THE ARMY.

The VICE-PRESIDENT. Is there further morning business? If not, that order is closed.

Mr. WARREN. I ask unanimous consent for the consideration at this time of the bill (S. 1539) to increase the efficiency of the Medical Department of the United States Army.

Mr. MONEY. Mr. President, I wish to ask if the morning business is concluded?

The VICE-PRESIDENT. The morning business has been concluded and the Senator from Wyoming [Mr. WARREN] has been recognized. He has asked unanimous consent for the present consideration of the bill named by him. Is there objection?

Mr. MONEY. I was going to remark, Mr. President, that I gave notice yesterday that I would take the floor at this hour, but I will yield to the Senator from Wyoming if the bill for which he asks consideration is one which will require no discussion. If it is a bill which will require discussion, I shall have to object to its present consideration.

Mr. WARREN. I shall not insist upon its consideration if it shall lead to debate.

Mr. MONEY. Let the bill be read.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. WARREN. Mr. President, I now understand that the

bill is liable to lead to some discussion, and as I do not wish to occupy the time of the Senator from Mississippi I will ask that the bill may go over, retaining its space on the Calendar.

The VICE-PRESIDENT. The bill will go over, retaining its place on the Calendar.

MOROCCAN CONFERENCE AND RELATIONS WITH SANTO DOMINGO.

Mr. MONEY. Mr. President, in the discussion which has engaged the attention of the Senate for several meetings the dominant note has been the authority of the President of the United States or his impolicy, if he has the authority and the inexpediency of action in regard to our foreign relations in some particulars.

In that debate almost everything has been brought in. The affairs of Santo Domingo have been discussed from every possible point of view, constitutionally, historically, commercially, the Monroe doctrine, considerations of humanity, of propinquity, of national obligation; also the affair now in process at Algeciras, to which we have sent delegates by invitation of Morocco, has been considered with reference to the President's power and, if he had the power, whether it was wholly advisable, or at all advisable, under the conditions prevalent there that we should be represented, with the inferential consequences and obligations that might be imposed on account of our community in the consideration of the questions presented.

It has been stated here, Mr. President, that the questions considered there would be of a purely political character, in which the interests of the United States were in no measure whatever involved; that we had notice, as did the other powers there represented, that matters of commercial import were not to be considered, or perhaps, to state it more exactly, that no commercial interests of any party invited would be disturbed by the result of that conference; which meant, of course, that they were not to be considered, for no man could guarantee that they would not be disturbed if they were matters of conference and consideration. So it resolved itself into a question of European politics—"European," it is called, but really European and African, for Morocco embraces a district of country lying along the South Mediterranean of 200,000 square miles, containing 10,000,000 people of the Mohammedan faith—a country which was once the most beautiful section of the globe, once the seat of mighty empires, that succeeded each other one after another through several thousands of years; a country now capable of enormous possibilities if the energies of its people could be concentrated and used in some wise way.

The political condition prevalent there is unsatisfactory to the observer, if he be a civilized man, wherever he may be, as a student of history and of civilization. There is a great movement of a philosophical character, at least of changes of government, and even in the characters of the people; but the question is whether the United States of America as a Government, whether this great people as a nation, has any concern whatever in questions that are now at an acute crisis in the deliberations at Algeciras, if we may credit the morning newspapers.

Right at this point I may be permitted to indulge in a compliment to my friend the Senator from Georgia [Mr. BACON], who, with a very clear prognosis, said the very things which have come to pass were likely to come to pass, and also to pay my small tribute of admiration to the independent Senator from Maine [Mr. HALE], who, in the speech which he made the other day, full of pith and moment, in the most independent manner criticised this whole affair, except that he made a failure in predicting that the representatives of the United States would be immediately withdrawn if the crisis should be reached which was reached yesterday. I could not agree with the Senator when he announced that proposition, because the President of the United States is not a man who marches his men up the hill and then marches them down again. He is too positive a character for that. When he sent representatives to that general conference of European powers interested in the Moroccan question, it was not his intention that they should withdraw at the critical moment, but that at the critical moment they should be there, so that the United States, to use his favorite expression, should be felt as a world power.

Now, there is the whole question; whether the United States should be there as a great world power or in any other capacity; whether, in other words, his love of the Monroe doctrine is entirely one-sided; in other words, like the fish trap that caught all the fish going one way and let none go the other. It was said by Thomas Jefferson, the father of the Monroe doctrine, some twenty years before it was promulgated by Mr. Monroe, that he would draw a line through the middle of the Atlantic and the middle of the Pacific, and that he would have no interest of America beyond and no interest of Europe to hither side.

Mr. President, whether or not any good will come to the United States from the conference at Algeciras is not a debatable question. That we will be respected any more because we put our hand in the kettle of the European combination I can not admit. Whether the President had the authority under the Constitution to send anybody to Algeciras, is a question which I do not think is disputable. I believe the President of the United States has the right to send, when invited, delegates to any conference with any other power in the world, but the question of its wisdom and policy is one that can fairly be debated here. I say it can be fairly debated here, because, as was so lucidly and clearly and briefly and tersely stated the other day by the senior Senator from Maine [Mr. HALE], in the original the question of making treaties was intended for the Senate. You are all, I presume, more or less familiar with that contention in the convention, and while much more could be said, yet the Senator from Maine stated all that was necessary to be stated in the brief time allowed here for debate when he said the intention was first on the part of some members of the convention who made the Constitution of the United States that the Senate should originate treaties; then it should be a joint production; and then, yielding the love of independence and of power which they wished should reside in the States as sovereigns represented in this Chamber, to the practice of the whole world, which had given the Chief Executive the initiative power in making treaties, they made the present combination of power.

You will notice, as I showed the other day in a brief interruption, that the language of the Constitution is this, "that the President of the United States, by and with the consent of the Senate, shall make treaties," and so on; and in the same paragraph follows "and he shall nominate, and by and with the advice of the Senate, shall appoint" so and so. In other words, taking the two sections of the paragraph together, taking the intention of the framers of this instrument as we know it to be the contemporary literature, by the reports of the convention, we must come to the conclusion it was intended originally that the Senate should be consulted at every stage of the proceeding, not only in the confirmation or ratification, but also in the negotiation of a treaty.

And with that impression upon the minds of George Washington and the other early Presidents, it was quite common for them, as was stated here yesterday by the Senator from Colorado [Mr. TELLER] very clearly, to consult the Senate to see whether it would be advisable—not constitutional, but advisable and politic—to open negotiations with certain nations upon certain subjects. That fell into disuse, and according to the text of the Constitution and the practice, I am not disposed to dispute the power of the President—that is, his authority under the Constitution—to make treaties. Whether they are wise or unwise must be determined by the Senate.

But, Mr. President, there is a grave question about the policy and advisability of mixing up in the political affairs of another hemisphere from which there can come no good to this people, and where we may incur obligations such as we did incur once and which we freely repudiated, not perhaps to our honor, but from an overwhelming public necessity, and in the days of George Washington.

Now, Mr. President, what may be the effect of the conference at Algeciras no man here can say. There is a condition there familiar, I presume, to almost every member of the Senate; of course more so to some, who are students, than to others who are more active in the routine business of the Senate. But the fact remains patent to everybody that the Moroccan question is likely to be a bone of contention that will probably involve the whole of Europe in war. We know that the French have established their sphere of influence in Morocco after years of active diplomatic and commercial intercourse; and as Japan and Russia went to war—one for her predominance in Manchuria and the other in a contention for the sphere of influence in Korea—so to-day we have imminent a war between Germany and France, which may draw in Great Britain on the one side and Italy on the other, and we know not what other power. It is not desired, I presume, by the President of the United States or his advisers, or anybody else, that we should see another war.

Now, wars sometimes do act beneficially, like burning out a bad chimney; but, altogether, we are a people of peace. We want quiet and business, and it is a singular thing that everybody else wants business. All the wars, except the religious wars, have been about commerce, money-making, money getting; and some of the most nefarious crimes which have been committed by some of the greatest nations in the world were for the sake of money—to compel countries to receive goods which in the highest degree were deleterious to their people.

Now, in case there shall be a war as a result of this conference, a bad feeling, are we to take our share of it? How shall

our representatives vote? They will not retire when the time comes for casting the vote of the United States. I do not apprehend the President of the United States will send them any such cablegram as to retire while the balloting is going on. He intends them to be there as a potent factor in this conference and in its decision, and on whichever side we cast the deciding ballot or any ballot, we have at once incurred the dislike of those against whom that vote has been cast.

To-day we are on good terms with the whole of Europe, so far as I know. There is nothing I know of to break that good feeling, and certainly the condition of the American foreign trade, which amounts to $2,480,000,000, does not justify the business interests of this country in upholding any policy that invites dissension with foreign nations who are our customers and friends.

However, so far as our business with Morocco is concerned, it amounts to nothing. We have never tried to get it. The whole coast of Africa has been surrendered to a few manufacturers at Marseilles and Lisbon, and although it is true, as I have been informed by American manufacturers, that the Americans could introduce American manufactures along the twenty-six hundred miles of the Mediterranean cheaper than the manufacturers of Lisbon, we have not invaded that field at all. Why? For lack of enterprise? For lack of drummers who can speak two languages? No. Simply because the American manufacturer has relied upon a protective tariff to take care of him and has not put himself on his wit to compete with his compeers in all the nations of the world for the cheapest goods in the cheapest market. That is the only reason. You can not find a drummer of an American house who speaks any language but English. The employers do not demand it of them. Nor do our manufacturers trouble themselves to prepare and ship the goods in the way in which the foreign customers want them prepared and shipped. That, however, is not important in this consideration.

The question is whether the President has acted wisely in sending the conferees there, and no one has shown in this debate, unless it was when I was absent from the Chamber, that we are to be in any manner the beneficiaries of this deliberation. That our political interests are not concerned in one single particular, I believe will be conceded by every gentleman on both sides of the Chamber. I can not conceive how they can be concerned; and if that is true, then how much better it would be to cling to the advice of Washington and Jefferson and the other early statesmen of the Republic to have no intercourse, except strictly commercial, with the people of the Old World.

It has been said by my very learned and distinguished friend the Senator from Massachusetts [Mr. LODGE] that there was a strong disposition on this side to preserve the principles of Washington's Farewell Address. I did not look at it in that way. Perhaps he was taking a Pickwickian view of it. The attempt on this side is to honestly maintain the wisdom of taking the advice of George Washington and Thomas Jefferson and of confining our political troubles to this hemisphere as much as we are able to do. What relation we have had, as cited by the learned Senator from Massachusetts, with the Barbary coast, has not been to the honor, but to the everlasting disgrace of the American nation, as it was simply paying a tribute to a nest of pirates. We are too strong now to do that. But that, Mr. President, is one of the matters I shall not dwell upon. I only brought it in because it has been so freely discussed on both sides, with such a variance of opinion.

I wish to speak particularly about Santo Domingo. The President has made utterance in his message, and his friend and fidus Achates has spoken here. The frankness of the President is not to be disputed by anybody. Nobody has ever said that he cultivated diplomatic phrases to conceal his meaning. There is an openness and frankness about his communications, whether official or otherwise, that leaves nobody in doubt about his meaning, and he has stated his reasons for interfering in the affair in Santo Domingo, and that affair, in my opinion, concerns us a great deal more than does the conference at Algeciras. The President of the United States has said that in a wise development or evolution of the Monroe doctrine we were to take care of the people in the island of Santo Domingo—that is, that part of it comprising the Dominican Republic—for the reason that it was near us, as stated by the Senator from Wisconsin [Mr. SPOONER]; for the reason stated by the Senator from Massachusetts [Mr. LODGE], in the same way; and for the further reason, produced by both of those gentlemen and by the President, that they are a helpless people, utterly unable to take care of themselves, and that he is justified in interference in behalf of a helpless people, among whom anarchy is a permanent condition, in order to do what? To collect their dues and pay their debts, and relieve them from what? From the threat of occupation of some of their ports by foreign powers.

I do not see that the Monroe doctrine is a doctrine of evolution, wise or otherwise. As the Senator from Massachusetts very correctly stated yesterday, it was a pretty dead doctrine as long as the Clayton-Bulwer treaty was extant, for that was a complete check of the Monroe doctrine, both as to the first, second, and third parts of it. It was only after the abolition of the Clayton-Bulwer treaty that we had a recrudescence of ideas here, which could not be called the Monroe doctrine, but more properly the great American doctrine that there should be no interference in purely American questions by the nations of Europe.

I do not wish to take up the time of the Senate or to fatigue myself, but it is impossible for me to discuss the President's position in regard to the Monroe doctrine and that of his champion here on the floor, who has sustained him with great ability and great clearness, without going to the genesis of this business to show what the Monroe doctrine is, for there has been yet, in my hearing, no clear definition of the Monroe doctrine—in fact, no correct statement of what the Monroe doctrine is nor the reason why it ever existed at all.

We recollect that in the general revolt of the Spanish colonies in America the Holy Alliance was formed. There had been a tremendous cataclysm in France, and the Jacquerie had arisen against the governing and richer classes, and there had been a sort of revolution which seemed to satiate itself with nothing else than human blood. In a spasm of "liberty, equality, and fraternity" those people had seemed to send all over Europe the mighty influence of love of liberty, and there were uprisings in Spain, in the Piedmont country, and all over Europe, and the flames, crossing the Atlantic, illumined the Spanish colonies, and they, too, raised the standard of revolt a little later on. The result was to throw off the yoke of Spain after various circumstances of warfare, which culminated in the victory on a field, the name of which I have forgotten, by General San Martin, which virtually, as has been said, closed the war for independence in South America.

At this time the Holy Alliance assembled in congress in Paris and declared through the persons of the monarchs themselves—for no less personage was permitted at that conference—that they ruled by divine right; that no reform in government could possibly originate among the people and go upward, but they must all go down, and that in obedience to the God-given right to reign over other people there was an obligation to the Divinity at the cost of whatever liberty and life might be necessary to establish order on the royal idea of order.

In obedience to that, they sent a hundred thousand troops into Spain, overthrew a constitutional Cortes, restored Ferdinand VII to power, and then overran the Piedmont country and soon suppressed every feeling that seemed to be capable of being incited to rebellion anywhere in Europe. There were conferences at Labach, Trappau, Vienna, Paris, and at one or two other places. The King of England could not be there personally, although he sympathized with them. He could not attend simply because, according to the British constitution, the British sovereign can do nothing. He can only act through a responsible ministry. He had his ambassador at the conference, and the ambassador reported with great satisfaction the progress being made in the scheme of the Holy Alliance. The prime minister was Lord Castlereagh, and then a great man took his place—George Canning. Canning loved liberty, but was also devoted to the commercial interests of Great Britain—a double cause of action. He saw that the return of the Spanish colonies to the sovereignty of Spain would, under Spanish law, deny to Great Britain any share of the commerce of the colonies, and when it was reported by the British ambassador at the last conference that it was contemplated by the Holy Alliance to send a united fleet to South America to restore the sovereignty of Spain, he called into conference Mr. Rush, the American minister near the Court of St. James, and he gave him the plan and sounded him, to use his own expression, to see how he would take the suggestion he was about to offer, saying in a letter to a friend that the American minister not only took it well, but he took the bait, hook, line, sinker, and all, and ran away with the proposition.

He said this is the time for the United States to assert itself against what? The Holy Alliance; against its scheme of government, which denied the right of peoples to govern themselves and affirmed the divine appointment of kings. A declaration by the United States that any attempt of the Holy Alliance upon the liberty of the Spanish-American colonies will be viewed as an unfriendly act by the United States, and will not be tolerated by them; and if events required action by the United States, he assured Mr. Rush that Great Britain could be relied upon to furnish the support of her fleets.

Mr. Rush communicated this very promptly to our Government. Mr. John Quincy Adams, an exceedingly able and ener-

getic man, was Secretary of State. The Secretary drew up in part what is now called the "Monroe doctrine," under the direction of Mr. Monroe. It was submitted to Mr. Jefferson, who retained it about six weeks, and then, without any authority from anybody that I can find, communicated it to Madison, who gave it much milder support than Mr. Jefferson. Then came a conference in the Cabinet. Mr. Monroe, with all his great abilities, was a somewhat timid man—there is no doubt of that, and was perhaps a negative character—and when the debate came in the Cabinet over this document prepared by Mr. John Quincy Adams, Mr. Monroe was a little bit startled by the decision and firmness of the tone of the document. The contest was whether the President should have his phraseology or the Secretary of State should have his; and there is no doubt that the wish of the President would have prevailed but for the fact that a stronger man than either was Secretary of War—John C. Calhoun—who took the part of Mr. John Quincy Adams, and together they drove that thing through the Cabinet.

At the last meeting upon that question, Mr. Adams submitted the last paragraph, which concerned the colonization in this country by foreign nations. That was never considered by the Cabinet. Mr. Calhoun made that statement in the old Senate Chamber on two occasions, once in 1848, on the military occupation of Yucatan, a measure proposed by the Polk Administration, and again in one of his several speeches on the Oregon question, under the Polk Administration; and, by the way, Mr. Polk was an exceedingly aggressive and energetic President. Mr. Adams was present and heard one of these declarations that the Cabinet had not considered the colonization feature, for which Mr. Adams alone was responsible, and did not deny it. On the contrary, you will find in his works that he claimed the credit of having himself written and put through that part concerning colonization.

That part of it was conceived in this way. It was intended to affect in fact only two nations—one was Russia and the other was Great Britain. An American ship captain named Gray, on a little trading ship, had gone up the Columbia River, and as discoverer claimed the whole country in the name of the United States. Fur traders had claimed the whole country in the name of Great Britain, by occupation and in the prosecution of their trade. Russia had extended her forts down to Monterey, in California, claiming the whole northwest coast, and that condition existed when the so-called "doctrine of Monroe" was proclaimed in 1821.

Immediately Great Britain and Russia notified us that no attention would be paid to that clause of the document. The matter was simplified, so far as Russia was concerned, by a treaty which she made with the Republic of Mexico, in which she agreed to retire from all fortifications and occupations, and did retire as far as Alaska. The other was in a condition that required a modus vivendi, and in that condition Mr. Polk declared he was going to the fifty-six forty line or fight, and that became the slogan of his particular followers—"Fifty-six forty or fight." But the matter was arranged by a joint commission upon a division which did not meet the views of Mr. Polk, but it established the present line. A later commission established the main channel of Puget Sound and San Juan de Fuca Straits, which gave the island of Vancouver to Great Britain. And that part of the doctrine has been as dead ever since as the bulrushes that surrounded little Moses on the banks of the Nile. It has been said it was revived in the case of Venezuela. I, for one, did not agree with Mr. Cleveland in his message on the Venezuelan question.

Now, Mr. President, look further and see how far the Monroe doctrine has operated in the other feature of it. The best way to find out what was meant by the doctrine as it was enunciated by Mr. Monroe is to take a contemporary view of it and the action subsequent to that time. My friend the Senator from Wisconsin [Mr. SPOONER], and I am sorry he is absent to-day, because I like his interruptions very much, as they always spur me up when I am a little flagging, stated that he was for the Monroe doctrine as it was in the beginning and in all the intermediate stages up to date and in all its evolutions and everything else. As a matter of fact, the Monroe doctrine is best interpreted by the man who wrote it—John Quincy Adams—I mean that part of it which is political and concerning the interference of Europeans upon the Western Hemisphere.

Three years after the date of that proclamation, the same gentleman who was then Secretary of State had become President of the United States, and Henry Clay, of Kentucky, had become the Secretary of State, after that notorious quadrangular fight that raised the cry of "Bargain and corruption!" when Jackson, who got the majority of votes, was beaten by the combination. As to whether there was bribery and corruption, of course nobody now thinks there was, but it was the cry then.

On account of this promulgation of the Monroe doctrine, the southern confederacies or republics of America and Central America and Mexico had conceived the idea of a pan-American congress, and they called it to meet at Panama as a central point. The Republics of Mexico and Colombia invited the United States to send delegates to that convention. To that convention, if I am not mistaken, was delegated a man named Andersen, of Kentucky, who was then minister at Bogota. In those days there were no facilities for travel in that country, and he had to hunt for one of the courts of those little republics in the mountains the best way he could, and get away from there the best way he could. The other delegate was Mr. Sargeant, of Pennsylvania. One of these died. The other never went there at all, and because neither of them did appear the Congress at Panama adjourned to meet at Tacubaya, in Mexico. But that meeting was never held.

The most interesting fact, if you wish to know what was the meaning of the Monroe doctrine in regard to the political or other influences on this hemisphere of European powers, is contained in the instructions which the Secretary of State, Mr. Clay, wrote for his chief, John Quincy Adams, the author, in the instructions to Andersen and Sargeant, and also to our ministers near the courts of other nations, particularly Mr. Poinsett, who was then our representative at the city of Mexico. In these instructions this author of the Monroe doctrine, which distinctly stated that any attempt on the part of European governments to invade the rights or use an influence to the detriment of any of these American republics would be considered by the United States as a distinctly unfriendly act to them—they were instructed to say to the Panama Congress that when that utterance was made it did not in any manner whatever commit the United States to interfere, by arms or otherwise, except good offices, if there should be an attempt made by any foreign country to occupy or seize her territory or empire or impair their rights as a sovereign; that it was a declaration of opinion and a policy that each one of these sovereign states should make for themselves, and having made it, maintain it. They distinctly disclaimed the fact that any of the southern nations could call upon the United States in any contingency whatever, and they took occasion to say also, which was true, that as the Holy Alliance had dissolved, as any man could see it must, for when so many people had divine rights they must clash somewhere, owing to this disintegration, the first declaration of these principles, of course, faded because of no importance; because the cause that produced them had disappeared. Mr. Adams, through his Secretary, declared that, the cause of this declaration having passed away, there was no longer any reason for insisting upon the declaration he had made.

Now, that declaration was not against monarchy. This was the first nation in the world to recognize the Emperor of Brazil when, after the insurrection in Portugal, the imperial family moved its court to Rio. And we were the first to recognize Iturbide, Emperor of Mexico. It was not intended or aimed at the system of monarchy in Europe or elsewhere, but the Holy Alliance system, which declared in its fundamental doctrines as a truth that power came only from God to kings, and could not exist inherently among the people governed; otherwise that government was not by the censent of the governed, but by will of the governor. So he said the occasion or the cause having passed away, there was no longer any necessity for considering this doctrine at all.

Then we had the Clayton-Bulwer treaty, which involved us in all sorts of difficulties. There is another singular fact which I will call to the attention of the Senate. There never has been, at least not until lately, any legislative approval of the Monroe doctrine. There were attempts made to approve it, but they all failed. There were resolutions in both Houses of Congress supporting President Monroe in his declaration of that doctrine. Not one of them ever passed. As a matter of fact, the authors never had tried to call them up for consideration.

But I will tell you what did pass. A resolution written by James Buchanan, of Pennsylvania, then a Member of the House, repudiating the whole thing. It did pass, by a very decided majority, the House of Representatives. So the only legislative action taken was a distinct and emphatic repudiation of the doctrine of Mr. Monroe as declared in his message of December 2, 1821.

As the Senator from Massachusetts [Mr. LODGE] said yesterday, the Clayton-Bulwer treaty seemed to hold us to the fence, and we were not willing even to properly interpret the Clayton-Bulwer treaty on account of the consequences that would flow from it. When we failed to agree with Great Britain upon the main meaning of that treaty our negotiator, the Secretary, Mr. Clayton, wrote a note, as did Sir Henry Bulwer Lytton, in which

they agreed that the British meaning was the right meaning and that our meaning was wrong, and immediately the Senate, with General Cass leading, and supported by Stephen A. Douglas, declared in the Senate that they would never have voted for the Clayton-Bulwer treaty if they had understood it as having that meaning.

I may be allowed to bring in a little episode also to show that the denunciation of Mr. Clayton was violent on the part of Mr. Cass and Mr. Douglas and others. He resigned his seat as Secretary and came here as a Senator in order to meet Mr. Cass. Mr. Cass, with a discretion much greater than his valor, found it convenient to be absent that winter in Detroit. Mr. Clayton, who was a distinguished debater and a very fierce one, finding nobody else to talk with, after fuming and fretting with his manuscript here for two or three months said that as the man he was after was gone he would have to take up his lieutenant; and so he proceeded to castigate Stephen A. Douglas, with the result that when he concluded Stephen A. Douglas rose, and when he got through there was not anything left of the Clayton-Bulwer treaty or of Clayton either.

Now, having differed in the construction of that instrument and suspended the Monroe doctrine, Great Britain proposed first that we should arbitrate. The Senate declined to do it. Then there was another proposition that we should abolish the treaty. That was also declined. Then there was another proposition that we should remake the treaty, and that was declined by the Senate. Why? Because then Great Britain had sent Sir William Gore Ouseley to Central America and was negotiating treaties with them extending, as we feared, the sphere of British influence, and it was the fear of those treaties which made the American Senate insist upon the maintenance of the Clayton-Bulwer treaty, of which they did not like a line, for fear that greater advantage might accrue to Great Britain from the treaties about to be negotiated. As a matter of fact, it turned out that Sir William Gore Ouseley surrendered every point of contention between the United States and Great Britain, and he made treaties with those little Republics—Nicaragua, Guatemala, Honduras, and so on.

Then, Mr. President and Senators, we have no Monroe doctrine down to the point that it was disengaged from the incubus of the Clayton-Bulwer treaty. It sprang into sudden popularity because it struck a responsive chord in the bosom of the average American citizen; that is, a desire for military glory and for conquest and for self-assertion. It is one of the curious facts of history that perhaps where men are supposed to govern themselves they are fonder of military glory than the people in monarchies, where, it is declared by Montesquieu in his Spirit of Laws, honor is the motive of action. But that is a fact, if history does not belie itself.

So that martial spirit that is dominant all the time in the American breast has come spontaneously forward to support any measures of aggression, whether wise or unwise, to support any policy, whether just or unjust. I do not mean to say that I am reflecting upon what I consider the greatest people who have ever in all the tide of time essayed the great experiment of self-government; but it is simply a part and parcel of that blood that forces itself through the average American citizen to take all he can; in other words, to adopt—

* * * the good old rule,
* * * the simple plan,
That they should take who have the power,
And they should keep who can.

That is not to become the supreme law in this country if we could govern ourselves, but we do maintain it as to other people.

Now, then, the doctrine grew in favor again, not the Monroe doctrine, which had long, long since died and been buried by its authors, but the new American doctrine, that we would not permit in this hemisphere the intrusion of a foreign influence; that the United States, by virtue of its power, by virtue of its political institutions, which are best adapted to secure the rights of men, should have the hegemony of all the American States and should hold itself as a bulwark to protect the weak. That doctrine does not belong to Mr. Monroe or his advisers. It is the feeling of the American people, and it is the dominant policy to-day.

Now, to get down to Santo Domingo, having stated this much by way of introduction, and on account of what the President says, that under the signification of the Monroe doctrine, as it has wisely been evolved, the duty is incumbent upon the American people to protect the people who are in danger of intrusion from some foreign power to compel the payment of debts. As a matter of international law I suppose everyone will admit that the right of a nation to enforce a contractual obligation by arms is conceded. It has always been conceded. It has always been the practice of nations. If you go farther backward, to the history of the Greeks or any other people who have a history, you will find that everywhere they enforced the obligations made to their own people by another power or the citizens of another power.

So we set ourselves up, then, according to the President's idea, to protect these people from seizure—at least in their custom-houses or ports, coming down to the real matter in controversy—by first undertaking to take charge of their whole affairs and guaranteeing their territorial and political integrity, to collect their dues of every kind as they may accrue, and at the same time by a partition of the revenues so collected to pay off gradually or amortize their debts.

Mr. President, I deny that it is the Monroe doctrine or any doctrine of good policy; and I do not wish to be considered as impeaching the wisdom of the distinguished President of the United States or his distinguished Secretary of State. I am discussing this thing deliberately and coolly in the Senate of the United States, interested a great deal more in the welfare of the country than I am in the preservation of the rights of the Senate, although one, in my opinion, is a great deal involved in the other, for whenever the Senate, which the eloquent Senator from Colorado [Mr. TELLER] said yesterday was the last refuge of free speech, in the legislative deliberation of this great Government, shall begin to give away its power, its authority, derived from the Constitution, it is but the beginning of the end. We can do no higher duty to our constituents, to this great superstructure, magnificent in its proportions, erected upon the blood and bones of our ancestors for the exercise of the right of self-government by the people of this great country. If this bulwark shall fall where will be the barricade that protects the people from the invasion of Executive aggression?

Now, it is said we need not fear the President, and we had the very great assurance, which was exceedingly comfortable to me, made yesterday by the Senator from Massachusetts that we could certainly trust the present President of the United States. I do not believe that the Senator from Massachusetts said that upon the idea that the king can do no wrong, but simply upon his utmost faith in the ability and good intention of the President of the United States.

Mr. President, I am not questioning the good intention of the President of the United States, but we have it from a pretty old authority that "The way to hell is paved with good intentions." I am concerned with results and not with processes. What are the people of this country to receive as the consequences of these acts of the Executive?

We will suppose it is true, as the gentleman says, but this thing will keep piling up and take the form almost of delegated authority of the Constitution—the authorization to do something just like it. You can keep on piling up one precedent upon another until it takes at last the place of principle as well as policy.

We will have a time probably when there will be a change of Presidents. We had the other assurance yesterday—I do not know whether it was intended as a threat or not on the part of the Senator from Massachusetts—that the President would not be a candidate for reelection.

For he himself hath said it,
And it's greatly to his credit—

And so forth, quoting the language of Pinafore.

Mr. President, we are safe now. We do not know that we will be safe hereafter. There may come a time, the Senator will admit, that when, instead of having as President a cool, dispassionate, even-tempered, logical, thinking man, we may have a hot-headed, impulsive, emotional creature in the White House. Instead of a man who, as the present President does, respects the Constitution, as we are informed by the Senator from Massachusetts—and I am very happy, indeed, to get the information—and who regards the law—and I am very glad to know that—we may have a man who will say that he has violated the law because, in his judgment, it is better to do something else. It is possible we may have such a President as that, because we can not go on as now in perpetuo. This is not Mexico. There may be a little over-lord or a little war-lord business going on. There is no perpetual President here, no American Diaz, and there never will be, I reckon. So there must be a change, and instead of this ark of safety, which we have to-day, this President whom we can safely trust, according to the Senator from Massachusetts, who never could violate the Constitution and disrespect the laws, we may have a man who imagines he is doing the very wisest and best thing in the world by upsetting the law and substituting his own judgment. It would occur, of course, to the average mind that the reason why we have law, either fundamental or statutory, is to prevent some Executive from substituting his judgment for the law.

THE MERCHANT MARINE.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. The bill (S. 529) to promote the national defense, to create a force of naval volunteers, to establish American ocean mail lines to foreign markets, to promote commerce, and to provide revenue from tonnage.

Mr. GALLINGER. Mr. President, for the information of the Senate I will say that I do not anticipate very much discussion on the bill upon the Republican side of the Chamber. On Monday next I will take occasion to offer some amendments to the bill and will make a brief reply to the very able speech of the Senator from Florida [Mr. MALLORY]. I expect to be followed by the Senator from Pennsylvania [Mr. PENROSE], and possibly brief speeches may be made by two or three other Senators on this side of the Chamber. I make this observation in the hope that other Senators who may be opposed to some provisions of the bill or to the bill as an entirety may follow, and that its consideration may go along with reasonable rapidity. I ask that the unfinished business may be temporarily laid aside.

BILLINGS LAND DISTRICT, MONTANA.

Mr. MONEY. The Senator from Montana [Mr. CARTER] desires to bring a bill before the Senate, and I yield to him for that purpose.

Mr. CARTER. I report back from the Committee on Public Lands, without amendment, the bill (H. R. 8994) to provide for a land district in Yellowstone, Carbon, and Rosebud counties, in the State of Montana, to be known as the "Billings land district." This bill was received by the Senate on the 24th instant and is identical with the bill reported by the Committee on Public Lands now on the Calender. I ask that the bill may be put upon its passage.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. CARTER. I move that Order of Business 112, being the bill (S. 540) to establish an additional land district in the State of Montana, be indefinitely postponed.

The motion was agreed to.

MOROCCAN CONFERENCE AND RELATIONS WITH SANTO DOMINGO.

Mr. MONEY. Mr. President, resuming the consideration of the matter of Santo Domingo, it may be said very safely that the President of the United States has a right to negotiate a treaty. The policy of it may be as rightly contested. The question of the Santo Domingo treaty can not now be discussed except in the way that it has been; that is, in a skirmish along the outside. But there is a question that can be discussed openly and that is the authority, as distinguished from the word "right" in strict meaning, of the President to carry into operation a treaty negotiated but failing of ratification. I can not subscribe to the language of the Senator from Wisconsin [Mr. SPOONER] that we declined to ratify it, because the record does not show that we declined, but we simply failed to ratify it.

The President says in his message that he is now operating under an agreement with Morales, and he felicitates the country that on account of his action, the President's action, maintaining a force in the island, designating a collector of customs, the island is enjoying a season of unusual prosperity and there is no sign of disturbance. It was an early boast, and the ink was hardly dry before Morales had taken to the woods and another revolution put Caceres in power. There have been twenty-four presidents and only one was ever elected. As I said a while ago, there is a permanent anarchy there, and it is a condition that will exist in spite of everything that can be done by the United States. We may collect all their dues and all their taxes and pay every debt they owe and launch them into the business of governing themselves again, but it will be a flat failure, because of the inherent incapacity of the people for government. This is a fact which President Morales himself admitted to a number of Representatives of the House who were down there last summer, he urging our aid, "Because you see, gentlemen," he said, "we are incapable of maintaining self-government." But the question is now whether the President can make such an agreement. I wish to refer to what we were told by the distinguished Senator from Wisconsin [Mr. SPOONER]. I am very sorry he is absent to-day. I told him I was going to make a speech and wanted him to be present, not only to give me the pleasure of his countenance, but that I might have the profit of his interruption.

He said the President was bound to maintain the status quo of a treaty pending and not yet concluded by the Senate. I fail to find the authority for that declaration anywhere. There may be, for I must say I have not looked for it lately.

Mr. BEVERIDGE. I can point the Senator to one instance.

Mr. MONEY. I shall be very glad to get it.

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Indiana?

Mr. MONEY. Certainly.

Mr. BEVERIDGE. If my recollection serves, the treaty between this country and Great Britain with reference to the naval armament of both countries on the Great Lakes after the war of 1812 was acted upon for a year before the treaty was ratified.

Mr. MONEY. That has happened sometimes by the consent of both parties, I will admit that, when it is really carrying out the treaty. I can recollect an instance when it did.

Mr. BEVERIDGE. I will state to the Senator, without wishing to interrupt him——

Mr. MONEY. Go ahead.

Mr. BEVERIDGE. The Senator merely called for a citation. That, of course, concerned a tremendously grave question of national policy and has affected the relations between this country and Great Britain ever since, because at that time it was proposed not only to largely fortify the coasts but to maintain an armament upon the Great Lakes.

Mr. MONEY. I understand it, and I am obliged to the Senator for reviving my recollection. Since he has done so I can recall another instance, and these two exceptions but verify and establish the rule. I can recollect now another instance, where Russia, Austria, Prussia, and Great Britain had a convention with Turkey concerning the internal affairs of the Ottoman Empire—in 1840, I think it was—and they came to a conclusion, and it was immediately put into effect before a notification even was made to the respective powers that a treaty had been made. But that was on account of the emergency of the circumstances and the fact that communication was so slow at that date it was considered best for the parties that it should be put in operation; and, in fact, every plenipotentiary at that meeting had secret instructions to agree to the immediate operation. However, all these things but prove that the rule is the other way. There are exceptions, and I am very glad the Senator reminded me of this one. I recollect now also the other. One thing brings up another. But I add this fact, however, that this treaty had been before the Senate and the Senate had failed to ratify it. Now, in that condition of things the President goes on to put the treaty in operation.

Mr. BEVERIDGE. I do not want to interrupt the Senator——

Mr. MONEY. It is all right.

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Indiana?

Mr. MONEY. Certainly. I am glad to be interrupted.

Mr. BEVERIDGE. It would be more correct to say that the treaty is still under consideration in the Senate; not that the Senate failed to ratify the treaty, but that the treaty is still under consideration, because the expression, "The Senate has failed to ratify the treaty" seems to indicate that the Senate had taken adverse action upon it.

Mr. MONEY. The Senator did not understand me; that is all.

Mr. BEVERIDGE. Well, then, I misunderstood the Senator.

Mr. MONEY. What I said was, "That the one put in operation had failed." After the meeting of this Congress it was sent again to the Senate, having been extended, I suppose, by the consent of both the parties concerned.

Mr. LODGE. The Senator will excuse me——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Massachusetts?

Mr. MONEY. Certainly.

Mr. LODGE. It was not sent again to the Senate. It remained here in the Senate.

Mr. MONEY. Then it had failed.

Mr. BEVERIDGE. It was the same treaty.

Mr. LODGE. It failed to secure ratification and was pending before the Senate.

Mr. MONEY. It failed to secure ratification, and the contention of the Senator from Wisconsin is—and, I presume, of the Senator from Massachusetts, too, and probably of my distinguished young friend from Indiana—will be that he had the right to maintain the status quo in Santo Domingo.

Mr. President, in the first place, there is so much to be said upon the advisability of the thing as a whole that it does not seem to me the right existed in the President to carry into effect a treaty that was not ratified. That is exactly what he has done. He has been maintaining the status quo. I make that assertion, and it can not be contradicted, I think. The President has not simply maintained the status quo. The

President has gone on just as steadily as though the Senate had unanimously voted for the treaty, and has carried into operation every solitary item of it as far as he was called upon to do. When Morales fled to the woods after the fight in that country the time had come for a political convulsion. They have them there like chills and fevers. It is periodic. When Morales went to the woods the treaty went right along with the incoming Government.

We had here an important witness, from whom the Senator from Wisconsin was reading the other day. I did not know that his testimony had been made public, because I had been sick three or four weeks, but I presume from his reading from it that the bar of secrecy had been removed. This is the only witness who ever came here that I know of, and he testified most positively that he was not collecting customs on account of any treaty whatever, but that he was collecting customs on that little island and depositing 45 per cent of the gross income of the Government for its administrative expenses, and the other 55 per cent in a bank at New York, from which it can be drawn only by a check signed by the President of the Dominican Republic and countersigned by Colonel Colton, the agent. So it can be said in one sense it is not the money of anybody. But he said, "I am acting under a decree." The President said he was acting under an agreement, and the collector of customs said he was acting under a decree of Morales, and that decree was pronounced by Morales without the consent of anybody—his cabinet or his congress. He undertook to misapply the words "modus vivendi." I do not know, I only suppose, that he was ignorant of the fact that a modus vivendi requires two contracting parties and merely provides for a temporary arrangement pending negotiations for a permanent one. But this single individual issued his decree—or he calls it "modus vivendi"—that he has declared, not he and the President of the United States, but that he has declared to the United States, and the President of the United States, in obedience to the decree of that mulatto President, designates a man to collect the customs who is borne upon the civil roster of the United States and is now absent indefinitely with leave without pay; and then it is said by the Senator that there is another one so designated. That is a mistake. The other one was appointed by Colonel Colton himself, without consulting anybody, and he, too, is on the civil roster and is indefinitely on leave without pay. So they are operating under a decree of Morales, I suppose assumed by his successor in office, as under power and authority entitled, etc.

That is the condition of things according to that witness, and I take it the President means what he says, and knows as well as the Senator from Massachusetts [Mr. LODGE], or Colonel Colton, or as the Senator from Wisconsin [Mr. SPOONER] knows, what he meant. What he said in the message is plain reading—that he is living up to the agreement. The facts show that he is absolutely carrying out in every particular the terms and specifications of a treaty which the Senate failed to ratify; and I deny the power of the President to do that. I would not care how desirable it might be, how salutary it might be, or how promotive of the interest of that little Republic or of this great Republic it might be, I deny the power and the authority of the President to do anything of the sort.

Suppose that this Senate, in this session of the Fifty-ninth Congress, should also fail to ratify that treaty; what is going to be done then? The President will continue acting under the agreement, I suppose, carrying out the treaty, while we did not ratify any treaty; and so the ratifying power of the Senate becomes an absolutely useless appendage to the Government so far as treaties go, if this can be allowed to go on without question.

The President of the United States, or the Secretary of State, or whoever else is responsible—though I should hold the President responsible, because he is the Executive head of the Government; he is really at the head of every one of the Executive Departments of the Government, and he is just as much at the head of the State Department as is the Secretary of State, and is responsible for it all—I say that the President has not any right to carry out that treaty, which has been declined ratification by this Senate, and as the Senate had full power and full opportunity to consider it, and did consider it, its failure to ratify it might very properly be considered by the President as a rejection, so far as his action was concerned in carrying it into operation.

Mr. BEVERIDGE. Mr. President, would it interrupt the Senator if I were to ask him a question?

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Indiana?

Mr. MONEY. Certainly.

Mr. BEVERIDGE. The Senator from Mississippi is discussing a very practical question, and I am listening with great attention; but I wish to ask the Senator what he would have the President do, under the present circumstances, with reference to the money already collected?

Mr. MONEY. I will answer that question.

Mr. BEVERIDGE. I should like to have an answer.

Mr. MONEY. So far as I know, the President has nothing on God's earth to do with the money, and never did have, and never proposed to have. There is no agreement, there is no treaty, and there is no decree that ever gave him any control of it whatever.

Mr. BEVERIDGE. Suppose Colonel Colton were withdrawn and restored to his duties in the Philippines, and what the Senator is now describing as occurring under a modus vivendi should stop just now, to-day, what would occur?

Mr. MONEY. That may be a question of some interest to the Senator from Indiana, but it is not of the slightest concern to me. I do not care what becomes of it.

Mr. BEVERIDGE. That is just the point.

Mr. MONEY. Not at all, according to my view.

Mr. BEVERIDGE. What would happen? I suppose the Senator would admit that this money, if returned to the island, would at once be seized upon by a foreign power or by any temporary government that might there exist. In either event, with respect to the island and to American interests there—supposing that to be the case and the treaty came to a vote in executive session of the Senate and we should ratify the treaty, then where would we be?

Mr. MONEY. That may concern the Senator from Indiana, but is not of the slightest concern on earth to me.

Mr. BEVERIDGE. Very well.

Mr. MONEY. Not the slightest on earth. I do not see why we should have so much concern about the debts of that Republic, every one of which was incurred in promoting and carrying through a revolution.

Mr. BEVERIDGE. But I ask the Senator what would happen if we should ratify the treaty?

Mr. MONEY. But we will not ratify the treaty; it is idle to suppose that. I do not think we shall.

Mr. BEVERIDGE. But the Senator can not assume that we are not going to ratify it.

Mr. MONEY. I do not know about that. It will depend on Senators on that side of the Chamber.

Mr. BEVERIDGE. We may reject the treaty or we may ratify it.

Mr. MONEY. We may have a lucid interval and reject it.

Mr. BEVERIDGE. I repeat, we may reject or we may ratify it when it comes before the Senate in executive session. If what the Senator supposes is carried into effect, and afterwards we were to ratify the treaty, in what condition should we be left?

Mr. MONEY. That is the third time the Senator has asked the same question, and I answer it for the third time and say I do not care a continental what becomes of it, and I do not see why any American Senator, as a Senator, should be concerned about it, either.

Mr. BEVERIDGE. The Senator thinks that is a sufficient answer?

Mr. MONEY. If there is an American gentleman here who has got a pecuniary interest in it, he might inquire as to what would become of it; but I am only interested here about passing on the treaty. The disposition of the money is of the least concern. Whether it be three or four hundred thousand or a million dollars, it belongs to the little Republic in the West Indies. I do not think that is any matter of concern to us. It is too small a game; we are not hunting with bird shot. I will tell you what Colonel Colton says about it, if you would like to know. He says that Morales can not draw that money unless he countersigns the check and that he—Colton—can not draw it at all, and that the money is to be distributed as prescribed in the decree or in the treaty, for they are just the same.

Colonel Colton impressed me, as I believe he did the entire committee, as being a very capable and honest man, that would do his duty as he believed it to be assigned to him. There was nothing of dodging or equivocation or concealment about his statement. He was just as plain and open as the day, and I do not think there is a member of the committee who does not believe that Colonel Colton is going to do what he is told to do; but Colonel Colton said he was there under the decree of Morales; he was there to obey Morales; but he was designated by the President of the United States for the place by the decree of Morales. He also said that he appointed his assistants without the consent of Morales or of the President of the United States.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from South Carolina?

Mr. MONEY. Of course I yield.

Mr. TILLMAN. It just occurred to me that Colonel Colton thinks his signature is necessary to get this money.

Mr. MONEY. That is true.

Mr. TILLMAN. No doubt that is the arrangement announced, and that Morales's signature is necessary to get the money; but Morales is no longer in Santo Domingo. He is in San Juan, P. R., or somewhere else, and now we have got to get up another modus vivendi to get that money.

Mr. LODGE. It is not Morales personally, but the President of the Dominican Republic, whoever he may be.

Mr. TILLMAN. No; that is not the arrangement. That is not what the President says. He says that President Morales is the man with whom he dealt.

Mr. MONEY. I must insist, Mr. President, that if any controversy is to go on I must be a party to it, as this comes out of my time. I do not want any controversy to go on whilst I hold the floor, unless it is directed to me. Senators may talk to me or to the Senate, but they can not talk over my shoulder.

The VICE-PRESIDENT. The Senator can not be interrupted except with his consent.

Mr. MONEY. I am perfectly willing to be interrupted. I do not see any reason why a man should decline to be interrupted if he knows what he is talking about, and I think I do. I feel greatly obliged sometimes for an interruption. It is like winding up a watch which is partially run down. Everybody knows how wholesome it is to be interrupted with questions. It is only troublesome when a man does not know what he is talking about to submit to interruptions, and when I do not know enough in relation to a subject to submit to interruptions I will stop talking at all. I want my young friend from Indiana to consider that he may interrupt me just as many times as he wants to.

Mr. BEVERIDGE. I am obliged to the Senator.

Mr. MONEY. I say the President of the United States is really carrying out the treaty which this Senate has failed—I used the mildest word possible—to ratify, and that he has no authority whatever to do it, and nobody, I will venture to say, can successfully contend that he has. It is not a question whether it is desirable that this thing shall be done. It is totally dissociated from that question, absolutely differentiated. That is another question, or, as Rudyard Kipling would say, "That is another story;" but I think I can get to that probably after a while, if I have time.

But the point I am coming to now is that we are in this condition, that the President of the United States is carrying out a treaty which has never been ratified. If he can do that in one instance, he can do it in another; if he can do it in another one, he can do it in five hundred, and the effect will be that he need not pay any attention whatever to the Senate in the matter of treaties.

In this matter the President is moved by motives of great humanity. He said a year or two ago, and I think he said it more recently, in the fullness of his goodness and kind intentions toward the smaller and weaker nations on this hemisphere, that if they would be good—that is, if they would be orderly and pay their debts and not revolutionize more than once or twice a year—"not loosing the bands of civilization," I think, was one of his choice expressions, which I admired very much at the time—we could be very helpful to them. I do not know what he meant by "we"—he and the Senate or he and the Congress of the United States of America or the American nation or simply Theodore Roosevelt—the imperial "we"—I do not know. But if they did not behave in that way, there was no telling what would happen.

My friend from Wisconsin [Mr. SPOONER], whose absence I must continue to deplore, happily got off in praise of the President about the treaty that was recently made by the great contending powers in Asia, that at the psychological moment the President said "Let there be peace," and there was peace. I suppose the President is carrying the psychological moment around with him in his vest pocket; and in any time of any little trouble he has always got that psychological moment.

I should like to know, digressing a little now, when that psychological moment came into the discussion. Here were two great nations at war. They had exhausted themselves; they had no resources; they were lying still, looking askance at one another on the plains of Manchuria. They had to have peace. There was no court in Europe at which Japan was willing to hold a conference, except Great Britain, and that one Russia would not have. There was not a court in Asia, because the only one there was dominated by Japan, and, therefore, Russia would not consider that. There was but one spot on the globe to come to, and that was the United States of America, "the land of the free and the home of the brave," where everybody is at home. The President treated them like a gentleman, and they enjoyed the hospitality of this country. They held their meetings here and a treaty of peace was negotiated because of their necessities, not on account of anybody's psychological moment. On the contrary, if we can believe the newspapers—and some people do not—it was stated that every proposition made by the President was flatly and absolutely rejected by the Czar—I am using the literal language now of the Czar as reported in a dispatch from St. Petersburg—and the Mikado, in politer manner, said he had already arranged the terms upon which the treaty would be made, politely intimating that no suggestions were wanted. I do not know when the psychological moment came. That was a business proposition; and every one of the propositions made by the President was absolutely and flatly rejected by one of the parties, and the other paid no attention to them.

Sometimes it is a good thing to give a man praise when he does not get much of it; and our President, I think, needs all he can get. He is not likely to be carried away, or his head made to swim, with adulation or anything of that sort. He can preserve his equanimity and his judgment notwithstanding. So I am willing for all that to go.

Now, Mr. President, I want somebody to show me how the President has authority to carry into effect a treaty that has never been ratified by the Senate; and the shuffler of the cards can not disguise plain facts. You may call it, as the President does, an agreement. You can call it, as the Senator from Wisconsin does, a maintenance of the status quo pending the conclusion of the negotiation for a treaty, or you can call it, as Colonel Colton says, a decree of Morales; but the effect is just exactly the same. The American peple to-day are being taxed to support a fleet there, a part of which, I understand, is to be withdrawn. I make no objection to the presence of the fleet, because it is afloat and it has got to cruise somewhere, and it may just as well cruise in American waters as in some other waters. I am going now outside of that question to take up the other one, with the indulgence of the Senate, and that is the utility of this business.

What is the history of this island republic? You recollect that in the delirium of intoxication into which the first draft of freedom threw the whole French people, when they not only desired liberty more than anybody else on earth, but had it, the French nation resolved itself into a vast propaganda, with the torch of liberty lighted at the foot of the guillotine, wet with the noblest blood of France, and sent it out to light the sacred fires of liberty in other countries. Then, in that spasm of generosity, they said to these people, or the French part of them:

> Take your island, full of magnificent harbors, with the best old Roman ways since Appius Claudius, with your fine mills and plantation houses, with your splendid docks and wharves, with your hills full of precious metals, with the finest woods in the world, the home of the sugar cane and rice—take it all, with your refined French civilization and the French language, the politest in the world.

So they gave it to them; but when the spasm was passed a man came to the head of affairs—Napoleon Bonaparte. He sent his General Leclerc to Santo Domingo to subdue the people there, who were not doing well. The first thing they had was a massacre of every white person on the island, men, women, and children, and next a massacre of the mulattoes.

Liberty meant license to those people. They fought the French, who, deciminated by fever, were withdrawn. The game was not worth the candle. Toussaint L'Ouverture, who was a humane and able colored man, the head of the revolutionary party, never has been held in respect by his own people, however, because he was not a "strong man;" he did not shoot everybody that was opposed to him, and therefore he was a weak man and never held in esteem, although he has been held in respect by the world.

Dessalines, the most atrocious monster recorded in history, who shot thousands of his political opponents, has the singular honor of having his birthday a national holiday, because he was a "strong man," who never hesitated at any crime.

Then the other part of the island joined the revolutionists. That part of the island was Spanish, but they were all freed together. They rose also; and that condition of things continued until 1840, when, after a series of little revolutions and uprisings, Santo Domingo achieved her independence from Haiti, and after running themselves along for twenty-one years, their President being overthrown, they voluntarily threw themselves back into the hands of Spain, feeling their helplessness, just as they manifest to-day their incapacity to take care of themselves. It reminds us of the frogs who prayed Jupiter for a king, and he gave them a log. They soon despised the inertness of King Log and prayed Jupiter for another king, and he sent them a stork, who devoured them.

The Spaniards grossly disregarded their agreement with the people, and in 1865 they again arose and the Spanish troops

were driven out. Again the game was not worth the candle. Since that time they have elected but one out of twenty-four Presidents, showing in every single act an absolute incapacity to conceive, to maintain, to operate, or to defend self-governing institutions, and a capacity to continue in debt.

This great debt was taken up by an improvement company, whose claim was investigated by my distinguished friend Judge Gray, formerly a member of this body, and John Bassett Moore, very strong authorities. I think there was an award made in favor of the improvement company, and I am reminded here that New Jersey granted a charter to the railroad company that was an allied concern, associated in interest.

These people have shown this incapacity all the time, and these expenses have been incurred to pay off the revolutionists. It has been to revolutions that the revenue has been applied. You issue your pronounciamento, collect your regiment of ragamuffins, let them go where they will be "well peppered," as Falstaff said at the Shrewsbury fight, seize the custom-houses, and what is the result? You are the de factos. You seize everything and you pay off the troops. If you can not pay the revolutionists, how can you have a revolution? They take a material point of view of these movements down there. Even if we thought it worth while to interfere with such paltry concerns as that, it is none of our business. It is foreign to any power granted to any branch of this great Government, when the people gave it to us in convention, that we should go off and meddle in affairs of that sort that concern us not one particle in the world.

Suppose we set them on their feet, paid their debts, put everything in liquidation, and a wholesome revenue law was enacted and being operated all the time, do you think that it would be six months, after a thousand dollars got in the treasury, before there would be a revolution to get it? Those people can not govern themselves. Why expect impossibilities of anybody? The history of that race all over the globe has shown that they are absolutely incapable of self-government. There is not a man, I think, on the other side of the Chamber or a man on this side who does not recognize that; there is not a man anywhere who does not know it; and why should we shut our eyes to the facts because of any local political consideration?

Take the history of the race. Africa, according to the testimony of the rocks, is said by geologists to be the oldest continent, and they may be presumed to be among the oldest of the races of mankind. They have never risen to the dignity of a legislative council or a judiciary tribunal. They know no authority but that of the strong arm and the heavy club. These people would certainly relapse; and relapse means that this temporary occupation would become permanent occupation, permanent control, permanent management.

I was delighted to hear my learned friend, a great Senator and a great historian combined, Mr. LODGE, say yesterday that he never would agree to annexation. I suppose he made that remark, in the first place, because he honestly meant it, and I believe he does honestly mean it; and, in the second place, because there has been so much asserted in the newspapers that that would be the result, that with occupation was meant at last annexation, not with the full privilege of citizenship, but annexation after the Filipino fashion, a people whom this body has solemnly declared shall never become citizens of the United States and that their territory shall never be a part of the territory of the United States—a very whimsical sort of a declaration for the Senate of the United States, but it is yet unrepealed. True, it is an expression of opinion, but what an opinion! We do not want them under such terms as that, nor do we want them at all. The trouble with us is, we are overloaded. We do not want any more islands; we do not want any more inferior people; we want to shake off the shackles that bind us in the race for independent government.

I tell you, Senators, there is not a body of white men on top of this globe that can successfully maintain self-government with its body politic and its power of self-government weakened by the infusion of so much incompetency and incapacity for government as there is in this country, unless some measure is carried through Congress to relieve us to a great extent. We do not want any more, and if to-day the United States would relinquish her hold upon every island in the sea, she would come out of it immeasurably stronger than she is to-day, and she would relieve herself of a thousand annoyances, a thousand cares, and a thousand dangers, and would become so immeasurably strong that she would be too invulnerable to invite attack by any combination of nations on the face of this globe. But the time has come for colonization and conquest, for the extension and amplification of power. Just ten years ago this month I had the honor to speak for ten minutes before the legislature of the State of Mississippi, and I recollect distinctly that I made the statement that we were now about to totally change the nature of our foreign relations; that instead of staying at home and attending to our own affairs, as we had been advised to do by Washington, we were about to go abroad and attend to the affairs of other people, and that we were about to become a colonizing and conquering people. I am not a prophet, but there is something in the trend of events and in the changes of temperament of the people, modified and qualified by successes and vicissitudes and everthing of that sort, that I thought I saw it clear enough; and it was clear enough as it happened.

I say if this continues we will reach a condition after a while when we will sink by our own weight unless we discard this form of government. We have got a right to do that. There is nothing in the world to keep us from discarding this bunglesome sort of government. Our friend from Wisconsin said we were neither a hermit nor a baby nation. I do not know that anybody has ever said that we are; but the intimation, I think, was that we were getting too big for the clothes of the Constitution; and I have heard it very frequently said—I have heard it in this body, and I heard it said the other day by the distinguished Senator from Wisconsin—that we had inherent rights as a government. I deny any such thing as that. That is a rank heresy in this Republic. There are no inherent rights in anybody; there are nothing but delegated rights, and yet we are as great as any nation. Of course we are as a nation; as a government, no. Is the Government a good one? We think it the best in the world; but the testimony of civilization is that it is a bad Government. Why? Not because its theory is too bad, but because it is too good for practical use. The best evidence that they think it bad is that nobody imitates it; there is nobody like us or likely to be. I say we can change it whenever we get tired of it, and we are getting tired of it. There is no use ignoring the dangers; there is no use in talking platitudes. I am going to stand by the delegated authority conferred upon the three branches of the Government by the Constitution until that Constitution has expired by substitution of another. The American people are great. They have got all the inherent powers that belong to any nation in the world. Of course all nations have. It is not a question; it is not a matter of hearsay. It is something we know.

The Government of the United States is not the American nation. It is simply a form of government which the American nation has instituted here for their own self-government; and while this nation has all the power that can be exercised by any other nation, the Government has not that power. Whenever the American people get tired of this government by the Constitution, they will get rid of it. The shortest way is by three-fourths of the States agreeing to call a convention. When they meet, the first law to pass will be that "the present form of government is hereby abrogated." That settles the whole matter. Then you can set up a king here; you can set up an oligarchy, a money oligarchy, but not an aristocracy, for we have not got the material for that; but you can set up an oligarchy; you can put up a Council of Ten after the fashion of Venice; you can have a limited or an absolute monarchy; you can have whatever form of government the people want. Every people in the world have exactly that government which they ought to have. Governments are what the people make them. I do not care how bad they may be, governments are what the people make them. If you want to get a good government, you have to get good people who can appreciate the blessings of freedom.

We are not trying this for the first time. This thing has been fought over from the remotest annals of human history. People more public-spirited than we are, more devoted to their country, and more full of patriotism, and not so selfish—although it is true they were selfish as we are in fact—have tried it.

Senators, when I consider the history of the human race and see the successive rise and fall of peoples and nations and governments, I think at last that we are running in a vast cycle, in which the same things are constantly recurring under different names and in different places perhaps. It is simply history repeating itself all the time. We think we are in a time now of great commercial sordidness, avarice, greed, and all that sort of thing, and the country resounds with declamations and invectives and objurgations against the spirit of greed and plunder, which, if continued, will undermine our free institutions. That has been going on ever since there was a government. Bribing, stuffing of ballot-boxes, money for everything.

I can recall, and I suppose many others here can, one of those admirable comedies of Aristophanes, written four hundred and fifty years before the birth of Christ, when Bacchus was going down to hell to get a poet, all of the good ones being dead and

none living except a lot of scribblers in whom he had no confidence. The good ones were all in hell. He went to the house of Hercules and inquired the way. He was told, "You proceed on this road to a lake, vast and bottomless, and there you will find an old fellow, Charon, who has a boat and will ferry you across, but he will charge you two oboli." Bacchus said: "Two oboli! Then they will not let you go to hell unless you pay the fare!" [Laughter.] "Well," he said, "that is rather astonishing. By the way, I have been going around on the earth trying to find a poet. I notice that everywhere you go you have to have the oboli. You can not get on without them. Nobody will do anything for you without them. Who in the deuce introduced this thing?" "A man named Theseus."

Xanthus, who was carrying the luggage of Bacchus, said: "I can go no farther; being alive, I will not be allowed in the boat. Get some of these dead men, who are going by all the time and are bound to go to hell, to carry your luggage." Four men came along with a dead man on a litter. Bacchus halted them and said: "Say, there, you dead man, I want you to carry some light luggage to hell for me. Will you do it?"

He says "I will charge you 2 drachmas." Bacchus replied, "That is excessive; it is entirely too much. I will give you 9 oboli." The dead man said: "Go on with the litter." He would not consider it. That sort of thing happened twenty-four hundred years ago. So we need not be particularly scared here. [Laughter.]

I recollect another one of those admirable comedies, one in which the poet declaimed very much against the avarice and greed of the Athenians, and declared that it amounted to impiety against the gods. And, contrary to the law, he was allowed to have the play produced twice for its good effect on the people. We are up and down all the time, and I have about concluded that, as bad as we are, we are as good as anybody else. It is not necessary for us to flatter ourselves that we are any better, because, Senators, the time is coming when we shall have to take our descent, too. There is the rise and fall of the Roman Empire, and of all other empires, and, according to Silas Wegg in Boffin's Bower, there is also the "Rising up and falling off of the Rooshian Empire."

Getting back to the little island of Santo Domingo, if we are to take charge of it of course that means indefinite extension. The effect of its propinquity to us, 80 or 90 miles, while it is from a remote island a thousand or two miles distant, does not seem to me to amount to anything, because we can string a cordon of islands that would encircle the globe and carry our flag all over the earth.

The permanent occupation of the island is really meant. The question is, Do you want permanent occupation of any of these islands or republics? There are not many. There are two black republics on one island. When you get on farther there is France, with Martinique and Guadaloupe, with only 1½ per cent of white people. They claimed 3 per cent, according to the census of 1888, but the American consul tells me it is only 1½ per cent. Take the Danish group, 32,000 population, 2,000 white, and singularly enough, the English language. It is black. So with the Virgin Islands—5,000 black, 500 white people. Jamaica has 756,000 negroes, according to the census of 1888, and only 13,000 white people, and more than half of the white people have left since the withdrawal of the troops from the cantonment on the Blue Mountains. Barbados is the most thickly settled part of the earth and has no white population. The same condition prevails there. They have renounced in Jamaica their responsible government, as the English call it—the autonomous government, as we would call it—because of the necessity of the negro voting and the disorder that ensued. Then there are San Lucia and Grenada, of the Windward group, and they are practically all in the same condition.

When we get to the mainland, I wish to ask if there is any Senator here who is willing to take charge of Venezuela? That is a case in point. It has one white person to 21 inhabitants, and it has had eighty-two revolutions in eighty-four years. The present President is part Spanish, part Indian, and part negro. There are not any fairer constitutions and laws on this earth than are found in all the criminal and civil codes of the Spanish-American States. There are no better written ones here. The trouble is that nobody pays any attention to them there. Theirs is a personal government; somebody has said "a personal despotism tempered by assassination."

If we settle the debts of Santo Domingo and take care of their well-being, to use the kindly language of our Executive, to be helpful to them, we will find ourselves with our hands full attending to the business of other people and nothing left for the American people. I do not believe the American people have conferred any power upon the President of the United States to interfere in settling the debts of other people and maintaining order in other countries.

Not only that, but the President is to guarantee to maintain their territorial integrity. That is a pretty strong guaranty. That means that he will call out the whole Navy if necessary. There was a great deal of fear manifested some time ago that an Italian war ship might seize a custom-house in Santo Domingo. They would not have found much in it. I think Colonel Colton is getting about all the money going now. Could we have offered any reason against the Italians seizing a port to enforce a debt? We sat very quiet a good many years ago and saw Great Britain take possession of Vera Cruz. We saw them make a hard bargain with Mexico, and compel Mexico to surrender all the customs receipts at Vera Cruz to pay the interest on the $50,000,000 gold debt; and about all the imports into Mexico were through Vera Cruz. Tampico was not much. Mazatlan, Acapulco, and San Blas had declined since the Philippines had ceased to be an appendage of the viceroyalty of Mexico.

We have submitted—I will not say submitted to it, but I will say that we have permitted it—because we certainly could stop it if we wished to, but we have permitted it from a sense of right, because in the main when we run along and stagger and fall down and get up again the American people do about what is right. They are trying to do what is right. The only question is whether we agree with them or not; whether the opinion of a great many is better than the opinion of any one man.

In a multitude of counsel there is safety. But at any rate it is taken as a presumption granted that every man is to do his duty as laid down for him by the Constitution and laws of this country, and therefore we do not want to impugn the motives of anybody.

We do not want to say—I do not want to say, and I will not say—that the President simply wishes to extend the influence of the United States, to mark and signalize his Administration as a brilliant one in history. I think the President a man full of restless physical energy and industry, and, I will say, intellectually also restless and ambitious and very anxious to do something and to be continually impressing himself upon current events, and he may do that through a very laudable ambition, with no desire to set aside the Constitution. But the question is for us to determine whether he is doing it or not. As I said a while ago, the way to hell is paved with good intentions, and the last man to judge the intention is the man himself. He will see it if he is wrong, giving him credit for the proper motive always.

I will not discuss the treaty here, but, in my opinion, the Senate has lost very directly and substantively a part of its authority when it permits—I will use that word—without a protest the President to carry into effect a treaty which never has been here ratified, and no euphemism in the English language can conceal the fact that that is being done.

Whether it is desirable on the part of the American interests there that it should be done is also a question among them. I have had communications from a man who is the largest American owner in the island, and he thinks the treaty would not be best for reasons which he sets forth at great length. He is an intelligent man. He evidently understands what his own business is. He has the largest estate there, and if you permit him to say so there will not be any treaty. But we can not permit a man who has transferred his property to a foreign country to come in and act as a makeweight in deciding the policy of this country toward another, even if the President should consider it very "helpful."

I do not believe any amount of help will make these people stand on their feet. I do not believe there is a country under heaven that would consent to receive that island, or any part of it, as an appendage, a dependency, or an integral part. If you could suddenly remove the inhabitants, you would have perhaps the most beautiful and the most fertile island in the world, with greater capacity probably than any other, but you can not kill off the people; you can not transport the people. If in a republic there could be such a punishment as banishment inflicted upon people, without giving them a day in court, it would be an act of the highest consideration and the highest importance to the future of this Republic to transport every colored man in the United States to some congenial climate and provide him for a year or two with subsistence; I mean looking in the long run at the future of this great Republic, with its enormous possibilities and capacities. I am looking at it from a cold-blooded standpoint, stripping myself of all sentiment in the matter. There is no sum that can be calculated and no number of ships that can be built for which I would not be willing to

vote in order to carry those people where they could be happy and contented and could prosper.

I wish to say further that I would not infringe upon the rights of a single solitary one of them here or elsewhere, in this country or anywhere else. I would not try to suppress and put down a ruler, whether in a republic or a monarchy, because he was black or brown or red or yellow. I would give freedom to every country having the territorial area and a population sufficiently large in number and sufficiently homogeneous. I believe those are the definitions that Mr. Webster laid down in connection with the revolt of the Hungarians. When he sent Mr. Mann to investigate the extent of the Magyar strength, the Austrian minister, Baron Hulsemann, resented the inquiry, which indicated a disposition to acknowledge belligerent rights in the Hungarians. Mr. Webster said, with great emphasis, that whenever any country anywhere has territory sufficient, people enough, and a people sufficiently homogeneous in their interest, the United States will not turn a deaf ear to their appeal for moral support. I feel those words of Daniel Webster tingling in every drop of blood in my veins; and I do not care whether the people are under the control of this country or any other.

I say, moreover, that a man who loves liberty for himself and denies it to other people has not the faintest conception of what the principle of liberty is. He only values it as a personal convenience to himself, and he does not know the great abstract principle that governs human life.

Now, Senators, I have no desire to continue this inconsequential talk that I have made here, I must say without any preparation whatever, but simply have made because of speeches which I heard delivered yesterday. I have heard only two or three, but they seem to be so wide from the mark that I felt called upon to submit some views of my own upon this question, I hope with some effect. I am not one of those people so modest as to believe that they can never give any sort of enlightenment to anybody in the world, because I think it would be very presumptuous for a Senator to rise in his place and occupy the time of the Senate if he did not think that what he said would interest, if it did not instruct very much. I will not call names, but one of my friends entirely deprecated his own ability, and of course it looked very modest of him with a deferential hand to wave aside these compliments. I suppose he has heard somewhere that modesty does much become a woman. At any rate, I am not one of that class. I want to thank the Senate for its attention, and I wish to say when the question comes up in secret session I will speak further.

Right here I wish to make one remark, and I shall be through. The question was asked by my distinguished friend the Senator from South Carolina [Mr. TILLMAN] yesterday, of the Senator from Massachusetts [Mr. LODGE], I think, whether or not we could not have the discussion of the treaty with open doors; that it was a matter of vast public interest, and that the time for secrecy in the discussion of our foreign affairs had passed away; that the people were losing confidence in the Senate. I am against any open-door consideration of any treaty. It does not make any difference to me about the curiosity of people. They have delegated their authority to the Senate, and they await the issue. They are not in a hurry to know what the Senate is going to do. Therefore I do not subscribe to the habit of allowing myself to be quoted in the newspapers as to how I shall vote on measures. Let time develop it. There is no use of polling votes in advance of the time. If a motion is made to open the doors, I shall vote against it. There may be nothing in this treaty which demands secrecy, but once you establish the open door you will never shut it again. In fact, I think the experience of over one hundred years has about demonstrated the fact that the Senate proceeds, as a general thing, in the best possible way to do its business, and I am for adhering to old customs and all old manners.

Mr. HEYBURN. Mr. President, it seems to me—and I am impelled to say it by remarks made by the Senator who has just taken his seat [Mr. MONEY] in regard to the question whether this is a consideration of the people of this island or of the territory—it seems to me that this is purely a business proposition which presents itself, and it relates to the territory of the island of Santo Domingo and not the people. Whatever I may say or however I may vote in regard to this matter, at any rate it will be from that standpoint and not from the standpoint of a few thousand or a few hundred thousand people who may happen to occupy this island. If the Senate thirty-five years ago had performed what now appears to have been its plain duty, this question would not be before the Senate. There was an opportunity, when there were about a hundred and sixty thousand people upon this island, to make them a part of the geographical area of the United States.

The reasons given them are as apt to-day as when they were given. The handful of natives who occupy that island would be, if I may use the term, farmed out in one generation, just as we farmed out a corresponding element on the Pacific coast when we took it. They would be lost in the predomination of the white race and white interests. They would be Americanized. I am not in favor of the acquisition of more islands or additional territory for the purpose of maintaining the status of the territory as we find it. I am not in favor of holding the Philippine Islands in order to maintain the Philippine characteristics. I am not in favor of retaining the island of Porto Rico for the purpose of maintaining a civilization upon the status in which we found it. The only justification on earth for the addition of territory to this country is that we may bring it within the influence of our own civilization and that we may transform it from the character in which we found it to the character which we recognize as being the foundation of our own country.

The island of Santo Domingo is without population as I understand it. The whole question that has been under consideration for days would be settled by the annexation of this island to our country by treaty, not for the purpose of gaining agricultural facilities or possibilities, not for the purpose of adding these people to our population, but for the purpose of establishing there in the mouth of the canal a picket post which would give us at least equal advantages with the other nations of the earth should difficulty arise in regard to possession of the canal. Every other island in the Caribbean Sea is owned or controlled by a foreign nation that may in any hour be a hostile nation. This is the only remaining island which is free to deal with itself and its own affairs. It is the last on the counter in the markets of the world, and at this time it is free to make a treaty that shall bring its soil under our dominion, subject to our necessities or our conveniences. But if we are to stand off and draw fine lines as to what we may do or what we should do out of consideration for the people of that island, in an hour when we least expect it we will find complications arising through foreign interference and influence which will make it impossible for us to acquire that soil upon which to make our coaling stations, upon which to establish our picket posts in front of our great possession on which we are about to expend hundreds of millions of dollars. I say we will find it closed to us.

I am free to say that when this matter was up for consideration only a few months ago I had a letter from a prominent man in that island, who told me it was within his knowledge that there was at that time an attempt being made to enter into an arrangement with one of the most powerful governments of Europe with a view to doing just what we did—acting as the financial agent to collect the revenues of the ports of the country and to give them a foothold. Great nations of the earth, when they once have a foothold, keep it. It is true that the instance of our possession of Cuba is cited as an exception, but we kept our influence there, and our influence in Cuba is as potent to-day as though it were a part of the domain of the United States, because we have the right to control the Cubans in their foreign relations. That is what counts among the nations of the earth. It is seldom that interference in the domestic affairs of a dependency amounts to anything. The controlling nation, as a rule, is very glad to have them take these local arrangements off its hands, but what it is persistent in maintaining is the control of that nation in its dealings with other nations.

There is a cordon of islands in the West Indies which, with the exception of Cuba and Santo Domingo, are owned by the great nations of the world. England and France and Denmark and the combination of European nations own a continuous line of islands, through which there are two openings of over 90 miles in width almost within the reach of a cannon shot. Every vessel that sails from an Atlantic port to the Panama Canal passes the islands of Santo Domingo and Cuba. Cuba is friendly to-day under our control; free in time of war to make alliance with foreign nations; and this little island in the market for any nation to buy or control.

The solution of this question, one that would avoid the necessity of considering the question how far we can go in protecting it, is for this body, in its capacity under the constitutional privilege of advising the President, to advise that a treaty of annexation be made. There are less than 1,000,000 on the island. It is capable of sustaining more than 8,000,000 people, according to the recognized basis on which such estimates are made.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from South Carolina?

Mr. HEYBURN. Certainly.

Mr. TILLMAN. I have examined this matter, and there are nearer 2,000,000 than 1,000,000. The Senator is clear off on that.

Mr. HEYBURN. The Yearbook gives a population of 510,000 for Santo Domingo, and in my judgment the population of Haiti is just about the same.

Mr. TILLMAN. It has always been recognized by every geography that I have seen that there are twice as many in Haiti as in Santo Domingo.

Mr. HEYBURN. The population is necessarily merely a matter of estimate. I know men who are in the island, and I have attempted to ascertain as nearly as possible what the population of those two republics is, and I feel justified in saying, from such information as I have obtained, that the population has been largely overestimated in the Yearbook, and that there are less than a million people in the two republics, while the island is capable of sustaining a population, upon a liberal basis, of more than 8,000,000 people.

The United States have never undertaken a contract with civilization that we have not made good, and it would be a sorry admission if we could not civilize an island situated as is the island of Santo Domingo. We would civilize it by replacement, by substitution of American institutions and American citizenship for those of the natives. Will any Senator admit that our people are not capable of dominating a handful of natives who have never shown any capacity for self-government, who have had 18 revolutions in twenty-five years; a country where out of 18 presidents 16 were overthrown by revolution; in whose history but five men have ever lived to serve out their terms as president; a nation utterly incapable of protecting itself in the financial dealings of the world, that had to reach out to us or to some other nation for help in order to protect itself against the sheriff's hammer?

So, I say, at this time it seems particularly appropriate that we should take up for consideration the resolution now resting with the Committee on Foreign Relations, which provides that the Senate shall advise the President of the United States to open negotiations for acquiring this island as a part of our own country, and then to deal with it as we would deal with any other frontier—use it for the purpose of protecting this great investment, not only an investment in money, but an investment that shall be so potential in the event of foreign war on the part of this country, that without it it might mean, not defeat, but difficult victory.

Mr. TILLMAN. The Senator evidently is in earnest, and I would suggest that as we have the President, the only President of Santo Domingo of which we know anything, already in our keeping, it would be a very easy matter to make a negotiation with him, representing the Government of Santo Domingo, for this one or two millions of population, whichever it may be. If the Senator's colleagues on the other side have not enough colored people in the Philippines and in the South and are gluttonous, I think he had better put the matter to a vote and let us see.

Mr. HEYBURN. What I am asking is not for the colored people of Santo Domingo, but I am asking that the white people who may become citizens of Santo Domingo be given the opportunity and protection that would naturally come with the acquisition of that country. I want to substitute the white race there for the natives who are there now. Does the Senator object to that?

Mr. TILLMAN. Not at all, but I should like the Senator to be a little consistent in dealing with the colored people and not be so kind to those near by and so cruel to those abroad.

Mr. HEYBURN. I do not know to what act or word of mine the Senator refers in drawing that comparison. I will deal with each of those questions, so far as I am concerned, as they arise; but for the present it is sufficient to consider the question as it pertains to the island of Santo Domingo and the inhabitants there. They are a rebellious and incompetent people, and it would be a slander upon the American people to say that an equal number, or a much less proportion, of Americans could not overcome them in their habits of life and the grasp they have upon the affairs of the country, and that it would not be merely a question of a gradual displacement and substitution. It is a fair land. I might speak from a selfish standpoint and talk of its resources, of the possibilities of its commerce and its agriculture, of its mines and its forests. I am speaking solely and simply from the standpoint of national defense, from the necessities of to-day and to-morrow, and I say that this country should possess that territory without regard to whether there is a man, white or black, upon it. That is the position. I say the substitution of that view will eliminate these questions of detail as to whether or not the President had the power, as to whether or not he exceeded his power, as to whether or not he should have done this or should not have done that. All those questions would be settled by a single stroke of the pen that seals the bargain and makes that island a part of the United States geographically.

Mr. TILLMAN. Who is going to sign for the other people, though?

Mr. HEYBURN. The Government of that island. We have a treaty with Hayti. We had until 1898 a treaty with the Republic of Santo Domingo.

Mr. TILLMAN. Are you going to let some little President who happens at the time to be in power sign for them and then go on and seal it?

Mr. HEYBURN. Under the law of nations that binds them just as surely, and if it does not we have a way of making them keep their contract and observe their treaty. There is no difficulty about finding contracting parties. There is one here, and we will find one there. We will determine the question as to the power of the party that assumes to contract for the people of Santo Domingo.

I merely desired, Mr. President, as this question of Santo Domingo was before the Senate, to express these views. I do not desire to discuss the bill that is already in committee and under consideration there, but I felt that it was opportune at this time to make these suggestions.

MISSIONARY BAPTIST CHURCH, OF ROCK SINK, FLA.

Mr. TALIAFERRO. I ask unanimous consent for the consideration of the bill (S. 1725) granting certain land to the Missionary Baptist Church, of Rock Sink, Fla.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. The bill was reported from the Committee on Public Lands with amendments, in line 5, before the word "Florida," to insert "Rock Sink;" in the same line, after the word "Florida," to insert "and their successors," and in line 9, after the word "east," to insert "and when no longer used for said purposes the same shall revert to the United States;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to convey to the trustees of the Rock Sink Missionary Baptist Church, of Rock Sink, Fla., and their successors, in trust, the following-described land for use for school, church, and cemetery purposes: The south half of lot 11, section 13, township 8 south, of range 13 east; and when no longer used for said purposes the same shall revert to the United States.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

POST-OFFICE BUILDING AT ELIZABETH, N. J.

Mr. KEAN. I ask unanimous consent for the present consideration of the bill (S. 846) to increase the limit of cost of the United States post-office at Elizabeth, N. J.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to increase the limit of cost of the United States post-office at Elizabeth, N. J., from $200,000 to $250,000, and allows the Secretary of the Treasury to use the sum of $150,000, or so much thereof as may be necessary, for the purchase of a suitable site upon which to erect the building.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 12707) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States; in which it requests the concurrence of the Senate.

REORGANIZATION OF THE CONSULAR SERVICE.

Mr. LODGE. I ask the Senate to take up Senate bill 1345, the consular bill. I should like to have it read and the committee amendments agreed to. It is the unanimous report from the committee. I do not expect to discuss it this afternoon, but I should like to have the bill read and the amendments disposed of.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill (S. 1345) to provide for the re-

organization of the consular service of the United States; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Foreign Relations with amendments.

The first amendment was, in section 1, page 1, line 4, after the word "act," to strike out "and under such rules and regulations not inconsistent herewith as shall be prescribed by the President;" so as to make the section read:

That the consular system of the United States be reorganized in the manner hereinafter provided in this act.

The amendment was agreed to.

The next amendment was, on page 1, after line 6, to strike out section 2, in the following words:

SEC. 2. That there shall be not more than two consuls-general of the first class, at $12,000 each per annum; not more than seven consuls-general of the second class, at $8,000 each per annum; not more than nine consuls-general of the third class, at $6,000 each per annum; not more than eleven of the fourth class, at $5,500 each per annum; not more than fourteen of the fifth class, at $4,500 each per annum; and not more than seven of the sixth class, at $3,500 each per annum. That there shall be not more than ten consuls of the first class, at $5,000 each per annum; not more than thirteen consuls of the second class, at $4,500 each per annum; not more than twenty-two consuls of the third class, at $4,000 each per annum; not more than thirty-two consuls of the fourth class, at $3,500 each per annum; not more than forty-five consuls of the fifth class, at $3,000 each per annum; not more than fifty-eight consuls of the sixth class, at $2,500 each per annum; and not more than ninety-two consuls of the seventh class, at $2,000 each per annum.

The amendment was agreed to.

The next amendment was, on page 2, after line 16, to insert the following as a new section:

SEC. 2. That the consuls-general and the consuls of the United States shall hereafter be classified and graded as hereinafter specified, with the salaries of each class herein affixed thereto.

CONSULS-GENERAL.

Class 1, $12,000.—London, Paris.

Class 2, $8,000.—Berlin, Habana, Hongkong, Hamburg, Rio de Janeiro, Shanghai.

Class 3, $6,000.—Calcutta, Cape Town, Constantinople, Mexico City, Montreal, Ottawa, Vienna, Yokohama.

Class 4, $5,500.—Barcelona, Brussels, Canton, Frankfort, Melbourne, Panama, St. Petersburg, Seoul, Tientsin.

Class 5, $4,500.—Auckland, Beirut, Buenos Ayres, Callao, Chefoo, Guayaquil, Halifax, Hankau, Mukden, Niuchwang, Rome, Rotterdam, St. Gaul, Singapore.

Class 6, $3,500.—Bogota, Budapest, Guatemala, San Salvador, Stockholm, Teheran, Tangier, Lisbon.

Class 7, $3,000.—Christiania, Copenhagen, Athens.

CONSULS.

Class 1, $8,000.—Liverpool.

Class 2, $6,000.—Manchester.

Class 3, $5,500.—Antwerp, Marseilles.

Class 4, $5,000.—Bremen, Dawson, Belfast, Havre, Kobe, Lourenço, Marquez, Lyon, Pretoria.

Class 5, $4,500.—Amoy, Amsterdam, Birmingham, Cienfuegos, Coburg, Fuchau, Glasgow, Kingston (Jamaica), Nottingham, Santiago, Southampton, Veracruz, Valparaiso.

Class 6, $4,000.—Antung, Bahia, Bombay, Bordeaux, Dresden, Colon, Dublin, Dundee, Hangchow, Leipzig, Munich, Nanking, Naples, Nuremberg, Para, Pernambuco, Plauen, Santos, Stuttgart, Toronto, Vancouver, Victoria.

Class 7, $3,500.—Apia, Barmen, Barranquilla, Basel, Berne, Bradford, Chemnitz, Chungking, Cologne, Dalny, Edinburgh, Geneva, Genoa, Georgetown, Lucerne, Mannheim, Monterey, Montevideo, Nagasaki, Odessa, Palermo, Prague, Quebec, Reichenberg, Rimouski, San Juan del Norte, Smyrna, Tamsui, Vladivostok, Winnipeg, Zurich.

Class 8, $3,000.—Aix la Chapelle, Annaberg, Barbados, Batavia, Batum, Bursiem, Calais, Carlsbad, Colombo, Dunfermline, Florence, Freiburg, Ghent, Hamilton (Ontario), Hanover, Harput, Huddersfield, Jerusalem, Kehl, La Guaira, Leghorn, Liege, Mainz, Managua, Nantes, Nassau, Newcastle (New South Wales), Newcastle (England), Port Antonio, Port au Prince, St. John (New Brunswick), St. Michaels, St. Thomas (West Indies), San Jose, Sheffield, Swansea, Sydney (Nova Scotia), Sydney (New South Wales), Tampico, Three Rivers (Quebec), Trieste, Trinidad.

Class 9, $2,500.—Acapulco, Aden, Algiers, Alexandretta, Bamberg, Belize, Bergen, Breslau, Brunswick, Cardiff, Chihuahua, Ciudad Juarez, Ciudad Porfirio Diaz, Collingwood, Cork, Crefeld, Curaçao, Dusseldorf, Eibenstock, Gothenburg, Hamilton (Bermuda), Hull, Jerez de la Frontera, La Rochelle, Leeds, Magdeburg, Malaga, Malta, Maracaibo, Martinique, Mazatlan, Milan, Moscow, Nice, Nogales, Nuevo Laredo, Orillia, Plymouth, Port Limon, Puerto Cortez, Rheims, Rosario, Roubaix, St. Johns (Newfoundland), St. Etienne, Sault Ste. Marie, Seville, Sherbrooke, Stettin, Tamatave, Tegucigalpa, Teneriffe, Trebizond, Valencia, Weimar, Yarmouth, Zanzibar, Zittau.

Class 10, $2,000.—Aguascalientes, Amherstburg, Antigua, Asuncion, Bagdad, Belleville, Belgrade, Bristol, Brockville, Campbellton, Cape Gracias, Cape Haitien, Cartagena, Castellamare di Stabia, Catania, Ceiba, Charlottetown, Chatham, Coaticook, Colonia, Cornwall, Durango, Ensenada, Fort Erie, Funchal, Gaspe, Gibraltar, Glauchau, Goderich, Goree-Dakar, Grenville, Grenoble, Guadeloupe, Guelph, Hermosillo, Hobart, Iquique, Jalapa, Jamestown, Kingston (Ontario), La Paz, Limoges, London (Ontario), Madrid, Manzanillo, Maskat, Matamoros, Messina, Moncton, Niagara Falls, Patras, Peterborough, Port Hope, Port Louis, Port Rowan, Port Stanley, Prescott, Progreso, Puerto Cabello, Puerto Plata, Riga, Rouen, Saigon, St. Christopher, St. Hyacinthe, St. Johns (Quebec), St. Pierre, St. Stephen, St. Thomas (Ontario), Saltillo, Sarnia, Sierra Leone, Sivas, Stanbridge, Stavanger, Stratford (Ontario), Suva, Tahiti, Turin, Turks Island, Tuxpam, Utilla, Venice, Wallaceburg, Warsaw, Windsor (Ontario), Windsor (Nova Scotia), Woodstock.

The amendment was agreed to.

The next amendment was, in section 3, page 6, line 10, after the word "consuls," to strike out "of the sixth and seventh classes, provided for in the third section of this act;" in line 15, after the word "consuls," to strike out "and shall be eligible for promotion equally with other consuls of the sixth and seventh classes;" and in line 18, after the word "heretofore," to strike out "commercial agents shall be brought into the classification of the service under this act, and the grade shall thereafter cease," and insert "the grade of commercial agent is abolished;" so as to make the section read:

SEC. 3. That the offices of vice-consuls-general, deputy consuls-general, vice-consuls, deputy consuls, and commercial agents shall be filled by appointment, as heretofore, except that whenever, in his judgment, the good of the service requires it, consuls may be designated by the President without thereby changing their classification to act as vice-consuls-general, deputy consuls-general, vice-consuls, and deputy consuls; and when so acting they shall not be deemed to have vacated their offices as consuls. Consular agents may be appointed, when necessary, as heretofore. The grade of commercial agent is abolished.

Mr. DOLLIVER. I should like to ask the Senator from Massachusetts whether the list of consuls-general in the bill is taken from the present law?

Mr. LODGE. It is, Mr. President. It is taken exactly from the present law. I will say to the Senator that I had no intention of going further with the bill this afternoon than to have the amendments adopted. Then it will be perfectly easy, if the Senator should desire to make any change in the list, to do so.

Mr. DOLLIVER. I simply inquire for information. I understand the present law places the consulship at Monterey, Mexico, as a consul-generalship of northern Mexico. That has been my understanding of it.

Mr. LODGE. The official report of the State Department describes it as a consulate.

Mr. DOLLIVER. It certainly has consular jurisdiction over a great territory there beyond the borders of Monterey.

Mr. LODGE. If it is a consul-generalship and the report of the State Department is incorrect, it is a very easy matter to restore it.

Mr. DOLLIVER. I simply wanted to make the inquiry.

Mr. LODGE. I do not propose to go on with the bill this afternoon. I merely wish to get the committee amendments adopted and the bill reprinted so it will be convenient for the Senate in the future. I do not think there will be very much opposition to the bill. It is a unanimous report from the committee.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee to section 3.

The amendment was agreed to.

The next amendment was, on page 6, after line 21, to strike out section 4, in the following words:

SEC. 4. That within one year after the date of the passage of this act the President shall classify the consulates-general and the consulates in accordance with the provisions of section 3, and after such classification shall have been made the classification of any consulate-general or consulate may be changed, or a new consulate-general or consulate created and placed in any class, the complement of which is not filled, by Executive order of the President.

The amendment was agreed to.

The next amendment was, on page 7, after line 4, to strike out section 5, in the following words:

SEC. 5. That immediately after the classification required by the foregoing section shall have been made the incumbents of the consulates-general, consulates, and commercial agencies who are included in the provisions of this act then holding office shall be assigned by the President to the various classes as nearly as possible in accord with the duties, conditions, and compensation of the offices they held when said classification was made.

The amendment was agreed to.

The next amendment was, on page 7, after line 20, to strike out section 7, in the following words:

SEC. 7. That the Secretary of State, or such officer in the Department of State as the President shall designate, the chief of the Consular Bureau, and the chief examiner of the Civil Service Commission or some person whom said Commission shall designate, shall constitute a board of examiners for admission to the consular service.

The amendment was agreed to.

The next amendment was, on page 8, after line 2, to strike out section 8, in the following words:

SEC. 8. That it shall be the duty of said board to formulate rules for and hold examinations of applicants for admission to the consular service; and whenever a vacancy shall occur in the sixth or seventh class of consuls which the President deems it expedient to fill, the Secretary of State shall require the said board to examine such applicants as shall be designated therefor by the President. The board shall as soon thereafter as possible hold such examination and certify to the Secretary of State the names of the applicants who have passed the examination. No one shall be examined who is under 21 or over 40 years of age, or who is not a citizen of the United States. The scope and method of the examination shall be determined by the board, but among the subjects shall be included at least one modern language other than English, and the commercial resources and business of the United States, especially with reference to the possibilities of increasing and extending the trade of the United States with foreign countries. In certifying to the Secretary of State the list of those eligible for appointment, the board of examiners shall accompany the certificate with a detailed report showing the qualifications, as revealed by the examination, of each person so certified.

When it is designed by the President to assign a consul who is to be

appointed to a consulate in a country where the United States has extraterritorial jurisdiction, the Secretary of State shall so inform the board of examiners, who shall include in the list of names certified by it in accordance with the following provisions of this section only such persons as have passed the examination provided for in the foregoing paragraphs of this section, and who also have passed an examination in the fundamental principles of the common law, the rules of evidence, and the trial of civil and criminal cases.

The list of names which the board of examiners shall furnish as required by this section shall be sent, with the accompanying reports, to the President for his information.

The amendment was agreed to.

The next amendment was, on page 9, after line 13, to strike out section 9, in the following words:

SEC. 9. That whenever a vacancy shall occur in the office of consul-general, or consul above the sixth class, members of the two classes next below that in which the vacancy occurred shall be deemed eligible to be selected to fill such vacancy.

For the purpose of such promotion consuls and consuls-general shall be classified together according to salary.

The amendment was agreed to.

The next amendment was, on page 9, after line 20, to strike out section 10, in the following words:

SEC. 10. That the foregoing provisions of this act shall not apply to consular offices which are filled by those who are also accredited as diplomatic agents of the United States.

The amendment was agreed to.

The next amendment was, in section 12 (6), page 11, line 3, after the word "which," to strike out "exceeds" and insert "is;" and in line 4, after the word "year," to insert "or more;" so as to make the section read:

SEC. 6. No person who is not an American citizen shall be appointed hereafter in any consulate-general or consulate to any clerical position the salary of which is $1,000 a year or more.

The amendment was agreed to.

The next amendment was, in section 13 (7), page 11, line 9, before the word "agent," to strike out "commercial" and insert "consular;" so as to read:

SEC. 1699. No consul-general, consul, or consular agent receiving a salary of more than $1,000 a year shall, while he holds his office, be interested in or transact any business as a merchant, factor, broker, or other trader, or as a clerk or other agent for any such person to, from, or within the port, place, or limits of his jurisdiction, directly or indirectly, either in his own name or in the name or through the agency of any other person; nor shall he practice as a lawyer for compensation or be interested in the fees or compensation of any lawyer; and he shall in his official bond stipulate as a condition thereof not to violate this prohibition.

The amendment was agreed to.

The next amendment was, on page 11, line 25, before the word "agent," to strike out "commercial" and insert "consular;" so as to read:

SEC. 1700. All consular officers whose respective salaries exceed $1,000 a year shall be subject to the prohibition against transacting business, practicing as a lawyer, or being interested in the fees or compensation of any lawyer contained in the preceding section. And the President may extend the prohibition to any consul-general, consul, or consular agent whose salary does not exceed $1,000 a year or who may be compensated by fees, and to any vice or deputy consular officer or consular agent, and may require such officer to give a bond not to violate the prohibition.

The amendment was agreed to.

Mr. KEAN. The sections should be renumbered.

The VICE-PRESIDENT. That is clerical and will be done.

Mr. KEAN. All right.

Mr. LODGE. I ask that the bill may be printed as amended by the Senate.

The VICE-PRESIDENT. Without objection, the bill will be reprinted as amended.

Mr. LODGE. The clerks will see that the sections are numbered in accordance with the changes in the bill.

The VICE-PRESIDENT. The sections will be renumbered.

LIGHT-HOUSE SERVICE.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (S. 1358) to amend an act entitled "An act authorizing the construction of additional light-house districts," approved July 26, 1886.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Commerce with an amendment, in line 7, after the word "exceeding," to strike out "eighteen" and insert "nineteen;" so as to make the bill read:

Be it enacted, etc., That section 4670 of the Revised Statutes is hereby amended so as to read as follows:

"SEC. 4670. The Light-House Board shall arrange the ocean, gulf, lake, and river coasts of the United States into light-house districts not exceeding nineteen in number; that any law or regulation prohibiting the employment in the light-houses of the United States of persons of more than 45 years of age be, and the same is hereby, repealed."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WYOMING STATE SOLDIERS AND SAILORS' HOME.

Mr. KEAN obtained the floor.

Mr. WARREN. I ask the Senator from New Jersey to yield to me for a moment to call up a bill.

Mr. KEAN. I was merely going to move an executive session, but I withhold the motion for the present.

Mr. WARREN. I ask unanimous consent for the present consideration of the bill (S. 608) granting to the State of Wyoming 50,000 acres of land to aid in the continuation, enlargement, and maintenance of the Wyoming State Soldiers and Sailors' Home.

The VICE-PRESIDENT. The bill will be read for the information of the Senate, subject to objection.

The Secretary read the bill.

Mr. PETTUS. Mr. President, I inquire of the Senator in charge of this bill whether it does not cover all the public lands in the State and whether it would not repeal the laws which forbid mineral lands from being entered?

Mr. WARREN. It does not cover anything but nonmineral and unappropriated lands, and it does not repeal any other law. It simply provides for the selection of 50,000 acres of unappropriated, unwithdrawn, nonmineral lands.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Wyoming for the present consideration of the bill which has been read?

Mr. CARTER. Mr. President, the question presented by this bill has been the subject of some discussion since this and another bill were reported favorably from the Committee on Public Lands.

The question is quite a serious one. When the respective States were admitted into the Union—the Dakotas, Montana, Washington, and, later, Idaho and Wyoming—grants of public lands were made for specific purposes, and all the grants were about equal in size. In a given State the amount of land appropriated for public purposes happened to be less than in another and adjoining State, but to counterbalance that the amount of land granted for agricultural college purposes or for normal schools happened to be larger in the State having the smaller allowance for public buildings. These grants having been substantially equal in the beginning, and for all public purposes considered as proper objects of national solicitude, may be disturbed by subsequent appropriations for individual States.

Now, it is quite obvious, I think, that if the State of Wyoming were given 50,000 acres of land for a soldiers' home, we should give a like acreage for a similar purpose to all States similarly situated.

This manifest spirit of equity in dealing with the States brings up another question, as to whether it is proper to diminish the public domain, diminish the source from which the great irrigation and reclamation fund is to be constantly replenished, by continuously granting in piecemeal, but still in large quantity, the public domain of the United States.

My impression is that these grants to the States have not been in the main wisely administered. The old swamp-land grant made in 1850 became a public scandal, and it lingers still as a stench in the nostrils of decent administration. The land grants of our Western States have not been selected with that wisdom and regard for the institutions intended to be endowed which should have characterized the matter of selection. I know in the State of Montana the interests of the large cattle-raising people have been particularly consulted. The land grant provided that the lands could not be sold for less than $10 per acre; and yet it is a notorious fact that wheresoever the interests of a large cattle or sheep holding concern became involved lands were selected on mountain tops and hopeless places, where within no range of possibility can the land ever be sold by the State. On the contrary, the land is leased out on a slight rental for long terms, insuring great consolidated land holdings, which are a detriment to the community and in contravention of the general purposes of the Government.

Mr. HANSBROUGH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from North Dakota?

Mr. CARTER. I do not know that I have the floor.

The VICE-PRESIDENT. The Chair will state that this discussion has been proceeding by unanimous consent.

Mr. CARTER. I will yield to the Senator from North Dakota if I have the floor.

Mr. HANSBROUGH. I wish to make a suggestion to the Senator from Montana. He is now speaking of the State of Montana. I want to call his attention to the fact that the

conditions in many other States are entirely different from those he describes as pertaining to Montana.

Mr. CARTER. We do not arrogate to ourselves in the State of Montana excessive virtue, nor do we seek to have it understood that it is impossible for a higher standard of public excellence to exist elsewhere. I am speaking of things of which I know, and I am informed that similar conditions have existed in other public-land States.

I have no objection to granting 50,000 acres of land to the State of Wyoming to maintain a soldiers' home, but we are also called upon to give the State of Idaho 50,000 acres, I believe, or thereabout, for a like purpose. The State of Idaho received a larger grant in aid of public institutions than some States of much greater area. As to whether that grant has been wisely administered or the land wisely selected, I do not know; but I am free to say now that when the Idaho bill comes forward, asking that Congress grant an additional 50,000 acres of land to aid a soldiers' home in Idaho, I shall feel constrained to object, because a bill for granting land in this manner should be a general bill.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Wyoming?

Mr. CARTER. In a moment.

As to the policy of such general bills I have very determined views, and I shall oppose such grants all along the line.

Mr. WARREN. Mr. President, I wish to say that the States do not all have State soldiers' homes.

Mr. CARTER. Montana has one in operation.

Mr. WARREN. I want to say further that as to the equality between the States the State of Wyoming lies a great deal higher in average altitude than the State of Montana, the State of Idaho, and all other States, except Colorado. I say very frankly that no State in this Union has been treated so badly as to the amount and character of public land granted her in the act of admission as was the State of Wyoming, and I wish to say further that Wyoming had no swamp lands and no mismanagement of her State lands.

This bill has passed the Senate, I think, every session for some six or eight years, and so in calling it up I presumed it would excite no debate; otherwise I should not have called it up at this late hour. There is a Home established by the State of Wyoming for old soldiers and sailors. It was thought better rather than to have the United States Government take care of them in National Homes, because the men who went years ago to that country and have lived long in that altitude and atmosphere are happier and their lives are prolonged by sending them to local Homes rather than to distant places.

This land, under the constitution of Wyoming, can not be sold for less than $10 an acre, but it can be leased, and the money goes to this fund, or if any residue, the surplus goes to other charitable institutions.

The bill seems to be well guarded, and I hope the Senate will do as it has done before—allow it to be put upon its passage.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. CARTER. Mr. President, in view of the fact that the same question will arise with reference to the Idaho bill, I feel constrained at this time to object, to the end that the entire question involved in additional grants of land may be taken up at the proper time and acted upon.

The VICE-PRESIDENT. There is objection to the present consideration of the bill.

Mr. DUBOIS. Mr. President, I intended to call up a bill precisely similar to the one which has just been objected to by the Senator from Montana [Mr. CARTER], a bill which has been passed through the Senate two or three times; but in view of the statement of the Senator from Montana that he will object, I shall not detain the Senate by asking it to allow me the courtesy of having the bill to which I refer now considered.

Mr. DRYDEN. Mr. President——

Mr. ALLISON. Will the Senator yield to me for a moment?

Mr. DRYDEN. I yield to the Senator.

Mr. ALLISON. Before this question passes from the consideration of the Senate I wish to call attention to the fact—I would not do so, but for a suggestion made by the Senator from Wyoming [Mr. WARREN]—that the Government of the United States now pays $100 per annum for each soldier in the State Homes of every State; and $100 for each soldier aggregates a much larger sum than one-half of the entire cost of maintaining those Homes in the States, as I happen to know.

Mr. WARREN. The Senator does not maintain that the sum allowed covers all the cost?

Mr. ALLISON. It does not cover all the cost, it is true, but it covers the greater portion of the cost in every State. It covers nearly the cost in my own State. We appropriate annually to these Soldiers' Homes in the respective States $100 for each soldier; and it is a wise thing to do, because it does keep the soldiers in their own States, instead of transporting them to distant parts of the country from their own Homes to the National Homes.

Mr. President, I want to call the attention of the Senator from Wyoming to the fact that the Government is now contributing largely more than one-half of the cost of the State Homes, and that is a general provision, and applies to every State Home in the United States.

Mr. WARREN. That is true, except as to it being more than one-half. In a State like Wyoming it does not amount to one-half.

Mr. ALLISON. Does the Senator contend that it costs more than $200 per capita to take care of the soldiers of Wyoming?

Mr. WARREN. It does.

Mr. ALLISON. It costs from $130 to $140 per capita in my State.

Mr. WARREN. The cost of living is cheaper in Iowa; but it costs more for each soldier in Wyoming.

Mr. ALLISON. Very likely; but I know there is a provision here—I shall not detain the Senate long—that if the land is not needed for a Soldiers' Home, it shall go to other charitable institutions, which I take it, under the circumstances, will happen if the present relation between the United States and those States should continue.

Mr. DUBOIS. Mr. President——

The VICE-PRESIDENT. The Senator from New Jersey [Mr. DRYDEN] is entitled to the floor. Does he yield to the Senator from Idaho?

Mr. DRYDEN. I do.

Mr. DUBOIS. Mr. President, I think it is fair to state that the argument just now advanced by the Senator from Montana [Mr. CARTER], while new to me, appeals to me very strongly. The moneys now derived from the sales of public lands are put into a reclamation fund, to be used for the reclamation of waste land throughout the United States in the arid region, and in consequence all of the States embraced in the arid and semiarid belt are interested in these public lands, no matter where they may be situated. I think that the subject is serious enough for the Committee on Public Lands to consider it.

PUBLIC BUILDING AT JERSEY CITY, N. J.

Mr. DRYDEN. I ask unanimous consent for the present consideration of the bill (S. 2087) to provide for the purchase of a site and the erection of a public building at Jersey City, N. J.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 2, line 4, after the word "appropriated," to strike out "nor shall any site be purchased until estimates for the erection of a building which shall have sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased or condemned and paid for, shall have been approved by the Secretary of the Treasury;" and in line 13, after the word "alleys," to strike out "and that no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the said State of New Jersey shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of the said State and the service of civil process therein;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase by private sale, secure by condemnation, or otherwise acquire, a site for and cause to be erected thereon a suitable building, with fireproof vaults therein, for the accommodation of the United States post-office and other Government offices of the United States in the city of Jersey City, in the county of Hudson and State of New Jersey. The plans, specifications, and full estimates for said building shall be previously made and approved, according to law, and shall not exceed, for the site and building complete, the sum of $325,000, which is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than 20 feet, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADJOURNMENT TO MONDAY.

Mr. ALLISON. For the convenience of Senators, I desire to make a motion. I understand that quite a number of the im-

portant committees of the Senate wish to meet to-morrow and Saturday, and, therefore, I move that when the Senate adjourns to-day it be to meet on Monday next.

The VICE-PRESIDENT. The question is on the motion of the Senator from Iowa, that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

PUBLIC BUILDING AT ATLANTA, GA.

Mr. CLAY. I ask unanimous consent for the present consideration of the bill (S. 800) to provide for the erection of a public building at Atlanta, Ga.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate a sum not exceeding $1,000,000 for the erection at Atlanta, Ga., on a site already owned and possessed by the United States, a suitable building for the use and accommodation of the United States post-office, Treasury Department, and other Government offices in the city of Atlanta.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SETTLERS WITHIN NORTHERN PACIFIC RAILWAY GRANT.

Mr. FULTON. I ask unanimous consent for consideration at this time of the bill (S. 2292) for the relief of certain entrymen and settlers within the limits of the Northern Pacific Railway land grant.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with amendments.

The first amendment was, in section 1, page 1, line 8, after the word "Company," to insert "and also the provisions of the act of March 2, 1901, entitled 'An act for the relief of settlers under the public-land laws to lands within the indemnity limits of the grant to the Northern Pacific Railroad Company;'" so as to make the section read:

That the provisions of the act of July 1, 1898 (30 Stat., pp. 597 and 620), which provided for the adjustment by the Land Department of conflicting claims to lands within the limits of the grant to the Northern Pacific Railroad Company, and also the provisions of the act of March 2, 1901, entitled "An act for the relief of settlers under the public-land laws to lands within the indemnity limits of the grant to the Northern Pacific Railroad Company," be, and they hereby are, extended to include any bona fide settlement or entry made subsequent to January 1, 1898, and prior to May 31, 1905, in accordance with the erroneous decision of the Land Department respecting the withdrawal on general route of the Northern Pacific Railroad between Wallula, Wash., and Portland, Oreg., where the same has not since been abandoned.

The amendment was agreed to.

The next amendment was, on page 2, after line 8, to strike out section 2, as follows:

SEC. 2. That this act shall become effective upon an acceptance thereof by the Northern Pacific Railway Company being filed with the Secretary of the Interior.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

POTOMAC RIVER HIGHWAY BRIDGE.

Mr. FRYE. I reported this morning from the Committee on Commerce Senate joint resolution 23. It is important that it should become a law as soon as possible, from the fact that the time for building the approaches to the Potomac Bridge expires February 18. The joint resolution simply provides for an extension of the time.

There being no objection the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. 23) providing for an extension of time for completing the highway bridge and approaches across the Potomac River at Washington, D. C.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HOUSE BILL REFERRED.

An act (H. R. 12707) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States was read twice by its title, and referred to the Committee on Territories.

ORDER OF BUSINESS.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

Mr. WARREN. Will the Senator from Massachusetts yield to me that I may secure the consideration of a public-building bill?

Mr. LODGE. I yield to the Senator.

Mr LATIMER. I ask the Senator from Massachusetts to yield to me for just a moment.

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from South Carolina?

Mr. LODGE. I yield to the Senator from South Carolina [Mr. LATIMER], and then I will yield to the Senator from Wyoming [Mr. WARREN]. I do not want to cut off any Senator.

Mr. LATIMER. I ask unanimous consent for the present consideration——

Mr. WARREN. I believe the Senator from Massachusetts has yielded to me.

Mr. LODGE. I first yield to the Senator from Wyoming, and afterwards I will yield to the Senator from South Carolina.

The VICE-PRESIDENT. The Chair would suggest to Senators that the right to the floor must come from the Chair. The Chair had not recognized the Senator from Wyoming [Mr. WARREN], but had recognized the Senator from South Carolina [Mr. LATIMER]. The Senator from South Carolina.

PUBLIC BUILDING AT ANDERSON, S. C.

Mr. LATIMER. I ask unanimous consent for the present consideration of the bill (S. 1447) to provide for the purchase of a site and the erection of a public building thereon at Anderson, in the State of South Carolina.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 2, after line 18, to strike out:

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after said examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other Government offices in the city of Anderson and State of South Carolina, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of $75,000.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who will then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the result of said examination and of his recommendation thereon and the reasons therefor, which shall be accompanied by the original proposals, and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT SHERIDAN, WYO.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Wyoming?

Mr. LODGE. I yield to the Senator from Wyoming.

Mr. WARREN. I ask unanimous consent for the present consideration of the bill (S. 610) to provide for the purchase of a site and the erection of a public building thereon at Sheridan, in the State of Wyoming.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to acquire a site and cause to be erected thereon a suitable building for the use and accommodation of the United

States post-office, court, and other Government offices in the city of Sheridan, Wyo., the cost not to exceed $160,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE MERCHANT MARINE.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business, which will be stated by title.

The SECRETARY. A bill (S. 529) to promote the national defense, to create a force of naval volunteers, to establish American ocean mail lines to foreign markets, to promote commerce, and to provide revenue from tonnage.

Mr. KEAN. Let it be laid aside temporarily.

The VICE-PRESIDENT. Without objection, the unfinished business will be laid aside temporarily.

PURE-FOOD BILL.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Idaho?

Mr. LODGE. I do.

Mr. HEYBURN. I desire to give notice that on Monday, the 29th of January, I shall ask the Senate to fix a time for taking a vote on Senate bill 88, known as the "pure-food bill."

SCHOOL LANDS TAKEN FOR GOVERNMENT RESERVES.

Mr. HEYBURN. I wish to give notice that on Monday, January 29, after the routine business of the morning hour, I shall ask the Senate to take from the table the bill (S. 1661) to reimburse the States and Territories for sections 16 and 36 when taken for forest or other Government reserves, for the purpose of submitting some remarks thereon.

Mr. GALLINGER. I trust the Senator from Idaho will endeavor to complete his remarks by 2 o'clock, as the unfinished business will be pressed somewhat at that hour. I hope we may not have to yield to the Senator after 2 o'clock.

Mr. HEYBURN. If it becomes necessary to ask the Senator to yield, I will trust to his generosity and the convenience of the Senate.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 4 o'clock and 25 minutes p. m.) the Senate adjourned until Monday, January 29, 1906, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 25, 1906.

AMBASSADOR.

Luke E. Wright, of Tennessee, to be ambassador extraordinary and plenipotentiary to Japan.

AUDITOR OF PORTO RICO.

George Cabot Ward, of New York, to be auditor of the island of Porto Rico.

COLLECTORS OF CUSTOMS.

Charles E. Knowlton, of Maine, to be collector of customs for the district of Belfast, in the State of Maine.

John B. Whelan, of Michigan, to be collector of customs for the district of Detroit, in the State of Michigan.

RECEIVER OF PUBLIC MONEYS.

Oliver R. Robinson, of Los Angeles, Cal., to be receiver of public moneys at Los Angeles, Cal.

PROMOTION IN THE ARMY.

Cavalry Arm.

Second Lieut. Charles Burnett, Fifteenth Cavalry, to be first lieutenant from January 3, 1906.

PROMOTIONS IN THE NAVY.

Commander Lewis C. Heilner to be a captain in the Navy from the 7th day of January, 1906.

Lieut. Commander Harry S. Knapp to be a commander in the Navy from the 27th day of December, 1905.

Lieut. Waldo Evans to be a lieutenant-commander in the Navy from the 1st day of January, 1906.

POSTMASTERS.

GEORGIA.

Lena Brimberry to be postmaster at Camilla, in the county of Mitchell and State of Georgia.

Willie A. Sheats to be postmaster at Monroe, in the county of Walton and State of Georgia.

John T. Stilwell to be postmaster at Montezuma, in the county of Macon and State of Georgia.

IDAHO.

Fred G. Havemann to be postmaster at Salmon, in the county of Lemhi and State of Idaho.

PENNSYLVANIA.

George C. Burns to be postmaster at Montrose, in the county of Susquehanna and State of Pennsylvania.

Ezra H. Ripple to be postmaster at Scranton, in the county of Lackawanna and State of Pennsylvania.

NEBRASKA.

William J. Hildreth to be postmaster at Exeter, in the county of Fillmore and State of Nebraska.

OHIO.

Clinton F. Bonham to be postmaster at Harrison, in the county of Hamilton and State of Ohio.

William Bowen to be postmaster at Louisville, in the county of Stark and State of Ohio.

David H. Harriman to be postmaster at West Mansfield, in the county of Logan and State of Ohio.

Reuben M. Hull to be postmaster at Salineville, in the county of Columbiana and State of Ohio.

John J. Leedom to be postmaster at St. Paris, in the county of Champaign and State of Ohio.

Arkinson B. Pond to be postmaster at New London, in the county of Huron and State of Ohio.

Onesimus P. Shaffer to be postmaster at Youngstown, in the county of Mahoning and State of Ohio.

John H. Stover to be postmaster at Waterville, in the county of Lucas and State of Ohio.

Henry D. Weaver to be postmaster at Leetonia, in the county of Columbiana and State of Ohio.

PENNSYLVANIA.

John C. Burden to be postmaster at St. Marys, in the county of Elk and State of Pennsylvania.

Wallace W. Oberly to be postmaster at Womelsdorf, in the county of Berks and State of Pennsylvania.

SOUTH CAROLINA.

John C. Hunter to be postmaster at Union, in the county of Union and State of South Carolina.

George S. McCravy to be postmaster at Laurens, in the county of Laurens and State of South Carolina.

Luther McLaurin to be postmaster at McColl, in the county of Marlboro and State of South Carolina.

Elizabeth A. S. Mixon to be postmaster at Barnwell, in the county of Barnwell and State of South Carolina.

Preston Rion to be postmaster at Winnsboro, in the county of Fairfield and State of South Carolina.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 25, 1906.*

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

DEMOCRATIC ABSENTEES.

Mr. LLOYD. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. LLOYD. Mr. Speaker, I wish, by unanimous consent, to make a statement with reference to the pairs and absentees of yesterday. There is nothing in what I may say which reflects upon anybody, but it is an explanation that I think is due absent Members.

The SPEAKER. Is there objection to the request of the gentleman from Missouri? [After a pause.] The Chair hears none.

Mr. LLOYD. Mr. Speaker, a report is current to the effect that some Democrats on yesterday were away and refused to vote, and that they did so corruptly is intimated in some instances. I wish to say that there were thirteen absent Democrats. There were two Democrats present who were paired with Members who were absent. One of these was Mr. PATTERSON of South Carolina, who was paired with Mr. CROMER of Indiana. Mr. CROMER is in that State engaged in his canvass and has been since the holidays. Mr. PATTERSON paired with him before the holidays and has been paired with him ever since. The other Member present who was paired was Mr. SULZER of New York, who was paired with Mr. ANDRUS of New York, who was away and is away, as I understand it, because of a death in his family. The Democrats absent were Mr. BELL of Georgia, who was paired with Mr. BURTON of

Delaware. This pair was put up some ten days ago. They were both going away, as I understand it, on business of importance to themselves. Mr. BROUSSARD of Louisiana was away. He left last Thursday to go to his home in order to attend to some important business there. Mr. BYRD of Mississippi has been gone for several days and is engaged in the trial of a murder case in which a relative of his is interested. Mr. COCKRAN of New York is in the West and has been in bad health since the holidays and unable to be here. Mr. HEARST is in the West on account of important business interests. He has not been here since the holidays. Mr. HILL of Mississippi was called away last Wednesday, if I remember the date right, on account of important business in his State. Mr. LITTLE of Arkansas is not here and has not been here since the holidays. Mr. LITTLE is engaged in an active canvass for governor of the State of Arkansas. Mr. MCDERMOTT is not here. He has been sick and unable to be here. Mr. PATTERSON of Tennessee was not here. He has not been here during the session and, in fact, has not been sworn in. Mr. SOUTHALL of Virginia was not here, but he is sick with pneumonia and unable to be here. Mr. SULLIVAN of New York has not been in attendance since the holidays. He has been in the West, and it was impossible, as I understand it, for him to be present. Mr. VAN DUZER of Nevada is away and has been away on account of sickness in his family. He has not been able to be here since the holidays. Mr. ZENOR of Indiana is not here and has not been for a number of days. Like Mr. CROMER of Indiana, he is engaged in a canvass in his own State.

STATEHOOD BILL.

The SPEAKER. In accordance with the special order, the House will resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12707—the statehood bill—and the gentleman from Indiana, Mr. CRUMPACKER, will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the statehood bill, with Mr. CRUMPACKER in the chair.

The CHAIRMAN. The gentleman from Michigan has forty-four minutes in time remaining, and the gentleman from Tennessee has two hours and six minutes.

Mr. MOON of Tennessee. Mr. Chairman, I yield fifteen minutes to the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Chairman, the San Francisco Chronicle of January 20, which came to hand this morning, has the following editorial, which I desire to read:

JOINT STATEHOOD—PROPOSED JOINDER OF ARIZONA AND NEW MEXICO INEXCUSABLE.

The joinder of Arizona and New Mexico as one State, even with the hearty assent of both Territories, would be unstatesmanlike and grossly improper. To compel it against the wishes of the people of either Territory would be a political crime.

It would be unstatesmanlike and improper for the reason that it would not give adequate relative representation in the Federal Government to a great area of territory with enormous material interests. Population never was and never ought to be the sole consideration in admitting to statehood. Area and industries are also to be considered. The live-stock interests require a comparatively small number of men to operate and direct them, but no one can deny their supreme importance to the people of the whole country, and they are entitled to a just weight in the Government. The same thing may be said with respect to the mining interests. Agriculture and commerce now have an overwhelming preponderance in the national councils, and mining and live stock are entitled to all the additional weight which can be given by two States. But even as to agriculture, and the denser population which agriculture brings, no one can foresee what is in store for Arizona and New Mexico. They both have enormous areas of fertile soil. The limit of their agricultural development will be fixed by the water supply. This has hardly yet begun to be exploited. What the outcome will be it is not yet possible to say, but what may be said with absolute certainty is that the next or the second generation will see in those States an agricultural population which will place either of them far in advance of several States whose title to statehood nobody disputes.

It would be a political crime to join together against the wish of either two populations so diverse as those of Arizona and New Mexico, which are divided from each other by sectional lines. The great majority of the New Mexicans are of the Latin race, or of mixed Latin and Indian. The great majority of those of Arizona are American. The two peoples have different customs, different languages, different civilizations, different ideals. To join them together against their will is to doom them to eternal hatred and strife. The New Mexicans may be willing, because they are in the majority and can impose Latin-American ideals on the American minority; but it would be a crime to permit them to do it, nevertheless.

Mr. Chairman, that editorial represents the unanimous opinion of the people of the State of California, and there is one part of it that has particular application to the question that is now before this House, namely, the question as to what the future of those two Territories will be. American statesmanship has never yet been able to foresee what the future had in store. The expansion of our country has always met with more or less opposition from the centers of population in the East. What has been the history of our acquisitions, and what has been said about them from time to time? Why, sir, when it was proposed to organize the Oregon country as a Territory of this Union there were grave and reverend Senators of the United States who arose at the other end of the Capitol and denounced the proposition in unmeasured terms. I will read for the edification of the House some sentiments which were uttered upon that question. Senator Dickerson, of New Jersey, arose in the Senate, February 26, 1825, and soberly said:

But is this Territory of Oregon ever to become a State, a member of this Union? Never. The Union is already too extensive, and we must make three or four new States from the Territories already formed.

The distance from the mouth of the Columbia to the mouth of the Missouri is 3,555 miles; from Washington to the mouth of the Missouri is 1,160 miles, making the whole distance from Washington to the mouth of the Columbia River 4,703 miles, but say 4,650 miles. The distance, therefore, that a Member of Congress of this State of Oregon would be obliged to travel in coming to the seat of government and returning home would be 9,300 miles. This, at the rate of $8 for every 20 miles, would make his traveling expenses amount to $3,720.

Every Member of Congress ought to see his constituents once a year. This is already very difficult for those in the most remote parts of the Union. At the rate which the Members of Congress travel according to law—that is, 20 miles per day—it would require, to come to the seat of government from Oregon and return, four hundred and sixty-five days; and if he should lie by for Sundays, say, sixty-six, it would require five hundred and thirty-one days. But if he should travel at the rate of 30 miles per day, it would require three hundred and six days. Allow for Sundays, forty-four, it would amount to three hundred and fifty days. This would allow the Member a fortnight to rest himself at Washington before he should commence his journey home. This rate of traveling would be a hard duty, as a greater part of the way is exceedingly bad, and a portion of it over rugged mountains, where Lewis and Clark found several feet of snow in the latter part of June. Yet a young, able-bodied Senator might travel from Oregon to Washington and back once a year; but he could do nothing else. It would be more expeditious, however, to come by water round Cape Horn, or to pass through Bering Strait, round the north coast of this continent to Baffins Bay, thence through Davis Strait to the Atlantic, and so on to Washington. It is true this passage is not yet discovered, except upon our maps, but it will be as soon as Oregon shall be a State.

Mr. Dayton, another distinguished Senator, said:

I trust I may be pardoned here for reading an extract from a western paper of recent date (Louisville Journal), republished in the National Intelligencer, of this city. Here it is:

"What there is in the Territory of Oregon to tempt our national cupidity no one can tell. Of all the countries on the face of the earth it is one of the least favored of Heaven. It is a mere riddling of creation. It is almost as barren as the desert of Africa, and quite as unhealthy as the Campania of Italy. To leave the fertile and salubrious lands on this side of the Rocky Mountains and to go beyond their snowy summits a thousand miles, to be exiled from law and society, and to endeavor to extort food from the unwilling sand heaps which are there called earth, is the maddest enterprise that has ever deluded foolish man. We would not be subjected to the innumerable and indescribable tortures of a journey to Oregon for all the soil its savage hunters ever wandered over. The journey thither, from all accounts, is horrible enough, but it is paradisean when contrasted with the wasting miseries which beset the wretched emigrant when he has reached a point where he fancied his unutterable woes were to cease, but where he finds they are to be increased beyond all endurance. Of the last party of emigrants that left Missouri for Oregon, only eight died of starvation before reaching Fort Hall, which is halfway to the country that is reckoned inhabitable by those who are afflicted with the Oregon mania.

"All the writers and travelers agree in representing Oregon as a vast extent of mountains and valleys of sand, dotted over with green and cultivable spots. This is the representation given by Cox, Bonneville, Farnham, and Hinds. Now, that such a wretched territory should excite the hopes and cupidity of citizens of the United States, inducing them to leave comfortable homes for the heaps of sand, is, indeed, passing strange. Russia has her Siberia and England has her Botany Bay, and if the United States should ever use a country to which to banish its rogues and scoundrels, the utility of such a region as Oregon will be demonstrated."

I read the extract without adopting the sentiments as to the character of the country in the full extent, but this description in a paper of the West so widely circulated as the Louisville Journal is evident to my mind that public sentiment there in behalf of the settlement of Oregon is not so universal as some gentlemen have presented it. I desire here to disclaim any intention to burlesque the subject or feelings of Senators who seem to be extremely sensitive upon the point. With the permission, therefore, of the Senate I will call attention to another extract of a grave tone and from a paper above all exception. I read from the Christian Advocate of the 7th of this month (February):

"The West has land enough yet to settle and improve at home. The population can not be so crowded for half a century to come as to be willing to incur horrors of war to acquire waste lands on the other side of the globe. Indeed, when we take into view the inducements which must be offered to a people circumstanced as the habitants of the Western States and Territories are, in order to induce them to emigrate, and compare them with what Oregon Territory presents, we should be inclined to think the representation of their feelings as having been made on very insufficient grounds. We have some opportunity from our position to form a correct estimate of the soil, climate, productions, and facilities of the country from the Rocky Mountains to the Pacific Ocean, as we have had a large mission there for several years, distributed in small parties over the Territory, and from all we have learned we should prefer migrating to Botany Bay. With the exceptions of the lands on the Willamette and strips along a few of the smaller water courses, the whole is among the most irreclaimable barren wastes of which we have read, except the Desert of Sahara.

"Nor is this the worst of it. The climate is so unfriendly to human life that the native population has dwindled away under the ravages of its malaria to a degree which defies all history to furnish a parallel in so wide a range of country, and the scattered remnants of the wandering tribes of Indians who still remain exhibit a degree of decrepitude, loathsome disease, and moral degradation which is unknown among any other portion of the aborigines. So entirely sunken and subdued

are these wretched people and so rapid has been their decay that they predict their own annihilation from the 'cold sickness,' as they have learned to call the ague, which is a prominent symptom of the terrible malady which annually visits them in all their wanderings."

Mr. Dayton, after arguing that the country was not worth contending for, that it was too remote from the seat of Government, that the distance to the capital around Cape Horn was 18,000 miles and across the continent 5,000 miles, concluded in this fashion:

The power of steam has been suggested. Talk of steam communication—a railroad to the mouth of the Columbia! Why, look at the cost and bankrupt condition of railroads proceeding almost from your capital, traveling your great thoroughfares. A railroad across 2,500 miles of prairie, of desert, and of mountains! The smoke of an engine through those terrible fissures of that great rocky ledge, where the smoke of the volcano has rolled before! Who is to make this vast internal or, rather, external improvement? Whence is to come the power? Who to supply the means? The mines of Mexico and Peru disemboweled would scarcely pay a penny on the pound of the cost. Nothing short of the lamp of Aladdin would suffice for such an expenditure. The extravagance of the suggestion seems to me to outrun everything which we know of modern scheming. The South Sea bubble, the Dutchman's speculation in tulip roots, our own in town lots and multicaulis are all commonplace plodding in comparison.

These are fair samples of some of the views entertained by distinguished statesmen in those days concerning the magnificent empire which has since been divided up into the Commonwealths of Oregon, Washington, Idaho, and parts of Montana and Wyoming. In 1838 there were only fifty Americans in that great stretch of country, and where is the American to-day who does not feel proud of the advancement that has been made on that northwest border of our common country?

In speaking of the acquisition of California and New Mexico, as was pointed out by the gentleman from Kansas [Mr. SCOTT] the other day, the immortal Daniel Webster stated that "they are not worth a dollar, and we pay for them vast sums of money." I have the honor to represent one of the districts of the Golden State. There is not a man, woman, or child within the confines of California that is not proud of her history.

If at the time the great Senator from Massachusetts spoke at the other end of the Capitol, when the question of the acquisition of California was being discussed, anyone had predicted the magnificence, the wealth, the splendor, the greatness of the beautiful metropolis that sits beside the Golden Gate; if anyone had attempted to foretell the surpassing beauty of Los Angeles, of Oakland and Alameda, of San Jose, Sacramento, Stockton, Pasadena, Riverside, and dozens of other splendid municipalities within the confines of the Golden State; if anyone had stated that within fifty years there would be established in California those great universities at Berkeley and at Palo Alto; if anyone had had the temerity to speak of the wonderful development in agriculture, in mining, in shipping, in railroading, in manufactures, and in commerce that would take place within the borders of the new Eldorado, it is not improbable that the "godlike Daniel" would have scornfully pronounced it an iridescent dream or the wild imagination of a diseased brain.

But she has not alone kept pace with her older sisters, she has outstripped many of them in the march of progress. Sir, it will not be long ere the vision of her great poet, Joaquin Miller, will be fully realized:

Dared I to say a prophecy
As sang the learned men of old,
Of rock-built cities yet to be
Along those shining shores of gold,
Crowding athirst into the sea,
What wondrous marvels might be told!
Enough to know that Empire here
Will burn her loftiest, brightest star;
Here art and eloquence shall reign
As o'er the wolf-reared realm of old;
Here learn'd and famous, from afar,
To pay their royal court shall come,
And shall not seek nor see in vain,
But gaze on all, with wonder dumb!

Mr. Chairman, the men who believe that Arizona and New Mexico have no future discount the genius of American citizenship. Why, sir, when Louisiana was annexed it was said that territory was so remote from the seat of Government it would never be possible for us to have easy communication with it. But the genius of Robert Fulton brought forth the first steamship, and it was but a short while before space and distance were being annihilated by the leviathans of the ocean. And so, when New Mexico and California were annexed, again American genius asserted itself, and before long we found railroads, those forerunners of civilization, going out into what was then described upon our maps as the "Great American Desert." And, in 1868, the genius of George Westinghouse brought into existence the air brake, that wonderful invention that made it possible to run the lightning express, and which has brought San Francisco within four days' travel of the Capitol at Washington.

Sir, the possibilities of Arizona and New Mexico are illimitable. It is less than twenty years since it has been safe for settlers to go into Arizona. We all remember how, less than a score of years ago, Geronimo and Natchez with their bands of marauding Apaches shot down the adventurous frontiersman. It was like taking life into one's own hands to go there. It was almost like a deliberate attempt at self-slaughter. Instead of deriding the people of that Territory we should applaud their pluck and courage and enterprise.

The gentlemen who favor this measure have no conception of the possibilities of that country under a system of modern irrigation.

Why, in the southern part of my own State up to five years ago there was a great stretch of barren waste that was marked on the map as the "Colorado Desert." The railroad conductors, as you passed across it, pointed it out to you and told you that at its lowest point it was 300 feet below the level of the sea; that not a human being inhabited it, and that it was shunned even by the wild coyote and the death-dealing rattlesnake. And yet, sir, within five years life-giving water has been brought upon that land, and as though it had been changed by the touch of a magician's wand, the whole character of the landscape has been altered. It is no longer called the "Colorado Desert;" it is now known as the "Imperial Valley," and it affords a habitation, a shelter, and a home to 8,000 happy human beings. Where before the sagebrush and the cactus held undisputed sway, thriving farms and busy towns have sprung up over night seemingly.

Sir, the development of irrigation systems brings manufacturing in its train. Wherever there is an impounding dam, electric power can be generated. It has been so in my own State, for where we have constructed our irrigation works we have also been able to develop electric power. We carry that power for two and three hundred miles. We are building factories and workshops hundreds of miles away from the source of the power. Up to twenty years ago the cotton growers of South Carolina and Georgia were sending their raw product to the factories in New England; but in more recent years they concluded that it would be wiser to bring the factory to the cotton field; and in these recent years the development of the South has been marvelous. So will it be with Arizona. [Applause.]

To-day she is sending all of the wool, which she produces in abundance, to the eastern seaboard. With the development of her electric power the factory will come alongside of the sheep range. It is not improbable that she will turn out great quantities of cloth, and felt, and cashmere, and shawls, and carpets, and everything that is manufactured from wool. It is not an empty boast to say that within a few years her inhabitants will be turning their attention to manufacturing interests, just as they have heretofore turned their attention to mining and agriculture, to sheep herding and cattle raising. The Colorado, the Salt, the Gila, and the Little Colorado rivers will give her sufficient electric power to run millions of spindles. With the opening of the Panama Canal she will be enabled to send her products into the markets of the world and become an effective competitor with her eastern sisters.

In California there lives a man who has wrought wonders in the development of plant life. His name has become a household word. I speak of Luther Burbank, of Santa Rosa, Cal. He has lately produced a spineless cactus. It will not be many years before the arid and semiarid regions of the Territories of Arizona and New Mexico will be converted into magnificent pastures. When you consider that in 1870 Arizona had but 172 farms, containing 22,000 acres; that in 1890 she had but 1,400 farms, containing 1,300,000 acres; that in 1900 she had 6,000 farms, containing 2,000,000 acres, and that all of this acreage was cultivated under most adverse conditions, it requires no great stretch of imagination to predict a marvelous future for the agricultural interests of that Territory.

And New Mexico has also been retarded in her growth. She has been cursed with the so-called "Spanish and Mexican land grants." Take the Maxwell grant alone; it contains millions of acres. In extent it equals many of the principalities of Europe. These grants are held by few people. They are not cut up into small holdings. In my own State, before similar grants were cut up and sold in small tracts, there was arrested development, but as soon as the settler was allowed to purchase a few acres of these extensive domains conditions altered. Towns and cities sprung up in the midst of fertile fields. So will it be in New Mexico when the great land grants of that Territory are divided into small farms that will sustain a large population of thriving agriculturists. And, by the bye, there has been much said about population in this debate. Arizona

to-day has a population of nearly 200,000. Within the past five years there has been a wonderful development within her confines. I visited Yuma last summer and saw the evidences of progress and prosperity on every hand.

Why, sir, of the thirty-two States that have been admitted into the Union since the formation of our Government, twenty-four had a smaller population than Arizona now has when they were admitted, and twenty-seven out of the thirty-two had a smaller amount of taxable property.

I maintain, too, that the people of the United States made an implied promise to the pioneers who braved all the hardships of the frontier to build a State out of the desert and wilderness. The act of Congress which created the Territory of Arizona and fixed its boundaries contained the following language:

Provided, That nothing contained in the provisions of this act shall be construed to prohibit the Congress of the United States from dividing said Territory nor changing its boundaries in such manner and at such time as it may deem proper: *Provided further, That said government shall be maintained and continued until such time as the people residing in said Territory shall, with the consent of Congress, form a State government republican in form as prescribed in the Constitution of the United States, and apply for and obtain admission into the Union as a State on an equal footing with the original States.*

It is the only Territory that has ever been organized to which such a provision was attached. It was detached from the Territory of New Mexico by act of Congress approved February 24, 1863, and when Congress declared—

Provided further, That said government shall be maintained and continued until such time as the people residing in said Territory shall, with the consent of Congress, form a State government republican in form, as prescribed in the Constitution of the United States, and apply for and obtain admission into the Union as a State on an equal footing with the original States—

To my mind it held out the promise of future statehood to those who should be brave enough to go out into the new Territory and build a home at that outpost of our civilization.

I do not say at this time we should give these Territories statehood. If they have not the requisite population, if they have not the requirements that Congress demands for statehood at this time, let them wait; but I maintain it would be a crime to join them at this time into one State, and thus forever prevent the possibility of the construction of two Sates out of that vast domain of 235,000 square miles.

Sir, that area is as large as the States of California and Missouri combined; that area is as large as all of the New England and Middle States, with Maryland thrown in. To go from Yuma to the proposed capital of the new State is a distance of 880 miles. It is wrong, it is unjust, it is outrageous to compel the people of any State to travel so far to their capital. You can travel from Washington to St. Louis, from New York to St. Paul, in a shorter time than you can travel between Yuma and Santa Fe.

The people of the Territory of Arizona ask to be allowed to continue as a Territory. Many of the inhabitants of New Mexico would rather continue to live within her borders as a Territory indefinitely than be joined with Arizona.

I believe that each Territory should be allowed to vote separately upon the question of jointure. I believe they are entitled to such a vote in the name of justice, right, and decency. Section 3 of Article IV of the Federal Constitution reads:

New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; *nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned* as well as of the Congress.

From a reading of that section it is evident that no two States could be joined except upon the separate action of the legislatures of said States, and by a parity of reasoning no two Territories ought to be joined into a single State except upon the express vote of the people of the two Territories, taken separately.

The emblem of our country bears upon its field forty-five stars. Not one of them has been placed there by coercion. The people of the different States have all come into the Union voluntarily, and many of them were kept knocking at the doors of Congress year after year before they were finally admitted. When admission came it was upon the prayer of a united people. Do not cast a cloud upon that splendid galaxy by forcing the people of Arizona into a union which is distasteful to them and which can bring forth no good results if consummated.

But, sir, it is unfortunate that the admission of Oklahoma and Indian Territory should have been coupled with Arizona and New Mexico in one bill. It is generally understood and universally believed that the people of the former Territories want joint statehood, and if my vote and the votes of my colleagues from California could give it to them, they would have it without delay. But a majority of this House has decreed otherwise. We had hoped that the Members of this body would vote down the rule which was adopted yesterday.

Mr. Chairman, I am afraid that we are rapidly approaching the condition which the brilliant satirist, W. S. Gilbert, referred to when he said of the English House of Commons:

When in the House M. P.'s divide,
If they've a brain and cerebellum, too,
They have to leave that brain outside,
And vote just as their leaders tell 'em to.

Sir, the eight Members from the State of California upon this floor would vote unanimously for the admission of the State of Oklahoma, but we would be false to our constituencies, false to our State, false to our trust, and false to our principles if we were to vote for the jointure of Arizona and New Mexico.

Mr. MOON of Tennessee. Mr. Chairman, I yield to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, the rule which was adopted and under which this bill is being considered precludes the possibility of amendment. Therefore nothing remains for us when the time comes to vote but to vote for or against the measure as a whole. The bill contains two separate, distinct propositions. It provides for the admission into the Union of the Territories of Oklahoma and Indian Territory as a single State, which we all favor and favorable action on which should have been taken by Congress at least two years ago; and the other proposition is the jointure of the Territories of New Mexico and Arizona against the unanimous, earnest, vehement protest of the people of Arizona, and, I beileve, contrary to the wish of the people of New Mexico, who have been brought to a half-hearted support of this measure only because they believe that in this way alone can they secure admission to the Union at this time. While I favor that portion of the bill that relates to Oklahoma, I am so unalterably opposed to that portion providing for the jointure of the Territories of Arizona and New Mexico that I shall vote against the bill as a whole.

The gentleman from Pennsylvania [Mr. DALZELL] said yesterday in the course of his remarks: "When these Territories are filled up with a sufficient population to be admitted as independent States in this Union, the Congress that then exists will deal justly and fairly, I have no doubt, with the question." Certainly the gentleman did not mean to hold out the hope that there could ever be a division of the proposed State of Arizona if this bill providing for the jointure of the two Territories shall become a law. We all know that the action taken by this Congress, if the bill shall pass, will settle the question for all time. That only through war or revolution will there be a division of one or a jointure of two American States.

The same gentleman, in the course of his remarks, complained because there are fourteen States in the Union that have twenty-eight Senators and only twenty-eight Representatives; because there are six with twelve Senators and only six Representatives, and he clearly indicated the motives that controlled him in his vote by his appeal in behalf of the people east of the west line of Kansas as against the people west of that line. The gentleman is frank enough to admit that he is endeavoring to curtail western representation in the United States Senate. If he had the power to do it, I assume from the line of his argument that neither Arizona nor New Mexico nor the two Territories joined would be admitted to the Union.

The gentleman complains of this so-called inequality of representation in the Senate of the United States, as though it were not a fundamental feature of our political system, established and provided for by the fathers, and continued in all the legislation touching the admission of States since the foundation of the Government.

The very worst that could occur to Oklahoma is a delay of a few months, possibly a year, in the date of its admission to the Union, while if we force this unwilling wedlock of Arizona and New Mexico, without benefit of clergy, with no recourse to divorce courts, we shall have committed a wrong that can never be rectified.

Mr. DALZELL. May I ask my friend a question? Does the gentleman not know that the admission of these new States was never contemplated nor foreseen by the men who made the Constitution? The gentleman from California [Mr. KAHN] has just read, not ten minutes ago, speeches made not more than twenty or thirty years ago in the United States Senate, predicting that the western country never would become part of the United States. Surely the gentleman does not mean to contend that the men who made the Constitution contemplated that we were going to have such a Senate as we have now, as compared with the House of Representatives?

Mr. MONDELL. I think they did, Mr. Chairman. There was almost as great a difference in the population of the States admitted into the Union as there is between some of the newer

and some of the older States to-day, and the men who framed the Constitution of the United States, by the ordinance of 1787, provided for the admission into the Union of States when they should have a population one-fifth the average population of the States at that time and a population of about one-tenth of several of the States at that time. This must of necessity be. In the first instance it was necessary in order to form this "more perfect union," and in a country growing and developing as ours is, where the star of empire and the center of population is ever moving westward, there must of necessity be an inequality of representation in the Senate on the basis of population, unless the Western Territories of the Union were kept waiting for a century to have an opportunity to develop to the full stature of the largest States, and unless later, when the West is fully developed, the smaller Eastern States were consolidated, which, of course, could never occur.

But as the gentleman has complained here of this fundamental principle of our Government, I suppose gentlemen in coming days will do the same. In that future day when the historian, sitting in the shade of the orange groves and the oleander hedges of the Salt River Valley of Arizona, amid all the splendid evidences of the tremendous population, wonderful development, and magnificent civilization that shall flourish there, shall write the history of the worked-out coal measures, the exhausted oil fields, the chilled and silent furnaces, and dismantled mills of the now great Commonwealth of Pennsylvania—the story of the passing of that store of fuel upon which her present imperial greatness rests—possibly in that day some Representative of that glorious Southwest will arise here and, equally forgetful as other gentlemen have been of this great principle of our Government, will complain because his magnificent, populous, mighty Commonwealth has no more representation in the Senate of the United States than declining and waning States east of the Allegheny Mountains. I hope not, but I imagine that may occur.

In the day that is sure to come when the magnificent Commonwealth I have the honor to represent on this floor shall have fully developed her 30,000 square miles of coal lands and shall have an output of hundreds of millions of tons of fuel per year, when the mighty steam shovels shall ceaselessly feed her inexhaustible mountains of iron ore into the devouring maws of countless furnaces and mills, when her limitless fields of oil and gas shall light the midnight heavens with the glory of her numberless factory fires, when her fertile valleys and uplands shall all bear golden and abundant harvests, and her splendid citizenship shall have multiplied a hundredfold, possibly some Representative of that mighty Commonwealth may stand on this floor and carp and cavil because the fathers ordained that a State, without regard to its infancy or its decadence, should have equal representation on the floor of the United States Senate. I hope that will never occur. I trust that in that coming day no Representative of the glorious golden West, of the heroic, chivalric West, will ever be so ungenerous as to twit gentlemen from other States upon the fact that his magnificent Commonwealth has so outstripped them in the race of development, progress, and prosperity.

Mr. Chairman, I believe that the unwilling jointure of the Territories of Arizona and New Mexico in a single State would be as unfortunate for the balance of the Union as it would be unfair to the people of those Territories, that as great as the outrage would be upon the people of Arizona to compel them against their will to enter the Union as the hopeless minority of the proposed Commonwealth, in the long run the Union as a whole would be the greater loser from this enforced alliance.

Let us reflect for a moment what the proposed action involves. First, the jointure of two Territories against the vehement protest of practically all of the people of one and with only the tardy, luke-warm acquiescence of the inhabitants of the other in the belief that only by agreeing to this distasteful alliance, which places them in the attitude of aiding and abetting in the outrage of a sister Territory, can they hope to obtain statehood. Second, the absolute disregard of the rights and the wishes of at least 150,000 citizens of the United States, if we count only the people of Arizona and do not take into consideration the large number in New Mexico, to whom this jointure is repugnant. Third, the creation of a State of such tremendous dimensions that, owing to its peculiar mountainous topography, the administration of its internal affairs could only be accomplished at enormous cost in revenue and never-ending vexation, expense, and loss of time to its citizens. The proposed State would contain 236,283 square miles—six times the area of Ohio—which, together with the State of Texas, containing 262,506 square miles, and California, with 156,203 square miles, constitutes an area of 654,992 squares miles, or over one-fifth of our continental territory, largely of rich and fertile lands in three States. Were all of our States of the same average area we should have less than twelve instead of forty-five States.

The argument is made in support of this enforced jointure that the two Territories separately are not prepared for statehood; that they have neither the population nor the resources necessary to support a proper State government, nor to constitute States which in population, wealth, intelligence, and resources are entitled to be placed upon a par with the other Commonwealths of the Union.

I do not pretend to say, in view of the critical attitude which so many of our leading statesmen have assumed in these latter days toward Territories seeking statehood, and of the great growth in wealth and population of the balance of the country, that there may not be some question as to the wisdom, propriety, and justice of bringing either or both of these Territories separately into the Union at this time. My contention is that the people of these Territories should have a fair opportunity and a reasonable length of time in which to demonstrate the value and permanence of their mineral resources, their possibility of development along agricultural lines, with a view of determining whether or no each of them separately is capable of permanently supporting, according to American standards of living, a population sufficient in numbers to warrant their being brought into the Union with all the rights and privileges of sovereign States.

I know there are some who, departing from the time-honored policy of the Republic and of our party, would, if they had the power, insist that all new Territories should have a development as complete as that of great States before admission into the Union, and who, I fear, if they had their way about it, would thrust from the Union some States already admitted. I can not hope to appeal successfully to the judgment of those who hold such views, but I do appeal to those who hold the old-fashioned ideas that every Territory of the Union which has a sufficient population of the proper character to support and maintain according to American standards a State government, and having resources which may be reasonably expected to support a large and prosperous population permanently, shall be eventually admitted into the Union.

Mr. Chairman, at one time and another, here and elsewhere, some of those who have discussed this question have been taken to task because they presumed to suggest that every part or portion of our country is entitled to just and equitable treatment as compared with other portions, and some gentlemen have assumed to refer to this as "sectionalism." Mr. Chairman, I am not disturbed by such suggestions. I have long since discovered that it is a habit with some people to charge others with errors and faults of which they are themselves the most conspicuous victims. To say that the people of the Southwest are entitled to fair and reasonable treatment, compared with other portions of the country, in connection with the consideration of the question of the admission of their Territory into the Union, is not to discuss the issue from a sectional standpoint in any offensive sense, but from the standpoint of truth and justice.

I maintain, Mr. Chairman, that it is not only of the utmost importance to the people inhabiting any portion of the United States that they shall have the opportunity to come into the Union under such conditions as regards extent of territory and character of political organization as will enable them to establish, develop, and maintain a Commonwealth that can be administered economically, that is homogeneous and harmonious, providing, of course, that there is a reasonable probability of such a State fairly well measuring up, by all proper standards, with the average of their sister States, but it is also important to other portions of the Union that this should be done, in order that there may be that fair balance of power, influence, and responsibility which was the intention of the founders of the Republic and upon which its greatness and stability rests.

I have no quarrel, Mr. Chairman, with the facts of history touching the inequality of area, population, and wealth so marked among the thirteen original States of the Union and by comparison with most of the States of the Union which have been added since. Each has performed, in its own way and along its own lines of development, useful, helpful, and honorable service to the nation. The absence of any one of them or the consolidation of any two of them would have been an inestimable loss to the nation, and each and every one has added its important quota to the sum total of that development along industrial, economic, educational, social, and governmental lines which, in its entirety, measures the glory and the progress of the Republic.

Mr. Chairman, the question of equal representation in the Senate of the United States is but a minor and relatively unimportant factor in the sum total of the power and influence of a Commonwealth in the Republic. Maine, New Hampshire,

Vermont, Massachusetts, Rhode Island, and Connecticut as one Commonwealth might have had, had it been so ordained, the same numerical strength in the Senate that the six Commonwealths have to-day; and yet does anyone imagine that thus joined they would have exerted anything like the splendid and helpful influence upon the life and history of the Republic that they have exerted as six separate Commonwealths?

This is a government of the people, for the people, and by the people, but it is not a mobocracy; the people exert their influence locally and nationally along well-defined lines. Under our form of government the united voice of the people constitutes public sentiment, and public sentiment is exerted largely by and through Commonwealths. It is so in this body. To the strength of a Congressional delegation is added the force and power and effectiveness which results from the action on many contested points of a State delegation as a unit. In national conventions party platforms more nearly register the united judgment of the States than the opinion of the majority of the lump sum and total of the delegates. In every healthful, useful movement—political, economic, educational—the voice of the American people in assembly and convention expresses itself infinitely more through the solidarity of State units than by mere numerical majority.

The field of our activities in this body is narrow and restricted. The activities of the Commonwealth cover an infinitely wider field and to a vastly greater extent affect the daily life and the personal interests of the individual. Every American Commonwealth is independent of every other, working out the numberless and multiplying problems which confront a free people in the onward march of civilization. You may not applaud the methods of Maine and Kansas in their efforts to put an end to the evils of intemperance by prohibition; you may doubt the wisdom of South Carolina in its legislative efforts to minimize those evils by a State dispensary; you may not in all respects hold wise the legislation of Texas in her efforts to curb the power of great corporations; you may even lag behind the onward march of Massachusetts in her legislation to better conditions surrounding those who labor, and to protect the children of the Commonwealth; you may differ from the citizens of my State in their views and practice as to woman suffrage; perhaps you do not believe in the Iowa idea; and yet we must all admit that these activities mark the earnestness with which the American Commonwealths, along the lines which seem best to the majority of their people, are trying to work out the great problems of the ages, and no student of American history but must confess the obligation which the nation owes to each and every one for its contribution to the sum total of our moral, intellectual, and material betterment.

But for the clarion call of California, which for a long time fell upon the unheeding ears of the country, we would not have awakened to the infinitely deplorable problems that would surround the assimilation of a vast horde of Asiatics into our body politic. More than once Massachusetts has sounded the call to a great national duty; from Mississippi has come—sometimes many of us have thought with unnecessary insistence and persistence—the challenge to stand guard against the tendencies toward centralization, which, in their essential features, are no more approved in Maine than in Arkansas. Mr. Chairman, rather than fewer we need more American Commonwealths, providing that they fairly well measure up to the proper and reasonable dignity of an American State.

Now, it happened that by the fortunes of war, through the sacrifice of patriots and as an inevitable outcome of valorous and heroic deeds, there came into the Union as one State, with the privilege of later dividing, the Republic of Texas, with her 262,000 square miles of territory, a little less in area than that of all of the thirteen original States. There she stands to-day, proud of her magnitude as she is of her history, indivisible, as one of her eloquent sons has said, not that division might not be in the interest of economy of administration and lead to a possible increase of influence, but because it is impossible to divide and separate her priceless legacy of the heroic sacrifice and devotion of her founders.

The irresistible magnet of gold drew to the Pacific coast of our newly acquired Mexican possessions the bold, daring, and adventurous pioneer. The fabulous wealth lying ready for the harvest in many a lode and placer attracted a great population, whom the exigencies of the situation led to seek admission to the Union before the possible development of the region and the coming great increase of population had been dreamed of or suspected, and, under these conditions, added a new star to the banner of the Republic, whose rays illuminated a territory of 156,000 square miles, or over three times the extent of any other State in the Union at that time. Thus, not in the ordinary course of events, but by the fortunes of war and the exigencies of political, not party, conditions, there came into the Union down on the Rio Grande and on the southern reaches of the Pacific two States, comprising more than one-eighth of the entire territory of the Union.

I shall not argue how nearly the advantages and disadvantages surrounding the situation of these two States in the Union compare relatively, but they came into the Union as complete and distinct political entities. Each had its individual history and traditions. There was neither consolidation nor division of political units in their admission to the Union. They remained as they had been, bearing the same names they had always borne, without the sharing or surrender of any of their history or traditions, without division or loss of any of their accomplishments or aspirations as a people.

Now, the admission and the presence of these two great States, one on the coast and the other on the Gulf, in the Southwest, is held by the proponents of this bill as an argument why the two Territories now under discussion should be joined. But it seems to me, Mr. Chairman, instead of this condition of affairs being an argument for, it is rather an argument against the proposed action, for the conditions were entirely dissimilar. California, whatever may be the expense and difficulties of administering State affairs in so large a territory, is homogeneous, a common ocean fronts the entire length of her territory, practically the same general conditions exist in all portions of the State. Texas, without mountains, compact, with the differing conditions in the distantly separated portions of the State blending almost imperceptibly one into the other, can form no criterion for the action that is now proposed.

But, Mr. Chairman, the presence in that great Southwest country of two great States which are vast, not only in territory, but so rich in resources that they will ultimately contain greater populations than almost any of their sister States, is an argument for the exercise of care, not only in the interest of the Southwest, but of all the country as well, that the people of the remaining territory in that region be not forced into unwilling jointure in another vast, and in this case, unwieldy and inharmonious, State, but rather that time and opportunity be given them to demonstrate to the satisfaction of the most critical, carping, and exacting that they have sufficient resources, when developed, to support two prosperous and populous Commonwealths, measuring well up to the best American standards, and in all essential elements equal to the average of their sister States.

Mr. Chairman, in the limited time at my disposal it would be impossible for me to discuss, except with the utmost brevity, the present condition and the future possibilities of the Territories of Arizona and New Mexico, with a view of setting forth the facts upon which to found an opinion as to whether these Territories, either now or at some future time, are or shall be, by virtue of their population, wealth, and resources, entitled to admission into the Union as two States, but I propose to treat of these subjects briefly. No one will suggest that either of the Territories has not sufficient area to make a State of imperial size. The area of New Mexico, compact in form, and measuring 122,545 square miles, is three times that of Ohio and nearly thirteen times that of Massachusetts. Her population, at the time of the census of 1900, was 195,310, an increase in ten years of 42,000. From the best available sources of information, it is safe to say that her population at this time is more than 250,000, a greater population than most of the States have had when admitted into the Union.

I shall not go into the question of the character of this population, because I take it for granted, that the Committee on Territories having concluded, after careful consideration, that the population is of a character entitling them to joint statehood, it will scarcely be urged that it is such as would debar New Mexico from admission into the Union as a single State, providing other conditions are satisfactory. As a matter of fact, while there are a considerable number of people in New Mexico who speak the Spanish language, it is also true that there are comparatively few who do not also speak English, and the percentage of Spanish-speaking population is constantly decreasing, and it is conceded that they are a God-fearing, law-abiding people.

In considering the claims of the friends of jointure that Arizona and New Mexico have not proven the existence within their borders of sufficient resources to permanently support large populations, it should be remembered that both of these Territories are on the extreme frontier, and in the case of New Mexico, until within a very few years, a large portion of her territory was claimed as grants from Spain and Mexico, and by reason of these claims, which have only been adjusted within the last ten years, both mining and agricultural development has been largely delayed and retarded.

New Mexico has within her borders, according to a report

issued by the Geological Survey in 1902, no less than eleven known coal areas, which in the present state of very limited development, in the report of the same bureau for 1904, are said to contain 1,849,600 acres. This area is estimated to contain 8,813,840,000 tons of coal valued, at an exceedingly low estimate, at $10,000,000,000. Anyone acquainted with the history of coal development knows that, in all probability, the area which will finally be developed will vastly exceed that which has been uncovered and mapped out in the course of the very limited prospecting and development already carried on.

These coals are among the very best bituminous coals in the country. Taken as a whole, they average higher in quality than any coals west of the Allegheny Mountains. In common with Colorado, New Mexico shares in the distinction of being one of the two regions west of the Alleghenies which contain and produce true anthracite. Her vast area of coal lands already prospected would give New Mexico an annual coal tonnage equal to the present bituminous output of Pennsylvania for nearly one hundred years. The value of this wonderful deposit of fuel is greatly enhanced by the fact that there is a vast territory to the south, southeast, and southwest which contains practically no fuel, and which must depend upon New Mexico for fuel for its homes, mines, mills, and manufactories, assuring a mighty industry in coal and coke.

The Territory also contains deposits of iron ore which, as the demand increases, will probably be found to be very considerable in extent, and with a certainty that there will ultimately be built up there numerous manufacturing industries in iron and steel which will make New Mexico a second Pennsylvania.

The Territory also contains enormous deposits of other valuable minerals. In 1903 over 7,000,000 pounds of copper were produced, as well as gold and silver, graphite, gypsum, mica, turquoise, zinc, and other minerals in considerable quantities. But great as are the mineral resources of the Territory, magnificent as her development in mineral production is certain to be, she has infinitely greater wealth in her wonderful soil, and I shall refer to this a little later.

Rich as is New Mexico in mineral, Arizona has greatly exceeded her in actual production, and to-day has a mineral output far in excess of that of any Territory at the time of its admission into the Union. Arizona's copper product for the year 1904 is given by the Geological Survey as 191,602,958 pounds, and as estimated for the calendar year 1905 by the Iron Age it amounts to 255,000,000 pounds, of an approximated value of $30,000,000, while her gold and silver output amounts to about $5,000,000 per annum, or $35,000,000 per annum from the production of these three minerals alone.

The Territory contains deposits of and produces, in addition to the minerals above referred to, asbestos, fluorspar, gypsum, malachite, marble, and many other valuable minerals. The mineral wealth of the Territory alone is sufficient to maintain, for an indefinite time to come, a large and prosperous population. But as Territories should not be admitted into the Union on the basis of their area in square miles, neither should we admit them with the expectation that their mineral wealth alone will, in connection with the manufactories that they produce and develop, support large populations permanently. After all is said and done, the surest and best foundation for a commonwealth is found in a fertile and productive soil, and fortunately, contrary to the generally accepted and popular view among those who have not thoroughly investigated the subject, both Arizona and New Mexico are rich in fertile soils, and not lacking, to the extent that has been popularly supposed, in the life-giving waters which make these soils productive.

It is true that these Territories contain vast areas of lands that can never be utilized except for pasture, that they have some areas that are desert and practically valueless; but we should remember that two-thirds of the Territory of New Mexico might be utterly obliterated from the face of the map and still leave an area as large as the great State of Ohio, that two-thirds of Arizona might be absolutely valueless and there still remain an area as large as Indiana.

While a considerable portion of both Territories is most valuable for grazing purposes, the area of valuable agricultural land is by no means as limited as has been generally supposed. According to estimates of the Reclamation Service, Arizona contains about 1,000,000 and New Mexico about 800,000 acres of lands that may be irrigated in their larger river valleys—in Arizona along the Gila, Salt, Colorado and its tributaries, and in New Mexico along the Rio Grande and its tributaries, the Canadian, the Pecos, and other streams. Let it be remembered that this is simply an estimate of possible irrigation in large areas along the principal streams, and does not take into consideration the practically limitless opportunities for irrigation by pumping, storage, and flood irrigation all over the two Territories. It should not be forgotten that these two Territories—the portions where the greatest opportunities for irrigation occur—have a tropical and semitropical climate; that the soil is marvelously rich; that there are no lands on earth, not excepting the Valleys of the Nile or the Ganges, more fertile than the Valleys of the Gila, the Salt, the Colorado, the Rio Grande, and the Pecos, or that the lands which may be irrigated along those streams produce practically all the products of the Tropics, and that the production per acre is from two and three to twenty times the value of the production per acre of the rich lands of the upper Mississippi Valley.

The Salt River Valley in Arizona produces practically every useful agricultural crop from the cereals of the North Temperate Zone to the date palm of Arabia, and these irrigated lands will support as great a population per acre, and under the improved and intense methods of agriculture practiced, will very probably sustain a greater population than any irrigated area on earth. Egypt, on 5,000,000 acres of irrigated land less than the irrigable area of Arizona and New Mexico, with no forests, no mineral, and few manufactures, supports a population of 11,000,000 souls, pays three millions tribute annually to the Sultan, supports an army of 30,000 men, and one of the most expensive governments on earth, with a staggering bonded debt on which interest must be paid.

But this reclamation of the large river valleys will but mark the beginning of development, for the ultimate irrigated area of both Territories will unquestionably be several times that of their great irrigable valleys. British India has 13,000,000 acres of land irrigated by pumps. In the Madras Province there are upward of 40,000 tanks or reservoirs for the storage of water for use in irrigation. With the marvelous climate and the wonderful soil of these two Territories, surely American energy, genius, and enterprise will not lag behind the populations of India in the development of their irrigation possibilities. To those who suggest that this is chimerical, fanciful, improbable, I would say read the history of every irrigated country on earth; learn what has been done as proof of what will be done in these splendid Territories with ther rich soil and their marvelous climate, which brings to maturity the orange, the fig, and the pomegranate.

But the agricultural possibilities of these two Territories are by no means limited by the area of their irrigable lands. We are fast learning that all lands are not arid or even semiarid within the so-called "arid region." There is in every arid State and Territory of the West considerable areas of land which have hitherto been considered valuable only for pasturage and utilized for that purpose, that with the growth of population and the demand for agricultural products, will be utilized and cultivated for the growth of cereals, forage plants, and vegetables. No one feature of western development in the past few years is more striking and carries greater promise for the future than the increase of lands adapted to so-called "dry farming." Let those who are skeptical on this subject visit the wheat fields of eastern Washington and Oregon, or the dry farming lands of my State. Lands that a few years ago were considered suitable only for grazing and of no great value for that purpose, now produce millions of bushels of wheat and other cereals; vast areas which but a decade ago supported only a few scattered flocks and herds are now under cultivation and supporting large populations.

Fortunately for Arizona and New Mexico, they both contain large areas of land adapted to this class of agriculture. While the southern portion of both Territories is low in altitude, has but limited rainfall, and is arid or desert in character, the northern portions of both Territories are elevated and have an annual precipitation that places them within the semiarid rather than the arid belt. It has been demonstrated in many portions of the intermountain west, from Canada to Mexico, that loam soils having an annual precipitation of from 12 to 20 inches, fairly well distributed, produce, particularly where the land lies fallow every alternate year, forage plants, grains, and vegetables in sufficient quantity and certainty to make their cultivation profitable. Both New Mexico and Arizona have very considerable areas with a rainfall of from 13 to 20 inches and altitudes from five to seven thousand feet and a rich loam soil—ideal conditions for so-called "dry farming"—and in many places in the regions referred to farming without irrigation is now carried on to a limited extent profitably and satisfactorily.

I know that it will be said that these suggestions are largely in the nature of prophecy and that the development to which I have referred is too remote to warrant considering it as a basis of the population requisite for the establishment and maintenance of an American State, but I deny that this development is but a possibility. It is assured by what has already been done in other portions of the West and by reason of which the ultimate vast agricultural development of these two Territories is

assured. In any event, in view of the development elsewhere under like conditions, the least we can in justice do is to give these Territories an opportunity to develop their resources, to show what can be done within their borders, and not force them into an unwilling union when there is every reason to believe they will, within a very short time, have demonstrated their ability to maintain large and prosperous populations.

It will and has been urged that these Territories have had the opportunities of development in the long years of their settlement. The fact has been referred to and reiterated that they were the first regions of the present territory of the United States to be settled by white men, and that therefore they should have a much greater development at this time than we find there. Assuredly such an argument can have but little weight with any reasonable student of history. So far as opportunities for any considerable development were concerned, Arizona and New Mexico might as well have been undiscovered countries during the period they were under the dominion of Spain and Mexico. They were outlying provinces far from any considerable population, without means of transportation. Even the marvelous copper deposits of Arizona were valueless until reached by railways from the States. The vast coal deposits of New Mexico are even now almost untouched. Such deposits can be utilized to no considerable extent except with the advance of population, settlement, building up of manufacturing industries, and the establishment of those conditions could only come from the settlement of large populations in adjacent regions.

To-day Arizona and New Mexico are the extreme frontier of the Republic. There has been only a limited development of the farming possibilities of the two Territories, because the sparse population, depending upon mining and cattle grazing, the first industries of a new country, has had little incentive to agricultural development; settlers have not been attracted there while there remained nearer to the older States of the Union the illimitable, fertile plains of the Mississippi Valley. Those lands having been largely settled and developed, the tide of immigration, the flood of homeseekers, must in the very near future spread over these Territories and develop their agricultural, as well as their mineral, resources. The growth and development of an irrigated agricultural region is always necessarily slow, tedious, and laborious; but once the costly works necessary to bring the water within reach of the arid soil have been constructed the tendency is to a constant subdivision of the lands into small areas and the growth of only the more valuable crops, producing larger returns per acre and supporting dense populations.

That Arizona is not the hopeless and arid wilderness that it has been pictured to be by the gentlemen who are insisting upon the jointure of these two Territories is eloquently proclaimed by the fact that she has vast areas of timber lands practically untouched. Arizona and New Mexico together have, according to Governor Brodie, "the largest single belt of pine timber in the United States, exending from the Grand Canyon into New Mexico, covering an area of from 60 to 80 miles in width and 300 miles in length." The enormous amount of timber on these lands is almost beyond calculation.

Governor Kibbe, of Arizona, in his annual report for 1905, referring to the timber lands of the Territory, says:

> Probably the largest unbroken forest in the world lies within the San Francisco Mountains and Black Mesa Forest Reserves. Its area is estimated at 6,000 square miles, * * * but the timbered area of the northern portion of the Territory stretches to and beyond the Grand Canyon on the north to Bill Williams Mountain on the west, and southward to the great rim where the Colorado plateau breaks to the southern plains. In the Mogallon Mountains * * * there are, in addition to yellow pine, large bodies of oak timber suitable for the manufacture of farm machinery, wagons, etc., and for finishing lumber.

Lands which produce such timber are not arid, and large areas within these timber belts will ultimately be utilized for agricultural purposes.

Those who have sought to minimize the possibilities in agriculture of these great Territories have quoted from statements of the members of scientific bureaus of the Government relative to the probable areas susceptible of irrigation. These statements have, in practically every instance, been limited to the possibilities within the larger valleys, and none of them have taken into consideration or pretended to base their estimate upon the possible or even probable development by the irrigation of small isolated tracts. It is a conservative estimate to say that, in addition to the 2,000,000 acres that will unquestionably be irrigated in the larger irrigable valleys of Arizona and New Mexico, at no distant period there will be at least an equal area that will be irrigated by pumping, by the impounding of flood waters in small reservoirs, and by flood irrigation, and to this aggregate of four or five million acres we must add at least an equal area—probably a considerably larger area—that will be cultivated and farmed without irrigation.

In addition to this are the marvelous possibilities of the Territories in stock raising and dairying. In connection with the discussion of this feature of the situation, some very curious statements have been made. Some time in the past some one seems to have made the very natural remark that grazing animals can not feed the grass of the ranges more than 5 miles on each side of water, and immediately gentlemen whose business and purpose it is to minimize the possibilities of the Territories begin to argue that even the grazing possibilities are limited to strips of territory 10 miles in width along the streams. I would advise gentlemen who have been using that kind of argument to visit the range country of the West and learn what the actual conditions are. One does not need to know much about the habits of grazing animals to know that they can not ordinarily graze more than 5 miles from water. As a matter of fact, that distance is rather beyond a reasonable limit, but everybody knows, who knows anything about the western country that stock water is found to but a limited extent in flowing streams; that over the greater portion of the region stock is watered in water holes, where the water gathers in times of storm, and where these water holes are not found or where there is a likelihood of their drying up during the grazing season, small reservoirs are built, wells are sunk, windmills erected, tanks are constructed, and thus every blade of the valuable grass is eventually utilized. Of all of the arguments that have been used relative to the productive capacities of these Territories, I imagine this 5-mile-grazing argument has most clearly indicated to those who know the facts the lack of knowledge of conditions among those who assume to speak of the possibilities of these Territories.

Not only are the possibilities of growth and development in these two Territories vast and boundless, but they have been developing in the past few years since railways have reached them, since the tide of immigration has been setting toward them, in a way that ought to have stopped the mouths of these carping critics. In the last census Arizona showed a per capita value of farm products higher than that of Ohio, double that of New York, and four times that of Massachusetts. While the increase in value of the farm products of the farms of the entire Union from 1890 to 1900 was only 28 per cent, that of Arizona was 160 per cent; while the increase of the farms of the Union in that decade was 92 per cent, that of Arizona was 470 per cent.

On these arid plains, with the water limitations gentlemen have so eloquently portrayed, there are, in Arizona alone, more sheep than in all New England and more cattle than in half the States of the Union. While she is not asking for admission into the Union at this time, she had even five years ago a greater population than twenty States had when they were admitted, and her percentage of increase in population between 1890 and 1900 exceeded that of any State in the Union. She actually gained more population between 1890 and 1900 than Kansas and Delaware combined, and the percentage of her increase in mineral output for the last five years exceeded that of any American Commonwealth.

These two Territories are forging ahead by leaps and bounds. Their development long delayed by reason of the vast area of fertile lands lying nearer the older settled States, their mineral development retarded by lack of transportation and markets, is now growing with marvelous rapidity. To the doubting Thomases who can see no possibility of future growth and development in these splendid Territories I would commend as a warning the words of faint-hearted statesmen of other days relative to other Territories of the Union, and I look forward to the time in the not distant future when the marvelous development of these Territories will prove how lacking they are in the gift of prophecy. The doleful forbodings of the Josiah Quincys of to-day, remind us of the original Josiah, who, when the great Territory of Louisiana was purchased, filled the Hall of the House of Representatives with his doleful croakings of the destruction of the liberties and property of the people by the admission into the Union of these lands and their inhabitants. They are not the first Representatives in Congress who have seen no good in certain portions of American territory. Arizona and New Mexico look no better to them than Oregon did to some gentlemen of the same disposition who were in the House at the time that Territory was admitted into the Union.

But, Mr. Chairman, in spite of all these lugubrious predictions we have developed and populated the Territory of Louisiana and the State of Oregon; we have even found Alaska, by many gentlemen high in public life at the time of its purchase held to be worthless, of some value. And when in the days to come Arizona and New Mexico, as splendid States of the Union, shall

be teeming with a prosperous, intelligent, and industrious population, when their agricultural and mineral resources shall have been developed, when their splendid climate shall have attracted to their borders, as it has already done to a certain extent, vast numbers of the most enlightened and progressive of our people, the descendants of these gentlemen of little faith will see their names coupled in unenviable notoriety with those of the pessimists and croakers of other days, who, like they, have been proven false prophets.

Mr. Chairman, by reason of their isolated location, by reason of the character of their resources requiring unusual time, effort, courage, and enterprise for their development, some portions of the Territory we acquired from Mexico are still but in the morning of their growth; but the pledge, given in good faith when they became a part of our territory—a pledge which has not been overlooked or forgotten by our party platforms—should be kept in good faith. The people of these Territories, the last to come into the Union, are entitled to fair treatment. They have for half a century been developing two American Territories, each along its own line, each with its own traditions, hopes, and aspirations. I have no criticism to make of the people of either Territory. They are, in my opinion, all of them good material for American citizenship, infinitely superior to millions we are getting from abroad, but the people of the two Territories, understanding their differences, prefer to come into the Union separately. We can not afford to ignore their wishes and desires. We can not afford to deny justice to the Southwest. We can not, in view of our traditions, our practices in the past, our promises, deny them an opportunity, if we do no more, to still further develop their region and demonstrate their possibility of growth and development. New Mexico, with her mixture of Spanish and American blood, Arizona, with her splendid citizenship, will each of them make States of which their sisters may well be proud. Let us give them both an opportunity to fully qualify for separate entrance into the sisterhood of States.

Mr. MOON of Tennessee. Mr. Chairman, I yield five minutes to the gentleman from Arkansas [Mr. FLOYD].

Mr. FLOYD. Mr. Chairman, I have no disposition to enter into any lengthy discussion of a question which is already practically decided. I simply rise for the purpose of entering my protest against the passage of this bill in its present form. The distinguished chairman of the committee said on yesterday that it was sometimes necessary to use one poison to counteract another, but it seems to me that in the bill now under consideration they have injected too many poisons for a Representative in the American Congress who believe in justice to the people concerned in this legislation to vote for it.

Much has been said in defense of Arizona. Little has been said in regard to the union of the Indian Territory with Oklahoma. I want to explain my position on that question. Rather than not have statehood for the Indian Territory and Oklahoma I should vote for joint statehood between them if that question were submitted to Congress as a separate proposition, but I want to submit that there is serious objection to the admission of Oklahoma and the Indian Territory under the restrictions of the present bill. What is the condition? One part of the new State of Oklahoma will be under Federal jurisdiction to a certain limited extent. One part of the State of Oklahoma will not be under Federal jurisdiction. One part of the State of Oklahoma will be, by virtue of a Federal statute, under prohibition to a limited extent, and another part of the State of Oklahoma will not have prohibition, but will be open so far as the liquor question is concerned.

Mr. HAMILTON. If the gentleman will pardon me, prohibition will not be by Federal statute, but by constitutional enactment.

Mr. FLOYD. I understand it will be a constitutional enactment. If the State goes into the Union under this bill it is required to incorporate into that constitution this question of prohibition.

Mr. HAMILTON. That is true.

Mr. FLOYD. Now, one, and perhaps the most distinguished, leader of the Republican party once said that no nation could exist half slave and half free, and I submit that it is an unjust and unwise provision to require one part of a State to submit to certain laws and another part be left open and free upon that question. But I think, Mr. Chairman, that the wishes of the Indians are entitled to be considered upon this question. What are the desires of the people of the Indian Territory in regard to statehood? If the question was submitted to them, nine-tenths of the population of the Indian Territory would vote for separate statehood for the Indian Territory. I think as they are the wards of the nation, as we have by a policy pursued in the past enabled the Five Civilized Tribes to rise to a high degree of civilization, that their wishes, when it comes to this question of statehood, should be considered.

The distinguished chairman of the committee on yesterday, in closing his remarks in a splendid and eloquent peroration, described this Union of forty-five States, and said he wanted to add two more stars to that glorious flag. When our Pilgrim fathers landed in this country the Indians occupied this vast territory from the Atlantic to the Pacific. Step by step the white man encroached on their rights until finally, by the negotiation of treaties with their chiefs in Georgia and in Alabama and other portions of the country, the Indian Territory was set apart for them. [Applause.]

It was to be their country, their heritage, to them and their posterity forever. They were permitted under the treaties to make their own laws, govern their local affairs, punish their own criminals, and where the rights of the white man or the Government were not involved for years and years the Government interfered in no way with their local concerns. Under subsequent treaties and by acts of Congress former conditions have been changed, allotments have been made of their land, and on the 4th day of March, 1906, their tribal relations are to cease and the Indian race as a nationality is to die.

The Indian chief, the highest official ruler of the tribe, is to be relegated from authority, and the people of the Indian Territory—the Indians and others who have settled amongst them and intermarried with them—are to assume a new and different relation to the Government than that existing heretofore.

I insist that on account of and by reason of the peculiar conditions existing there, growing out of mixed and varying property rights and former customs, usages, laws, and the habits of industry of these people, it would not be wise and expedient to unite their Territory in a State with Oklahoma. Complications of law, vexed questions of taxation, road making, and other issues will arise that will produce annoyance, disagreements, and antagonisms between the two sections of the Commonwealth that can all be avoided by separate statehood.

We, the people of the United States, have appropriated all the rest of this vast domain, from ocean to ocean, to our own use, except the Indian Territory. Then, why not, in the final adjustment of the question, keep faith with our own treaties made with the Indians, segregate the Indian Territory, their country, to the "noble race and brave," who, notwithstanding occasional cruelty in war, have ever manifested the high and exalted virtues of love of country, love of home, and that inflexible courage and bravery, which never fails to find a sympathetic chord in the hearts of all mankind, whether displayed by a Japanese soldier from the mast of a sinking battle ship or by a brave American boy as he rushes to death in a charge up San Juan Hill, or an Indian warrior in a hand-to-hand contest with the invincible white man.

They desire separate statehood, and I assert, as a Member upon this floor, that the equity of the situation is such and our obligations by treaties are such as to entitle them to it as an act of simple justice. Here I desire to pay a worthy tribute to the Five Civilized Tribes. Under legal conditions and restrictions that have hampered them at every step of their progress, they have builded in their beautiful country a splendid civilization. They have their farms, their factories, their mills, their stores, their schools and churches, and a number of magnificent cities.

My district borders upon their country. Iron posts, set one mile apart, placed there by the Government, mark the line between the Indian Territory and the State of Arkansas; and but for these posts no one traveling through the country could discover the boundary, so similar are the habits, the intelligence, the customs, and the manners of the people on both sides of the line.

These Indians are civilized. I have been among them. I look upon them as neighbors and friends. I am unwilling, therefore, that this act of injustice, as I see it, should be done them without registering my protest against it.

A few months ago they held a constitutional convention at Muskogee, adopted a constitution, and asked Congress to grant them separate statehood under the name of Sequoyah. Their petition has been ignored. Their wishes have been disregarded. I can conclude my remarks on this part of the subject in no more fitting language than to quote the words of the late E. C. Boudinot, a noted Cherokee. Said he:

> You talk of the noble race and brave; you tell how they once paddled their light canoes along your rocky shores, how they dipped their noble limbs into your sedgy lakes; but their wrongs are written in your histories, their names are upon your rivers, and you can not wash them out.

I do not wish to discuss the case of Arizona. It has already been ably discussed by many Members of this House who have spoken in opposition to this bill. I concur in all they have

said, and I characterize the action of the majority in their effort to enforce forever an incompatible and unholy union between the Territories of New Mexico and Arizona, against their consent and over their protests, as an act of the highest injustice, wholly unjustifiable and utterly indefensible by a people who claim that "governments derive their just powers from the consent of the governed."

I also desire to protest against the rule reported on this bill and adopted by the majority, which limits debate—in fact, renders debate superfluous, and cuts off the right of amendment to a measure of such grave magnitude as the one under consideration.

At the beginning of Congress our distinguished Speaker, in his speech of acceptance, congratulated the membership of this House upon the fact that this House was the only body under our system of government where the voice of the people could be heard without the intervention of other machinery; and yet in less than two months this House is confronted by the intervention of other machinery, commonly known as a "gag rule," which stifles the voices of the people's Representatives on this floor and prevents the free, fair, and open discussion of a bill which involves the admission or rejection of Territories as sovereign States into our constitutional Union.

No reason has been given for the support of this bill except that it is a party measure. In my opinion, no reason can be given for the support of this bill except that it is a party measure. It has been argued by the gentleman from New York, who spoke in favor of this measure, that if we made four States out of these four Territories it would mean to make four Democratic States, with eight Democratic Senators. I do not know that this argument is well founded; in fact, I do not think it is well founded. I am inclined to the opinion that if the Republican party would deal fairly with the people of these respective Territories that when admitted as States some of them, perhaps all of them, would support the Republican ticket; but if the leaders of the dominant party will pursue persistently and continuously the policy adopted in this instance of overriding the expressed will and wishes of the people for whom and concerning whose rights and liberties they are legislating; if their floor managers will not yield one minute of time to members of their own party who entertain opposite views upon questions of proposed legislation, these same leaders may find in the end that, in their zeal to maintain party supremacy, instead of making four Democratic States with eight Democratic Senators they have pursued a course that has resulted in making many Democratic States with many Democratic Senators.

I know of no more appropriate words in which to conclude these remarks than to add, God speed the day.

Mr. HAMILTON. Mr. Chairman, how much time has the gentleman on the other side consumed?

The CHAIRMAN. The gentleman from Tennessee has consumed thirty-eight minutes this morning.

Mr. HAMILTON. Mr. Chairman, I now yield ten minutes to the gentleman from Ohio [Mr. COLE].

Mr. COLE. Mr. Chairman and gentlemen of the committee, the chairman of the Committee on Territories, in a masterly and eloquent argument yesterday, assigned the principal reasons for the adoption of this measure. All we lesser lights can hope to do is to revolve about him as a solar center reflecting the radiance he has shed upon us; and in the performance of that humble yet somewhat important function I desire to call the attention of the committee to certain phases of this question which he, by reason of limited time and the necessity of some degree of generalization, has been unable to present. The gentleman from Arkansas opposes the passage of the bill because it prohibits the manufacture and sale of intoxicating liquors, except for mechanical and medicinal purposes, in the Indian Territory and the Indian reservations in Oklahoma. He contends that it will imperil the stability and prosperity of the new State. He reenforces his statement by the immortal maxim of Lincoln: "A nation can not permanently endure half slave and half free." I insist that the application is not proper, because it is better to encourage sobriety in one-half the State than in none at all. [Applause.]

The committee has inserted a provision in the enabling act requiring the constitutional convention of the new State of Oklahoma to provide for the prohibition of the manufacture and sale of intoxicating liquors in the present Indian reservations. The constitutionality of that section has been called in question. What power has the Congress to impose a special limitation upon a State? The Supreme Court has held in many cases that the States of the Union are upon an equal footing; that each possesses in the fullest degree all the incidents of State sovereignty. The regulation and control of the liquor traffic is a police power, and therefore exercised by the legislature of the State; and Congress can not reach out into a State and impose any restriction upon that right. But Congress can compel a Territory seeking statehood to insert such a provision in its constitution or deny it admission into the Union. After the Territory becomes a State, however, the people have the power to amend the constitution and strike out such a provision any time they so desire. But if a Territory accepts statehood under such conditions, there is a moral, if not a legal, obligation to maintain it.

The purpose of this prohibitive clause is to carry out the policy of the Federal Government toward the Indians since 1832. The established policy of the nation is to prohibit the sale of liquor among the Indians. The treaties signed by the Dawes Commission with the Five Civilized Tribes, under which their lands have been allotted and under which they have accepted citizenship, provided that—

> The United States agrees to maintain strict laws in the territory of the said nations against the introduction, sale, barter, or giving away of liquors and intoxicants of any kind or quality.

It was understood by the members of the Commission and by the Indians that this treaty promise should be kept sacred by the National Government. It is now the duty of this Government to use all of its powers to fulfill that promise and impose upon the State of Oklahoma the moral responsibility for the accomplishment of that purpose. That section is in line with the nation's established policy and demanded by every consideration of justice to the Indian as he assumes the great responsibility of American citizenship. [Applause.]

The gentleman from Wyoming has portrayed a beautiful picture of the progress and development of the great West. I rejoice with him as the course of empire takes its way to the westward. I can see no reason, however, for apprehension on the part of the West. We are as much interested in the West as in the East. There can be no controversy on fundamental principles between the two sections. He complains that the West is being deprived of representation in the Senate. At this time there is absolutely no foundation for that statement. The other day a gentleman from Arizona stated before the committee that five of the Southwestern States had a greater population than five of the New England States. I have had occasion to compute the population of the eleven Rocky Mountain and Pacific coast States, including New Mexico and Arizona, and that of the eleven next smallest States in the Union, and find the latter almost twice as great. The eleven States of greatest population have 40,000,000 people, in comparison with 4,000,000 of the Western States just mentioned.

The increase in population in each of the States of New York, Pennsylvania, and Illinois has been greater in the last decade than it has in the eleven Western States. Ohio has as great a population as these States. They have twenty-two United States Senators and Ohio has but two. I submit some interesting statistics to prove to my friend from Wyoming that there is no danger for some centuries to come of representation in the Senate unfair to the West.

Population of eleven Western States and Territories, 1900.

1.	Arizona	122,000
2.	California	1,485,000
3.	Colorado	539,000
4.	Idaho	161,000
5.	Montana	243,000
6.	Nevada	42,000
7.	New Mexico	195,000
8.	Utah	276,000
9.	Washington	518,000
10.	Wyoming	92,000
11.	Oregon	413,000
	Total	4,086,000

Population of the eleven smallest States, 1900.

1.	Connecticut	908,000
2.	Delaware	184,000
3.	Florida	528,000
4.	Maine	694,000
5.	New Hampshire	411,000
6.	Rhode Island	428,000
7.	South Dakota	401,000
8.	Vermont	393,000
9.	West Virginia	958,000
10.	Maryland	1,188,000
11.	Nebraska	1,066,000
	Total	7,109,000

Population of eleven largest States, 1900.

1.	New York	7,268,000
2.	Pennsylvania	6,302,000
3.	Illinois	4,821,000
4.	Ohio	4,157,000
5.	Missouri	3,106,000
6.	Texas	3,048,000
7.	Wisconsin	2,069,000
8.	Massachusetts	2,805,000

9. Michigan	2,420,000
10. Indiana	2,516,000
11. Iowa	2,231,000
Total	40,743,000

Gain in population from 1890 to 1900.

1. New York	1,265,000
2. Pennsylvania	1,044,000
3. Illinois	995,000
4. Ohio	485,000
Total	3,789,000

Population in 1890.

1. Arizona	88,243
2. California	1,213,000
3. Colorado	413,000
4. Idaho	88,000
5. Montana	142,000
6. Nevada	47,000
7. New Mexico	160,000
8. Utah	210,000
9. Washington	357,000
10. Wyoming	62,000
11. Oregon	317,000
Total	3,097,000

Population in 1900	4,086,000
Population in 1890	3,097,000
Gain in last decade	989,000

Population of the five largest cities and the gain in last decade.

City.	Population.	Gain.
1. New York	3,437,000	1,921,000
2. Chicago	1,698,000	598,000
3. Philadelphia	1,293,000	246,000
4. St. Louis	575,000	123,000
5. Boston	560,000	112,000
Total	7,563,000	3,000,000

Why should the East do injustice to the West? There are 30,000 sons of Ohio now in the State of Colorado. They are in every Western State. They are flesh of our flesh, and there must be no contentions portending future trouble. But we insist that there should be a just and proper proportion between the population of a State applying for admission into the Union and the remainder of the Republic. It does not give it to admit these Territories separately. It does not give it to admit them jointly. But we are willing, in view of the deplorable internal conditions of these Territories, which can only be remedied by the exercise of all the powers of statehood, to admit them as a single State and permit it, as every other member of this Union has done or must do, to work out for itself an equitable internal policy. There must be no sectional feeling. But we insist that you shall not substitute hills for homes and mountains for men. [Applause.]

We do not object to the quality of your citizenship. There can be none nobler. We simply say the proper proportion is not maintained. Some patriot, in eulogizing American manhood, said:

God sifted seven nations of Europe to get good seed to sow in this virgin soil, and it has produced a magnificent standard of manhood, but still Columbia sings:

"Give me men to match my mountains,
Give me men to match my plains,
Men with empires in their bosoms
And new eras in their brains;
Men to right earth's wrongs
And to cleanse old error's fen.
Give me men to match my mountains,
Give me men!"

We are pleased to accept your majestic mountains as metaphorical of men, but we pause at the substitution of mountains for men. [Applause.] Now, the gentleman from Texas contends that there are social, industrial, and sentimental reasons for not uniting these Territories. The evidence before the committee discloses that they have precisely the same school system and code of laws. Arizona is now adopting the sanitary laws of New Mexico. They have dubbed the Mexican a "greaser." It is an opprobrious epithet, defamatory of Mexican character, and repudiated by the Americans in New Mexico. If the people of Arizona can live under the sanitary provisions of the Mexican, I can't see the force of any serious objection to any other part of their statutory law. They say the people of New Mexico and of Arizona can not mingle in friendly relations. Can not amalgamate. Why? Have not the Americans in New Mexico mingled with the Mexicans there? Are not the Americans in New Mexico of the same character as the people of Arizona? They have sent a distinguished gentleman, Mr. Rodey, up here as a Delegate for the past ten years to plead their cause. He is a grand son of the Emerald Isle, a man of high character and splendid ability. He has labored with patriotic devotion for the cause of his people, and I trust that when this new star shall illumine the flag, as a reward for the services rendered, he will be given a seat in the United States Senate. [Applause.] If men of such character can mingle with the Mexicans of New Mexico, why can not the people of Arizona? There are no social conditions that would bar them from coming in closer touch and enjoying together the blessings of statehood.

Area is not the prime consideration for statehood. Present population and industry combined with their future possibilities constitute the chief qualification. The charge that the proposed State is too large is given complete refutation by the preservation of the territorial integrity of Texas for over a half century in the face of a clause in the enabling act granting the power to establish five different States. But it is asserted that State pride and local sentiment sustains Texas intact; that division of her great domain would despoil her heroic history. I understand the force of sentiment. I understand that popular opinion can be crystallized into a veritable Niagara of social or political power that can agitate a nation to its profoundest depths. But sentiment must be sustained by reason and justice or it can not permanently endure. A great portion of New Mexico and even of Colorado belonged originally to Texas. When your State applied for admission her territory extended beyond the line of the Missouri Compromise, not far from the 42° north latitude. What has become of the sentiment of the people living in those sections? They had fought for the freedom of Texas. They had helped her establish an independent republic. Have they ceased to love the Lone Star State because they do not live within her limits? No. Her heroic history, her hallowed associations and sacred memories are just as dear to them as they are to a son of Texas. Every life sacrificed for the glory of that flag is just as sacred as every other life. State lines can not lessen our love of heroic deeds. As long as the flag of the great Republic floated from the heights of New Mexico's mountains they were not greatly concerned about the territorial subdivision in which they should exercise the rights and privileges of American citizenship.

Conditions are so deplorable in these Territories that the people should be given power to institute a new order. They can not successfully battle against existing evils until commissioned by the Republic. The inequalities of taxation are simply intolerable and perhaps account for the attitude of the railroads in this controversy. I desire to insert in the RECORD a computation I have made showing that the railroads all but escape taxation in the Territories. What is true of railroad property applies with equal force to the mining interests of Arizona.

Taxation statistics, Department of Commerce and Labor.

Value of property in New Mexico	$350,000,000
Assessed value for taxation	$42,000,000
Value of property in Arizona	$400,000,000
Assessed value for taxation	$45,000,000
RAILROAD TAXATION.	
Commercial value of railroads in New Mexico	$86,400,000
Assessed value of railroads in New Mexico	$8,511,538
Commercial value for taxation—per cent	9.9
Number of miles of single track	2,504
Assessed value per mile, $3,400, equals	$8,511,538
Commercial value of railroads in California	$350,694,000
Assessed value of railroads in California	$92,376,550
Commercial value for taxation—per cent	26.3
Number of miles of railroad in California	6,262
Assessed value per mile, $14,760, equals	$92,376,550
Commercial value of railroads in Arizona	$68,356,000
Assessed value of railroads in Arizona	$6,667,349
Commercial value for taxation—per cent	9.7
Commercial value per mile	$39,000
Number of miles of railroad in Arizona	1,751
Assessed value per mile, $3,800, equals	$6,667,349
Commercial value of railroads in Texas	$237,718,000
Assessed value of railroads in Texas	$95,209,785
Commercial value for taxation—per cent	40
Commercial value per mile	$20,100
Number of miles of railroad in Texas	11,848
Assessed value per mile, $8,100, equals	$95,209,785
Total value of railroads in the United States	$11,244,852,000
Total assessed value of railroads in the United States	$3,213,747,000
Commercial value for taxation:	
United States—per cent	28
Arizona—do	9.7
New Mexico—do	9.9
Commercial value per mile of railroads:	
New Mexico	$34,500
Arizona	$39,000
California	$56,000
Texas	$20,100
Taxes per mile:	
New Mexico	$116
Arizona	$135
California	$317
Texas	$110
Average commercial value of railroads in the United States	$52,600
Total taxes paid by railroads	$61,658,373
Number of miles of railroad	213,932

Taxes paid, per mile	$301
Santa Fe assessed (flat rate)	$175
Value per mile	$56,000
Average rate of taxation—per cent	3
3 per cent of $56,000 equals	$1,680
Average value of property for taxation—per cent	25
25 per cent of $1,680 equals	$420
Loss of State per mile ($420—$175)	$245

There is only one way to overcome those adverse conditions. Give them statehood. Give the people power to establish a new internal policy—a permanent policy—not subject to Federal supervision, but supreme in all the incidents of State sovereignty, and in due time a system of laws will be formulated and adopted requiring every interest to bear its just and equal share of the public burden and enforcing justice among all men alike.

In the process of readjustment between the two Territories there may be conflicting interests. There doubtless will be. But these will be submerged by the patriotic endeavor to build wisely for the coming generations like the master minds that wrought out the Republic. They will soon become accustomed to the new relationship. The bond of common interest will bind them together. Common hopes and common aspirations will harmonize all discordant elements. Sentiment will focus about a new and nobler standard, and in the achievement of a grand common destiny they will raise up in the great Southwest a State rivaling Texas in imperial dominion, California in diversity of industry and variety of products, and shall sustain an unsullied citizenship worthy of the new century, a standard of manhood that will "match in majesty America's mountains," a State worthy of a star on the flag of the Republic. [Applause.]

Mr. HAMILTON. Mr. Chairman, I yield ten minutes to the gentleman from Rhode Island [Mr. CAPRON].

Mr. CAPRON. Mr. Chairman, I do not approach the discussion of this subject with any fear that I shall do violence to the real desires or wishes of the people of Arizona or New Mexico. If government should be by consent of the governed, I will ask my friends discussing this question upon the other side how it happens that they so readily override the wishes which are presented here by men now in this city who assert that the joining of the Indian Territory and Oklahoma is an outrage also? Every man who has spoken on the other side has said that he perfectly agreed to that, while these gentlemen say that the great State of Sequoyah—you have all heard of that State before, I reckon—ought to have its separate statehood and does not want and protests against being joined to Oklahoma. Now, then, this joining of people together is like the mingling of the waters of a river. They may be discolored for a little at the confluence, but they become one stream, and in a little time, a year or so from the time this statehood act is accomplished, you and I well know that this people will be satisfied and proud of the jointure, and that those people who are desiring the offices will have obtained them, and that the greater Arizona will begin its career as one of the great States of this Union to prosper as other States have prospered.

We know that she will succeed according to the measure of her possessions in minés and in agriculture, and we will be glad. We are giving them this day the opportunity to say whether or not they wish to become a sovereign State in this great Republic of Commonwealths. Let us not for a moment think we are doing violence to the rights of either of these Territories. It would be an outrage if this Congress were to permit half of the people of Arizona to deprive the balance of the people of the two Territories the opportunity to obtain the blessings of statehood. Why, the late census gives the population of Arizona as 123,000 and that of New Mexico as 195,000, a total of 318,000. One-half of the people of Arizona, or 62,000, would leave 256,000 people to be outraged by 62,000. They will be glad and will thank us later for what we are doing to-day, and now, as I may not go into detail in this discussion, which has been so amply considered already, I am going to ask the gentleman from Iowa [Mr. HEPBURN] if he will state, as he stated in my presence within a few hours, the exact conditions which existed regarding the admission of the State of Iowa and the State of Maine into statehood, and to say whether it is a unique and unusual way of doing violence to the people who come here objecting. I will now yield to the gentleman from Iowa to answer my question. [Applause.]

Mr. HEPBURN. Mr. Chairman, I think a great deal is said about the wishes of the people of the Territories with reference to expected statehood that is imaginary upon the part of those who spoke. I lived in a Territory at the time we passed from Territorial existence to statehood. I know that it required three distinct efforts to force the people of Iowa into statehood. It was not desired by the great mass of the people, and I undertake to say that the mass of people of the State of Arizona that is to be are quite careless about the matter. Two or three times the people of Iowa voted down a proposition for statehood. Three or four times the people of Maine voted down a proposition for statehood. In neither instance were those Territories dragooned into the Union until after the political parties in the State and in the Union aided in bringing about that result. The national parties were interested in Maine, because at that time there must be an equipoise preserved in the Senate between those States that recognized slavery and those that did not, and when a slave State was brought in a free State must be added. The controversy about Missouri, the controversy of 1820, began in 1819, and it was necessary that Maine should be forced into the Union in order that this equilibrium in the other body should be preserved, and, therefore, the party in power in the Government aided the ambitious partisans in the State who desired to be governors and judges and Senators, and through the combined power, by a small majority, Maine was induced to accept a constitution. So it was in the State of Iowa. The majority on the third or fourth occasion, after it had been voted down on two or three occasions, where statehood was the only issue, was, according to my recollection, less than a thousand—eight hundred and something. Nearly a majority of the people were opposed to statehood, and yet it was forced upon them——

Mr. ADAMS of Wisconsin. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Iowa yield?

Mr. HEPBURN. Certainly.

Mr. ADAMS of Wisconsin. Was any effort ever made by anybody to compel the people of the Territory of Iowa or the Territory of Maine to come into the Union in connection with some other country against their wishes? Was their will not supreme when they expressed their judgment at the polls?

Mr. HEPBURN. My impression is, Mr. Chairman, that the case at bar and the case with Iowa are precisely similar in effect. I say but a few more than a majority in the State of Iowa were in favor of statehood. Nearly a majority were opposed to it, and after a canvass, mind you, and after the people had spoken, mind you, and after there were truthful returns as to public sentiment, mind you. I am not willing to permit the gentleman from Minnesota to speak for the people of Arizona. In the instance in which I said the people of Iowa spoke for themselves and recorded their voice, and when that voice was heard it was their voice—not the voice of a Representative a thousand miles away.

Mr. SMITH of Arizona. That is what Arizona asks now, and all she asks.

Mr. ADAMS of Wisconsin. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Iowa yield?

Mr. HEPBURN. Yes.

Mr. ADAMS of Wisconsin. If the gentleman will not permit a Representative, not from Minnesota, but from Wisconsin, to express his judgment about the sentiment of the people of that country, will he permit the political conventions of all parties in the Territory, fifty-three out of fifty-five newspapers of that Territory, the church organs, and——

Mr. HEPBURN. Now, Mr. Chairman, I am perfectly willing to have any reasonable question put to me, but I submit to the gentleman that he can not be permitted to inject the delayed portion of his yesterday's speech into mine. [Laughter.] It very often happens, Mr. Chairman——

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. HEPBURN. If the gentleman [Mr. HAMILTON] has control of the time, I would be glad if he would give me five minutes more.

Mr. HAMILTON. Can the gentleman manage with three minutes more?

Mr. HEPBURN. No, sir.

Mr. HAMILTON. Then he may have five minutes.

Mr. HEPBURN. Mr. Chairman, it has been a frequent and universal custom in the admission of States for the Government to fix the boundaries. When the State of Iowa was admitted, or prior to its admission, the eastern half of South Dakota, the eastern two-thirds of North Dakota, the whole of Minnesota west of the Mississippi River was a part of the Territory, but those people in Minnesota and in the Dakotas—very few in the Dakotas and not very many in Minnesota—were cut off without being consulted at all. They had no voice in the matter whatever. And I undertake to say that the proportion of this dissent in the State of Iowa to admission into the Union was fully as great as will be the dissent should a vote be taken in the new Territory of New Mexico and Arizona. We had within 800 of a majority against statehood. I believe that the majority of the people there are in favor of statehood, although there may be a large minority that is opposed. Some methods have to be

taken to determine how this is to be done. And the voice of the majority will control.

Mr. JAMES rose.

The CHAIRMAN. Does the gentleman yield to the gentleman from Kentucky [Mr. JAMES]?

Mr. HEPBURN. Now, Mr. Chairman, I believe there is no method that can be adopted that will be satisfactory to all the people of any of the Territories.

The CHAIRMAN. Does the gentleman from Iowa [Mr. HEPBURN] yield to the gentleman from Kentucky [Mr. JAMES]?

Mr. HEPBURN. I would prefer not to do so. I have only a moment, and I would like to finish the thought which I have. The people of this new State will have their day in court. They will have the opportunity to negative this whole proposition if they see fit to do so. They are not to be dragged into the Union, as has been done many times, without an opportunity for assent or dissent. They are to speak. And are we to make a change in their exception in determining who is to govern? In this land of ours the voice of the majority has been enthroned as our king. It is the voice of the majority that speaks authoritatively. Is not the voice of the majority to be heard in this instance? Why should an exception be made here that the people of Iowa did not have the benefit of, or that the people of Maine did not have the benefit of? Are these gentry in this new southern Territory of a different mental mold, that some other rule must be established for them that is not applied equally to the common people of the land? I want them to have all their rights, and no more. And if the majority is against this coming into the Union, then let them stay out; but if the majority is in favor of it, those that live within those limits territorial, that the Congress alone has the right to fix, if the majority within that jurisdiction want to come in, that is the rule, and they ought to come. [Applause.]

Mr. HAMILTON. Can the gentleman on the other side use some of their time now?

Mr. MOON. Mr. Chairman, I yield to the gentleman from North Carolina [Mr. WEBB] fifteen minutes of time.

Mr. WEBB. Mr. Chairman, I was very much interested and amused on yesterday in the discussion of the three bosses on the Republican side and in their efforts in their discussion to impress the Republican Members that this bill, providing for the jointure of New Mexico and Arizona as one State, is a "party measure." Be it said to their credit, there were forty-three Republicans who could not be driven and whipped into any such position, but voted with the Democrats in their opposition to the passage of the "gag" rule, which passed this House on yesterday by a majority of twenty-seven. Mr. Chairman, when the time comes that some historian shall write the history of yesterday's struggle on the floor of this House, if he be true to his duty and to his task, he will record that the forty-three "insurgent" Republicans were orthodox Republicans, and that the majority have broken their party platform pledges. Now, why do I say this? I hold in my hand a book containing all the Republican platforms adopted by that party since its formation. Let me read for the edification of the gentlemen on the other side of the Chamber, who seem to have forgotten their solemn pledges made in their great conventions, what four national Republican conventions have said on the subject of statehood for Arizona and New Mexico. The first reference to that subject by that party was sixteen years ago in their convention which nominated Benjamin Harrison for President. Listen to the language:

The pending bills in the Senate for acts to enable the people of Washington, North Dakota, and Montana Territories to form constitutions and establish State governments should be passed without unnecessary delay.

Now, mark the following strong language:

The Republican party pledges itself to do all in its power to facilitate the admission of the Territories of New Mexico, Wyoming, Idaho, and Arizona to the enjoyment of self-government as States.

That was in 1888. Then they promised in clear and unmistakable language single statehood for New Mexico and Arizona. Now you are violating that pledge and undertaking to force New Mexico and Arizona to coalesce and form one State only. Let us examine the Republican platform of 1892 and see what the "grand old party" pledged itself in regard to these Territories then. Here is the language, and I ask the other side of the House, who are attempting to make joint statehood a party measure, to listen to your platform and see how you are now trying to reverse it:

We favor the admission of the remaining Territories at the earliest practicable date.

That is your platform in 1892. Let us go a step further and see what your party platform contained on this subject in 1896. Here is the language:

We favor the admission of the remaining Territories at the earliest practicable date.

This is an exact reaffirmation of your platform of 1892. But let us examine your declaration on this subject made in your party convention in 1900, when Mr. McKinley was nominated for President and Mr. Roosevelt for Vice-President. This is the last deliverance of the Republican party in convention assembled on this question of statehood:

We favor home rule for and early admission to statehood of the Territories of New Mexico, Arizona, and Oklahoma.

Now, Mr. Chairman, here are four distinct declarations of the Republican party, in their national platforms, declaring in favor of single statehood for these two great Territories. Therefore I take it that single statehood is the Republican party's policy on the question of these two Territories; but there is a little coterie of Republicans in this House who have undertaken to make joint statehood a party question, and are trying—and will succeed in their efforts—to force Republican Members to nullify their platform promises on that subject for the last eighteen years. This handful of bosses have passed the word along and have cracked their whip, and no timid soul will dare oppose them, but with the docility of a child will cast their votes on this great question affecting the sovereignty of two States of the Union as they are told to cast them.

Who has undertaken to make this a party question? A strong hand in the White House, an able ally in the Speaker's chair, and an obedient majority on the Rules Committee! That is the source of the political pabulum that makes joint statehood a party question! It is a humiliating spectacle to see strong men with big minds, on the Republican side, who are violently opposed to this measure, run to cover and vote for it when a half dozen men crack a whip and tell them it is the party lash that descends upon their backs.

Mr. SMITH of Arizona. Let me state to the gentleman we did pass this bill giving separate statehood by Republican votes in this House.

Mr. WEBB. That is so. That was done upon a unanimous report of the Committee on Territories, whose chairman, Mr. Knox, was a Republican from Massachusetts, in the Fifty-seventh Congress. But, Mr. Chairman, pertaining to the idea of Executive influence in the passage of this unjust and reprehensible measure, let me say that I was pained the day before yesterday to read in the public press of the 23d instant, on the front page, and in bold letters, the following:

PRESIDENT LABORS WITH INSURGENTS.

Administration influence is being exerted in a heroic attempt to-day to save the joint-statehood bill, which the insurgents of the House threaten to bludgeon to-morrow, with the assistance of the Democrats under JOHN SHARP WILLIAMS'S leadership. A number of insurgents were summoned to the White House, and there given some straight talk by the President, who is mightily interested in the passage of the measure.

Mr. Chairman, could such information reach the long-departed spirit of George Washington, whose body lies over yonder at Mount Vernon, it would disturb his peaceful rest and cause him to turn over in his grave. Such news would make the spirit of Thomas Jefferson groan in disapproval. It was the intention of our fathers that the legislative, executive, and judicial departments of this Government should be kept separate and distinct. The powers and functions of these departments are defined in three distinct articles of the Constitution, and so careful were the founders of this Republic to keep these three departments separate and distinct, and avoid the influence of the executive upon the legislative department, that they actually built the White House, the Executive Mansion, more than a mile from the Capitol.

Luther Henry Porter, of New Jersey, in his Constitutional History of the United States, says:

The Government of the Constitution, being national, required three distinct departments: The legislative, to form laws; the executive, to execute them; and the judicial, to interpret them and apply them in case of doubt. These departments are independent of each other so long as they are true to their duties. The independence of the three departments of each other renders each responsible to the Constitution and to the people.

The Constitution permits the President to recommend to Congress in his annual message such legislation as he thinks should be enacted, and it also gives him the right to veto such legislation as he thinks should not be enacted. But it was never intended that the executive head of this Government, with his powerful influence through the dispensation of patronage, should use this influence in privately and personally causing members of this sovereign legislature to vote for any measure. The three great departments under our Constitution—the legislative, executive, and judicial—are the magnificent trinity upon which the fabric of this Republic rests. The three departments, separate and distinct from each other, are the pillars upon which our Government is founded; and when one of these pillars is destroyed, by usurpation or other-

wise, then the entire foundation, builded by our fathers, will become useless, and this splendid Republic of ours will crumble and decay. Has the time come, Mr. Chairman, when this House of Representatives is but an arm of the Executive, a mere handmaid to the President? What would the world think if the Members of this Congress should summon before the bar of this House the nine great jurists who sit on the Supreme Court bench, and demand of them that they should declare a certain act of Congress constitutional because they had passed it and were interested in it? It would shock every man from one end of the country to the other. I protest, Mr. Chairman, that these three great distinct departments under the Constitution should be kept distinct, even though Theodore Roosevelt is President of this Republic.

Mr. POWERS. Can the gentleman distinguish between a question of party policy, on a measure of this kind, and a question of constitutional law?

Mr. WEBB. Oh, yes; I can and do make this distinction, but I did not know that the President is your party and makes your party platforms. [Applause on the Democratic side.]

Mr. Chairman, the analogy is a correct one, and I am arguing that no one of these three great departments should undertake to bring pressure to bear on the other to influence it in its action, except in the manner pointed to in the Constitution itself.

On May 7, 1902, Mr. Rodey, the Republican Delegate in this House from New Mexico, discussing the bill for the admission of New Mexico and Arizona as separate States, said:

> If it be a political one, I contend that New Mexico has the political qualification, but I also contend that he who places the rights of American citizens upon a partisan basis is unworthy to enjoy the privilege of American citizenship. [Applause.] Every man on the floor will repudiate his political platform for the last generation, be he Democrat or Republican, if he votes in opposition to this bill.

That, Mr. Chairman, was at a time when the Republican party presented to the House a bill which is just the opposite to the one we are now considering. They then presented a bill for separate statehood for Arizona and New Mexico, and it was passed by that Congress unanimously; but three years later we find them reversing their position, and forcing through this House a bill to make New Mexico and Arizona one State.

Mr. Chairman, I am opposed to this bill, which provides that the great Territories of New Mexico and Arizona shall be merged into one State, because the people of New Mexico do not want it. In October, 1901, a great convention was held in that Territory, at which ringing resolutions were adopted favoring single statehood. The legislature of that Territory has passed strong resolutions protesting against being joined to Arizona. Mr. Rodey, the Republican Delegate from that Territory, in May, 1902, said on the floor of this House:

> We don't want to be joined to Arizona with the Rocky Mountains between us. Arizona is on the Pacific slope and New Mexico is on the Atlantic slope of the continent. The Continental Divide runs between New Mexico and Arizona north and south. There is nothing in common between the people of the two Territories save their splendid western spirit of enterprise. Such a provision as that of the gentleman from Indiana (that they join the two Territories as one State) would mix the conditions of these peoples in such a manner that they would never extricate themselves.

I am aware that Mr. Rodey now says that his people would accept joint statehood, but it is because, and I assert it as a fact, this Congress has browbeaten them into believing that they will never get single statehood. The chief executive of New Mexico, Governor Otero, uses this language in regard to the proposed jointure of the two Territories:

> There is no doubt that the great majority of the people of New Mexico are opposed to joining New Mexico with Arizona under one Commonwealth, as is proposed by pending legislation. Even the small percentage who would acquiesce in such legislation prefer single statehood for each Territory. This is not due to any innate animosity between the two Territories, but to the inherent differences in the population, in legislation, in industries, and from historical and ethnologic standpoints, not to mention that the consolidation of two Commonwealths like New Mexico and Arizona into one is unprecedented in American history. The new State would be an unnatural and unwilling alliance. It would be a coercion of two populations which are unlike in character, in ambition, and largely in occupation. The union would be abhorrent to both.

There is no man who would stand on the floor of this House and claim that the people of New Mexico prefer joint statehood. Even the chairman of this committee will admit, and I see him sitting before me, and I challenge him to deny it, that if the people of New Mexico were permitted to decide between joint statehood and single statehood 99 per cent would vote for single statehood. Your Republican governor of New Mexico says the people of his Territory don't want it, and he is supposed to know the sentiments of his people. Mr. Rodey, upon whom the chairman of this committee bestowed so much praise on yesterday, and I join in the spirit of that praise, declared three years ago that the people did not want it, and I submit that Mr. Rodey is qualified to know and does know the sentiments of the people of his Territory as well or better than any man in it.

I am opposed to this proposition to join New Mexico and Arizona because the people of Arizona are violently opposed to it. I say without fear of any contradiction, and I challenge any Member to deny it, that 98 per cent of the people of Arizona are not only opposed to this jointure with New Mexico, but are unalterably and passionately opposed to it. Now, listen again to Mr. Rodey, to what he said in the House three years ago, and I like to quote from him because he is such distinguished authority. At that time the motion had been made to join the two Territories as one State, which motion was voted down by a Republican Congress by 106 to 28. On this motion to combine the two Territories Mr. Rodey said:

> Arizona does not want to be joined to New Mexico. It has forty years of its own history behind it. It has its own county debts. It has its own municipal debts. It has its own Territorial debt. New Mexico does not want to be joined to Arizona, and its people are opposed to this amendment. We would never adopt a constitution under such a bill.

Governor Brodie, of Arizona, another Republican executive, appointed by the President, in his report of 1904 says:

> I can not add to the protest that has already been made by the people of the Territory of Arizona against this reprehensible measure (joint statehood with New Mexico), and I have only to say that they would desire that their Commonwealth remain a Territory indefinitely rather than be joined to New Mexico.

Another chief executive, Governor Kibbey, of Arizona, in 1905, having succeeded Governor Brodie, says, among many other arguments against joint statehood:

> The proposed union is regarded by our people as a menace to the prosperity and progress of the Territory.

Mr. STEPHENS of Texas. Will the gentleman permit a question?

Mr. WEBB. Certainly.

Mr. STEPHENS of Texas. Is it not a fact that the governors of these Territories are Republicans and Republican appointees?

Mr. WEBB. Yes; of course. They are Republicans, and I suppose that they express Republican sentiments, which ought to influence the Republicans in this House.

The Committee on Territories, of which committee I am a member, has had this bill for the jointure of these two Territories under consideration for more than a month, and during that time we have received petitions with thousands upon thousands of names upon them from the people of Arizona protesting against this crime which you are about to commit. They are not asking statehood for Arizona. They are praying that you permit them to remain a Territory indefinitely rather than tie them up with New Mexico. They do not ask for statehood. We have had before our committee from Arizona men from all the walks of life—farmers, ranchmen, lawyers, ministers, newspaper editors; in fact, men representing every profession—and every one of them has protested in bitter terms against being united with New Mexico. These citizens paid their way to Washington, some 3,000 miles, and have come before this our committee, in this Congress, begging us, praying us, imploring us in God's name not to ram down their throats this detestable legislation. [Applause.]

In the face of all these earnest protests you Republican majority are going to pass this bill, and tell the people of these two Territories that they have got to accept against their will this distasteful and unnatural marriage. You will not even permit the people of Arizona and New Mexico a single vote upon the proposition of jointure. If you would permit such an amendment, allowing each Territory to vote on it separately, there would be scarcely any opposition to this bill, but no, you are afraid that the proposition would be overwhelmingly voted down in each Territory.

General Sampson, one of the petitioners before our committee, a former foreign minister to Ecuador, told the committee that in order to test the sentiment of the people of the Territory in which he lived he carried around a petition asking this Congress not to put upon Arizona this jointure bill. He approached 1,009 persons, and out of that number only 7 declined to sign, while 1,002 signed it with enthusiasm. Not long ago there was a great meeting in Phoenix, Ariz., composed of citizens from all over that Territory and mayors from all the towns. That convention passed ringing resolutions against the proposed legislation of joining these two Territories. Yet you are going to disregard the feelings of this people and force this bill upon them. The offense which gave rise to the Boston tea party was an insignificant bagatelle as compared to the crime of passing this bill against the unanimous wishes of the people whom it affects.

I am opposed to this bill, again, to join these Territories, Mr. Chairman, on another ground—because when the Territory of

New Mexico was ceded by old Mexico to the United States, in the ninth section of the treaty ceding this Territory, which treaty was ratified in 1848 at Guadalupe Hidalgo, there occurs the following:

Mexicans who, in the Territories aforesaid, shall not preserve the character of citizens of the Mexican Republic conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution; and in the meantime shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.

It will be seen from reading this section that the United States morally promised separate statehood to New Mexico; and so thoroughly was this understood that in 1850, when California, which was a part of the ceded Territory, elected her United States Senators and Representative, New Mexico did likewise. The representatives from both Territories presented themselves to Congress. The Senators and Representative from California were retained, while the Senators from New Mexico were sent back home and their Representative was allowed to remain as a Delegate from that Territory. Away back in 1846, when General Kearny marched into this Territory and hauled down the flag of old Mexico at Santa Fe and hoisted the flag of the United States, he said to the vast company of people assembled:

It is the wish and intention of the United States to provide for New Mexico a free government, with the least possible delay, similar to those in the United States.

Ever since that good hour New Mexico has been knocking, knocking at the door of this Congress for admission to statehood, and asking that you carry out the obligation made both by our victorious general and by treaty. Three years ago, in discussing this very statehood question, the gentleman from Ohio [Mr. GROSVENOR] took the position, and argued it strongly for one hour, that no Territory had a right to become a State. In his speech on yesterday he agreed that he would yield always his wisdom to that of his national party convention. Now, the Republican convention of 1860 said that Kansas, as of right, should be made a State. In 1889 the Republican national convention declared again that North Dakota, as of right, should be admitted into the Union as a State. The Supreme Court of the United States, in the case of Shively *v.* Bowlby (57 U. S.), says:

Upon the question of territory acquired by the United States, whether by cession from one of the States, or by treaty with a foreign country, or by discovery and settlement, the same title and dominion passed to the United States for the benefit of the whole people and in trust for the several States to be ultimately created out of the territory.

The court, in the same opinion, says again:

Such Territories are held with the object, as soon as their population and condition justifies, of being admitted into the Union as States.

So, as soon as the population and conditions of a Territory justify it, at that moment such Territory has a right to demand statehood. I will show a little further along in this argument that New Mexico does possess these requisites.

I am opposed to this jointure, Mr. Chairman, because the Congress of the United States promised single statehood to Arizona when that Territory was created in 1863. The following is part of the language of the act of Congress passed February 24, 1863, in reference to the Arizona Territory:

That said government (that is, the government of the Territory of Arizona) shall be maintained and continued until such time as the people residing in such Territory shall have the consent of Congress to form a State government, republican in form, as prescribed by the Constitution of the United States, and apply for and obtain admission into the Union as a State.

That is the distinct promise on the part of Congress—and this bill was signed by Abraham Lincoln—that when Arizona shall be admitted into the Union it shall come in as a single State and not joined to another Territory. The people of the Territory, who have gone there and irrigated her lands, made gardens of her valleys, and constructed the foundation of a great State, have acted upon this promise of Congress in good faith, and now they ask that this promise be kept. The people of that Territory say to this Congress now that, if you do not think they are at present qualified for statehood, all well and good; they will not complain, but will continue to develop it until you do think it worthy to come into the sisterhood of States. Mark you, gentlemen, Arizona is not asking for statehood. She is asking to be let alone, and only that. Each of these two Territories is capable of developing and promises to develop into a great and worthy State. There is scarcely a State in the Union whose resources are greater or more boundless and promising than those of New Mexico and Arizona. Their resources already excel the resources of several States of the Union. The wealth of Arizona is about $300,000,000. She has 10 national banks, 18 territorial banks. She has as fine schools as will be found in any State of the Union. She has 50 newspapers, a good proportion of which are dailies, and 1,500 miles of railroad. Her churches are among the best and her people are members thereof. She has valleys within her domain that would support vaster populations than we find to-day in many of the older States. The wealth of New Mexico is about $329,000,000. She has 32 banks, 3,000 miles of railroad, and coal with an estimated value of $10,000,000,000. A great State could be founded upon her timber, coal, and coke resources alone. She to-day has valleys as fertile and productive as that of the Nile, and which are capable of sustaining millions upon millions of people.

Mr. Chairman, Congress has proven over and over again that New Mexico ought to be admitted as a State separately, for bills admitting her as a separate State have passed one or the other branches of this Congress seventeen times during the last twenty-five years. A similar bill for the admission of Arizona as a separate State into the Union has passed one or the other branches of this Congress seven times. The Fifty-seventh Congress emphatically declared against joining the two Territories as one State. Mr. KNOX, of Massachusetts, who was chairman of the Committee on Territories in that Congress, presented a bill for single statehood for these two Territories with a unanimous report from the committee. While considering the bill Mr. OVERSTREET, of Indiana, offered an amendment—and it is the first time in the history of the country that such an amendment was offered—to join the two Territories as one State. After lengthy discussion upon the question the motion to join the two Territories was overwhelmingly voted down, and the bill for single statehood for each Territory passed this body by a unanimous vote.

These two Territories should not be joined as one State for another reason. The great Rocky Mountain range separates them, and presents an almost impassable barrier to the peoples of the two Territories, which will for all time prevent the commingling and intercourse necessary to make their feelings one. This great mountain chain, averaging about 7,000 feet in height, is said to be impassable except at two points, where railroads now cross it, and it is 250 miles between these two points. What would be thought of the proposition to join North Carolina and Tennessee into one State, with the Appalachian Mountains between them? Yet such a proposition is insignificant as compared to the union of Arizona and New Mexico. New Mexico alone has 33,000 square miles more territory than North Carolina and Tennessee combined. In other words, you could carve out of New Mexico a boundary the size of North Carolina and Tennessee, and still there would be room enough in New Mexico to form the States of Connecticut, New Jersey, Massachusetts, Vermont, and Rhode Island. You could carve out of Arizona a territory as large as North Carolina and Tennessee combined, and you would still have an area left in Arizona larger than Delaware, Maryland, Massachusetts, and Rhode Island combined.

If you pass this bill providing for the State capital to be located at Santa Fe, as is proposed in the bill, there are people in Arizona who will have to travel more than a thousand miles to get to the seat of government. From Bisbee, Ariz., to Santa Fe, it is 891 miles; from Douglas, Ariz., to Santa Fe, it is 917 miles; from Nogales, Ariz., to Santa Fe, it is 898 miles, and from Phoenix, the present capital of the Territory of Arizona, to Santa Fe, is 679 miles, a distance farther than from Washington, D. C., to Atlanta, Ga. You will compel many of the people of Arizona, in order to get to their capital, to travel a distance farther than that from New York to Chicago. I am therefore opposed to this bill joining these two Territories, because they are too large an area for one State, and jointly would make an empire in extent. The imagination can scarcely grasp their tremendous area. New Mexico, with an area of 123,000 square miles, and Arizona, with an area of 113,000 square miles, making a total of 236,000 square miles, constitute twice the area of England, Wales, Scotland, and Ireland combined. You could carve out of this combined territory an area equal to the Republic of France, and still there would enough remain to make three States the size of Massachusetts and keep Delaware as a good-sized farm. The total area of these two Territories is larger than the combined area of the Kingdoms of Spain and Portugal. It is more extensive than the German Empire by 27,000 square miles, and more than three-fourths the size of the Republic of Chile.

New Mexico alone is larger than Switzerland, Cuba, Denmark, and Liberia combined. It lacks only 24,000 square miles of being as large as the Kingdom of Japan. It is only 24,000 square miles less than the Republic of Paraguay, and is about equal in area to the Philippine Islands. It is larger than the Kingdom of Italy and the States of New Jersey and Connecticut

all combined, and it is larger than Austria by 8,000 square miles. It lacks but 3,000 square miles of being as large as Hungary, and it is nearly three times the size of Cuba. New Mexico is equal to fifteen States the size of Massachusetts, and equal to twelve States the size of Vermont, and thirteen States the size of New Hampshire. It is larger by one hundred and seventeen times than the State of Rhode Island. It is equal to twenty-five States the size of Connecticut, sixteen States the size of New Jersey, and nearly three States the size of Pennsylvania.

Arizona alone is larger than Korea, the Netherlands, and Belgium combined. It is equal in area to Greece, Switzerland, Denmark, the Netherlands, and Portugal combined. It is two and a half times as large as Cuba, larger than Italy, and but 3,000 square miles smaller than Austria. More than one hundred States the size of Rhode Island could be placed in her borders, and there would be enough left to make a State the size of Massachusetts.

These peoples should not be forced into becoming citizens of one State, because the two Territories are of separate races, possessing different ideas, ideals, laws, customs, aspirations, habits, and language. A large proportion of the population of New Mexico is of the Latin race, while almost the whole population of Arizona is of American blood. Arizona women rarely ever marry Mexican men, and very few Anglo-Saxon men ever marry Mexican women. There is a race antipathy between the two people which can not be eradicated by all the laws you can pass, and it is unwise in any legislation in any country to undertake to force a mixture of two separate and distinct races.

It is a well-established rule by Congress in all the past, which almost amounts to a law, in admitting Territories to statehood, that every Territory has been admitted to statehood when she had a reasonable claim from the standpoint of area, population, wealth, and intelligence. Measured by these standards, New Mexico and Arizona should not be joined, but each should be admitted to separate statehood. I have shown you that their wealth and resources are sufficient to maintain great States. There are twenty States in the Union whose populations were less at the time of their admission than that of New Mexico. There are many which at the time of their admission had only a small proportion of the wealth that New Mexico has now.

When Ohio was admitted into the Union in 1802, with 40,000 square miles of area, she had but 60,000 population, and her banking capital in 1803 was only $203,000, while in 1811 she had but four banks, with a capital of less than $1,000,000. New Mexico has thirty-two banks and Arizona twenty-eight, and each of the Territories has a banking capital of more than $1,000,000, while New Mexico has a population of 350,000 and Arizona has a population of 165,000. Take the State of Michigan, when it was admitted into the Union in 1837. She had 56,000 square miles of territory, with 135,000 people, and one year after her admission she had only eleven banks, with $1,400,000 capital stock. Measured by every standard heretofore fixed in admitting States, each of these Territories, and especially New Mexico, is entitled to separate statehood. The average population of the original thirteen States at the time of the formation of the Union was 302,000. The average population of the thirty-two States admitted since that time was at the time of their admission 129,500. The average population of the entire forty-five States of the Union at the time they came into statehood was 157,000. It will be seen that New Mexico has more population to-day than the average original thirteen States had at the time they came into the Union, nearly three times as much population as the average of the thirty-two States, and more than twice as much as the average of the forty-five States.

The average area of the thirteen original States is 24,100 square miles. The average area of the thirty-two States admitted since the Union was formed is 73,600 square miles, and the average area of the entire forty-five States is 60,000 square miles. It will thus be seen that New Mexico has five times the area of the average of the original thirteen States and twice the average area of the forty-five States.

The percentage of illiteracy in New Mexico and Arizona, and especially in Arizona, is very, very small, and is rapidly becoming less. Each of the Territories has spent millions of dollars in the last few years in erecting and maintaining their public schools. They have their universities, their normal schools, their State capitols, and their penitentiaries, and all other public buildings which are necessary to the maintenance of a State.

Mr. Chairman, let it not be forgotten that we are legislating for the future, and the argument of Senatorial representation in favor of passing this jointure bill should be the strongest argument against it and in favor of separate statehood. This vast area of United States soil is entitled to be made into two Commonwealths, if not now, yet at some future time, and represented by four Senators.

Remember that two-thirds of the area of the United States is west of the Mississippi River, and this two-thirds area has now but 38 Senators, while the other one-third, east of the Mississippi River, has 54 Senators. We should have more Senators from the West to effect a Senatorial balancing in the Senate. New Mexico is as large as Maine, Massachusetts, New Hampshire, Vermont, Rhode Island, New Jersey, Delaware, Maryland, and New York combined. If the argument as to Senatorial representation were a just one—but it is not, for Senators represent the sovereign entity of a State—it might be contended with force that Rhode Island, with only a thousand miles of area, which, as some one has said, would scarcely make a respectable cow lot for New Mexico, and with only 345,000 inhabitants, and two Senators, should be wiped from the map as a State and annexed to Massachusetts, because New York, with her 48,000 square miles of territory and 7,000,000 people, has only two Senators. The same argument could be made for the abrogation of the State of Vermont, which has but 332,000 people and possesses two Senators, while New York has twenty times as many people and five times the area and also has but two Senators. The wisdom of the fathers of this Republic never based the admission of a new State into the Union upon the ground of Senatorial representation, but upon the sovereignty of each sovereign State. It was not done when the Dakotas were divided and given four Senators instead of two, and an unjust discrimination should not now be made to the detriment of the two great Commonwealths of New Mexico and Arizona.

But no word of mine can prevent you Republican majority from committing this great offense, and it will not be the only time within the last fifty years that you have committed a political crime under the guise of party necessity.

Force this bill upon the peoples of these two Territories, ram it down their throats against their wills, refuse them the right to vote separately upon this legislation, and I tell you that you have committed the most monstrous political crime that your party has been guilty of since the days of reconstruction. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having taken the chair, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 2481. An act granting an increase of pension to Elijah J. Wilkins;

S. 1702. An act granting a pension to Adolphus N. Pacetty;

S. 1709. An act granting a pension to Florence Greeley De Veaux;

S. 2112. An act granting an increase of pension to John Heck;

S. 2113. An act granting an increase of pension to Agnes Zentz;

S. 622. An act granting an increase of pension to Hiram Swain;

S. 238. An act granting an increase of pension to John Savage;

S. 625. An act granting an increase of pension to Phebe J. Bennett;

S. 1042. An act granting an increase of pension to Francis Piccard;

S. 1456. An act granting a pension to Joann Morris;

S. 328. An act granting an increase of pension to John W. Warner;

S. 322. An act granting an increase of pension to Isabella Workman;

S. 1841. An act granting a pension to Robert Catlin;

S. 950. An act granting a pension to Emma M. Rea;

S. 493. An act granting an increase of pension to Charles M. Wittig;

S. 142. An act granting an increase of pension to William Furlong;

S. 138. An act granting an increase of pension to Michael Linehan;

S. 943. An act granting an increase of pension to Oscar R. Arnold;

S. 206. An act granting an increase of pension to Gordon H. Shepard;

S. 209. An act granting an increase of pension to George F. Ross;

S. 210. An act granting an increase of pension to Silas P. Hall;

S. 1163. An act granting an increase of pension to Martha G. Cushing;

S. 314. An act granting a pension to Aletha E. Reynolds;
S. 315. An act granting an increase of pension to George Pike;
S. 472. An act granting an increase of pension to David F. Magee;
S. 575. An act granting an increase of pension to John Flynn;
S. 576. An act granting an increase of pension to Frederick J. Shelley;
S. 1466. An act granting an increase of pension to Philena Davis;
S. 715. An act granting a pension to Georgia A. Rollins;
S. 851. An act granting an increase of pension to Frederick Houser;
S. 74. An act granting an increase of pension to Aaron T. Currier;
S. 1828. An act granting an increase of pension to Alvin Abbott;
S. 1467. An act granting an increase of pension to Laura A. Blodgett;
S. 16. An act granting a pension to Susan H. Cutler;
S. 183. An act granting an increase of pension to Henry F. Hunt;
S. 837. An act granting an increase of pension to Elizabeth C. Dunton;
S. 707. An act granting a pension to Alice E. Gilley;
S. 1258. An act granting an increase of pension to Charles W. Paige;
S. 178. An act granting an increase of pension to Irene A. Cochrane;
S. 785. An act granting an increase of pension Franklin C. Pierce;
S. 9. An act granting an increase of pension to David P. Bolster;
S. 534. An act granting an increase of pension to Dennis A. Davis;
S. 531. An act granting an increase of pension to William H. Satterthwait;
S. 923. An act granting an increase of pension to Nathaniel L. Badger;
S. 991. An act granting a pension to Jane McMahon;
S. 96. An act granting an increase of pension to George A. Francis;
S. 193. An act granting an increase of pension to John C. Eberly;
S. 1035. An act granting an increase of pension to Andrew McClory;
S. 122. An act granting an increase of pension to Michael Stump;
S. 2825. An act granting an increase of pension to John M. Scott;
S. 2071. An act granting an increase of pension to Henry T. Anshutz;
S. 1200. An act granting a pension to Esther G. Wharton;
S. 515. An act granting an increase of pension to Dennis Buckley McCready, alias Dennis McCready, alias Thomas Buckley;
S. 509. An act granting a pension to Annie L. Fredick;
S. 564. An act granting an increase of pension to Wilson Hyatt;
S. 565. An act granting an increase of pension to Lumbard D. Aldrich;
S. 385. An act granting an increase of pension to George W. Gearey;
S. 1474. An act granting an increase of pension to Joseph Davis;
S. 1368. An act granting an increase of pension to William H. Hicks;
S. 1525. An act granting an increase of pension to Zachariah Bradfield;
S. 407. An act granting an increase of pension to George W. Purvis;
S. 596. An act granting an increase of pension to Eliza J. Harding;
S. 603. An act granting an increase of pension to Lide S. Leonard;
S. 1098. An act granting an increase of pension to William J. Grow;
S. 647. An act granting an increase of pension to Leonard Harmony;
S. 1524. An act granting an increase of pension to John M. Berkey;
S. 1517. An act granting an increase of pension to John C. Kennedy;
S. 1559. An act granting an increase of pension to Laura Clark;
S. 666. An act granting an increase of pension to Andrew Patrick;
S. 669. An act granting an increase of pension to Lawrence Mericle;
S. 670. An act granting an increase of pension to Anthony Barrett;
S. 1303. An act granting an increase of pension to Harrison Brott;
S. 727. An act granting an increase of pension to Jasper H. Keys;
S. 1015. An act granting an increase of pension to Joseph McSwain;
S. 2256. An act granting an increase of pension to Alexander F. McConnell;
S. 2486. An act for the relief of Richard C. Silence;
S. 1842. An act granting an increase of pension to Ransom O. Thayer;
S. 1987. An act granting an increase of pension to Ella T. Hapeman;
S. 145. An act granting an increase of pension to Wellington Marlatt;
S. 140. An act granting an increase of pension to Maitland J. Freeman;
S. 143. An act granting an increase of pension to James W. Calvert;
S. 3243. An act granting an increase of pension to Akey C. Johnson;
S. 2023. An act granting a pension to Amanda M. Richey;
S. 986. An act granting an increase of pension to Caroline M. Doan;
S. 1212. An act granting an increase of pension to John S. Wilcox;
S. 949. An act granting an increase of pension to Jacob Eppler;
S. 2779. An act granting an increase of pension to James J. Egan;
S. 212. An act granting an increase of pension to John T. Liddle;
S. 211. An act granting an increase of pension to Wilson J. Pool;
S. 393. An act granting an increase of pension to Lucinda Stamper;
S. 329. An act granting an increase of pension to William E. Blewitt;
S. 2415. An act granting an increase of pension to Fannie Ida Edgerton;
S. 1852. An act granting an increase of pension to Milton Marsh;
S. 2255. An act granting an increase of pension to James Thompson;
S. 2564. An act granting an increase of pension to Michael Matheney;
S. 2229. An act granting an increase of pension to William I. Hilkey;
S. 126. An act granting an increase of pension to William J. Street;
S. 120. An act granting an increase of pension to John M. Buckley;
S. 2583. An act granting an increase of pension to Thomas Robey;
S. 3180. An act granting an increase of pension to Jacob A. Geiger;
S. 508. An act granting an increase of pension to William Kress;
S. 330. An act granting an increase of pension to Kemenskio A. N. L. Collins;
S. 1432. An act granting an increase of pension to John W. Foreaker;
S. 2730. An act granting an increase of pension to James P. Ford;
S. 1838. An act granting an increase of pension to Harvey S. Harriman;
S. 644. An act granting an increase of pension to William R Hubbell;
S. 637. An act granting an increase of pension to John E O'Brien;
S. 1041. An act granting an increase of pension to Myron E. Billings;
S. 1038. An act granting an increase of pension to James Frazier;
S. 244. An act granting an increase of pension to Thomas Bramel;
S. 2552. An act granting an increase of pension to Louise J. D. Leland;

S. 1735. An act granting an increase of pension to Washington Hogans;
S. 2144. An act granting an increase of pension to James A. Brown;
S. 164. An act granting a pension to Helen A. Frederick;
S. 3244. An act granting an increase of pension to Anna F. Keith;
S. 2879. An act granting an increase of pension to Mary J. Hoge;
S. 1529. An act granting an increase of pension to James L. Small;
S. 1367. An act granting an increase of pension to Almon Foster;
S. 606. An act granting an increase of pension to John Houston Crowell;
S. 1509. An act granting an increase of pension to Thomas T. Hodges;
S. 2555. An act granting a pension to Sarah A. Bargar;
S. 2293. An act granting an increase of pension to William C. Hitchcock;
S. 1271. An act granting an increase of pension to Edward Irwin;
S. 1270. An act granting an increase of pension to John C. Barr;
S. 185. An act granting an increase of pension to Lewis H. Cate;
S. 179. An act granting an increase of pension to Charles H. Mayhew;
S. 80. An act granting an increase of pension to Julia A. Stanyan;
S. 1827. An act granting an increase of pension to George C. Chase;
S. 81. An act granting an increase of pension to David E. Everett;
S. 572. An act granting an increase of pension to Henry G. Salisbury;
S. 845. An act granting an increase of pension to Sarah A. Page;
S. 787. An act granting an increase of pension to Stephen Ernst;
S. 714. An act granting an increase of pension to Susie Place;
S. 3001. An act granting an increase of pension to Juliet A. Bainbridge Hoff;
S. 706. An act granting an increase of pension to Martha E. Saltar;
S. 11. An act granting an increase of pension to Ruth B. Gurney;
S. 850. An act granting an increase of pension to Arthur Forrester Deveraux; and
S. 279. An act granting an increase of pension to Horace E. Barker.

The message also announced that the Senate had passed, without amendment, bills of the following titles:

H. R. 532. An act granting an increase of pension to James T. Berry;
H. R. 1330. An act granting an increase of pension to William A. Hildreth;
H. R. 1062. An act granting an increase of pension to George E. Brickett;
H. R. 1908. An act granting an increase of pension to Emma Rowe;
H. R. 1675. An act granting an increase of pension to Melissa S. Lee;
H. R. 1653. An act granting an increase of pension to Frank W. Weeks;
H. R. 2770. An act granting an increase of pension to Ephraim Plumpton;
H. R. 3487. An act granting an increase of pension to Ferdinand Weise;
H. R. 3283. An act granting an increase of pension to Bruno Tiesler;
H. R. 3402. An act granting an increase of pension to Sidney S. Brigham;
H. R. 3427. An act granting an increase of pension to William B. Kimball;
H. R. 3451. An act granting an increase of pension to Alpheus A. Rockwell;
H. R. 3481. An act granting an increase of pension to William H. Cranston;
H. R. 3428. An act granting an increase of pension to Samuel E. Chamberlain;
H. R. 4176. An act granting an increase of pension to Michael Mohan;
H. R. 4876. An act granting an increase of pension to William L. Becks;
H. R. 1361. An act granting an increase of pension to Camillus B. Leftwich;
H. R. 7309. An act granting an increase of pension to Louis Dieckgraefe;
H. R. 7408. An act granting an increase of pension to Joseph W. Price;
H. R. 4348. An act granting an increase of pension to William McCraw;
H. R. 604. An act granting an increase of pension to Hiram F. Armstrong;
H. R. 723. An act granting an increase of pension to George W. Raigle;
H. R. 1986. An act granting an increase of pension to Morris Bennett;
H. R. 3368. An act granting an increase of pension to William McNair;
H. R. 4216. An act granting an increase of pension to Robert Boon;
H. R. 1853. An act granting an increase of pension to William J. Johnson;
H. R. 1339. An act granting an increase of pension to James Kelley;
H. R. 1686. An act granting an increase of pension to George S. McGregor;
H. R. 3573. An act granting an increase of pension to John V. Sanders;
H. R. 6518. An act granting an increase of pension to James M. Long;
H. R. 8713. An act granting an increase of pension to Payton S. Lynn;
H. R. 3716. An act granting a pension to Augustus Foss;
H. R. 3758. An act granting an increase of pension to George Nulton;
H. R. 4701. An act granting an increase of pension to Elijah Thompson Hurst, alias Elijah Thompson;
H. R. 5686. An act granting an increase of pension to Adelle Tobey;
H. R. 3606. An act granting an increase of pension to John S. Hoover;
H. R. 3575. An act granting an increase of pension to Silas B. Hovious;
H. R. 3245. An act granting an increase of pension to Robert C. Smyth;
H. R. 8550. An act granting an increase of pension to John Bierer;
H. R. 1868. An act granting an increase of pension to Perry Egge;
H. R. 1381. An act granting an increase of pension to David H. Quigg;
H. R. 486. An act granting an increase of pension to John Armstrong;
H. R. 1074. An act granting an increase of pension to Benjamin F. Bean;
H. R. 1772. An act granting an increase of pension to James C. Plybon;
H. R. 1766. An act granting an increase of pension to John T. Stone;
H. R. 1378. An act granting an increase of pension to Henry H. Hobart;
H. R. 1073. An act granting an increase of pension to William J. Castlow;
H. R. 3010. An act granting an increase of pension to Thomas C. Meadows;
H. R. 3006. An act granting an increase of pension to William H. Crites;
H. R. 1511. An act granting an increase of pension to Cornelius A. Hallenbeck;
H. R. 1505. An act granting an increase of pension to William Birmingham;
H. R. 1752. An act granting an increase of pension to Hugh Lokerson;
H. R. 2395. An act granting an increase of pension to Christopher Clinton;
H. R. 2435. An act granting a pension to Hilia Ann Connor;
H. R. 2011. An act granting an increase of pension to John Lezenby;
H. R. 2594. An act granting an increase of pension to Levi Bearss;
H. R. 3506. An act granting an increase of pension to George W. McCormick;
H. R. 4196. An act granting an increase of pension to James J. Winans;
H. R. 2718. An act granting an increase of pension to James F. Hare;
H. R. 1199. An act granting a pension to Lydia A. Jewell;

H. R. 3340. An act granting an increase of pension to William Moorhead;

H. R. 3405. An act granting an increase of pension to David Palmer;

H. R. 4165. An act granting an increase of pension to Henry G. Sternberg;

H. R. 3449. An act granting an increase of pension to Harvey Gaskill;

H. R. 4153. An act granting an increase of pension to Henry C. Wildy;

H. R. 1179. An act granting an increase of pension to Thomas Picket;

H. R. 1288. An act granting an increase of pension to Sterns D. Platt;

H. R. 1789. An act granting an increase of pension to Jacob Shade;

H. R. 2089. An act granting an increase of pension to Laura J. Forbes;

H. R. 2735. An act granting an increase of pension to Samuel Foster;

H. R. 5027. An act granting an increase of pension to Charles W. Knight; and

H. R. 8994. An act to provide for a land district in Yellowstone, Carbon, and Rosebud counties, in the State of Montana, to be known as the Billings land district.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 5023. An act granting an increase of pension to August Westfield; and

H. R. 1056. An act granting a pension to Galon S. Clevenger.

The message also announced that the Senate had passed the following resolutions; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 7.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to inform the Senate whether changed conditions necessitate a change of project for the main breakwater of the harbor of refuge at Point Judith, Rhode Island; and if so, to submit plans and estimates for such revised project.

Senate concurrent resolution 5.

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,000 copies of Senate Document No. 77, Fifty-eighth Congress, second session, "Les combattants Françaises de la Guerre Américane, 1778 to 1783," of which 500 shall be for the use of the Senate, 2,000 for the use of the House of Representatives, and 500 for the use of the National Society of the Sons of the American Revolution, to be distributed under the direction of A. Howard Clark, registrar.

Senate concurrent resolution 1.

Resolved by the Senate (the House of Representatives concurring), That the concurrent resolution passed February 2, 1904, providing for the publication of the proceedings on the occasion of the unveiling of the Rochambeau statue is hereby continued in force and excepted from the limitation of one year, as provided in section 80 of the act of January 12, 1895, providing for the public printing and binding and the distribution of public documents.

STATEHOOD BILL.

The committee resumed its session.

Mr. HAMILTON. I now yield five minutes to the gentleman from Connecticut [Mr. HIGGINS].

Mr. HIGGINS. Mr. Chairman, the principal argument of the gentlemen opposed to this bill is that there can be no union of the Territories of New Mexico and Arizona because there is nothing in common between their people. They are located in about the same latitude and longitude. They both came into this country from the same nationality and in the same way. Their industries are the same, their development has come from the same sources, and they are both responsible to the same governing body—this Congress. In a country such as ours, whose national life and progress have been stimulated and maintained by the fusion of different blood and the union of many nationalities, it seems idle to say that a State should not be made out of these Territories because all of the people of these Territories are not of the same nationality. The very difference which by the opponents of this measure is claimed to exist will before a new Congress comes in be a source of strength to this new State. The very diversity of population, if there is a diversity, will prevent the abuse of corporate influences and secure to this section of our country a relief from a condition of government by special interests that the people have long wanted to be rid of.

It was said in the debate upon the floor yesterday that Oklahoma and Indian Territory, instead of being one State, would prefer to be two. I daresay that is true, and would like as well to be four. This same interest moves some Arizona people to ask to be left alone.

The assumption that Arizona ought not to be subjected to a State government against her will leads to the proposition that she is not to be admitted at any time to the Union without her consent. It reverses the order of things and subjects the forty-five sovereign States of the Union to submitting to the will of the people of Arizona what the States themselves have and ought to have the right to determine. It is not for this Congress to exploit a Territory. The eighty millions of people represented in this body are to determine the fitness for statehood rather than the 200,000 of any Territory. [Applause.] The basis of admission to statehood is not mere land, but the amount of population that this land can support. Territories are merely subdivisions for convenience and expediency. It is for Congress to make or unmake them, as in its judgment seems wise. There is no inherent right in the people of Arizona to come into the Union. As a Territory she is vested with no power to say how or when she shall be admitted.

A proposition was made to your committee by the minority that the question of the admission of Arizona and New Mexico be submitted to the people and not to become a law until approved by a majority of the electors of both Territories. I believe in the general principle of a referendum, and that the people can be trusted to act wisely, and that it is safe to leave questions to them. But what would be the result if jointure depended upon getting the votes of both Territories? If, as claimed by the opponents of this bill, that Arizona is opposed to joint statehood because she hopes for single statehood, how would her vote be cast? The population of Arizona is 123,000 and of New Mexico 195,000. If just one more than a half of the electors of Arizona, or 62,000 people, vote against this proposition, it governs the will of 256,000 people. [Loud applause.]

Mr. HAMILTON. Will the gentleman from Tennessee now occupy some of his time?

Mr. MOON of Tennessee. Mr. Chairman, I now yield ten minutes to the gentleman from Arizona [Mr. SMITH].

Mr. SMITH of Arizona. Mr. Chairman, the plainest recommendation in the President's message is far the worst. He recommends the immediate admission of Arizona and New Mexico as one State, and makes this marvelous observation:

"There is no obligation on us to treat Territorial subdivisions—which are matters of convenience only—as binding us on the question of admission to statehood."

What remarkable language! Have the people no right to a word about their own institutions? Has Congress been at last advised by the President of the United States that too much time has been consumed by Congress in considering the great question of a State's admission into the Union and no more should be consumed, but the State must be made in a way that nobody ever asked for, and which is obnoxious to the best people of both Territories and absolutely calamitous to both in its far-reaching effects?

The President could not have known the conditions or he would not have made this recommendation. I infer from the very language of the message that he obtained his information from a consideration—to use his own words—"of all that has been developed in the discussions of the questions," and that must mean speeches made in the Senate when a filibuster—if I may properly use the term—was resorted to to prevent a vote on the bill giving these two Territories separate statehood. If the President believed any of the statements made in that debate I only wonder how he could recommend statehood for those Territories, either joint or single. The distinguished junior Senator from New York and an equally justly distinguished Senator from New Jersey threw great light on the subject in that marvelous "discussion of the question," the one on the educational qualifications of the blanket Indians and the other on the dangerous present effects of the Mountain Meadow massacre on our present western civilization.

But I am not inclined to severely censure or criticise the President. The mighty responsibilities which daily crowd on him, the great questions pressing hourly for solution, would not permit him to go as fully as is his habit into the actual facts which surround this subject and on the proper understanding of which so much of good or bad to my people depends. I regret that his informants were not informed. I regret that much of his information came through channels which he believed, but which were wholly prejudiced and unreliable. I acquit the President, as the whole world acquits him, of any intentional injustice. I know, and the world knows, that he hates injustice and oppression; that he loves a square deal. I know that he desires the prosperity and happiness of every part of this great country over which he wields for weal or woe so remarkable an influence. On account of that great influence I regret that the people on whom this blight will fall could not have seen the President personally and have given

him the actual facts of the situation, and have thus obtained his potent aid in a matter of life or death to them.

I am sorry that this recommendation was made, for it is against every fiber of the President's nature to visit a wrong on the people, a wrong that can never be redressed, and which if carried out will not reach its apex until long after all of us shall have passed away and history shall have left its severest criticism of his marvelously active life upon this very recommendation. In its effect it stands so out of joint with all his writings and public utterances and so out of tune with his very nature that I know I am justified in my early assertion that the real facts were not at his hands when he wrote that part of his message. Let it be understood that whatever I shall say hereafter in this discussion which may seem a criticism is directed not at the President, but at those, and one in particular, who have been officiously and offensively active in misrepresenting the state of the case, not only to the President but to the country.

But the gentleman to whom I refer, and whose egotism is so inordinate that it will permit no pent-up Utica to contract its powers, and his native State being too small a world for his conquering spirit, has invaded Arizona and New Mexico and pretends to represent both against the will of each, and actually thinks he is the author of a joint statehood bill for these unhappy Territories—unhappy enough even before they knew him.

Long before he ever thought of the question Mr. LACEY, of Iowa, made a speech to that effect in this House, and Mr. OVERSTREET, of Indiana, moved an amendment (to the omnibus bill then pending, creating three States out of Arizona, New Mexico, and Oklahoma) making Arizona and New Mexico one State.

I acquit both those gentlemen of a serious intention to accomplish the ostensible purpose—their real intent being to defeat the omnibus bill. Their purpose was to defeat the bill, which was bad enough, not to accomplish this greater outrage, which would have been intolerable. So the one man most active in pressing this measure had nothing to do with originating it. It is with him another case of the "Onward march of Russia," which Napoleon prophesied a hundred years ago and lost his Empire in efforts to prevent. But I must not permit his gratuitous interference in our affairs to tempt me away from my purpose of convincing every fair-minded man in this House who will give me his attention of the grievous wrong and irreparable damage that the proposed statehood bill will do to both Arizona and New Mexico.

First of all, the Almighty divided them by an almost impassable mountain range, and placed His warning against this bill. There is not a hamlet of 500 people in Arizona, off the line of railroad, within 500 miles of the capital of the proposed State. There never will be. Two hundred miles of unsettled country lies between the two Territories along the great Continental Divide, and that vast area will remain forever practically unsettled and untenanted, except by the roving followers of flocks of sheep and herds of cattle, and these may never come on account of the scarcity of water and forage in that inhospitable desert mountain waste.

The waters of New Mexico flow into the Atlantic Ocean; those of Arizona into the Pacific. The people of Arizona trade with the Pacific coast, while New Mexico trades with the East. It is as far from any well-settled community in Arizona to the proposed capital of the new State as from Washington to Boston, which journey takes you through seven States.

In addition to the objection of an almost impassable boundary between these Territories, the very size of them is equally objectionable. A State of such dimensions can not be economically administered. Besides all this, we have different laws, different debts, different school systems, and a different language. Our hopes, aspirations, ideals are not harmonious. Arizona and New Mexico are as much strangers to each other as Maine is strange to Florida. The laws and customs of the latter are more homogenious than in the case of the Territories mentioned. There is so little in common between the two countries that nothing, save the almost intolerable condition of a Territorial form of government, would impel anybody in either Territory to listen with peaceful temper to a suggestion of such legislation as is here proposed.

When I landed in Arizona twenty-five years ago, without money and without friends, I never dreamed that I was working for New Mexico. There are 100,000 people in my Territory who came as I came, and who felt as I, that they were each factors in the upbuilding of a great Commonwealth, and all of whom freely gave of earnings to erect schoolhouses everywhere, churches, court-houses, asylums, normal schools, universities, penitentiaries, reform schools, and every machinery and enginery necessary to the proper and humane administration of a great State of the Federal Union. Do you think we ever dreamed that all these expenses, paid at so much cost of labor, yet gladly and with buoyant hope of the great future, that it must at last, and against our consent, be handed over to a neighbor who did not even speak our language, and to be used by him as best suited his cupidity, greed, or benevolence? The enormity of such a crime appalls me. There can be no excuse for it. No political exigency palliates it. Nothing can raise it from the calendar of crimes. As was said on this floor yesterday, such action by this House is simply a demurrer against the decalogue and a plea in bar against the Sermon on the Mount.

My countrymen, you can not afford to do this wrong. Congress is already unjustly in contempt for wrongs it has not perpetrated. It does and has perpetrated many, but I beseech you to stay your uplifted hand over the trembling flesh of the unoffending object of your sacrifice and save this House and this Congress from the crowning infamy of a century of legislation. [Applause.]

I trust you, my Republican friends, are too big and broad to permit political exigency to enter into your consideration of this question. There is nothing in that view. Do you see any cloud on the horizon that scares you? But if we did see danger to party success, can we afford to steal in order to prevent such disaster? Can we afford to oppress for all time a struggling people in order to allay a groundless fear? The man who prophesies what the political complexion of any new State will be five years hence is a fool, as crazy as any visionary prophet who ever saw the armies of Russia marching to the destruction of Japan.

I pity the man who would let political considerations dominate his action in a question so great as this. The Democratic party since my advent here admitted Washington and Montana and divided Dakota into two States, and every one went Republican. The same was true of Colorado, whose first electoral vote defeated Tilden for the Presidency. The Republican party admitted Idaho, Wyoming, and Utah. Two out of these three went Democratic, and all are now Republican. No man living can guess the politics of either Arizona or New Mexico should each be admitted as a State. It is idle to speculate. It is undignified, if not disgraceful, to speculate on conditions rooted in crime. There can be no compromise with wrong in a man's conscience, there should be none in this august body. I will not believe that my Republican friends will turn their people in my Territory over to the spoliation, exploitation, or benevolent assimilation of New Mexico. [Applause.]

The President says: "There is no obligation on us to treat Territorial subdivisions as binding us on the question of admission to statehood." That is a surprising statement when we contemplate the history of our legislation. Since the admission of Vermont and Kentucky, in 1791, up to this good hour there has not been a single Territory admitted as a State the boundary lines of which were not strictly preserved, except in cases where a less area was taken in, and that always on the consent of the Territory. Every line of our legislation regarding the territory of the United States has guaranteed, by promises as sacred as Congress could make, to each Territory when established full statehood when capable of sustaining a State government. But waiving all this, I plant myself on a promise made by Congress to Arizona when it was created. The President must not have seen the organic act which created Arizona, and which stands as our constitution in the Territory, just as a State constitution stands to the State. That organic act, that solemn Congressional promise, that guaranty on which we relied and still rely, says in so many words—I read from the act of February 24, 1863, and signed by Abraham Lincoln, which created the Territory of Arizona. It says: "That said government (Arizona) shall be maintained and continued until such time as the people residing in said Territory shall * * * apply for and obtain admission as a State on an equal footing with the original States."

Can language be plainer? Under that promise we went forth to conquer the forbidding desert, we built our homes, we reared our schools, we made great expensive public improvements, and we find ourselves confronted by a bill which provides in effect for the admission of Arizona into the Union in conjunction with New Mexico, on such terms and under such conditions as the people of New Mexico may prescribe, and providing for the payment of the debts of New Mexico out of the taxable property in Arizona, and for other hellish purposes. That's exactly what this "Arizona the Great" bill means.

In the face of that promise who in my presence can vote for this infamous measure? Can you do it and look yourself in the face without a blush of shame?

I could well rest my appeal on that solemn promise before any justice of the peace in America and get judgment in our favor.

Relying on that guaranty, can I fail in a tribunal like this—the very tribunal which gave the promise?

Contemporaneous history shows a reason for that promise. The unhappy war between the States was at the crest of its sanguinary rage. Both parties were contending for possession of the then Territory of New Mexico. If I mistake not there was a Confederate and a Federal governor within its boundaries, one bearing the commission of Abraham Lincoln, the other of Jefferson Davis, both of whom first saw the light of this earth under the smiling skies of my native State. The Territory was found too large and passage over the present dividing line too difficult, and it was wisely decided to divide them into two Territories and by the act referred to Arizona was created. There was a large population of Spanish and Mexicans in New Mexico, who naturally retained the border prejudices growing out of our recent war with Mexico. Arizona was without any population of consequence. A premium must be offered to those who would dare invade and build homes in that then forbidding and desolate waste. That premium was offered in the organic act, in the promise which I have read to you and on which we relied, and on which our pioneers went forth with superhuman courage to overcome the superhuman difficulties which beset their path to progress. No band of devoted souls in the whole history of the human race bore more pain with greater fortitude, faced more danger without flinching, and accomplished more for their posterity and benefited their common country in a greater degree than did the Arizona pioneers. [Applause.]

And for all this what have they had at the hands of the Federal Government except oppression and injustice? And now it remains for you to burden and shame their declining days by throwing over them the dirty mantle now in your hands. They deserve better treatment. Ye who have been reared amid the luxuries of wealth and have from your birth been housed and clothed and comforted by pleasant surroundings can have small appreciation of the hardships endured by the State builders of America. You can not look into the bronzed face of the road maker across the wind-swept sands of the desert and read the pathetic story of the pains, hopes, disappointments, and dangers which crowded every day of his uncomplaining courageous life. And as he looked back on the work of his hands and saw a great State growing on the foundations which he laid, in his breast there grew a love of that land, a patriotism full of pride which you, sitting at the feet of money changers and measuring your patriotism by patronage, can never realize or half appreciate.

The virile, patriotic, militant Americanism of our earlier days has its dwelling place now in the hearts of the home builders of our western shore. When these reflections beset me, how I pity the stripling statesmen who have seen fit to denounce the representatives from the West as "sage-brush Senators" and have marked their first important legislative step by the crime of supporting this miserable measure. Shame on you younger men, who come here bloated with the high hope of giving valuable and free service to your country, but now find yourselves under party lash, compelled to do it irreparable injury. If compelled to do this wrong, decency should have dictated that you be silent about it.

Mr. Chairman, there is no justice or reason in joining these unwilling Territories in an inseparable and perpetual union. No reason has yet been assigned for it, and no reason for it can be advanced. If this be an effort to forever curb the West and keep it under eastern domination, why is there not one among you game and honest enough to say so? Are you afraid that such a declaration would drive away the western support which you now unhappily have in passing this bill?

You could with as much propriety join Alaska with Porto Rico. What is your purpose in this unholy scheme? Will some one dare answer? I can see how the selfishness of long-used power might blindly lead New England and extreme eastern Representatives to the support of any bill that would secure that power for all time. I can see how New England, less in area than Arizona alone, might willingly consent to keep twelve Senators in Congress and allow only twelve from the mouth of the Mississippi to the western border line of the English possessions. But why any man in the West would willingly permit a stretch of country over 3,500 miles in length by an average of some 400 miles wide to only equal New England in the Senate is impossible of explanation, unless, indeed, the time-serving statesman from that section wants a postmaster appointed at Bull Gulch or a public building erected in his little town, and, to secure his return to Congress by such statesmanship, is willing that his children's children may rise to curse him. To think of the great States of Texas, Arizona (as proposed), California, Washington, and Oregon fifty years from this day, with their teeming millions of people, being more than offset by New England alone in legislative power!

There are, thank God, many good people in New England opposed to the pending measure—broad, patriotic men, men legislating for the future, men who love liberty too well to impose shackles on us. The press of New England is opposed to this bill by reason of its injustice. I repeat, God bless them. I can't say in this presence what I feel like saying about our western neighbors who favor this iniquity. You leaders who are forcing the union of Arizona and New Mexico voted, every one of you, to divide Dakota. Every one of you have voted for single statehood for New Mexico, or at least did not vote against it when the bill was passed. You did the same in the case of Arizona in the Fifty-seventh Congress. Why this sudden change from good to bad? Was it at the mere ipse dixit of the President? Yet the President himself seems to have likewise changed, for in a letter written by him to Mr. Twitchell, of New Mexico, in the good year of our Lord 1900, and when he was the candidate for Vice-President on the ticket with the lamented McKinley the present President, among other things, said: "I only wish that New Mexico were to vote for President this fall. It is entitled to statehood, and I need not tell you, all that I can do to get it admitted as a State I will do."

Not one word about making it a part of Arizona. It was never dreamed of at that time. Not a soul in New Mexico then favored such a scheme. Yet the President confesses that five years ago New Mexico was entitled to statehood, and he promised to do his best to make it a State—a single State—not a double hydra-headed monster, as now recommended by him and stoutly resisted by the taxpaying people of both Territories. Oh, "it is glorious to have a giant's strength, but tyrannous to use it like a giant!"

I doubt the power of Congress to pass such a bill as this. What power Congress has is derived from the Constitution. Congress, it is true, has full power to create States out of Territories when the people residing therein consent. It can not make a State without the consent of the people. The Constitution prohibits the changing of the boundaries of any State without its consent. Is the organization of a Territory a mere idle ceremony? When it thus assumes the power of local self-government it assumes a constitutional and legal status which Congress has no right against its consent to molest. What is the legal status of a Territory occupying the position that Arizona occupies and has held for forty years? The Supreme Court of the United States has held that when a Territory was organized and the Constitution extended to it by Congress it is then clothed forever (and necessarily within its boundaries) with the inchoate right of ultimate statehood. Can Congress deprive Arizona of that constitutional right? As was said by Mr. MOON of Tennessee:

"Can Congress deprive a Territory of a constitutional right? If States can not be divided under the Constitution without their consent, or increased in area, can a Territory, once clothed by the extension of the Constitution with inchoate right of statehood, be denied that right without its consent? Is it not protected within its boundaries in its constitutional guaranties? Is not the right to statehood guaranteed when it possesses the qualifications for admission in the discretion of Congress? Congress may delay the exercise of this right—it can not destroy it. If so, the extension of constitutional rights to the Territories by the solemn act of Congress is a mockery."

The reasoning strikes me with force and is worthy of the careful consideration of this House, emanating as it does from one of the best lawyers in this body.

Mr. Chairman, I will not now consume the time of the House in setting forth the wonderful resources and rapidly developing industries of Arizona, which demonstrates the ability of that Territory to easily sustain every burden of statehood alone. That has been fully set forth in the minority report of the committee having this bill in charge, which report is at the hand of every Member, and to which I invite your careful attention. The same document shows equally the right of New Mexico to immediate single statehood.

Arizona and New Mexico are not homogeneous and never can be. They are strangers to each other and always will be. They have nothing in common and never can have. They differ in language, laws, customs, government, and ideals. They have different debts, which can never be equitably adjusted. Some counties in New Mexico are said to be bankrupt, while every public obligation in Arizona sells above par. Each Territory is fully equipped with the public buildings and utilities necessary to a full State government. New Mexico has many more people and much less property than Arizona. Under a legislature dominated by the greater vote of New Mexico, Arizona at

once becomes subject to the will, caprice, or doubtful benevolence of the majority, no matter how good her population may be. Every man who has lived long in New Mexico speaks the Spanish language; a very few of Arizona's population can speak it at all. The Anglo-Saxon tongue, like the Angle-Saxon race, is by nature intolerant and aggressive. When thrown in too close contact with a different race and a different language it presses ruthlessly for domination.

It has taken thirty years of contact to bring about tolerance and harmony between the residents of New Mexico. That Territory is now fairly homogeneous. Add it to Arizona against the will of either and bitter race and religious prejudices will at once arise to curse the unholy alliance. Animosity and hate will usurp the place of justice and friendship, and our unhappy Territories, tied by a Gordian knot which neither can unloose or cut, must be retarded for ages in their onward march toward the supreme development which the God of nature designed for each. In their separation Arizona and New Mexico are happy and content enough. Unite them and the scene is changed as the brightest day is followed by the darkest night. Arizona protests against all this. She refuses to be dominated and controlled by the superior numbers in New Mexico. She knows that conflicts will come. Radical change of her entire governmental policy will ensue. Say what we may, and boast, if we please, of the humanities of modern civilization, but "Woe to the conquered" is as much a watchword to-day as when the Vandals rushed with dripping swords to the sack of Rome. It may not be bloody, but it can be equally as cruel. I beseech you, my countrymen, to avert this calamity. This may seem wild extravagance of speech to you, but the facts, to my mind, are as clear as the noonday sun.

Mr. Chairman, I have nothing to say against the people of New Mexico. If let alone for a season they will, I doubt not, work out a satisfactory destiny. For those in that Territory who are pressing, by their influence and against our will, this union of the two I can not repress the expression of my contempt. Men who would thus wrong their neighbors are unworthy to hold for one minute the reins of State government. We have a just fear of placing power in such hands.

Who is responsible for this bill, anyway? Where did it come from? Arizona did not ask it, and her Delegate here is certainly as well acquainted with her wishes and her interests as is the gentleman from Michigan [Mr. HAMILTON], or any other Member of either House of Congress. New Mexico did not ask it. Her Delegate here was elected on a single-statehood platform. Who commissioned any Senator to represent either of these people. And that reminds me; the Senator from Indiana [Mr. BEVERIDGE], in a report made by him to the Senate, which is a public document though hard to find, said this of New Mexico. Mind you, I am not sanctioning the report nor giving it my indorsement:

[Senate Report No. 2206, part 1, Fifty-seventh Congress, second session.]

ANALYSIS OF NEW MEXICAN POPULATION.

The greater majority are native New Mexicans of Spanish and mixed Spanish and Indian descent, and these practically all speak Spanish in the affairs of daily life, and the majority speak nothing but Spanish.

COURTS CONDUCTED THROUGH INTERPRETERS.

Courts are conducted through the medium of an interpreter, and it is impossible to conduct the machinery of justice without this official. (Testimony of Judge W. J. Mills, p. 2; Nepomuceno Segura, p. 4; William A. Gortner, p. 6; Judge McFie, p. 29; Judge Baker, p. 46; Judge McMillan, p. 110; Judge Parker, p. 96; Jose D. Sena, p. 31, and others.)

The interpreter interprets the testimony of witnesses to the jury, the argument of counsel to the jury, and the charge of the court to the jury. (Testimony of witnesses above.)

Occasionally the interpreter must be sent by the judge to the jury room in order to enable the jury to reach a verdict, since it sometimes happens that some of the members of the jury are English speaking, some Spanish speaking, and no member of the jury can speak both languages. (Testimony of Nepomuceno Segura, p. 7; Judge McFie, p. 50; Judge Parker, p. 265; Judge McMillan, p. 293; Jose D. Sena, p. 59; Nestor Montoya, p. 90.)

In the majority of cases it is true that some member of the jury is able to speak both languages and can then act as interpreter for the others. (Testimony of witnesses above.)

JUSTICES OF THE PEACE SPANISH.

Coming to the "courts of the people"—justices of the peace—practically all of them speak Spanish and the proceedings of their courts are conducted in Spanish. The dockets of nearly all justices of the peace are kept almost exclusively in Spanish. The statutes of the Territory in the offices of practically all justices of the peace are printed in Spanish. (Testimony of Jesus Maria Tefoya, p. 12; Felipe Baca y Garcia, p. 26; Francisco Anaya, p. 39; Charles M. Conklin, p. 40; Jose Maria Garcia, p. 41; Juvenico Quintana, p. 42; Leonardo Duran, p. 43; Seferino Crollott, p. 52; Manuel Lopez, p. 98.)

POLITICAL CONVENTIONS AND SPEECHES BY INTERPRETERS.

In political campaigns almost all political speeches are made either in Spanish or in English through an interpreter, and interpreters are used in practically all (it may even be said in all) political conventions. (Testimony of C. M. Foraker, p. 74; H. S. Wooster, p. 18; Felipe Bacay Garcia, p. 26, and others.)

This is true even in the "American" town of Albuquerque. (Testimony of C. M. Foraker, p. 74.)

An interpreter was used in the last Republican Territorial convenvention, which nominated the present Delegate to Congress, and nominating speeches were made through that medium. (Testimony of Jose D. Sena, p. 32.)

An interpreter is used in the legislature, and both councils (senate and house) have official interpreters. (Testimony of Jose D. Sena, pp. 32–33.)

SPANISH AND ENGLISH TAUGHT IN SCHOOLS.

Until recently (historically speaking) no English was taught in the common schools. At present both Spanish and English are taught in most of the schools. (Testimony of Miss Francesca Zana, p. 9; Enrique Armijo, p. 10; J. Francisco Chavez, p. 27; Rafael Gallegos, p. 22, and others.)

Spanish is taught through the second reader and no further, because a person who has learned Spanish sufficiently to go through Manelia's Second Spanish Reader can speak and write that language fluently, and no further instruction for practical purposes is necessary. (Testimony of Enrique Armijo, p. 16.)

In some schools, as in those at Santa Fe, no Spanish is taught. (Testimony of J. Francisco Chavez, pp. 27–28.)

IN SOME SCHOOLS SPANISH IS TAUGHT EXCLUSIVELY.

In some schools Spanish is taught exclusively, and history, arithmetic, and geography are translated from American text into Spanish. (Testimony of J. Francisco Chavez, superintendent public instruction for New Mexico, pp. 27–28.)

In the elections it is necessary to print ballots in Spanish as well as in English. (Testimony of H. S. Wooster, p. 18; Pablo Ulibarri, p. 14; Martinez, Amador, p. 105.)

There are towns (some even when surrounded by heavily predominating American conditions and influences, such as at Las Vegas) where the signs at grocery stores, meat markets, and all the mercantile establishments are printed exclusively in Spanish. (Testimony of Enrique E. Salasar, p. 11.)

The above are the conditions even in the larger towns; and this is intensified, of course, in the little country settlements, where the people are usually bunched together, their occupation being principally that of herding sheep and goats and with little or practically no communication with the outer world. (Testimony of H. S. Wooster, pp. 18–19; Rafael Gallegos, p. 22, and others.)

A portion of the population, even including some justices of the peace, have little understanding of our institutions. (Testimony of Felipe Baca y Garcia, p. 25; Leonardo Duran, p. 43.)

ILLITERACY.

The remainder of the 195,310 people in New Mexico are called in that Territory "Americans," as contradistinguished from the class above spoken of, who are there termed "Mexicans." But the "Americans" are made up from every other nationality except Mexicans. Germans, Italians, French, and all other nationalities are called "Americans." And yet of the entire population of New Mexico 33.2 per cent are illiterates—that is, that portion can neither read nor write Spanish, English, or any other language. (Census of 1900.)

If the test of illiteracy were confined to the English language only, the committee is of opinion that the percentage of illiterates would be much more than doubled.

After giving Arizona a slightly less drastic dose, the report (Senate No. 2206, part 1, 57th Cong.) concludes as follows:

The committee feel that it is wiser and better for the Territories themselves, and for the nation, that they shall wait that development which the resources claimed by their advocates will justify. When that occurs, when all of the requisites for statehood shall have been supplied, the members of the committee who are against the present admission of these Territories in their present state will be as enthusiastic and earnest for their admission as their most ardent advocates.

"Consistency, thou art a jewel." This same Senator at the present session of this Congress has reported favorably a bill to unite these two Territories into one State. He proceeds, from his own argument, on the principle that one rotten egg is bad, but two rotten ones would make a fine omelet. I am not complaining of the Spanish tongue or the people of New Mexico who speak no other. A man can speak Spanish only and be just as good a citizen as you or I, my contention in this regard being that if I can not speak a word of Spanish and my partner can not speak a word of English, the business would not prosper, and dissolution would be the wisest step for such a partnership to take. We have in Arizona Mexicans, or persons of Mexican descent, of wealth, education, culture, and high standing, who would honor the citizenship of any country. A great majority of those permanently domiciled in Arizona speak English as well as you or I; their children attend the public schools with ours; they bear every burden imposed by government as willingly as we; yet I am assured that this element of our citizenship is as much opposed to this proposed union as is the balance of our population. In fact, opposition to this bill is a duty of patriotism. It is a test of State pride. If a man love not his own State, I would not give a fig for all the patriotism his little heart could hold. You can not, as I said before, fully appreciate the love the builders bear to Arizona. Few of my hearers had a hand in making the State in which they were born. It is different with us. Our love for ours is not a mere inert theory, but a living, pulsing passion. "The earth is His for He made it" is the language of Holy Writ.

It is true that for many years the bird of prey has been hovering about us, but I can find no refuge under the shield of New Mexico. It is flying from the evils of which we have plenty to a promised shelter where we will find more. No; it is not a case of our free will. We are being forced, coerced, by this bill to dance to any tune which New Mexican pipers may play. This is an anomaly in the history of statehood. On the admission of the last State Congress makes its first depar-

ture. Who before this hour ever heard of a Territory being forced into the Union against its will, either single or otherwise? The gentleman who just took his seat laid down the new doctrine that Congress had power to throw a Territory into the Union nolens volens. I would like to know when it has been done.

Mr. MANN. It has been done frequently. It has been done more than once.

Mr. SMITH of Arizona. Do you say that any Territory has ever been forced into the Union without the expressed consent of the people residing therein?

Mr. MANN. Certainly.

Mr. SMITH of Arizona. When did that remarkable case occur? Name it.

Mr. MANN. Does the gentleman desire to exhaust his time in that way?

Mr. SMITH of Arizona. Yes; I want that remarkable information.

Mr. MANN. The gentleman heard the gentleman from Ohio state that about Ohio yesterday.

Mr. SMITH of Arizona. I don't care what the gentleman from Ohio states in that regard. We know with what recklessness history is forgotten. [Laughter.]

Mr. MANN. The gentleman may not care about what anybody says.

Mr. SMITH of Arizona. I only asked information when interrupted. If the gentleman can't give it, let the incident close.

Mr. MANN. I can give the gentleman information.

Mr. SMITH of Arizona. Not on this subject. It is enough for me to say that it never occurred in our history, and will disgrace our history when it does occur.

When I contemplate the means which have been resorted to in order to pass this bill, I tremble for the liberties of the people. A precedent like this in a just cause would be indefensible; in a bad cause it is monstrous. What are we coming to? Whither are we tending? Must we now unlearn all we have studied and revered in our form of government? Are its three great branches—the legislative, executive, and judicial—to be blended? My idea of the President's proper function toward legislation was to recommend to Congress measures which meet his approval and leave to Congress the wisdom of following or refusing to follow his suggestions.

The House of Representatives now being dominated by the Speaker, and the individual Member sunk into utter insignificance, the agreements and trades entered into by the Speaker and the President as to what laws shall pass and what shall not, furnishes to the thoughtful mind a spectacle which should call its every faculty to resentment. The prestige of the Speaker with the patronage of the President can accomplish too much in the House of Representatives. It did accomplish too much in passing the unfair rule under the operation of which this bill will pass.

We have quickly grown familiar here with the exploitation of other lands and other people. I am reminded of what I said when the Philippine Islands first fell into our hands, but my prophecy is being fulfilled much earlier than I expected and feared. In that discussion I said here, that whenever we began to govern any people anywhere under our flag by force of arms, that when the citizens' rights were to be exercised under the flashing light of the sword, we would soon forget the rights of our people at home, and look unmoved on oppressions then which would now stir our country to its foundation.

After ruling colonies for three short years by mere military force, I am shocked to see you sitting smiling and careless here when every right of our people at home is being trampled under foot of a partisan majority. Becoming used to acts like this, how long before the President and Congress will invade the sacred rights of a State and direct under force its internal affairs. [Applause on Democratic side.]

The extreme means resorted to to pass this bill is utterly indefensible under our form of government. I shall take occasion at some future time to tell the history of it on this floor and let the country see what strides we are making toward the utter overthrow of constitutional liberty in this blessed land of ours. While we of Arizona have been falsely accused of bribery and corruption in efforts to defeat this bill, the people of Arizona and New Mexico are handed out five million cash as a bribe to adopt a constitution under it. Arizona never asked for it. She stands no mendicant at your doors. Pay her what you have taken from her through fraudulent railroad bonds, made valid by act of Congress. Pay back to her what your protected wards—the Apache—have robbed them of under your very eyes, and leave her in peace for a time and she will amply care for herself. Be just to her before you take other people's money in efforts to bribe her to acts inimical to her every interest.

My health admonishes me that I must bring these remarks to a close, but I can not do so without expressing the hope that the President will withdraw his great influence from this bill, and aid in passing this bitter cup from the lips of our people, from whom he enlisted the first company in his regiment for service in the war with Spain, and on the courage of which much of his great reputation was reared. The dauntless heart of Capt. "Buckie" O'Neil poured out its life's libation on the soil of Cuba while serving under Colonel Roosevelt in the glorious effort to free an alien people from the yoke of Spain. Thus Arizona furnished as a sacrifice to the liberties of others one of her most gallant sons, a man whose presence now we so much need to implead his late colonel to save his own people from the imposition of a yoke too grievous to bear. He aided in saving others, his own he can not save, for that tuneful tongue is silent; that facile pen is still. Does his pathetic death, met in the full glory of useful life, make no appeal to you? How gladly would Captain O'Neil have laid down that life to shield Arizona from this alliance. He willingly surrendered it in a less appealing cause. Of such as him is made the mettle of our western pastures—men who would seek no substitute in time of war, would hesitate at no hardship their country's defense might impose. If, indeed, the blood of the martyrs was the seed of the church, we may hope from such sacrifices as these Arizona's appeal will be heard and strengthened. [Applause.]

Mr. Chairman, Arizona is ours. It belongs to her people. We belong to a race that has never yet divided sovereignty and dominion—the very Joshua of mankind, of whom it was written that "Upon whatever soil he sets his foot, it shall be his, and no man shall stand against him all the days of his life." Arizona is ours by the blood of our kinsmen and neighbors, by the ashes of our dead, and, please God, it shall be transmitted unshorn of its blessings to our descendants forever. As I contemplate what this House is about to do I am overwhelmed with fears for the future of my country. A casual glance at history will trace too close a parallel between us and those proud republics whose wreckage dots the shores of time. It is still a problem if men can remain free. A reckless and brutal majority can easily become a many-headed tyrant. When patronage and advancement of political interest can dethrone the right in this House now, what will it be able to accomplish fifty years hence? What is this patronage of which we hear and see so much in the public press and on this floor? What is it but vulgar graft, invading the realm of statesmanship and intruding its coarse and sordid face in the temple of the people's rights? If such graft is to be the aim and standard of public service, it is time for an awakened public opinion to shake like a tempest the pestilential pool in which the virtues are stagnating and restore the waters and the atmosphere to their ancient purity.

We are holding colonies under the sword while Old Glory, the emblem of the free, floats above the glistening arms of the soldiery. We have spent already about $800,000,000 on and about the Philippines and have derived less in revenues than would build one battle ship to protect those worthless islands that lie rotting in the sun. We are seeing treaties executed, in effect, without the concurrence of the Senate, treaties which the Senate had refused to ratify. We see our gunboats bristling in harbors of a sister republic and our American officers there collecting customs to pay disputed and unsettled claims set up by the countries of Europe. This may seem all right to many, but to me it seems all wrong. The conservatism of the country so needed in this hour is to be found in the West. That country should not be erected into States larger than the mighty empires of the Old World. That savoring will be needed in the fast approaching days.

Mr. Chairman, let me beseech this House to assume and preserve its ancient dignity free from all encroachments, either of its own Speaker or any department of Government. The safety of the country lies within these plain boundary lines. We can not be too watchful. The free, untrammeled voice and vote of our Representatives in Congress is the first essential of a free republic and the only guaranty of its safety and happiness. When we shall all have passed into silence our posterity will be struggling with the problems of government which we bequeath to them. Let us highly resolve that we will transmit to our sons the blessings of liberty as full and free and pure as we received them from our fathers. As was well said in a recent speech of the eloquent Senator from Tennessee [Mr. CARMACK]: "There are visible signs of an approaching Titanic struggle. Upon the one hand are the forces of greed and avarice, blown

with pride and insolent with power; on the other the spirit of a vague but vast unrest, the spirit of revolution striking with blind fury at existing conditions—a spirit which would substitute anarchy for tyranny and chaos for corruption. Woe be to him who can see no peril in this ominous activity of the spirit of unrest; woe to him who mocks at the blind Samson when he strains at the pillars of the temple."

There is likewise in the land a spirit of false commercialism, which holds every man in derision who will not, for present profit, sacrifice the truest principles of his Government. Of such are those who to-day are mortgaging Arizona's future for a present mess of poor pottage. We must not destroy reverence for the old faiths, for nothing then will be left to which you can appeal against the passions of the hour. " It is a perilous thing to shake the foundations of a nation's faith." Let me say to you who would exalt the sordid motive of patronage above devotion to principle that you are marked for obscurity when the day of purification comes.

My countrymen, if by continued acts of violence to the people's will, if by the continued suppression of their voice in legislation, if by sealing the lips of their only mouthpiece on this floor, so that no voice of theirs can invade this Chamber; if by such acts of injustice and tyranny you unchain the spirit of revolution, do not dream that you can direct its course of destruction or that it will spare some corner of the Constitution where you may find shelter.

If we would perpetuate this Republic we must preserve those high purposes which gave it life and are the very breath of its nostrils. If we would resist the forces of disorder we must preserve intact the walls our fathers reared as limitations around the three great powers of government, and stand fast by the citadel of the Constitution as by the ark of the covenant of the living God. [Continued applause.]

Mr. McGUIRE. Mr. Chairman, during the few brief moments allotted to me I shall address myself to that portion of this bill which relates to Oklahoma and the Indian Territory.

There was a portion of what is now Oklahoma opened to settlement September 16, 1889. This is what is ordinarily, in that country, known as "Original Oklahoma," and the first territory now comprised within the bounds of Oklahoma that was opened for settlement to the white man. Previous to that date, with the exception of a few scattering bands of Indians, Oklahoma was an uninhabited country. This first opening brought to Oklahoma about 100,000 people, and on June 6, 1890, Oklahoma was, by act of Congress, created a Territory and given a Territorial form of government. Other territory has been added, including the Wichita, Sac and Fox, Cheyenne and Kiowa, Comanche, and Apache reservations, and the great Cherokee Strip, until to-day we have an area of 24,000,000 acres, a little larger than the State of Indiana and a little less than the State of Ohio, populated with nearly 1,000,000 of bright, thrifty, energetic, and intelligent people from every part of the American continent. Our representation in Congress by the provisions of this bill was based largely upon the census of 1900, which gave to Oklahoma and the Indian Territory combined a population of less than 800,000 people. This would be but a fair representation for the Territory of Oklahoma to-day aside from that magnificent population of energy and thrift which inhabits the Indian Territory. The growth and advancement of Oklahoma Territory for the last sixteen years has never had a parallel, and the people of a large portion of the United States have little conception of the great diversified natural resources of that country.

The Indian Territory under its present boundaries embraces the reservations commonly known throughout the Territory as the Five Civilized Tribes—the Choctaws, Chickasaws, Cherokees, Creeks, and Seminoles—and the small reservation embraced in the Quapaw Reservation, in the northeast corner of the Territory. Indian Territory at one time included within its bounds all of the present Territory of Oklahoma except the counties of Greer and Beaver, and was by the General Government designated as the home of the American Indian. The development of the Indian Territory has not been so rapid as that of Oklahoma, for the reason that conditions were not such as to invite the white man to that Territory. The delay by the Government of the United States in breaking up tribal relations in that Territory and our policy toward the Five Civilized Tribes has largely impeded progress there. The Indian until recently could not alienate his land, and the present provisions of alienation are so limited that few persons up to this date have been able to own their land in fee simple. And it is because of this policy, which has retarded progress and civilization among the Five Civilized Tribes, that has led Oklahoma in the past to make an effort for statehood for that Territory regardless of the Indian Territory. There seems to be no difference in sentiment upon the part of the various Members of this Congress, so far as I have been advised, as to our qualifications for statehood. There has been a difference, however, as to the kind and character of statehood that we should have. But I believe that question is now settled and the people of Oklahoma and the Indian Territory are practically unanimous in their efforts to secure the passage of this bill, uniting the two Territories into one State; and to this sentiment there is very little opposition.

There has, Mr. Chairman, been urged against this statehood bill, as a reason why it should not become a law, that the people of Oklahoma and the people of Indian Territory desire another kind of statehood. There has been something said about the State of Sequoyah, and an election recently held for the purpose of adopting a constitution for the proposed State of Sequoyah, including the Indian Territory and nothing more. The real purpose of the convention which resulted in this movement and the effort for the State of Sequoyah, in my judgment, was not altogether sincere. There is a strong element in the Indian Territory, and a most dangerous element, too, to civilized tendencies, so far as the Indian is concerned, which is most strenuously opposed to any kind of statehood, whether it be single or double, whether it be statehood for Oklahoma or the Indian Territory. Sometimes the tactics pursued by these people are one thing and sometimes another. First, they contend that the Indian of the Indian Territory is not prepared for statehood; not sufficiently civilized to cope in business and other matters with his white neighbor. Other times they call a convention and inaugurate the Sequoyah movement, or some other movement, the real purpose of which it not to assist the Indian Territory to statehood, but to throw every possible obstruction and impediment in the way of statehood of any kind or character. The real purpose of these gentlemen in that Territory is not to civilize the Indian. But statehood means representation on this floor from the Indian Territory; it means honest, capable, and legitimate representation, which would foil many plans which have heretofore been fostered in that country for the purpose of individual and material gain.

If we propose to civilize the Indian, if it is the policy and purpose of the American Government to better his condition, the quickest method, the safest and surest plan to success would be immediate statehood for those people. The Indian by nature is averse to the habits of the white man. Everything that the white man has and everything he does is not looked upon by the Indian with favor, and unless the habits of the white man are forced upon him he will never accept them. They do not accept our Christianity readily and they do not accept our business methods readily, but the most civilized Indian of to-day is the one who has been thrown with white men, white society, and surrounded by civilized people where the methods of the whites predominated and prevailed as against the method of the Indian. If you would civilize the Indian you must give him a white citizen for a neighbor. If you would have him adopt the custom of the white man you should put the custom, habits, and tendencies of the white man within his reach. We have many object lessons of this kind in the two Territories. The Indian most civilized to-day in Oklahoma is the Indian who has been most with the white man. The Indian least civilized to-day in that country is the one who has been the shortest length of time with the white man. There are two or three tribes in that country that wear the blanket to this day—the Osage Indians and the Kiowa, Comanche, and Apache Indians. The reason these tribes wear the blanket is because they more than any other Indians of my country have been isolated from the white race and its influences for good.

I have in mind some individual cases of young men of Indian blood who were taken by certain churches and grew to manhood in communities where they scarcely saw an Indian, and in each of those cases they are self-sustaining and resent any proffered assistance from the General Government. They were reared, cultured, and educated where they had not the example and knew little of the tradition and history of their own race. In their habits and customs they were essentially white people. In everything but name they are genuinely our kind.

And so, Mr. Chairman, for the sake of emphasis I repeat that the Indian Territory is not only prepared at this time for statehood, but if it had been given statehood a quarter of a century ago it would have been better for the Indian and better for every refining tendency and influence of that country. If Oklahoma and Indian Territory could have been given statehood as one State on the very first day of the opening of Oklahoma in 1889 that country at this time would have been one of the very leading States of this Union, with a population of 3,000,000 people. There is no question about the necessity of statehood in that country. There is no question as to the benign influences

of such legislation. There is not one single citizen, either white, black, or red, in Oklahoma and the Indian Territory to whom statehood would bring a hardship. But, on the contrary, every person who stands for the higher order of civilization, every person who believes in promoting and advancing the Indian to a higher plane and better citizenship would indorse this act and this bill, or any other bill, or any other act, which would bring immediate statehood to these people.

But not only the Indian is to be considered. There are perhaps not to exceed 100,000 persons of Indian blood in that country. In addition to this number there are seventeen or eighteen hundred thousand white people, coming from every State of the Union, who have reason from the natural course of things to expect that they would have statehood and all its advantages even before this date. There was, according to the last report of the governor of Oklahoma, June 30, 1905, about 800,000 people in Oklahoma. There are perhaps as many or nearly as many in the Indian Territory. There are to-day at least sixteen or seventeen hundred thousand people in those Territories. They have come from every part of the United States and represent the highest possibilities of American citizenship; and there are no more patriotic, liberty-loving, energetic people in the American Republic than are found there. They are not only capable of self-government, but they are capable of the highest type of government. There is no State in the Union with an equal population which has greater advantages, and there is no State in the Union with an equal population that has more schools than has the Territory of Oklahoma. In the Indian Territory it is different, for the reason that there is no provision for school district organization. We feel that in our efforts and concessions for statehood we have done our duty. We are confident that we have done everything that could be done so far as the people of those two Territories are concerned to acquiesce in the desire of the General Government as to the kind of statehood we should have. This Congress is legislating not only for the people of Oklahoma and Indian Territory, but for 80,000,000 people.

There was a time when those of Oklahoma believed they were entitled to statehood without Indian Territory. There was also a time when the people of Indian Territory believed themselves entitled to statehood without Oklahoma; but both Territories are convinced that it is the natural tendency of the American Congress to give them ultimately one State, and whatever might have been their personal contentions and desires they have abandoned everything to the will of the majority of the people of this great Republic. Those who believed that Oklahoma should be a State alone have reconciled themselves to their fate and fallen in line and are in sympathy with this bill, because it is believed to be the most practical and probably the better statesmanship. The same is true largely of those in the Indian Territory, though they may believe that country entitled to be a State of itself. Everything has been abandoned with the hope that the American Congress will adopt the policy which has been outlined by the majority of this Congress and outlined by a majority of the last Congress as well as that of the President of the United States and the Administration in general.

Under the provisions of this bill, Mr. Chairman, we would not be a State until March 4, 1907. As I have previously stated, the last governor's report of Oklahoma indicated a population in that Territory of about 800,000 people. This report ended the fiscal year of June 30, 1905. Since that date the enormous growth which has been going on in these Territories for a number of years has continued. Our cities are building rapidly, and the rural districts are receiving their due share of this great influx of population. Judging from the growth of the past three or four years, it is but fair to say that before we become a State under the provisions of this bill Oklahoma and Indian Territory as one State will have at least 2,000,000 people and entitled upon this floor to a representation of 10 Members. This is a remarkable condition of affairs. American history has never checked upon its pages an improvement so rapid and a growth in population so enormous. And I sincerely hope that inasmuch as every Member of this House practically has expressed a sentiment that we should be a State, we should not allow any differences as to the manner of becoming a State to interfere with our admission to the Union. Two millions of people, educated and Christian, with innumerable schools and churches, happy, prosperous, and contented, as abundantly capable of self-government as any part of this great country should not be made to suffer because of the individual differences of opinion as to how statehood should come.

I have been interrogated a great many times and by a great many people upon this floor as to the kind of people that inhabit that country. And in answer to these inquiries I desire to state that there is scarcely a Member upon this floor but who has friends and former constituents in that country. However, the shortcomings of my people are ofttimes magnified. I have been somewhat impatient with those on dress parade who have advertised that as being one of the only places left where could be found the high-heeled boot, the 6-shooter, the lariat, and bucking broncho. There are no people with more refined tendencies; no place where schools are so numerous, and no place where all these things which contribute to the well-being of our race are more apparent than in those two Territories. The only people who have come without our sanction are a few cases where the ability of certain individuals was not appreciated at home and they were commissioned to that Territory with a good salary. But they are tolerable, and in proof of the statement I would suggest that almost invariably when they came they were armed with hundreds of letters and testimonials of character, containing statements of the superior ability they exhibited in the States from which they came, but it was found necessary that they migrate because of the state of their health, and that they had friends and relatives at home of great influence—and the latter statement we were always inclined to believe. But the people of that Territory have done a great missionary work, and in almost every instance such as I have just mentioned those people have become fairly good citizens and in many instances will be recognized at home, if you will only give us a State.

In June, 1905, the Press Association of America had its meeting in Oklahoma. At that time I am advised that there were represented at that association several thousand of the leading newspapers of the country. I took occasion to ascertain what was said by those various representatives of the press upon their return home, and I have yet to discover a single instance where those gentlemen failed to present our cause to the American people. One of the leading papers of the country stated in substance that they "were positively stunned at the enormous growth of that Territory; that it would be a crime for the American Congress to refuse to give us statehood at the first session, and that no State in the history of the country had ever made its case so strong as have Oklahoma and Indian Territory." In point of merit we stand alone, and the only thing we are asking at the hands of the American Congress is to allow us to pass to statehood unhampered by the demands of any other section of the country. We feel that this is a government of merit, and that the reason we are the greatest Government among the civilized nations of to-day is because we are a government of merit; and as American citizens we believe that every tub should stand upon its own bottom, and that we no longer should be required to furnish the steam to propel anybody else's vehicle.

In order that this House may have some understanding of our population, I desire to submit the vote of Oklahoma in connection with some other States at the last Presidential election. I am advised that the Republican poll of the voting population of Oklahoma, as well as the Democratic poll, at the last election showed that there were about 137,000 voters in Oklahoma, and at that election, outside of county officers, there was no one for whom a vote could be cast other than a Delegate. There was not the incentive to draw the people to the polls that there was in the States, where the Presidential campaign was on; and at that election Oklahoma cast 110,000 votes, and the following States cast a less number:

Alabama	108,845
Delaware	42,873
Florida	39,302
Idaho	72,578
Louisiana	53,908
Maine	96,027
Mississippi	58,383
Montana	64,444
Nevada	36,154
New Hampshire	90,089
North Dakota	70,175
Oregon	90,184
Rhode Island	68,856
South Carolina	56,912
South Dakota	101,995
Utah	101,624
Vermont	51,885
Wyoming	30,655

It will be observed that eighteen States cast a less number of votes than Oklahoma alone. Adding the vote of the Indian Territory to the vote of Oklahoma at that election would have easily reached the figure of 250,000 legal voters. The additional States of the Union which cast a less number of votes than 250,000 are:

Arkansas	116,411
Connecticut	191,116
Georgia	138,198
North Carolina	207,867
Virginia	130,540
Washington	128,713
Nebraska	224,708

There are a few others, which I do not recall at this time; but there were thirty-two States which cast less than 250,000 votes and less than would have been the combined vote of Oklahoma and the Indian Territory at that time, and very much less than would be their combined vote of to-day.

Oklahoma exported in the last year 13,920 carloads of wheat, 8,023 carloads of flour, 2,368 carloads of feed stuff, 4,587 carloads of grain, 3,204 carloads of cattle, and 422,092 bales of cotton.

Conceding that the exports of the Indian Territory were as heavy as those of Oklahoma, to move them would require a train reaching from Washington to New York, New York to Chicago, Chicago to St. Louis, and from St. Louis to Washington.

Oklahoma has 345 newspapers, of which there are 30 dailies, 287 weeklies, 5 semimonthlies, 19 monthlies, and 4 quarterlies. The Indian Territory has 142 newspapers, of which there are 19 dailies, 117 weeklies, and 2 semimonthlies, the total number of newspapers published in the two Territories being 487.

There are in Oklahoma 257 Territorial banks and 95 national banks; in the Indian Territory, 144 individual banks and 118 national banks—more than has the great State of Missouri, and more, in fact, than has nine-tenths of the States of the Union.

Out of 86,908 families in 1900, 60,086 owned their own homes, 50,483 of these being without mortgages or incumbrances of any kind. The percentage of families owning their own homes is greater than any State in the Union except three, and the percentage of homes free from debt is greater than any State in the Union.

Thirty-one States have a greater amount of illiteracy than Oklahoma. The percentage of illiteracy among the males of voting age is 5.9, exactly the same as the State of New York. It is less than Massachusetts, Pennsylvania, or the District of Columbia.

Manufacturing is only beginning to develop. In 1905, 637 factories had capital employed $11,074,267, and an output of $16,433,430, and 3,492 wage-earners.

Oil fields are rich, one field alone producing 11,000 barrels per day and 50,000,000 feet of gas per day.

Shawnee, Okla., is the largest potato-shipping point in the United States, 500 cars last season bringing in $100,000 clear profit.

The two Territories have 6,000 miles of railroad, and within the last six years one-third of the railroads built in the United States was in those Territories. The railroad trackage of to-day would reach twice across the American continent between New York and San Francisco.

In behalf of 2,000,000 people I earnestly advocate the passage of this bill. No person upon this floor at any time or under any circumstance has urged a single reason why we should not be admitted, and I hope that the complications which have heretofore arisen and prevented our admission will not be permitted to interfere longer to prevent statehood for that country. Our people are essentially American, as much so as is found in any other part of the country. The spirit of the Declaration of Independence and of the Constitution of the United States is manifest in every community. The love of religious liberty and universal freedom is as dear to those people as they were to the Puritan at Plymouth Rock and our forefathers at Jamestown. There is no sentiment that has contributed to the building of this nation that does not dwell there, and we are here pleading that the great Government of the United States, through the American Congress, may relieve us from the restraint, unnatural and un-American, and lift us to the plane of the States of the American Union.

I hope this bill will pass. [Loud applause.]

Mr. MOON of Tennessee. Mr. Chairman, I yield ten minutes to the gentleman from Wisconsin.

Mr. ADAMS of Wisconsin. Mr. Chairman, it is not very easy to crowd a two hours' speech into ten minutes. The gentlemen who are responsible for the rule under which we are acting have not been liberal in the amount of time they have granted us. I wish to commend them for their procedure in the debate upon the Philippine bill, when Members of this House, of both parties, for a week discussed a question of great public interest to the edification of each other to some extent and for the information of the people of the United States upon a great national question. They have taken this question of statehood, which is vital—in a sense involves the principles of representative government, involves the welfare of the people of a great Territory—upon which there is a marked division in this Chamber, and they have allowed us only time enough to simply touch the question.

They went into a Republican conference, and they have brought in the subject of that conference into this debate themselves, and I am therefore warranted in alluding to it. They proposed first to hold a caucus; decided not to do it. Why? Because many Republicans went to them and said that they would not go into a caucus and be bound by its action. When that conference met the question was put to its chairman by myself as to whether or not that was a conference or a caucus, and the reply came back that it was a conference. What is a conference? It is a place where members of a party meet and reason together and see if they can not convince each other that each is right. It is not a place where men are bound; and the Republican managers of this House know just as well as I know that they declined to call a caucus because Republicans declared to them they would not be bound by the action of any such caucus. When they went into conference what happened? Gentlemen on the other side of this question took an hour and a half, and they granted us who opposed them only ten minutes. Is that good Republican politics? Will the leaders of this House lecture us about Republican policies and adopt a policy like that? Is that representative government? Is it loyalty to the history and traditions and policies and legislation of the Republican party? And then bring in an ironclad rule, binding these two propositions together, so that we will be compelled to vote upon them with one vote, and then come into this House and permit us but one-tenth or one-twentieth of the time we ought to have.

Now, then, Mr. Chairman, I listened yesterday to the speech of the gentleman who is chairman of the Committee on Territories. I do not wonder that that gentleman devoted considerable time to rhetorical climaxes, that he talked about "the glistening sands of the desert" and "towering mountain peaks" and "eternal sunshine," because it is far better for him to discuss those things than to discuss the real merits of the question. When he came down to make what he calls an argument, what did he say? Let me give you a sample. He said that the corporations in New Mexico were against joint statehood because they did not want to be taxed, and he said that there were some railroads in Arizona that were exempt from taxation. Why did not the gentleman tell the whole truth about that question? Why did not the chairman of the Committee on Territories say to this House that the people of Arizona came to the Congress of the United States, in 1890 I think it was, and asked Congress to pass an enabling act so that bonds might be voted by the county of Maricopa to build a railroad through desolate regions to develop undeveloped resources in the interest of the people of that Territory? And why did he not say, in addition to that, such a bill was passed, and it was vetoed by President Harrison, that thereupon the Territorial legislature of Arizona exempted these roads from taxation in order to get capital in there to build roads that were needed and that probably would not pay for years to come?

Mr. HAMILTON. How many miles of road were there?

Mr. ADAMS of Wisconsin. I do not know; 138 in one line, I think.

Mr. HAMILTON. Why, there are a thousand miles of exempt railroad in New Mexico and 586 in Arizona.

Mr. ADAMS of Wisconsin. And I want to say further to the gentleman that that proceeding has met the approval of the people of Arizona. Why, the gentleman went on to say that railroads are not taxed as they should be; that mines are not taxed as they should be. Concede it all, concede every word of it, and does that prove that we ought to have a joint State of Arizona and New Mexico? He says public sentiment is weak; that legislative judgment is weak in New Mexico, that it is weak in Arizona. Are you going to make it strong by putting two weak things together and outraging the judgment and the wishes of the people of Arizona? You say that when the railroad goes out of Arizona into California the assessment is increased and taxation is increased; that when it goes out of New Mexico into Texas the assessment is increased and taxation is increased. That is probably true. But why are we to infer that when these people are bound together who have made these laws and administered them that you are going to have a different order of things?

The gentleman says that mining property is under assessed and under taxed, and he proposes to take Arizona and unite it with New Mexico for the purpose of improving those conditions. Let me read to the gentleman from the report of the Secretary of the Interior about the character of assessments and taxation in the Territory of New Mexico.

The Secretary of the Interior says as to Arizona, taking into consideration the entire Territory and the property in the Territory with the exception of mines and railroads, it is stated that

the assessments will average 35 or 40 per cent of the fair market value of the property. The Secretary of the Interior states the total valuation of property in New Mexico, including railroads and mines, to be $364,500,000, and the assessed valuation is only 15 per cent of this amount. In order to improve the conditions as to taxation in Arizona he proposes to join with that Territory New Mexico, which, according to the report of the Secretary of the Interior, only assesses its property 15 per cent of its valuation.

Let me say to the gentleman further what all of us know, that it does not make any difference what your percentage of assessment is as long as it is uniform. Make it 10 per cent, 20 per cent, 30 per cent, or 100 per cent, the thing that gives justice in assessment and taxation is uniformity.

The gentleman is horrified because some of the mines are unquestionably under assessed in the Territory of Arizona. Undoubtedly.

Mr. HAMILTON. The governor of Arizona says that they are not uniformly assessed.

Mr. ADAMS of Wisconsin. Wait a moment. The gentleman will have all the time he wants, and he can ask me all the questions he desires if he will extend my time. The gentleman says mining property in Arizona is under assessed. That is undoubtedly true, but the gentleman knows that the value of a mine is one of the most indefinite things upon earth. It may be worth nothing and it may have a value of millions. Nothing is more difficult of actual ascertainment than the value of a mine unless it be the value of a patent.

No sane and honest man advocates under assessment of any kind of property. The chairman of the Committee on Territories criticises severly the mining assessments of Arizona and New Mexico. The inference is that he believes that when these Territories are made a single State under assessments will case. The chairman of the Committee on Territories knows perfectly well that unfair and inequitable assessments of property are common and a subject of constant complaint in every State in the Union, that the evil is not confined to Territories, and that it runs rampant in some of the States.

It was stated as a fact by Senator Clarke in a hearing before the Committee on Territories that the great Calumet-Hecla copper mine in the State of Michigan was assessed a less amount in proportion to its real value than the copper mines of Arizona. The copper mines of the Lake Superior region have been the leading copper mines of the world for many years, and Michigan has been a State for many years. And it is undoubtedly true that the assessments upon the comparatively new and less known copper mining properties of Arizona are closer to their real value than similar assessments in the gentleman's own State.

The people of Arizona, like the people of all mining States, have unquestionably very low taxation for their mining properties for the purpose of inducing capital to open up their mineral resources.

In 1900 Arizona had 113 producing mines and 381 mines in process of development. At the beginning of that year 1,085 patents and applications for mining patents had been filed in the land office.

On November 15, 1905, the record shows 1,620 patents and applications, or 50 per cent more than all that had been applied for previous to 1900. This indicates the rapid development of the mining interests of the Territory.

In ten years the production of copper in Arizona has increased 300 per cent. The total output of Arizona mines has doubled in three years, and it is believed that the Territory, within two years, will become first in production of copper.

The charge that the railroad and mining interests of Arizona are opposing joint statehood is true. The charge that they are using improper means in this opposition is not true. The men interested in the mines and railroads of Arizona would not have intelligence enough to run their mines and railroads if they favored the joint statehood scheme. The opposition to joint statehood does include the corporations of Arizona, but it also includes every business interest and also almost the entire population of the Territory of every class. The owners of mines and railroads necessarily have the same interest in the development of that Territory that all its people have. It is cheap partisanship to endeavor to prejudice the entire population of a great Territory by innuendo and false charges which excite the popular prejudice that exists everywhere against the exercise of corporation influence in matters of legislation.

Last October I visited Arizona and spent eight days in constant travel and observation in the Territory. I visited sixteen of the principal towns of the Territory and met many of its people. Outside of the public meetings I had many opportunities to talk with men of different classes in their places of business and as I met them in the streets, in the hotels, in the mining camps, and upon the railroads. I have never seen the people of any State or Territory more thoroughly united and more determined in their opposition to any measure of legislation than are the people of Arizona against the union of that Territory with New Mexico in a single State. From one end of the Territory to the other there is a whirlwind of indignant protest against the violation of the pledge made by the United States Government in the organic act which created the Territory in 1863, promising that Arizona should be made a State when the proper time came, upon the application of its people. The people of Arizona have not applied for joint statehood. They prefer to remain a Territory rather than lose the autonomy which they have had for nearly half a century—to be blotted from the map and made subordinate to the greater voting power of the Territory of New Mexico.

In round numbers, the assessed valuation of Arizona in 1905 was $58,000,000. The assessed valuation of New Mexico in 1905 was $42,600,000. Yet the joint statehood bill proposes to take Arizona with its assessed valuation of nearly fourteen millions greater than that of New Mexico and subject its property and its people to the domination of the New Mexican vote, which is nearly double that of Arizona and 50 per cent of which is Mexican.

Arizona has a school system which would do honor to any State in the Union. A strong compulsory education law is upon the statute books of that Territory. New Mexico has no compulsory education law and its people do not favor one. The school population of Arizona is 29,290, of which 23,766 are enrolled. New Mexico has a total school population of 68,193, with an enrollment of 36,111 and an average attendance of only 17,301.

The joint statehood bill provides that appropriations shall be continued to the agricultural colleges and experiment stations of each Territory, but this continuance is not likely to be permanent. No other State in the Union gets a double proportion of the Federal appropriation for agricultural colleges and experiment stations, and sooner or later Federal aid would be withdrawn from the college and station in one Territory or the other.

It is claimed that agriculture can never be very greatly developed in Arizona, yet the Indian and forest reservations include 26,000,000 acres.

It is estimated that the reclaimable grazing lands of the public domain include 13,000,000 acres, and the board of equalization reports state that there had been located and were taxed in Arizona in 1905 11,257,385 acres. In 1895 the taxable acreage was 3,862,282. In ten years the increase had been 291.5 per cent. In ten years the valuation of this property, with improvements, had increased 161.5 per cent. The railroad and other properties had increased 179 per cent. In ten years the school census indicated an increase of 126 per cent. The vote in 1904 had increased in ten years 59.4 per cent. The population, according to the governor's estimate, in that time had increased 120 per cent. The wealth per capita had increased 82 per cent. The banking capital, surplus, and money on deposit had increased 729 per cent.

These figures indicate beyond question the rapid development of Arizona in recent years.

The Secretary of the Interior, in his report, states:

> Arizona has a great wealth of forests, one of the largest unbroken forests in the world lying between San Francisco Mountain and the Black Mesa Forest Reservation, aggregating 600,000 square miles.

The Secretary states further that the completion of systems of irrigation now in progress and contemplated would increase the area of irrigated land in the Territory to nearly a million acres, and that at the present time there are 250,000 acres under irrigation.

During my visit to the Territory I spent several days in the company of Mr. Louis C. Hill, the Government engineer in charge of the construction of the famous Tonto dam, at Roosevelt. He told me that the water which would be held by that dam would be sufficient to irrigate more land than is now irrigated in southern California. Mr. F. R. Newell, of the United States Geological Survey, who designed the Tonto dam, is authority for the statement that there are 800,000 acres of land in Arizona which can be reclaimed by irrigation.

The pine forests of the Territory cover 12,000 square miles, and the value of the timber is estimated at $300,000,000.

It is absurd to claim that there is not enough agricultural land in Arizona to support a population which would warrant independent statehood. There is no place in the world where an acre of land under irrigation and proper treatment will be more productive than in Arizona. The climate and the soil are admirably adapted to the raising of fruit, including pears, peaches,

grapes, oranges, and nearly every other fruit which is produced anywhere in the United States. Arizona can raise everything that is produced in that wonderful garden, southern California. It has agricultural land enough, when irrigated and properly handled, to support a population more than twice as great as the State of Rhode Island and greater than that of 25 per cent of the States now in the Union.

But if the agricultural possibilities of Arizona were as limited as is claimed by the friends of joint statehood, her mining resources would be great enough to support a population large enough to entitle that Territory to admission to the Union at some future day as an independent State. While agriculture is a great and important interest, it is not the only one. Pennsylvania, with her 6,000,000 of people, has only 1,000,000 upon the farms of that State. Only a small proportion of some of the Eastern States, like New Jersey, Delaware, and Rhode Island, which are insisting upon joint statehood for Arizona and New Mexico, have a very large proportion of their people engaged in agriculture. If the claim were true that there is very little agricultural land in Arizona, it would not be a sufficient reason for the outrage upon public sentiment in that Territory in combining it with New Mexico. The people of Arizona are not asking for independent statehood at this time. They know enough to know that the development which is now going on in that Territory through the building of railroads, the increase in manufactures, the development of mines, and the growth of her cities because of climatic advantages, which are attracting many from Eastern States, are certain in the course of years to give her a population large enough to demand and obtain entrance into the Union of States.

Why can not these people be let alone? What extreme necessity exists for outraging the unanimous sentiment of the people of a great Territory?

It is claimed that this is a clear question of politics. It is claimed that the Republican party has been committed to the joint statehood scheme.

There is but one way in which the Republican party can be committed to anything in a certain and authoritative manner and that is by the platform declarations of a national Republican convention.

In 1896 the national Republican platform declared in favor of immediate statehood for New Mexico, Arizona, and Oklahoma. It did not declare for joint statehood for any of these Territories.

The Republican platform of 1900 again declared that New Mexico and Arizona should be made States.

In the Fifty-eighth Congress a measure was suddenly brought out of the Committee on Territories providing that Arizona and New Mexico be joined in a single State, and within three days a bill for this purpose passed the lower House. It failed in the Senate, defeated largely through Republican votes.

Joint statehood has been recommended in a brief paragraph in the message of the President to the Fifty-ninth Congress. A conference of the Members of the House of Representatives, and not a caucus, was held to consider it. An effort has been made to stamp the bill with a party label. It is not and can not be a party measure in defiance of the platforms of the party.

Very little effort has been made in this discussion upon the part of the friends of joint statehood to make a real argument for it. There has simply been an appeal to the Republicans of the House to stand together and make it a thoroughly political question. Considered from even that standpoint, the joint statehood bill is distinctly prejudicial to Republican interests. In the course of time Arizona will certainly be a Republican State if it is fairly treated. The influx of capital to that Territory is from the North. The increased population comes from the North. Originally the Territory was settled by people from the Southern States who were largely of Democratic origin and belief, but conditions have changed and every year increases the Republican vote. If the House of Representatives had not passed the joint statehood bill at the last session of Congress, and thereby indicated its unfriendliness to Arizona, there would be a Republican Representative from that Territory on the floor of this Chamber instead of a Democrat. Even in the face of this record, and with MARK SMITH running on the Democratic ticket, one of the strongest and most popular men in the Territory, who, as I have occasion to know, is greeted as "MARK" all over the Territory by people of all classes and parties, and who is a friend of everybody, warm-hearted and enthusiastic in his love for his Territory and his people, the Democratic majority was less than 800. Not only this, but it is not good Republican policy to commit a wrong or to disregard public sentiment.

Even accepting the mistaken theory that Arizona would send Democrats to the United States Senate, what particular necessity exists for the use of such extraordinary means as this for guarding and maintaining the Republican majority in that last citadel of a defeated party, the United States Senate? Is the Republican party in any special danger? Is it likely to enter upon a course of action which will jeopardize its hold upon the American people? Is it not the purpose of the leaders of the party to make it worthy of public support, and do they fear to go to the people of the Territory of Arizona upon the merits of their party principles and the cleanness of their political record?

Even conceding what will not happen, if Arizona is made an independent State and two more Democrats sent to the United States Senate, do these gentlemen imagine that the foundations of the Republic would be shaken and the heavens roll away like a scroll?

When did it become a crime to be a Democrat? There are about six or seven millions of men in this country who usually follow the Democratic flag and vote for Democratic candidates for office. They form a considerable part of the citizenship of this Republic. They pay their taxes and support the laws of the land. They are just about as ready to fight in defense of the national honor as the men who vote the Republican ticket. They are built just about as we are. They want order in society and honesty and wisdom in government. We differ radically with them upon some great public questions, but it is an honest difference of judgment. We must concede to the great body of the Democratic party the same integrity of purpose which we claim for ourselves. The evils which might follow the admission of two more Democrats to the United States Senate do not compare with the harm which would be done to the Republican party if this Congress consummated the outrage of passing the joint-statehood bill in defiance of the wishes of nearly all the people and of every material interest in the Territory of Arizona. When a great political party undertakes to do a wrong, it should think up some other excuse than the plea of political expediency.

In the discussions in the House of Representatives and out of it the people and the interests of Arizona have been misrepresented, and the Members of Congress who objected to joint statehood have been misrepresented and maligned by reports circulated that a mining and railroad lobby are in Washington using corrupt means to prevent the passage of this bill. There is not a shadow of truth in these reports. Not a shred of evidence can be found by all the detectives in Washington. These reports have been circulated, and circulated until they have reached the ears of many honest men, unconscious of their source and unconscious of their malignity, and have been believed to the prejudice of men who are fighting loyally and sincerely and honestly for the interests of the people of Arizona.

A distinguished citizen of Indiana seems to have had a curious misapprehension of the facts about Arizona, and the character of the contest which has been carried on to preserve her political independence. The character of his investigation of the conditions in the Territory by personal contact with the people of Arizona is described in a letter of Mr. William E. Curtis to the Chicago Record-Herald, dated Prescott, Ariz., August 11, 1905, from which the following is an extract:

> The people down here can not understand why Senator BEVERIDGE and others should be so determined to unite the two Territories. They see no reason why he and other outsiders should be so keen to place them under the domination of the Mexicans, and assert that no person who has any interest whatever in Arizona has ever asked for or approves of the amalgamation of the two Territories. Senator BEVERIDGE is even more unpopular down here than he is in New Mexico, and amusing stories are told of the manner in which he made his recent tour of investigation. When they first learned that he was coming, the governor and other officials of Arizona arranged a programme and itinerary over the different railroads, so that the committee, by special train, would be enabled to see all of the principal towns and mining districts and meet the representative citizens of each section. In the meantime, the boards of trade and other local organizations proceeded to prepare information bearing upon the resources, development, and conditions of the Territory, so that the committee might be fully posted as to its qualifications for statehood. A great deal of trouble was taken in making preparations for the instruction and entertainment of the party, and the programme required fifteen or sixteen days of travel and inspection.
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> Imagine the disappointment and chagrin of the Territorial officials and the committees when Senator BEVERIDGE and his companions rejected their hospitality, repudiated their plans, and spent only three days in the investigation of the merits of Arizona for statehood. They reached Prescott a little before sundown, were driven around the city for half an hour, spent the evening at the residence of one of the leading citizens, and left the next morning at 11 o'clock. They stopped at Congress mine and went down about 3,000 feet into the earth. They arrived at Phoenix after dark, where several citizens called upon them at the hotel. The next morning they attended the opening of Justice Kent's court, took a drive of two hours, and authorized Governor Brodie to select two representative citizens to furnish the information desired. A good part of the afternnon was spent in the cross-examination of the gentlemen selected. A social reception was given the distinguished strangers at the Adams Hotel until midnight,

when they left by special train for Tucson. There they spent an hour an a half in the investigation of the conditions and resources of that part of the Territory. They were then taken by special train via Benson to Bisbee, where they arrived at dark. After looking hastily over the town they resumed their train and rushed on to Deming in the night, and the investigation of Arizona was completed.

The committee was furnished with a good deal of written and printed information, but it is evident that little of it was examined, because of the frequent misstatements in their report. Altogether, the so-called investigation was a ridiculous farce, and Senator BEVERIDGE and his associates must have behaved in a very undignified and childish manner.

The statesman from Indiana, upon the basis of such an investigation as described by Mr. Curtis, professes to know more about the wishes and interests of the people of Arizona than the people themselves know. He endeavors to discredit as entirely untrustworthy the experience of men who have taken some pains and have spent much more time than he, with just as much sincerity as he can possibly possess, to find out the exact truth. The innuendos and the slanders about the people of Arizona and their representatives who are before Congress seeking to make Congress know the facts about that Territory have had some effect, and there are Members of this House who will vote against their convictions and their judgment, fearing that if they vote as they know they ought they will be charged with unworthy motives. In other words, men are doing wrong for fear somebody will think they have been bought to do right. Insinuations have been made upon this floor that the men who oppose this bill have been animated either by personal pique, by disappointed ambitions, or because of some direct or indirect connection with the mining and railroad interests of the Territory, which, it is charged, are endeavoring to escape taxation. It is a common practice with lawyers who have a weak case to abuse the parties on the other side. It is a practice common in justice courts, but is hardly to be expected in the Congress of the United States.

The gentleman from Pennsylvania taunted the Republicans in the House who are opposed to this bill with being compelled to go to the Democratic leader to obtain time in this discussion. The gentleman from Mississippi immediately interrupted him and inquired if he would have granted these gentlemen time upon such requests to him. The gentleman from Pennsylvania immediately and emphatically said, "No; not one minute." This is the spirit in which this bill is being pushed in the House, and it is done in the name of republicanism.

It is claimed that Arizona does not have people enough to warrant independent statehood. Twenty States have been admitted into this House at a time when their average population was far less than Arizona now has.

It is a novel proposition to advance, either directly of indirectly, that the capacity and efficiency of United States Senators is in direct ratio to the size of the States from which they come. A Senator from the small State of Rhode Island has more power in the highest legislative body of the nation than both Senators from the greatest State in the Union. It is absurd and unfair to claim that Senators from the smaller Western States are any more of a menace to the national well-being than the Senators from New Jersey, Delaware, Rhode Island, or Vermont.

What is the basis of the statement of the gentleman from Pennsylvania that in this question there is to be considered on one side the interests of 80,000,000 people and on the other side the interests of less than 200,000 in the Territory of Arizona? Have the people of Arizona any interests that are not common to the people of the United States? Does the gentleman from Pennsylvania expect that in the event Arizona becomes a State her two Senators will swoop down upon the ninety other Senators and make a successful assault upon righteous law and just government? Does he not know that the people of Arizona have fought the battles of frontier life as bravely as any of the splendid army of pioneers who, beginning with the landing on Plymouth Rock, have built up the enlightened States of New England, the magnificent Commonwealths of New York and Pennsylvania, have made the Mississippi Valley the garden of the world, and have established great States upon the Pacific coast? Does he imagine that the men who own the hundreds of millions of property now being developed in Arizona through the best forms of American genius and the best examples of American industry, who have built up a civilization there which would be a credit to any State upon the globe, who have the same devotion to the Constitution of the United States and its flag as the people of any other State, will suddenly, upon the admission of Arizona, reverse the principles of their lives and the order of their action and become a menace to the welfare of the nation? Does he think that Navahos and bandits still dominate at Tombstone and Tucson, at Flagstaff and Prescott, at Bisbee, with its 15,000 busy people, at Phoenix, the beautiful capital, and in the many thriving cities of the Territory? A population which had its basis in brave men and braver women, who dared dangers from hostile savages, who reclaimed deserts amid innumerable dangers, and opened up the vast sources of inexhaustible wealth in the jeweled hearts of Arizona's mighty mountains are a people who will know enough to appreciate the wisdom of Washington, the splendid patience and charity of Lincoln, the statesmanship of McKinley, the lofty character and high purposes of Theodore Roosevelt, and those principles of liberty, justice, and equality which permeate American law and inspire those men who have been the great leaders of every party and the honored representatives of every section.

Arizona and New Mexico should not be joined in a single State—

Because each is entitled to independent statehood;

Because this country needs more western representation in the Senate;

Because the people of Arizona regard joint statehood as an outrageous abuse of Federal power;

Because, that being the sentiment of Arizona people, it would be an abuse of Federal power;

Because the faith of the nation was pledged in the act of 1863 to give the Territory of Arizona statehood at the proper time upon the application of her people;

Because her people have not applied for jointure, but have protested against it;

Because Jefferson was right when he said governments derive their just powers from the consent of the governed;

Because Lincoln's plea for a government of the people, for the people, and by the people will be disregarded if this bill becomes a law;

Because the Republican party has declared for independent statehood for these Territories in its platforms and because platform promises should be kept: and

Because it is the height of political wisdom to be right and the depth of political folly to be wrong.

If New Mexico has people enough to warrant statehood now, make her a State. If she has not, do not repeat the old Roman crime against the Sabine women by forcing Arizona into the arms of New Mexico in order that a quorum may be counted.

If Arizona has not people enough to warrant statehood now, wait until she has people enough.

Her people have committed no crime in failing to multiply to the required standard. Many of them have fought the battles of the Republic on bloody fields. Most of them are now fighting honorably the battles of peace in the many activities of Arizona's religious, educational, professional, business, political, and industrial life.

Let them alone.

Mr. HAMILTON. I yield ten minutes to the gentleman from Missouri [Mr. KLEPPER].

The CHAIRMAN. The gentleman from Missouri [Mr. KLEPPER] is recognized.

Mr. KLEPPER. Mr. Chairman, if it were not for the fact that I represent one of the best districts in one of the best States in the Union, containing 200,000 law-abiding, intelligent, God-fearing people, and for the further fact that I have in the committee room voted for this bill, I would hesitate to speak on this measure, not because I do not favor it, for I do, but because of the fact that I am advised that the "kids" of the House are to be seen and not heard. The President, in his message to this Congress, made this recommendation:

I recommend that the Indian Territory and Oklahoma be admitted as one State, and that New Mexico and Arizona be admitted as one State. There is no obligation upon us to treat Territorial subdivisions, which are matters of convenience only, as binding us on the question of admission to statehood. Nothing has taken up more time in the Congress during the past few years than the question as to the statehood to be granted to the four Territories above mentioned, and after careful consideration of all that has been developed in the discussions of the question, I recommend that they be immediately admitted as two States. There is no justification for further delay, and the advisability of making the four Territories into two States has been clearly established.

That the Constitution gives to Congress the absolute power to fix boundaries, impose conditions not expressly prohibited by the Constitution in the admission of Territories as States into the Union, I believe is fundamental and can not be questioned. We have heard much said about the Continental Divide, running along between these Territories—New Mexico and Arizona—and our friends who oppose this measure would have us believe that there is a rugged chain of mountains running along the line that separates them; that the Creator, when He spoke this continent into existence, formed a natural barrier between the Territories which makes intercommunication inconvenient if not impracticable, while the facts are that the first bill introduced, the first proposition to divide the Territory, did not divide it on a merid-

ian of longitude, but divided upon a degree of latitude. From the best information I have been able to gather this so-called "range of mountains" is in fact and reality a high plateau, with an occasional mountain peak raising its head above the surrounding country. The most of it is so level on the top that pools and lakelets of water form, there to stay until the water is evaporated. There is not a point on the boundary line that touches the Continental Divide. In fact, it is from 25 to 145 miles distant from the boundary line to points on this so-called "Continental Divide." Four railroads cross this so-called "insurmountable barrier"—the Santa Fe, Lordsburg and Clifton, Southern Pacific, Phelps-Dodge Company's road, and the Santa Fe is now projecting a branch which will run into Phoenix.

It is true, as stated by the President, that nothing has taken up more time during the past few years than the question of statehood to be granted these Territories. In fact, New Mexico and Arizona have been a part of this domain for nearly sixty years, and it seems they have been putting in a good deal of their time knocking on the door, seeking admission into the Union of States, but without success. A bill for the admission of New Mexico has passed one House or the other of Congress seventeen times, and has passed both Houses of Congress twice but failed in conference. Arizona has applied for admission about a dozen times, and so the experience of the past with these Territories would lead to but one conclusion, and that is this: That the sentiment of this country is against the admission of either of the Territories as a single State. There are a few things that should be carefully considered in approaching the subject of the admission of these Territories. The welfare of the nation and the welfare of the Territories. In discussing this it is pertinent to suggest this question: First, the preparedness of the Territories for statehood. Have they a citizenship sufficiently enlightened, capable, and worthy of having extended to them the full right granted other citizens of the nation? Second, have they territory sufficient to support a population large enough to make a respectable State?

On the first proposition I believe it will be admitted that the people of these Territories are capable and worthy of having accorded to them the full rights of citizenship. There are many States in the Union that have a greater percentage of illiterates than have the Territories of New Mexico and Arizona, so I believe it is not even a debatable question that the people of these Territories are entitled to the blessings of statehood. It is true that their numbers are small as compared with many of the other States, for by the most liberal estimates there is less than one-half million in both the Territories.

The governor's report only claims for Arizona 140,000 people, while Mr. Rodey, ex-Delegate from New Mexico, admits she has 175,000 population, and the last census gives to her 122,931. So according to these figures the population of Arizona, at the most liberal estimate, is less than that of the average Congressional district from the various States of the Union. This is her present condition as regards population; but now as to her possibilities, and in this connection I desire to say that, in my humble opinion, the Territory of Arizona has not, nor will she ever have, sufficient population to make a respectable State as compared with the other States of the Union. To-day, according to the Reclamation Service, 247,000 acres of the lands of Arizona are under irrigation, while, according to the estimates of the Geological Survey, this area can only be increased 500,000 acres, which will make a total of approximately 747,000 acres. The total area in acres is 72,332,800, while, as you see from these figures, and they should be accepted as authority, the total possible irrigable lands is just about 1 per cent of the area of the Territory. Now, to emphasize this argument that the Territory of Arizona has not sufficient natural resources to maintain a population to make a respectable State, but she of necessity must submit to a merger with her sister Territory, the gentleman from Missouri [Mr. LLOYD], on the committee, may be surprised when I tell him that in his splendid district he has nearly five times as many acres of productive land as by the most liberal estimates can ever be irrigated in the Territory of Arizona alone, for his district contains 3,376,640 acres, while the assessed valuation of the land in the gentleman's district in 1902 is $58,791,463, as against $42,000,000 for the entire Territory of Arizona, while the crops growing in 1902 in this gentleman's district amounted to $15,623,965, while the live stock for the same year was assessed at $27,578,822; and his is not the only good district in the State of Missouri, for the ten counties that I have the honor to represent have lands that were in 1902 assessed at $72,013,687, of crops she produced $19,067,676, while of live stock she produced $34,652,435. In this connection, Mr. Chairman, I would like to call your attention to the fact that the total assessed taxable wealth of New Mexico, according to the governor's report, is at the present time not to exceed $42,000,000, while out of a total area of over 78,000,000 acres of land only 250,000 are in cultivation under irrigation, and, according to Government experts, it will only be possible at the most liberal estimates to reclaim by irrigation 1,000,000 acres.

It will thus be seen, Mr. Chairman, that according to these reports and according to the estimates of the Geological Survey these two vast Territories when combined will not have to exceed one and three-quarter million acres under cultivation or irrigation. Land in the semiarid region without irrigation is in most instances as cropless as rocks. Gentlemen must never forget when considering this question that the average population per State of this Union is at the present time a little over 1,500,000 people, and the majority of American opinion is that we have too many States now far below that reasonable average in population, and even the one we are now considering will have but about one-third of the one and a half million of population. Statistics show that the great States of this nation are in recent years increasing proportionately quite as fast as the smaller States, and this average of population for statehood will in the future increase rather than diminish, and therefore it may well be said that at no time in the future will the condition of these Territories as to population in comparison with the rest of the nation warrant their admission separately. Then, as the President has well said, there is no reason for further delay.

Oklahoma and Indian Territory combined at this time just about come up to the full requirements. But one of the principal arguments advanced on the floor of this House as against the merger of these western Territories is that you unite two peoples dissimilar in educational attainments, national character, and race; that it is a great injustice to the people of the Territory of Arizona to be forced into an unholy wedlock with the people of New Mexico. The pharisaical phrase of "I am holier than thou" has been dinned into the ears of the committee, and the same spirit is manifest here on the floor of the House. In this connection, Mr. Chairman, I will call the committee's attention to the testimony of the Reverend Shields, who is before the committee from Arizona protesting against the jointure. I think his testimony should carry great weight, as he spoke from a knowledge of conditions obtained by actual contact with the people of New Mexico and those of Arizona, as he has lived for a number of years in each of the Territories. This question was asked by Mr. KLEPPER:

Q. I believe you stated you lived in New Mexico a while?—A. I was there four years.

Q. You had occasion, I suppose, to get pretty well acquainted with the Mexican people over there?—A. Yes, sir.

Q. What class of citizens are they, in a general way? What are their leading characteristics?—A. I think as a rule the Mexicans are an exceedingly conservative people, and a people who prefer to live according to long-time traditions. I think they are a quiet, pastoral people, inclined to obey the laws, and yet a people with whom the Anglo-Saxon people does not amalgamate very much. I think the fact that a child born of a union between an American white man and a Mexican woman being called a "coyote" indicates the feeling.

Q. Is it not a fact that the Mexicans do not attempt to dominate in politics?—A. Yes.

Mr. COLE, of the committee, asked this question of this same witness:

Q. What is the standard of morality among the New Mexicans—the people of Spanish extraction there?—A. I have no reason to believe but what a majority of the people are true to their marital vows; nearly all of them are Roman Catholics, and we know that the priests in the Roman Catholic Church try to hold up a high standard to them.

Mr. HAMILTON, the chairman of the committee, asked the same witness this question:

Q. And they are otherwise a moral people, are they not?—A. I say they are a quiet, orderly people—law-abiding.

Q. (By Mr. COLE.) Not difficult to govern, are they?—A. No; not difficult to govern, and yet not difficult to handle.

In this connection I would call the committee's attention to a statement made by Mr. ANDREWS, present Delegate from New Mexico:

Mr. Chairman and gentlemen of the committee, a few days ago I was here at a meeting of the committee, and my friend Mr. MOON was present, and some others here, and I made a statement that I thought the native population of the State of New Mexico, which I have the honor to represent, would be 70 per cent native and 30 per cent American. There are twelve counties in the State of New Mexico which are American by a good majority. There are eight native counties and five that are divided—that is, part American and part native. I would say to Mr. MOON and others who were here that day that I think 50 per cent would be a fair average. I wish to somewhat change my statement made the other day. Mr. Rodey, who was my predecessor here, thinks that it would be less than 50 per cent native, but that would be my judgment.

Q. (By the chairman.) What proportion of these are English-speaking people?—A. I presume four-fifths of the natives speak English.

You might travel through the Territory everywhere—I have traveled all over it—and very seldom would you meet a native who could not talk to you in English. Of course, they have interpreters in the courts, as they have them in all the States. They have them in Pennsylvania, the State that I was born and raised in. There is hardly any State

where they have any foreign population in which they do not have interpreters, but the educational clause is very strict in New Mexico and English is taught in the public schools.

Attention was called during these hearings before the committee to the fact that in many eastern cities there is a population of foreign extraction that in some instances amounts to almost half the residents; for instance, the great city of Chicago has 34.6 per cent of foreign-born citizens; Boston, the center of culture on this continent, which has an aristocracy of brains, has a foreign population of 35 per cent; Lowell, Mass., a foreign population of 43 per cent. And so I might go on with many other places with large percentages of foreigners—and remember these are real foreigners—people born in other countries, while these native New Mexicans are every one born on the soil of New Mexico, and are no more to be classed as foreigners than are the Acadians of Louisiana, who are of French extraction, or the Penn colonists of Pennsylvania.

I submit that these New Mexicans, the vast majority of whom are of pure Castilian extraction, the highest type of the original Americans, of the Caucasian race, and the people who blazed the way for all European nations on this continent. (The few thousands of New Mexicans who are mixed with the Pueblo Indians do not in a sense detract from the truth of this general statement.) I say these people are vastly superior to some of the elements that come through Castle Garden annually to scatter over the country and who are now and have for these many years helped to govern the people in these Territories, for last year we received from foreign lands a million immigrants to dilute our civilization. Evidence was submitted to the committee that the natives of New Mexico of Spanish extraction are lawyers, doctors, clergymen, educators, and editors in about the same proportion to their numbers as are those of the other races inhabiting the Southwest, and we are assured that as to this class there is practically no difference between them and others of the community save that they possess the accomplishment of being thoroughly conversant with two modern languages instead of one. I might add that one of the principal good things that can be said about them is that as a class the entire native population of New Mexico has sense enough to be intensely Republican in politics. And as I have for the first time in the course of my remarks mentioned politics, I may say that the opposition, coming from the minority side of the House, is, in my judgment, not so much because they wish to sever the provisions of this bill as to these western Territories, as the opportunity it has offered them to sever on the floor of this House the membership of the majority. As a type of the much-abused native New Mexican, I would call your attention to the late governor, Mr. Otero. I am informed that his father, though a native-born New Mexican, was a type of the high citizenship of that country and was a professor of Greek in Poughkeepsie College, New York, in his younger days, and his mother was a Miss Blackwood, of St. Louis, Mo.

The gentleman from Arkansas [Mr. REID] stated yesterday on the floor of this House that there was no evidence submitted before the committee showing that the great interests of Arizona were interested in the question of statehood or in opposing it; but I would remind the gentleman that if he will refer to the published hearing before our committee he will, on page 78, find a letter submitted by Mr. Fowler, of which Mr. Douglass, head of the Phelps-Dodge enterprises, an Englishman by birth, is the author:

I have in my hand something I think will be of special interest to the chairman and some of the members of the committee, because they have inquired particularly in regard to the Copper Queen mine and the owners and what their attitude is upon this question of statehood. I want to read this article (reading from newspaper):

The New York Tribune last week interviewed Prof. James Douglas on the subject of statehood legislation, and said:

"Dr. James Douglas, who is the executive head of the mining enterprise in Arizona grouped as the Phelps, Dodge & Co. interests, was seen in his office, No. 99 John street, yesterday afternoon and gave his views upon the proposed joint statehood of Arizona. Doctor Douglas said:

"It seems almost futile for one identified with corporate interests in either of the Territories to voice his views in opposition to joint statehood. Those who favor the proposition charge us with selfish and ulterior motives. My answer is that we are merely reflecting the sentiment of practically every intelligent citizen of Arizona in our opposition, and to the charge that those interested in mining operations in the Territory are maintaining a lobby at large expense in Washington to promote separate statehood, I am able truthfully to assert that Phelps, Dodge & Co. are not spending a dollar for that purpose. The only thing we have done was on the occasion of the visit of the Territorial Committee of the House to Arizona last summer, when we afforded the Congressional party the facilities of our railroad and accorded them the usual courtesies of ordinary hospitality when they visited any of the points where our mines or smelting plants are situated. The Congressmen were under the escort of F. M. Murphy, who, with his brother, ex-Governor N. O. Murphy, has mining interests in another part of the Territory.

"'To force Arizona into a union with New Mexico is to do a great wrong to the people of the former Territory, who, in racial antecedents, religious preferences, and industrial interests, are wholly unlike the inhabitants of New Mexico. New Mexico has a population sufficient to justify her admission as a single State, and the people of Arizona, among whom I have spent more than twenty-five years of my life, would rather wait twenty years for statehood than be joined to New Mexico.

"'In the event of joint statehood the vast interests in Arizona would be outvoted and so controlled in the matter of taxation by the greater population of the present Territory of New Mexico, which is vastly less important in the value of its taxable property. The various interests of Phelps, Dodge & Co., including railroads and mines and smelters, employ fully 10,000 men, about three-fourths of that number in Arizona and the balance on the railroads and in the coal mines in New Mexico; and since more than 10 per cent of the population of Arizona is either employed in or dependent upon our various enterprises, we may fairly entertain the opinion that it is scarcely an impertinence for us to express views on questions that bear on the welfare of the people or of the great mining industry there.

"'I can well understand that it may seem desirable to substitute a State government for the Territorial form wherever it can be wisely accomplished, and I can also appreciate the political considerations that are involved in the contention for joint statehood, but neither should outweigh the injustice that would be involved in such an unfit alliance as that of Arizona and New Mexico.

"'Finally, I want it clearly understood that Phelps, Dodge & Co. have never been in politics and do not desire to enter that field, and that the insinuation that we are spending money to influence separate statehood or defeat joint statehood is a foundationless falsehood.'"

If he searches the record further, he will find that ex-Governor Murphy, of Arizona, testified before the committee, and he will recollect that it was stated that Mr. Murphy and his brother Frank, both of whom are at present in this city, are among the largest mine owners and railroad officials in the Territory of Arizona; further, the reports of the respective governors of these two Territories are before the committee, and references made in these reports, in no uncertain terms, to tax questions and Congressional laws existing in favor of these great interests and from which they reap tremendous benefit, that leave plenty of room for inference by the committee that the beneficiaries must inspire some of the strenuous opposition to this merger. Mr. Rodey, ex-Delegate from New Mexico, painted a picture in his three-hour statement before our committee of the thraldom in which these Territories are held by the railroad, mine owners, cattle interests, and officeholders that not only astonished many of us, but was positively appalling as a description of conditions. The gentleman from Arkansas has also forgotten the testimony submitted by the head of the Cattle Growers' Association of Arizona, Mr. Sturgis, who testified that the cattle interests of Arizona were opposed to this merger, and he submitted the following resolution:

Mr. Sturgis read the following resolution:

"*Resolved by the Arizona Cattle Growers' Association in meeting assembled at Phoenix, Ariz., on the 29th day of December, 1905:*

"First. That we are earnestly opposed to the jointure of Arizona and New Mexico as one State, as is proposed by the bill now pending in the United States Congress.

"Second. That we are as earnestly opposed to the jointure of Arizona and New Mexico under any proposition.

"Third. That we deem the bills now pending in Congress in the light of an attempt to force the people of Arizona—who hitherto have had for nearly half a century, and for a period covering all its growth and development, a separate political autonomy—to be subjected to the domination of a more numerous people of another country. The reasons for our opposition to the proposed jointure are numerous and, to us, controlling.

"That the proposed union is distasteful to us, that it would delay and hamper our further progress, that it would result in confusion of laws and consequent disastrous disturbance of business are among the many reasons completely obvious to us, who, by reason of residence, are familiar with conditions. It may be conceded that a Territorial form of government—in practice, at least—affords some just grounds to our people for complaint; but these evils are purely temporary, and with the lapse of time will be remedied. But we submit that if, as we sincerely believe would be the result, the proposed union would prove disastrous to and destructive of the future prosperity of our Territory to a very considerable extent, the great evil would be permanent and irremediable.

"We can and will submit to the evils of continued Territorial government rather than assume those incomparably greater evils which we fear will follow jointure.

"Whether our fears are justified or not, they exist. We are American citizens none the less than are the citizens of the States, and we claim that we have the right as such to dissent from the proposal of a State government to the constitution and establishment of which we do not consent.

"We can not resist the declaration that the proposed bills are in violation of the first principles of our American institutions—that the just powers of government are derived from the consent of the governed.

"The proposition is un-American. We accordingly respectfully but earnestly protest against it.

"Passed unanimously, December 29, 1905.

[SEAL.] "ARIZONA CATTLE GROWERS' ASSOCIATION.
"JAS. E. BARK, *President.*"

The CHAIRMAN. The only specification of possible injury growing out of the joining of New Mexico and Arizona in those resolutions is the statement that it would result in confusion of laws and consequently injury to business, is it not?

Mr. STURGIS. In those resolutions? Yes, sir. I do not know what their laws in New Mexico are, but I know they want to revise them and they have sent over to us for our sanitary and cattle laws.

The CHAIRMAN. And have they used them?

Mr. STURGIS. They have sent to us for them.

In addition to what has been said about the taxation of the railroads of New Mexico and Arizona, for it has been con-

clusively shown that they are inadequately taxed, I have been reliably informed that there is not in either of the Territories a single line of law on their statute books restricting, limiting, or controlling in any sense passenger or freight rates upon the railroads, and you may search the Supreme Court Reports of New Mexico, from lid to lid, through the entire set, in vain to find a single decision in a personal damage case against the railroads, and I am informed that the same is practically true in Arizona. Thus is added another reason why the railway interests of these Territories are not hunting for statehood. Gentlemen will easily appreciate that it is of vast importance to these great railroad interests to have the small empire of country embraced in the area of these two Territories so completely free from what they denominate annoying regulations of the people. According to the testimony of Mr. W. S. Sturgis, president of the Cattle Growers' Association of Arizona, she has, grazing over her broad domain, by his own admission, 750,000 head of cattle. These cattle are raised without expense to the owners, so far as rent goes, and they, with other live-stock interests, are strenuously opposed to statehood, for as soon as this bill becomes a law these cattle barons will be called upon to pay a small rental for the privileges they now enjoy, which will be turned into the school funds for the support of the public schools of Arizona. I am also informed that probably twice as many cattle as that, or nearly a million and a half head, graze over the public domain of New Mexico without paying a cent of rental for the use of the grass, and, of course, under statehood these cattle barons would also have to pay a similar small rental that would go to the schools. Statehood for the Territories may seem a little harsh to the live-stock interests of the Territories, but will be a blessing to the children of those jurisdictions who will attend the public schools; and there are those in this nation who can see greater wisdom in laws that will turn a revenue into the common schools of these Territories, than the want of laws, which permits free grass to be donated to cattle barons and the beef trust. As between free grass for the cattle barons of these Territories and free schools for the children of the Territories there certainly can be no difference in the minds of the membership of this Congress. But it has been insisted that the merger of these Territories will make a State so large as to work great inconvenience to the people, and yet the combined Territory, while large in area, is comparatively compact in form, and lacks more than 30,000 square miles of being as large as Texas. Another important fact is that the combined Territories are but about 650 miles across, while from several points in Texas it is but little greater than that distance to the capital of that State, which is somewhere near the center of Texas—perhaps somewhat east of it. The lower end of California is quite densely populated, and yet to reach the capital of that State, Sacramento, they must travel 620 miles, or just about 200 miles farther than it is from Phoenix to Santa Fe, and just about 200 miles farther than it is from Prescott to Santa Fe. The capital of Montana, Helena, is 420 miles from the east boundary of that State, while the people of western Nebraska must travel 430 miles to reach the capital, Lincoln. It is 420 miles from the north boundary of Idaho to the State capital, Boise City, while it is 580 miles from El Paso to Austin, Tex., and from the north end of Texas to Austin is 560 miles. It is 480 miles from Key West to Tallahassee, Fla., while it is 380 miles from Richmond to the southwest corner of Virginia; while the people of Houghton, in northern Michigan, travel 600 miles to reach the capital city, Lansing.

In some of the instances here cited the distances mentioned mean vastly more inconvenience in travel than do equal distances in the sunshiny Southwest, but at most these distances mean vastly less in these modern days of rapid transit, wireless telegraphy, telephonic communication, and improved postal facilities than they did in the early days of this Republic, when such things did not exist in the same degree. If these little distances are to be urged as a reason for opposition to this bill, then one wonders why the gentlemen who are so strenuously urging this objection did not embrace the same opportunity to suggest the removal of this capital city of the nation to somewhere in the vicinity of Kansas City, in my own State, and in this project I am sure it would be conceded there would be more unanimity than there is on their objections to this bill.

In conclusion, gentlemen, it might be well to call attention to the blessings that will come to the new State from the passage of this bill. The bill carries a donation of four sections of land per township, which, over the vast area, will amount, with that already donated in previous legislation, to something more than 20,000,000 acres to the new State. It has been calculated that the rentals from this land will bring a million of dollars per year to the schools, and with the interest on the donation of $5,000,000, which the bill also carries, and with a few licenses and fines thrown in, that the school fund will be almost from the start in the new great State a million and a half dollars per year. It has also been calculated that a moderate franchise tax ought to come very nearly sustaining the entire State government, and if this can be brought about, and there is no State tax and no school tax in the new State, then, indeed, will it be blessed! It has also been calculated that there is easily in the two Territories, subject to taxation, $500,000,000 worth of property, now grossly underassessed. When there is nothing but fixed charges, municipal and county taxes to raise, the argument which has been made before the committee that the tax levy can be limited in the very organic law of the new State to one-half of 1 per cent, is certainly well founded. If this can be brought about, how vast will be the changes in a few years! What blessings will this Congress have conferred upon the people of these Territories; how ridiculous, in a few years, will appear the arguments of the opposition, which are so strenuously made here at this time! How money will flow into such a country! How progress will take a jump forward! How immigration will flow in to enjoy such blessings! And when these things shall have been brought about, then indeed will it be in truth, as well as in name, Arizona the Great!

I respectfully submit, gentlemen, that the bill ought to pass. [Loud applause.]

Mr. FRENCH. Mr. Chairman, it shall not be my purpose to occupy at any length the time of the House to-day.

My opposition to this bill is not bounded by the outlines of the Territories that we are considering for statehood. That in itself, however, would be a sufficient reason.

I am strongly opposed to forcing these four Territories to come into our Union as two States. If Indian Territory and Oklahoma want to be united, well and good, but a union should not be forced upon Arizona and New Mexico. Each of them should be permitted to assume the responsibility of separate statehood by every reason that is fair and just.

Indian Territory, Oklahoma, Arizona, and New Mexico, all of them are rich, and the years to come will develop their resources, multiply their wealth, and increase their population. To-day the smallest population of any of them is almost 200,000 people—the population of Arizona. The population of New Mexico is far greater than that, and the population of Oklahoma or Indian Territory more than two times as great. Measured by the standard of population numerically considered, the smallest of the Territories has a larger number of people living within its area than had any State at the time of its admission, except probably eight, admitted since the thirteen colonies bound themselves together in a union never to be dissolved. Aye, the population of those Territories is to-day equal to one-third the total population of the United States at the birth of our Republic, and yet they are denied representation in our national legislative body.

I am opposed to this bill, sirs, most of all on the broad ground that it is in direct conflict with the future welfare of the entire West. To-day the center of population is in the State of Indiana. Could a line be drawn directly from north to south through that center it would pass through the States of Michigan, Indiana, Kentucky, Tennessee, Alabama, and Florida. West of the tier of States just mentioned are to-day twenty-two States, represented by forty-four Senators; east of and including that tier are twenty-three States, represented by forty-six Senators.

The States east of and including that tier represent in area less than one-fourth of the United States, not including Alaska, while they have more than one-half of the Senators. Not only this, but the center of population will move still farther west, not east, and with the vast expanse of territory in the Central States that will support many times its present population, and with the great Pacific coast scarcely more than fifty years known as a home for the white race, who can grasp the tremendous population that must in a few more years find homes west of the line which divides in halves to-day the population of the United States? Suppose the center of population should be crowded west, even to the Mississippi River. One-third of the area of our country would still be on the east of that line, two-thirds would be west. The East would then be represented by fifty-two Senators, while the West, if no new States be added, would be represented by thirty-eight.

If you should admit every Territory that to-day asks for statehood, you would have added then but eight Senators to the thirty-eight, and still the East would have six more Senators than would be her fair proportion.

The West to-day has her share of representation in the United States Senate as nearly as Senators may be apportioned. It is the future that I look to when I contemplate this bill.

If some of the Western States to-day have not as large population as Eastern States, let me say that that defect will cure itself as the years go by. Not so with the Eastern States whose population is small.

Take, if you will, all the New England States—there are six of them—add to their area Delaware, then add New Jersey, and then you could add most of Maryland, and the combined area of them all—nine States—would only equal the approximate area of Idaho alone. Those States will be represented forever by eighteen Senators in the United States Senate, while Idaho forever will have but two. No matter what our population may be, and for years we have been growing at the rate of 10 per cent per year, and no matter if our population approaches that of the States I have just mentioned, it will make no difference; we still must be limited to two Senators. Take, if you please, the Atlantic seaboard. From Canada on the north to Florida on the south fifteen States border upon the ocean or have ocean harbors. Go, then, to the Pacific seaboard, and from Canada to Mexico three States extend. These States have six members in the United States Senate to represent their interests, while thirty Senators, one-third of the Senate of the United States to-day, represent the States bordering upon the Atlantic Ocean.

There will come a time when the Pacific Ocean will be as great a commercial factor as is the Atlantic Ocean. There will come a time when our cities will be as great cities as the cities of the East. There will come a time when our valleys and our hills, our vast expanse of land, will be as thickly settled as are the valleys of Massachusetts and Connecticut. Then will be the time that our representation will be unequal, unless that shall come which I do not expect, the division of the Western States into smaller Commonwealths.

I believe in the West and I have confidence in her future, and, sirs, to us is given the power of meting out justice and equality to succeeding generations. To place the limit which you propose in this bill upon the West for all time is not right. It is not justice. It is contrary to the spirit of the fathers who framed the Constitution. They desired equity. They wanted our National Legislature to represent the people in as equal proportion as might be possible. Only upon that foundation can greatest stability and greatest strength obtain. You are not passing this bill for to-day or for to-morrow, but for the great future. You are not legislating for the people for this year, but for the people of succeeding years.

Upon you rests the responsibility of doing that by legislation which our fathers did by hard warfare, and I appeal to you to stand by your judgment and by your conscience and vote in such a way as will bring credit upon yourselves and the great boon of equal and just representation to the generations yet unborn.

Mr. MOON of Tennessee. Mr. Chairman, I now yield five minutes to the gentleman from New York [Mr. TOWNE].

Mr. TOWNE. Mr. Chairman, I feel like extending my congratulations to that unfortunately small but relatively very heroic body of men that had the temerity to stand up on yesterday and be counted, notwithstanding the edict of an alleged party leadership against this bill. I am somewhat of an expert, sir, on the subject of party rebellion [laughter], and it gave me a feeling of infinite pride to listen to the eloquent gentleman from Minnesota [Mr. BEDE] in his valorous denunciation of the methods of this proposed legislation. He occupies the seat once occupied by myself from that great Commonwealth. It would seem, sir, as if rebellion were inheritable with that seat. I myself rebelled in it so hard ten years ago that I finally found myself entirely outside of the party breastworks. [Laughter.] My successor, the Hon. Page Morris, led a revolution in the last Congress but one on the beet-sugar proposition, and now one of the most eloquent and forcible champions of the rebellion upon this occasion is the gentleman who succeeded him in the same place.

I think I may venture to commend this example to other gentlemen upon the Republican side of the House. The very worst thing, gentlemen, that could possibly happen to you would be to follow your opinions at some time into a more congenial political association. [Laughter and applause.]

I am aware, Mr. Chairman, that discussion of the merits of this proposition at this time is merely academic and destined to be futile. I shall therefore not spend any of the little time that has been assigned to me in the discussion of the provisions of this bill, provocative of discussion as many of them are; but I think the attention of the country ought to be called, Mr. Chairman, to the methods by which this legislation is to be accomplished and to the reasons that have been assigned in support of this procedure.

It was stated upon the other side of this Chamber repeatedly yesterday that this rule raises a party question, and the party whip was swung most vigorously and relentlessly by the expert wielders of discipline on that side of the Chamber with, unfortunately, its customary results. Now, sir, what is it that makes a question a party question? I read for the moment on this occasion from the remarks of that distinguished Athenian, the gentleman from Ohio [Mr. GROSVENOR], the whilom and universal champion of Republican policies, who rushed to the indefensible defense of this rule yesterday.

> It is enough for me to know, and it ought to be enough for any Republican to know, that the responsibility of the passage of this bill, if it shall pass, does not rest upon me or him. He will not be selected as an individual to be assaulted and assailed, but the responsibility will rest upon the great party of this country, headed by the great President of the United States, that, after a full consideration, has decided that this is the proper thing to do.

It will be noticed, Mr. Chairman, that throughout the discussion of this proposition on the other side there has not been advanced a single affirmative argument.

By the edict of a coterie temporarily invested with the autocratic power of deciding the legislative programme for the majority of this House, a proposition, indefensible in itself—and admittedly so or it never would have been brought in in this shape—the effect of which has been to shift the burden of proof, and ingenuity is exercised in defense of a position that it never could have occupied on its merits——

[Here the hammer fell.]

Mr. TOWNE. I did not hear the observation of the Chair.

The CHAIRMAN. The gentleman's time has expired.

Mr. TOWNE. I was not aware that I had started. I was under the impression that I had ten minutes instead of five. [Applause and laughter.]

Mr. HAMILTON. Mr. Chairman, I yield twenty minutes to the gentleman from Indiana [Mr. BRICK.]

Mr. BRICK. Mr. Chairman, it may be needless to talk more about statehood at this time. It is a subject that has absorbed the attention of most if not all of the Members of the House for four years—yes, for six years—and perhaps the verdict is all rendered as to what we will do and as to what we ought to do in reference to this question. I have listened with admiring sympathy to the gentleman from Arizona [Mr. SMITH] in his impassioned and surpassing vindication of the rights of his Territory, which he so ably represents, and I wish to say here and now that, although of diverse interests and of changeable opinions, of all the men I have met I have been as much or more impressed by the genial nature, the virile manhood, and enthusiastic loyalty of the gentleman from Arizona and of the former Representative from New Mexico, Mr. Rodey, as to any other men in the House. For years these gentlemen have been before this House in splendid eloquence pleading for the statehood of their respective Territories.

I regret not having had the opportunity to adequately know our Territorial possessions at first hand.

I do not mean by that the impressions photographed on the mind by a bird's-eye view of them taken from the platform of an observation car on a flying special train. That would contribute something, but not much, to a thorough appreciation of the situation.

Without being able to fully understand the breadth and depth of this statehood subject and divine the destiny of these lands beyond the hour of our action, I do share, in common with the majority of the Members of the House, the unprejudiced and disinterested desire to give the inhabitants of these Territories the fullest privilege of their citizenship commensurate with fairness toward all the other governmental divisions of the United States.

The gentleman from Arizona [Mr. SMITH] says that we have been talking this matter for days. Yes, for years; "and yet," he thunders, "no one has given a single reason why there should be a jointure of Arizona and New Mexico." Now, without being able perhaps to enter into this discussion with the same warmth and overpowering mastery of feeling that animates my friend from Arizona, I have, as I conceive, the very best of reasons why there should be a jointure. In the first place, the admission of new States into the Union has always been a grave responsibility; one of the most important, perhaps, that could possibly engage the attention of Congress.

Important and responsible to the extremest degree, because it involves, first, the inalienable right of every American citizen to govern himself in the largest possible measure consistent with the rights of all, and I would not want to make a mistake as to that.

And then, again, important beyond the power of conjecture to meet, because whatever is done becomes at once a fact irrevocable and changeless for weal or woe through all the length of years and fate of time.

We may overcome many grievous errors by subsequent correcting legislation.

But when we admit a Territory into the sisterhood of States and a mistake is made, we have closed the door of reformation forever, and the Republic must bear the burden, even to its undoing, if that should happen.

And should we fail in this responsibility to rise to the occasion it will not be the first and only load of inequity and care that we have placed upon the shoulders of a representative form of government to tax its endurance and perpetuity.

It will not be rational to say, "This one act will be trivial, whatever the result;" and to invoke former acts as a precedent is simply emphasizing the clear call of duty, to lend discretion to our reason, forethought to our judgment.

Already necessity of expedient, or the arbitrary will and power of politics, has jangled out of tune the harmony of our State relations in representative capacity, many times reiterated, affecting the equities of countless millions and the coherent strength of our Government.

When our Constitution was adopted and a new nation born to the world, it was necessary to have the concerted action of every original settlement that it might gain all the forces which dwell in perfect unity.

Some of the States were small, but that fact sunk into apparent insignificance compared with the tremendous event of a compact Union, the only real Republic that had ever raised its flag to cheer the skies.

At that time we had a population of less than 4,000,000 of people, and thirteen States were bound together into a fledgling nation, now peerless among the powers of earth.

And because some of those States which were admitted under the stress and strife of that magnificent undertaking have equal representation in the Senate, far beyond the relative proportions of their territory, does not fortify a precedent or justify a repetition of such an event, unsanctified by any grounds of necessity or reason.

And then, again, there is no law of God or man that can evolve a multiplicity of evil into a virtue. Now, I want to give the gentleman from Arizona [Mr. SMITH] some of the reasons why I say this jointure should be made.

To-day we have forty-five States, each represented in the upper House by two Senators.

Each one of them standing on absolute terms of equality, each one of them having more or less diverse interests and opinions, with equal opportunity to direct, forestall, obstruct, and fashion the legislation that covers all.

To-day the standard of representation in the House of Representatives provides a Representative for every 192,000 inhabitants.

And yet there are five States exercising the full force and effect of every other State, which have ten Senators and only five Representatives direct from the people.

Mr. SMITH of Arizona. Then would it not be wise, if the gentleman will permit me, to listen to our prayer and leave us out? Would not that answer the gentleman's argument? Leave us out of the Union. That is all we ask.

Mr. BRICK. I will come to that later on; but that is only talking to the ear to deny the hope. I know what it means. I know that for years you have been asking to come in as a separate State. I know that the only reason you say "leave us out" is for the purpose of coming in as a separate State some day later on, and I say that, from all of the present knowledge we have of it, and from all that human judgment can foretell, it is now and will be forever unjust to the other 80,000,000 people. Think of it. Five States with ten Senators and five Representatives, four of them not having enough population to justify a Representative alone.

Mr. SMITH of Arizona. But, if the gentleman will permit, here is the point that we make. Thinking that we have rights that ought to be respected, why would you pass a bill providing for the admission of Arizona into the Union on such terms as New Mexico might prescribe and providing for the payment of the bonds of New Mexico out of the funds of the Territory of Arizona and for other hellish purposes? What argument is that against the fact? Is it fair that we might come in some day later? Is that the whole drift of the gentleman's speech?

Mr. BRICK. Well, I will answer that. To the best of my belief, as I have said before, Mr. Chairman, for years, so long that the memory of man hardly runneth to the contrary, these Territories have asked to be admitted as a State. Away down in their hearts they want to be a State; the average man, the inhabitant——

Mr. SMITH of Arizona. That is not reprehensible, is it?

Mr. BRICK. As I was about to finish when you cut me off, the average man, the good-faith inhabitant of Arizona, away down in his heart is willing and glad to have a State on such conditions; but it is the mine owners and railroads who do not want it to become a State, because they fear it will raise their taxes, because they apprehend they will have to pay a more just proportion of taxation. If they would only let them alone, the common people of the State of Arizona will join with the people of New Mexico in accepting the provisions of this bill and become one of the sisterhood of States.

Mr. SMITH of Arizona. One further question. Will the gentleman give the source of that information?

Mr. BRICK. The source of my information is found in the well-known and uncontroverted fact that these corporate influences have been used with powerful effect against statehood in any form.

Mr. SMITH of Arizona. Now that they oppose single statehood, and to prevent further interruption, will the gentleman please tell the Members of this House that with the present Arizona and New Mexico legislatures, having all the powers as far as taxes are concerned that they would have as a State, individually or collectively—how with the same people elected, the same class of men, the effect of joint statehood is going to relieve the question? And if it be true—and I deny the assertion of the gentleman—but if it be true, will you suggest some way of relief this is going to make in the new combined two corrupt States, according to your statement, and how it will be any easier or harder for these corrupt influences to dominate than they can do now? How is the statehood bill going to effect that; and would it not have the effect, if it were true, to make it easier?

Mr. BRICK. It has been known ever since the dawn of time that whenever you place an officer upon his responsibility to his constituents and to his people at their very doors that he will then look after the duties of his position with greater integrity, accuracy, and honesty than if the creating power of his destiny lies far away.

Mr. SMITH of Arizona. Why, what you say is just as true in a Territory with existing Territorial government.

Mr. BRICK. It is not true of all officers there.

Mr. SMITH of Arizona. It is true of all the business of Territorial taxation just exactly the same as the States; not a particle of difference.

Mr. BRICK. Well, Mr. Chairman, I know as well as I can from the workings of human nature, from the testimony, and from all the surrounding circumstances of this bill that these people—these great corporate interests—for some reason or other, not filled to overflowing with charity, do not want to become a State under any conditions. And I am equally certain that they have no question but that they are better off as to taxation now than under statehood. They admit it privately.

Mr. SMITH of Arizona. Not a man in Arizona.

Mr. BRICK. And there can not be, I say to the gentleman from Arizona, any other logical inference than that they are doing it for their own purposes.

Mr. SMITH of Arizona. Now, will the gentleman pardon me once more?

The CHAIRMAN. The Chair begs to remind Members that it is not in order to interrupt a speaker without obtaining permission first.

Mr. SMITH of Arizona. I am asking the gentleman's permission as plain as I can. The Chair must not have heard me.

The CHAIRMAN. But permission must be obtained through the Chair.

Mr. SMITH of Arizona. I am sorry, Mr. Chairman, but it is violated so constantly and there have been so few objections and——

Mr. BRICK. Mr. Chairman, my time is limited, and I have answered the question twice.

Mr. SMITH of Arizona. But you have not answered the inference you make about legislation being subject to these railroads.

Mr. BRICK. Now, I want to continue to give my reasons why the joint statehood provision of this bill is the only one in justice to the people of the country. Gentlemen, Mr. Chairman, I have said there are already five States that have ten representatives in the Senate with only five Congressmen in the House.

It matters not who perpetrated the act. Both parties have fostered it and both have drawn political sustenance from it.

And the fact still remains to stare us in the face, to guide and warn us not to repeat the mistake.

Five States with ten Senators, making up one-ninth of the entire Senatorial body, who might or might not, depending somewhat upon their ability, desire, and surrounding circum-

stances, control the legislation of the nation. In any event, they would powerfully affect it, beyond the realization of persons unacquainted with legislative affairs.

Now, it becomes still more significant when we come to know that these States having only five Representatives who do not stand for a constituency of 192,000 each, although they are the sole representative of a whole State.

These States have, respectively, the largest, of which I speak first, and the others, following in their order, 243,329, 184,735, 161,772, 92,531, 42,335, with a total population of 734,702, an average for each Representative of 146,940—about 45,000 less than the support of every other one of the great body of Representatives in the lower House.

Think of it! Five States, with ten Senators and five Representatives, four of them not having enough population to justify a Representative alone; one of them having but little more than one-fifth the requisite number, another not half enough, and the whole five on an average falling 45,000 each below the standard.

Compare this with other States, and I'll draw your attention to the smallest one of the Union in area—Rhode Island. It has a population of 428,556; Indiana, with 2,516,462; Texas, 3,048,710; Pennsylvania, 6,302,115; New York, 7,268,894; Illinois, 4,821,550; Wisconsin, 2,069,042; Ohio, 4,157,545; Missouri, 3,106,665; Minnesota, 1,751,394.

And still they all fare alike in point of representation in the Senate.

Yes, under our form of government, States are represented in the Senate as States, and I make no quarrel with the idea, even though it will always be impossible to make them of equal importance.

But before admitting them into that dignity and power they should possess the several qualities that will in a reasonable degree preserve and maintain an equilibrium of States in the Senate.

If they fall below that, it is unjust and unfair to all the other States.

Area alone can not control.

The greatness of a State or nation does not lie in the extent of its territory, but in the number and character of its people.

Therefore, area can only be considered in the light of the kind and number of people it will support in advancing growth and civilization.

For instance, Nevada was admitted as a State in the year 1864, with a population of about 42,491 and an area of 109,901 square miles—three times as large as Indiana. By the census of 1900 its population was 42,335, about one-fifth of a Congressional district under the last apportionment, while Indiana has grandly risen to 2,516,462, which entitled her to thirteen Representatives in the House. Yet Nevada, with only one-fifth enough people to grant her one Congressman, wields the same power in the Senate.

Mr. BEDE. May I ask the gentleman a question?

Mr. BRICK. Certainly.

Mr. BEDE. Was not Nevada admitted into the Union for no other purpose than to help carry certain amendments to the Constitution? And was it nothing but a mining gulch, and everybody knew it at the time, and that it is not an example for any other State in the Union?

Mr. BRICK. I will say to the gentleman from Minnesota that I do not care who committed the act or perpetrated the wrong, if it was wrong. Both political parties and all the people have sustained it, and abused it since then, and drawn undue political advantage from it; but it is no reason why they should do it again.

Mr. BEDE. I am not complaining of its admission; I am only complaining that the gentleman used it as an example. No other State has declined in population. Arizona and New Mexico are multiplying their population, and Oklahoma has two millions of population, and yet you refuse to let it in.

Mr. BRICK. I will answer that. I will draw one more illustration as to why we should not admit the Territories of Arizona and New Mexico to separate statehood now or at any other time.

Mr. BEDE. I am voting against admitting them at all. The gentleman wants to let them in; I want to keep them out.

Mr. BRICK. Let me give the gentleman this illustration. I know why you want them kept out. We all know what will happen some time in the future. They will either be admitted now in joint statehood or in the future in a separate statehood. Now is the time to settle it, and settle it right and settle it for once and forever, Mr. Chairman. [Applause.]

Now, let me illustrate in another way the manifest unfairness of such a condition as it actually exists by the following table:

State.	Senators.	Representatives.	Population.	Assessed valuation.
Delaware	2	1	184,735	$58,000,000
Idaho	2	1	161,772	31,000,000
Montana	2	1	243,329	186,000,000
Nevada	2	1	42,335	30,000,000
North Dakota	2	2	319,146	134,000,000
South Dakota	2	2	401,570	187,000,000
Utah	2	1	276,749	118,000,000
Vermont	2	2	343,641	2,000,000
Wyoming	2	1	92,531	43,000,000
Colorado	2	3	539,700	354,000,000
New Hampshire	2	2	411,588	286,000,000
Oregon	2	2	413,536	150,000,000
Rhode Island	2	2	428,556	413,000,000
Washington	2	3	518,103	261,000,000

We find that there are 14 States, with a representation of 28 in the Senate, composed of 90 Members, and not having sufficient population to warrant a representation of 24 in the House of Representatives.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAMILTON. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. BRICK. New York alone has 37 Representatives in the House, voicing a population far greater than the 14 States mentioned, with only 2 in the Senate to meet the 28 sent there by the other 14 States.

Are there any compensating qualifications that justify the situation?

It may be that the material wealth of the 14 States will aid in maintaining an equilibrium.

But no; New York has more than two and a half times as much assessed wealth as the combined valuation of the entire 14 States.

This is not a solitary exception, however, standing alone to relieve the comparison.

Pennsylvania has a population large enough to maintain 32 Representatives, and over one and one-half as much assessed wealth.

Ohio has 21 Representatives and property valued at about $2,000,000,000, as compared with $2,254,000,000 in the 14 States referred to.

Indiana and Massachusetts command 27 Representatives, with almost twice as great an assessed valuation.

Missouri and Michigan far exceed them in both population and values.

The same can be said of California and Illinois, Wisconsin and Texas.

They may wax stronger and grow greater in the future, it is suggested.

Mr. BEDE. May I ask the gentleman what he thinks the population west of the Mississippi River will be in a hundred years or a thousand years, and we are legislating for all time?

Mr. BRICK. Well——

Mr. BEDE. Is it not for a thousand years, and not for our generation?

Mr. BRICK. I believe, and hope, and pray that the population in the next five hundred years and during a thousand years will flourish and grow great in every State in the Union east and west of the Mississippi. I am for all the United States; my heart is with every corner of American soil.

Mr. FREDERICK LANDIS. Does not the gentleman think the disparity of population will be maintained by the increase in population in the States east of the Mississippi River?

Mr. BRICK. I certainly do.

Mr. BEDE. Never.

Mr. KAHN. Will the gentleman allow me?

Mr. BEDE. History does not show that.

Mr. BRICK. If gentlemen will excuse me, I can not yield any more. I have only two or three minutes left.

Now, I say in common fairness it must be conceded that these Territories will grow.

Mr. BEDE. Mr. Chairman——

Mr. BRICK. I can not yield any further, Mr. Chairman. But in all reason no one in his most hopeful dreams could imagine anything like an adjustment of their unequal relations.

With these suggestions fairly in mind, we are met by the claims and controversies, the hopes and fears, involved in the bill under consideration, which by a single title and enacting clause enables two States to join the Union, and disposes in one clean sweep of all our remaining contiguous Territorial possessions.

It proposes to join Oklahoma and Indian Territory into a State to be called Oklahoma, and the Territories of Arizona and New Mexico into another, called Arizona.

All of these Territories have for many years been clamoring for the privileges of statehood, and the time has now arrived when this demand will be fulfilled if enough of us can agree upon the conditions of their admission.

A number of considerations present themselves in solving the problem as to what should be done, which have provoked serious conflicts of opinion and interests.

But in all good faith the ultimate results should encompass the real questions involved; fitness of the people morally, intellectually, and numerically to strengthen and dignify the Union.

Is the Territory seeking admission so developed in material wealth and the right kind of population as to entitle it to statehood and representation in Congress on a footing of equality with all the other States?

What are its prospects in the future?

Has it such reasonable hope of further development that will enable it to walk abreast with the average State, or will it lag behind in the march of progress?

All these questions can be settled without controversy in the case of Oklahoma and Indian Territory.

The people residing there are practically unanimous in wanting the two Territories combined into one exultant, splendid State. It will have an area of 69,830 square miles of arable land, or 44,691,200 acres, all of it capable of development to support homes and produce untold wealth.

Its population has increased and will continue to do so with marvelous rapidity.

In 1900, as shown by the census of that date, they together had a population of 790,391 people, most of them white, intelligent, sturdy, self-reliant, industrious citizens, of the best type of American manhood.

And it is now estimated by everyone whose judgment is worthy of belief that their aggregate population will amount to something like a million and a half.

There is no better farming land anywhere, and lately the products of the farm have been augmented by vast stores of mineral treasure.

Oklahoma bids fair to become one of the proudest States in the Union, and should be admitted immediately in every instinct of political honor.

But now comes the bone of conflicting emotion—Arizona and New Mexico.

Opinion, influenced by various interests, is divided into contrary ideas upon both sides of the House.

Some believe that they should not be transformed into statehood under any circumstances, neither singly nor jointly, earnestly contending that they are unfitted at the present time, at least, to become worthy of a place in the Union.

Others think they ought to be admitted separately, warmly advocating that they are each eminently qualified to stand side by side with the greatest of the United States.

And then there are others, it may be, who ostensibly make that argument, but whose predominating motive is to give that part of the country enhanced political advantage through the four Senators the two States would become entitled to upon admission, and the two sets of officers incident to separate statehood.

While the majority believe that neither one of them are now fit alone, and, further, that they have not the natural resources to ever become fit for separate statehood.

But on the other hand, taken together, they may develop enough of the qualifications of statehood in all that vast expanse of territory which is theirs to fairly entitle them to admission.

Your committee believes that, and hence this bill has been reported with such a provision.

Somebody says it is wrong; that the Republican party, through its platforms, has pledged itself to separate statehood for Arizona and New Mexico.

Well, it may be that in some platform of the party sometime in the past, when there was no issue upon the subject and no interest in it anywhere save perhaps in the political mind of a resident of the Territory who happened to know the platform builder at the right moment, it was inadvisedly and indefinitely mentioned in a Republican declaration of things that should happen.

It may have been that such a platform was promulgated without anyone knowing of that particular clause in it, except the industrious person who incited it, and without the voting public in any national election ever having thought of it, favorably or unfavorably.

A glittering nimbus of silver haze, under just such circumstances as I have mentioned, insinuated itself into the platforms of both parties more than once in the history of this country, long before gold and silver became an issue upon which the people actually voted and the parties really pledged themselves.

Yet who would be rash enough to say that we should change our standard now, because somebody we don't know talked loosely or foolishly about it in a convention years ago.

Who will dare to tell me, acting upon my solemn oath to do my duty here and now, that I must forswear my word to keep faith with an inadvertent statement, launched without reason into a sea of mist, and which never reached any port of political consideration.

But, after all, we are carrying out the substance of what ever was said in those days by these political promoters.

Suppose they did declare that these Territories should be converted into States. In no platform did they ever say just how. That was left for time to solve, for legislators to unravel.

In the light of six years of most careful investigation and the experience we have had in Nevada and some other States whose history is somewhat analogous to the situation presented, we find that Arizona and New Mexico might make one fair State taken together, but that they would utterly fail to fill the niche separate and alone.

Now, if this be true, no matter what has been said or done in the past, I for one refuse to stultify the dawning future with a legacy of folly that has come down to me from the archives of the dead.

Indian Territory and Oklahoma ask to become one State. It is their will and wish.

New Mexico, after years of turmoil, now comes to us in contrite prayer, pleading to be taken back to her first love, Arizona, in the holy wedlock of a reunion.

Arizona would be willing if certain interested parties would keep hands off.

The mine owners, railroads, and other capitalists of Arizona, to avoid State taxation, have been crafty enough to play the rôle of Iago, even to the eternal political undoing of both the Territories.

They don't want statehood at all; they can't use it in their business.

I believe the time has arrived when this question should be settled once and for all; settled without regard to the wiles of grasping capital or the finesse of selfish politicians.

After six years of information upon the subject joint statehood seems to be the only safe and fair solution of the problem.

It is indeed true that these Territories embrace within their bosom the realms of an empire in arid distances.

But land alone can not justify a State; it must be sufficient to support a civilized people in a reasonable relative proportion to other States.

This proposed legislation is no startling and cruel innovation.

Arizona and New Mexico were joined and lived and loved and worked together in peace and harmony from the year 1851 to 1863.

At that time they were divided on account of the distances they had to travel without adequate means of transport, making two governments more convenient, and incidentally giving them two Delegates instead of one, and multiplied United States officers.

Now they are traversed by a score of railroads. Distance has been minimized, and their State government, with a capitol near the center, can be reached much easier by all the inhabitants than in California, Texas, and many other States.

After all, great and vast, however, beyond the ken of men who have never viewed it. And yet only one-fourth as large in actual land capable of supporting homes as the proposed State of Oklahoma. But in all our wanderings and devious travail of hopeful plans we always round up to the inevitable.

They want statehood. The politician wants it for the offices; the speculator for the boom; the surrounding neighbors for the Southwestern Senators they will give, and last of all, the average man, the good-faith resident, wants it for the crown of full American manhood it will place upon his brow. I want it for that reason and that alone, and the only way they can ever have it in justice to 80,000,000 people is by the jointure of this bill. [Great applause.]

APPENDIX.

State.	Population, 1900.	Land area.	Density.	Assessed valuation, 1902.
		Sq. miles.		
United States	76,303,387	2,970,230	25.6	$34,343,281,775
Alabama	1,828,697	51,540	35.5	296,125,540
Alaska	63,592	590,884	.1	
Arizona	122,931	112,920	1.1	38,853,831
Arkansas	1,311,564	53,045	24.7	225,267,681
California	1,485,053	156,172	9.5	1,290,238,964

State.	Population, 1900.	Land area.	Density.	Assessed valuation, 1902.
		Sq. miles.		
Colorado	539,700	103,645	5.2	354,002,501
Connecticut	908,420	4,845	187.5	665,094,301
Delaware	184,735	1,960	94.3	58,556,146
District of Columbia	278,718	60	4,645.3	[a]235,858,808
Florida	528,542	54,240	9.7	103,047,937
Georgia	2,216,331	58,980	37.6	410,417,180
Hawaii	154,001	6,449	23.9	110,388,578
Idaho	161,772	84,290	1.9	31,160,066
Illinois	4,821,550	56,000	86.1	1,032,792,848
Indiana	2,516,462	35,910	70.1	1,360,445,139
Indian Territory	392,060	31,000	12.6	
Iowa	2,231,853	55,475	40.2	558,462,618
Kansas	1,470,495	81,700	18.0	356,399,449
Kentucky	2,147,174	40,000	53.7	581,156,820
Louisiana	1,381,625	45,420	30.4	250,045,503
Maine	694,466	29,895	23.2	300,550,250
Maryland	1,188,044	9,860	120.5	666,857,883
Massachusetts	2,805,346	8,040	348.9	3,115,426,287
Michigan	2,420,982	57,430	42.2	1,418,251,858
Minnesota	1,751,394	79,205	22.1	662,435,291
Mississippi	1,551,270	46,340	33.5	222,847,523
Missouri	3,106,665	68,735	45.2	1,167,338,342
Montana	243,329	145,310	1.7	185,725,657
Nebraska	1,066,300	76,840	13.9	179,976,568
Nevada	42,335	109,740	.4	29,831,377
New Hampshire	411,588	9,005	45.7	286,487,655
New Jersey	1,883,669	7,525	250.3	980,733,594
New Mexico	195,310	122,460	1.6	36,364,761
New York	7,268,894	47,620	152.6	5,847,992,233
North Carolina	1,893,810	48,580	39.0	285,344,879
North Dakota	319,146	70,195	4.5	133,880,414
Ohio	4,157,545	40,760	102.0	1,968,280,000
Oklahoma	398,331	38,830	10.3	49,338,661
Oregon	413,536	94,560	4.4	149,743,882
Pennsylvania	6,302,115	44,985	140.1	3,824,995,951
Rhode Island	428,556	1,053	407.0	413,209,603
South Carolina	1,340,316	30,170	44.4	192,357,582
South Dakota	401,570	76,850	5.2	187,531,381
Tennessee	2,020,616	41,750	48.4	406,216,243
Texas	3,048,710	262,290	11.6	1,017,571,732
Utah	276,749	82,190	3.4	118,019,462
Vermont	343,641	9,135	37.6	1,790,150
Virginia	1,854,184	40,125	46.2	440,474,459
Washington	518,103	66,880	7.7	260,940,138
West Virginia	958,809	24,645	38.9	248,749,693
Wisconsin	2,069,042	54,450	38.0	1,504,346,000
Wyoming	92,531	97,575	.9	43,348,356

[a] Estimated.

Mr. HAMILTON. I ask the gentleman from Tennessee to use the rest of his time.

Mr. MOON of Tennessee. How much time is there remaining?

Mr. HAMILTON. I have remaining twenty-six minutes, as I have it, and I think the gentleman from Tennessee has forty-one minutes to his credit, or something like that.

Mr. MANN. That makes more time than you have between you if debate is to close at 3 o'clock.

Mr. MOON of Tennessee. Mr. Chairman, so many questions have been presented in the discussion of this bill that it is impossible for one to review all the collateral issues which some gentlemen seem to be of opinion are pertinent in the determination of the main question now before the House for its consideration. I was much interested in the splendid presentation on the part of the majority by the gentleman from Michigan. His speech in some respects was ornate; in others it was semi-classical. All the way through it was semitruthful because of the poetic license he assumed in delivering it. [Laughter and applause.]

Mr. Chairman, a proper approach to the first question under consideration, in my judgment, involves the consideration of the constitutional or legal questions that are presented at the very threshold of this inquiry for the determination of the House, and next the moral considerations that ought to influence the conscience and judgment of the representatives of the people. Next, those local conditions or economic questions that ought to appeal to the sense of propriety and good judgment of the House. I can not fully discuss all of these questions.

I repudiate, sir, the suggestion that this is merely a partisan contest, though gentlemen may have risen upon the floor of this House and elsewhere and declared that it was only a partisan controversy, that States had always been admitted as a matter of partisanship. Political the question may be in one sense, but partisan it never ought to be. I will not believe a gentleman who makes the statement that he casts his vote from purely party motives upon this floor on so great a question as this, because to believe him sincere would forfeit respect for his personal integrity and establish his unfitness to represent a great people in the consideration of a great national question. [Applause.] I decline, therefore, to discuss the purely partisan features of a bill that involves the rights, principles, and privileges of 2,000,000 of American citizens. If we have authority to act, that authority comes to us delegated through the Constitution of the Republic. We are clothed with the right and power to erect new commonwealths and place them in the Union upon the same footing as the old States, by the terms of the Constitution. That same Constitution prohibits the division of the Territory of any State in the Union without its consent. Is it an idle ceremony when any Territory of the United States is organized into a government for local purposes? It is then that it assumes a constitutional and legal status. If gentlemen proposed to unite the Territories of New Mexico and Arizona against their will, they ought to have done it before constitutional rights for those Territories attached. It is true that a Territory can not come into the Union of its own accord. It must receive the invitation of Congress. That must be extended, under the Constitution, when the Territory is fit for admission.

When is a Territory fit for admission? That is not an open question in this Republic. It has long since been determined by judicial decision that when an organized Territory is sufficient in area, sufficient in population, and sufficient in resources it is entitled to take its place among the sisterhood of States in the discretion of Congress. The power of Congress then is a discretionary one, legislative and not arbitrary in its character, to be exercised when this condition arrives. What, then, is the legal status of a Territory occupying this position? In the opinion of the Supreme Court of the United States, when a Territory is organized and the Constitution extended to it by Congress it is clothed forever (and necessarily within its boundaries) with the inchoate right of ultimate statehood. Can Congress deprive a Territory of a constitutional right? If States can not be divided under the Constitution without their consent, or increased in area, can a Territory, once clothed by the extension of the Constitution with inchoate right of statehood, be denied that right without its consent? Is it not protected within its boundaries in its constitutional guaranties? Is not the right to statehood guaranteed when it possesses the qualifications for admission in the discretion of Congress? Congress may delay the exercise of this right—it can not destroy it. If so, the extension of constitutional rights to the Territories by the solemn act of Congress is a mockery.

But assuming, in the exercise of the legislative power of this body, that you have the right to force the union of the Territories, are there no moral considerations that would preclude it? Will you set aside the long-established policy of the Republic? Will you make a new example? Will you unite people different in customs, laws, and religion? Not, I hope, in the interest of a party merely.

Let no man be deceived as to where the issue in this controversy rests. It is not merely a Republican party policy; it is the policy of that great and powerful East (a sectional policy), which proposes, with her grasp upon the Republic, never to yield it, whatever the population of the West may be. [Applause.] Ah, men of the West, the day shall come when those of you who have been charged upon this floor and in the lobby as being traitors to your party will be thrice honored, for honest history will declare that the men who support this bill are the real traitors to liberty, to the Constitution, and the sacred rights of an inchoate Commonwealth. [Applause.]

What are our moral obligations as to Arizona? Arizona has the plighted faith of the Republic, by the Congress, that no part of her territory shall be taken or united to another without her consent. This is not a legal obligation, but it is a moral obligation that ought to appeal to the sense of honor and integrity of every patriot on the floor of the House of Representatives.

Are her resources sufficient to sustain a State? Look at the proofs. I will not enumerate the facts. They appear in the appendix of the report to the House. If there be a man upon this floor who denies that that great Territory is possessed of the resources that constitute a State, let him rise and make the denial.

Has she the population? I answer that we can only look to the population of other Commonwealths when admitted into the Union to determine by comparison the rights of admission in the discretion of Congress of this Territory.

She has more population than twenty Commonwealths that constitute a part of the Union to-day had when they were admitted into the Union. Has she the area? Yes; she has a vast and majestic domain. Shall she be coerced? Shall the Constitution be trampled down by the advocates of the sectional question upon this floor? Shall the policy of this Government be reversed? I have never believed, sir, that the Territories of Oklahoma and Indian Territory ought to be united. They are each entitled to statehood. The only reason I would concede for a moment the union of these two Territories is that it appears to be the desire and consent of those people. Yielding my own judgment to the will of the people of these great Territories,

I would vote to unite them in one if they desired it; but so long as Arizona protests in the name of the Constitution she has supported and the flag she has defended, so long will I protest as a Representative against the unmerciful coercion of that Territory into an unhallowed union with New Mexico. [Applause.]

Mr. Chairman, it is a question of the consent of the governed. Who says that there is any reason for the union of these Territories? What imbecility presents itself here when any gentleman says that because some railroad in the Territory is not properly taxed that therefore two great Territories shall be united in order to enforce just taxation? Who was responsible for the law that taxes and fixes that tax upon the Territory—the railroad or the Territory? The Federal Congress, in which their is a Republican majority, determined the question for the Territory. Correct this evil here. You have the full power to reverse this order of things. You can nullify a law of a Territory. But how illogical such an assumption is. If all of that evil exists there, and it were a paramount question in this case—insignificant and immaterial as I insist it is—if it were one of importance, what kind of logic does that man possess who tells us that by bringing together the forces of corruption in the two Territories you weaken the power of the corruption-its? It rather strengthens it. Union is strength and division is weakness. If there be anything in the position, it demands that the Territories shall forever be disunited. Could joint statehood make conditions better than single statehood?

They say that the States will be small in population though great and vast in area. Look at Missouri and other majestic Commonwealths that lie beyond the Mississippi. Behold the great States in the Central West—Ohio, Illinois, and Indiana—and yet when these great political entities were admitted into the Union it was said, by reason of the paucity of their population, that they were unfit for statehood. To-day they are ten times greater in population and more wealthy and powerful than many of the original States. Why should the seat of power in this great Republic remain in the little States of the East and vast Territories in the West be consolidated to maintain it? Why shall they have dominion? Shall Delaware and Rhode Island and Connecticut and Maine and New Hampshire have the power in the Senate that Illinois, Missouri, and Ohio, and other great States have? May I not ask this misleading question, when the advocates of this bill continually suggest that New York and Pennsylvania ought to have more power in the Senate than the new States? Gentlemen misconceive the purpose of the Federal Government who make these suggestions. If not forbidden by the Constitution, would you consolidate the New England States to equalize power between sections or States? The small States and the large ones were each given two Senators for the very purpose of equalizing the power of the States in the Senate of the United States.

It was deemed inimical to liberty to permit the large States on the basis of population to dominate both branches of the law-making power. The Senate does not represent the people; the Senators are the representatives of the sovereignty of the State. The people of the States are represented on the basis of population in the House of Representatives. The truth is that the East does not favor the growing power of the West, and would consolidate the Territories to lessen the number of States and Senators from the West.

Mr. STANLEY. May I interrupt the gentleman with a suggestion?

Mr. MOON of Tennessee. Certainly.

Mr. STANLEY. Is it not true that it was to protect the small States against the larger population of the large States that that very provision of two Senators was incorporated into the Constitution, and was it not after that provision was put in that the smaller States agreed to come in?

Mr. MOON of Tennessee. The gentleman is correct. But, Mr. Chairman, we have a most anomalous condition here. Arizona does not ask admission. She came to the bar of this House long years ago. She appeared before you clothed in the habiliments of the Federal Constitution. She was as fair as any American maiden whose cheeks were ever kissed by the gentle breezes of a May morning. She asked you to admit her. She said, "I have fulfilled its behests and have a right under the Constitution of the country to come into the sisterhood of States. I am the last born; are you ready to receive me among my sisters?" The Congress said to her, "Though you have the inchoate right of statehood, though you come with the guaranties of the Constitution, yet by that Constitution itself our discretion and judgment must be exercised before you are admitted."

They bid her bide a wee. There she stands, still protected under the same flag and the same Constitution. She asks nothing of you. She abides your judgment. She awaits the hour when in your sound judgment she is entitled to admission under the Constitution, within her borders. Will you let her rest, or will you lay the hands of the despoiler upon her? She is silent before you. Dare you rob her of the robes of the Constitution. Dare you place her back to the earth and commit her to the embrace of the Mexican. Will you despoil Arizona?

In the speech of the gentleman from Michigan [Mr. HAMILTON] he asked that the star of Arizona be added to the flag of our country. If it shall represent the union of unwilling Territories, call it not Arizona. Let that proud name perish with the rights and privileges denied to her citizenship. Ah, methinks if you fix the star there, cold and inanimate as it may be, it will forever dim the blue of the flag, weeping for her lost civilization. How long shall Congress forget its obedience to the Constitution and its duty to the Republic? [Applause on the Democratic side.]

When shall you cease to justify wrong by party necessity? When can you behold with undimmed vision those immortal words that may ever be seen burning in every star on the flag by the eye of the patriot, but never visible to the partisan, words that can not be stricken from it until the end of the Republic has come—the Constitution, the law, liberty, and eternal justice! [Prolonged applause.]

Mr. HAMILTON. Mr. Chairman, how much time has the gentleman on the other side remaining?

The CHAIRMAN. The gentleman from Tennessee has twelve minutes remaining.

Mr. HAMILTON. Does the gentleman from Tennessee desire to use the remainder of his time?

Mr. MOON of Tennessee. Oh, yes.

Mr. HAMILTON. Will the gentleman kindly use some of it now?

Mr. MOON of Tennessee. I prefer not now.

Mr. HAMILTON. But we have the closing.

Mr. MOON of Tennessee. How many speeches does the gentleman think will be made upon that side?

Mr. HAMILTON. One more speech.

Mr. MOON of Tennessee. If the gentleman has only one more speech, then I shall ask the Chair to recognize the gentleman from Missouri [Mr. LLOYD].

Mr. HAMILTON. Mr. Chairman, before that is done I wish to have recognized for a moment the gentleman from Illinois [Mr. FULLER].

Mr. FULLER. Mr. Chairman, I am in favor of the passage of this bill, and I will briefly state some of my reasons for so being in favor of its passage. I believe the time has come for completing the Union of the States and doing away with Territorial government within the borders of the United States. Aside from our outlying possessions we now have forty-five sovereign States and these four Territories upon which it is now proposed to confer statehood. I desire to see the Union of States completed by creating what I believe will be two great States in the West—the State of Oklahoma and the State of Arizona—as proposed by this bill. We shall then have forty-seven States in the completed Union, all sovereign, but under one flag, the flag of a great and mighty nation. It is said that we should not join New Mexico and Arizona in one State; that some of the people of Arizona are opposed to such action, and that nothing should be done in opposition to their wishes. Well, there are people in Indian Territory and people in Oklahoma Territory who are opposed to joining those two Territories in one State. Why should not some one rise up and protest against this contemplated outrage? But not a voice is raised against joining Oklahoma and Indian Territory, whether the people or some of the people of those Territories want such action taken or not. Yet either Oklahoma or Indian Territory is much better fitted for and much better entitled to separate statehood than either New Mexico or Arizona. Oklahoma and Indian Territory have each a population, an intelligent, hustling, vigorous American population, of more than three-quarters of a million people, or jointly of more than a million and a half people. With some apparent show of justice they might each claim the right, if there were any such right, to separate statehood. With New Mexico and Arizona it is very different.

Including Indians, Mexicans, and all, New Mexico has only about 200,000 people, and Arizona possibly a hundred and fifty thousand. Neither of them has as many inhabitants as the Congressional district which I have the honor to represent. Yet our Democratic friends would give each of them two United States Senators, and a Representative in Congress besides. I, for one, protest against giving them any such advantage over the people I represent. Both political parties have declared in favor of admitting these Territories to the Union as States. Both parties have made it a political question. It is idle to say it is not a political question. The only difference between the

parties is as to how they should be admitted. The Democratic party has declared in its national platform in favor of their admission as States, but as separate States, at least so far as Arizona and New Mexico are concerned. The Republican party, by its action in Congress, in caucus, and conference, has declared in favor of the admission of all these Territories as provided in this bill. If I did not believe the Republican position was the right position, the only reasonable and justifiable position, which I do, I should yet hesitate long before I would take the responsibility of setting up my individual judgment against that of my party, and deliberately bolt my own party caucus and render aid and comfort to the common enemy by voting with the Democratic party—the solid Democratic party—in this House. Why, Mr. Chairman, the fact that the Democratic national convention declared for separate statehood for New Mexico and Arizona is proof conclusive that separate statehood ought not to be granted them, for the Democratic party can always be trusted to do the wrong thing and take the wrong side of all great questions. I represent upon this floor a great Republican district—one of the greatest in the United States—a district that gave President Roosevelt a majority in the last election of more than 25,000 votes. Those same voters, when they sent me here, did not expect me to be a free lance; did not expect me to bolt the action of a Republican caucus; did not expect me to set up my individual judgment against the decrees of my party; did not expect me to refuse to aid in carrying out the policies of our great Republican leader, Theodore Roosevelt. But they did expect me, and they had the right to expect me, to support the Republican President and to stand for whatever the majority of the Republicans decreed to be for the best interest of the party and of the nation, for one is synonymous with the other.

It has been said here, and it is true, that this Government of ours is a government by party. By organization and concerted action alone can any party hope to accomplish results. We are all sent here by the votes of our party to carry out the principles and decrees of the party whose representatives we are. No man is better than his party, and when he gets the idea that he is, then it is time for his party to retire him. Our whole Government is based on the idea of majority rule expressed through political parties. When the members of the party meet in caucus, or primary, or convention, or conference, and its members or delegates or representatives decide by majority vote, then that is the law of the party and every man claiming membership in that party is bound thereby. That is one thing I admire about the Democratic party. Always, whether in the majority or the minority, they stand and do battle as a compact mass, a well-drilled army. Time and again, in perfect unison, we have heard from the other side of this Chamber, during this debate, the assertion that this is not a political or a partisan question. Wait until the final vote is taken, and like a well-drilled and seasoned army, with one accord, every man of them will vote against this bill. They invite Republicans to vote for a plank of their political platform, and I regret to say some, in a spirit of what they think is independence, will do so. I do not believe in that kind of republicanism. I think my party is right on this question. If I did not think so, I should fear that possibly I was wrong and that, after all, it was just possible that the combined wisdom of the Republican party was more apt to be right than my own individual judgment.

The Republican majority declared for this bill in the Fifty-eighth Congress; they have again declared for it in this Congress. Our great President, nearer to the hearts of the people of this country than any other man who ever lived, has, in his message to this Congress, declared for this bill in the following words:

> I recommend that Indian Territory and Oklahoma be admitted as one State and that New Mexico and Arizona be admitted as one State. There is no obligation upon us to treat territorial subdivisions, which are matters of convenience only, as binding us on the question of admission to statehood. Nothing has taken up more time in the Congress during the past few years than the question as to the statehood to be granted to the four Territories above mentioned, and after careful consideration of all that has been developed in the discussions of the question I recommend that they be immediately admitted as two States. There is no justification for further delay; and the advisability of making the four Territories into two States has been clearly established.

I am the keeper of no other man's conscience, but I, for one, am willing to follow the President and cast my vote in accordance with his recommendation; I for one am willing to follow in the path marked out by the leaders of the Republican party and sanctioned in caucus by an overwhelming majority of my party as represented in this House; I, for one, decline to follow the leader of the Democratic minority in this House, much as I admire him as a man, and much as I respect him for his political astuteness; I, for one, decline to shape my political course by the declarations of Democratic platforms. In casting my vote upon this bill I decline to be guided only by what is claimed to be the wishes of the people, or a part of the people, of Arizona Territory. There are more than 80,000,000 people in this country who are interested in this question as well as the 150,000 people of Arizona. It is said that the people of Arizona and New Mexico are so different that they can not get along together. I doubt that statement. If it were true, I should doubt their getting along well with the other States in this Union. Again, Mr. Chairman, it should be remembered that even after the passage of this bill, unless a majority of the people vote to adopt a constitution and thus accept the privilege of statehood which this bill offers, there will be no statehood. Nothing will be forced upon them unless the people—a majority of them—accept the benefits offered them by this bill. I have no fears but that they will accept. The terms we offer them are too liberal to be refused. We give them sovereign statehood. We admit them—350,000 people only—to full statehood; to an equality in the Senate of the United States with the 8,000,000 people of the State of New York, with the 5,000,000 people of my own State of Illinois. They will accept the offer, and I hope and believe that the new State of Arizona will become a great and prosperous State of this Union. Oklahoma will at once assume that position. No one doubts that. It is a great Territory with a great people, and it will be at once a great State. I hope no Republican, in his spirit of independence, or with his "better than his party" notions, will vote to longer keep them out of the Union and under a Territorial form of government. And Arizona, the land of eternal sunshine, whose pure air brings health to all, whose mountains yield untold wealth, whose natural beauty and scenic effects will for all time command the admiration of all who visit its domain; Arizona, with its Grand Canyon, not one of the Seven Wonders of the World, but the wonder of the world, so grand, so awe inspiring, so terrible in its wondrous extent and magnificent beauty that tongue of man never has and never can describe it. This great domain by this bill is granted sovereign statehood in this glorious Union of States, an honor never again to be granted to any Territory or any land, the last link in the indissoluble chain completing the great United States of America.

Fifty years ago New Mexico, of which the present Territory of Arizona was then a part, was clamoring for statehood. It should never have been divided. Its soil and climate and resources are identical. The natural union of the two will, by this bill, be again effected, but instead of Arizona being a part of the Territory of New Mexico the Territory of New Mexico will become a part of the State of Arizona. Magnificent as will be the domain of the new State, it will still be smaller by more than 25,000 square miles than the State of Texas. It has numerous lines of railroad, and means of communication will be comparatively easy and quick for so sparsely settled a region. Its future development and greatness none can with accuracy predict. But its resources are great, its population energetic and ambitious, and under sovereign statehood I predict for it a glorious future. Republicans need not hestitate to vote for this bill; it is in the interest of the people of those Territories and of the people of the rest of the Union. Time has often demonstrated the wisdom of the Republican party on many great questions. It will demonstrate again its wisdom in this. The greatness of the Republican party rests upon the fact that it has always been the party that did things; the party that has never been afraid to meet conditions as they arise, to assume every necessary responsibility, in spite of doubts and warnings and the fears of the weak and timid. The day this bill receives the signature of the President and becomes a law will mark a new milestone in the glorious history of this great party, for all our territory between the oceans will be upon an equal footing, united in forty-seven American commonwealths, each sovereign, and all under one flag, whose forty-seven stars shall be as fixed and permanent as the stars that shine in the firmanent above.

Let us pass this bill; pass it because it is right; pass it because of the greatest good to the greatest number; pass it as a Republican measure by Republican votes. The responsibility is ours; the credit will also be ours, and when the history of the great party is written this action will mark one of its bright pages that citizens of the future great State of Arizona will turn to with pride and thankfulness.

Mr. HAMILTON. I yield two minutes to the gentleman from Missouri.

Mr. BARTHOLDT. Mr. Chairman, I voted for the rule and shall vote for the bill. In determining my course I permitted the more important questions involved in the statehood proposition to overcome my objections to what must be regarded, in comparison with the main issue, as a minor detail. But I would be unfaithful to my convictions and unmindful of the

principles I have cherished all my life if I failed to enter my emphatic protest against the provision which puts Indian Territory under the ban of prohibition. To my mind prohibition is slavery. It is subversive of recognized individual rights, and therefore undemocratic and un-American. Indeed, the question may be fairly asked, Which is the more objectionable, an arrangement which places a man's person under another man's control, or a device by which the exercise of inalienable individual rights is prevented by State authority? The right to eat and drink what you please is not one of those natural rights which the individual is called upon to surrender on becoming a member of civilized society, because its exercise involves neither a moral wrong nor an injury to his neighbor, and this is the reason why those who are ever bent on interfering with the personal habits of their neighbors have never dared to advocate laws prohibiting these habits directly or to deny their rightful exercise. They try to accomplish their purpose by indirection. Therefore prohibition means nothing more and nothing less than to prevent citizens from exercising a privilege which in itself is both legal and moral, and must hence be regarded as an undeniable and inalienable human right. I hold this to be a violation of every sound American doctrine of government and am certain that this House or Congress would never sanction it as an independent proposition.

It is needless to repeat here that prohibition never prohibits. Wherever it has been tried practical experience has demonstrated it to be a lamentable failure. It is because you can not correct human habits and change human nature by legislation, because you can not by invoking the physical power of the State do what education and refinement alone can accomplish. Take the Indian Territory for an example. The excesses committed there, so far as they are traceable to the excessive use of intoxicants, were a direct result of prohibition, which renders the use of the light and healthful beverages, such as wine and beer, impossible and induces people clandestinely to procure the strong drinks that can easily be concealed. This is the case wherever prohibition is in vogue. It proves conclusively that prohibition does not mean temperance, that instead of promoting the cause of temperance it invites and encourages intemperance and excesses. I believe in temperance, Mr. Chairman, and those who have known me here for thirteen years know that I live up to that belief. Moreover, I sympathize with any movement which has the promotion of temperate habits for its object and with all good people who honestly strive to uphold the cause of moderation. But prohibition and prohibitionists do not belong in that category. They may mean well, but the movement long ago proved abortive and the people engaged in it are misled. Their remedy is wrong and vicious in principle and has proved ineffective in practice.

In the short time allotted to me it is impossible to go more fully into this subject, but let me say just a word in regard to the pending bill. If the provision to which I have called attention became a law, the white citizens of Indian Territory, as well as the Indians, would for the next twenty-one years be denied the opportunity of securing even the lightest kind of beverage for their family tables. Their personal rights would be curtailed to this intolerable extent by a mandate of Congress. Is there a single man within the sound of my voice who does not see the absurdity of such a proposition? While granting them the independence and sovereignty of statehood with one hand, are we not putting the chains of slavery around their necks with the other? Is this not erecting the gallows alongside of the liberty we feign to grant them? Surely it would be a repetition of the amusing demonstration in 1848 of which history tells us, when the unsophisticated peasant subjects of the Grand Duke of Hesse shouted: "Long live the Republic! Long live the Grand Duke!" in the same breath. If the good people of Indian Territory should not rebel against this tyrannical attempt on the part of Congress to dictate to them in a matter which is and should be their own affair, then I am greatly mistaken in their character and manhood. It was Abraham Lincoln who said, "You can not create a State half slave and half free," and if ever an American Congress or the people themselves should so far forget American traditions as to ignore the injunction handed down to us in these truthful words, then the Supreme Court of the United States will no doubt give them renewed force and effect. [Loud applause.]

Mr. HAMILTON. Will the gentleman from Tennessee now use the remainder of his time?

Mr. MOON of Tennessee. Mr. Chairman, I believe we have twelve minutes remaining. I desire to yield two minutes of that time to the gentleman from Arizona [Mr. SMITH] and the remainder of the time to the gentleman from Missouri [Mr. LLOYD].

The CHAIRMAN. The gentleman from Arizona [Mr. SMITH] is recognized for two minutes.

Mr. SMITH of Arizona. Mr. Chairman, I intrude myself on the committee only for a few moments for the purpose of denying a statement that has been suggested more than once on this floor, circulated through the press of this country, charging that railroad and mining influences were here attempting to corrupt the legislation of Congress in the defeat of this measure. I want to say once for all, emanating from where it pleases, that whoever suggested it is either ignorant of the facts and ought not to make that statement, or else knowing the facts he falsifies them. [Applause.] It is true, as I have said before, that the railroads in the West are exactly like the railroads in the East, that the mines in the West pay as much as the mines in the East in taxation, and none pay enough, but this argument has been used to scare Members on this floor. I have seen letters myself, and read them, where it was charged that a man voting against this measure would rest under the suspicion of having been bribed by somebody. There has not been one cent or one dollar used; and if this is pressed further, and I can get a resolution passed, I shall have the very last particle of it investigated by this House, if my friends on the Republican side will stay by me on that proposition. It is unfair to the men who appeared before that committee, as fine a body of men as ever appeared before a committee of Congress. Every man paid his own expenses, and they came as citizens protesting against this measure. They were willing to pay and did pay their own way; and I want once for all to give that report this emphatic denial that the man who repeats it, at least after this statement, should know forever that he repeats an absolute falsehood. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Missouri [Mr. LLOYD] is recognized for ten minutes.

Mr. LLOYD. Mr. Chairman, the pending bill provides statehood for four Territories. It unites into one State the Territories of Oklahoma and Indian Territory, and to this, so far as I have information, there is not a dissenting voice on this floor. Every Member of this body, as far as I know, if he had an opportunity to vote would take pleasure in voting for the admission of Oklahoma and Indian Territory as one State. As far as I am personally concerned, and I think that is the view usually of this side, we would prefer that those two Territories be admitted as two States, but, as has been explained, these people are now willing to take joint statehood rather than no statehood at all. If there ever was a Territory that was entitled of its own right to admission, that Territory is Oklahoma, and this Congress, if it fails to give it statehood, will commit a crime against the people of that great Territory. But another proposition is found in the latter part of this bill which unites in one State Arizona and New Mexico, and to that proposition a very large majority on the floor of this House, if they had the opportunity to vote their own convictions to-day, would vote "No." In this connection I am constrained to call attention to that which has been discussed by various individuals on the floor as to who is responsible for existing conditions.

It has been charged that this is the policy of the President, and it has been intimated by Members who are insisting upon supporting this bill that they do it because it is an Administration measure. I wish to call attention now to an article which was written for last Sunday's Star by the well-known writer, Mr. William E. Curtis, in which he gives the views of the President on this particular matter:

> While the President has taken an active part in the joint statehood bill, he is not much concerned personally as to its fate. He regards it as a political measure proposed by Republican committees and indorsed by a Republican caucus, and for that reason he wants it to pass. He does not believe that either Arizona or New Mexico is fit for admission into the Union, and he does not think either will be for a quarter of a century. He fears, however, that the Democrats may get control of Congress and admit them separately, which will make two more "rotten boroughs" and four more "sage-brush" Senators. Therefore he thinks it good policy for the Republicans to admit the two Territories as one State, on the theory that one "rotten borough" is better than two and that two "sage-brush" Senators are better than four.

You will observe from this that the President of the United States, if Mr. Curtis is correct, is acting at the suggestion of the committees of this House and the caucus of the party, which is doubtless brought about by the same committees. The responsibility for this legislation rests upon the committees of this House and the Senate, and the individual on the committee who disclaims, privately or publicly, that he is not responsible, and undertakes to hide behind the statement that it is an Administration measure, seems to be deceiving himself and the public. We have heard a good deal said about New York and Illinois—two wonderful States. It is said that it is

unwise, it is unjust, to admit Arizona and allow it to have two Senators, or to admit New Mexico and allow it to have two Senators, who will have as much representation at the other end of this Capitol as the State of New York. What does that mean? That means that population ought to control in the selection of United States Senators. If population ought to control in the United States Senate, have you ever thought about what would be the representation there?

Do you know that according to the rule that obtains here, giving every State one Senator, you would have twenty-two States of the forty-five with one Senator? You would have seven States with two Senators; you would have five States with three Senators; and the chairman of this committee and myself are fortunately living in States that would be increased in membership in the Senate if that rule should be followed. But in the State of Illinois and the State of Ohio there would be five. In Pennsylvania there would be seven. In New York there would be eight. Now, have you ever realized about what that would mean? Do you not know that if Illinois had five Senators that one of them would be the distinguished Speaker of this House? If Ohio had five United States Senators, one of them would be the distinguished Representative from Ohio, Mr. GROSVENOR. If Pennsylvania had seven United States Senators, one of them would be the distinguished Representative from that State, Mr. DALZELL. If New York had eight United States Senators, one of them would be the distinguished Representative from New York, Mr. PAYNE. If Indiana had three Senators, of course the third would be the distinguished whip of this House, Mr. WATSON, and then what would you do for leadership? [Applause on the Democratic side.]

Very much has been said about the Territory of Arizona. It has been attempted on the part of those who have addressed this committee to give the impression that Arizona was corrupt; that Arizona failed to assess its property; that Arizona of all the States and Territories of the American Union was most corrupt in the management of its local affairs. But what is the situation? Oh, they say, the railroads have not been assessed sufficiently. Why not? Because of the action of the Congress of the United States. But notwithstanding that action, do you know that Arizona pays more tax per mile for its railroads than does New Mexico or Oklahoma? It is said that the railroads running through those Territories when reaching over into Texas are immediately assessed for a large sum per mile. As soon as they get across into Nevada and California again they are assessed for a large sum per mile. But what is the truth? In the State of Texas the railroads in 1904 paid $110 per mile, and in Arizona $135 per mile.

The State of Illinois, about which we have heard so much in the last few days, with its hundreds of miles of side track and millions invested in terminals, paid only $418 per mile of line, Ohio paid $468, Pennsylvania $482, and New York $581 per mile of line. According to Poor's Railway Manual, 1905, there are 213,828 miles of railway, worth $15,422,873,305. They paid last year $54,325,856 for taxes in the United States, or $254 per mile. It is patent from these statistics that while Arizona may not receive as much taxes from its railroads as it should, it has received, when real value is considered, about as much as is paid in the States of the Union.

The chairman of the committee, in his excellent address yesterday, spoke very disparagingly of the assessment of the mines in Arizona, and quoted extensively from the report of the governor of that Territory to maintain his position. In 1901 the mines were assessed at less than $2,000,000; in 1904 they were assessed at $4,440,000; in 1905, at $5,325,000, and increased by the board of equalization to $14,440,000. Yet it is proposed to join Arizona with New Mexico to remedy the evil, when the report of the governor of New Mexico shows that the Territory has $38,500,000 invested in mines, with an output last year of over $5,000,000, and not one dollar assessed. The reflection on Arizona about its alleged corrupt assessments of mines and property, when compared with other States and Territories, is not well founded. Especially is that true so far as New Mexico is concerned, as the following quotation from the governor's report plainly shows:

> The real value of property in New Mexico is as follows: Railroads, $86,000,000; farm and buildings, $44,000,000; stock, $42,000,000; mines and equipment, $38,000,000; city and town lots and improvements, $30,000,000; business and manufacturing, $50,000,000; personal property, stocks, and bonds, $40,000,000; a total of $330,000,000.
>
> The assessment, by classes of property, for 1904 was as follows: Real estate, $17,321,795; railroads, $8,511,539; cattle, $5,870,824; sheep and goats, $2,703,644; horses and mules, $1,059,683; personal and other property, $6,268,035.

It may be well to recur to recent legislative history to refresh the memories of gentlemen. In 1902 there was presented to this House what was then known as the "Omnibus bill," which provided for the admission of Oklahoma, Arizona, and New Mexico as three separate States. It came to this body with a unanimous report from the Committee on Territories, was considered, without any rule, and was passed without division or roll call. During its consideration, Mr. OVERSTREET, of Indiana, offered an amendment providing for the jointure of Arizona and New Mexico. This amendment was discussed and was defeated by a vote of 103 to 26.

The report of the committee in its conclusion as to the right of Arizona to statehood was summed up as follows:

> The foregoing is merely a summary of the many facts presented to your committee, from which it is concluded that no valid objection to Arizona's admission to statehood now exists. Many of the greatest States of the Union have been admitted with much less population and half the resources that Arizona possesses. Peace and quiet are everywhere supreme. The law is respected and enforced. Life and property are as safe there as in the capital of the nation. The population of Arizona, by every rule of virtue, education, property, patriotism, and industry, fills to the fullest measure every requirement of citizenship.

Then, as to New Mexico, the committee said:

> If population determines her right, then by nearly every precedent heretofore made her claim is established. If area is to be a factor in its determination, then no question can arise as to her right to statehood. If natural resources and material development are to be the criterion of action, then, upon investigation, she can safely rely upon statehood. If education, integrity, and devotion to American institutions make the bulwark that insures recognition, then Congress, in our judgment, should by legal enactment admit her to the sisterhood of States. If patriotism and a burning desire to enjoy the full benefits of citizenship and to control their own domestic affairs should guide the action of Congress, then the bill enabling her to enjoy these rights should be passed at once.

If Arizona and New Mexico were entitled to separate statehood, then why should they be refused that recognition now?

Why should the majority of the committee having statehood bills in charge now say that separately they are not entitled to enjoy the rights and privileges of independent States, and combined are not entitled to it except as a matter of favor? Why should this House reverse itself on its record of 1902?

It is alleged that they have not singly sufficient population; but according to the precedent they have each more population than twenty States had at admission, and can not be denied on that account.

In 1890 Wyoming was admitted when it had a population of 62,555. In the same year Idaho was accepted as a State, with a population of 88,548. In looking over the record of the vote on those enabling acts it is interesting to observe that the following well-known gentlemen voted "aye:" CANNON, DALZELL, GROSVENOR, HITT, LACEY, PAYNE, Henderson, and McKinley.

Arizona had a population, according to census of 1900, of 122,931, and New Mexico, 195,310. If population is to be considered, why deny them separate statehood, when Wyoming and Idaho were admitted with so much less?

To-day an anomalous position is presented. Less than half of the people's Representatives on this floor are seeking to force a union of the Territories of Arizona and New Mexico, while a large majority are in sentiment against it. Coerced by the leaders of the majority and urged by the Executive, numerous individuals have buried their convictions and answered to the party lash by agreeing to vote for this union. An unusual spectacle of independent manhood was presented yesterday when forty-three Members dared to vote for what they conceived to be right, in opposition to the rule which shut off the right of amendment to the pending bill and precluded the offering of any motion of any kind in regard to it, but required a "yes" or "no" vote on the bill to-day at 3 o'clock.

If the Democratic minority had the opportunity to do so, it would have two votes on the bill. One on that part admitting Oklahoma and Indian Territory, the other on the admission of Arizona and New Mexico. On the first proposition every Democrat would vote "aye."

Then an amendment would be offered to the latter proposition, requiring the consent of each of the Territories to the ratification of the constitution. If this amendment were accepted, the Democrats would vote for the bill.

But, sir, with the bill in its present form we are obliged to vote against it, because of the intense and determined opposition of Arizona to union with New Mexico, and because of what we believe is a prevailing sentiment in New Mexico as well.

I quote here the concluding statements of a very forceful presentation of the views of the people of Arizona in the report of the Territorial governor, Mr. Kibbe:

> For more than forty years citizens of other States have migrated to Arizona, attracted either by its promise of self-government, its wealth of undeveloped resources, or the salubrity of its climate. They have laboriously built up a Commonwealth, and whether it be great or contemptible, it has their allegiance, their loyalty, and their affection, and in it they have an abounding self-pride. A more patriotic people, a people more intensely American, or more devoted to the great Union than are Arizonians, inhabits no State or Territory within its confines.
>
> They ask most respectfully, but most earnestly, that no law shall be passed by Congress which shall make Arizona a component part of any

State without the consent of her people. Do not force a union upon her.

The solution of the situation is easy, in consonance with every principle of justice. If Arizona possesses the qualities necessary to the establishment and maintenance of a State government, she should be admitted. If she does not, then she should not be admitted, and her right should be held in abeyance until she does acquire them; and the question ought not to be determined by the question of the admission or exclusion of the other Territories, or any of them, any more than in 1850 the admission of California should have been made to depend upon the organization of the Territories of New Mexico and Utah. If, again, it seems to Congress that the welfare of the nation would be better promoted by the jointure of New Mexico and Arizona and the creation of one State out of the two Territories, the simplest and the only just plan is to provide for procuring the assent of the two peoples, if they in fact do assent. If either dissents, no interest of the nation will be jeopardized.

Arizona would be inhabited by a strange people if they did not want statehood, and want it earnestly, and strive for it zealously. If they did not want it then Arizona would not make a good State of the Union. But they want statehood for that Commonwealth which they have built up, in which their hopes are bound. They want it as their reward for their conquest of the desert, their searching of the mountains and disclosing the fabulous wealth of her mines. They want it for the protection and for the fostering of all her varied industries. As all their hopes, their ambition, and their pride are bound up in that State, they insist that they should be its designer and its builder.

A bill similar to the one pending passed the House in the last Congress and was afterwards defeated in conference between the two Houses. In speaking of that action Governor Kibbs says in his official report:

The defeat of the bill enabling New Mexico and Arizona to jointly form a State constitution, and providing for their ultimate admission to the Union as one State, was received by the people of the Territory with universal gratification. The small margin by which the defeat was effected in the Senate and the prompt avowal by the friends and advocates of that measure of their purpose to renew their efforts at the next ensuing session of Congress has, however, excited general alarm.

The proposed union is regarded by our people as a menace to the prosperity and progress of the Territory.

There appeared before the Committee on Territories sixteen as bright and intelligent gentlemen as have appeared before any committee and protested most strongly against the merger of the Territories into one. These came from nearly all the walks of life and represented the people of every locality in the Territory. They declare that not 2 per cent of the people favor the jointure, but that more than 98 per cent are unalterably opposed to the union of Arizona with New Mexico. They desire single statehood for Arizona, but prefer now to be let alone rather than to be joined to New Mexico. They protest in the strongest possible way to the union. The people of Arizona are Caucasian; those of New Mexico are of Mexican ancestry. The people of Arizona speak English; a very large per cent in New Mexico speak Spanish. All business and court proceedings in Arizona are carried on in English, while in New Mexico interpreters are used everywhere. The people of Arizona have the habits and customs of the people of the States, while the inhabitants of New Mexico are largely Mexican in their ideas of life. The people are wholly dissimilar in religion, ancestry, and progress, and are separated by the Continental Divide, an almost impassable barrier.

There are three things to be considered in statehood—the character and ability of the citizenship to maintain a stable government, their application for admission to the sisterhood of States, and the consent of the Congress of the United States.

There can be no question that each of the Territories of Oklahoma, Indian Territory, Arizona, and New Mexico is capable of maintaining a stable government and has a patriotic and progressive citizenship, and by every rule of right and justice is entitled to statehood at once. Nothing would please the people of each more than to accord to them this separate statehood, in my judgment, and wisdom and honor dictates that their wishes should be observed.

Oklahoma and Indian Territory have asked to be admitted together, not because they prefer it, but for the reason that they would rather have joint statehood than no statehood. New Mexico, through her Delegate, asks for statehood alone, and Arizona has presented no request for recognition, but at this time prays to be let alone, so that the request of neither of the Territories of Arizona and New Mexico for jointure is asked. Since there is no request from them, Congress ought not in justice to them attempt to coerce their union. No Territory should be forced into the Union of States. The pending bill, if it should become a law, might bring about this state of affairs: Practically every vote in Arizona might be against a constitution, and a sufficient majority be obtained in New Mexico to make a majority of both Territories, and if this should occur under this bill Arizona would then be a part of New Mexico and in the Union against its will and in violation of the spirit of the Constitution and the genius of our institutions.

Such a condition is wrong, as I see it, the pending bill is violative of the teachings of the fathers, is subversive of the doctrine of the rule of the people, and contrary to the principles of ethics by which all men should be controlled. Because this bill is wrong in its provisions and contrary to my conception of the autonomy of States I must vote against it, notwithstanding I am anxious that these Territories shall be States in the Union. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAMILTON. Mr. Chairman, I yield to the gentleman from Maine [Mr. POWERS].

Mr. POWERS. Mr. Chairman, in closing the discussion upon the Republican side, it is my purpose to appeal, not to the fictions of an hysterical imagination, but to facts, figures, and records; not to party fealty or prejudices, but I would advocate what, in my judgment, is wisest and, under the circumstances, most equitable and just to every section and all the people of this great country of ours; what will best subserve the interests of the grandest, freest Republic upon which the sun ever shone or the world ever knew. I am opposed to every attempt to arouse sectional prejudice in discussing this bill, and can see no reason why anything of a sectional character should be dragged into this debate to coerce or to influence the votes of Members of this House. The gentleman from Minnesota [Mr. BEDE] has referred twice to the Mississippi River as a dividing line, contrasting the States east and west of it. I do not believe in any divisions in this country—by the Mississippi River, by the Rocky Mountains, by the Mason and Dixon line, or by any other line, real or imaginary. We have in the past seen enough of the bitter fruits that have been gathered from sectional prejudice and sectional division.

Whatever may advance the interests or increase the power and wealth of the Pacific coast I would gladly and earnestly advocate and support. I would not oppose the admission of a State into this Union from the southwestern part of our country for any reason that would not be equally potent with me against its admission from my own section of the country. Whatever of progress, whatever of prosperity California and the other States upon the Pacific coast have had in the past or are now enjoying in this era of universal prosperity which rules and blesses our land, have been and are beneficial to us all, for we are so united that we all must to a certain extent share in whatever of weal or woe, good or evil, prosperity or adversity may come to any section of this great Republic. I have heard the term "Pacific coast Senators" used, and the inquiry, "Why are you afraid of Pacific coast Senators?" I have made no statements nor have I heard any from the advocates of this bill that should lead gentlemen to make this inquiry. The term has not been used by me. I believe this broad land of ours is a common country under a common flag, the birthright and home of a patriotic and free people, and that the question to be considered here and now is, What, under all the circumstances, taking the history of these Territories, their progress in the past and their prospects for the future, carefully considering our rights and duties under the Constitution of the United States, both as to them and the nearly eighty millions more that live within our borders, is it proper and just for us to do?

I know something of the people of Arizona and New Mexico; I have spent at least four weeks of my life in those two Territories; I have visited them twice; I know that they have in both Territories good school systems—universities, normal schools, and other institutions of learning; school buildings that will compare favorably with those in my own State and, I believe, with those in any other State. I know that many of their people have emigrated from different States in the Union. I might say that all the States have representatives there. In Arizona the chief justice of the Territory is from my own district; his father was a governor of my State; in Arizona also are two able gentlemen, one a former governor of the Territory and the other a distinguished and able man largely interested in mines and railroads, whose names I need not mention. They emigrated there from my own State years ago. I say I know something of these people. I have been well received by them, have been treated kindly by them, and I do not intend to utter one unkind word with reference to them. But I do believe, and I base that belief upon their history and conditions, upon the census returns and upon personal observation, that, in justice to the other States of this Union, in justice to the 80,000,000 of people outside of these two Territories, you should not make two States of those Territories containing by the last census, including Indians on the reservations, less than 320,000, and containing less than 200,000 to-day, in my deliberate judgment, of Caucasian descent, if you exclude Mexicans, as the people of Spanish descent are called.

Mr. WEBB. May I ask the gentleman a question?

Mr. POWERS. Yes, sir.

Mr. WEBB. I will ask you if three and a half years ago, when Mr. Knox, of Massachusetts, was chairman of the Committee on Territories, if you did not sign a unanimous report from that committee, and report a bill to this House in favor of single statehood for Arizona and New Mexico; and, if you did, what has changed your mind on that subject?

Mr. POWERS. I would state in reply to that question, that I do not think I ever saw the report; I was opposed to single statehood in the committee. I was new upon the committee; I had never been in those Territories at that time; I had never investigated the subject very thoroughly, and might possibly have relied too much upon the statements of interested parties as to the limitless future prospects of the Territories.

Mr. LLOYD. Mr. Chairman——

Mr. POWERS. One at a time. It may have been that as the majority of the Republicans upon that committee desired to introduce the bill that I acquiesced in that measure.

Mr. LLOYD. Were you not on the subcommittee that framed the bill?

Mr. POWERS. I am not aware that I was.

Mr. LLOYD. Do you not remember that you were on the subcommittee and that you suggested a change with reference to the admission of the Indian Territory?

Mr. POWERS. Possibly it may have been so. A subcommittee has principally to do with the details of a bill of this character.

Mr. WEBB. And then became an enthusiastic advocate of the bill?

Mr. POWERS. I never said a word on the floor of this House or elsewhere advocating single statehood.

Mr. WEBB. Now, one more question. I yielded you the same courtesy.

Mr. POWERS. Certainly.

Mr. WEBB. Did not you lend your influence in favor of single statehood for those Territories?

Mr. POWERS. I did not, sir.

Mr. WEBB. Did you object to it?

Mr. POWERS. I did not say anything about it.

Mr. WEBB. All right, then. That is the way you answer the question?

Mr. POWERS. Yes, sir.

Now, let us look dispassionately at the conditions existing in those two Territories. And in the first place I want to meet in limine the statement that I have heard upon the floor of this House, which was printed near half a dozen times in the report in the Post this morning as to the conditions in the two Territories being so unlike that the people of one had nothing in common with those living in the other; that they were unlike in race, in language, in religion, in laws; so utterly unlike in everything that one gentleman said in opposing this measure since this debate began, it would be miscegenation to unite these two Territories into one State. In the committee I listened to various witnesses produced to show that those conditions were so unlike as to be unbearable. The statement was freely made. I did not hear a scintilla of evidence sustaining the assertions, and it is not in any of the reports. I say to you that the conditions in those two Territories are substantially as much alike as they are in Maine and Massachusetts, and I will prove that statement, too. There was one witness, an attorney, called to prove that the courts' method of procedure and laws were all unlike, and when we asked for a concrete example, and in what the dissimilarity consisted, it turned out that the codes were made from the same sources in both Territories. There was not brought before our committee a single concrete instance showing that conditions were unlike. Let me point out some similarity.

Both Territories were acquired from Mexico; both are arid Territories; both have mines, Arizona has the more; both are grazing countries; both have mixed populations of Mexicans, other Caucasians, and Indians; both Territories were under one government from the earliest settlement in the country down to 1863. There are more people of Mexican or Spanish descent in New Mexico than in Arizona. It has more population, and the ratio is somewhat larger. I will quote some statistics from the recent report of the governor of Arizona. How many Mexicans does the gentleman suppose there are to-day in Arizona? One would naturally infer from the arguments of gentlemen upon the other side that a person of Mexican or Spanish descent was unknown to Arizona, and that there was nothing therein but a type of Caucasian blood much purer than New Mexico could hope to attain to.

Mr. SLAYDEN. I am unable to state from memory. I have not the figures, but the percentage of Mexicans in Arizona is comparatively insignificant when you contrast them with the number in New Mexico.

Mr. POWERS. I will give the gentleman a statement compiled in 1905, in the report of the governor of Arizona, from which gentlemen opposed to this bill have quoted so liberally. There were in Arizona by the last census, of white persons 92,903. That includes all persons of Mexican and every other Caucasian descent, and excludes Indians on the reservations. When Arizona was organized into a Territory in 1863 there were some seven or eight thousand people there, nearly all Mexicans. Now, here is the language of the governor of Arizonia as to the population now. He says that of those 92,000 people, 38,137 are of foreign parentage, not even born in the Territory. He says of those of foreign parentage, not including the Mexicans born in the Territory, there are of Mexican parentage (born in old Mexico) 14,172, without having any reference to the Mexicans born in Arizona, without any reference to the Mexicans who were there when we acquired the Territory. Gentlemen should remember that Arizona was settled before the landing of the Pilgrim Fathers. There are, not taking into consideration these others, between fourteen and fifteen thousand Mexicans there who were born in Mexico. A careful and conservative estimate of the 92,000 people living in Arizona classed as white or Caucasian shows more than 20,000 Mexicans are persons of Mexican descent—more than one-fifth of all. Add to these some 27,000 Indians and you will have some idea of the mixed population over which gentlemen have shed tears because they are to be outraged by a union with New Mexico.

Mr. WEBB. Will the gentleman allow me one more interruption, to read three lines of what Governor Otero says about the difference in these populations, while you are on that line?

Mr. POWERS. On what page?

Mr. WEBB. I do not know what page.

Mr. POWERS. You read that before.

Mr. WEBB. No; I did not read it before.

Mr. POWERS. I beg the gentleman not to interrupt me any further. If he did not read it, some other gentleman did.

The CHAIRMAN. The gentleman from Maine declines to yield.

Mr. POWERS. Now, sir, if there is any difference, so far as my observation goes, between the Mexicans in Arizona and the Mexicans in New Mexico, it is in favor of the Mexicans in New Mexico, for a larger percentage of those in Arizona—as that is nearer to old Mexico—have immigrated into that Territory from Mexico recently; so much so that there are between fourteen and fifteen thousand there now out of the 92,000 who are of foreign Mexican parentage.

Mr. SLAYDEN. If the gentleman will pardon me, about 15 per cent of the population are of Mexican birth or descent.

Mr. POWERS. Twenty thousand would be about one-fourth of the population denominated as white.

Mr. SLAYDEN. About 15 or 16 per cent.

Mr. POWERS. More than that—20 per cent.

Mr. SLAYDEN. Is it not true that, calling as Mexicans those born in the Territory of Mexican parentage and Mexican blood, that the percentage is enormously greater in New Mexico than in Arizona?

Mr. POWERS. The percentage of Indians and Mexicans in Arizona is at least one-third of the population, and the percentage of the same people in New Mexico is less than one-half of the population.

Now, under these circumstances, what becomes of this cry about forcing unwilling portions of the country together, unlike in everything? There isn't a scintilla of evidence for it to stand upon—not one. The gentleman from Wyoming says they had 100 per cent increase in population in those Territories in the last decade. That is not true. The population of Arizona and New Mexico in the last decade increased somewhere from 68,000 to 70,000. The population of both Territories by the census of 1890 was, in round numbers, 242,000; the percentage of increase, some 27 per cent. The census will show it. The percentage throughout the entire country at the same time was a little less. Both Territories were developed very largely during this decade by the opening of mines and the building of railroads. They have to-day in both Territories, counting Indians, Mexicans, negroes, Mongolians, and everything else, according to the last census, 318,000—not one-fifth part of the average number of persons throughout the other States in the Union.

Gentlemen talk about the number of population when other States were admitted. They had splendid prospects; they had vast fertile areas. Down there the governor only claims that about 1 per cent of the land can be reclaimed by irrigation.

Volcanic rocks, cactus deserts, and irreclaimable wastes make the principal part of those Territories.

Mr. SLAYDEN. Will the gentleman allow me another interruption?

Mr. POWERS. Yes; I have only a short time.

Mr. SLAYDEN. Does not the gentleman know that Arizona has grown with phenomenal rapidity within the last five or six years?

Mr. POWERS. I do not know anything of the kind.

Mr. SLAYDEN. Does not the gentleman know—as a matter of fact, isn't it public knowledge—that the people who go there to engage in mining and railroad building are Americans—Anglo-Americans?

Mr. POWERS. Yes; many of them—not all, by any means. They are enumerated in the ninety-two thousand. An entirely different rule should be applied to the admission of States under the Constitution from that which governed the formation of the Union by the thirteen original States. Then thirteen distinct sovereignties were forming a general government. Now the General Government, under the Constitution, should admit States only when by so doing it is fair to the people of the whole country. The thirteen original States were separate sovereignties forming a union, and they prescribed in their Constitution that this nation might admit other Territories. I believe that in fairness to other portions of this country it is right, if we are to admit this vast area of cactus and rocks and some fertile valleys and mines—which Senator CLARK says are liable to go out at any time—we should make one State of the three hundred and eighteen thousand. But to make two States of them and give them four Senators would be an injustice to many other States. It would not be an injustice to Wyoming, with 92,000 people; it would not be an injustice to Nevada, if you want to make any more like her, with 42,000 people, having decreased from sixty-six thousand in the last fifteen or twenty years to forty-two thousand, but it would be a crying injustice to the great mass of the people of this country. It would do violence to representative government and would give an unfair preponderance in the Senate of the United States, which is not like the House of Lords, a mere brake upon legislation, but a very potent factor in the legislation of this country.

Mr. LLOYD. Mr. Chairman, will the gentleman allow me?

Mr. POWERS. I have very few moments left.

Mr. LLOYD. I want to ask the gentleman if it isn't true that the State of Maine would be represented in Congress by three Representatives instead of four if it had not been for the Representatives from the Western States on this floor?

Mr. POWERS. The State of Maine has no more Representatives than she is entitled to under the law, and the child isn't born that will ever see in both of these Territories put together a population, to say nothing about everything else that constitutes greatness and worth, that will equal the numbers of population that there are or will be in the State of Maine during its lifetime. [Laughter.]

I have no apology to make, as I said, for this Republican measure. There is not a gentleman supporting this bill who desires to shield himself behind any Executive order or Executive support. This measure is right, it is Republican, it is just, and therefore I expect gentlemen on the other side to oppose it. To do otherwise would falsify the history of their party. The history of our country for the last fifty years shows that the gentlemen on the other side have opposed all of these great measures which have made our country what we now are and under which we have prospered in an unprecedented degree, as no other nation has ever prospered.

Go back for a moment in the history of the country and you will find that persistently and always in your platforms and speeches and by your votes you gentlemen have opposed every important measure. You opposed the issue of the greenback when its issue was to save the life of the nation. You wanted to set the printing presses running when to issue more was to destroy and dishonor the nation.

On this floor thirty years ago I heard your leaders, for you had a majority here then, denounce the resumption act as a wicked act in the interest of the capitalist and bondholder as badly as you denounce this measure, and you passed a bill through this House repealing it. All along the line of march of your party we find monuments erected to abandoned positions. But the Republican party, which has generally guided and governed this great country for a half a century, has made a record that it may well be proud of, and the Republican party to-day desires to do equal and exact justice to all parts of our country. It has never pledged itself in any of its platforms to grant statehood to these Territories separately. It has pledged itself to give the right of statehood to the Territories and have them become States, and is now offering to redeem that promise and pledge, notwithstanding the small amount of population and disparity of numbers, and to make these four Territories into two sovereign States. I trust and hope and believe that action to that end will be taken by this Congress. [Loud applause.]

The CHAIRMAN. The time for debate of the pending measure having expired, the committee will rise and report the bill to the House for its consideration.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CRUMPACKER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12707, the time fixed for debate by special order of the House having expired, the committee had instructed him to report the bill back to the House for its consideration.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The question was taken; and the bill was ordered to be engrossed and read the third time, and was read the third time.

The SPEAKER. The question now is on the passage of the bill.

Mr. MOON of Tennessee. On that, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 195, nays 150, answered "present" 8, not voting 33, as follows:

YEAS—195.

Acheson	Denby	Keifer	Powers
Adams, Pa.	Dickson, Ill.	Kennedy, Nebr.	Reynolds
Alexander	Dixon, Mont.	Kinkaid	Rhodes
Allen, Me.	Dovener	Klepper	Rives
Allen, N. J.	Draper	Knapp	Roberts
Ames	Dresser	Knopf	Rodenberg
Bannon	Driscoll	Lacey	Samuel
Barchfeld	Dunwell	Lafean	Schneebeli
Bartholdt	Dwight	Landis, Chas. B.	Scott
Bates	Edwards	Landis, Frederick	Scroggy
Bennet, N. Y.	Ellis	Law	Shartel
Bennett, Ky.	Fassett	Lawrence	Sherman
Bingham	Flack	Le Fevre	Sibley
Birdsall	Fletcher	Lilley, Conn.	Smith, Ill.
Bishop	Foss	Littauer	Smith, Iowa
Blackburn	Foster, Ind.	Littlefield	Smith, Wm. Alden
Boutell	Foster, Vt.	Longworth	Smith, Pa.
Bowersock	Fowler	Lorimer	Smyser
Bradley	Fulkerson	Loudenslager	Snapp
Brick	Fuller	Lovering	Southard
Brownlow	Gaines, W. Va.	McCall	Southwick
Buckman	Gardner, Mass.	McCarthy	Sperry
Burke, Pa.	Gardner, Mich.	McCleary, Minn.	Stafford
Burke, S. Dak.	Gardner, N. J.	McGavin	Steenerson
Burleigh	Gilbert, Ind.	McKinley, Ill.	Sterling
Burton, Ohio	Gillett, Mass.	McKinney	Stevens, Minn.
Butler, Pa.	Graff	Madden	Sulloway
Calder	Greene	Mahon	Tawney
Campbell, Kans.	Gronna	Mann	Taylor, Ohio
Campbell, Ohio	Grosvenor	Martin	Tirrell
Capron	Hale	Michalek	Townsend
Cassel	Hamilton	Miller	Tyndall
Chaney	Haskins	Moon, Pa.	Van Winkle
Chapman	Haugen	Morrell	Volstead
Cocks	Hedge	Mouser	Vreeland
Cole	Henry, Conn.	Murdock	Waldo
Conner	Hepburn	Nevin	Wanger
Cooper, Pa.	Higgins	Norris	Watson
Cooper, Wis.	Hill, Conn.	Olcott	Webber
Cousins	Hinshaw	Olmsted	Weeks
Currier	Hoar	Overstreet	Weems
Curtis	Hogg	Palmer	Welborn
Dale	Holliday	Parker	Wharton
Dalzell	Howell, N. J.	Parsons	Wiley, N. J.
Darragh	Hubbard	Patterson, Pa.	Wilson
Davis, Minn.	Huff	Payne	Wood, N. J.
Dawes	Hughes	Pearre	Woodyard
Dawson	Hull	Perkins	The Speaker
Deemer	Jenkins	Pollard	

NAYS—150.

Adams, Wis.	Davis, W. Va.	Hay	Lever
Adamson	De Armond	Hayes	Lewis
Aiken	Dixon, Ind.	Heflin	Lindsay
Babcock	Ellerbe	Henry, Tex.	Livingston
Bankhead	Esch	Hermann	Lloyd
Bartlett	Field	Hopkins	Loud
Beall, Tex.	Finley	Houston	McCreary, Pa.
Bede	Fitzgerald	Howard	McKinlay, Cal.
Beidler	Flood	Howell, Utah	McLain
Bonynge	Floyd	Humphrey, Wash.	McNary
Bowers	French	Humphreys, Miss.	Macon
Brantley	Gaines, Tenn.	Hunt	Marshall
Broocks, Tex.	Garner	James	Maynard
Brown	Garrett	Johnson	Meyer
Brundidge	Gilbert, Ky.	Jones, Va	Minor
Burgess	Gill	Jones, Wash.	Mondell
Burleson	Gillespie	Kahn	Moon, Tenn.
Burnett	Gillett, Cal.	Keliher	Moore
Butler, Tenn.	Glass	Kitchin, Claude	Mudd
Calderhead	Goebel	Kitchin, Wm. W.	Murphy
Candler	Goldfogle	Kline	Needham
Clark, Mo.	Goulden	Knowland	Padgett
Clayton	Granger	Lamb	Page
Cushman	Gregg	Lee	Patterson, N. C.
Davey, La.	Griggs	Legare	Pou
Davidson	Gudger	Lester	Pujo

Rainey	Ruppert	Smith, Tex.	Trimble
Randell, Tex.	Russell	Sparkman	Underwood
Ransdell, La.	Ryan	Spight	Wachter
Reeder	Shackleford	Stanley	Wallace
Reid	Sheppard	Stephens, Tex.	Watkins
Rhinock	Sherley	Sullivan, Mass.	Webb
Richardson, Ala.	Sims	Swanson	Weisse
Richardson, Ky.	Slayden	Talbott	Wiley, Ala.
Rixey	Small	Taylor, Ala.	Williams
Robertson, La.	Smith, Cal.	Thomas, N. C.	Wood, Mo.
Robinson, Ark.	Smith, Ky.	Thomas, Ohio	
Rucker	Smith, Md.	Towne	

ANSWERED "PRESENT"—8.

Andrus	Clark, Fla.	McMorran	Patterson, S. C.
Brooks, Colo.	Crumpacker	Otjen	Wadsworth

NOT VOTING—33.

Bell, Ga.	Garber	Lilley, Pa.	Sullivan, N. Y.
Bowie	Graham	Little	Sulzer
Broussard	Hardwick	McDermott	Van Duzer
Burton, Del.	Hearst	McLachlan	Williamson
Byrd	Hill, Miss.	Patterson, Tenn.	Young
Castor	Hitt	Prince	Zenor
Cockran	Kennedy, Ohio	Slemp	
Cromer	Ketcham	Smith, Samuel W.	
Fordney	Lamar	Southall	

So the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. CROMER with Mr. PATTERSON of South Carolina.

Mr. BURTON of Delaware with Mr. BELL of Georgia.

Mr. CRUMPACKER with Mr. ZENOR.

Mr. SCOTT with Mr. HARDWICK.

For one week:

Mr. KETCHAM with Mr. GARBER.

Mr. WADSWORTH with Mr. BOWIE.

For the day:

Mr. PRINCE with Mr. SOUTHALL.

Mr. SLEMP with Mr. LITTLE.

Mr. SAMUEL W. SMITH with Mr. BYRD.

Mr. LILLEY of Pennsylvania with Mr. CLARK of Florida.

For the vote:

Mr. HITT with Mr. HILL of Mississippi.

Mr. ANDRUS with Mr. SULZER.

Mr. GRAHAM with Mr. VAN DUZER.

The result of the vote was announced as above recorded.

On motion of Mr. HAMILTON, a motion to reconsider the last vote was laid on the table.

RESIGNATION.

The SPEAKER laid before the House the following communication; which was read, and ordered to lie on the table:

WASHINGTON, D. C., *January 24, 1906.*

To the Speaker of the House of Representatives.

SIR: I have this day transmitted to the governor of the Commonwealth of Virginia my resignation as a Member of the House of Representatives of the Fifty-ninth Congress for the Fifth district of Virginia, to take effect January 30, 1906.

Respectfully, yours, CLAUDE A. SWANSON.

ENROLLED RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following joint resolution:

H. J. Res. 87. Joint resolution to authorize use of transport *Sumner* to convey members of Santiago Battlefield Commission and others to Cuba and return.

PENSION BILL.

Mr. GARDNER of Michigan, from the Committee on Appropriations, reported the bill (H. R. 13103) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1907, and for other purposes; which was read the first and second time, referred to the Committee of the Whole House on the state of the Union, and, with accompanying report, ordered to be printed.

Mr. FITZGERALD. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from New York reserves all points of order on the bill.

PHILIPPINE TARIFF LAWS.

Mr. PAYNE, from the Committee on Ways and Means, reported the bill H. R. 13104 in lieu of the bill (H. R. 9978) to amend an act entitled "An act to revise and amend the tariff laws of the Philippine Islands, and for other purposes," approved March 3, 1905; which was read the first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

REORGANIZATION OF CUSTOMS COLLECTION DISTRICTS.

Mr. PAYNE, from the Committee on Ways and Means, reported the bill (H. R. 7114) to provide for the consolidation and reorganization of customs collection districts; which was read the first and second time, referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

HOUSE EMPLOYEES.

Mr. CASSEL. Mr. Speaker, I desire to call up a report from the Committee on Accounts.

The SPEAKER. The gentleman from Pennsylvania calls up as unfinished business of the House resolution No. 182.

Mr. CASSEL. Mr. Speaker, I do not know that it is necessary to make any statement in reference to this resolution. There have been referred to the Committee on Accounts twenty-five separate resolutions. The committee has gone carefully over these various resolutions and has prepared this omnibus resolution, which provides for fourteen janitors to take care of thirty-six rooms. The number of janitors in the last Congress was nine, who took charge of eighteen rooms.

Mr. MANN. Mr. Speaker, a parliamentary inquiry. Do I understand the resolution is pending before the House now?

The SPEAKER. The Chair will state to the gentleman from Illinois that it is unfinished business.

Mr. MANN. I do not know whether it is too late, but at the proper time I wish to ask for a division of the resolution.

The SPEAKER. When it comes to a vote it will be proper.

Mr. CLARK of Missouri. Mr. Speaker——

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Missouri?

Mr. CLARK of Missouri. I would like to get two or three minutes.

The SPEAKER. The gentleman from Pennsylvania has the floor. Does the gentleman yield to the gentleman from Missouri?

Mr. CASSEL. Yes. Does the gentleman want to make a statement now or simply to ask a question?

Mr. CLARK of Missouri. If you will come over here in the middle of the Hall, so we can hear you, I think we will get through quicker.

Mr. CASSEL. All right. I will try to explain the provisions of the resolution. They are, first, to take care of the janitors of the House; second, to provide a number of additional clerks to the different committees; third, to provide a few assistant clerks, and, fourth, to pay certain obligations to the families of deceased Members. The Committee on Accounts bring the report in this shape in order to facilitate the business of the House and to save time. We have ten resolutions, and I will be glad to answer any question that Members may desire to ask concerning them. If not, I will say the report is printed in full and is before all of the Members.

Mr. CRUMPACKER rose.

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Indiana [Mr. CRUMPACKER]?

Mr. CASSEL. Certainly.

Mr. CRUMPACKER. I will be glad if the gentleman will explain the operation of this resolution with respect to the janitors, stating the number we already have, the number the resolution provides for, how they are distributed under the present arrangement, how it is proposed to distribute them, and what, if any, additional expense the additional janitors create. Also, if there is any increase over the expenditure of last year.

Mr. CASSEL. Mr. Speaker, in taking charge of this committee I found there was a great deal of dissatisfaction in reference to the janitor service in the House. Consequently I asked our clerk to secure for me a list of all the committee rooms, those that were supplied with janitors and those that were not, and to ascertain what it would cost to supply all the committee rooms with janitor service. We have provided in this for thirteen janitors for the various committee rooms. But these thirteen janitors are to take charge of thirty-six rooms, being an increase of five over what we have had heretofore, and an increase of expenditure of only $904. This is done by making this janitor service last only during the session of Congress instead of during the whole of the Congress, thus paying them only for the time they are actually in service. We are thereby providing for the care of all the rooms of the House at an additional expense of $904.

Mr. CLARK of Missouri. If the gentleman will yield me two or three minutes, I will get through with my part of the subject.

Mr. CASSEL. All right. How long does the gentleman want?

Mr. CLARK of Missouri. Five minutes. If that is not enough I will ask for five minutes more.

Now, Mr. Speaker, the other afternoon when I objected to the consideration of this resolution, I had no idea as to what was in it, and nobody, except the five or six gentlemen who are on

that committee, had any idea of what was in it. It was more to the way it was being done than to anything else that I objected.

Mr. CASSEL. I want to say for the information of the House, an arrangement was made with the Speaker to make this report and have it published, so that the whole House might understand it.

Mr. CLARK of Missouri. I understand that. I am opposed to the transaction of public business in that way—that is, to bring in an important measure like this—and this bill carries a good deal of appropriation with it—in the shank of the evening, when the vast majority of the Members are out of the House—nearly everybody out that can get out. It is not the proper way in which to transact the public business. Of course, there are a few on each side who hang around until the session closes every day, simply for the purpose of keeping out obnoxious measures. And without undertaking to assume to run things except for myself, I do not propose that any bill that amounts to anything to the country in general shall be passed through this House any more at that time of day, with as few Members as there are on the floor usually at that time. There are certain kinds of bills which we all recognize there is no opposition to when we hear them explained; for instance, bridge bills. I am glad that the gentleman from Illinois [Mr. MANN] has prepared a general bridge bill which will take the nuisance of passing individual bridge bills out of this House. Now, if we could get rid of the private claims business, the war claims business, and the private pension business, then the real business of this country could be expedited very much. [Applause.] Another objection that I had to this bill was that it coupled together twenty-five or thirty different propositions, each one of which may be meritorious in itself; but I am opposed to omnibus bills of every shape and fashion, omnibus bills on statehood, omnibus bills on janitors, omnibus appropriations. The real truth about the appropriation business of this House is that the great evil of the system is in the lump appropriation plan.

I objected to this omnibus resolution the other day peremptorily, and would again under like circumstances. Afterwards it was printed in the RECORD and gave every man a chance to read it. Then members of the committee in whom I have great confidence came to me and stated that it was a unanimous report and that everything in the bill was all right. Now, I have stated my opinion about it; I have stated what I intend to do about that sort of bills, and it helps the other side as much as it does ours. There are no politics in that. There are probably as many men in proportion to the numbers on our side that would ask for the passage of bills like this as there are on that side, except that the Members on that side are a little closer to the machine of the House than Members on this side, and you get a little advantage in the end. But I do not care whether you Republicans do it or whether we Democrats do it, it is a vicious system of conducting public business. My opinion about it is that there ought to be a rule or understanding that when we start in on a debate like the one the other day, on this deficiency appropriation bill, that Members should understand that that is the only thing that is going to be transacted that day. Then we can go down to the Departments and transact necessary business for the people that sent us here or go where we please and transact our business, and no measure of any consequence ought to be called up under the circumstances.

The SPEAKER. The time of the gentleman has expired.

Mr. CLARK of Missouri. Just a minute more. And if two or three Members on that side will join with two or three Members over here we will break up this vicious system of transacting the business of this House. [Applause.]

Mr. TAWNEY. Do I understand the gentleman from Pennsylvania to say this abolishes any of the messengers appointed in this Congress? What are the changes that are provided for in this resolution?

Mr. CASSEL. We have no control over those already appointed.

Mr. TAWNEY. How many of the annual messengers are there?

Mr. CASSEL. I do not know.

Mr. TAWNEY. Thirty-two is the number, if my recollection is right, as I understand it. Now, you propose to add to the annual roll how many session janitors?

Mr. CASSEL. We have fourteen janitors provided for in the bill.

Mr. TAWNEY. How many session janitors have you in addition to the fourteen proposed in this resolution.

Mr. CASSEL. We have no other.

Mr. TAWNEY. How many are on the rolls?

Mr. CASSEL. We have not appointed any session janitors. This covers all the resolutions that were referred to the committee of which we have any knowledge at all at this time.

Mr. TAWNEY. Now, one question further. Has the gentleman from Pennsylvania considered the matter of amending the resolution in respect to the matter of their employment?

Mr. CASSEL. I will ask the Clerk to read the amendment which I offer.

The Clerk read as follows:

On page 2, line 9, after the word "messengers," insert the following: "And in case of failure to perform such duty shall be removed by the Doorkeeper."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. CASSEL. I yield five minutes to the gentleman from Indiana.

Mr. CRUMPACKER. Mr. Speaker, this resolution provides for the expenditure of a portion of the miscellaneous fund of the House. I have had occasion to complain in times past of the manner in which this fund has been expended. I am chairman of the Committee on the Census, and while the House provides, apparently, for an adequate number of janitors to care for all the committee rooms, the Committee on the Census has been compelled to employ a janitor—to employ another servant or employee of the House to perform the janitor work of that committee and pay the expense itself.

The Committee on the Census feels also that it ought to have a clerk. It is a committee that has considerable important business. It has done considerable business already at this session of Congress and will have considerable more. I believe that the House ought to provide itself, and it ought to provide its committees, with all that is reasonably necessary in order to facilitate the work of the House. I do not believe that any committee of this great House ought to be humiliated by being required to sweep its own floors, to clean its own spittoons—to do its own janitor work, in short.

The legislative appropriation bill carries, I am informed, about $25,000 for the contingent use of the House and $100,000 for the contingent use of the Senate. There is usually contained in the general deficiency bill about $15,000 in addition for the purposes of the House and about $40,000 in addition for the uses of the Senate. The Senate, composed of ninety members, expends three or four times as much for miscellaneous purposes as does the House, with its 390 Members; and the Committee on Appropriations in the last legislative bill undertook to limit and control the expenditure of this contingent fund—the fund that might properly be termed "pin money" of the House, this fund that ought to be absolutely and completely under the control of the House, in order that it might carry on its functions independently—undertook to control this appropriation by imposing some limitations upon it providing that it could not be used for the purpose of employing special help under circumstances that exist at this time. It imposed that condition also upon the miscellaneous fund of the Senate, but when the bill reached the Senate that body very properly, I think, in recognition of its own independence and dignity, said, "You have no right to say to us what we shall do with our contingent fund. That is a matter of our own, and it is none of your business; but if you desire us to help you tie the hands of your own Members in the expenditure of your own fund, we are perfectly willing," and the limitation was struck out in so far as it applied to the miscellaneous fund of the Senate, but allowed to remain upon the contingent fund of the House; and in order that the House might have any freedom of action at all it became necessary to pass a joint resolution repealing the limitation included in the last legislative appropriation bill upon the miscellaneous fund of the House.

Now, as a member of this honorable and distinguished body I feel a good deal of humiliation because it was thought necessary for the House to go to the Senate and ask that body to assist in tying up the House contingent fund, a fund which is necessary for the preservation of its independence and dignity, in such a manner that it could not expend it without the advice and consent of the Senate. The Committee on Appropriations did that, I think, perhaps inadvertently.

Mr. LITTAUER. Not all.

Mr. CRUMPACKER. Perhaps I had better qualify that statement. The Committee on Appropriations never does anything inadvertently. But it may be that the Committee on Appropriations was not entirely able to control all the provisions in that bill after it left the House.

Now, I believe the distribution made by this resolution respecting janitor service for the House is a prudent one. I believe that all the committees of the House should be provided

with adequate janitor service, not necessarily a janitor for each committee. This resolution provides that one janitor shall serve three or four committees. Heretofore some of us have felt that the large committees, provided as they are with elegant mahogany furniture and velvet carpets, with clerks, janitors, and messengers, and all that sort of thing, have looked upon some of the small committees, when they asked for decent service, as if they suspected them of being looters of the public treasury. We simply want just common, ordinary treatment, and we believe the House ought not to be parsimonious and niggardly in the appropriation and in the expenditure of this purely personal fund that is so necessary to its proper administration and to the maintenance of its dignity and independence. I do not believe in the waste of public money in any particular or in any way. I believe that we ought to appropriate and expend the public money economically under all circumstances and at all times, but we certainly are entitled to enough to conduct the affairs of the House in a decent, dignified, and orderly manner.

Mr. CASSEL. I yield to the gentleman from Georgia [Mr. BARTLETT], a member of the Committee on Accounts, such time as he desires.

Mr. BARTLETT. Mr. Speaker, as one of the members of the minority on the Committee on Accounts, I desire to say that on the day before yesterday afternoon I was necessarily absent, being in attendance upon a meeting of the Committee on Interstate and Foreign Commerce, so that I was not present when my friend from Missouri [Mr. CLARK] very properly, in my judgment, desired that these resolutions be passed over. I desire to state, in justice to the chairman of the Committee on Accounts, that the committee had unanimously agreed that when the resolutions should be presented, if there was not a full House, the report should be printed in the RECORD, so that all Members could read it before it was acted upon. Not only that, not only printed in the RECORD of yesterday, but a special report was made on this resolution. This has been done, and every one has had full opportunity to investigate the subject.

Now, this is a unanimous report from the Committee on Accounts; a report made upon a number of resolutions that have been introduced by Members of the House and referred to that committee by presenting these subjects in a single resolution. It is not, strictly speaking, an omnibus resolution, as my friend from Missouri [Mr. CLARK] calls it; it is a resolution carrying out the purposes of various resolutions that have been offered separately. It comes before the House in one resolution, because it was more convenient, and could be better stated in one than in all; and, furthermore, it would take up less time of the House in their consideration. There is no purpose to join a good and bad resolution together in order to carry the bad through.

Now, if the gentlemen of the House will examine the report that was published in the RECORD of yesterday they will find that while apparently the number of janitors has increased by two over the number employed during last Congress, making 14 instead of 12, which we had last year, we have increased the number of rooms which they are required to attend to and keep in order from 18 to 36. In other words, we have doubled up the work, so that instead of having 12 janitors for 13 rooms, we have 14 janitors for 36 rooms.

Before we agreed to report this resolution we had the officers of the House, among them the Doorkeeper, under whose management the work of these proposed janitors is to be done, before the committee. I desire to say for that official—having been a member of this committee for ten years—that I have never known him to appear before this committee to ask for any additional service or any additional employee in this House that he has not shown was proper and necessary. I want to say further for the Doorkeeper that he has a number of times discouraged, and expressed his views against, the adoption of resolutions which seemed to be for the employment of unnecessary officials.

The resolutions as they were originally introduced provided for the employment of these janitors for the Fifty-ninth Congress. The committee provided that when Congress adjourns the officials provided for in this resoultion shall no longer draw pay. The number of janitors last year appointed by this House drew pay during the recess of Congress in the Fifty-eighth Congress. That will not be so under these resolutions. This resolution appoints them simply for the sessions of the Fifty-ninth Congress.

Mr. LIVINGSTON. Will the gentleman allow a question?

Mr. BARTLETT. Certainly.

Mr. LIVINGSTON. Do the janitors continue to draw salary during the recess?

Mr. BARTLETT. Not under this resolution. They did during the last Congress, and they do now, but those appointed under this resolution—these fourteen—will not. I want to say that that was put upon this resolution and insisted upon before some of us would agree to it. The increase in janitor service will amount during the sessions of the Fifty-ninth Congress to $904.

We have been informed by gentlemen who are chairmen of committees to whom these janitors have been assigned, and I know it to be a fact in some cases, that some of them have been compelled to pay for the service of keeping the rooms in order out of their own pockets. For a number of the committee rooms chairmen pay for the services of keeping the rooms in order out of their own pockets.

Now, none of the gentlemen on this side of the Chamber have chairmanships of committees and do not use these rooms, but I take the position, and I think it is the correct one, that gentlemen who have these committee rooms assigned to them and transact the public business, whether it is small or whether it is great, ought not to be required to pay for janitor service out of their own pockets.

Mr. MANN. Will the gentleman yield for a question?

Mr. BARTLETT. Yes.

Mr. MANN. Does the gentleman from Georgia indorse the method of procedure of bringing in ten resolutions, entirely unrelated, in one resolution? I do not mean ten janitors, but ten resolutions, entirely unrelated to each other, in one resolution?

Mr. BARTLETT. I do for this reason: These resolutions all apply to the expenditure of money from the contingent fund, and are really on the same subject. They were resolutions introduced—every one for janitors and clerks and assistant clerks and with reference to the usual amount paid the families of deceased employees and for funeral expenses—and all relate to practically the same subject. I do not for myself see that there is any harm, or that any injury can be done to the public service by having these numerous resolutions, all relating to the same subject, coming from the same committee, all relating to expenditure from the contingent fund, embraced in one resolution. It was thought by the committee that it would be for the convenience of the Members of the House and facilitate the transaction of the public business. I do not see that there is any danger or any harm or anything vicious in the practice in pursuing that course.

Mr. MANN. Does not the gentleman think that a better practice would be to let every proposition stand on its own merits, instead of adopting a plan of I tickle you, you tickle me?

Mr. BARTLETT. I want to say to the gentleman there is no such purpose in this resolution.

Mr. MANN. Well, there may not be such a purpose in this resolution, but this resolution as a precedent won't stand long until there is a resolution naming somebody, as they do here, who shall be employed simply because he is taken in with the rest.

Mr. BARTLETT. No, sir; we do nothing of the kind.

Mr. MANN. I do not say the gentleman does this time. I am talking about the precedent.

Mr. BARTLETT. The gentleman knows as well as anybody in this House that upon the simple demand he can separate every one of these propositions and have a separate vote on them.

Mr. MANN. I have already announced that I would make that demand.

Mr. BARTLETT. I am aware of that fact, so that there is no danger of resolutions being coupled together so as to give either improper strength, and no gentleman can be called upon or expected to vote for all these resolutions in order to pass one or more of them.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. BARTLETT. Yes.

Mr. FITZGERALD. On page 3, the last resolution, it is provided that the chairmen of certain committees shall appoint clerks. I will read the language. It says: "To be paid out of the contingent fund of the House the usual per diem compensation of $6."

Mr. BARTLETT. That has reference to clerks?

Mr. FITZGERALD. Yes. What I want to know is what is the meaning of this language which immediately follows it: "Which shall in each case equal in the aggregate the amount paid session clerks whose employment is provided for by law." If they are to be paid $6 a day, how is this aggregate to be made to equalize the amount paid some other clerks?

Mr. BARTLETT. They are paid up to the 30th day of June of the fiscal year.

Mr. FITZGERALD. Is it intended that these clerks shall be paid from the 1st of July last?

Mr. BARTLETT. No; the resolution says from the time they are certified by the chairman to have been appointed.

Mr. FITZGERALD. Why is this language in this resolution? After providing that they shall be paid the usual per diem of $6, then there follows this language:

Which shall in each case equal in the aggregate the amount paid session clerks, whose employment is provided for by law.

Mr. BARTLETT. That is mere surplusage, I think. I do not think it means anything particularly. They will not get over $6 a day under any circumstances.

Mr. FITZGERALD. The language would seem to indicate that it was intended perhaps they should.

Mr. BARTLETT. It does not.

Mr. FITZGERALD. Then why is the language in there?

Mr. GILBERT of Kentucky. Mr. Speaker, I would suggest to the gentleman from Georgia that in line 13, page 4, the language seems to indicate that the operation of the resolution is to retroact, and the pay is to begin from the time they enter on the discharge of the duty.

Mr. BARTLETT. Yes; that is it. They are to be paid from the day they enter into the service, as certified by the chairman of the committee.

Mr. GILBERT of Kentucky. That does not certify the pay shall begin from the enactment of the resolution.

Mr. BARTLETT. No; the pay is to begin from the time their employment is certified by the chairman.

Mr. JONES of Washington. On page 4, with reference to the page for the press gallery, it provides that he shall receive pay for the remainder of the fiscal year. Suppose that we adjourn a couple of months before the fiscal year, why should he be paid to the end of the year?

Mr. BARTLETT. That has been the custom and ruling, I am informed, of the Comptroller of the Treasury, that employees of this sort are paid to the 30th day of June.

Mr. JONES of Washington. They would not be paid that way if we did not provide for it.

Mr. BARTLETT. They have been doing it. This is in the usual form.

Mr. JONES of Washington. Why should they do it? Why should not we say until the end of the session?

Mr. BARTLETT. The gentleman can offer that amendment. I have no objection.

Mr. CLARK of Missouri. Mr. Speaker, if the gentleman from Georgia [Mr. BARTLETT] will permit me, I will say that the President of the United States declined an invitation to deliver an address at the University of Missouri on the 6th day of June largely on the theory that we would be here in June.

Mr. JONES of Washington. That may be very true, and we may be here after the fiscal year for a couple of months. Therefore we would have to bring in some other resolution to pay up this page. It seems to me it ought to read to the end of the session.

Mr. BARTLETT. The gentleman can offer that amendment. That page has been provided for the press gallery for years before I came here, and this resolution but carries out the practice and custom of the House in the past.

Mr. JONES of Washington. Mr. Speaker, is this subject to amendment?

The SPEAKER pro tempore (Mr. CURRIER). It is not subject to amendment until the hour controlled by the gentleman from Pennsylvania has expired, or until he yields the floor.

Mr. GARRETT. Can you state accurately or comparatively how much expense this will add over and above the last Congress?

Mr. BARTLETT. In the matter of janitors it adds $904. In the matter of clerks it adds $1,772. The increase of expenses over and above the Fifty-eighth Congress is something like $2,700.

Mr. GARRETT. Now, I want to ask—I am not very familiar with the report just now—whether this provides clerks for any of those committees which as a matter of fact never do hold a meeting? There are committees in the House which never hold a meeting.

Mr. BARTLETT. I will state to the gentleman, and he will draw his own conclusions whether they do anything or not. There are clerks authorized for the Committees on the Census, Pacific Railroads, Private Land Claims, Election of President, Vice-President, and Representatives in Congress. Those are committees to which additional clerks are appointed, and we have here provided for assistant clerks for the Committees on the District of Columbia, Enrolled Bills, Indian Affairs, and Pensions.

Mr. GARRETT. Those are all large committees. I will state personally I do not know about the other committees.

Mr. BARTLETT. I have been here for eleven years and I do not know personally what work they do.

Mr. GARRETT. It seems to me while it might not be improper to employ janitors even for those committees that do not meet or do not meet often, because the chairman may transact some committee business—it might not be improper to employ janitors for those; but it does seem to me there ought not to be clerks employed in committees that never meet.

Mr. BARTLETT. We have not given a clerk to any of those committees as far as I am aware. We have only given clerks to those I have read, and an assistant clerk is given to the Pensions Committee. We did that upon the request of the chairman of that committee, whose letter is printed in the RECORD. We gave an assistant clerk to the Committee on Enrolled Bills upon a hearing from the chairman on the necessity for it, and it was clearly demonstrated. We gave an assistant clerk to the Committee on Interstate and Foreign Commerce, and I know myself personally, from the statement made by the chairman and those who are familiar with it, that it was very necessary. I want to state to both sides of the House that I know, as far as I am concerned and so far as my friend and colleague on this committee, the gentleman from New York, is concerned, who was at this hearing before this committee, we gave these matters most careful consideration. We desired not to be extravagant with the money of the people devoted to the contingent expenses of this House, but at the same time to endeavor to give a sufficient service to the House and Members of the House and to transact the public business satisfactorily and comfortably.

Now, so far as I am concerned, or my colleague the gentleman from New York upon the committee is concerned, we have no interest in the matter. We simply undertook to give to the Members of the House, the chairmen of these committees, and to these committees sufficient clerical service and sufficient janitor service to transact the business of the House, to take care of the property of the Government in these rooms, and in agreeing on this report we think we have done that which the facts before the committee amply and fully justified us in doing.

Mr. STEPHENS of Texas. Will the gentleman yield for a question?

Mr. BARTLETT. Yes.

Mr. STEPHENS of Texas. Is there a clerk to the Committee on Expenditures in the Department of Justice?

Mr. BARTLETT. I think not.

Mr. HUGHES rose.

Mr. BARTLETT. The gentleman from Texas asked me whether there was a clerk to the Committee on Expenditures in the Department of Justice provided for. I do not find any such clerk in this report. My attention has not been called to it.

Mr. STEPHENS of Texas. There is none needed, because it never meets and never had a bill before it.

Mr. HUGHES. Mr. Speaker, if the Members of this House will get the report made by the chairman of the committee and look on page 4, they will find a summary which gives an itemized statement of what this resolution provides, and I wish to say that some gentlemen have suggested that these resolutions should be divided. This would probably entail twice the amount that these resolutions call for in the one proposition. The committee took all these resolutions, got them together, considered them carefully, and just allowed what was absolutely necessary to give each committee to take care of them, and while there are fourteen janitors provided here for taking care of thirty-six committee rooms, I do not think a Member of this House will say that is extravagant. At least the Members who seem to be objecting the most to this resolution are the people who have the "pork in the barrel" in their own committee rooms to a very much larger extent than this resolution provides for. And if they are going to do that, I think it would be well to take some of the janitors of these larger committees and reduce them to the "session," instead of making them "annual," as they are at present. Now, the only additional clerk that is provided for in this resolution is that of the Committee on the President and Vice-President. This committee has a very large number of bills before it. They have had a large number of meetings. The clerk of that committee showed me a stack of letters to answer in connection with the new Federal election law. I feel that as this is a unanimous report, after being carefully considered by the Committee on Accounts, there ought to be no further objection to this bill passing in its present form, except the amendments that are suggested by the chairman himself.

On page 4, line 19, the chairman of the committee will ask, where there is a janitor provided for the Committee on the Judiciary, and it reads that it is for the present session, that it will be changed, and this messenger provided for the sessions

of the Fifty-ninth Congress. So the whole matter has been gone over with the closest scrutiny and looked into with an idea of the closest economy possible to avoid the different committees with what they are absolutely entitled to.

Mr. GOULDEN and Mr. GARDNER of New Jersey rose.

The SPEAKER pro tempore (Mr. CURRIER). Does the gentleman from Pennsylvania [Mr. CASSEL] yield to the gentleman from New York [Mr. GOULDEN]?

Mr. CASSEL. I do.

Mr. GOULDEN. Mr. Speaker, I desire to add a word or two as a member of the minority of that committee and to say that, after four full sessions of the committee, at which these various matters were fully discussed and, as ably stated by my friend from Georgia [Mr. BARTLETT], unanimously agreed upon, I hope upon a careful examination of the resolutions they will meet with the approval of every Member of this House. The total increase in the matter of janitors is $904, and the total increase in the matter of clerks is $1,772, carrying with it a total increase over last Congress of $2,676 and within the appropriation for the purposes named.

Mr. GILBERT of Kentucky rose.

The SPEAKER pro tempore. Does the gentleman from New York yield to the gentleman from Kentucky [Mr. GILBERT]?

Mr. GOULDEN. I do.

Mr. GILBERT of Kentucky. Mr. Speaker, I just wanted to know what change in the conditions justifies this increased appropriation?

Mr. GOULDEN. The conditions were that the chairmen of the various committees that seldom met were paying out of their own pockets for janitors' services in order that the rooms might be kept decent and comfortable. Consequently the chairman of the Committee on Pensions, the work having increased from a thousand or twelve hundred bills annually to over two thousand this year, found the work so largely increased that it was necessary to have additional help. That explains the increase of an assistant clerk recommended in this report.

Mr. GILBERT of Kentucky. Did the committee make any investigation as to why certain committees never met at all?

Mr. GOULDEN. No, sir; we were satisfied when we investigated those committees that did meet and asked for anything additional or for a janitor. We had the chairmen of the different committees before us and satisfied ourselves that those that did not meet at all, or seldom, were not entitled to a clerk. The chairman of the committee [Mr. CASSEL], who is noted for the kind and impartial manner in which he presides over its sessions, has fully and satisfactorily explained the reasons for our unanimous action.

The majority members of this committee show the greatest courtesy to the minority, doing nothing without our approval. I therefore trust, Mr. Speaker, that this report will be adopted by the Members of this House, as it is undoubtedly in the interest of decency, in the interest of comfort, and the efficiency of the work of the various committees.

Mr. CASSEL. Now, Mr. Speaker, I wish to offer an amendment to cut out the words "and Labor," in line 10, page 2, at the request of the chairman of the Committee on Labor.

The SPEAKER pro tempore. Does the gentleman intend to yield any more time?

Mr. CASSEL. I will perhaps yield a few minutes to the gentleman from Illinois [Mr. MANN] to make his objection.

Mr. CAMPBELL. Mr. Speaker, I did not hear the statement of the gentleman from Pennsylvania.

The SPEAKER pro tempore. The gentleman offered an amendment, but as his time is not reserved any gentleman can be recognized for the balance of the hour, or recognized in his own time.

Mr. CAMPBELL. The gentleman from Pennsylvania has just offered an amendment which I did not hear.

Mr. CASSEL. It is that in line 10, page 2, the words "and Labor" be stricken out. This is done at the request of the chairman of the Committee on Labor. And on page 4, line 19, to add the words "sessions of the;" so as to make the line read "to serve during the sessions of the Fifty-ninth Congress," and to make this correspond with the other messengers that have been appointed by the bill.

The SPEAKER pro tempore. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

Mr. CASSEL. I will yield to the gentleman from Illinois.

The SPEAKER pro tempore. The gentleman did not reserve his time, and has offered an amendment, and he has no time to yield, unless the gentleman yields the time.

Mr. OLMSTED. Mr. Speaker, I understood the gentleman to offer his amendment with the intention that it be considered as pending.

The SPEAKER pro tempore. That is the understanding of the Chair.

Mr. OLMSTED. Then that would not take him off the floor.

The SPEAKER pro tempore. The Chair understood him to yield his time.

Mr. CASSEL. I move the previous question on the amendment and resolution to its final passage.

Mr. MANN. Why, I thought the gentleman told me that he would give me some time.

Mr. CASSEL. I will if I can do so without losing my right to demand the previous question.

The SPEAKER pro tempore. How much time does the gentleman from Illinois require?

Mr. MANN. Just a few minutes.

Mr. CASSEL. I will yield the gentleman five minutes.

The SPEAKER pro tempore. The gentleman withholds his demand for the previous question and yields five minutes to the gentleman from Illinois.

Mr. MANN. Mr. Speaker, the very fact that the gentleman from Pennsylvania can make a motion for the previous question on the adoption of this resolution is a reason why it is subject to criticism. Here is a resolution containing ten different propositions combined in one, each probably proper of its class, and possibly all of them expenditures that should be made. But if it should become a practice of the Committee on Accounts, having various resolutions sent to it, to bring them all in in one report and pass upon them all at one time upon a motion of the previous question being made, what chance has the House to determine the desirability of making these employments? What opportunity is here given for the House to judge of the necessity for these employments?

If we adopt such a practice there will be no end of the scandal that will arise in a few years, if it does not arise during this Congress. I hope that the Committee on Accounts, hereafter at least, will feel that it is its duty to bring these resolutions in separately before the House, so that each one can be determined on its merits. Here is a proposition to employ a particular individual. It is run in here with a lot of other resolutions. I do not know who that individual is. It may be perfectly proper to employ him. You do not know who the individual is. There is no method by which you can discuss any particular part of the resolution, because in a moment a motion for the previous question may be made upon the entire resolution.

Mr. BARTLETT. I will say to the gentleman there is just one whose name is mentioned in this resolution, and that is the page to the press gallery. That page is there now, and has been there for a number of years, and if elected by the gentlemen of the press gallery he will be the page for their service.

Mr. MANN. Who is paying him now for that service?

Mr. BARTLETT. He is not being paid.

Mr. MANN. Ah; then by what authority does some boy install himself in the employ of the House and then demand that we shall pay him, and run over the Committee on Accounts?

Mr. BARTLETT. That is not being done.

Mr. MANN. Somebody has made an appointment of a page in the gallery, and then you introduce a resolution which authorizes the employment and payment without a discussion upon the question.

Mr. BARTLETT. It is not my proposition.

Mr. MANN. I know the gentleman from Georgia well enough to know that if he had been framing this matter it would not have been brought in in this form. We would have had an opportunity to pass upon each proposition and to discuss each proposition by itself. I propose at the proper time to ask that the vote shall be taken upon each of these resolutions separately, without regard to how the vote shall be.

Mr. BARTLETT. This page in the press gallery has been employed for a number of years under authority of a similar resolution, and the same man has been there for several Congresses, performing this same duty, and the committee in reporting this resolution has simply been doing something that has been done here for years.

Mr. MANN. I have made no charge against the employee in the press gallery, but I am talking about the principle by which this method is pursued.

Mr. BARTLETT. I was trying to explain to my friend here that in one of these resolutions the employee was named and the reason why it was done. It was because the gentlemen in the press gallery had a meeting and came down and requested that we put in the resolution the name of this gentleman whom they had selected.

Mr. WILLIAMS. And who was doing that work.

Mr. BARTLETT. Who was doing that work and has been doing it for several years.

Several MEMBERS. Vote! Vote!

The SPEAKER pro tempore. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 2, line 10, after the word "Laws," strike out the words "and Labor,"

Mr. MANN. Mr. Speaker, I desire a separate vote upon each of these resolutions.

The SPEAKER pro tempore. This is an amendment to the resolution. The gentleman will not be too late in asking for his separate vote. The gentleman will be recognized for that purpose. The question is on agreeing to the amendment which has been reported by the Clerk.

The amendment was agreed to.

Mr. CASSEL. I offer another amendment.

The SPEAKER pro tempore. The gentleman from Pennsylvania offers another amendment, which will be reported by the Clerk.

The Clerk read as follows:

On page 4, line 19, after the word "the," strike out the word "present" and insert "sessions of the Fifty-ninth;" so as to read "to serve during the sessions of the Fifty-ninth Congress."

The amendment was agreed to.

Mr. GILLETT of Massachusetts. I should like to ask the gentleman a question, if he will yield to me.

The SPEAKER pro tempore. Does the gentleman from Pennsylvania yield to the gentleman from Massachusetts?

Mr. CASSEL. Yes.

Mr. GILLETT of Massachusetts. I notice there is one section in the resolution where six months' pay of a deceased employee is proposed to be given to his brother. I should like to know what the circumstances were that induced the committee to report that resolution.

Mr. CASSEL. The brother is the only heir of the deceased employee of the House.

Mr. GILLETT of Massachusetts. Was he dependent on him?

Mr. CASSEL. It is customary to pass such a resolution, without reference to the question of dependence. It has always been the custom in this House, in case of the death of an employee, to give to his family or the nearest of kin six months' pay and the expenses of the funeral.

Mr. GILLETT of Massachusetts. Does the gentleman mean it is the custom to give that, regardless of the needs of the next of kin and regardless of how close they are?

Mr. CASSEL. Yes; it is. It has been the custom, and I have made a very careful investigation to determine that fact.

Mr. GILLETT of Massachusetts. It seems to me it is a very bad precedent.

Mr. JONES of Washington. I want to ask the gentleman if he will yield to allow me to offer an amendment to strike out the words "fiscal year," and to insert "session of Congress," at the bottom of page 4 and the top of page 5, so that it will read "present session of Congress" instead of "present fiscal year."

Mr. CASSEL. I have no objection.

Mr. JONES of Washington. I desire to offer that.

The SPEAKER pro tempore. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 4, line 25, and page 5, line 1, after the word "present," strike out "fiscal year" and insert "session of Congress."

The amendment was agreed to.

Mr. CASSEL. Mr. Speaker, I demand the previous question.

The SPEAKER pro tempore. The gentleman from Pennsylvania demands the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] demands a division of the question. Will the gentleman from Illinois point out the manner in which he desires to have the resolution divided?

Mr. MANN. I ask for a division of the question according to the resolutions, each resolution separately.

The SPEAKER pro tempore. The gentleman from Illinois desires a division of the resolutions; so that the question will be upon agreeing to the first resolution, which, if there be no objection, the Clerk will report.

The Clerk read as follows:

Resolved, That the chairmen of the Committees on (first) Education, (second) Levees and Improvements of the Mississippi River, (third) Mines and Mining, (fourth) Patents, (fifth) Industrial Arts and Expositions, (sixth) Coinage, Weights, and Measures, (seventh) Railways and Canals, (eighth) Militia, (ninth) Expenditures on Public Buildings, (tenth) Expenditures in the Department of Justice, (eleventh) Expenditures in the Navy Department, (twelfth) Expenditures in the Department of Commerce and Labor, and (thirteenth) Pacific Railroads be, and they are hereby, authorized to appoint a janitor to each of said committees to serve during the sessions of the Fifty-ninth Congress, whose compensation shall be paid out of the contingent fund of the House, at the rate of $60 per month, and said janitors, under the direction of the Doorkeeper, shall also have the care of the rooms of the following-named committees and offices and shall perform all of the duties required of messengers, and in case of failure to perform such duty shall be removed by the Dookeeper, namely:

First. Revision of the Laws.

Second. Reform of the Civil Service, and the room of the index clerks.

Third. Expenditures in the Department of Agriculture, and Irrigation of Arid Lands.

Fourth. Expenditures in the Treasury Department, and Mileage.

Fifth. Manufactures.

Sixth. Disposition of Useless Papers in the Executive Departments.

Seventh. Private Land Claims, and Expenditures in the Post-Office Department.

Eighth. Census, and Ventilation and Acoustics.

Ninth. Alcoholic Liquor Traffic, and Immigration and Naturalization.

Tenth. Election of President, Vice-President, and Representatives in Congress.

Eleventh. Lieutenants, and guard rooms of the Capitol police and the room formerly used by the Committee on Examination and Disposition of Documents.

Twelfth. Expenditures in the State Department, and Expenditures in the War Department.

Thirteenth. Expenditures in the Interior Department.

The pay of such janitors shall begin from the time they entered upon the discharge of their duties, which shall be ascertained and evidenced by the certificate of said chairmen.

The resolution was agreed to.

The SPEAKER pro tempore. Without objection, the Clerk will read the next resolution.

The Clerk read as follows:

Resolved, That the Clerk of the House is hereby authorized to appoint a janitor to perform service in the office of the file, journal, and printing clerks of the House, to be paid out of the contingent fund of the House, at the rate of $60 per month.

The resolution was agreed to.

The SPEAKER pro tempore. Without objection, the Clerk will read the next resolution.

The Clerk read as follows:

Resolved, That the chairmen of the following-named committees are hereby authorized to appoint clerks to such committees to serve during the sessions of the Fifty-ninth Congress, to be paid out of the contingent fund of the House the usual per diem compensation of $6, which shall in each case equal in the aggregate the amount paid session clerks whose employment is provided for by law, namely, Census, Pacific Railroads, Private Land Claims, and Election of President, Vice-President, and Representatives in Congress: *Provided*, That the pay of such clerks shall begin from the time they entered upon the discharge of their duties, which shall be ascertained and evidenced by the certificate of the chairmen of said committees.

The resolution was agreed to.

The SPEAKER pro tempore. Without objection, the Clerk will read the next resolution.

The Clerk read as follows:

Resolved, That the chairmen of the following-named committees are hereby authorized to appoint assistant clerks to such committees to serve during the sessions of the Fifty-ninth Congress, to be paid out of the contingent fund of the House the usual per diem compensation of $6, which shall in each case equal in the aggregate the amount paid session clerks whose employment is provided for by law, namely: District of Columbia, Enrolled Bills, Indian Affairs, and Pensions: *Provided*, That the pay of such clerks shall begin from the time they entered upon the discharge of their duties, which shall be ascertained and evidenced by the certificate of the chairmen of said committees.

The resolution was agreed to.

The SPEAKER pro tempore. Without objection, the Clerk will read the next resolution.

The Clerk read as follows:

Resolved, That the chairman of the Committee on the Judiciary is hereby authorized to appoint a messenger to said committee, to serve during the sessions of the Fifty-ninth Congress, whose compensation shall be paid out of the contingent fund of the House at the rate of $60 per month from and after December 4, 1905.

The resolution was agreed to.

The SPEAKER pro tempore. Without objection, the Clerk will read the next resolution.

The Clerk read as follows:

Resolved, That the Doorkeeper of the House is hereby authorized to employ Hugh Williams as a page in the press gallery of the House during the remainder of the present session of Congress, to be paid out of the contingent fund of the House at the rate of $75 per month from and after December 4, 1905.

The resolution was agreed to.

The SPEAKER pro tempore. Without objection, the Clerk will read the next resolution.

The Clerk read as follows:

Resolved, That the Clerk of the House is hereby authorized and directed to pay to Mrs. Sarah M. Henshaw, daughter of Norton McGiffin, deceased, late a folder on the rolls of the Doorkeeper of the House of Representatives, a sum equal to six months' pay at the rate of compensation received by him at the time of his death, and a further sum not exceeding $250 on account of the funeral expenses of said Norton McGiffin, said amounts to be paid out of the contingent fund of the House.

The resolution was agreed to.

The SPEAKER pro tempore. Without objection, the Clerk will read the next resolution.

The Clerk read as follows:

Resolved, That the Clerk of the House is hereby authorized and directed to pay, out of the contingent fund of the House, to Thomas W. Conway, brother of Joseph R. Conway, deceased, late a laborer in the Doorkeeper's department of the House, a sum equal to six months' salary at the rate of compensation received by him at the time of his death, and a further sum not exceeding $250 on account of the funeral expenses of said Thomas W. Conway, said amounts to be paid out of the contingent fund of the House.

The resolution was agreed to.

The SPEAKER pro tempore. Without objection, the Clerk will read the next resolution.

The Clerk read as follows:

Resolved, That the compensation of the assistant clerk to the Committee on Interstate and Foreign Commerce, whose employment was authorized by a resolution adopted by the House December 19, 1905, is hereby authorized to be paid out of the contingent fund of the House.

The resolution was agreed to.

The SPEAKER pro tempore. Without objection, the Clerk will read the next resolution.

The Clerk read as follows:

Resolved, That the Doorkeeper of the House is hereby authorized and directed to employ a lady attendant in the ladies' reception room, Statuary Hall, to serve during the sessions of the Fifty-ninth Congress, to be paid out of the contingent fund of the House at the rate of $60 per month.

The resolution was agreed to.

On motion of Mr. CASSEL, a motion to reconsider the several votes whereby the resolutions were agreed to was laid on the table.

PRINTING FOR COMMITTEE ON IMMIGRATION.

Mr. HOWELL of New Jersey. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Committee on Immigration and Naturalization be authorized to have such printing done as may be required in the transaction of its business during the Fifty-ninth Congress.

Mr. PAYNE. Mr. Speaker, I would like to ask the gentleman if it is usual for that committee to have this authority.

Mr. HOWELL of New Jersey. It is.

Mr. SMITH of Kentucky. Mr. Speaker, reserving the right to object, I should like to hear some reason why this privilege should be extended to the committee. If no explanation is made, Mr. Speaker, I shall object.

Mr. HOWELL of New Jersey. I would say, Mr. Speaker, that it is customary for us to have printing done. We are taking testimony, and it is necessary.

Mr. SMITH of Kentucky. Is this the unanimous report?

Mr. HOWELL of New Jersey. Yes.

Mr. SMITH of Kentucky. I have no objection.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

PRINTING FOR COMMITTEE ON LABOR.

Mr. GARDNER of New Jersey. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk and ask to have read.

The Clerk read as follows:

Resolved, That the Committee on Labor be authorized to have printed and bound whatever papers and documents in connection with subjects under consideration by the committee may be necessary to the transaction of its business.

The SPEAKER. Is there objection?

Mr. SMITH of Kentucky. Mr. Speaker, reserving the right to object, I want to know if this is the unanimous report of the committee?

Mr. GARDNER of New Jersey. Mr. Speaker, that is a resolution which has been passed annually for the Committee on Labor for many years—something that is necessary. It is here now instead of on the first day of the session because of my own forgetfulness of my duty on that day. There are few committees of this House having more hearings and more occasion to print than the Committee on Labor.

Mr. SMITH of Kentucky. I want to know whether the committee has actually considered this resolution and whether the report on it is unanimous?

Mr. GARDNER of New Jersey. That is not a committee resolution. It is not customary for such resolutions to be considered.

Mr. SMITH of Kentucky. Well, then, I shall object to it. The gentleman says that it has not been considered by the committee.

Mr. GARDNER of New Jersey. I desire to say to the gentleman, Mr. Speaker, that it is entirely outside of the custom for resolutions of this nature to be considered by committees. They are generally submitted by the chairman at the organization of the committees, when unanimous consent is not required, and they go as a matter of course. There is no question about the necessity of it. The Committee on Labor is engaged in a hearing now on the child-labor bill, and it is absolutely necessary that it should have the authority to print.

Mr. SMITH of Kentucky. Mr. Speaker, I believe that a committee ought to consider a resolution and authorize the request. That is what I believe about it, and therefore I shall object.

Mr. GARDNER of New Jersey. That is because the gentleman does not know; but he has the right to object, of course.

Mr. SMITH of Kentucky. I am willing for the gentleman to entertain his opinion on that proposition, and I can draw my own conclusions from statements made on the floor of this House by gentlemen who wish to make them. Mr. Speaker, I object.

The SPEAKER. The gentleman objects.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 1517. An act granting an increase of pension to John C. Kennedy—to the Committee on Invalid Pensions.

S. 1524. An act granting an increase of pension to John M. Berkey—to the Committee on Invalid Pensions.

S. 1525. An act granting an increase of pension to Zachariah Bradfield—to the Committee on Invalid Pensions.

S. 1529. An act granting an increase of pension to James L. Small—to the Committee on Invalid Pensions.

S. 1702. An act granting a pension to Adolphus N. Pacetty—to the Committee on Pensions.

S. 1709. An act granting a pension to Florence Greeley De Veaux—to the Committee on Pensions.

S. 1735. An act granting an increase of pension to Washington Hogans—to the Committee on Pensions.

S. 1827. An act granting an increase of pension to George C. Chase—to the Committee on Invalid Pensions.

S. 1828. An act granting an increase of pension to Alvin Abbott—to the Committee on Invalid Pensions.

S. 1842. An act granting an increase of pension to Ransom O. Thayer—to the Committee on Invalid Pensions.

S. 1852. An act granting an increase of pension to Milton Marsh—to the Committee on Invalid Pensions.

S. 1987. An act granting a pension to Ella T. Hapeman—to the Committee on Invalid Pensions.

S. 2023. An act granting a pension to Amanda M. Richey—to the Committee on Invalid Pensions.

S. 2071. An act granting an increase of pension to Henry T. Anshutz—to the Committee on Invalid Pensions.

S. 2112. An act granting an increase of pension to John Heck—to the Committee on Invalid Pensions.

S. 2113. An act granting an increase of pension to Agnes Zentz—to the Committee on Invalid Pensions.

S. 2144. An act granting an increase of pension to James A. M. Brown—to the Committee on Pensions.

S. 2229. An act granting an increase of pension to William I. Hilkey—to the Committee on Invalid Pensions.

S. 2255. An act granting an increase of pension to James Thompson—to the Committee on Invalid Pensions.

S. 2256. An act granting an increase of pension to Alexander F. McConnell—to the Committee on Invalid Pensions.

S. 2293. An act granting an increase of pension to William C. Hitchcock—to the Committee on Invalid Pensions.

S. 2481. An act granting an increase of pension to Elijah R. Wilkins—to the Committee on Invalid Pensions.

S. 2486. An act for the relief of Richard C. Silence—to the Committee on Invalid Pensions.

S. 2556. An act granting an increase of pension to Louise J. D. Leland—to the Committee on Pensions.

S. 2555. An act granting a pension to Sarah A. Bargar—to the Committee on Invalid Pensions.

S. 2564. An act granting an increase of pension to Michael Matheney—to the Committee on Invalid Pensions.

S. 2583. An act granting an increase of pension to Thomas Robey—to the Committee on Pensions.

S. 2730. An act granting an increase of pension to James P. Ford—to the Committee on Invalid Pensions.

S. 2779. An act granting an increase of pension to James J. Egan—to the Committee on Invalid Pensions.

S. 2825. An act granting an increase of pension to John M. Scott—to the Committee on Invalid Pensions.

S. 2879. An act granting an increase of pension to Mary J. Hoge—to the Committee on Invalid Pensions.

S. 3180. An act granting an increase of pension to Jacob A. Geiger—to the Committee on Invalid Pensions.

S. 3243. An act granting an increase of pension to Akey C. Johnson—to the Committee on Invalid Pensions.

S. 3244. An act granting an increase of pension to Anna F. Keith—to the Committee on Invalid Pensions.

Senate concurrent resolution 5:

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,000 copies of Senate Document No. 77, Fifty-eighth Congress, second session, "Les Combattants Françaises de la Guerre Américaine, 1778–1783," of which 500 shall be for the use of the Senate, 2,000 for the use of the House of Representatives, and 500 for the use of the National Society of the Sons of the American Revolution, to be distributed under the direction of A. Howard Clark, registrar—

To the Committee on Printing.

Senate concurrent resolution 7:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to inform the Senate whether changed conditions necessitate a change of project for the main breakwater of the harbor of refuge at Point Judith, Rhode Island, and if so, to submit plans and estimates for such revised project—

To the Committee on Rivers and Harbors.

Senate concurrent resolution 1:

Resolved by the Senate (the House of Representatives concurring), That the concurrent resolution passed February 2, 1904, providing for the publication of the proceedings on the occasion of the unveiling of the Rochambeau statue is hereby continued in force, and excepted from the limitation of one year, as provided in section 80 of the act of January 12, 1895, providing for the public printing and binding and the distribution of public documents—

To the Committee on Printing.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 3451. An act granting an increase of pension to Alpheus A. Rockwell;

H. R. 2395. An act granting an increase of pension to Christopher Clinton;

H. R. 3487. An act granting an increase of pension to Ferdinand Weise;

H. R. 6518. An act granting an increase of pension to James M. Long;

H. R. 1868. An act granting an increase of pension to Perry Egge;

H. R. 8713. An act granting an increase of pension to Payton S. Lynn;

H. R. 2718. An act granting an increase of pension to James F. Hare;

H. R. 8550. An act granting an increase of pension to John Bierer;

H. R. 3340. An act granting an increase of pension to William Moorhead;

H. R. 1062. An act granting an increase of pension to George E. Brickett;

H. R. 2770. An act granting an increase of pension to Ephraim Plumpton;

H. R. 486. An act granting an increase of pension to John Armstrong;

H. R. 1199. An act granting a pension to Lydia A. Jewell; and

H. R. 1766. An act granting an increase of pension to John T. Stone.

ADJOURNMENT.

Then, on motion of Mr. PAYNE (at 4 o'clock and 37 minutes p. m.), the House adjourned until to-morrow, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a favorable recommendation, a draft of proposed legislation as to funds transferred by the several staff departments of the Army to the insular department of the Philippines—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of St. George Sound, Florida, including Apalachicola and Carrabelle harbors—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Commissioner of Patents, transmitting his annual report for the calendar year 1905—to the Committee on Patents, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, with a copy of a letter from the Commissioner of the General Land Office, a draft of a bill relating to sale of town sites of Heyburn, Rupert, and Sherrer, Idaho—to the Committee on the Public Lands, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SMITH of California, from the Committee on the Public Lands, to which was referred the House joint resolution (H. J. Res. 77) accepting the recession by the State of California of the Yosemite Valley grant and the Mariposa Big Tree Grove, and including the same, together with fractional sections 5 and 6, township 5 south, range 22 east, Mount Diablo meridian, California, within the metes and bounds of the Yosemite National Park, reported the same without amendment, accompanied by a report (No. 579); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the House joint resolution (H. J. Res. 59) authorizing the Secretary of the Interior, in conjunction with the State of Texas, to determine and establish the boundary line between the Choctaw Nation, Indian Territory, and the State of Texas, reported the same with amendment, accompanied by a report (No. 580); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HOGG, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 8461) to amend chapter 1495, Revised Statutes of the United States, entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," as amended by section 9 of chapter 1479, Revised Statutes of the United States, reported the same with amendment, accompanied by a report (No. 584); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 1280) granting a pension to Mary K. Lewis, reported the same with amendment, accompanied by a report (No. 546); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 1545) granting a pension to Florence D. Rafferty, reported the same with amendment, accompanied by a report (No. 547); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2340) granting a pension to Evelyn S. Beardslee, reported the same with amendment, accompanied by a report (No. 548); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2342) granting a pension to Winifred E. Lewis, reported the same with amendment, accompanied by a report (No. 549); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 4217) granting an increase of pension to Daniel M. Rose, reported the same with amendment, accompanied by a report (No. 550); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 4713) granting a pension to Mary Manning, reported the same with amendment, accompanied by a report (No. 551); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 4727) granting a pension to Emma M. Boyer, reported the same with amendment, accompanied by a report (No. 552); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 4737) granting an increase of pension to Odilia Logan, reported the same with amendment, accompanied by a report (No. 553); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 4826) granting a pension to Leola V. Franks, reported the same with amendment, accompanied by a report (No. 554); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 5238) granting an increase of pension to Lockey Stewart, reported the same with amendment, accompanied by a report (No. 555); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 5955) granting an increase of pension to Jennie L. Overton, reported the same with amendment, accompanied by a report (No. 556); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 6076) granting a pension to Anna M. Case, reported the same with amendment, accompanied by a report (No. 557); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6613) granting a pension to Thomas J. Slevens, reported the same with amendment, accompanied by a report (No. 558); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 6936) granting an increase of pension to William Miller, reported the same with amendment, accompanied by a report (No. 559); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 7599) granting an increase of pension to William Holland, reported the same with amendment, accompanied by a report (No. 560); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7600) granting an increase of pension to John Welch, reported the same with amendment, accompanied by a report (No. 561); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 8217) granting an increase of pension to Sarah A. J. Tayman, reported the same with amendment, accompanied by a report (No. 562); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8846) granting an increase of pension to Thomas Todd, reported the same with amendment, accompanied by a report (No. 563); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8847) granting an increase of pension to Phil. B. Thompson, sr., reported the same with amendment, accompanied by a report (No. 564); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10192) granting an increase of pension to Alanson B. Thomas, reported the same with amendment, accompanied by a report (No. 565); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10353) granting a pension to Thomas B. Davis, reported the same with amendment, accompanied by a report (No. 566); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10434) granting an increase of pension to Samuel F. King, reported the same with amendment, accompanied by a report (No. 567); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10439) granting an increase of pension to Mary Ann Gaunt, reported the same without amendment, accompanied by a report (No. 568); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10457) granting a pension to Lizzie Bremner, reported the same with amendment, accompanied by a report (No. 569); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10459) granting a pension to Alta M. Westenhaver, reported the same with amendment, accompanied by a report (No. 570); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10552) granting an increase of pension to James Wilkerson, reported the same with amendment, accompanied by a report (No. 571); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10765) granting an increase of pension to Robert M. Whitson, reported the same with amendment, accompanied by a report (No. 572); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10766) granting an increase of pension to Rachel L. Bartlett, reported the same with amendment, accompanied by a report (No. 573); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10588) for the relief of John H. Parker, a sailor in the Navy of the United States before and during the Mexican war, reported the same with amendment, accompanied by a report (No. 574); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12054) granting an increase of pension to Martha E. Hallowell, reported the same with amendment, accompanied by a report (No. 575); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 21) granting a pension to Mary G. Bright, reported the same without amendment, accompanied by a report (No. 576); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 988) granting a pension to Russell A. McKinley, reported the same without amendment, accompanied by a report (No. 577); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2082) granting an increase of pension to Elizabeth T. Carpenter, reported the same without amendment, accompanied by a report (No. 578); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. NEVIN: A bill (H. R. 13087) to increase to $30 per month certain persons pensioned under the act of June 27, 1890—to the Committee on Invalid Pensions.

By Mr. RANSDELL of Louisiana: A bill (H. R. 13088) authorizing the Secretary of Agriculture to make experiments with a view to eradicating Texas fever—to the Committee on Agriculture.

By Mr. BOWERSOCK: A bill (H. R. 13089) to provide for enlarging and improving the United States building at Kansas City, Kans.—to the Committee on Public Buildings and Grounds.

By Mr. ALEXANDER (by request): A bill (H. R. 13090) to advance, upon retirement, the rank of all enlisted men who served in the Army of the United States during the civil war—to the Committee on Military Affairs.

By Mr. MOON of Pennsylvania: A bill (H. R. 13091) to provide a code of penal laws for the United States—to the Committee on Revision of the Laws.

By Mr. ANDREWS: A bill (H. R. 13092) to provide for the settlement of land claims in certain States and Territories—to the Committee on Private Land Claims.

By Mr. FLOOD: A bill (H. R. 13093) providing for the erection of a public building in the town of Cliftonforge, Va.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13094) to provide for the purchase of the McLean property and adjacent property at Appomattox, Va., in commemoration of the surrender of the Army of Northern Virginia to General Grant—to the Committee on Military Affairs.

By Mr. MARTIN: A bill (H. R. 13095) to regulate corporations, joint stock companies, and other associations engaging in interstate and foreign commerce in food and fuel supplies—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 13096) to regulate corporations, joint stock companies, and other associations engaging in interstate and for-

eign commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. FOSTER of Vermont: A bill (H. R. 13097) granting additional pay to all officers and enlisted men of the Army, Navy, and Marine Corps, and so forth—to the Committee on Military Affairs.

By Mr. BANKHEAD: A bill (H. R. 13098) to light the Potomac public speedway and driveway—to the Committee on the District of Columbia.

By Mr. WILEY of New Jersey: A bill (H. R. 13099) providing for examination and survey of the Kill von Kull and Newark Bay, New Jersey, with a view to securing increased depth and width—to the Committee on Rivers and Harbors.

By Mr. HEPBURN: A bill (H. R. 13100) to establish a laboratory for the study of the criminal, pauper, and defective classes—to the Committee on the Judiciary.

By Mr. BATES: A bill (H. R. 13101) relating to liability of common carriers by railroads in the District of Columbia and Territories and common carriers by railroads engaged in commerce between the States and between the States and foreign nations to their employees—to the Committee on the Judiciary.

By Mr. PARSONS: A bill (H. R. 13102) to amend section 1395 of the Revised Statutes, to provide for temporary chaplains in the Navy—to the Committee on Naval Affairs.

By Mr. GARDNER of Michigan, from the Committee on Appropriations: A bill (H. R. 13103) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1907, and for other purposes—to the Union Calendar.

By Mr. PAYNE, from the Committee on Ways and Means: A bill (H. R. 13104) to amend an act entitled "An act to revise and amend the tariff laws of the Philippine Islands, and for other purposes," approved March 3, 1905—to the Union Calendar.

By Mr. FOSS: A bill (H. R. 13105) for the erection of a public building in the city of Waukegan, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. BRUNDIDGE: A bill (H. R. 13106) granting to the Batesville Power Company right to erect and construct canal and power stations at Lock and Dam No. 1, upper White River, Arkansas—to the Committee on Rivers and Harbors.

By Mr. WANGER: A bill (H. R. 13189) to establish a laboratory for the study of the criminal, pauper, and defective classes—to the Committee on the Judiciary.

By Mr. FOWLER: A concurrent resolution (H. C. Res. 15) providing for the printing of 500 additional copies of the Annual Report of the Treasurer of the United States—to the Committee on Printing.

By Mr. SULLOWAY: A resolution (H. Res. 193) to pay Marcellus Butler $100, for services—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BANKHEAD: A bill (H. R. 13107) granting a pension to Lucinda Wideman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13108) granting a pension to Andrew J. Tidwell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13109) granting a pension to Sarah Frederick—to the Committee on Invalid Pensions.

By Mr. BANNON: A bill (H. R. 13110) granting an increase of pension to James M. Mooman—to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota: A bill (H. R. 13111) granting an increase of pension to Lewis S. Perkins—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 13112) for the relief of the heirs of William C. Blackwell, deceased—to the Committee on War Claims.

By Mr. BUTLER of Tennessee: A bill (H. R. 13113) for the relief of John Gentry—to the Committee on Military Affairs.

Also, a bill (H. R. 13114) granting a pension to Eliza J. Howard—to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 13115) granting an increase of pension to William McGovern—to the Committee on Invalid Pensions.

By Mr. CONNER: A bill (H. R. 13116) granting an increase of pension to Mary J. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13117) granting an increase of pension to Spencer J. Cox—to the Committee on Invalid Pensions.

By Mr. DE ARMOND (by request): A bill (H. R. 13118) granting a pension to Caroline Hutts—to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 13119) granting an increase of pension to John H. Fish—to the Committee on Invalid Pensions.

By Mr. DAVIS of West Virginia: A bill (H. R. 13120) for the relief of the heirs of William Ewing, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13121) granting a pension to Samuel T. Jones, alias Thomas Jenkins—to the Committee on Pensions.

By Mr. DEEMER: A bill (H. R. 13122) to correct the military record of John Allen—to the Committee on Military Affairs.

By Mr. EDWARDS: A bill (H. R. 13123) for the relief of Stanley E. Brown—to the Committee on Claims.

Also, a bill (H. R. 13124) for the relief of A. B. Gilliland—to the Committee on Military Affairs.

Also, a bill (H. R. 13125) granting an increase of pension to William B. Bowling—to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 13126) granting an increase of pension to Theodore Groezinger—to the Committee on Invalid Pensions.

By Mr. FLOOD: A bill (H. R. 13127) for the relief of J. Terry Dillard—to the Committee on War Claims.

By Mr. GARRETT: A bill (H. R. 13128) for the relief of the estate of H. S. Simmons, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13129) granting an increase of pension to Pinkney W. H. Lee—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 13130) granting a pension to Rebecca J. Fisher—to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 13131) for the relief of I. J. Truman—to the Committee on Claims.

By Mr. HEPBURN: A bill (H. R. 13132) granting an increase of pension to Henry Towns—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13133) granting an increase of pension to Gilbert W. Clark—to the Committee on Invalid Pensions.

By Mr. KELIHER: A bill (H. R. 13134) granting an increase of pension to Gustavus S. Perkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13135) granting an increase of pension to E. Bradford Gay—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13136) granting an increase of pension to William Gaynor—to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 13137) granting a pension to Rosanna Wavell—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 13138) granting an increase of pension to Eada Lowry—to the Committee on Pensions.

By Mr. LE FEVRE: A bill (H. R. 13139) granting an increase of pension to William Walrod—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13140) granting an increase of pension to Jesse W. Howe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13141) granting an increase of pension to William A. Southworth—to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: A bill (H. R. 13142) for the relief of Daniel B. Murphy—to the Committee on Military Affairs.

By Mr. McCREARY of Pennsylvania: A bill (H. R. 13143) granting an increase of pension to James H. Price—to the Committee on Invalid Pensions.

By Mr. McGUIRE: A bill (H. R. 13144) granting to Kingfisher College certain lands in Kingfisher County, Oklahoma Territory, for the purpose of an experiment station and the teaching of agriculture to the students of said college—to the Committee on the Public Lands.

By Mr. McNARY: A bill (H. R. 13145) granting an increase of pension to Margaret G. MacNamara—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 13146) granting an increase of pension to Sarah Kearney—to the Committee on Pensions.

By Mr. MILLER: A bill (H. R. 13147) for the relief of E. N. Smith—to the Committee on Claims.

By Mr. MURDOCK: A bill (H. R. 13148) granting an increase of pension to William Davis—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: A bill (H. R. 13149) granting an increase of pension to Ida L. Martin—to the Committee on Invalid Pensions.

By Mr. PARKER: A bill (H. R. 13150) granting an increase of pension to Cate F. Galbraith—to the Committee on Invalid Pensions.

By Mr. RANSDELL of Louisiana: A bill (H. R. 13151) granting a pension to Christopher C. Harlan—to the Committee on Pensions.

By Mr. SCOTT: A bill (H. R. 13152) for the relief of W. H. De Long—to the Committee on Claims.

Also, a bill (H. R. 13153) granting an increase of pension to George Budden—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 13154) for the relief of John T. Irion—to the Committee on Claims.

By Mr. SMITH of Illinois: A bill (H. R. 13155) granting an increase of pension to John L. Brandt—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 13156) granting an increase of pension to Simeon Hollingsworth—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 13157) granting an increase of pension to Lianthia T. Grumley—to the Committee on Invalid Pensions.

By Mr. TRIMBLE: A bill (H. R. 13158) for the relief of Irene E. Johnson, administratrix of the estate of Leo L. Johnson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13159) for the relief of Uriah Edwards—to the Committee on War Claims.

Also, a bill (H. R. 13160) for the relief of Mrs. Joanna Edwards—to the Committee on War Claims.

Also, a bill (H. R. 13161) granting a pension to Cynthia A. Embry—to the Committee on Pensions.

Also, a bill (H. R. 13162) granting a pension to William P. Hanlon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13163) granting a pension to Mrs. Isaac Blackwell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13164) granting a pension to Sallie A. Graves—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13165) granting a pension to Martin Noland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13166) granting an increase of pension to William Evans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13167) granting an increase of pension to Jacob Sauer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13168) granting an increase of pension to Mrs. John N. Marshall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13169) to carry out the findings of the Court of Claims in the case of James H. Dennis—to the Committee on Claims.

By Mr. TOWNSEND: A bill (H. R. 13170) granting an increase of pension to John R. Mabee—to the Committee on Invalid Pensions.

By Mr. WEEKS: A bill (H. R. 13171) granting an increase of pension to Jonathan K. Porter—to the Committee on Invalid Pensions.

By Mr. WELBORN: A bill (H. R. 13172) for the relief of the widow and heirs of John A. Stephens, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13173) for the relief of the widow and heirs of John A. Stephens, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13174) granting an increase of pension to William H. Burnaugh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13175) granting an increase of pension to Thomas J. Gordon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13176) granting an increase of pension to Isaac E. George—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13177) granting a pension to Adam Walk—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13178) granting a pension to Mary E. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13179) granting an increase of pension to James W. Lankford—to the Committee on Invalid Pensions.

By Mr. BENNET of New York: A bill (H. R. 13180) entitling the owner of the launch *Elsa* to sue the United States for damages to said boat—to the Committee on Claims.

By Mr. BROOKS of Colorado: A bill (H. R. 13181) granting certain lands to the town of Tincup, Colo., for cemetery purposes—to the Committee on the Public Lands.

Also, a bill (H. R. 13182) granting an increase of pension to Joseph Huber—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE: A bill (H. R. 13183) granting a pension to Mary K. McDowell—to the Committee on Invalid Pensions.

By Mr. DARRAGH: A bill (H. R. 13184) for the relief of First Lieut. George Van Orden, United States Marine Corps—to the Committee on Naval Affairs.

By Mr. SMITH of Kentucky: A bill (H. R. 13185) for the relief of Thomas M. Bybee—to the Committee on War Claims.

Also, a bill (H. R. 13186) granting an increase of pension to B. M. Bennett—to the Committee on Invalid Pensions.

By Mr. WACHTER: A bill (H. R. 13187) granting an increase of pension to Samuel A. Bell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13188) granting a pension to Michael Burkhard—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 1277) for the relief of the administrators, as such, of the estate of Ira T. Jordan, deceased—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 13011) appropriating money to pay William Tucker for services and expenses as acting captain and drillmaster of Company D, One hundred and fifth Regiment Pennsylvania Volunteers—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13037) granting an increase of pension to Elizabeth Jane Kearney—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13038) granting an increase of pension to Rebecca Ramsey—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13042) for the relief of Alexander C. Landis—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS of Pennsylvania: Petition of Pen and Pencil Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BROOKS of Colorado: Petition of 20 citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. BRADLEY: Petitions of Stonyford (N. Y.) Grange, Patrons of Husbandry, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. BURLEIGH: Petition of 14 citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. BURNETT: Paper to accompany bill for relief of estate of Andrew Reece—to the Committee on War Claims.

Also, paper to accompany bill for relief of estate of Wade Smith—to the Committee on War Claims.

Also, paper to accompany bill for relief of estate of Solomon Keene—to the Committee on War Claims.

Also, paper to accompany bill for relief of estate of William Keith—to the Committee on War Claims.

Also, paper to accompany bill for relief of estate of Jonathan H. Ellison—to the Committee no War Claims.

By Mr. BURTON of Ohio: Petition of Harvey Rice Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of Theodore Groezinger—to the Committee on Invalid Pensions.

By Mr. BUTLER of Pennsylvania: Petition of J. L. Pile Council, No. 73, Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Agnes Kenit et al., for investigation of conditions in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. BUTLER of Tennessee: Paper to accompany bill for relief of William Boyd—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of John Gentry—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Mrs. Eliza J. Howard—to the Committee on Invalid Pensions.

By Mr. COOPER of Pennsylvania: Petition of Clearing House Association of Philadelphia, for amendment to the national-banking law—to the Committee on Banking and Currency.

Also, petition of the Commercial Law League of America, for reform of the consular service—to the Committee on Foreign Affairs.

Also, petition of Valley Grange, No. 878, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. DALZELL: Petition of the Philadelphia Clearing House Association, favoring including surplus with capital in measuring loans—to the Committee on Banking and Currency.

By Mr. DAVIS of Minnesota: Petition of National Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. DE ARMOND: Paper to accompany bill for relief of John H. Fish—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Caroline Hulls—to the Committee on Invalid Pensions.

By Mr. DIXON of Montana: Petition of J. G. Stewart, of Preston, Mont., favoring extension of time for shipment of stock—to the Committee on Interstate and Foreign Commerce.

By Mr. FLACK: Paper to accompany bill for relief of Marcus Crossman—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of the American Mining Congress, for law relative to mines on Spanish and Mexican land grants—to the Committee on Mines and Mining.

Also, petition of the Western Fruit Jobbers' Association, for additional power to the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. GARRETT: Paper to accompany bill for relief of estate of H. S. Simmons—to the Committee on War Claims.

By Mr. GRANGER: Petition of Kenyon L. Butterfield, president of the Rhode Island College of Agriculture and the Mechanic Arts, favoring bill H. R. 11788—to the Committee on the Judiciary.

Also, papers relative to relief of Amos M. Bowen—to the Committee on Claims.

Also, petition of the Methodist Episcopal Church of Arnolds Mills, R. I., and the Woman's Christian Temperance Union of Rhode Island, for prohibition in Indian Territory and Oklahoma as States—to the Committee on the Territories.

Also, petition of the Woman's Christian Temperance Union of Rhode Island, for passage of the Hepburn-Dolliver bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Providence (R. I.) Council, No. 67, United Commercial Travelers of America, to amend the bankruptcy law—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Unions of Warren and Westerly, R. I., for prohibition of liquor traffic in Indian Territory and Oklahoma as States—to the Committee on the Territories.

Also, petition of the Rhode Island State board of agriculture, for free basic-slag meal—to the Committee on Ways and Means.

Also, petition of the Rhode Island State board of agriculture, for passage of bill H. R. 345—to the Committee on Agriculture.

Also, petition of the Arlington Free Baptist Church and Elisha T. Reed et al., of Woonsocket, R. I., for prohibition of liquor traffic in Indian Territory and Oklahoma as States—to the Committee on the Territories.

By Mr. HAY: Paper to accompany bill for relief of William Dean—to the Committee on War Claims.

Also, paper to accompany bill for relief of Rebecca J. Foster—to the Committee on Invalid Pensions.

By Mr. HAYES: Paper to accompany bill for relief of Mary E. Bennett—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: Petition of the Woman's Club of Orange, N. J., for a child-labor law—to the Committee on Labor.

By Mr. HULL: Paper to accompany bill for relief of Miller C. Hunter—to the Committee on Invalid Pensions.

By Mr. KAHN: Petition of the California State Federation of Labor, for increase of pay of the employees at life-saving stations—to the Committee on Interstate and Foreign Commerce.

Also, petition of the California State Federation of Labor, against reduction of duty on tobacco and cigars from the Philippines—to the Committee on Ways and Means.

Also, petition of the California Medical Society, for increase of efficiency of the Medical Department of the Army—to the Committee on Military Affairs.

Also, petition of the Outdoor Art League of California, for preservation of Niagara Falls—to the Committee on Foreign Affairs.

Also, petition of the Chamber of Commerce of San Francisco, Cal., relative to Chinese exclusion—to the Committee on Foreign Affairs.

By Mr. KELIHER: Petition of the Massachusetts State Board of Trade, for consolidation of mail matter of the third and fourth classes at the 1-cent rate, and for passage of bill H. R. 4549—to the Committee on the Post-Office and Post-Roads.

By Mr. KENNEDY of Nebraska: Petition of the World Publishing Company, of Omaha, Nebr., for repeal of the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of F. A. Kennedy, of Omaha, Nebr., against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. KNAPP: Petition of George A. Fuller, for bill H. R. 345—to the Committee on Agriculture.

Also, petition of Dexter Grange, No. 724, of New York, and Grange No. 71, of Lowville, N. Y., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Ontario Lodge, No. 69, Brotherhood of Railway Trainmen, of Oswego, N. Y., for bills H. R. 239 and 9328—to the Committee on Labor.

By Mr. LILLEY of Connecticut: Petition of the Connecticut Federation of Woman's Clubs, for compulsory-education and child-labor bills in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of W. B. Davidson et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. LIVINGSTON: Petition of Gate City Council, No. 5, Junior Order United American Mechanics, for restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. LOUDENSLAGER: Petition of the Woman's Home Missionary Society of Camden, N. J., against liquor selling in any Government building—to the Committee on Alcoholic Liqour Traffic.

By Mr. McCREARY of Pennsylvania: Petition of the Christian Endeavor Society of Philadelphia, Pa., for prohibition in Indian Territory as a State—to the Committee on the Territories.

Also, petition of the Christian Endeavor Society of Philadelphia, for prohibition in all Soldiers' Homes and buildings of the United States Government—to the Committee on Alcoholic Liquor Traffic.

By Mr. MANN: Petition of the Illinois State Horticultural Society, of Princeton, Ill., for protection of apple vinegar—to the Committee on Agriculture.

Also, petition of the Western Fruit Growers' Association, favoring railway rates by Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of F. W. Thurston & Co., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of Sarah A. Chauncey—to the Committee on Pensions.

By Mr. MORRELL: Petition of citizens of Philadelphia; Richmond Council, Daughters of Liberty, and Smith River Council, No. 71, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Painters, Decorators, and Paper Hangers of America, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Clearing House Association, for amending banking law—to the Committee on Banking and Currency.

Also, petition of Philadelphia Lodge, No. 511, Brotherhood of Railway Trainmen, favoring bill H. R. 9328—to the Committee on the Judiciary.

Also, petition of Lodge No. 511, Brotherhood of Railway Trainmen, favoring bills H. R. 239 and S. 1657—to the Committee on the Judiciary.

By Mr. NEEDHAM: Petition of the Chamber of Commerce of San Francisco, favoring liberal laws relative to Chinese exclusion—to the Committee on Foreign Affairs.

Also, petition of the Sacramento Valley Development Association, for an appropriation to stop the pear blight—to the Committee on Agriculture.

Also, petition of the California State Federation of Labor, favoring increase of pay of surfmen and keepers of lighthouses—to the Committee on Interstate and Foreign Commerce.

Also, petition of Cigar Makers' Union of the United States and Canada, against bill H. R. 3—to the Committee on Ways and Means.

By Mr. OVERSTREET: Petition of the Hardwood Lumbermen's Association, favoring Interstate Commerce Commission having control of freight rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Indiana Grain Dealers' Association, favoring railway-rate power in Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, paper to accompany bill for relief of Ida L. Martin—to the Committee on Invalid Pensions.

By Mr. PADGETT: Petition of citizens of Houston and Humphreys counties, Tenn., for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. PATTERSON of Pennsylvania: Petition of Springville Council, No. 659, Junior Order United American Mechanics, of Artz, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. PAYNE: Petition of citizens of New York, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. PERKINS: Petition of Irving Rouse, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. PUJO: Petition of the North Carolina State board of agriculture and the Interstate Association of Live Stock Sanitary Board, of Guthrie, Okla., relative to the cattle tick—to the Committee on Agriculture.

Also, petition of the American Veterinary Medical Association of Cleveland, Ohio, relative to extermination of the cattle tick—to the Committee on Agriculture.

Also, petition of the Association of Commissioners of Agriculture of the Southern States, relative to extermination of the cattle tick—to the Commitee on Agriculture.

Also, petition of the North Carolina State Farmers' Association, relative to extermination of the cattle tick—to the Commitee on Agriculture.

By Mr. POU: Paper to accompany bill for relief of Elizabeth F. Partin—to the Committee on Pensions.

By Mr. RUCKER: Petition of Waller & Eubank, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SAMUEL: Petition of Catawissa Council, No. 96, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of 200 citizens of Mount Carmel, Pa., for prohibition in Oklahoma as a State—to the Committee on the Territories.

Also, petition of 200 citizens of Mount Carmel, Pa., against liquor selling in any Government building—to the Committee on Alcoholic Liquor Traffic.

Also, petition of 200 citizens of Mount Carmel, Pa., favoring the Hepburn-Dolliver bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of 16 citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. SMITH of Kentucky: Paper to accompany bill for relief of F. M. Hatler—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of William Zachery—to the Committee on Invalid Pensions.

By Mr. SMITH of Texas: Paper to accompany bill for relief of Rich C. Daley—to the Committee on Pensions.

Also, paper to accompany bill for relief of George M. Troger—to the Committee on Pensions.

Also, paper to accompany bill for relief of John G. Stocks—to the Committee on Pensions.

Also, paper to accompany bill for relief of Robert M. White—to the Committee on Pensions.

Also, paper to accompany bill for relief of George B. D. Alexander—to the Committee on Pensions.

Also, paper to accompany bill for relief of Silas N. H. Ballard—to the Committee on War Claims.

Also, paper to accompany bill for relief of Robert C. Bell—to the Committee on Invalid Pensions.

By Mr. SPERRY: Petition of Liberty Bell Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of citizens of the Second district of Connecticut, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Pennsylvania State Federation of Woman's Clubs, for compulsory education in the District of Columbia—to the Committee on the District of Columbia.

By Mr. TAYLOR of Alabama: Petition of Ralph C. Richards et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. THOMAS of Ohio: Petition of the Progress Club of Niles, Ohio, against spoliation of Niagara Falls—to the Committee on Foreign Affairs.

Also, petition of Girard Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of A. H. Brown et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. TIRRELL: Petition of Local Union No. 921, of Waltham, Mass., Painters, Decorators, and Paper Hangers of America, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. VAN WINKLE: Paper to accompany bill for relief of Margaret Underhill—to the Committee on Claims.

By Mr. WOOD of New Jersey: Petition of members of the Fourth Presbyterian Church of Trenton, N. J., relative to the Indian trust fund—to the Committee on Indian Affairs.

Also, paper to accompany bill for relief of George Van Master—to the Committee on Invalid Pensions.

By Mr. YOUNG: Petition of George E. Briggs, against bill H. R. 7079—to the Committee on Ways and Means.

Also, petition of citizens of Michigan, against the Army canteen—to the Committee on Military Affairs.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 26, 1906.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

PRIVATE PENSION BILLS.

Mr. SULLOWAY. Mr. Speaker, under the rule certain bills on the Private Calendar are in order for to-day, but I understand that it is desirable to go on with the urgent deficiency bill. I therefore ask unanimous consent that it be ordered that to-morrow be substituted for to-day for the consideration of bills on the Private Calendar.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent that to-morrow be substituted for to-day for the consideration of bills on the Private Calendar. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House of Representatives was requested:

S. 25. An act to provide for the purchase of a site and the erection of a building thereon at Auburn, in the State of Maine;

S. 610. An act to provide for the purchase of a site and the erection of a public building thereon at Sheridan, in the State of Wyoming;

S. 800. An act to provide for the erection of a public building at Atlanta, Ga.;

S. 846. An act to increase the limit of cost of the United States post-office at Elizabeth, N. J.;

S. 1277. An act authorizing a public building at Fayetteville, N. C.;

S. 1358. An act to amend an act entitled "An act authorizing the construction of additional light-house districts," approved July 26, 1886;

S. 1725. An act granting certain land to the Missionary Baptist Church, of Rock Sink, Fla.;

S. 2087. An act to provide for the purchase of a site and the erection of a public building at Jersey City, N. J.;

S. 2292. An act for the relief of certain entrymen and settlers within the limits of the Northern Pacific Railway land grant;

S. R. 17. Joint resolution to print the Fourth Annual Report of the United States Reclamation Service; and

S. R. 23. Joint resolution providing for an extension of time for completing the highway bridge and approaches across the Potomac River at Washington, D. C.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIX, Senate bills and joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 622. An act granting an increase of pension to Hiram Swain—to the Committee on Invalid Pensions.

S. 238. An act granting an increase of pension to John Savage—to the Committee on Invalid Pensions.

S. 625. An act granting an increase of pension to Phebe J. Bennett—to the Committee on Invalid pensions.

S. 1042. An act granting an increase of pension to Francis Piccard—to the Committee on Invalid Pensions.

S. 1456. An act granting a pension to Joann Morris—to the Committee on Invalid Pensions.

S. 328. An act granting an increase of pension to John W. Warner—to the Committee on Invalid Pensions.

S. 322. An act granting an increase of pension to Isabella Workman—to the Committee on Invalid Pensions.

S. 1841. An act granting a pension to Robert Catlin—to the Committee on Invalid Pensions.

S. 950. An act granting a pension to Emma M. Rea—to the Committee on Invalid Pensions.

S. 493. An act granting an increase of pension to Charles M. Wittig—to the Committee on Invalid Pensions.

S. 142. An act granting an increase of pension to William Furlong—to the Committee on Invalid Pensions.

S. 138. An act granting an increase of pension to Michael Linehan—to the Committee on Invalid Pensions.

S. 943. An act granting an increase of pension to Oscar R. Arnold—to the Committee on Invalid Pensions.

S. 206. An act granting an increase of pension to Gordon H. Shepard—to the Committee on Invalid Pensions.

S. 209. An act granting an increase of pension to George F. Ross—to the Committee on Invalid Pensions.

S. 210. An act granting an increase of pension to Silas P. Hall—to the Committee on Invalid Pensions.

S. 1163. An act granting an increase of pension to Martha G. Cushing—to the Committee on Invalid Pensions.

S. 314. An act granting a pension to Aletha E. Reynolds—to the Committee on Invalid Pensions.

S. 315. An act granting an increase of pension to George Pike—to the Committee on Invalid Pensions.

S. 472. An act granting an increase of pension to David F. Magee—to the Committee on Invalid Pensions.

S. 575. An act granting an increase of pension to John Flynn—to the Committee on Invalid Pensions.

S. 576. An act granting an increase of pension to Frederick J. Shelley—to the Committee on Invalid Pensions.

S. 1466. An act granting an increase of pension to Philena Davis—to the Committee on Invalid Pensions.

S. 715. An act granting a pension to Georgia A. Rollins—to the Committee on Invalid Pensions.

S. 851. An act granting an increase of pension to Frederick Houser—to the Committee on Invalid Pensions.

S. 74. An act granting an increase of pension to Aaron T. Currier—to the Committee on Invalid Pensions.

S. 1467. An act granting an increase of pension to Laura A. Blodgett—to the Committee on Invalid Pensions.

S. 16. An act granting a pension to Susan H. Cutler—to the Committee on Invalid Pensions.

S. 183. An act granting an increase of pension to Henry F. Hunt—to the Committee on Invalid Pensions.

S. 837. An act granting an increase of pension to Elizabeth C. Dunton—to the Committee on Invalid Pensions.

S. 707. An act granting a pension to Alice E. Gilley—to the Committee on Invalid Pensions.

S. 1258. An act granting an increase of pension to Charles W. Paige—to the Committee on Pensions.

S. 178. An act granting an increase of pension to Irene A. Cochrane—to the Committee on Invalid Pensions.

S. 785. An act granting an increase of pension to Franklin C. Pierce—to the Committee on Invalid Pensions.

S. 9. An act granting an increase of pension to David P. Bolster—to the Committee on Invalid Pensions.

S. 534. An act granting an increase of pension to Dennis A. Davis—to the Committee on Invalid Pensions.

S. 531. An act granting an increase of pension to William H. Satterhwait—to the Committee on Invalid Pensions.

S. 923. An act granting an increase of pension to Nathaniel L. Badger—to the Committee on Invalid Pensions.

S. 991. An act granting a pension to Jane McMahon—to the Committee on Invalid Pensions.

S. 96. An act granting an increase of pension to George A. Francis—to the Committee on Invalid Pensions.

S. 193. An act granting an increase of pension to John C. Eberly—to the Committee on Invalid Pensions.

S. 1035. An act granting an increase of pension to Andrew McClory—to the Committee on Pensions.

S. 122. An act granting an increase of pension to Michael Stump—to the Committee on Invalid Pensions.

S. 1200. An act granting a pension to Esther G. Wharton—to the Committee on Pensions.

S. 515. An act granting an increase of pension to Dennis Buckley McCready, alias Dennis McCready, alias Thomas Buckley—to the Committee on Invalid Pensions.

S. 509. An act granting a pension to Annie L. Fredick—to the Committee on Invalid Pensions.

S. 564. An act granting an increase of pension to Wilson Hyatt—to the Committee on Invalid Pensions.

S. 565. An act granting an increase of pension to Lumbard D. Aldrich—to the Committee on Invalid Pensions.

S. 385. An act granting an increase of pension to George W. Gearey—to the Committee on Invalid Pensions.

S. 1474. An act granting an increase of pension to Joseph Davis—to the Committee on Pensions.

S. 1368. An act granting an increase of pension to William H. Hicks—to the Committee on Invalid Pensions.

S. 407. An act granting an increase of pension to George W. Purvis—to the Committee on Pensions.

S. 596. An act granting an increase of pension to Eliza J. Harding—to the Committee on Invalid Pensions.

S. 603. An act granting an increase of pension to Lide S. Leonard—to the Committee on Invalid Pensions.

S. 1098. An act granting an increase of pension to William J. Grow—to the Committee on Invalid Pensions.

S. 647. An act granting an increase of pension to Leonard Harmony—to the Committee on Invalid Pensions.

S. 1559. An act granting an increase of pension to Laura Clark—to the Committee on Invalid Pensions.

S. 666. An act granting an increase of pension to Andrew Patrick—to the Committee on Invalid Pensions.

S. 669. An act granting an increase of pension to Lawrence Mericle—to the Committee on Invalid Pensions.

S. 670. An act granting an increase of pension to Anthony Barrett—to the Committee on Invalid Pensions.

S. 1303. An act granting an increase of pension to Harrison Brott—to the Committee on Invalid Pensions.

S. 727. An act granting an increase of pension to Jasper H. Keys—to the Committee on Invalid Pensions.

S. 1015. An act granting an increase of pension to Joseph McSwain—to the Committee on Invalid Pensions.

S. 145. An act granting an increase of pension to Wellington Marlatt—to the Committee on Invalid Pensions.

S. 140. An act granting an increase of pension to Maitland J. Freeman—to the Committee on Invalid Pensions.

S. 143. An act granting an increase of pension to James W. Calvert—to the Committee on Invalid Pensions.

S. 986. An act granting an increase of pension to Caroline M. Doan—to the Committee on Invalid Pensions.

S. 1212. An act granting an increase of pension to John S. Wilcox—to the Committee on Invalid Pensions.

S. 949. An act granting an increase of pension to Jacob Eppler—to the Committee on Invalid Pensions.

S. 212. An act granting an increase of pension to John T. Liddle—to the Committee on Invalid Pensions.

S. 1270. An act granting an increase of pension to John C. Barr—to the Committee on Invalid Pensions.

S. 211. An act granting an increase of pension to Wilson J. Pool—to the Committee on Invalid Pensions.

S. 393. An act granting an increase of pension to Lucinda Stamper—to the Committee on Invalid Pensions.

S. 329. An act granting an increase of pension to William E. Blewitt—to the Committee on Invalid Pensions.

S. 2415. An act granting an increase of pension to Fannie Ida Edgerton—to the Committee on Pensions.

S. 126. An act granting an increase of pension to William J. Street—to the Committee on Invalid Pensions.

S. 120. An act granting an increase of pension to John M. Buckley—to the Committee on Invalid Pensions.

S. 508. An act granting an increase of pension to William Kress—to the Committee on Invalid Pensions.

S. 330. An act granting an increase of pension to Kemenskio A. N. L. Collins—to the Committee on Invalid Pensions.

S. 1432. An act granting an increase of pension to John W. Foreaker—to the Committee on Invalid Pensions.

S. 1838. An act granting an increase of pension to Harvey S. Harriman—to the Committee on Pensions.

S. 644. An act granting an increase of pension to William R. Hubbell—to the Committee on Invalid Pensions.

S. 637. An act granting an increase of pension to John D. O'Brien—to the Committee on Pensions.

S. 1041. An act granting an increase of pension to Myron E. Billings—to the Committee on Invalid Pensions.

S. 1038. An act granting an increase of pension to James Frazier—to the Committee on Invalid Pensions.

S. 244. An act granting an increase of pension to Thomas Bramel—to the Committee on Pensions.

S. 1365. An act providing for the placing of an elevator in the public building at Boise, Idaho—to the Committee on Public Buildings and Grounds.

S. 164. An act granting a pension to Helen A. Frederick—to the Committee on Invalid Pensions.

S. 1367. An act granting an increase of pension to Almon Foster—to the Committee on Invalid Pensions.

S. 606. An act granting an increase of pension to John Houston Crowell—to the Committee on Invalid Pensions.

S. 1509. An act granting an increase of pension to Thomas T. Hodges—to the Committee on Invalid Pensions.

S. 1271. An act granting an increase of pension to Edward Irwin—to the Committee on Pensions.

S. 185. An act granting an increase of pension to Lewis H. Cate—to the Committee on Invalid Pensions.

S. 179. An act granting an increase of pension to Charles H. Mayhew—to the Committee on Invalid Pensions.

S. 80. An act granting an increase of pension to Julia A. Stanyan—to the Committee on Invalid Pensions.

S. 81. An act granting an increase of pension to David E. Everett—to the Committee on Invalid Pensions.

S. 572. An act granting an increase of pension to Henry G. Salisbury—to the Committee on Invalid Pensions.

S. 845. An act granting an increase of pension to Sarah A. Page—to the Committee on Invalid Pensions.

S. 787. An act granting an increase of pension to Stephen Ernst—to the Committee on Invalid Pensions.

S. 714. An act granting an increase of pension to Susie Place—to the Committee on Invalid Pensions.

S. 3001. An act granting an increase of pension to Juliet A. Bainbridge Hoff—to the Committee on Invalid Pensions.

S. 706. An act granting an increase of pension to Martha E. Saltar—to the Committee on Invalid Pensions.

S. 11. An act granting an increase of pension to Ruth B. Gurney—to the Committee on Invalid Pensions.

S. 850. An act granting an increase of pension to Arthur Forrester Devereaux—to the Committee on Invalid Pensions.

S. 279. An act granting an increase of pension to Horace E. Barker—to the Committee on Invalid Pensions.

S. R. 23. Joint resolution providing for an extension of time for completing the highway bridge and approaches across the Potomac River at Washington, D. C.—to the Committee on the District of Columbia.

S. R. 17. Joint resolution to print the Fourth Annual Report of the United States Reclamation Service—to the Committee on Printing.

S. 2292. An act for the relief of certain entrymen and settlers within the limits of the Northern Pacific Railway land grant—to the Committee on the Public Lands.

S. 2087. An act to provide for the purchase of a site and the erection of a public building at Jersey City, N. J.—to the Committee on Public Buildings and Grounds.

S. 1277. An act authorizing a public building at Fayetteville, N. C.—to the Committee on Public Buildings and Grounds.

S. 846. An act to increase the limit of cost of the United States post-office at Elizabeth, N. J.—to the Committee on Public Buildings and Grounds.

S. 800. An act to provide for the erection of a public building at Atlanta, Ga.—to the Committee on Public Buildings and Grounds.

S. 610. An act to provide for the purchase of a site and the erection of a public building thereon at Sheridan, in the State of Wyoming—to the Committee on Public Buildings and Grounds.

S. 1725. An act granting certain land to the Missionary Baptist Church, of Rock Sink, Fla.—to the Committee on the Public Lands.

S. 1358. An act to amend an act entitled "An act authorizing the construction of additional light-house districts," approved July 26, 1886—to the Committee on Interstate and Foreign Commerce.

S. 25. An act to provide for the purchase of a site and the erection of a building thereon at Auburn, in the State of Maine—to the Committee on Public Buildings and Grounds.

GENERAL BRIDGE BILL.

Mr. MANN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 6009, known as the "general bridge bill," which I send to the desk.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of the bill of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 6009) to regulate the construction of bridges over navigable waters.

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. Mr. Speaker, I desire to ask the gentleman what the general tenor of the bill is. I reserve the right to object.

Mr. MANN. Mr. Speaker, the purpose of the bill is to include in a general law the present provisions which we put in each separate bridge bill which is passed through Congress, making the provisions applicable to all bills which shall hereafter be passed by Congress, so that hereafter, if this bill becomes a law, a bridge bill which comes into Congress will be only a few lines long and will refer to the provisions of this act, saving the time of the House and of the Senate and the time of the committees, and putting in one law a uniform system of provisions concerning bridges which anybody interested may obtain.

Mr. CLARK of Missouri. Do we still have to go through the performance of introducing bills here and passing them?

Mr. MANN. It would still be necessary, if this bill becomes a law, to introduce bridge bills the same as we do now.

Mr. CLARK of Missouri. What is to be done with them after they are introduced?

Mr. MANN. We pass them.

Mr. CLARK of Missouri. How do we gain anything then?

Mr. MANN. We gain in this way: When a bridge bill is introduced now the committees and Congress require certain provisions to be inserted in the bill—provisions in reference to the transportation of the mails; provisions in reference to the use of bridges by various railway companies on equal terms; provisions in reference to constructing signals upon the bridges—a great many provisions which we require to be inserted in each bill.

If they are not in the bill as presented to Congress, the committee requires the insertion of the provisions. That compels the committee to scan the terms of each bill when it is introduced. In addition to that we send all of these bills to the War Department, and the War Department scans each of those provisions in the bill. If they are left out of the bill they recommend their insertion. Then it comes in the House and the bill has to be read. The proposition now is to include all the provisions in a general act which shall apply to bridges hereafter authorized by Congress, and after that when a bill is introduced it will be simply a bill authorizing such and such a railroad company or other company to construct a bridge at such and such a point in accordance with the provisions of this act.

Mr. CLARK of Missouri. Now, let me inquire, is there anything in the Constitution that prohibits lodging the power in the Secretary of War or somebody else to authorize the building of a bridge, or do we have under the Constitution to go through this everlasting rigamarole in passing bridge bills?

Mr. MANN. It is not necessary at all to do that. Congress could authorize the Secretary of War or Chief of Engineers to grant permission to build bridges.

Mr. CLARK of Missouri. That is what I thought your bill was going to do.

Mr. MANN. We do that now as to bridges over rivers wholly within one State, but Congress has never thought it desirable to waive the right of control by Congress which exists. I suppose that has largely grown out of bridges across the Mississippi River, as it has never been considered desirable to erect too many bridges across that river on account of navigation.

Mr. CLARK of Missouri. That is absolutely true.

Mr. MANN. And that is the reason it has been held, and the committee has not sought to interfere with the jurisdiction of Congress, because that might lead to interminable debate and great variety of opinion, but we think there can be no variety of opinion about the desirability of including all the provisions under a general act and saving the time and attention of Congress and Members of the House. I now yield to the gentleman from Mississippi.

Mr. WILLIAMS. Mr. Speaker, I understand the import of this bill to be to require that every bridge bill presented to Congress shall contain these certain provisions.

Mr. MANN. Well, that would be the practical effect, but we put the provisions in the general law and say this, that when hereafter authority is granted by Congress to any persons to construct and maintain a bridge across or over any navigable waters of the United States such bridge shall not be built or commenced until certain things are done, and when constructed they shall be under the operation of the law, so that we do not need to put these provisions in each separate bill, but in the new bill we will refer to this act and say the bridge shall be built in accordance with the provisions of this act.

Mr. WILLIAMS. Suppose some gentleman were to offer in the House of Representatives a bill containing provisions regardless of this act, and suppose the Speaker were to recognize him, and suppose the bill passes, that bill would have the force and efficacy of law notwithstanding this act?

Mr. MANN. Certainly, Congress would still have authority to do what it pleases about it.

Mr. WILLIAMS. Now, it seems to me it would be much better——

Mr. WANGER. Mr. Speaker, I want to ask the gentleman from Mississippi if he will not speak a little louder?

Mr. WILLIAMS. It seems to me it would be much better if you would bring in a bill relegating this entire matter to the War Department under certain legal restrictions.

Mr. MANN. I would say to the gentleman from Mississippi I am inclined to agree with him on that point, but that bill would not pass by unanimous consent in either body.

Mr. WILLIAMS. It might not be passed by unanimous consent, but it could be passed.

Mr. MANN. Well, I am not certain even that it can be passed.

Mr. HENRY of Texas. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. HENRY of Texas. I did not hear all of your statement as to what the object of this bill is. Does it dispense with bills being introduced hereafter when these bridges are to be built?

Mr. MANN. It does not. It does not affect the present law on that subject at all.

Mr. HENRY of Texas. Why not leave each case to stand on its own merit when it comes up? If a bill must necessarily be introduced hereafter, why not wait until the bill comes up and then determine the questions arising in each bill?

Mr. MANN. I will say to the gentleman if there be any special circumstances requiring a change of the act, Congress reserves that power to make it in a new bill, but, as a matter of fact, we put in all bridge bills various provisions, and, as a rule, they are not introduced in that shape.

It is very seldom that a bridge bill passes through Congress without a large number of amendments reported by the Committee on Interstate and Foreign Commerce. We put those provisions in. A Member introduces a bridge bill that is drawn usually by the attorney of some company who is not familiar with the practice, and we have to go through all of that form. There is no object in taking up the time of the committee or of Congress in that way, but if there be any special reason why the form should be changed, why, of course, we can do that when the matter is presented to the committee and to Congress.

Mr. HENRY of Texas. I have not heard the provisions of the bill, but I caught something that sounded like "work could be begun on the bridge before the matter was submitted to Congress under this bill."

Mr. MANN. Oh, no; work shall not be begun.

Mr. HENRY of Texas. This is a very important question. It involves interstate commerce, and it seems to me that each bill ought to stand on its own merits, and I feel very much like objecting.

Mr. MANN. We passed this bill in the last House.

Mr. HENRY of Texas. The joint committee have made a unanimous report, but I should certainly like to hear it explained and ascertain exactly what is in the bill before I vote on it. I have not had an opportunity to read it.

Mr. MANN. I will say to the gentleman that the provisions in the bill are either the provisions of existing law, which are partly codified here, so that they can all be in one act, or else those provisions which we invariably insert in all of the bridge bills.

Mr. HENRY of Texas. Why not let it go over until next week, so that we can look into it and investigate it? Interstate commerce is a great question, and we are all studying it some now in view of the rate proposition.

Mr. MANN. I will say to the gentleman that it is a practical question. We passed this bill in the last House. We can not call the bill up every day.

Mr. HENRY of Texas. Is not the gentleman willing to let it go over until to-morrow anyhow, so we can look at it?

Mr. MANN. The gentleman, of course, can require it to go over indefinitely. I have been trying to bring this bill up ever since Congress met.

Mr. HENRY of Texas. I do not know that I shall object to it, but I would like to understand it. I have great confidence in the report of the committee.

Mr. MANN. I have great consideration for the gentleman's opinion, but the gentleman knows very well that we pass these bridge bills constantly in the afternoons here. No question is raised as to them after they come from the committee. This is as much for saving time to the committee as anything else. I do not know when we will get it up again, as we have a great many bridge bills pending; but the desire is to save the time of the House and the Senate.

Mr. HENRY of Texas. I have great admiration for the intelligence of the members of the Committee on Interstate and Foreign Commerce and do not want to object to this bill; but I do want to understand what we are doing. It involves a great question. I would like the gentleman to agree to let it go over until next week some time, so that we can investigate it.

Mr. MANN. The gentleman has the privilege of objecting; but I have worked so hard on it that I do not want to put it over.

The SPEAKER. Is there objection?

Mr. HENRY of Texas. Mr. Speaker, I object.

ALIEN LABOR ON ISTHMIAN CANAL.

Mr. DALZELL. Mr. Speaker, I desire to submit a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Pennsylvania submits a privileged report from the Committee on Rules, which the Clerk will read.

The Clerk read as follows:

The Committee on Rules, to which was referred the resolution of the House No. 159, have had the same under consideration and respectfully report the following in lieu thereof:

"*Resolved*, That it shall be in order to offer as an amendment to the urgent deficiency bill (H. R. 12320), either in the House or in the Committee of the Whole House on the state of the Union, even although the paragraph to which it is germane may have been passed, the following amendment:

"'The provisions of the act entitled "An act relating to the limitations of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia," approved August 1, 1892, shall not apply to alien laborers employed in the construction of the isthmian canal within the Canal Zone.'"

Mr. DALZELL. On that, Mr. Speaker, I ask for the previous question.

The SPEAKER. The gentleman from Pennsylvania demands the previous question.

Mr. WILLIAMS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. WILLIAMS. I rise for the purpose of asking the gentleman from Pennsylvania not to demand the previous question at this time, but permit the House of Representatives to have something to say about the passage of this resolution, and for the purpose of saying a few things myself.

Mr. DALZELL. Why, of course my friend from Mississippi understands that there will be twenty minutes' debate on a side under the rule.

Mr. WILLIAMS. I understand you have demanded the previous question.

Mr. DALZELL. Well, I have; but the rule itself provides twenty minutes' debate on each side.

Mr. WILLIAMS. Very well. I wanted to argue the previous question before it passed.

Mr. DALZELL. The rule does not permit that.

Mr. WILLIAMS. Then I will ask the gentleman to yield me five, six, or seven minutes on the question as to whether the previous question shall be ordered.

Mr. DALZELL. How much time would the gentleman like to have?

Mr. WILLIAMS. Six or seven minutes.

Mr. DALZELL. We would have twenty minutes on a side under the rule.

Mr. WILLIAMS. I want to discuss for six or seven minutes whether the House shall call the previous question.

Mr. DALZELL. And to have no debate after the vote?

Mr. WILLIAMS. No; I do not want to waive the subsequent debate.

Mr. DALZELL. I can not yield time for that.

The question was taken on ordering the previous question; and the Speaker announced that the ayes seemed to have it.

Mr. WILLIAMS. Division, Mr. Speaker.

The House proceeded to divide; and the Speaker announced 116 in the affirmative.

Mr. WILLIAMS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise? The House is dividing.

Mr. WILLIAMS. I call for the other side.

The SPEAKER. It does not require the demand for the other side. The House is dividing.

The House proceeded to divide; and the Speaker announced 116 yeas, 93 noes.

Mr. WILLIAMS. I make the point that no quorum is present.

The SPEAKER. On the contrary, there is a quorum present. The ayes are 116, the noes are 93.

Mr. WILLIAMS. I call for the yeas and nays.

The SPEAKER. It is too late.

Mr. WILLIAMS. Well, the Chair has not——

The SPEAKER. The Chair will halt a moment and see. The gentleman from Mississippi after the vote was taken made the point——

Mr. WILLIAMS. While the Speaker was announcing the vote.

The SPEAKER (continuing). That there was no quorum. The Chair announced that a quorum had voted.

Mr. WILLIAMS. The Chair has not announced the result yet.

The SPEAKER (after a pause). The Chair finds on consulting the precedents that the demand is in time. The gentleman from Mississippi demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 153, nays 96, answered "present" 8, not voting 128, as follows:

YEAS—153.

Acheson	Dawes	Hubbard	Perkins
Adams, Pa.	Dawson	Hull	Pollard
Adams, Wis.	Deemer	Jones, Wash.	Powers
Alexander	Denby	Keifer	Reeder
Allen, N. J.	Dickson, Ill.	Kennedy, Nebr.	Rives
Bannon	Draper	Ketcham	Roberts
Beidler	Dresser	Knapp	Rodenberg
Bennet, N. Y.	Dwight	Knowland	Samuel
Bennett, Ky.	Edwards	Lacey	Scroggy
Birdsall	Ellis	Landis, Chas. B.	Shartel
Bishop	Esch	Lawrence	Smith, Cal.
Blackburn	Fassett	Littauer	Smith, Iowa
Bonynge	Flack	Littlefield	Smith, Pa.
Boutell	Fletcher	Longworth	Smyser
Bowersock	Foss	Loud	Southwick
Bradley	Foster, Ind.	Loudenslager	Sperry
Brick	Foster, Vt.	McCarthy	Sterling
Brown	Fulkerson	McCleary, Minn.	Stevens, Minn.
Brownlow	Fuller	McGavin	Sulloway
Burke, Pa.	Gaines, W. Va.	McKinley, Ill.	Tawney
Burke, S. Dak.	Gardner, Mass.	McLachlan	Taylor, Ohio
Burleigh	Gardner, Mich.	McMorran	Thomas, Ohio
Burton, Ohio	Gillett, Mass.	Madden	Tirrell
Calderhead	Goebel	Mahon	Tyndall
Campbell, Ohio	Graff	Mann	Volstead
Capron	Greene	Martin	Vreeland
Chaney	Gronna	Miller	Waldo
Chapman	Grosvenor	Minor	Wanger
Cocks	Hale	Mondell	Watson
Cole	Hamilton	Mouser	Webber
Conner	Haskins	Mudd	Weeks
Cooper, Wis.	Haugen	Needham	Weems
Cousins	Henry, Conn.	Nevin	Welborn
Currier	Hepburn	Norris	Wharton
Dale	Higgins	Olcott	Wilson
Dalzell	Hill, Conn.	Otjen	Woodyard
Darragh	Hoar	Palmer	
Davidson	Hogg	Parker	
Davis, Minn.	Holliday	Payne	

NAYS—96.

Adamson	Garner	Lever	Shackleford
Bankhead	Garrett	Lewis	Sheppard
Bartlett	Gillespie	Livingston	Sherley
Beall, Tex.	Goulden	Lloyd	Sims
Bowers	Granger	McLain	Slayden
Brantley	Gregg	McNary	Small
Broocks, Tex.	Griggs	Macon	Smith, Ky.
Brundidge	Hay	Meyer	Smith, Md.
Burgess	Heflin	Moon, Tenn.	Smith, Tex.
Burnett	Henry, Tex.	Moore	Sparkman
Butler, Tenn.	Hopkins	Murdock	Spight
Candler	Houston	Padgett	Stephens, Tex.
Clark, Fla.	Howard	Page	Sullivan, Mass.
Clark, Mo.	Humphreys, Miss.	Pou	Swanson
Clayton	Hunt	Ransdell, La.	Thomas, N. C.
Davey, La.	James	Rhinock	Towne
Davis, W. Va.	Johnson	Richardson, Ala.	Trimble
De Armond	Jones, Va.	Richardson, Ky.	Underwood
Dixon, Ind.	Kellher	Rixey	Wallace
Ellerbe	Kitchin, Wm. W.	Robertson, La.	Watkins
Field	Kline	Robinson, Ark.	Webb
Fitzgerald	Lamb	Rucker	Weisse
Flood	Lee	Russell	Wiley, Ala.
Floyd	Lester	Ryan	Williams

ANSWERED "PRESENT"—8.

Andrus	Knopf	Patterson, S. C.	Scott
Crumpacker	Morrell	Reid	Wadsworth

NOT VOTING—128.

Aiken	Fordney	Klepper	Rainey
Allen, Me.	Fowler	Lafean	Randell, Tex.
Ames	French	Lamar	Reynolds
Babcock	Gaines, Tenn.	Landis, Frederick	Rhodes
Barchfeld	Garber	Law	Ruppert
Bartholdt	Gardner, N. J.	Le Fevre	Schneebeli
Bates	Gilbert, Ind.	Legare	Sherman
Bede	Gilbert, Ky.	Lilley, Conn.	Sibley
Bell, Ga.	Gill	Lilley, Pa.	Slemp
Bingham	Gillett, Cal.	Lindsay	Smith, Ill.
Bowie	Glass	Little	Smith, Samuel W.
Brooks, Colo.	Goldfogle	Lorimer	Smith, Wm. Alden
Broussard	Graham	Lovering	Snapp
Buckman	Gudger	McCall	Southall
Burleson	Hardwick	McCreary, Pa.	Southard
Burton, Del.	Hayes	McDermott	Stafford
Butler, Pa.	Hearst	McKinlay, Cal.	Stanley
Byrd	Hedge	McKinney	Steenerson
Calder	Hermann	Marshall	Sullivan, N. Y.
Campbell, Kans.	Hill, Miss.	Maynard	Sulzer
Cassel	Hinshaw	Michalek	Talbott
Castor	Hitt	Moon, Pa.	Taylor, Ala.
Cockran	Howell, N. J.	Murphy	Townsend
Cooper, Pa.	Howell, Utah	Olmsted	Van Duzer
Cromer	Huff	Overstreet	Van Winkle
Curtis	Hughes	Parsons	Wachter
Cushman	Humphrey, Wash.	Patterson, N. C.	Wiley, N. J.
Dixon, Mont.	Jenkins	Patterson, Pa.	Williamson
Dovener	Kahn	Patterson, Tenn.	Wood, Mo.
Driscoll	Kennedy, Ohio	Pearre	Wood, N. J.
Dunwell	Kinkaid	Prince	Young
Finley	Kitchin, Claude	Pujo	Zenor

So the previous question was ordered.

The Clerk announced the following pairs:

For the session:

Mr. SHERMAN with Mr. RUPPERT.

Mr. MORRELL with Mr. SULLIVAN of New York.

Mr. PATTERSON of Pennsylvania with Mr. PATTERSON of North Carolina.

Until further notice:

Mr. BUTLER of Pennsylvania with Mr. BROUSSARD.

Mr. CROMER with Mr. PATTERSON of South Carolina.

Mr. BURTON of Delaware with Mr. BELL of Georgia.

Mr. CRUMPACKER with Mr. ZENOR, except on Philippine bill.

Mr. SCOTT with Mr. HARDWICK.

Mr. CURTIS with Mr. LITTLE.

Mr. GRAHAM with Mr. VAN DUZER.

Mr. HITT with Mr. HILL of Mississippi.

For one week:

Mr. KETCHAM with Mr. GARBER.

Mr. WADSWORTH with Mr. BOWIE.

Mr. LILLEY of Connecticut with Mr. REID.

For this day:

Mr. WACHTER with Mr. GUDGER.

Mr. LOVERING with Mr. STANLEY.

Mr. KAHN with Mr. LEGARE.

Mr. DOVENER with Mr. LINDSAY.

Mr. GILLETT of California with Mr. MAYNARD.

Mr. OVERSTREET with Mr. WOOD of Missouri.

Mr. OLMSTED with Mr. LAMAR.

Mr. BARTHOLDT with Mr. GAINES of Tennessee.

Mr. KENNEDY of Ohio with Mr. RAINEY.

Mr. JENKINS with Mr. RANDELL of Texas.

Mr. BEDE with Mr. GILL.

Mr. BINGHAM with Mr. TAYLOR of Alabama.

Mr. BARCHFELD with Mr. FINLEY.

Mr. BUCKMAN with Mr. GLASS.

Mr. VAN WINKLE with Mr. PUJO.

Mr. WM. ALDEN SMITH with Mr. GILBERT of Kentucky.

Mr. HOWELL with Mr. CLAUDE KITCHIN.

Mr. CASSEL with Mr. GOLDFOGLE.

Mr. DUNWELL with Mr. MCDERMOTT.

Mr. ANDREWS with Mr. SULZER.

Mr. MCCREARY of Pennsylvania with Mr. TALBOTT.

Mr. PRINCE with Mr. SOUTHALL.

Mr. SAMUEL W. SMITH with Mr. BYRD.

Mr. PEARRE with Mr. COCKRAN.

Mr. LILLEY of Pennsylvania with Mr. AIKEN.

On this vote:

Mr. FREDERICK LANDIS with Mr. HEARST.

Mr. BABCOCK with Mr. BURLESON.

The result of the vote was announced as above recorded.

Mr. DALZELL. Mr. Speaker, I think before saying anything I should like to have the rule read again. A great many gentleman have come in since it was first read and they have not heard it.

The SPEAKER. The Clerk will report the rule.

The resolution was again read.

Mr. DALZELL. Mr. Speaker, some days ago when the urgent deficiency bill was under consideration a paragraph was read which provided, in substance, that the eight-hour law should not apply to work on the isthmian canal within the Canal Zone. The point of order was made that that was new legislation, and the point of order was sustained. There is believed to be controlling reasons why the House should now pass upon the subject of the eight-hour law with respect to alien labor on the Isthmus, and for the purpose of bringing the question before the House this rule makes in order as an amendment the paragraph which was stricken out the other day, with an amendment that it shall apply only to alien labor. With that explanation of the rule, I yield so much time as he may desire to the gentleman from New York [Mr. LITTAUER], in charge of the urgent deficiency bill.

Mr. LITTAUER. Mr. Speaker, as just stated by the gentleman from Pennsylvania, the object and purpose of this rule is to give an opportunity to the House to determine whether to repeal the law limiting the hours of daily service of laborers and mechanics employed upon the public works of the United States in so far as that law is applicable to alien labor in the Canal Zone. It differs from the provision submitted to the House in the urgent deficiency bill in that it exempts the citizens of the United States from the application of the repeal sought for. It is a proposition worthy of consideration from the standpoint of the interests of the United States alone, and without the admixture of political considerations.

All who have considered the problem at Panama have reached the positive conclusion that the great obstacle to the rapid construction of the canal (and rapid construction must be

admitted to be of paramount importance) is our inability to secure a sufficient force of unskilled manual laborers of fair efficiency to do the work. We have been compelled, as the French were before us, to draw our labor from the adjacent islands of the West Indies, from Martinique, Santo Domingo, Barbadoes, and Jamaica. This labor is low in efficiency. Indolence is ingrained in these people of the Tropics. They are drawn to the Canal Zone by the opportunity of obtaining there higher wages than they ever before dreamed of, so that in a few days of each week they can earn enough to permit them to loaf around the balance of the week. Of a force of 4,000 laborers at a given point it was found that but 2,500 of them could be counted on for an average day's work. It has been proved that the work of three or four of these aliens is not more than equal to the work of the average day laborer in the United States for the same length of time. The eight-hour law was enacted for the benefit and protection of the American laborer. I know the American laborer to be a patriotic citizen, and when he appreciates——

Mr. McNARY rose.

The SPEAKER. Does the gentleman from New York yield to the gentleman from Massachusetts?

Mr. LITTAUER. For a question.

Mr. McNARY. I should like to ask the gentleman whether behind all this idea of doing away with the eight-hour law is not the purpose of employing Chinese cooly labor to build the canal?

Mr. LITTAUER. The Chinese-exclusion act controls that. This amendment has no relation to Chinese labor.

Mr. McNARY. I should like to ask the gentleman if the Chinese-exclusion act applies to the Panama Canal Zone?

Mr. LITTAUER. I believe it does.

Mr. McNARY. I believe that it does not.

Mr. LITTAUER. I feel confident that when the American laborer appreciates that Americans, because of climatic conditions, can not perform work in the Canal Zone and that only men of the Tropics can do that work he will not desire to hamper this greatest of public undertakings, and will cheerfully approve of the repeal of this eight-hour law in so far as it applies to alien labor necessary to prosecute the work. In no way can this repeal affect American standards, either the standard of the hours of labor or the standard of the wages paid. What good reason can there be to enforce the eight-hour law, believed to be so beneficial to the workman of the United States, when it does not affect any American laborer? Why enforce these laws on those you do not wish to become and will not be American citizens? Why, then, is it not our imperative duty to repeal this law, so as to exempt from its operation the colored alien labor in the Canal Zone, when the chief engineer of the Commission, Mr. Stevens, declares to us that by its repeal he will be enabled to save 20 per cent in the cost of labor in the construction of the canal and in addition thereto hasten the completion of this great work? We have provided for the dictates of humanity most liberally; we offer wages far beyond those that have prevailed in the Tropics.

Mr. JAMES. Will the gentleman allow me a question?

The SPEAKER. Does the gentleman from New York yield to the gentleman from Kentucky?

Mr. LITTAUER. I will.

Mr. JAMES. Will the gentleman explain by what process money can be saved by allowing men to work over hours?

Mr. LITTAUER. The character of the labor that we will employ, and must employ as far as we know, on this canal work is the labor of the adjacent islands, as I stated before. That labor has been accustomed to work from sunrise to sunset. The gait at which they work is a sort of easy-going one, accomplishing very little, which permits them to work long hours and accomplish in each hour about the same amount. Now, the chief engineer states to us that this labor ought to work, at the gait it does work, ten hours a day, and that he could get ample supply of these laborers to work ten hours a day for no more than he is paying now for eight hours' work.

Mr. JAMES. I understand they want to pay them by the hour.

Mr. LITTAUER. They will be paid by the hour, and it is necessary to pay them by the hour, because when they have worked about a couple of hours hundreds will sneak off into the jungle and refuse to work longer. Their indolent habits prevent their working continuously.

Mr. JAMES. Then how is it that if you pay them the same price per hour——

Mr. LITTAUER. They will not get the same price per hour.

Mr. JAMES. How much will they get a day?

Mr. LITTAUER. They are getting now 20 to 26 cents an hour, but the price per hour is not dictated by legislation. That is under the control of the Commission.

Mr. JAMES. I understand it is their policy to pay them by the hour.

Mr. LITTAUER. The policy is to pay by the hour.

Mr. JAMES. Then why will not a man get more if he works ten hours than if he works eight hours a day?

Mr. LITTAUER. He will get the stated wage which is fixed by the Commission.

Mr. JAMES. Let me ask the gentleman further, would not this tend to discriminate against American labor?

Mr. LITTAUER. In what way can it discriminate against American labor? Americans can not work there. It is impossible for an American workman to go there and work on account of the climatic conditions. In spite of the fact that we have spent millions on the sanitation of the Zone, Americans can not work there, and this repeal can not affect American labor at all. I feel confident that the American laborer will approve of this repeal when he knows that Americans can not work there. And if the American citizen should go there, the exception under the rule absolves him from this repeal.

Mr. JAMES. Does not the gentleman think that in a climate like that, where Americans can not labor, that eight hours is long enough for anyone to work?

Mr. LITTAUER. I do not. They have been accustomed to work for generations from sunrise to sunset.

Mr. CLARK of Missouri. Mr. Speaker, I would like to ask two or three questions to clear up this situation.

The SPEAKER. Does the gentleman from New York yield to the gentleman from Missouri?

Mr. LITTAUER. I will for a question.

Mr. CLARK of Missouri. These men all work by the hour?

Mr. LITTAUER. Yes.

Mr. CLARK of Missouri. They are paid by the hour?

Mr. LITTAUER. Yes; as I have stated.

Mr. CLARK of Missouri. Then how does this proposed amendment change the case in any way?

Mr. LITTAUER. It will only cause a change when the Commission determines to pay a less amount per hour.

Mr. CLARK of Missouri. That will apply to the eight-hour men, too.

Mr. LITTAUER. Apply to the eight-hour men? This can only apply to aliens coming from the Tropics. The eight-hour law will continue to apply to all American citizens in the Canal Zone as well as in the United States.

Mr. CLARK of Missouri. Let me ask the gentleman this: Does not the price that you have to pay the alien labor fix the price that you have to pay the American labor?

Mr. LITTAUER. Oh, they are in an entirely different class. One is the common, unskilled manual laborer, an alien, and the other is the skilled mechanic—the engineer—the man who handles the steam shovel, and who is an American citizen.

Mr. CLARK of Missouri. Suppose eight or ten or fifteen or twenty thousand negroes, or any other number, from the extreme southern parts of Florida, Alabama, Mississippi, Louisiana, and Texas go down there, is it not highly probable that they can work in the Tropics just as well as these Jamaicans?

Mr. LITTAUER. They are paid better here, in the first place, than they are being paid there, or it is proposed to pay them. Labor is in such demand in the United States that there is no incentive for our laborers to go to Panama. And if they did go there, and they were citizens of the United States, they would come under the eight-hour law.

Mr. CLARK of Missouri. Why, it has not been ten minutes since the gentleman stated that these fellows got higher wages down there than usual.

Mr. LITTAUER. They receive higher wages than has ever been paid in the Tropics. We pay them 20 cents an hour, and they frequently work for 6 or 8 cents an hour about their homes.

Mr. CLARK of Missouri. When was the Chinese-exclusion act made applicable to the Canal Zone?

Mr. LITTAUER. Well, specifically, I believe it never was. The Canal Zone, I believe, is controlled by the eight-hour law as well as all other laws of the United States.

Mr. CLARK of Missouri. Is it not true that the Chinese-exclusion act had to be made especially applicable to the Philippine Islands out of extreme caution to keep the Chinese coolies from first going thither and then coming into the United States? I would like an answer to that.

Mr. LITTAUER. I do not see where the Chinese-exclusion proposition applies at all to the repeal of this eight-hour law. It seems to me it stands by itself, and while it is an interesting matter, it does not come directly in consideration here now.

Mr. CLARK of Missouri. One more question——

Mr. LITTAUER. I can not answer the gentleman fully, because I am not fully advised.

Mr. CLARK of Missouri. Is not the very same force that is back of the repeal of this eight-hour law, as to the aliens, also in favor of the proposition of repealing the Chinese-exclusion law, if it does extend to the Isthmus of Panama—to repeal that clause, so that the Chinese and Japs can come in there and work?

Mr. TAWNEY. One moment, if my colleague will permit. I will say in answer to the gentleman from Missouri [Mr. CLARK] that the eight-hour law was construed by the Attorney-General to be applicable to the Canal Zone, although there was no legislation on the subject. Upon the same ground the Chinese-exclusion act would no doubt be held to apply.

Mr. MANN. Mr. Speaker, no one knows whether the Chinese-exclusion law applies there, because there has been no determination to that effect.

Mr. LITTAUER. Mr. Speaker, we have not heard from the other side as yet.

Mr. CLARK of Missouri. One moment. I would like to ask the gentleman from Minnesota [Mr. TAWNEY] one more question. How does the gentleman come to the conclusion that the Chinese-exclusion act applies to the Isthmus of Panama?

Mr. TAWNEY. Simply because they are excluded. There has been no judicial determination of that question, but the Department of Justice has decided that the eight-hour law applies, and if the question should be presented to the Department it would no doubt and for the same reason be determined as to the Chinese-exclusion act as it has been determined as to the eight-hour law.

Mr. LITTAUER. Mr. Speaker, I would ask the gentleman from Missouri [Mr. CLARK] whether he would please make his speech in his own time and not in mine.

Mr. CLARK of Missouri. I would ask the gentleman from Minnesota how he knows that?

Mr. TAWNEY. I do not know.

Mr. CLARK of Missouri. No; the gentleman does not know any more about it than I do.

Mr. LITTAUER. Mr. Speaker, I reserve the balance of my time.

Mr. WILLIAMS. Mr. Speaker, either the eight-hour law, now on the statute books, is a sensible thing or it is a nonsensical thing. If it be a sensible thing in the Temperate Zone, where men can work long hours, then it is a still more sensible thing in the Tropics, where they can not work long hours. Now, either the Republican party, of which the Speaker is the distinguished chief—outside of the White House [applause]—is guilty of hypocritical pretense or it is not. It has vaunted itself before this country as the party that believed in subordinating our entire fiscal system to maintaining what they call "an American standard of hours and of wages," and yet at the very first opportunity that presents itself the Republican party, represented by the Speaker and the Committee on Rules—the other two members of that committee being, perhaps, the ablest men and most typical Republicans in this House—bring in a rule to do what? To let the United States, as an employer of labor, set the example of defying and dispensing with their own law of hours as applied to labor! The gentleman tells me that this act applies to nothing but "alien labor." That is not true. In words this act applies to nothing but alien labor, but the American laborer, whether the Mississippi darky or the Pennsylvania white man, who will be down there upon the Isthmus working will be brought into contradistinction with the aliens who are working more than eight hours, and if the same idea that is instigating you to pass this resolution will then instigate the managers of labor upon that Isthmus, they will very soon tell the Mississippi darky or the Pennsylvania white man that if he does not work longer than eight hours he is persona non grata with his employer, and he can go back where he came from.

Mr. BARTLETT. Mr. Speaker, will the gentleman allow me to call attention to the testimony before the Committee on Appropriations, in order to show that not only the common laborers are paid by the hour, but the mechanics and the machinists are also paid by the hour?

Mr. WILLIAMS. That is true. Attention has already been called to that fact by the gentleman from Kentucky [Mr. JAMES] and by the gentleman from Missouri [Mr. CLARK], and I thought it was clear enough. I said some time ago that the time would come when one more drop would overflow the cup of your insolence and your triumph. [Applause on the Democratic side.] This is about the drop that will do it. You talk about being peculiarly the party representing American labor within the American Union. I notice you always represent it in such a manner as that the American capitalist may collect the returns, and whenever there is a chance for you to stab American labor under the fifth rib you stab it, and this is one of the chances you have had lately, and you are stabbing now. Either the eight-hour law is right or it is wrong; either it is wise or it is unwise; either it is patriotic or it is unpatriotic. If it be wise and patriotic and right, you have no cause under the sun to dispense with it upon the Isthmus of Panama. You tell me that it is because those people down there work indolently. Why do they work indolently? Because they have been slaves all their lives, and working from sunup to sunset. No man can work in industrial activity energetically from sunup to sunset, and yet you want to perpetuate that kind of condition.

Mr. Speaker, this is an opportunity, the gentleman from New York said, for the House to dispense with a rule. I wish to heavens the gentleman from New York had mastered that principle long before to-day. Up to this good time he has not been encouraging the House to dispense with rules. He has not been even encouraging the House to dispense with special reports from the Committee on Rules, as we witnessed yesterday in the statehood case. You would not yesterday give the House the right to handle itself, to vote for itself, on the great question of admitting a State into the Federal Union, and now you want to dispense with a rule in order to give the House an opportunity to stab to death the eight-hour law that you put on the statute books, and that you put there rightly and properly. You have got to face this question outside of this House before the American people, and the confinement in hæc verba of this rule to alien labor will not help you at all, because the American laborer will understand the proposition. Now, Mr. Speaker, I hate to talk about myself, because when I view all the great world of revolving planets and all the multitude of men around me on this planet I know that one man is not worth talking about, but I will say I am not a demagogue. I would not advocate anything in the world because organized labor wanted it if it was wrong, and I would not refuse anything in the world because organized labor does not want it if it is right——

Mr. JONES of Virginia. Mr. Speaker——

Mr. WILLIAMS. And this law proposed to be dispensed with is right. It is right that men should have their time divided into three equal parts, so that there may be some of their time left to get rid of the miserable, paralyzing habit of adding one dollar to another——

The SPEAKER. Does the gentleman from Mississippi yield to the gentleman from Virginia?

Mr. JONES of Virginia. Will the gentleman allow me to ask just one question? Allow me to ask the gentleman if the gentleman has not given the Republican party credit for what it is not entitled to? Did the Republican party enact the eight-hour law?

Mr. WILLIAMS. I thought they had.

Mr. JONES of Virginia. It seems to me that was done either in the Fifty-second or Fifty-third Congress.

Mr. WILLIAMS. Perhaps I am mistaken, Mr. Speaker, and perhaps the Democratic party enacted it, but I thought the Republican party enacted it. Whether they enacted it or not, they have had full power since and have failed to repeal it. If it is unwise, if it is unpatriotic, if it is demagogic, they are responsible for it equally with us; but it is neither; it is right. Men ought to have time and opportunity. The merest laborer in the world ought to have time and opportunity to do something else besides working at his job to pile one dirty dollar on the top of another. He ought to have a chance to read something. He ought to have a chance to love his wife and love his children and meet his friends. He ought to have a chance to enjoy himself somewhere with some proper recreation. The whole march of civilization is in the direction of removing men more and more every day from mere manual drudgery and to give some chance to intellectual and moral character to develop itself and to assert itself. [Applause.] The gentleman from Virginia may be right. It may be true that we passed this law. If we did, it is another star in the political horizon that sparkles in the proud old name of Democracy. [Applause on the Democratic side.] But if it was unwise in the opinion of Republicans they ought to have repealed it. It is wise; it is right. The Speaker in that chair knows it is right. [Laughter and applause.] He has too much good old North Carolina blood in his veins not to know it is right [applause], and he ought not to have joined with these men this morning in bringing this rule into this House.

Now, Mr. Speaker, I wish to know how much time I have left.

The SPEAKER. The gentleman has nine minutes remaining.

Mr. WILLIAMS. I yield four minutes of that nine minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, the proposed legislation

has never been considered by any committee of this House. The provision reported from the Committee on Appropriations was materially different from that which this rule makes in order. The Committee on Appropriations never gave adequate consideration to the provision. It listened to statements lasting about ten minutes from the chief engineer of the Canal Commission and the Secretary of War. No other interests had an opportunity whatever to express any opinion upon this provision. The Committee on Rules has not jurisdiction of matters of this kind. Its jurisdiction is confined to matters touching the rules. The Committee on Labor of this House alone has jurisdiction to consider this matter. It has never considered the legislation. The Republican party has adopted rules for the organization and government of this House. Why not live up to them?

They complain that the Departments create deficiencies and do other things in violation of the law, and yet the great power of the Committee on Rules is invoked to make this House a mere automaton to register the will of the Secretary of War in everything affecting the Canal Zone. He is asking that the Chinese exclusion law be repealed so far as it relates to the isthmian canal work; at least the Canal Commission has so recommended. Will your next step be to repeal that law? One of the chief reasons for urging the abrogation of the eight-hour law on the Isthmus, as it appeared before the committee, was not so much that common laborers might not work more than eight hours, but because, as it was asserted, the Americans on the Isthmus were continually clamoring for leave to work more than eight hours a day.

But shrewd men control the Committee on Rules—the wise old Speaker, the gentleman from Ohio [Mr. GROSVENOR], with twenty years of service, the gentleman from Pennsylvania [Mr. DALZELL], with eighteen years of service, in this House. In order to allay the fears of the American workingmen they modify this provision and make it applicable to alien labor. It has been the boast of the Republican party that it has been the party that desired to and did protect the American laborer.

Here is a Zone now reported by the canal officials to be in a healthy and sanitary condition, a field where the common labor of this country will be invited and should be employed, and yet, if this rule be adopted, if this provision be incorporated into this bill, it will be absolutely impossible for the common laborers of this country to be employed on the Isthmus in competition with the alien laborers.

Mr. LITTAUER. I would like to ask the gentleman a question. The common laborers of the United States could have gone there during the past year and worked if they had chosen to do so. How many have gone there?

Mr. WILLIAMS. They have gone there from Alabama, Mississippi, and Arkansas.

Mr. FITZGERALD. It has just been announced that after the expenditure of $26,000,000 the Zone is now in fit condition for American citizens to live upon it; and so fearful was the chairman of the Canal Commission of the unhealthy condition of the Zone that, although his salary was increased to $22,500, so that he might afford to live there, he has not spent two weeks in the six months that he has been in office upon the Zone. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman has expired.

Mr. WILLIAMS. Mr. Speaker, I understand the gentleman from Pennsylvania [Mr. DALZELL] proposes to consume the balance of his time in one speech. Is that correct?

Mr. DALZELL. That is right.

Mr. WILLIAMS. The understanding is correct?

Mr. DALZELL. Yes.

Mr. WILLIAMS. Then, as the gentleman from Pennsylvania has the conclusion of the argument, I yield the balance of my time to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I regret that this resolution has come before the House of Representatives. I regret particularly that it has come in this way. I never have believed that it was good legislation to legislate on an appropriation bill. In its wisdom the House of Representatives many years ago adopted a rule prohibiting general legislation on an appropriation bill, and it has been customary in this House not to violate that rule except practically by the unanimous consent of every Member of this House. That has been good in the past, it should be good to-day, and it has proven that it is a valuable rule for good legislation by the very precedent that it sets now.

Here is a great question, involving the great laboring body of the citizens of the United States, one that this country has thought about, discussed, and considered for years and decades, one that finally the Congress of the United States has written into the statute law of the land, that you propose to put the desecrating hands of a fresh rule from the Committee on Rules upon, in order to tear it to pieces.

Mr. Speaker, you are depriving the great laboring vote of the United States of the opportunity to come before the appropriate committee and give their evidence as to why this proposition should not be adopted and why it is detrimental to the labor conditions of this country, if they desire to do so, and I can say to you I know they do desire to do so. Adopting this rule "fresh out of the box" and forcing the House to vote on it now without proper consideration in the proper committee, I consider there is no reason for. You have ample opportunity to consider this proposition in the correct and legitimate way. There is no great speed. A bill can be introduced, if you wish to change this law, referred to the Committee on the Judiciary, and a hearing can be had on it within two weeks; and they could properly report their conclusions within a month.

Then the other side would have had a hearing. They would have been enabled to state to Members of the House their legitimate objections to this change in the laws of the country that relates to them; and you do not propose to give them an opportunity to be heard; but you propose to violate, to change the rules of the House of Representatives, and put this legislation on this appropriation bill by force.

Mr. Speaker, you say that this relates to alien labor. One might be led to believe that you did not know anything about the principles on which the contentions for the eight-hour law are founded when you state that proposition. Is not the alien laborer the competitor of American labor as any other American laborer? If you want to keep up the standards of American labor, must you not keep up the standard of his competitors? If you pull down the standard of the competitor of American labor and open the field for his competitor, down must come the standard of American labor with it of necessity. [Loud applause on the Democratic side.]

The SPEAKER. The time of the gentleman has expired.

Mr. DALZELL. Mr. Speaker, I yield the balance of the time to the chairman of the Committee on Appropriations, the gentleman from Minnesota.

Mr. TAWNEY. Mr. Speaker, we have again witnessed on the floor of the House an attempt on the part of the leaders of the Democratic party to play politics in a matter pertaining entirely to the business of the Government and to economical administration of the expenditure of public moneys. Their solicitude for the American laborer is never manifested upon the floor of this House except when they think they see an opportunity of appealing to his prejudices. The gentleman from Mississippi talks about the Republican party stabbing American labor upon every occasion when there is a suitable opportunity. The Republican party of this country has never inflicted upon the American laborer any injury; on the contrary, its legislation has always been in line of the prosperity and for the benefit of our laboring class. Its record in this respect we are not ashamed to contrast with the record of the Democratic party. We need only to call attention to the injury that party inflicted upon American labor in the enactment of the Wilson tariff law in the Fifty-third Congress, when they sent American labor broadcast over this country in search of employment at any old hours per day, in search of bread and all the necessaries of life. [Loud applause on the Republican side.]

Now, Mr. Speaker, there is no use playing politics upon this proposition. The eight-hour law as applied to American labor is not involved in this controversy in the least. They know it as well as I do; but they simply think they see an opportunity of appealing to the prejudices of the labor of this country—the labor that is organized and seeking to establish a universal eight-hour standard throughout this country—and by their appeal to the prejudice of this class of labor to bring them to oppose those who advocate this proposition and the Republican party, who are responsible for it if enacted. What are the facts? The eight-hour law in this country, so far as the Government is concerned, applies only to the construction of public works. It does not apply to anything else. It does not apply to clerks in the employ of the Government. It applies only to labor employed in the construction of public works on a site owned by the Government. That law applies with equal force to a contractor and to a subcontractor. Now, our Democratic friends shout on this floor about having the Panama Canal constructed by contract. They tell us and the people that in this way it can be done at less cost to the American people than if it is done by the Government. I ask them to tell us where there is a contractor who, in the face of that law, applying as it does to alien labor and all other labor employed on the Isthmus, that would undertake to dig a yard of that canal by contract. How, then, can our Democratic friends reconcile

their opposition to the removal of this obstacle to the building of the canal in the only way they say it should be constructed? They know that nothing but alien labor can be employed in the manual work of digging that canal. They seek to make it impossible, if that should be found to be the best policy, to let a yard of that work be begun by contract, by insisting on the eight-hour law, which was meant to apply to American labor, never intended to apply to alien labor, applicable to alien labor as well as American labor, and thus increase the cost of that canal to the extent of $50,000,000, according to the testimony of the men who are charged with the responsibility of constructing that canal.

Mr. SULLIVAN of Massachusetts. Mr. Speaker, will the gentleman allow me to ask him a question?

Mr. TAWNEY. No; I have no time; I have only a minute.

Now, Mr. Speaker, if the gentlemen on the other side of the House are sincere in their advocacy of the construction of this canal in the shortest possible time and at the lowest cost, why do they not consider the American laborer at home, who must pay the taxes for the construction of the canal? Why their solicitude for the men who live in foreign countries? [Loud applause on the Republican side.]

Ah, gentlemen may plead here that in the interest of humanity we ought not to require these aliens to work more than eight hours—a class who are accustomed to work ten, twelve, and fourteen hours a day. Mr. Speaker, this canal is being built for the benefit of all mankind——

Mr. WILLIAMS. Mr. Speaker——

Mr. TAWNEY (continuing). And it must be built by the United States, and at the expense of the people of the United States——

Mr. WILLIAMS. Mr. Speaker——

Mr. TAWNEY (continuing). And it is our purpose to build it at the smallest possible cost, even though we are compelled to resort to the employment of alien labor, because of conditions which make it impossible to employ American labor. [Applause on the Republican side.]

Mr. WILLIAMS. Mr. Speaker——

The SPEAKER. The time of the gentleman from Minnesota has expired.

Mr. WILLIAMS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. WILLIAMS. I hope the Speaker recognizes the fact that I tried to get his attention before the gentleman took his seat.

The SPEAKER. But the gentleman's time was up when the gentleman from Mississippi addressed the Chair, and the Chair, as is his custom, did not bring the gavel down until the gentleman had completed the sentence.

Mr. SULLIVAN of Massachusetts. Mr. Speaker——

The SPEAKER. The time for debate is exhausted. The question is on agreeing to the resolution.

The question being taken, the Speaker announced that the ayes seemed to have it.

Mr. JAMES. Division, Mr. Speaker.

Mr. WILLIAMS. Mr. Speaker, let us have the yeas and nays.

The yeas and nays were ordered.

Mr. HOGG. Mr. Speaker, I ask that the resolution be read again.

The SPEAKER. If there be no objection, the resolution will be again reported.

The resolution was again read by the Clerk.

The question was taken; and there were—yeas 145, nays 102, answered "present" 8, not voting 130, as follows:

YEAS—145.

Acheson	Cocks	Fuller	Le Fevre
Adams, Pa.	Cole	Gaines, W. Va.	Littauer
Alexander	Conner	Gardner, Mass.	Littlefield
Ames	Cousins	Gardner, Mich.	Longworth
Bannon	Currier	Gillett, Mass.	Loud
Bates	Cushman	Graff	Loudenslager
Beidler	Dalzell	Grosvenor	McCarthy
Bennet, N. Y.	Darragh	Hale	McCleary, Minn.
Bennett, Ky.	Davidson	Hamilton	McKinley, Ill.
Birdsall	Dawes	Haskins	McMorran
Bishop	Dawson	Haugen	Mahon
Blackburn	Deemer	Hayes	Mann
Bonynge	Denby	Henry, Conn.	Minor
Boutell	Draper	Hepburn	Mouser
Bowersock	Dresser	Higgins	Mudd
Brick	Driscoll	Hill, Conn.	Needham
Brown	Dwight	Hoar	Nevin
Brownlow	Edwards	Hubbard	Norris
Burke, Pa.	Ellis	Huff	Olcott
Burke, S. Dak.	Esch	Humphrey, Wash.	Otjen
Burleigh	Fassett	Jones, Wash.	Overstreet
Burton, Ohio	Flack	Keifer	Palmer
Calderhead	Fletcher	Kinkaid	Parker
Campbell, Ohio	Foss	Knapp	Payne
Capron	Foster, Ind.	Knowland	Perkins
Cassel	Foster, Vt.	Lacey	Pollard
Chaney	Fowler	Landis, Chas. B.	Powers
Chapman	French	Landis, Frederick	Reeder
Rhodes	Smith, Iowa	Taylor, Ohio	Weeks
Rives	Smyser	Thomas, Ohio	Weems
Roberts	Southard	Tirrell	Welborn
Samuel	Southwick	Tyndall	Wilson
Scroggy	Sperry	Underwood	Woodyard
Shartel	Sterling	Volstead	Young
Sibley	Stevens, Minn.	Vreeland	
Slemp	Sulloway	Waldo	
Smith, Cal.	Tawney	Wanger	

NAYS—102.

Adamson	Garner	McCall	Shackleford
Aiken	Garrett	McGavin	Sheppard
Bankhead	Gillespie	McLain	Sherley
Bartlett	Greene	McNary	Sims
Beall, Tex.	Gregg	Macon	Smith, Ky.
Bowers	Griggs	Maynard	Smith, Md.
Broocks, Tex.	Hay	Meyer	Smith, Pa.
Brundidge	Heflin	Moon, Tenn.	Smith, Tex.
Burgess	Henry, Tex.	Moore	Sparkman
Burnett	Hogg	Murdock	Spight
Candler	Hopkins	Padgett	Stephens, Tex.
Clark, Fla.	Houston	Page	Sullivan, Mass.
Clark, Mo.	Humphreys, Miss.	Pou	Taylor, Ala.
Clayton	Hunt	Rainey	Thomas, N. C.
Cooper, Wis.	James	Randell, Tex.	Towne
Davey, La.	Jones, Va.	Ransdell, La.	Townsend
Davis, W. Va.	Keliher	Rhinock	Trimble
De Armond	Kitchin, Claude	Richardson, Ala.	Wallace
Dickson, Ill.	Kitchin, Wm. W.	Richardson, Ky.	Watkins
Dixon, Ind.	Kline	Rixey	Webb
Ellerbe	Lamar	Robertson, La.	Weisse
Field	Lee	Robinson, Ark.	Wharton
Finley	Lever	Rodenberg	Wiley, Ala.
Fitzgerald	Lewis	Rucker	Williams
Flood	Livingston	Russell	
Floyd	Lloyd	Ryan	

ANSWERED "PRESENT"—8.

Andrus	Crumpacker	Olmsted	Reid
Burton, Del.	Goulden	Patterson, S. C.	Scott

NOT VOTING—130.

Adams, Wis.	Gaines, Tenn.	Klepper	Prince
Allen, Me.	Garber	Knopf	Pujo
Allen, N. J.	Gardner, N. J	Lafean	Reynolds
Babcock	Gilbert, Ind.	Lamb	Ruppert
Barchfeld	Gilbert, Ky	Law	Schneebeli
Bartholdt	Gill	Lawrence	Sherman
Bede	Gillett, Cal.	Legare	Slayden
Bell, Ga.	Glass	Lester	Small
Bingham	Goebel	Lilley, Conn.	Smith, Ill.
Bowie	Goldfogle	Lilley, Pa.	Smith, Samuel W.
Bradley	Graham	Lindsay	Smith, Wm. Alden
Brantley	Granger	Little	Snapp
Brooks, Colo.	Gronna	Lorimer	Southall
Broussard	Gudger	Lovering	Stafford
Buckman	Hardwick	McCreary, Pa.	Stanley
Burleson	Hearst	McDermott	Steenerson
Butler, Pa.	Hedge	McKinlay, Cal.	Sullivan, N. Y.
Butler, Tenn.	Hermann	McKinney	Sulzer
Byrd	Hill, Miss.	McLachlan	Swanson
Calder	Hinshaw	Madden	Talbott
Campbell, Kans.	Hitt	Marshall	Van Duzer
Castor	Holliday	Martin	Van Winkle
Cockran	Howard	Michalek	Wachter
Cooper, Pa.	Howell, N. J.	Miller	Wadsworth
Cromer	Howell, Utah	Mondell	Watson
Curtis	Hughes	Moon, Pa.	Webber
Dale	Hull	Morrell	Wiley, N. J.
Davis, Minn.	Jenkins	Murphy	Williamson
Dixon, Mont.	Johnson	Parsons	Wood, Mo.
Dovener	Kahn	Patterson, N. C.	Wood, N. J.
Dunwell	Kennedy, Nebr.	Patterson, Pa.	Zenor
Fordney	Kennedy, Ohio.	Patterson, Tenn.	
Fulkerson	Ketcham	Pearre	

The following additional pairs were announced:

For the session:

Mr. BRADLEY with Mr. GOULDEN.

For this day:

Mr. DOVENER with Mr. BRANTLEY.

For the balance of the day:

Mr. CALDER with Mr. SMALL.

Mr. HOWELL of New Jersey with Mr. SWANSON.

Mr. WATSON with Mr. GRANGER.

On this vote:

Mr. JENKINS with Mr. JOHNSON.

Mr. DAVIS of Minnesota with Mr. WOOD of Missouri.

Mr. UNDERWOOD. Mr. Speaker, I want to ask how I am recorded?

The SPEAKER. The gentleman is recorded in the negative.

Mr. UNDERWOOD. I desire to change my vote from "no" to "aye."

The name of Mr. UNDERWOOD was called and he voted "aye."

The SPEAKER. Upon this question the yeas are 146 and the nays are 102, and the resolution is agreed to.

Mr. UNDERWOOD. Mr. Speaker, I desire to move to reconsider the last vote.

Mr. DALZELL. And I move, Mr. Speaker, to lay that motion on the table.

Mr. WILLIAMS. Upon that motion I call for the yeas and nays.

The SPEAKER. All those in favor of demanding the yeas

and nays will rise and be counted. [After counting.] Twenty gentlemen have arisen—not a sufficient number.

Mr. WILLIAMS. I call for the other side.

The SPEAKER. The other side will rise. [After counting.] One hundred and one gentlemen have arisen. The yeas are 20 and the nays are 101, and the yeas and nays are refused.

Mr. WILLIAMS. I make the point of order, Mr. Speaker, that no quorum is present.

Mr. GROSVENOR. Regular order!

Mr. PAYNE. We have just had a roll call that disclosed 248 present.

The SPEAKER. The roll call which has just been had disclosed a quorum. The Chair is in doubt whether the point is well taken, but will solve that difficulty by proceeding to count. [After counting.] One hundred and ninety-four gentlemen are present, and the motion prevails.

Mr. LITTAUER. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of House bill 12320—the urgent deficiency bill.

Mr. WILLIAMS. Mr. Speaker, I move that the House of Representatives do now adjourn.

Mr. PAYNE. I make the point of order that the motion at this stage is dilatory.

The SPEAKER. While the Chair may have his opinion, the Chair will recognize the gentleman to make the motion.

Mr. WILLIAMS. And on that I demand the yeas and nays.

The SPEAKER. All those in favor of the yeas and nays will rise and be counted. [After counting.] Fourteen gentlemen have arisen.

Mr. WILLIAMS. I call for the other side.

The SPEAKER. The Chair has no doubt in regard to the matter; it takes 39, and only 14 have arisen. The Chair just counted everybody in the House.

Mr. UNDERWOOD. Mr. Speaker, I rise to a parliamentary inquiry. I do not think the Chair has put the vote on the question to reconsider the vote and the motion of the gentleman from Pennsylvania to lay that motion on the table. The count was made as to whether there was a quorum, but the Chair has not yet put the vote as to laying the motion to reconsider on the table, and I call for a vote on that question.

The SPEAKER. The Chair will ascertain. It was on the vote on the motion to lay the motion of the gentleman from Alabama on the table that the point of no quorum was made. The Chair counted a quorum. As many as are in favor of the motion of the gentleman from New York——

Mr. WILLIAMS. Mr. Speaker, the Chair must have forgotten that I made a motion to adjourn, and in his courtesy he has declined to entertain it.

The SPEAKER. The Chair always responds with pleasure to the gentleman from Mississippi when he is right, and sometimes when he is wrong. [Laughter.]

Mr. WILLIAMS. Then the Chair will remember——

The SPEAKER. Well, the gentleman is right this time.

Mr. WILLIAMS. Yes. [Laughter.]

The SPEAKER. The question is on the motion to adjourn.

The question was taken; and on a division (demanded by Mr. WILLIAMS) there were—ayes 15, noes 114.

Mr. WILLIAMS. Mr. Speaker, I demand tellers.

The SPEAKER. The gentleman from Mississippi demands tellers. All those in favor of taking this vote by tellers will stand and remain standing until counted. [After counting.] Twenty-seven gentlemen have arisen—not a sufficient number—and tellers are refused.

Mr. WILLIAMS. I ask for the yeas and nays.

Mr. OLMSTED. Mr. Speaker, I make the point that that motion has once been refused. That request was made and refused by a vote of the House.

The SPEAKER. The Chair is informed by those whose duty it is to watch and ascertain what the motions are—and it reenforces the impression of the Chair—that the yeas and nays were refused on the motion to adjourn. The motion failed and the House refused to adjourn. The question now is on the motion of the gentleman from New York that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the urgent deficiency bill.

The question was taken; and on a division (demanded by Mr. WILLIAMS) there were—ayes 174, noes none.

Mr. WILLIAMS. Mr. Speaker, I make the point that there is not a quorum present.

The SPEAKER. The Chair will count. [After counting.] The Chair having just counted 174 gentlemen rising on the left, now finds that 37 more are present on the right, whom the Chair did not count a moment ago. A quorum is present.

Mr. WILLIAMS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS. Did the Chair count the entire House that last time? The Chair could not have counted that side of the Chamber without looking at it.

The SPEAKER. The Chair will state that when a question of no quorum is raised, and when the demand for the yeas and nays is made, the Chair has invariably taken great care to be correct in the count. The Chair had just counted those who had voted on the motion that the House resolve itself into the Committee of the Whole——

Mr. WILLIAMS. But the Chair might have been mistaken.

The SPEAKER. One moment. The Chair is entitled to part of the time. [Laughter.] The Chair had just counted the number stated, 174, and had had his eye upon the Hall and saw that none had departed. Then the Chair counted the gentlemen not voting on the other side of the House. A quorum is present, the ayes have it, and the House resolves itself into the Committee of the Whole House on the state of the Union.

Mr. WILLIAMS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. WILLIAMS. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS. Did the Chair during that whole count have the right to direct that gavel at me three times and count me all three times?

The SPEAKER. The Chair did not, and will withdraw the direction. [Laughter.] The House resolves itself into the Committee of the Whole House on the state of the Union, and the gentleman from New York [Mr. SHERMAN] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the urgent deficiency bill, with Mr. SHERMAN in the chair.

Mr. LITTAUER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 16, after line 2, insert the following:

"The provisions of the act entitled 'An act relating to the limitations of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia, approved August 1, 1892,' shall not apply to alien laborers employed in the construction of the isthmian canal within the Canal Zone."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

Mr. UNDERWOOD. Mr. Chairman, I have already several days ago stated my opposition to this amendment. This morning I again stated my opposition to the adoption of this amendment under the rule. It is not necessary for me to take up the time of the House with a further discussion of the proposition, but I am not willing to even allow it to be adopted in Committee without entering my protest against this class of legislation.

Mr. FITZGERALD. Mr. Chairman, I wish to inquire where this particular amendment originated.

Mr. LITTAUER. It comes from the Committee on Appropriations, as amended by the Committee on Rules.

Mr. FITZGERALD. Do I understand the gentleman to say that this particular amendment originated in the Committee on Appropriations?

Mr. LITTAUER. I offered the amendment myself. It was acted upon by the Committee on Rules, and here it is.

Mr. FITZGERALD. With due deference to the statement of my colleague, this amendment is not in the language of the rule introduced by him and referred to the Committee on Rules. It is an entirely different provision.

Mr. LITTAUER. Why, does the gentleman not know it was amended by the Committee on Rules and is here by authority of the House?

Mr. FITZGERALD. I was just about to state, Mr. Chairman, what had happened to the amendment suggested by my colleague in his resolution. His resolution provided for the abrogation of the eight-hour law so far as it applied to work upon the isthmian canal. That resolution went to the Committee on Rules. I am unable to state what transpired there to make that committee change the wording of the resolution introduced by my colleague. There must, of course, have been some good reason why the Committee on Rules changed this amendment so that it would apply only to alien labor. I have been unable——

Mr. GROSVENOR. Mr. Chairman——

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Ohio?

Mr. FITZGERALD. I will.

Mr. GROSVENOR. I think if the gentleman from New York

will address a respectful inquiry to the gentleman from Missouri [Mr. DE ARMOND], a member of the Committee on Rules, he will probably have a satisfactory answer to his question.

Mr. FITZGERALD. Mr. Chairman, I am grateful to the gentleman from Ohio, a member of the Committee on Rules, for the very full information that he has given to the committee as to what transpired in his committee when this rule was considered. I am not accustomed, when measures are brought before this House, to go off into secret places to inquire as to the motives that prompted the majority in bringing those measures before the House. If the Committee on Rules is unable to give any good reason, if the Committee on Rules can not justify its action, if the very versatile and ingenious gentleman from Ohio can do no better than to refer me to a gentleman on this side of the House, then I suppose that, in common with other gentlemen on this side of the House, I shall have to be content with that explanation. This proposed amendment has never been suggested or recommended by any official of the Government. The Committee on Appropriations did, at the suggestion of the Secretary of War, without ample consideration, without proper consideration, attempt to insert a provision in this bill that would abrogate the eight-hour law so far as it applied to this work. I have always been opposed to efforts to legislate upon appropriation bills. During the past few years I have taken, whenever possible, provisions which were legislative out of appropriation bills. This is a matter that is of vast importance to a great number of citizens of this country, and if no better reasons can be assigned than those assigned by the gentleman from Ohio for this action I am content to let the case stand in that way.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. CLARK of Missouri. Mr. Chairman, is this that eight-hour amendment?

The CHAIRMAN. The Clerk has reported the amendment.

Mr. CLARK of Missouri. I know, but I am asking for information. Is this the eight-hour amendment?

The CHAIRMAN. The Clerk has reported the amendment. Does the gentleman from Missouri desire the Clerk to again report the amendment?

Mr. CLARK of Missouri. No. I was asking the Chair the simplest question in the world.

The CHAIRMAN. The Chair will ask the gentleman to draw his own conclusion.

Mr. CLARK of Missouri. Then, Mr. Chairman, I ask that it be again reported.

The CHAIRMAN. Without objection, the amendment will be again reported. [After a pause.] The Chair hears no objection.

The Clerk again reported the amendment.

Mr. CLARK of Missouri. Now, Mr. Chairman, I would like to have about five minutes.

The CHAIRMAN. Debate against the amendment is exhausted.

Mr. CLARK of Missouri. Well, I move to strike out the last word.

The CHAIRMAN. The gentleman from Missouri moves to strike out the last word.

Mr. LITTAUER. Mr. Chairman, I move that all debate——

The CHAIRMAN. The gentleman from Missouri has been recognized on a motion to strike out the last word.

Mr. CLARK of Missouri. Now, Mr. Chairman, it seems to me from all the facts in this case that this amendment can not affect the thing that it pretends to affect. If these people down there are paid by the hour, then it does not affect their wages, and in my judgment, with all due respect to the opinions of everybody else, I believe it is an effort to break down the eight-hour law; but let that be as it may, I am a good deal interested in another feature of this performance. It was stated here on the floor of the House this morning that the Secretary of War had suggested that the restrictions as to the exclusion of Chinese coolies be removed as to the Canal Zone. I had somewhat to do with the passage of that Chinese bill through this House, and the truth about it is if I could have gotten certain persons to stand up to me in another place than this we would have forced on the statute books of this country the Chinese-exclusion act as it went through this House, a much more stringent measure than the present law; but I want to read you the phraseology of the present law—just a little of it, I am not going to read it all:

That all laws now in force prohibiting and regulating the coming of Chinese persons, and persons of Chinese descent, into the United States, and the residence of such persons therein, including sections 5, 6, 7, 8, 9, 10, 11, 13, and 14 of the act entitled "An act to prohibit the coming of Chinese laborers into the United States," approved September 13, 1888, be, and the same are hereby, reenacted, extended, and continued so far as the same are not inconsistent with treaty obligations, until otherwise provided by law, and said laws shall also apply to the island territory under the jurisdiction of the United States, and prohibit the immigration of Chinese laborers, not citizens of the United States, from such island territory to the mainland territory of the United States, whether in such island territory at the time of cession or not, and from one portion of the island territory of the United States to another portion of said island territory.

Well, now, it is a good while since I studied geography. The Republicans have broken down the Declaration of Independence and the Constitution of the United States, but I have never understood that they had gone into the dictionary-making business, and according to the old geographies this Canal Zone is not an island territory, but it is an isthmian territory.

If the Secretary of War has asked that the restrictions as to the Chinese be taken off as to this Canal Zone, as was stated here a while ago, then it is apparent that this amendment is part and parcel of that same scheme. I do not propose, as far as I am concerned, to have the white laborers of the United States brought into competition with the Chinese coolies. [Applause.] And out of an abundance of caution I intend to introduce here, just as quickly as I can prepare it, a bill to apply the Chinese-exclusion act to the Isthmus of Panama and the Canal Zone, and, while I am at it, make it extend to Japanese and Korean coolies too, for coolies all look alike to me. [Laughter.] We might as well be honest about it. If certain people want this canal built by Chinese coolies, let them get up here and say so without any beating about the bush. But if they do not want it done, they will vote for that bill I intend to introduce here just as quickly as I can write it.

Mr. LITTAUER. Mr. Chairman, I move that the debate on the pending amendment and amendments thereto be now closed.

The CHAIRMAN. The gentleman from New York moves that debate upon this amendment and all amendments thereto be now closed.

The question was taken; and on a division (demanded by Mr. CLARK of Missouri) there were—ayes 96, noes 40.

Mr. CLARK of Missouri. Mr. Chairman, I demand tellers.

Tellers were ordered.

The CHAIRMAN. The gentleman from New York, Mr. LITTAUER, and the gentleman from Missouri, Mr. CLARK, will take their places as tellers.

The committee again divided; and the tellers reported—ayes 93, noes 41.

So the motion was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. UNDERWOOD) there were—ayes 79, noes 35.

Mr. UNDERWOOD. Mr. Chairman, I demand tellers.

Tellers were ordered.

The CHAIRMAN. The gentleman from New York Mr. LITTAUER, and the gentleman from Alabama, Mr. UNDERWOOD, will take their places as tellers.

The committee again divided; and the tellers reported—ayes 83, noes 35.

So the amendment was agreed to.

Mr. CLARK of Missouri. Mr. Chairman, I desire to offer an amendment to that section.

The CHAIRMAN. The gentleman from Missouri [Mr. CLARK] offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend by adding: "The provisions of the law now in force excluding Chinese cooly laborers from our mainland and our island possessions are hereby extended to the isthmian Canal Zone, and shall also apply to Japanese and Korean coolies."

Mr. LITTAUER. Mr. Chairman, I make a point of order against that amendment as not being germane, and that it changes existing law.

The CHAIRMAN. Does the gentleman from Missouri desire to discuss the point of order?

Mr. CLARK of Missouri. Yes, sir. I desire to say also that the amendment just added changes existing law.

Mr. TAWNEY. By rule of the House?

Mr. CLARK of Missouri. By the rule of the House? By the rule of the committee. Now, it seems to me a very strange thing if that kind of an amendment can be added here by that kind of a process and mine can not be added. While I am about it now, with the indulgence of the Chair, I want to read one sentence from a document that was put into the RECORD by my friend from Ohio [Mr. GROSVENOR]. It is an address or something of the sort by Mr. Shonts:

There is no question of American labor involved in Isthmus work, and I repeat what the Commission has urged in its annual report, that it is a mistake to handicap the construction of the Panama Canal with any laws save those of police and sanitation, and that labor on the Isthmus should be excluded from the application of the eight-hour law, the contract-labor law, the Chinese-exclusion act, and any other law passed or to be passed by Congress for the benefit of American labor at home.

For that reason and by reason of this suggestion I offer this amendment. That is all I have to say about it.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For pay of bailiffs and criers, not exceeding three bailiffs and one crier in each court, except in the southern district of New York: *Provided*, That all persons employed under section 715 of the Revised Statutes shall be deemed to be in actual attendance when they attend upon the order of the courts: *Provided further*, That no such person shall be employed during vacation; of reasonable expenses actually incurred for travel and attendance of district judges directed to hold court outside of their districts, not to exceed $10 per day each, to be paid on written certificates of the judges, and such payments shall be allowed the marshal in the settlement of his accounts with the United States of reasonable expenses actually incurred for travel and attendance of justices or judges who shall attend the circuit court of appeals held at any other place than where they reside, not to exceed $10 per day, the same to be paid upon written certificates of said judge, and such payments shall be allowed the marshal in the settlement of his account with the United States; of meals and lodgings for jurors in United States cases, and of bailiffs in attendance upon the same, when ordered by the court; and of compensation for jury commissioners, $5 per day, not exceeding three days for any one term of court, $85,000.

Mr. MACON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Page 33, line 22, after the word "States," insert: "*Provided*, That no part of said sum herein appropriated shall be used for the payment of the expenses of said district judges unless said certificates contain an itemized statement of said expenses."

Mr. LITTAUER. I make the point of order that this is legislation.

The CHAIRMAN. The Chair is ready to rule.

Mr. MACON. I desire to state upon the point of order that the amendment certainly does not change existing law. It is not my purpose to change existing law. I simply seek to limit this appropriation and nothing more. If this amendment is adopted the law will stand just as it does now, and it will not affect any future appropriation. But if the amendment is adopted then, sir, it will withhold that part of this appropriation from any judge unless he furnish an itemized statement of his account in the certificate that he files with the marshal at the time he collects his actual necessary expenses. Therefore, sir, I can not understand how it would change existing law further than withholding this appropriation for the time being, limiting it, so to speak, until the judges furnish an itemized account of their expenses.

The CHAIRMAN. Has the gentleman from Arkansas before him the statute regulating the payment of expenses of judges?

Mr. MACON. I have not, sir. But this is so clearly a limitation upon this particular appropriation, and does not affect the general law or change the general law, that I did not think it necessary to refer to any particular statute. I offered an amendment the other day which the Chair upheld as against the point of order, where it sought to limit the appropriation for the payment of salaries of customs officers at a customs place that returned no revenue to the Government.

Mr. LITTAUER. Mr. Chairman, this deficiency is as it is stated in the existing law. The subject was thoroughly thrashed over last year when this matter was considered, and the gentleman seeks to amend the existing law.

Mr. MACON. The Chair will notice that if this amendment is adopted that the existing law will remain just as it is, and that this will not affect any future appropriations. Therefore how can it affect existing law? It simply seeks, as I said a moment ago, to limit this particular appropriation for expenses of judges who may be traveling from their special districts to attend courts elsewhere, and to call attention to the judges that the Congress has its eye upon them and that they must furnish an itemized statement of their expenses before they can receive any part of this particular appropriation. States require governors to furnish itemized statements of the money placed in their hands for contingent expenses, and I can not see why these gentlemen of judicial cloth shall not be required to furnish itemized statements of their expenses to the people who bear the burden. Coming back to the proposition, the Chair may hold against me because I am seeking to correct an evil. I insist, sir, that it is an evil that we ought to legislate against with all the force of the Congress.

Mr. LITTAUER. The gentleman must admit, however, that part of this year's expenditure has already gone on. Why now change the law for the rest of the year? Why not bring it up as an original proposition on the bill for the ensuing year if he desires to correct the law—bring it up on the sundry civil bill?

Mr. MACON. This is simply calling the attention of the judges to this: That Congress has, as I said a moment ago, had its eye upon them. The gentleman in charge of the bill knows that the law that gives them their actual expenses, not to exceed $10 a day, has been abused by some of the judges of the United States, and it is our duty whenever we know of any wrong being committed by anyone, I care not how high up in authority he may be, to call the attention of the people to the fact; and I for one purpose to do that very thing as long as I have strength left in me with which to do it and they send me here to represent them.

The CHAIRMAN. The Chair understands the gentleman from New York to say that the wording of this proviso is a repetition of the wording of the statute relating to this question.

Mr. LITTAUER. That is correct.

The CHAIRMAN. That being so, the statute provides simply that "upon the written certificates of the judges" this money shall be paid. The amendment presented by the gentleman from Arkansas, in the form of a limitation, states what these certificates shall contain during the period that this appropriation shall be in effect. That is the view the Chair takes of it, and with that view the Chair must hold that it is a limitation upon this specific appropriation, and therefore overrule the point of order. The question is on agreeing to the amendment.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MACON. Division, Mr. Chairman. I want to see how many are in favor of this.

The committee divided; and there were—ayes 28, noes 62.

Accordingly the amendment was rejected.

The Clerk read as follows:

POST-OFFICE DEPARTMENT—OUT OF THE POSTAL REVENUES.

To reimburse the postmasters at Tonopah and Goldfield, Nev., for expenditures for clerk hire, rent, fuel, light, and miscellaneous items in excess of the authorized allowances during the current fiscal year, and for necessary expenses during the remainder of the fiscal year, $5,000.

Mr. LITTLEFIELD. Mr. Chairman, I reserve the point of order on that item, on the ground that it is an expenditure that has no proper place in a deficiency appropriation bill. As I understand, it is nothing more nor less than a claim against the Government; and reserving the point of order, I would call on the chairman of the committee to state what the fact is in that respect.

Mr. LITTAUER. Your committee were so impressed with the justice of what is, no doubt, a claim, involved in this item, that they included it in this bill. We have since learned that it belongs to a class of claims of which there are quite a number now before the Committee on Claims, and must therefore admit that under the general rule it should not be included.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

For fees for special-delivery messengers, $20,000.

Mr. LITTLEFIELD. I move to strike out the last word. I do this for the purpose of being enabled to place in the RECORD a letter which I will ask the Clerk to read in a moment. It relates to the debate which occurred when this bill was up for consideration on a previous day, relative to the question of appropriating for the transportation of coal from this country to the Philippine Islands. I regret very much that I did not have this letter in my possession at that time, but a gentleman who is entirely familiar with the situation has called my attention to the facts and circumstances under which the deficiency appropriation was made; and the letter is of such a character that it amply demonstrates the wisdom of the House in making these appropriations and standing by the legislation as it exists to-day. I will send to the Clerk's desk and have read the following letter.

The CHAIRMAN. If there be no objection, the communication will be read.

The Clerk read as follows:

WASHINGTON, D. C., *January 24, 1906.*

Hon. C. E. LITTLEFIELD,
House of Representatives, Washington, D. C.

MY DEAR MR. LITTLEFIELD: The real difficulty as to the naval coal trade to Manila is that foreign houses absolutely control the hemp export trade, and will either give no cargoes to American ships bound home or force them to low and profitless figures. A few months ago rates on hemp to the Atlantic coast were about 50 shillings a ton. A large American steamer went out with coal to Manila. Freights instantly dropped to 32 shillings, even for a partial cargo. Immediately after the American steamer sailed freights rose again by foreign ships to approximately 50 shillings. This game is regularly played. I believe but one of our steam or sail ships has had a full return cargo from the Philippines.

Those American shipowners chartering tonnage for coal to the Government are compelled to figure at a higher price than foreign shipowners who are reasonably sure of a return cargo from Manila. That these foreign merchants at Manila, under the American flag, should thus make war on our merchant marine is, of course, outrageous, but we must bear it until the coastwise law goes into effect.

The Navy Department has not been fair on this question in its reports and testimony to Congress. It must have been aware of the handicap on American ships in Manila trade, but has not said a word about it—leaving the Democrats to infer, as they are glad to do, that our people are a lot of greedy monopolists.

I note that in yesterday's debate it was repeatedly stated that the rate in American ships on Navy coal to Manila was $7.50 a ton. The

first American steamship accepted under this act of April 28, 1904, got $7. It appears in the debate that in the year before this law became effective the rate averaged in foreign vessels $6.53. But this American steamship was so delayed in loading that the three next steamers to offer asked $7.50, to cover the delay. Only these three cargoes have paid that rate. All the rest of our Navy coal sent out to Manila has gone, most of it, in sail vessels at a maximum of $6.50 and a minimum of $6. The latest charters, I understand, are at the $6 rate, 53 cents less a ton than the average in foreign bottoms from 1889 to 1904.

Of course the effect of the new law was to make foreigners bid their lowest, so as to prejudice the Navy Department and Congress against American shipowners. Apparently that has succeeded; but if the law were repealed, as the Democrats want, American ships would be driven out and the foreigners would put the rates up again, and the Navy would save little money.

If this matter comes up again in Congress some of these facts ought to be pointed out, and I know nobody so well equipped as you to do it.

Of course, if the subsidy bill is passed and the number of American ships increased, there will be a considerable reduction under this law in coal freights to Manila.

Cordially, yours, WINTHROP L. MARVIN.

Mr. CLARK of Missouri. Mr. Chairman, if it will not disturb the text of that letter, I should like to inquire of the gentleman from Maine who this man is who wrote that letter?

Mr. LITTLEFIELD. Winthrop L. Marvin is the secretary of the Merchant Marine Commission that has been investigating the whole merchant-marine question under authority of an act passed by Congress. He has gone over the whole thing, he has traveled with the committee throughout the whole United States, and has made a very great study of this whole question. He is a very intelligent gentleman, and by the concluding part of the letter you can see he is a very appreciative gentleman.

Mr. CLARK of Missouri. Kissing goes by favor.

Mr. DE ARMOND. I should like to ask the gentleman from Maine a question for information about this writer. It is not a question of great importance, but still it may throw light on him. Is he that dispassionate kind of a man who, writing about a public subject while in the public employ, considers it courteous to talk about one party taking advantage of what a Department of the Government says or does in an official capacity? Is that the kind of a fellow who wrote that letter?

Mr. LITTLEFIELD. Of course I had nothing to do with the writing of the letter. I received it this morning in my mail. Whether the taste exhibited in the letter is entirely satisfactory to the gentleman, of course I will not undertake to discuss. He is a gentleman of high character and would be disposed to give a fair and dispassionate statement, although possibly in the letter he may have transgressed the bounds of propriety.

Mr. DE ARMOND. The probabilities are, then, that he did not make the statement in the letter under the most favorable circumstances, since it does not seem to be either dispassionate or impartial.

Mr. LITTLEFIELD. The gentleman can draw his own inference from that, so far as that is concerned. The letter comes to me entirely uninspired, as a matter of information. I suppose the gentleman who wrote it really intended me to take the information contained in the letter and use it myself, but I thought perhaps the better way was to put the letter right into the RECORD and let it show for itself. I hope the gentleman does not think that I intended any discourtesy to or reflection upon gentlemen on that side.

Mr. DE ARMOND. No; I merely wished that attention be directed to the character and tone of the letter, since the letter goes into the RECORD. It is evidently written by a man who desired to bolster a cause rather than by a man who tried to give information or to view the question dispassionately.

Mr. LITTLEFIELD. I think if my friend was acquainted with the gentleman he would be satisfied that the gentleman intended to state the facts, although inadvertently he may have gone further than he would have if he had expected that his letter was to go into the RECORD. If he had known that I was to put it into the RECORD, he might have been more judicious, perhaps, in his language.

Mr. DE ARMOND. At the best, then, the letter shows that the gentleman did not write it under the most favorable circumstances, nor under the most happy auspices.

Mr. LITTLEFIELD. I do not think it is hardly subject to that criticism, if the gentleman from Missouri will allow me.

Mr. FITZGERALD. Does the gentleman from Maine think the correspondent knows more about the facts about the transportation of coal for the Navy than do the officers of the Navy Department?

Mr. LITTLEFIELD. I will say this, that I have had occasion to examine somewhat into this matter, and the statements made by the distinguished gentlemen representing the Navy Department have not been very satisfactory, nor the manner in which they have treated the subject. I will not make any criticism upon them; but I haven't the slightest question that Mr. Martin writes upon this subject with the benefit of a full investigation and a complete knowledge of the subject, and I have not the slightest doubt—I do not know that he has stated all the details—I haven't the slightest doubt that he has stated the facts substantially as they are. I do not know what men in the Navy have said, but if they state anything to the contrary, I still think that Mr. Martin has accurately presented a picture of this situation.

Mr. FITZGERALD. He states that coal is largely being transported now in sailing vessels. It appeared in the hearings before the committee that coal sent in sailing vessels, on almost every occasion, had so heated that the vessels had been compelled to put into port and unload, and it was impracticable to ship coal in sailing vessels for that reason.

Mr. LITTLEFIELD. I do not know what the hearings show; I do not know what the men testified to, and I do not know how vigorous a cross-examination they were subjected to. I am not familiar with the details, but I am satisfied that this gentleman states the facts which the situation will warrant when it comes to be investigated.

Mr. FITZGERALD. I think we are entitled to take the testimony of the witnesses as they were presented before the committee.

The CHAIRMAN. The time of the gentleman from Maine has expired. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

For the relief of J. J. Cole, acting postmaster at Nome, Alaska, fiscal year 1903, $63.50.

Mr. LITTLEFIELD. Mr. Chairman, I raise the point of order on that item also, because I understand that that is exactly of the same sort that has just been ruled out. I reserve the point of order in order to say, in explanation of my position, that I am advised by gentlemen thoroughly familiar with this subject that these three claims, one of which has been ruled out, and this one, and another one which follows, are exactly alike, and that there are a large number of similar claims now pending before the Committee on Claims. No matter what the facts may be—I do think that some of these items are meritorious—but I do not think we ought to select two or three and rush them through on an urgent deficiency bill and leave forty, or fifty, or a hundred equally meritorious at the mercy of the Claims Committee, who probably will never get a day in the House to have them considered. I feel as if we should treat them all precisely alike. While I would like to see them go through, I think a fair deal requires that this bill should be shorn of all these little claims.

Mr. LITTAUER. I agree with the gentleman.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For the relief of Frank W. Swanton, postmaster at Nome, Alaska, fiscal year 1903, $187.81.

Mr. LITTLEFIELD. I make a point of order to that also.

Mr. LITTAUER. I want to say that, while the claims are meritorious, there ought to be some method whereby the Government can pay these claims more promptly that are so properly due from the Government, and not have them hung up year after year.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

DEPARTMENT OF AGRICULTURE.

Bureau of Animal Industry: To meet the demands for more meat inspection and for microscopic inspection of pork, $20,000, or so much thereof as may be necessary.

Mr. POLLARD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

To the paragraph relating to agriculture, page 35, after line 13, add the following: "The sum of $115,000 be appropriated, or so much thereof as may be necessary, for such other inspection and work of the Bureau of Animal Industry as the Secretary of Agriculture may direct."

Mr. LIVINGSTON. I raise the point of order to that.

The CHAIRMAN. The gentleman from Georgia raises the point of order against the amendment.

Mr. LITTAUER. I think, Mr. Chairman, there is no question but this amendment is not subject to a point of order. The organic law authorizes the inspection, and it is simply an increase in the amount to be expended. As to the merits of the proposition, I trust that I may be heard on that.

Mr. LIVINGSTON. I will reserve the point of order, Mr. Chairman. I could not hear the full reading of the amendment, but I want to ask if it is for meat inspection.

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk again reported the amendment.

Mr. LIVINGSTON. Mr. Chairman, now I want to ask the gentleman who offers the amendment what he means by "other inspection?" Inspecting corn or wheat or what?

Mr. POLLARD. No; only in the Bureau of Animal Industry, and if the gentleman will notice the reading of the amendment, it only relates to the inspection that takes place in the Bureau of Animal Industry. He will find that that is it alone.

Mr. LIVINGSTON. Well, what animal?

Mr. POLLARD. Why, the inspection of meats.

Mr. LIVINGSTON. He has got all that he asks for for the inspection of meats—$20,000.

Mr. POLLARD. Mr. Chairman, I would like to speak to the amendment. I think I can explain my position to the gentleman clearly if he will give me a little time.

The CHAIRMAN. Is the gentleman about to address himself to the point of order?

Mr. POLLARD. If the point of order has not been passed upon I would like to simply say this: That it seems to me if the original item in the bill is in order this certainly is. It only seeks to increase the amount the committee has authorized, and it is right in line with an infinite number of other items that have been inserted in the bill from its beginning, and run throughout the bill.

Mr. LITTAUER. Mr. Chairman, on hearing the amendment read a second time it appears to me that it is subject to a point of order. It not only covers the inspection which is now authorized by law, but under this proposed amendment the inspection may be extended to a much wider field.

The CHAIRMAN. The Chair was about to inquire of the gentleman from New York [Mr. LITTAUER] whether the law providing for inspection was as broad as this amendment.

Mr. TAWNEY. The law authorizing inspection by the Bureau of Animal Industry confines the inspection to animals and meats. It is limited to the inspection—microscopical inspection—of meats.

Mr. LIVINGSTON. I want to say to the gentleman who offers the amendment that the Secretary has seven hundred and odd thousand dollars now on hand, and I desire to say to the gentleman in addition to that that the Secretary asks for only $20,000 for inspection of meats, and we gave it at $20,000.

Mr. GROSVENOR. Now, Mr. Chairman, we have proceeded with the discussion; but the gentleman from New York proposed a point of order, as I understand it. I ask him now, in fairness to the gentleman who has offered this amendment, to withhold his point of order and allow him to discuss the amendment for five minutes.

Mr. LITTAUER. With pleasure.

Mr. LITTLEFIELD. The gentleman from Georgia has reserved his point of order.

The CHAIRMAN. The gentleman from Georgia, as the Chair understands, reserved his point of order and permits the gentleman from Nebraska to discuss the proposition. The gentleman from Nebraska is recognized for five minutes.

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the gentleman from Nebraska a question, if the Chair will permit me.

The CHAIRMAN. That is a matter entirely within the power of the gentleman from Nebraska. Will the gentleman yield?

Mr. POLLARD. Mr. Chairman, if I am to have only five minutes to discuss my amendment, I prefer not to yield to a question at this time.

Mr. CLARK of Missouri. Well, I shall ask somebody before we get through with it.

The CHAIRMAN. The gentleman from Nebraska will proceed.

Mr. POLLARD. Mr. Chairman, for the fiscal year 1905 the Bureau of Animal Industry in the Department of Agriculture was given $1,520,000. On account of the increase in the work in that Department, the natural increase that has been brought into it is a result of the investigations that have been going on throughout the West, and, in fact, throughout the whole agricultural section of the country, the Secretary of Agriculture came before the Committee on Agriculture one year ago and asked that he be given an increase over the appropriation for 1905. He asked for an appropriation of $1,581,000 in order that he might take care of the natural increase in the work of that Department. The Committee on Agriculture last year saw fit to give the Secretary only $1,431,520, I believe.

It will be observed that this Bureau of the Agricultural Department, while asking for an increase of $61,000, received $88,000 less than they were given for the fiscal year 1905. They received almost $150,000 less than the Secretary reported as being absolutely necessary to properly administer the work of the Bureau. It will be observed that under normal conditions, to say nothing about the increased demands from the West upon this Bureau, there will be a deficiency at the close of the present fiscal year of almost $150,000. The Department was able to save $35,000 by inducing the abattoirs of the country to pay for their own meat inspection and for the Government stamps that were placed on this meat which bears the certificate of Government inspection. This will leave a net deficiency of $115,000 for this fiscal year. The emergency demand for meat inspectors, on account of the extra demand for our meat products in Germany at the present time, calls for $20,000 more. In other words, the Secretary of Agriculture tells us that there will be a shortage for the present fiscal year of $135,000 for the Bureau.

Mr. WADSWORTH. Mr. Chairman, may I correct the gentleman right there? I am sure he does not want to make a mistake.

The CHAIRMAN. Will the gentleman yield?

Mr. POLLARD. Yes.

Mr. WADSWORTH. When Doctor Melvin, the head of the Bureau of Animal Industry, was before the committee, he gave this testimony:

> Mr. TAWNEY. Did you not get $1,520,000 this year?
> Doctor MELVIN. No; that was last year. The total would be $1,566,520.

This shows that we gave him, according to these figures, within $20,000 of his estimate.

Mr. LITTAUER. Does the gentleman not know——

Mr. POLLARD. Just one question at a time, if you please. Now, Mr. Chairman, I desire to say this in reply to the gentleman from New York [Mr. WADSWORTH]. The facts are, according to the statement of the Secretary of Agriculture and the other experts who appeared before the Committee on Agriculture, that the Department was only given $1,431,520, when, according to the chairman of the Agricultural Committee, according to his own statement, the chief of that Bureau asked for $1,566,520. That is certainly a reduction of more than $20,000.

Mr. LITTAUER. Will the gentleman permit me to correct his figures?

Mr. POLLARD. If I have made an error.

Mr. LITTAUER. The estimate for the current year was $1,500,000. The agricultural bill carried $1,431,520. That is for the current year, all of which has not been expended, but I think you gave the statement wrong as to the appropriation for last year.

Mr. POLLARD. No, sir.

Mr. LITTAUER. For the year 1905 there was appropriated $1,250,000. Then there was a deficiency of $150,000, and then it was claimed that in addition thereto there was an old left-over balance from the foot-and-mouth-disease fund of $120,000, which, under that appropriation, they found they could use for this also, so they spent the balance of that also.

Mr. WADSWORTH. That made a total of $1,566,000.

Mr. POLLARD. One at a time, please. Mr. Chairman, I have here before me the testimony taken by the Committee on Appropriations upon this item, and I find in that testimony the statement of the Secretary of Agriculture, and I do not find that any member of the committee during the hearings denied the statement that for the last fiscal year the Bureau of Animal Industry was given $1,520,000, and they ask this year an increase of that amount of $61,000.

Mr. LITTAUER rose.

Mr. POLLARD. Now, Mr. Chairman, I do not care to be interrupted further by the gentleman from New York. The difference between the gentleman from New York and myself is simply this: The figures I gave are figures given to the Committee on Appropriations which were not questioned before that body, and I do not believe that the Secretary of Agriculture could come before that committee and make a statement that was absolutely wrong but what he would have been taken to account by the members of that committee, while the gentleman's figures distort the facts and do not accurately present the Secretary's position. Now, Mr. Chairman, the Secretary of Agriculture not only did not get the appropriation he asked for for this fiscal year, but it was reduced $88,000 under what he had for the last fiscal year and almost $150,000 under what he thought the expenses of the Department would be for the ensuing fiscal year.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NORRIS. I ask unanimous consent that my colleague be allowed to proceed for five minutes.

The CHAIRMAN. Is there objection to the request? [After a pause.] The Chair hears none.

Mr. POLLARD. I thank the gentleman and the committee.

Mr. CLARK of Missouri. Now, Mr. Chairman, the gentle-

man has five minutes more, and I would like to ask him this question.

Mr. POLLARD. I would like to make my speech first, but I will yield to the gentleman from Missouri.

Mr. CLARK of Missouri. Now, is not the milk in this cocoanut about this appropriation this, that on account of the high German tariff, which goes into effect on the 1st of March, shutting out our products, largely if not entirely, that the Germans are in a great rush to get our meats in there under the tariff as it exists now, and he wants this money for this inspection now on that account? Is not that true?

Mr. POLLARD. Mr. Chairman, I will answer the gentleman's question, if he will give me time. I want to read a little extract from the hearings before the Committee on Appropriations, which present this matter, I think, in a clearer form than I can express it. Mr. LITTAUER, chairman of the subcommittee before whom these hearings were taken, asked as to the reason why this additional appropriation should be given, as follows:

Mr. LITTAUER. Because of the increased demand from Germany?

Secretary WILSON. Yes, sir; principally evidenced by the increased demand from Germany and also on account of the growth and development of the interests in the United States, and the building of about eighteen new packing houses and the enlargement of others. For instance, one packing house has twelve microscopists and they have called on us for thirty-five. That is a fair example of the demands upon us.

Mr. LITTAUER. With such an emergency, even, and not money enough to meet it, you are doing this work on your scab proposition?

Secretary WILSON. Yes, sir; that is true. We could do that, but Congress has an investment there, the work of years and the expenditure of hundreds of thousands of dollars, and if we do not continue to wind it up, if we stop, that scab would go right back over the ranges, and it would have to be done over again. It would be exceedingly bad policy to let that happen.

Mr. TAWNEY. At the time of writing your letter of December 15, 1905, you had before you all the facts tending to show the necessity for this additional meat inspection?

Secretary WILSON. Provided they all came before me.

Mr. TAWNEY. It is your letter to the Secretary of the Treasury. I will read it:

"I have the honor to ask that you will transmit to Congress, for insertion in the urgent deficiency bill, an item of $135,000 under the appropriation 'Expenses, Bureau of Animal Industry, 1906.' This deficiency is rendered necessary for the following reasons: During the fiscal year ended June 30, 1905, the Bureau of Animal Industry had appropriations amounting to $1,520,000, while the amount appropriated for the present fiscal year ending June 30, 1906, is $1,431,520, a decrease from the former year of over $88,000. The amount of this decrease may be better comprehended when it is considered that the expenditures of that Bureau have been steadily increasing, so that at the beginning of the present fiscal year it was estimated that to carry on the work as it was then progressing would require $1,581,000. This indicated a deficiency of about $150,000, which has been partially offset by a saving of $35,000 on the purchase of meat-inspection labels and stamps by the proprietors of abattoirs and packing houses, leaving a net deficiency of $115,000. In addition it is now thought that $20,000 more will be needed to meet the demands for more meat inspection and for microscopic inspection of pork, making in all $135,000."

In other words, the amount needed for this additional inspection of pork was estimated at that time to be $20,000?

Secretary WILSON. No, sir; I think not.

Mr. TAWNEY. That is what the letter says?

Secretary WILSON. That means this, that $20,000 more than $115,000 is needed. That is what is meant. We did not mean to say that $20,000 would be all we need. We need $20,000 more than the $115,000.

Mr. TAWNEY. You state the reason for which the additional sum is needed is the increased work of inspection?

Secretary WILSON. We state the reason for which $115,000 is needed, and then conclude:

"In addition it is now thought that $20,000 more will be needed to meet the demands for more meat inspection and for microscopic inspection of pork, making in all $135,000."

Doctor MELVIN. If we are not allowed the additional appropriation it will be necessary to further reduce the expenses of this quarter unless we shut off altogether our field work and the microscopical inspection.

Secretary WILSON. The microscopical inspections are necessary to keep up the business of the country.

Mr. Chairman, it is evident from the Secretary's testimony that $20,000 is not sufficient to meet this emergency. He states clearly and explicitly that $135,000 must be had to meet this increased demand for meat inspectors and to take care of the other work of this great Bureau. He tells us that unless $135,000 is appropriated it will be necessary to "further reduce the expenses of this quarter unless we shut off altogether our field work and the microscopical inspection." He also tells us that "the microscopical inspectors are necessary to keep up the business of the country."

The question before this committee to-day is whether we will permit the false economy, or I might say parsimony, of the last Congress to prevail, thus crippling the work of the great Bureau, or whether we will correct the error and give the Secretary of Agriculture sufficient funds to meet the natural demands that are made upon him from all parts of the country in the way of stamping out the infectious diseases that menace the live-stock interests of the country.

Now, Mr. Chairman, the facts in the case are simply these: That the work of that great Bureau has been growing from year to year, and the Secretary of Agriculture has gone before the Committee on Agriculture of this House and asked for an increase in the appropriation for that Bureau.

What is the Bureau of Animal Industry? What is the particular scope of its work in relation to the Agricultural Department? That is the one Bureau that comes in direct touch with the people all over the country. It is under this Bureau that the Secretary of Agriculture has gone out into the western ranges and has stamped out the epidemic known as the "blackleg," where infected herds have been wiped almost from existence. It is under this Bureau that he has gone out into the western country, into the southwest country especially, and has made great progress toward exterminating the Texas fever in the cattle ranges. It is under this Bureau that the Secretary of Agriculture, with his experts, has gone into the great West and undertaken to stamp out the sheep scab. Hundreds of thousands of sheep have been dipped in a preparation of coal tar, which destroys this scab or parasite, and hundreds of thousands, yes millions, of dollars have been added to the wealth of the nation by the Secretary of Agriculture in his use of the money that has been appropriated for this Department. Not only that, Mr. Chairman, but under this Bureau the Secretary of Agriculture has gone into the western country and he has stamped out the disease among our cattle known as "mange." Great numbers of cattle have been infected, and a great many of them have been dipped and rid of this disease. The ranges have been in a measure cleared of this pest. Now, then, he asks that he may be given this money in order that this work may be carried on, in order that the great cattle interests of the West may be protected; and I stand here, gentlemen, as a representative of the great West, demanding that we shall receive proper recognition at this time.

Mr. Chairman, do you know that that is the one Department of the Government wherein an expenditure of money is simply an investment? Every time the Secretary of Agriculture goes into the West or into the East, which he has done, and stamps out any contagious disease among the live-stock interests of the country, just to that extent the wealth of the nation is increased. It is the one Department of the Government, I say, where the expenditure of money is an investment and brings a return to the Government.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LITTAUER. Mr. Chairman, in order to clear up the parliamentary situation, let us have a ruling on the point of order.

Mr. NORRIS. Mr. Chairman, I ask the gentleman if he will not let my colleague have two minutes in which to finish?

Mr. LITTLEFIELD. I hope the gentleman will be allowed to finish.

Mr. LIVINGSTON. I object.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HAUGEN. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Iowa [Mr. HAUGEN] offers an amendment, which the Clerk will read.

The Clerk read as follows:

Strike out the word "twenty," in line 12, page 35, and insert in lieu thereof "one hundred thirty-five."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. HAUGEN. Mr. Chairman, I wish to be heard on the amendment.

The CHAIRMAN. The gentleman from Iowa desires to be heard on the amendment.

Mr. HAUGEN. I am willing to yield to the gentleman from Nebraska [Mr. POLLARD], but I can not yield in my own time.

Mr. TAWNEY. Mr. Chairman, I ask unanimous consent that the gentleman from Nebraska have three minutes more.

The CHAIRMAN. The gentleman from Minnesota [Mr. TAWNEY] asks unanimous consent that the gentleman from Nebraska [Mr. POLLARD] have three minutes more. Is there objection?

There was no objection.

Mr. POLLARD. Now, Mr. Chairman, I was about to remark when I was interrupted that the committee has brought in here a deficiency bill wherein they give for the State Department $123,000, to the Treasury Department $2,447,000, to the War Department $216,000, to the isthmian canal $5,500,000, and to the naval establishment $1,014,000, in round numbers. Now, Mr. Chairman, it seems to me that the committee is liberal; it seems that it is willing to spend all kinds of money for the naval establishment, or for the extension of our Navy, or for the construction of the isthmian canal, to all of which I am willing to lend a helping hand. I want to say that while we are generous with the Navy and in the construction of the Panama

Canal, we ought also to be generous in the protection of the interests of the great West.

What is the scope of the work that this great Department is doing from day to day? Do you know that during the last year the products from the farms of this country amounted to $6,415,000,000? Do you know that during last year the aggregate wealth of the farms of this country increased 4 per cent over what is was in 1904, 8 per cent more than it was in 1903, and 36 per cent more than it was in 1899? Do you know that for the expenditures in the Agricultural Department, which has been instrumental to such a large extent in helping to build up the wealth of the United States for the last fiscal year, that they were only given a little less than six and a half million dollars—the paltry price of one of our beautiful battle ships that grace the seas to-day; and yet, when it comes to the expenditure of any money for this Department, we hold up our hands in holy horror and say we must economize and cut out these expenditures. Gentlemen, it seems to me that economy has begun in the wrong place.

The exports of farm products for the last year were $827,000,000. In spite of the fact that our farm exports along certain lines have been increasing from year to year, yet it is a fact that the exports for the last year have been $32,000,000 under what they were for the year 1904—I believe it is the calendar year that these figures are for. Now, then, this decrease of $32,000,000—while our exports have been increasing along certain lines—has been made up and added to by a reduction of $41,000,000 on our exports of wheat, by a reduction of $5,000,000 on our exports of meat products, and by a reduction of $5,000,000 in the export of fruit products.

Now, then, gentlemen, here is a reduction of $51,000,000 in our exports, every dollar of which ought to be stopped. Why is it that our exports of wheat have dropped off $41,000,000 in the last year from what it was the previous year? Oh, say some, it has been due to the increased consumption of wheat. Yes, the consumption of wheat has increased, but what is the further fact? It is also a fact that for the calendar year of 1904 there were 120,000,000 bushels less produced than were produced in 1902, and something like 30,000,000 less than produced in 1893. Why is it that the production of wheat has fallen off? Do you know why it is? It is simply because of a little parasite that has been working on the wheat. This little parasite spread over the great wheat fields of the West and caused a reduction not only in the yield of wheat but almost made the wheat we did produce valueless.

Now, then, Mr. Chairman, it is the work of this great Department for which I am pleading to-day to take up this great problem, which is so near the hearts of the people of the West, and bring about its solution so that we may have a variety of wheat to sow in that country that will not be susceptible to this little parasite known as "wheat rust."

Mr. LITTAUER. The gentleman must admit that this has nothing to do with the deficiency now being considered.

Mr. POLLARD. It simply has a bearing upon the work of this great Department, and I am trying to show the House its important work. You take the item of $5,000,000 in reduction in our meat products. Now, Mr. Chairman, I believe that if this appropriation is granted and if the Congress of the United States will give proper protection to the Secretary of Agriculture and furnish him with a proper fund for carrying on this meat inspection we will be able to extend our exports of meat products very materially.

It is a fact, Mr. Chairman, that our exports of meat products have been on the decrease since 1901. While our exports of salted and pickled pork and salted beef have been increasing, yet our exports of fresh beef and pork have been decreasing very rapidly. Our best foreign consumer is the United Kingdom. Our second best foreign consumer is Germany. It is with Germany that we are having trouble at the present time. Our exports of cattle on the hoof amounted in value in 1890 to $335,540. These exports increased until in 1895, when they were valued at $621,920. Since that time our exports of cattle to Germany have decreased until they reached $3,220 in value in 1901. They ceased entirely in 1902. Since 1901 we have not shipped any cattle to Germany. Our exports of swine have been decreasing also. The United Kingdom has not taken any of our swine since 1900, and our exports of these products have ceased almost entirely.

Our exports of bacon not only to Germany, but to the United Kingdom, have decreased almost 50 per cent since 1898. Our exports of beef products, cured other than by salting and pickling, to the United Kingdom have decreased from 1,721,000 for 1900 to 87,500 for 1904. To Germany our exports of the same product have decreased from 214,780 pounds in 1900 to 17,500 in 1904. Our exports of hams to the United Kingdom increased gradually until 1902, when it reached 202,390,263 pounds. Since that time they have decreased until in 1904 our exports of hams to the United Kingdom were 169,703,849 pounds. To Germany our exports of hams increased gradually until in 1898 they reached 11,963,631 pounds. Since that time our exports of hams gradually decreased until in 1904 our exports of hams to Germany were only 253,626. These figures are taken from the Bureau of Statistics of the Department of Agriculture. While our exports of lard and other animal oils gradually increased to both these countries during this whole period, yet our exports of bacon and ham, beef, and canned meats other than those that are salted and pickled have decreased during this same period.

Mr. Chairman, this is a startling disclosure of facts. It seems strange to me when the Secretary of Agriculture comes before this House and asks for an appropriation for a careful, thorough, microscopical inspection of our meat products that will enable him to remove this prejudice that seems to exist throughout Europe against our meat products and to enable him to increase our exports.

Whether it is right or wrong, just or unjust, the German people are afraid of our meat products. Emanating from Germany, this suspicion of our meat products has spread over nearly all of the countries of Europe. This is the condition that confronts us, and is a fact, not a theory. Germany demands a double microscopical inspection of our meats. She not only subjects our meat to a critical inspection herself, but she demands that it must first be inspected by our own Government before it will even be permitted to land in Germany.

It is especially to meet this condition, this emergency, Mr. Chairman, that the Secretary has come before Congress asking for this appropriation of $135,000. To show that he is acting in good faith and is endeavoring to break down this prejudice against our meat, he tells us in his annual report just made public that during the year 1905 the total number of animals inspected before slaughter was 66,000,000; the total number inspected after slaughter was 40,000,000 animals. In 1905 the total number of live cattle inspected for export was 824,900, 423,000 sheep, and 2,300 horses. In the same year he inspected and disinfected 734 vessels that carried animals for export.

Gentlemen of the committee, there is not a question that can come before this Congress that is of so great importance to the whole American people as this one question of breaking down the prejudice against the meat products of the American farmer.

The CHAIRMAN. The time of the gentleman has expired.

Mr. POLLARD. I can not ask further indulgence of the House, but I would like unanimous consent, Mr. Chairman, to revise my remarks in the RECORD. [Loud applause.]

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to revise his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. TAWNEY. Mr. Chairman, this item of $115,000 additional for the Bureau of Animal Industry illustrates very clearly what Congress must determine at this time in respect to deficiencies not authorized by law. When the estimate was sent to the Secretary of the Treasury by the Department of Agriculture, the Department of Agriculture estimated a deficiency of $135,000 in the appropriation for the work of the Bureau of Animal Industry. The letter transmitting this estimate did not disclose whether or not the appropriation for the current fiscal year had been apportioned, or, if apportioned, whether it had been waived. Upon the receipt of the estimate I wrote the Secretary of Agriculture calling his attention to the fact that before the committee could consider this item we would have to know whether or not the law had been complied with; whether the appropriation had been apportioned, and, if apportioned, was the apportionment waived, and, if waived, the reasons therefor.

To my letter the Secretary replied that in calling this item a deficiency, as he did, it was a misnomer; that it was not a deficiency, but intended to be an estimate for an emergency appropriation to be made immediately available. The only emergency, however, the Secretary mentioned was the increased demand for meat inspection growing out of the unusually large demand in Germany for American meat and meat products. This, he claimed, was due to the tariff law of that country going into effect next March. In his letter he estimated that this increased demand for meat inspection would require an appropriation of $20,000. Now, in his reply he also makes the statement that the appropriation was apportioned by the Department at the beginning of this fiscal year, and that the apportionment has not been waived, and that there was no deficiency and there would be none. He also testified before the committee that he has now $761,000 of the appropriation for this fiscal year unexpended.

Now, the apportionment he made was this: He apportioned $400,000 for each of the first three quarters of the fiscal year and $281,000 for the remaining quarter, including the unexpended balances of the first two quarters and $35,000 received on the sale of labels to the proprietors of abattoirs—the total amount available for the last quarter under the apportionment, with these items, equaling $281,000.

Now, Mr. Chairman, there is only one conclusion to be drawn from that apportionment. The Department either estimated that that Bureau during the last quarter of this fiscal year would require no more than $281,000 or the officer making the apportionment concluded that when the last quarter arrived Congress would be in session and they could rely upon our increasing the appropriation to the amount they estimated in the last Congress would be necessary.

Mr. POLLARD. I should like to ask the gentleman whether that is not the exact situation that he finds every Department of the Government in?

Mr. TAWNEY. No; it is not.

Mr. POLLARD. Have they not anticipated relief from Congress?

Mr. TAWNEY. Every deficiency estimate allowed by the committee was where the apportionment was made and waived or where there was some extraordinary emergency requiring it. This, with few exceptions, was the rule of the committee. In some cases where the apportionment was waived without sufficient cause, notably in the Navy Department, the deficiency was not allowed though the apportionment was waived.

But, Mr. Chairman, here is the fact——

Mr. LITTLEFIELD. I wish to make an inquiry of the gentleman.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. TAWNEY. I ask for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman?

There was no objection.

Mr. LITTLEFIELD. Do I understand the chairman of the committee to say that the Secretary of Agriculture made an apportionment of the original fund as to which this amendment is a deficiency?

Mr. TAWNEY. He did.

Mr. LITTLEFIELD. And do I understand him also to say that in accordance with the law or in compliance with the law he did not waive the provisions of that apportionment?

Mr. TAWNEY. He did not.

Mr. LITTLEFIELD. I should like to inquire what reason, if any, the Secretary of Agriculture gave to the committee for not complying with the statute of the United States?

Mr. TAWNEY. I would say in answer to that that the Secretary claims he has complied literally with the statute. He says, in reply to my letter, that there is no deficiency in this appropriation and that there will be no deficiency, and therefore there was no necessity for waiving the apportionment.

Mr. LITTLEFIELD. Then why does he ask for it?

Mr. TAWNEY. He does not ask for it on the ground of a deficiency, but he asks for it partly on the ground of an emergency and partly because Congress did not appropriate as much as estimated to be necessary. In his letter to the Treasury Department transmitting this estimate of deficiency he says:

SIR: I have the honor to ask that you will transmit to Congress, for insertion in the urgent deficiency bill, an item of $135,000 under the appropriation "Expenses, Bureau of Animal Industry, 1906." This deficiency is rendered necessary for the following reasons: During the fiscal year ended June 30, 1905, the Bureau of Animal Industry had appropriations amounting to $1,520,000, while the amount appropriated for the present fiscal year ending June 30, 1906, is $1,431,520, a decrease from the former year of over $88,000.

The amount of this decrease may be better comprehended when it is considered that the expenditures of that Bureau have been steadily increasing, so that at the beginning of the present fiscal year it was estimated that to carry on the work as it was then progressing would require $1,581,000. This indicated a deficiency of about $150,000, which has been partially offset by a saving of $35,000 on the purchase of meat-inspection labels and stamps by the proprietors of abattoirs and packing houses, leaving a net deficiency of $115,000. In addition it is now thought that $20,000 more will be needed to meet the demands for more meat inspection and for microscopic inspection of pork, making in all $135,000.

Now, the committee has allowed the amount which the Secretary estimated would be necessary to meet the emergency growing out of the increased demand for meat inspection and microscopic inspection of pork, namely, $20,000. The remainder, $115,000, which he includes here, is a deficiency in the general appropriation, without any explanation except by inference, which is that Congress failed to appropriate as much as the Department estimated, and that they proceeded to expend the appropriation on the basis of their estimate and not upon the basis of the appropriation made by Congress.

Mr. LITTLEFIELD. They did not confine themselves to the appropriations. I understand the chairman of the committee that the committee have turned down the Navy Department on a request for a million dollars on a deficiency under exactly similar circumstances?

Mr. TAWNEY. Yes.

Mr. LITTLEFIELD. And now are treating the Agricultural Department precisely the same as they have treated the Navy Department?

Mr. TAWNEY. Yes.

Mr. LITTLEFIELD. Now, did I understand the gentleman from Illinois to say that the Secretary of Agriculture was not asking for this?

Mr. MANN. Yes.

Mr. LITTLEFIELD. Then if he does not ask for it, what particular necessity is there that we should put it into the bill?

Mr. MANN. Will the gentleman from Minnesota yield for a question? As I understand, the principal matter of importance here is the preservation of the examination of meat for export. You propose here an appropriation of $20,000 for that purpose. It is manifestly impossible to tell in advance how much money will actually be needed for that purpose. We all hope that it will be a great deal more than $20,000. May I ask whether it would be the ordinary purpose of the committee, in case the fund already appropriated is drawn on to a greater extent than $20,000 for this emergency, to allow the Secretary of Agriculture to do that and make it up in the general deficiency bill?

Mr. TAWNEY. I will say, in answer to the gentleman from Illinois, that the Secretary of Agriculture had, on the 1st of January, 1906, $761,000, all of which can be expended, in the discretion of the Department, for meat inspection if necessary. On account of this emergency he requested $20,000 for this specific purpose, which request we have complied with.

Mr. MANN. If the gentleman will pardon me, it is true, as the gentleman states, that on the 1st of January there was seven hundred odd thousand dollars for the use of the Bureau of Animal Industry. It is also true that under the law the Secretary of Agriculture has to so apportion that as to make it extend until the 3th of June. Now, here is an emergency, and you propose to appropriate $20,000 for that emergency. I am not complaining about the action of the committee in any respect whatever. But suppose the Secretary of Agriculture finds that he needs more than $20,000 on account of the emergency, will he be warranted in doing that without endangering the balance, and will it be made up to him if he calls upon you for a deficiency appropriation?

Mr. TAWNEY. In that event, all the Secretary of Agriculture has to do is to waive the apportionment and expend the appropriation as he sees fit, and then come to Congress with a legal deficiency.

Mr. LITTLEFIELD. All he has to do is to comply with the law.

Mr. MANN. Yes; but what will be the attitude of the Committee on Appropriations?

Mr. TAWNEY. I will say to the gentleman from Illinois that I can not forecast the action of the committee on a hypothetical case such as he submits.

Mr. MANN. The gentleman may not be willing to forecast it, but I think he can.

Mr. TAWNEY. I am willing to say this, that if the Secretary of Agriculture would come to us and say there was an emergency that justified the waiver, it would be a legal deficiency. He saw the point, and for that reason, in the second letter, denied that it was a deficiency, and said that the present appropriation was ample to meet the requirements of the service under the apportionment of the appropriation as made at the beginning of this fiscal year, and that on account of this emergency for additional inspection and microscopic inspection of pork it was necessary for him to have $20,000 for that purpose, and for that purpose we made the appropriation.

Mr. MANN. I understand that; it is an emergency that affects a few large cities, the packing cities—Omaha, Kansas City, Chicago, St. Joseph, and a few other places. It also affects the hog industry throughout the United States. But we are not the whole thing under the Bureau of Animal Industry——

Mr. TAWNEY. That is what we are trying to teach them. [Laughter.]

Mr. MANN. There are other branches of the service. We do not want our service crippled in this emergency by preventing the shipping of pork to Germany before the 1st of March. But we can not get the committee to say whether you will meet the emergency in case we need the money.

Mr. TAWNEY. I will answer the gentleman. There is nothing in the law or in the fact that should prevent the Secretary of Agriculture from going out and expending the $761,000

which he had available for this purpose on the 1st of January if he sees fit to do it.

Mr. MANN. Yes; but he won't do it, and run the risk of ruining the balance of his service.

Mr. TAWNEY. He will not endanger the service, because he admits that mange is practically eliminated from the two States in which it was so prevalent, as well as the scab; but he says we want to keep up our cooperative work with the State boards of health in respect to inspection of various diseases of this kind. While he admits that at this season of the year there is not the same opportunity for the carrying on of this field inspection that there is at other times in the year, in the judgment of the Committee on Agriculture he can use this appropriation, or a sufficient amount of it to meet the emergency.

Mr. MANN. Is it not also true that he can refuse to take any of it for that purpose and use it for the reduction of mange and the scab in sheep? What we want the Secretary of Agriculture to understand is——

Mr. TAWNEY. That was the very reason we put this in in a specific way.

Mr. MANN. What we want the Secretary of Agriculture to understand from the action of Congress is that he shall endeavor to comply with the demand for this meat inspection out of the funds that he may have under his control, without taking it away from those other places where otherwise he would use it, except for this emergency.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HILL of Connecticut. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for five minutes. I would like to ask the gentleman from Minnesota a question.

Mr. TAWNEY. Mr. Chairman, if the committee will yield me more time, I will be very glad to answer the gentleman's question.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent that the time of the gentleman from Minnesota may be extended. Is there objection?

There was no objection.

Mr. HILL of Connecticut. I would like to know why we should pay for this at all. Why should not the Secretary be authorized to appoint such inspectors as the packers themselves are willing to pay for?

Mr. TAWNEY. I will say, in reply to the gentleman from Connecticut, that under existing law the Secretary of Agriculture can not enter into any arrangement with the packers whereby they could pay for the service of inspectors employed by the Secretary.

Mr. HILL of Connecticut. But would it not be absolute justice?

Mr. TAWNEY. But the law prevents the Secretary from doing it. When before the Committee on Appropriations, in answer to that question, he said he should advocate the change of existing law before the Committee on Agriculture so as to provide for the payment of this inspection by the packers themselves.

Mr. HILL of Connecticut. I hope the Committee on Agriculture will come to the same conclusion that the Secretary has in regard to this matter.

Mr. CRUMPACKER. Will the gentleman yield for a question?

Mr. TAWNEY. Yes.

Mr. CRUMPACKER. Mr. Chairman, I received a letter from a packing institution in my district about two weeks ago informing me of the fact that it was impossible for that institution to secure adequate inspection service, that they had applied to the Secretary of Agriculture for inspection service and had been informed that the appropriation made by Congress was inadequate, and the institution complained that they could not sell their products in a foreign market without inspection and insisted that Congress at least ought to provide an adequate fund for the inspection of products of slaughtering establishments. Now, if there be seven hundred and odd thousand dollars under the control of the Secretary of Agriculture, why is it that he can not be induced in some way to use a portion of that fund for the relief of the numerous packers throughout the country in order that they may get into the foreign markets with their products?

Mr. TAWNEY. I can not answer why he does not do thus and so. I will say, however, in reply to the gentleman's suggestion that he has been called upon by a packing institution in his district to inquire into this, that that suggestion was no doubt prompted by the Bureau of Animal Industry. This is another illustration, and one of the most conspicuous ones, in connection with the one published in the morning papers by the Secretary of the Navy, of the attempt on the part of Departments to coerce Congress into giving appropriations or increasing appropriations beyond the amount provided for in the regular appropriation bills. Bureaus and Departments are resourceful. They have every facility for reaching Members of Congress, and in an emergency like this they use them. When they are unable to secure from the committee the amount of deficiency appropriations they want they appeal for more, on the ground of public necessity, through the press and individual Members. They rely on the popularity of their particular Department in the hope of coercing Congress into increasing appropriations, even beyond the estimates they themselves have made for the current fiscal year.

Mr. CRUMPACKER. But what is my slaughtering establishment going to do while we wrangle down here over a question of etiquette or power between the Departments?

Mr. TAWNEY. It is not a question of etiquette, it is a question of whether the Departments or Congress should determine the amount and standard of public expenditure. The Agricultural Department had $761,000 on the 1st day of January, every dollar of it available for this purpose if the Secretary of Agriculture sees fit to use it for that purpose.

Mr. CRUMPACKER. But how can we get him to use it?

Mr. TAWNEY. When he comes to the Committee on Appropriations and says that, growing out of this emergency, there is an increased demand for meat inspection and microscopic inspection of pork, and wants $20,000 for that purpose, and we give it to him, what justification has he to publish, as he has been doing, interviews in the press of this country that unless we give him $135,000 fifty millions of meat contracts will be lost to the American people?

Mr. CRUMPACKER. Why, then, should we not appropriate an adequate amount of money for this purpose instead of making what we call "lump-sum appropriations?"

Mr. TAWNEY. That is exactly what we have done in this bill. We have given him $20,000, the amount that he estimated to be necessary for that purpose.

Mr. CRUMPACKER. But that is not enough.

Mr. TAWNEY. And whose judgment is to control in this matter? He said it was.

Mr. HAUGEN. Mr. Chairman, I would like to call the attention of the gentleman to the statement of the Secretary before the committee. It is as follows:

Mr. TAWNEY. In other words, the amount needed for the additional inspection of pork was estimated at the time $20,000.
Secretary WILSON. No; I think not.
Mr. TAWNEY. That is what the letter says.
Secretary WILSON. That means this, that $20,000 more than the $115,000 is needed. That is what I meant.

Mr. LITTAUER. Needed for what?

Mr. HAUGEN. For the inspection.

Mr. LITTAUER. It does not say that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LITTLEFIELD. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for five minutes.

The CHAIRMAN. The gentleman from Maine asks unanimous consent that the time of the gentleman from Minnesota be extended for five minutes. Is there objection?

There was no objection.

Mr. MADDEN. May I ask the gentleman a question?

Mr. TAWNEY. Certainly.

Mr. MADDEN. I would like to ask the chairman this question in order that he may explain to the committee what the position of the Committee on Appropriations is: If the Secretary of Agriculture refuses to apply any portion of the $761,000 which he had on hand the 1st of January to meet the emergency created by the German tariff law, would it be considered a good reason for Congress to appropriate additional funds in order that he might consider an emergency existing?

Mr. TAWNEY. I think it would not.

Mr. HAUGEN. Mr. Chairman, I would like to read the statement of Secretary Wilson on this subject:

Secretary WILSON. Just now Germany is starving for the want of meat, and she must have it. If we could have had time and money enough to inspect the meat as fast as it was wanted, they said they could have sold $50,000,000 worth. Now, it reacts on the farmer, because his hogs are not being sold.

Mr. HILL of Connecticut. Mr. Chairman, I would like to supplement the question of the gentleman from Chicago. If an emergency has arisen under the German tariff which demands more inspection, would it not be better policy to pass a law authorizing the Secretary to appoint inspectors at the expense of the packers? The banks pay for the privileges of inspectors. I know of no other business in the country where the Government steps in to furnish labor in order that people

may prepare their goods for market. Would it not be better to have inspectors appointed by the Government, to be paid for by the packers themselves, who are to get the benefit of it?

Mr. TAWNEY. I think, Mr. Chairman, that until the existing law has been changed Congress ought to appropriate all that in the judgment of the Secretary of Agriculture is necessary to meet this emergency, and that is exactly what we have done—not according to his revised statement when before the committee, but according to his official letter to the Secretary of the Treasury, who transmitted it to Congress, in which he expressly stated that $20,000 more than the $115,000 deficiency would be necessary to meet this particular emergency.

Now, there is no feeling on the part of the Committee on Appropriations against the Secretary of Agriculture personally, or against the Department; not in the least. There is no man in public life for whom I entertain a higher regard than the distinguished Secretary of Agriculture; but, Mr. Chairman, if we are going to put an end to the policy that has obtained for so many years of allowing Departments to fix the standard of our appropriations regardless of the judgment of Congress, we must make the attempt now when we are confronted for the first time with the interpretation of this law. [Applause.] That was the view the committee took of it, and that is the view the committee hopes this House will take. Having provided for the emergency in respect to meat inspection, and the Secretary having more than $700,000 available for this Bureau, if it be necessary to use it, we feel that no injury will be done and the Departments will be given to understand that they must apportion and adhere to their apportionment unless some extraordinary emergency arises that could not be anticipated.

Mr. HAUGEN. Mr. Chairman, if the amendment which I offered is agreed to it will increase the amount from $20,000 to $135,000, or the amount asked for by the Secretary of Agriculture, "to meet the demand for more meat inspection, and for microscopic inspection of pork." If you will turn to pages 8 to 19 of the hearings——

Mr. NORRIS. Will the gentleman permit a question?

Mr. HAUGEN. Yes, sir.

Mr. NORRIS. I want to get clear whether if your amendment, which I could not hear, is adopted it would permit any use of the money appropriated by it for the purpose of inspecting cattle and sheep under the law for the different diseases?

Mr. HAUGEN. If you will turn to page 35——

Mr. NORRIS. I have it.

Mr. HAUGEN. I simply move to strike out the word "twenty" and insert in lieu thereof "one hundred and thirty-five," increasing the appropriation from $20,000 to $135,000, which is exactly the amount suggested by the Secretary himself.

Mr. NORRIS. That must be used only for microscopic inspection of pork.

Mr. HAUGEN. Yes; but they have other money to use for other inspections.

Mr. NORRIS. They could not use any of this amount?

Mr. HAUGEN. Not any of this amount.

Mr. LITTAUER. Where does the gentleman get any idea of the necessity of $135,000 to meet a demand for microscopic inspection of pork?

Mr. HAUGEN. I was just coming to that, if the gentleman will allow me. The amount will be exactly the amount asked for by the Secretary of Agriculture——

Mr. LITTAUER. Where?

Mr. HAUGEN. Now, Mr. Chairman, if you will turn to the hearings on pages 8 to 19 you will see that it is important—it is absolutely necessary—to increase the appropriation in order to successfully carry on the work of the inspection of meat for the eradication of cattle mange and sheep and cattle scab and for the extermination of contagious diseases among cattle in the Western States, and it is necessary in order to extend our trade in meat.

On account of the growth and development of the packing industry in the United States, the building of some eighteen new packing houses and the enlargement of others, the demand for inspection has increased, and unless the appropriation is increased to $135,000 the Department will not only be unable to meet the demand to extend the inspection to new and smaller packers, so as to enable them to sell meat in interstate or export the same as larger packers that have our inspection service, but will be unable to meet the demands made by the larger packers as well.

What is the situation? As has been stated by the gentleman from Missouri [Mr. CLARK], we are confronted with hostile legislation in Germany. The German Empire proposes in the near future to tax our meats to such an extent that it will practically exclude American meats. Just at present Germany is meat hungry, and we find there a good market. Everybody is anxious to sell, but before they can sell the meat has to be inspected.

The meat must be delivered before a certain time or they will be compelled to pay the tax; hence the demand for inspection. Turn to page 13 of the hearings and you will see Secretary Wilson says: "One packing house has twelve inspectors, and they are asking for thirty-five." Turn to page 14, Secretary Wilson says:

> Just now Germany is starving for the want of meat and she must have it. If we could have had time and money enough to inspect the meat as fast as was wanted they said they could have sold $50,000,000 worth more. It reacts on the farmer, because his hogs are not being sold.

The packers have expressed their willingness to pay for the inspection themselves, but the Department can not allow it because the law will not permit it. The Comptroller of the Treasury has so held. Now, what are we to do about it? It is up to Congress. Will we appropriate $20,000, as proposed by this committee, and deprive the cattle raisers and the packers of this market and glut the market at home, let the cattle, hogs, and sheep rot on the ranges and farms, or will you increase the appropriation, as requested by Secretary Wilson and Doctor Melvin? Uncle Sam has, according to the Federal census of 1900, 43,000,000 cattle, 41,000,000 sheep, 37,000,000 swine. I believe, according to Mr. Garfield's report, we annually slaughter about 12,500,000 cattle. Are you going to say to the packers, to the 5,700,000 families on the farms, "Sell your cattle, sheep, and hogs at home for what you can get; we will see to it that you are shut out from foreign markets by keeping down appropriations," or will you help them to get it out of the country and dispose of it?

I believe they are entitled to friendly consideration in this matter. According to the Federal census report of 1900, the rural population is nearly 40,000,000 people, or 51.9 per cent of the total population. The semiurban population is 8,000,000, or 10.8 per cent. The urban is only 28,000,000, or 37.3 per cent. All are more or less dependent on the prosperity of the agriculturist. Out of the 29,000,000 people engaged in gainful occupation more than 10,000,000 are engaged in agriculture, while only 1,250,000 are engaged in professional services, 5,500,000 in domestic and personal services, 4,750,000 in trade and transportation, and 7,000,000 in manufacture and mechanical pursuits.

Not only are the 10,000,000 employed on the farms or the 6,000,000 families interested in this matter, but, in fact, all become interested, as the inspection subserves the health of the consumer. So, my friends, if the pruning knife is to be applied, if retrenchment and reform is the policy of this committee, I am with you, and nobody will give it more hearty and loyal support than I will.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAUGEN. Mr. Chairman, may I have five minutes more?

The CHAIRMAN. The gentleman asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. HAUGEN. Mr. Chairman, I submit to you if that is to be the policy, use discretion, be honest, correct abuses, cut out your deadwood you hear so much about, amend your civil-service laws, and in making appointments give consideration to integrity, experience, and capacity for performing the required work. Scrutinize the appropriations for the Post-Office Department, especially the item for carrying the mails by transportation companies, look into the Army and Navy appropriation, and so on all along the line, and without much difficulty or exertion we can reduce the appropriation 10 per cent, or $80,000,000. Appropriate that money for public buildings and rivers and harbors, and I believe all will join me in saying "Well done, thou good and faithful servant."

But I protest against it all being done at the expense of the agriculturists. In looking over your report I find that the estimates, or amount asked for, is $17,807,824.52. The amount recommended in this bill is $15,215,503.75, which is about 85 per cent of the amount asked for, while you only give about 15 per cent of the amount asked for by the Secretary of Agriculture. This seems entirely out of proportion. If it is found necessary to reduce appropriations for the Agriculture Department there are bureaus in that Department that can probably be dispensed with or the expense thereof reduced without serious loss to anyone; but I submit to you that the work done and the value of the Bureau of Animal Industry can not be dispensed with and is worth every dollar expended for the whole Department.

So, my friends, I suggest you apply your energy in reducing salaries in place of continually increasing them and building up stalls in the public crib, giving soft berths to some near and dear friend who may want an office, and apply economy all along the line, and not altogether at the expense of agriculture.

If you will investigate, you will find that the appropriations

made are small as compared with other appropriations. For a third of a century Congress has appropriated in all, regular and permanent appropriations, fifteen and one-half billion dollars. Of this amount three and one-quarter billion was appropriated for pensions; one and one-quarter billion for the Army; eleven hundred million for the Navy; one hundred and two millions for fortifications; three hundred and sixty-two millions for rivers and harbors, and only $71,717,475.06 for agriculture, or out of the grand total, regular and permanent appropriations, for thirty-two years less than one-half of 1 per cent has been appropriated for agriculture. Is that amount extravagant when you stop to consider that 34.3 per cent, or 5,700,341 families out of 16,600,437 families in the United States are engaged in agriculture, and that their farms and farm property is valued at twenty and one-half billion dollars, as compared with the total wealth of the United States, which was ninety-four billion?

Gentlemen, I submit to you, in view of the present situation, the need and importance of this inspection, the urgent request made by Secretary Wilson, the demand made by the packers and cattle raisers, the justice of the claim that this increase should be made, and that these people should not be deprived of a market and good prices through our neglect. I can not believe but that all of you will recognize that the agriculturists of this country have a just claim, and that they are entitled to friendly consideration in this matter. Nobody has done more to maintain and perpetuate this grand, great, and glorious Government of ours. Nobody has contributed more to this nation's growth and greatness. Nobody has responded more freely, cheerfully, or heartily in times when our Government institutions were in danger than have the people on the farms. They are the bone and sinew of this great Republic. Nobody renders more heroic and patriotic services to this country than they do in times of peace and in times of war. Their many noble and loyal deeds entitle them to more friendly consideration than this, and I sincerely trust this amendment will pass.

Mr. LITTAUER. Mr. Chairman, I agree entirely with the remarks just made by the distinguished gentleman from Iowa; but the question before us is simply one of proper departmental administration. We have not to deal with any emergency. There is to-day, subject to the use of the Secretary of Agriculture, a sufficient sum of money to take care amply both of meat inspection and microscopic inspection. Ample provision was made a year ago by the Committee on Agriculture. The Secretary of Agriculture, according to law, divided the sum into four parts. He apportioned the appropriation: Four hundred thousand dollars to the first quarter, $400,000 to the second, $400,000 to the third, and $231,000 to the fourth quarter. During the first two quarters of the year he did not expend the full amount of his apportionment. He saved $25,000 in each of these two quarters. Consequently, when he entered upon the third quarter, on the 1st of the month, he had $400,000 for the third quarter, $231,000 for the fourth plus the $50,000 he had accumulated from the two earlier quarters.

Now, there is an emergency for more expenditure in connection with meat inspection. Has the Secretary a sufficient fund to meet the emergency? He has the $400,000 balance for the third quarter; $231,000, the balance for the fourth quarter of the year, and the $50,000 he saved; and he says to us: "I need for all the work of my Department" (not for this particular emergency, but for all the work of the Department) "$150,000 additional." He has plenty of money to inspect all the meat that is offered for inspection, but during this third quarter of the year there is an extraordinary emergency demand for meats to be shipped to Germany, not for immediate consumption, but because the tariff laws there will change on the 1st of March. Suppose that he had acted in his discretion, as the law permits him, and expended during this third quarter of the year $100,000 or $200,000 more for this purpose, and then come to us and stated: "I have waived my apportionment because the demands of the situation were that I should expend this $200,000 to meet this emergency." Surely the Committee on Appropriations would have recommended that whatever was needed to carry out the proper administration of his Department during the rest of the year would certainly be granted to him. He makes no such case as this. He simply says: "I will not waive this apportionment. I hold myself to the apportionment as I have originally made it, so that the last quarter of the year will be short, and I will come to Congress and ask it for $150,000 to make up a sufficient amount so that the last quarter will be equal to the others."

Now, what is the purpose of the amendment offered by the gentleman from Iowa? To increase the meat inspection from $20,000 to $135,000. What is the object of it? We have $700,000 available now in the hands of the Secretary for just that purpose. The committee put this new item in this bill in order that we might meet, exactly as stated by the Secretary, the amount necessary to supply the demand for this special purpose—to meet the extraordinary demand—while, in fact, before this very bill will become law that emergency will have passed. The only question here is, Do you want to give a great sum of money to the Department of Agriculture to conduct this Bureau of Animal Industry, or do you want to force them to keep within the appropriation, the same as we do with all the other Departments?

Mr. LITTLEFIELD. If the gentleman will permit me, is it not true, if the amendment offered by the distinguished gentleman from Iowa is adopted, that the House will be giving the Secretary of Agriculture $115,000 more than he asks for meat inspection and microscopic inspection work?

Mr. LITTAUER. That is true. Why, his letter reads exactly so. He has now $700,000 for this purpose. Is there an emergency which calls for more money? No! But the Secretary needs to use the money for the necessities of the Department, and he should come to us for a deficiency in a proper way.

Mr. LITTLEFIELD. Is not this in his letter?

Mr. LITTAUER. Gentlemen, it is simply a matter of properly administering the funds. The Secretary devoted a greater sum of money to some other purpose.

Mr. LITTLEFIELD. Is it not true that the Secretary of Agriculture, under date of January 6, 1906, as appears on page 5 of this report, states in so many words that there is no deficiency and there will be none?

Mr. LITTAUER. That is the real point of the whole matter. There is no deficiency here——

The CHAIRMAN. The time of the gentleman has expired.

Mr. LIVINGSTON. I move that all debate on this paragraph and amendments be now closed.

The CHAIRMAN. The gentleman from Georgia moves that all debate on this paragraph and amendments be now closed.

Mr. KENNEDY of Nebraska. Mr. Chairman, I want to be heard.

The CHAIRMAN. The question is on agreeing to the motion.

Mr. LITTLEFIELD. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. LITTLEFIELD. I hope the gentleman from Georgia will withdraw that in order that the gentleman from Nebraska may be heard.

The CHAIRMAN. The gentleman has made the motion and the Chair has put it.

The question was taken, and the motion was rejected.

Mr. LITTAUER. I move that all debate on this amendment be closed in ten minutes.

The CHAIRMAN. The gentleman from New York moves that all debate on this paragraph and amendments be closed in ten minutes.

The question was taken; and the Chairman announced that the ayes appeared to have it.

Several MEMBERS (without rising). Division!

The CHAIRMAN. When gentlemen rise in their places and demand a division, as the rule provides, the Chair will recognize them, but not otherwise.

Mr. CLARK of Missouri. Division, Mr. Chairman.

The committee divided; and there were—ayes 68, noes 47.

Accordingly the motion was agreed to.

Mr. KENNEDY of Nebraska. Mr. Chairman, within the second district of Nebraska, which I have the honor to represent, is located the third largest meat-packing industry in the United States. It does not consist merely of the packers and the packing houses, but includes an army of commission men, stock-yards men, and others who have built up a wonderful industry out there in the West; and back of the packing houses, back of the commission men and stock-yards men, stand the farmers, and they are demanding at our hands a just recognition.

Mr. Chairman, I do not believe that gentlemen understand this question. The Secretary of Agriculture asked for an appropriation of $115,000 independent of the additional demand made by reason of the German tariff. That request has been absolutely denied by the committee, and the committee is before this House, Mr. Chairman, watching the spigot while the bunghole of the barrel is wide open.

The $20,000 asked for was a separate matter, made necessary by the increased demand in Germany, and that the committee has seen fit to grant. The committee has recognized the justice of that demand; but the request of the Secretary of Agriculture for a general appropriation of $115,000 stands ignored by the committee and denied by the House unless the amendment prevails. We may talk as we please about keeping the heads of Departments down to their estimates. Gentlemen in this House must know that the criticism and the condemnation of the peo-

ple interested in this question will fall upon the Members of this House and not upon the Secretary of Agriculture if we deny this reasonable request. There is not a Department of the Government that has done more for the agricultural community, and there is not a Department of the Government that comes closer to the people to-day than the Department of Agriculture. [Applause.] I do not know the Secretary of Agriculture, but I believe he is honest and conscientious, actually trying to benefit the people whom he is supposed to serve. [Applause.]

They say that he has stated that there is no deficiency; and Mr. Chairman, he has. There is no deficiency now; but when we have been appropriating money under urgent deficiency bills for the isthmian canal, have we waited until that money was spent? No; we have provided the money for the purpose for which it will be required. I ask this House, Mr. Chairman, to do the same thing for the farmers and stockmen and packers of the country.

Mr. ALEXANDER. Will the gentleman yield to me?

Mr. KENNEDY of Nebraska. I will, for a question.

Mr. ALEXANDER. If the chairman of the Appropriations Committee assured the gentleman that this deficiency would be taken care of, when there was a deficiency, in a deficiency bill which will come up later in the session, would not that be satisfactory?

Mr. KENNEDY of Nebraska. In the first place, the chairman of the committee has artfully dodged that question. There is no promise and no pretense of a promise before the House, and there is no evidence before the House that there is any intention on the part of the committee to meet that requirement.

Mr. ALEXANDER. I want to say to the gentleman that I represent a constituency in sympathy with his desire, but it seems to me that this can be met when there is a deficiency, by submitting it to the Committee on Appropriations; and then, if the committee does not want to vote that appropriation to supply the deficiency, the House can force the committee to do so.

Mr. KENNEDY of Nebraska. I will answer that question. In the first place, I have no confidence that the committee would provide for the deficiency. Its members are not sufficiently close to western interests to do it. In the next place, the packing interest, the cattle industry, and the hog business of the country are so circumstanced that they can not wait until the House passes a deficiency appropriation bill in May or June. The money then would come too late to be used effectively.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I am very much interested in the speech of the gentleman from Nebraska, and I yield to him my time.

Mr. CRUMPACKER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CRUMPACKER. Has a Member the right to yield his time under the five-minute rule to another?

The CHAIRMAN. The Chair was about to put the question of unanimous consent to the committee. Is there objection to the gentleman from Massachusetts yielding his time to the gentleman from Nebraska?

Mr. LITTAUER. Mr. Chairman, I must object to that.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I understand this is a special appropriation asked for in order to provide money for inspection of meat which will be exported to Germany before the 1st of March, the date of commencement of the operation of the German tariff. I was expecting to get some information on the subject as to the necessity of further inspection from the gentleman from Nebraska, and I now would welcome any question which the gentleman from Nebraska might ask me. [Laughter.]

Mr. KENNEDY of Nebraska. I would like to ask the gentleman from Massachusetts if it should prove to be a fact that in the packing industry in the West it is necessary that the Secretary of Agriculture and the packers and the cattlemen and the hog raisers should know weeks and even months in advance just what force of inspectors they are to have and what money is to be provided then, would a deficiency appropriation passed in May, which would have to go through the Senate, be of any service to them during the present fiscal year ending June 30?

Mr. SULLIVAN of Massachusetts. I have not in my possession the information which would enable me to answer that question, and I would welcome an expression of the gentleman's own opinion on that subject. [Laughter.]

Mr. KENNEDY of Nebraska. I shall be very glad indeed to give the gentleman information. Suppose, for instance, that this amendment should be agreed to now, and this deficiency bill should be reported and go to the Senate, and should pass the Senate in the usual and reasonable time, then, even under such circumstances, all the available time would be required to arrange for the proper and profitable use of the appropriation.

Mr. Chairman, the Secretary of Agriculture has said that he does not propose that any deficiency shall exist. He has said that he does not propose to violate the law, and I honor him for it; but in the interim the interests so well represented by the Department must suffer.

Mr. LITTAUER. What violation would there be if he did waive the apportionment, if there was an emergency?

Mr. KENNEDY of Nebraska. The gentleman is begging the question. There is no proposition here to waive the apportionment. You are asking the Secretary to-day in this House to go on and expend money that he has not got, and yet you decline to say to the House that you will favor an appropriation for it when the deficiency is reported.

Mr. LITTAUER. Mr. Chairman——

The CHAIRMAN. The gentleman from Massachusetts has the floor. [Laughter.]

Mr. KENNEDY of Nebraska. I have not quite finished answering the question of the gentleman from Massachusetts. If this House is going to discipline the head of any Department of this Government, go to the head of some Department that does not touch the people so closely. [Applause.] Do not stand here and try to enforce that rule at the expense of the farmers of the country. Do not stand here and try to enforce that rule at the expense of the stockmen of the country. Do not stand here and try to enforce that rule at the expense of the packing interests of the country; because these are the vital interests building up the West, and we propose to protect them to the best of our ability. [Applause.]

The CHAIRMAN. The clock says that the remarks of the gentleman from Massachusetts are concluded. [Laughter.]

Mr. LITTAUER. Mr. Chairman, I ask unanimous consent that the chairman of the Committee on Agriculture be permitted to address the committee for three minutes.

Mr. MANN. Mr. Chairman, I ask that the gentleman from Indiana [Mr. CRUMPACKER], who is on the other side, have the same privilege.

The CHAIRMAN. The gentleman from Illinois modifies the request of the gentleman from New York that each gentleman may have three minutes. Is there objection? The Chair hears none.

Mr. WADSWORTH. Mr. Chairman, it strikes me that we are making a mountain out of a molehill. This matter is entirely in the hands of the Secretary of Agriculture. We have heard the chairman of the subcommittee on Appropriations state that there was available in the Bureau of Animal Industry $761,000 on the 1st day of January.

Mr. KENNEDY of Nebraska. Mr. Chairman——

Mr. WADSWORTH. I refuse to be interrupted. I have not but a minute. Every dollar of that he can devote to the inspection of meat or microscopic inspection of pork, if he thinks it wise. Now, if he has run up against an emergency, all he has to do is to do what any prudent business man would do under the same circumstances—curtail some of his other expenses; that is the whole thing in a nutshell, and he has got $761,000 to do it with.

Mr. CRUMPACKER. Mr. Chairman, the situation seems to have summed itself up in about this manner: An appropriation of a considerable sum is put in charge of the Secretary of Agriculture to be disbursed in his discretion, and, among other things, he has authority to use any part of that sum for purposes of meat and stock inspection, but he has determined that there are other demands on the appropriation for which he should use it, and has notified the packing interests throughout the country that there are not sufficient funds in his hands to justify him in increasing the inspection service. This notice is given at a time when there is a general demand throughout the country for an increase of this service to enable American producers to avail themselves of favorable conditions in European markets. Now, whether the fault is in the unreasonable obduracy of the Secretary of Agriculture or in the stubborn disposition of Congress to discipline him for using the fund under his control for other purposes, the country is suffering just the same; so why not increase the appropriation and bring a much-needed relief to an important industry?

Mr. TAWNEY. In what respect is it suffering?

Mr. LITTAUER. How will the gentleman relieve the situation?

Mr. CRUMPACKER. By immediately increasing this appropriation to $135,000, so that the Secretary of Agriculture can

increase the meat-inspection service, and then let the Committee on Appropriations and the Department of Agriculture thrash out the controversy under conditions that will not be so disastrous to the public. Relieve the situation without delay, and settle the question of etiquette, or whatever it may be, afterwards.

Mr. WADSWORTH. Let me ask the gentleman a question.

Mr. CRUMPACKER. I am through now, but I will listen to the gentleman's question.

Mr. WADSWORTH. Oh, if the gentleman is through, I have no desire to interrupt him. [Laughter.]

Mr. CRUMPACKER. I have concluded my statement.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa.

The question was taken; and on a division (demanded by Mr. HAUGEN) there were—ayes 41, noes 51.

Mr. POLLARD. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. HAUGEN and Mr. LITTAUER took their places as tellers.

The committee again divided; and the tellers reported—ayes 41, noes 71.

So the amendment was rejected.

Mr. KENNEDY of Nebraska. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KENNEDY of Nebraska. Is a further amendment to that paragraph in order at this time?

The CHAIRMAN. Yes.

Mr. KENNEDY of Nebraska. Then I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 35, after the word "necessary," in line 13, add the following: "the same being to meet additional and unusual demands for such inspection, and the further sum of $50,000, or so much thereof as may be necessary, for usual and general purposes authorized by law."

Mr. LITTAUER. Mr. Chairman, I make the point of order on that.

Mr. KENNEDY of Nebraska. What is the gentleman's point of order?

Mr. LITTAUER. That it is new legislation and changes existing law.

The CHAIRMAN. The Chair is of the opinion that the amendment as presented is obnoxious to the rule.

Mr. KENNEDY of Nebraska. Well, Mr. Chairman, I have another amendment that I desire to offer.

The CHAIRMAN. The Chair sustains the point of order, the amendment not being germane. The gentleman from Nebraska offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 35, amend by striking out, on line 12, the word "twenty" and insert in lieu thereof the word "fifty."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. KENNEDY of Nebraska. Now, Mr. Chairman——

The CHAIRMAN. No debate is in order. Debate is closed. The question is on the amendment offered by the gentleman from Nebraska.

The question was taken; and on a division (demanded by Mr. KENNEDY of Nebraska) there were—ayes 26, noes 63.

So the amendment was rejected.

Mr. THOMAS of North Carolina. Mr. Chairman, at this time I ask unanimous consent to print in the RECORD a letter which I received in this morning's mail from Hon. S. L. Patterson, commissioner of agriculture for the State of North Carolina, with reference to the extermination of the cattle tick; and in that connection I desire to say also that this letter is in accordance with resolutions of the Farmers' Convention of North Carolina and of the State board of agriculture of North Carolina, which I have heretofore presented. I wish to call this letter and these resolutions to the attention of the House and Committee on Agriculture. I see the chairman of that committee on the floor.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to print a letter in the RECORD. Is there objection?

There was no objection, and it was so ordered.

The letter is as follows:

NORTH CAROLINA DEPARTMENT OF AGRICULTURE,
Raleigh, N. C., January 23, 1906.

Hon. CHARLES R. THOMAS,
House of Representatives, Washington, D. C.

DEAR MR. THOMAS: An effort will be made to secure the cooperation and aid of the Federal with the Southern State governments to exterminate the cattle tick.

Cattle raising must play a far more important part in the future in our southern farm economy than it has done since the war. The tick is its greatest menace.

This department, taking the lead in this, as it has done in several other measures, has secured the exemption of all the transmontane counties and several of the piedmont counties from the restrictions of the Federal quarantine laws. Getting away from the cattle mountain ranges, some of which have been badly infested with ticks, and reaching the stock-law section of the State, we will make rapid strides eastward. We will soon reach Mecklenburg, Rowan, Davie, Yadkin, and Stokes, and every subsequent year will mark a substantial addition of territory to the exempted area. But it is an interstate question, and the Government ought to give its aid. As our exempted territory extends eastward, longer stretches of Virginia and South Carolina border lines are left exposed, unless these States shall keep faster step in their respective territories.

Let me give you just a few figures:

According to the last report of the United States Department of Agriculture there are in the Southern States, exclusive of Virginia, Tennessee, Oklahoma, and Indian Territory, 97,474,876 cattle—that many cattle subject to quarantine restrictions, except in those localities where the tick has been eradicated.

Suppose these cattle average 450 pounds in weight—low estimate, is it not?—and suppose the increase of value consequent upon the extinction of their deadliest enemy is placed at only one-fourth of a cent per pound—another too low estimate—the increase of value would at once amount to $109,659,235. Or suppose we say, in a rough way, that a value of $1 per head will follow, and we add to our cattle's worth $97,474,876. But this is not all or the greatest benefit to come.

It has not been safe to import clear-blooded cattle into the tick region of the South. They died. With the tick removed, cattle could be transported here from any section of the world in safety. A new impetus would be given the industry, such as has not been known for many years, if ever before, in the history of the South. More cattle of good breeds would be introduced, feeders would utilize their own rich cattle foods, such as pea-vine hay, corn stover, cotton-seed meal and hulls, and our big fertilizer bills might be reduced by the substitution of increased savings of homemade manures.

All this can be done. Secretary Wilson is in favor of the bill. I know you will give us your aid.

Yours, very truly, S. L. PATTERSON, *Commissioner.*

I am trying to make my letter as short as possible, but I want to add that of the number of cattle quoted North Carolina is accredited with 9,175,782 head. They are of larger size than cattle farther south. It would be certainly safe to count their added value at $10,000,000.

The Clerk read as follows:

Seal fisheries in Alaska: Two janitors at Government houses on St. George and St. Paul islands, Alaska, for services during the fiscal year ended June 30, 1905, at $240 each, $480.

Mr. LITTLEFIELD. Mr. Chairman, I move to strike out the last word, and in the time allotted to me I desire to make an inquiry of the gentleman in charge of this bill. When we began the consideration of this bill I inquired of the gentleman how many offices were created in the bill—an urgent deficiency bill—and his recollection was one or two.

Mr. LITTAUER. This was the one that I then had reference to.

Mr. LITTLEFIELD. Well, there are three right here. Assistant chief of bureau, one; two janitors at Government houses, three. Now, I have figured up the number that are created in this bill, and I find them to be twenty-four. I shall not stop here, of course, to make further inquiry, but I desire to call the attention of the gentleman in charge of the bill to this fact, and a little later on I am going to call attention of the House to this enormous increase in the creation of offices.

Mr. TAWNEY. Does the gentleman include the officers provided for at the old prison at Fort Leavenworth?

Mr. LITTLEFIELD. I do.

Mr. TAWNEY. Do you class those as the creation of new offices?

Mr. LITTLEFIELD. I do.

Mr. TAWNEY. It is hardly fair.

Mr. LITTLEFIELD. I do not want the committee to feel I am undertaking to admonish or criticise them.

Mr. TAWNEY. We have to provide them in order to protect the Government property.

Mr. LITTLEFIELD. My purpose is simply this: I hope the committee will appreciate that I am not criticising in any offensive sense the committee. I call attention to this as we go along so that the Committee of the Whole House may appreciate the fact that these items are always creeping into these bills. I will show to the House a little later, when I get an opportunity, in the proper place, that these increases are getting to be tremendous, and I think we must get in a position where we must stop it.

Mr. LITTAUER. I agree with you entirely. You have just mentioned three additions to the force. The first is an assistant chief of bureau, and then two janitors at the Government houses in Alaska. Now, it happened that the Government houses in Alaska were formerly under the charge of the Treasury Department, and when they were transferred to the Department of Commerce and Labor provision was omitted for those two janitors, though their insertion here is practically a continuation of that service.

Mr. LITTLEFIELD. I do not think this is a very bad illustration; not by any means.

Mr. MANN. Is it not? What is the need of an assistant chief of the Bureau of Manufactures?

Mr. LITTAUER. That is a serious question. It is clearly demonstrated to us that the Bureau of Manufactures, which came into existence on the 1st of July last, was doing considerable editorial work on consular reports that in the end would result in a large saving, throwing out from the Printing Office a lot of miscellaneous articles, which had been sent in here culled from newspapers throughout the world by our consuls. This work of editing, as now conducted, demands an assistant to the chief, in order that there might be some proper editing of these reports.

Mr. MANN. I do not know whether it is in order. If it is, I simply wish to move to strike out the last word, in order to suggest to my distinguished friend this: We transferred the publication of the consular reports from the State Department to the Department of Commerce and Labor for economy's sake, for the purpose of having it put in with the Bureau of Statistics. Now, having made the transfer for economy's sake, we propose to appropriate twice as much money to have less work done than was the case when it was in the Department of State. While I have no criticism to make of the Committee on Appropriations——

Mr. LITTAUER. I agree with you entirely.

The CHAIRMAN. If there be no objection the pro forma amendment will be withdrawn. [After a pause.] The Chair hears no objection, and the Clerk will read.

The Clerk read as follows:

To pay Miss Bertha J. Marsh, daughter of B. F. Marsh, late a Representative in Congress from the State of Illinois, $5,000.

Mr. LITTAUER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 36, after line 21, insert: "That the appropriation made for expenses of special and select committees of the House of Representatives for the fiscal year 1906 is hereby made available for miscellaneous items, including salaries and labor."

Mr. LITTAUER. Mr. Chairman, in explanation of this amendment I would state that in former years the appropriation for miscellaneous expenses of the House of Representatives, and also the appropriation for special and select committees, were in one gross sum. We separated them a year ago, giving $25,000 for miscellaneous expenses and $20,000 for special and select committees. The expenditures out of the miscellaneous fund amount to $21,000 out of $25,000. The resolutions passed yesterday will require more provision, and as very little has been spent out of the sum appropriated for special and select committees, we here transfer that sum to the miscellaneous fund.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

GOVERNMENT PRINTING OFFICE.

The sum of $4,768.87 is hereby authorized to be transferred from the appropriation for "public printing and binding" for the fiscal year ended June 30, 1905, to the appropriation for "leaves of absence, Government Printing Office," for the fiscal year ended June 30, 1905, and is hereby reappropriated to enable the Public Printer to comply with the provisions of the law granting thirty days' annual leave to the employees of the Government Printing Office during the fiscal year ended June 30, 1905.

Mr. PERKINS. Mr. Chairman, I move to strike out the last word. I would like an explanation from the gentleman in charge of the bill of this deficiency appropriation for the benefit of the Printing Office, and for leaves of absence. What is the object of that?

Mr. LITTAUER. This is not a deficiency. This is a transfer of appropriation in order that leaves of absence may be provided for.

Mr. PERKINS. I know that; but was there not a provision made in the general appropriation bill for leaves of absence?

Mr. LITTAUER. There was; but not of a sufficient amount.

Mr. PERKINS. Then it really is a deficiency which you pay?

Mr. LITTAUER. There was appropriated $325,000 to enable the Public Printer to comply with the provisions of the law granting thirty days annual leave to the employees of the Government Printing Office. This proposition is a transfer of appropriation.

Mr. PERKINS. I understand it is a transfer, but the reason for the transfer is that the appropriation of $325,000 was not sufficient; in other words, the appropriation for leaves of absence in the Printing Office in the last year amounts to $330,000?

Mr. LITTAUER. Three hundred and twenty-nine thousand dollars.

Mr. PERKINS. Three hundred and twenty-nine thousand and odd dollars for leaves of absence?

Mr. LITTAUER. Under the law.

Mr. PERKINS. I know it is under the law.

Mr. TAWNEY. I will state to the gentleman from New York [Mr. PERKINS] that leaves of absence in the Printing Office are on an entirely different basis from leaves of absence in the Executive Departments here in Washington.

Mr. PERKINS. I understand that.

Mr. TAWNEY. The law as construed gives to the employee leave of absence as a matter of legal right, and requires the Government to pay him during the time of his leave of absence. Now, there is a balance in this appropriation for the Government Printing Office for the fiscal year 1905, and the balance due on account of leaves of absence for that year is to be paid by transferring from that balance the amount necessary for that purpose.

Mr. PERKINS. I would like to ask the gentleman whether, as a result of that difference in the law, the amount paid for leaves of absence in the Printing Department is not a larger percentage of the total wages than in any other Department of the Government?

Mr. TAWNEY. I do not know.

Mr. LITTAUER. I do not think it can be so.

Mr. TAWNEY. My own impression, I will say to the gentleman, is that the law ought to be changed; but whether it can be changed or not I do not know.

Mr. LITTAUER. In the Printing Office employees get thirty days' leave and they are paid for twenty-six working days. In other Departments they get thirty days' leave, and a thirty-day sick leave if they happen to become sick.

The CHAIRMAN. The time of the gentleman from New York [Mr. PERKINS] has expired. Without objection, the pro forma amendment is withdrawn.

There was no objection.

The Clerk read as follows:

CLAIMS ALLOWED BY THE AUDITOR FOR THE TREASURY DEPARTMENT.

For pay of assistant custodians and janitors, $19.57

Mr. LITTLEFIELD. Mr. Chairman, I raise the point of order simply for the purpose of inquiring whether these claims are the same kind of claims that have already been stricken out of this bill?

Mr. LITTAUER. These are audited claims.

Mr. LITTLEFIELD. A charge on the Treasury in any event.

The CHAIRMAN. The Chair desires to ask the gentleman from New York if "section 2," in line 3, page 40, should not be stricken out?

Mr. LITTAUER. That is section 2 of the bill.

The Clerk read as follows:

For payment for contesting seats in Congress in contest entitled "Koonce *v.* Grady," act March 3, 1905, $1,000.

Mr. MANN. Mr. Chairman, I desire to reserve the point of order upon the last item, at least until I can inquire about it.

Mr. LITTAUER. What is the page?

Mr. MANN. Page 46, line 16, "For payment for contesting seats in Congress." I do not know what the act of March 3, 1905, may be, but of course it is an entirely unusual proceeding.

Mr. LITTAUER. The act authorized the expenditure, but we made no appropriation.

Mr. MANN. May I ask the gentleman whether there was a special claim act or private bill, or anything of that kind?

Mr. LITTAUER. The act is a very short one:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Frank D. Koonce, of the Third Congressional district of the State of North Carolina, the sum of $1,000, as amount of expenses incurred by him as contestant for a seat in the Fifty-third Congress in the contest entitled "Koonce *v.* Grady."

No appropriation was made. It is a perfectly proper account and consequently was included in the unsettled claims.

The CHAIRMAN. Does the gentleman press the point of order?

Mr. MANN. I do not desire to say anything on the point of order, but I want to say a few words, and will move to strike out the last word if necessary. I have no recollection of that private claim bill. It has been the consistent practice of this House ever since I have been a Member of it to refuse to pay any of these claims unless they were audited by the proper Committee on Elections in the proper manner. I do not know how this came in. Of course the House had power to pass a special bill.

Mr. PAYNE. I will say to the gentleman from Illinois that the law does not require that they shall be audited by the committee.

Mr. MANN. The law does not require it?

Mr. WILLIAM W. KITCHIN. Will the gentleman from Illinois yield to me for a minute? I believe I can make a statement that will explain this item. Probably no further explanation is necessary than to say that the last Congress considered it and passed an act directing this payment. As I rec-

ollect the facts, about twelve years ago, in the Fifty-third Congress, Mr. F. D. Koonce contested the seat of Mr. B. F. Grady from the Third North Carolina Congressional district.

Mr. MANN. Since the gentleman has started he recalls the case to my mind in the last Congress, and so far as I am concerned I am satisfied.

Mr. WILLIAM W. KITCHIN. I will proceed for a moment and say that Mr. Grady was the sitting Member as a Democrat, and was paid the amount of his expenses during that Congress—$2,000, as I recollect. Mr. Koonce, the contestant, unfortunately lost his dwelling house by fire, in which were all his papers, subpœnas, vouchers, and other evidences of his expense account, and therefore he could not present them to the chairman of the Committee on Elections for his approval in that Congress, and none of his expenses were paid. In a subsequent Congress the House passed a bill reported by the Committee on Claims, but the Senate then failed to pass it, as I understand, because its Committee on Claims questioned its jurisdiction over it, and thought perhaps the amount should have been included in one of the usual appropriation bills. Since it was to cover expenses of an election contest in a prior Congress it could not regularly go in a general appropriation bill, there being no law authorizing it, the Elections Committee having no jurisdiction over expenses incurred in prior Congresses. The last Congress again passed the bill, and the Senate also passed it, so that now this appropriation is authorized by a direct act of Congress and is a perfectly legitimate claim.

The Clerk read as follows:

SEC. 3679. No Executive Department or other Government establishment of the United States shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract or other obligation for the future payment of money in excess of such appropriations unless such contract or obligation is authorized by law. Nor shall any Department or any officer of the Government accept voluntary service for the Government or employ personal service in excess of that authorized by law, except in cases of sudden emergency involving the loss of human life or the destruction of property. All appropriations made for contingent expenses or other general purposes, except appropriations made in fulfillment of contract obligations expressly authorized by law, or for objects required or authorized by law without reference to the amounts annually appropriated therefor, shall, on or before the beginning of each fiscal year, be so apportioned by monthly or other allotments as to prevent expenditures in one portion of the year which may necessitate deficiency or additional appropriations to complete the service of the fiscal year for which said appropriations are made; and all such apportionments shall be adhered to and shall not be waived or modified except upon the happening of some extraordinary emergency or unusual circumstance which could not be anticipated at the time of making such apportionment, but this provision shall not apply to the contingent appropriations of the Senate or House of Representatives; and in case said apportionments are waived or modified as herein provided, the same shall be waived or modified in writing by the head of such Executive Department or other Government establishment having control of the expenditure, and the reasons therefor shall be fully set forth in each particular case and communicated to Congress in connection with estimates for any additional appropriations required on account thereof. Any person violating any provision of this section shall be summarily removed from office and may also be punished by a fine of not less than $100 or by imprisonment for not less than one month.

Mr. MANN. I desire to reserve the point of order on that paragraph.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. MANN. I reserve the point of order; I do not make it.

Mr. CHANEY. I offer an amendment.

The CHAIRMAN. Before proceeding with amendment, the Chair thinks the point of order should be disposed of.

Mr. MANN. Well, Mr. Chairman, I want to ask the opinion of the distinguished gentleman from New York on this proposition. We make appropriations in the appropriation bill for substitute clerks for the purpose of covering extra help in the post-offices of the country, largely for the purpose of taking care of the Christmas trade and holiday extra work. Now, that is not an extraordinary emergency or unusual circumstance which can not be anticipated. It is anticipated. We make appropriations for that purpose, and yet——

Mr. LITTAUER. Is the appropriation made for that special purpose, to be expended in that special payment, or does it come in a lump-sum appropriation?

Mr. MANN. It is made to cover the extra holiday trade and to give the extra help.

Mr. TAWNEY. Christmas comes every year. It is additional work, as a rule, every year at that time, that particular time of the year. Does not the Department in making its estimate for the appropriation for the entire service include the amount that would cover that item; and if it does, if the apportionment is made, would not the apportionment be made so that the expenditures could be met at that particular time of year?

Mr. MANN. Why, if the Department should happen to guess it correctly they could. If they could guess accurately in June what service they would need in December, they could guess it correctly; but if they did not do it, the party who furnished the mail service could be removed and might be imprisoned.

Mr. LITTAUER. The apportionment is always made on the estimate. The estimate is based upon the best past knowledge and experience of the Department. If that estimate has proved to be improperly made and emergencies arise under it, it becomes an extraordinary occasion, and consequently the apportionment should be waived.

Mr. MANN. If it was only "emergency," I would have no objection to it, but this is an "emergency which could not be anticipated."

Mr. LITTAUER. If it is an extraordinary emergency.

Mr. MANN. "Extraordinary emergency or unusual circumstance which could not be anticipated at the time of making such apportionment." They actually have a wide latitude. The Secretary may say that he could not anticipate it, but we do anticipate it by making the appropriation.

Mr. LITTAUER. Then under the appropriation he makes his apportionment.

Mr. MANN. Here is a case, and this is no theoretical proposition. They have just laid off in the Chicago post-office fifty-two clerks employed under this appropriation. The service is behind. There is mail lying in the Chicago post-office to-day unhandled that came in there last week, unhandled because it is absolutely impossible to carry it all through. We are trying to take care of that in this bill to a certain extent. I appreciate that fact. It is partly the lack of the machinery there. But this situation may arise at any time.

Mr. LITTLEFIELD. Let me ask the gentleman this question: Under the existing law there can be no question, as it seems to me, but that the head of a Department or the proper official can take care of precisely the situation to which you refer.

Mr. MANN. Yes; but since the distinguished gentleman from Maine [Mr. LITTLEFIELD] has issued his pronunciamento in this House during this debate the First Assistant Postmaster-General has stated that he did not propose to put himself in a position where he could be justly criticised for overriding Congress and assuming that Congress did not make the proper appropriations, and has cut these clerks off within a week's time.

Mr. LITTLEFIELD. I will say to the distinguished gentleman that "the gentleman from Maine" never has made the slightest suggestion that is entitled to that construction by the First Assistant Postmaster-General, or any other man at the head of a Department, in my judgment.

Mr. MANN. I am willing to take the construction of the gentleman from Maine on his own language, although my own construction was that he had made that sort of a suggestion.

Mr. LITTLEFIELD. I do not think so.

Mr. MANN. There is no department of the Government—and I am glad of it, as far as I am concerned—there is not a department of the Government that is not watching the statements of gentlemen on this Appropriations Committee and the statements of the gentleman from Maine in reference to this question, and they are all endeavoring to keep within the limits of the appropriations. But the question is whether, where an emergency really does exist which could be anticipated, which was anticipated in making the appropriation, whether they shall be permitted to use the appropriation. I do not propose to insist on the point of order, but I want to call the attention of the committee to it, because the language is more faulty now, in my judgment, than it was last year.

The CHAIRMAN. The gentleman withdraws the point of order?

Mr. MANN. I withdraw the point of order.

Mr. LIVINGSTON. The head of a Department can estimate for the amount of money that he believes is necessary for every single necessity in his Department. He can start out with that privilege. Now, if he estimates too low, owing to an unforeseen emergency, something that he could not anticipate, it is not a violation of the rule for him to come in for a deficiency appropriation, and he does not violate the rule. It is as wide open as any discreet man ought to ask. It is not so close as to work any hardship on a man who wants to stand by the law. That is the whole situation.

Mr. CHANEY. Now, Mr. Chairman, I ask for the reading of my amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which will be reported by the Clerk.

The Clerk read as follows:

Add at the end of the section: "And the Attorney-General, upon complaint made to him of the violation of any provision of this section, accompanied by evidence showing a prima facie case of such violation, shall proceed against such person by due process of law."

Mr. LACEY. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Iowa desire to discuss the amendment?

Mr. LACEY. I desire to discuss the proposition here to create an additional crime.

Mr. LITTAUER. The provision in this section is the law now.

Mr. LACEY. I should like to ask the chairman of the committee whether he thinks, by increasing the penalty and enlarging the scope of this offense, it will be of any real utility? These officers are on their good faith anyhow. They have to be trusted, and the attempt to make a crime out of any mistake in an apportionment or to increase a crime already created, by enlarging it in any way, is a matter of unnecessary severity.

Mr. LITTAUER. We are not enlarging any punishment. It is already provided by law. It has been the law during the present fiscal year.

Mr. LITTLEFIELD. Except that you are providing for removal from office.

Mr. LITTAUER. That is already provided for.

Mr. LITTLEFIELD. Is it under existing law?

Mr. LITTAUER. It is already provided for.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Indiana [Mr. CHANEY].

The amendment was rejected.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 50, line 11, insert after the word "expenditure," the following:

"Only upon the written certificate of the official immediately in charge of the particular bureau or governmental establishment for whose benefit the waiver or modification shall be made."

Mr. FITZGERALD. Mr. Chairman, I can state what this amendment will accomplish. The provision in the bill requires a waiver to be made by the head of the "Executive Department or other Government establishment having control of the expenditure." This will prevent the head of the Executive Department waiving or modifying the allotment unless he has a certificate in writing from the man immediately in charge of the bureau or the establishment for whose benefit the waiver is made. It appears in the hearings that the chief clerk of the Treasury Department took up verbally with the Secretary the question of waiving an apportionment and they waived it. Now, the man responsible and who should be punished was the chief clerk who persuaded the Secretary to make the waiver. This amendment will enable us to reach the men in the bureaus who are shielding themselves behind the Secretaries of the Departments.

Mr. TAWNEY. Mr. Chairman, the gentleman's amendment is impracticable. It is the heads of the Departments that we want to hold responsible for excessive expenditures of appropriations made by Congress. Do you propose that the heads of Departments shall hide behind their subordinates on a certificate on his part that the waiver is necessary? It is the responsibility of the heads of the Departments that we want to hold responsible, and not that of a subordinate clerk.

Mr. FITZGERALD. Every member of the Cabinet himself relies almost entirely upon the heads of his Bureau.

Mr. TAWNEY. That is their responsibility.

Mr. FITZGERALD. You will not accomplish what you desire if you attempt to hold members of the Cabinet responsible and have them removed from office when waivers are improperly made. The men you will be compelled to look after and should want to reach are the heads of the bureaus upon whose requests the waivers are made. The gentleman from Minnesota complained yesterday that the Chief of the Bureau of Steam Engineering had persuaded the Secretary of the Navy to make a waiver——

Mr. TAWNEY. Oh, I beg the gentleman's pardon, I did not say the Chief had persuaded him. I said the Chief of the Bureau of Steam Engineering had submitted to the Secretary of the Navy the fact that he could not under the apportionment, carry out the object or work which the Secretary required of him, and thereupon the Secretary of his own motion waived it.

Mr. FITZGERALD. One of the papers published in the city to-day says that the President of the United States and the Attorney-General of the United States thoroughly disagree with the gentleman from Minnesota and believe that the Secretary of the Navy did what was proper.

The CHAIRMAN. The time of the gentleman has expired, and the question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

Mr. LITTAUER. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House with a favorable recommendation.

The motion was agreed to.

Accordingly the committee determined to rise; and the Speaker having resumed the chair, Mr. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12320—the urgent deficiency bill—and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. LITTAUER. Mr. Speaker, I demand the previous question on the bill and amendments to its final passage.

The question was taken, and the previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. CLARK of Missouri. Mr. Speaker, I demand a separate vote on the amendment relating to the repeal of the eight-hour law for the Canal Zone.

The SPEAKER. Is a separate vote demanded on any other amendment; if not, they will be considered in gross.

There was no further demand, and the other amendments were considered, and agreed to.

The SPEAKER. The question now is on agreeing to the amendment mentioned by the gentleman from Missouri.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. TAWNEY. Mr. Speaker, I demand a division.

The SPEAKER. The gentleman from Minnesota demands a division. Pending the division the Chair will lay before the House the following personal requests.

LEAVE OF ABSENCE.

By unanimous consent, Mr. GRANGER was granted leave of absence for five days, on account of sickness in his family.

REPRINT OF A BILL.

By unanimous consent, at the request of Mr. FRENCH, a reprint of the bill H. R. 12316 was ordered.

URGENT DEFICIENCY APPROPRIATIONS.

Mr. LITTAUER. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The question is on agreeing to the amendment, on which a separate vote was demanded, and the gentleman from Minnesota demands a division. Pending that, the gentleman from New York moves to adjourn.

Mr. UNDERWOOD. I make the point of order that a motion to adjourn is not in order while the House is dividing.

The SPEAKER. The Chair thinks it is in order, unless it should be patent to the Chair that it was a dilatory motion. The question is on the motion of the gentleman from New York, that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. CLARK of Missouri) there were—ayes 34, noes 43.

So the House refused to adjourn.

Mr. TAWNEY. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. TAWNEY. When the motion was made to adjourn the House was about to divide on the question then pending, was it not?

The SPEAKER. Yes.

Mr. TAWNEY. Is it now in order for me to demand the yeas and nays on that question?

The SPEAKER. It is.

Mr. TAWNEY. Then, Mr. Speaker, on that question I demand the yeas and nays.

The yeas and nays were ordered.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 1908. An act granting an increase of pension to Emma Rowe;

H. R. 8994. An act to provide for a land district in Yellowstone, Carbon, and Rosebud counties, in the State of Montana, to be known as the Billings land district;

H. R. 3716. An act granting a pension to Augustus Foss;

H. R. 7309. An act granting a pension to Louis Dieckgraefe;

H. R. 2435. An act granting a pension to Hilia Ann Connor;

H. R. 4165. An act granting an increase of pension to Henry C. Sternberg;

H. R. 4176. An act granting an increase of pension to Michael Mohan;

H. R. 4196. An act granting an increase of pension to James J. Winans;
H. R. 4348. An act granting an increase of pension to William McCraw;
H. R. 4216. An act granting an increase of pension to Robert Boon;
H. R. 3606. An act granting an increase of pension to John S. Hoover;
H. R. 3427. An act granting an increase of pension to William B. Kimball;
H. R. 3449. An act granting an increase of pension to Harvey Gaskill;
H. R. 3506. An act granting an increase of pension to George W. McCormick;
H. R. 604. An act granting an increase of pension to Hiram F. Armstrong;
H. R. 1381. An act granting an increase of pension to David H. Quigg;
H. R. 1772. An act granting an increase of pension to James C. Plybon;
H. R. 1361. An act granting an increase of pension to Camillus B. Leftwich;
H. R. 1505. An act granting an increase of pension to William Birmingham;
H. R. 7408. An act granting an increase of pension to Joseph W. Price;
H. R. 4876. An act granting an increase of pension to William L. Beeks;
H. R. 3405. An act granting an increase of pension to David Palmer;
H. R. 3283. An act granting an increase of pension to Bruno Tiesler;
H. R. 3368. An act granting an increase of pension to William McNair;
H. R. 2594. An act granting an increase of pension to Levi Bearss;
H. R. 1511. An act granting an increase of pension to Cornelius A. Hallenbeck;
H. R. 3245. An act granting an increase of pension to Robert C. Smyth;
H. R. 1378. An act granting an increase of pension to Henry H. Hobart;
H. R. 1179. An act granting an increase of pension to Thomas Picket;
H. R. 1853. An act granting an increase of pension to William J. Johnson;
H. R. 2089. An act granting an increase of pension to Laura J. Forbes;
H. R. 3006. An act granting an increase of pension to William H. Crites;
H. R. 3481. An act granting an increase of pension to William H. Cranston;
H. R. 3428. An act granting an increase of pension to Samuel E. Chamberlain;
H. R. 1986. An act granting an increase of pension to Morris Bennett;
H. R. 1339. An act granting an increase of pension to James Kelley;
H. R. 5027. An act granting an increase of pension to Charles W. Knight;
H. R. 532. An act granting an increase of pension to James T. Berry;
H. R. 3575. An act granting an increase of pension to Silas B. Hovious;
H. R. 3758. An act granting an increase of pension to George Nulton;
H. R. 1073. An act granting an increase of pension to William J. Castlow;
H. R. 3573. An act granting an increase of pension to John V. Sanders;
H. R. 2735. An act granting an increase of pension to Samuel Foster;
H. R. 2011. An act granting an increase of pension to John Lezenby;
H. R. 5686. An act granting an increase of pension to Adelle Tobey;
H. R. 1789. An act granting an increase of pension to Jacob Shade;
H. R. 4153. An act granting an increase of pension to Henry C. Wildy;
H. R. 3402. An act granting an increase of pension to Sidney S. Brigham;
H. R. 1752. An act granting an increase of pension to Hugh Lokerson;
H. R. 723. An act granting an increase of pension to George W. Raigle;
H. R. 1288. An act granting an increase of pension to Sterns D. Platt;
H. R. 1074. An act granting an increase of pension to Benjamin F. Bean;
H. R. 1653. An act granting an increase of pension to Frank W. Weeks;
H. R. 1675. An act granting an increase of pension to Melissa S. Lee;
H. R. 1686. An act granting an increase of pension to George S. McGregor;
H. R. 4701. An act granting an increase of pension to Elijah Thompson Hurst, alias Elijah Thompson; and
H. R. 3010. An act granting an increase of pension to Thomas C. Meadows.

ADJOURNMENT.

Mr. TAWNEY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The question is on the motion of the gentleman from Minnesota, that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. JAMES) there were—ayes 45, noes 40.

So the motion was agreed to.

Accordingly (at 5 o'clock and 29 minutes p. m.) the House adjourned until to-morrow, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for the Government Hospital for the Insane—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Postmaster-General withdrawing an estimate of appropriation for expense of delegate to the Universal Postal Congress—to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State submitting an estimate of appropriation for purchase of a building on the legation grounds at Tokyo, Japan—to the Committee on Foreign Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Commissioners of the District of Columbia submitting an estimate of appropriation for the militia—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting an estimate of appropriation for the Marine Corps—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for enlarging Fort Wright Military Reservation, near Spokane, Wash.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Rainy River, Minnesota—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, in response to the inquiry of the House, a communication relating to civilian passengers on transports—to the Committee on Military Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. TAYLOR of Ohio, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 9757) to amend paragraph 34 of section 7 of an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902, reported the same without amendment, accompanied by a

report (No. 585); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DAVEY of Louisiana, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 12314) to amend an act approved February 3, 1905, authorizing the construction of a bridge across Red River, at Shreveport, La., reported the same with amendment, accompanied by a report (No. 586); which said bill and report were referred to the House Calendar.

Mr. BURKE of South Dakota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 312) to extend the time for the completion of a bridge across the Missouri River, at Yankton, S. Dak., reported the same without amendment, accompanied by a report (No. 587); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 979) to amend an act entitled "An act authorizing the Winnipeg, Yankton and Gulf Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River, at or near the city of Yankton, S. Dak.," reported the same without amendment, accompanied by a report (No. 588); which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LACEY: A bill (H. R. 13190) to protect birds and their eggs in game and bird preserves—to the Committee on the Public Lands.

By Mr. JENKINS: A bill (H. R. 13191) authorizing a circuit judge to hold or designate a judge to hold the district court of Hawaii and the district court of Porto Rico—to the Committee on the Judiciary.

By Mr. HILL of Connecticut: A bill (H. R. 13192) to incorporate the National Society of the Sons of the American Revolution—to the Committee on the District of Columbia.

By Mr. BABCOCK: A bill (H. R. 13193) to prohibit the killing of wild birds and other wild animals in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BURNETT: A bill (H. R. 13194) to authorize the Secretary of the Interior to reclassify the public lands of Alabama—to the Committee on the Public Lands.

By Mr. BISHOP: A bill (H. R. 13195) for acquiring by condemnation and dedicating as public parking the triangles and intersections of Sixteenth street and Park road and of Park road and Mount Pleasant street, in the city of Washington—to the Comittee on the District of Columbia.

By Mr. GOULDEN: A bill (H. R. 13196) to provide a suitable memorial to the memory of Christopher Columbus—to the Committee on the Library.

By Mr. GRONNA: A bill (H. R. 13197) providing for the segregation of $1,000,000 from the reclamation fund created by the act of June 17, 1902, and for other purposes—to the Committee on Irrigration of Arid Lands.

By Mr. ROBERTS: A bill (H. R. 13293) to amend the act of Congress approved March 3, 1901, and amended by the acts of March 3, 1903, and April 27, 1904, which authorizes the appointment of boatswains, gunners, and warrant machinists as ensigns in the Navy—to the Committee on Naval Affairs.

By Mr. WILLIAM W. KITCHIN: A bill (H. R. 13294) for the relief of the growers of tobacco—to the Committee on Ways and Means.

By Mr. BURTON of Delaware: A bill (H. R. 13295) to create and to provide for a special roll in the War Department of the United States to be made up of volunteer officers of the civil war who have especially distinguished themselves by long and faithful meritorious service in the said war, and for other purposes—to the Committee on Military Affairs.

By Mr. SCOTT: A concurrent resolution (H. C. Res. 16) providing for the printing of 10,000 copies of Senate Document No. 187, Fifty-eighth Congress, third session—to the Committee on Printing.

By Mr. COUSINS: A resolution (H. Res. 195) that the Librarian of Congress furnish to the House of Representatives certain information—to the Committee on Reform in the Civil Service.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BABCOCK: A bill (H. R. 13198) granting an increase of pension to Josiah F. Allen—to the Committee on Invalid Pensions.

By Mr. BANKHEAD: A bill (H. R. 13199) granting a pension to William A. Tipton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13200) granting a pension to Charles M. Stebbins—to the Committee on Pensions.

Also, a bill (H. R. 13201) granting a pension to Sarah A. Jones—to the Committee on Pensions.

By Mr. BARTHOLDT: A bill (H. R. 13202) to correct the military record of Stephen Helterle—to the Committee on Military Affairs.

Also, a bill (H. R. 13203) to correct the naval record of James E. Green—to the Committee on Naval Affairs.

Also, a bill (H. R. 13204) to remove the charge of desertion from the record of Phillip Basse—to the Committee on Military Affairs.

By Mr. BARTLETT: A bill (H. R. 13205) granting an increase of pension to Marcus B. Earle—to the Committee on Pensions.

By Mr. BEALL of Texas: A bill (H. R. 13206) granting a pension to Mary Fyke—to the Committee on Pensions.

By Mr. BEIDLER: A bill (H. R. 13207) for the relief of Emma Morris—to the Committee on Claims.

By Mr. BURKE of South Dakota: A bill (H. R. 13208) for the relief of persons who sustained damage by reason of accident at Rock Island Arsenal—to the Committee on Claims.

By Mr. CLARK of Florida: A bill (H. R. 13209) to remove the charge of desertion from the military record of James E. Dickerson, and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. CLARK of Missouri: A bill (H. R. 13210) granting an increase of pension to Samuel Hughlett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13211) granting an increase of pension to Nehemiah Sorrels—to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 13212) granting a pension to Cephis Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13213) granting an increase of pension to William McMannis—to the Committee on Invalid Pensions.

By Mr. CONNER: A bill (H. R. 13214) for the relief of Nancy Jane Stevens—to the Committee on Claims.

Also, a bill (H. R. 13215) to remove the charge of desertion against Thomas J. Shopshire—to the Committee on Military Affairs.

By Mr. DAVEY of Louisiana: A bill (H. R. 13216) to remove the charge of desertion from the military record of John Mander, and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. DUNWELL: A bill (H. R. 13217) granting a pension to Joshua Barnes—to the Committee on Invalid Pensions.

By Mr. FLOYD: A bill (H. R. 13218) granting an increase of pension to Thomas A. Carson—to the Committee on Invalid Pensions.

By Mr. GAINES of West Virginia: A bill (H. R. 13219) granting a pension to David P. King—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13220) granting a pension to Anderson Jarrett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13221) granting a pension to George W. Mullins—to the Committee on Invalid Pensions.

By Mr. GILLETT of Massachusetts: A bill (H. R. 13222) to authorize the President of the United States to appoint Wilson B. Strong captain and quartermaster in the Army—to the Committee on Military Affairs.

By Mr. HOGG: A bill (H. R. 13223) granting a pension to José Pablo Garcia—to the Committee on Invalid Pensions.

By Mr. GOULDEN: A bill (H. R. 13224) granting a pension to William H. Tracy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13225) granting a pension to Flora Wolf—to the Committee on Pensions.

Also, a bill (H. R. 13226) granting an increase of pension to Mary Jennings—to the Committee on Invalid Pensions.

By Mr. CLAUDE KITCHIN: A bill (H. R. 13227) granting a pension to Robert Blanchett—to the Committee on Pensions.

Also, a bill (H. R. 13228) granting a pension to Augustus Hathaway—to the Committee on Pensions.

Also, a bill (H. R. 13229) granting an increase of pension to Sarah E. Holland—to the Committee on Pensions.

Also, a bill (H. R. 13230) granting an increase of pension to Elizabeth Webb—to the Committee on Pensions.

Also, a bill (H. R. 13231) granting an increase of pension to Gatsy Mattucks—to the Committee on Pensions.

Also, a bill (H. R. 13232) granting an increase of pension to Penina Owens—to the Committee on Pensions.

Also, a bill (H. R. 13233) granting an increase of pension to Jesse A. B. Thorne—to the Committee on Pensions.

Also, a bill (H. R. 13234) granting an increase of pension to Orange G. Jones—to the Committee on Pensions.

By Mr. KLINE: A bill (H. R. 13235) granting an increase of pension to Lewis Weidner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13236) granting an increase of pension to William Haines—to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 13237) granting an increase of pension to Bridget M. Duffy—to the Committee on Invalid Pensions.

By Mr. McCLEARY of Minnesota: A bill (H. R. 13238) granting an increase of pension to William Strasburg—to the Committee on Invalid Pensions.

By Mr. McNARY: A bill (H. R. 13239) granting an increase of pension to Margaret Drum—to the Committee on Pensions.

Also, a bill (H. R. 13240) granting a pension to George A. Bailey—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 13241) granting an increase of pension to Francis Haner—to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 13242) granting an increase of pension to William A. Noel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13243) granting an increase of pension to Peter E. Little—to the Committee on Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 13244) for the relief of James Eli Schrimsher—to the Committee on War Claims.

By Mr. RIVES: A bill (H. R. 13245) to remove the charge of desertion against Henry Gude—to the Committee on Military Affairs.

By Mr. ROBERTSON of Louisiana: A bill (H. R. 13246) removing the charge of desertion from the military record of Oliver Jackson—to the Committee on Military Affairs.

By Mr. RUCKER: A bill (H. R. 13247) for the relief of John H. Sharp, of Eversonville, Mo.—to the Committee on Claims.

By Mr. SCROGGY: A bill (H. R. 13248) granting a pension to David A. North—to the Committee on Pensions.

Also, a bill (H. R. 13249) granting a pension to Dana A. Smalley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13250) granting a pension to Levi G. Fessenden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13251) granting a pension to Sylvester V. Tomlin—to the Committee on Pensions.

Also, a bill (H. R. 13252) granting an increase of pension to Thomas Templin—to the Committee on Invalid Pensions.

By Mr. SMITH of California: A bill (H. R. 13253) granting an increase of pension to R. M. C. Hill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13254) granting an increase of pension to James H. Deck—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 13255) granting an increase of pension to W. J. Hayes—to the Committee on Pensions.

Also, a bill (H. R. 13256) granting an increase of pension to Isabella A. Addison—to the Committee on Pensions.

By Mr. SULLIVAN of New York: A bill (H. R. 13257) for the relief of Charles Uerkvitz—to the Committee on Claims.

Also, a bill (H. R. 13258) granting a pension to Nicodemo De Salle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13259) to correct the military record of James A. Lesley, alias Lasey or Lacy—to the Committee on Military Affairs.

By Mr. SULLOWAY: A bill (H. R. 13260) granting an increase of pension to Catharine E. Smith—to the Committee on Invalid Pensions.

By Mr. SWANSON: A bill (H. R. 13261) granting a pension to Jane Townsend—to the Committee on Pensions.

Also, a bill (H. R. 13262) granting a pension to Christina Wilson—to the Committee on Pensions.

Also, a bill (H. R. 13263) for the relief of T. J. Coleman—to the Committee on Claims.

Also, a bill (H. R. 13264) for the relief of B. C. Rorer—to the Committee on Claims.

Also, a bill (H. R. 13265) for the relief of Charles L. Boone—to the Committee on Claims.

Also, a bill (H. R. 13266) for the relief of R. C. Payne—to the Committee on Claims.

Also, a bill (H. R. 13267) for the relief of the estate of William M. Hodges, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13268) for the relief of William A. Brown and Frederick R. Brown and John R. Brown, surviving partner of himself and Frederick R. Brown—to the Committee on Claims.

By Mr. TRIMBLE: A bill (H. R. 13269) for the relief of Elizabeth Neal—to the Committee on War Claims.

Also, a bill (H. R. 13270) for the relief of Robert Langston—to the Committee on War Claims.

Also, a bill (H. R. 13271) for the relief of James S. Clark—to the Committee on War Claims.

Also, a bill (H. R. 13272) for the relief of William G. Hayden—to the Committee on War Claims.

Also, a bill (H. R. 13273) for the relief of D. W. Price—to the Committee on Claims.

Also, a bill (H. R. 13274) for the relief of Ellenor Gibson Whitney—to the Committee on War Claims.

Also, a bill (H. R. 13275) for the relief of Thomas H. Clay, administrator de bonis non of Benjamin Gratz, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13276) for the relief of Thomas H. Clay, administrator de bonis non of Benjamin Gratz, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13277) for the relief of Oldham County, Ky.—to the Committee on War Claims.

By Mr. BURTON of Delaware: A bill (H. R. 13278) for the relief of Mrs. A. McD. Morris—to the Committee on Claims.

By Mr. CHAPMAN: A bill (H. R. 13279) granting a pension to Ed. Nelson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13280) to remove the charge of desertion from the military record of John H. King—to the Committee on Military Affairs.

Also, a bill (H. R. 13281) granting an increase of pension to Jesse A. Moore—to the Committee on Invalid Pensions.

By Mr. DAWES: A bill (H. R. 13282) for the relief of Lydia B. Bevan—to the Committee on Pensions.

By Mr. FOSTER of Indiana: A bill (H. R. 13283) granting an increase of pension to George A. Rutter—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 13284) granting an increase of pension to William Baldwin—to the Committee on Invalid Pensions.

By Mr. MOUSER: A bill (H. R. 13285) granting a pension to Clarinda Hathaway—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 13286) for the relief of certain churches in the State of Tennessee—to the Committee on War Claims.

Also, a bill (H. R. 13287) for the relief of the Presbyterian Church of Lynnville, Giles County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 13288) for the relief of George Pillow—to the Committee on Military Affairs.

Also, a bill (H. R. 13289) for the relief of the Methodist Episcopal Church South, of Franklin, Williamson County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 13290) for the relief of Mount Zion Church, of Williamson County, Tenn.—to the Committee on War Claims.

By Mr. TAYLOR of Ohio: A bill (H. R. 13291) to correct the military record of Joseph M. Case—to the Committee on Military Affairs.

Also, a bill (H. R. 13292) granting an increase of pension to Joseph S. Davis—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows.

A bill (H. R. 8939) granting an increase of pension to Sarah A. Chauncey—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13011) appropriating money to pay William Tucker for services and expenses as acting captain and drillmaster of Company D, One hundred and fifth Regiment Pennsylvania Volunteers—Committee on Pensions discharged, and referred to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Harry Strange et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petitions of Grand Rapids Grange et al., John H. Lee, and National Grange, Patrons of Husbandry, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. ACHESON: Petition of Coal Center Council, No. 371, Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. ADAMS: Petition of the National German-American Alliance, relative to Government propagation of information concerning the beer interests—to the Committee on Interstate and Foreign Commerce.

By Mr. BARTHOLDT: Petition of the Merchants' Exchange of St. Louis, for reorganization of consular service—to the Committee on Foreign Affairs.

Also, petition of Easter Lodge, No. 481, Brotherhood of Locomotive Firemen, for bills H. R. 239 and 9328—to the Committee on Labor.

Also, petition of the St. Louis Artists' Guild, against tariff on art works—to the Committee on Ways and Means.

By Mr. BEALL of Texas: Paper to accompany bill for relief of Mary Fyke—to the Committee on Pensions.

Also, paper to accompany bill for relief of Ellen Danning—to the Committee on Pensions.

Also, petition of the general grievance committee of the Brotherhood of Railway Trainmen, against the passage of any bill giving the Interstate Commerce Commission jurisdiction over railway rates—to the Committee on Interstate and Foreign Commerce.

By Mr. BENNET of New York: Papers to accompany bill H. R. 11943—to the Committee on Patents.

Also, papers to accompany a bill entitling the owners of the launch *Elsa* to sue the United States for damages to said boat—to the Committee on Claims.

By Mr. BISHOP: Petition of citizens of Cadillac, Mich., and the Cadillac Chemical Company, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Grand Army of the Republic organizations of the District of Columbia, for temporary home for ex-volunteer Union soldiers and sailors in the District of Columbia—to the Committee on Military Affairs.

By Mr. BLACKBURN: Paper to accompany bill for relief of Holland Hodges—to the Committee on War Claims.

By Mr. BURLEIGH: Paper to accompany bill for relief of Lorenzo D. Libby—to the Committee on Invalid Pensions.

By Mr. BURLESON: Petition of Houston and Texas Central Railway Company, against the Interstate Commerce Commission having the say as to railway rates—to the Committee on Interstate and Foreign Commerce.

By Mr. CAMPBELL of Kansas: Petition of John L. Beveredge and 100 others, for a volunteer generals' retired list for generals of the civil war—to the Committee on Military Affairs.

By Mr. CAPRON: Petitions of the Woman's Christian Temperance Unions of Amboy, Ind., and of Mount Pleasant, Black Island, Middletown, Washington, Caroline, Manton, East Greenwich, Portsmouth, Arlington, Ashton, Phenix, Saylesville, Pawtucket, Woonsocket, Providence, and Warren, R. I.; the Methodist Episcopal Church of Arnolds Mills, the Arlington Free Baptist Church, the Woonsocket Methodist Episcopal Church, the Faculty of the Woonsocket High School, the Phenix Methodist Episcopal Church, and the Episcopal and Methodist Episcopal churches of Middletown, R. I., against passage of the bill to repeal the canteen law—to the Committee on Military Affairs.

Also, petitions of Hope Council, of Westerly; Union Council, of Valley Falls; Eagle Council, of Providence, and Miantonomoh Council, of Providence, R. I., Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petitions of Union Grange, No. 13, of Slatersville; Nonquit Grange, No. 31; Portsmouth Grange, No. 29; Summit Grange, No. 15; Rocky Hill Grange, No. 27; Hope Valley Grange, No. 7; Moosup Valley Grange, No. 26; Kickemint Grange, No. 24, of Warren; Davisville Grange, No. 8, and the Florists and Gardeners' Club, all of Rhode Island, for an increased appropriation for experiment stations—to the Committee on Agriculture.

Also, petition of Capt. A. W. Miller, second vice-president of the New England Navigation Company, relative to the United States Government handling wireless messages between all shore stations and shipping at sea—to the Committee on Interstate and Foreign Commerce.

Also, petition of Pawtucket (R. I.) Union, Painters, Decorators, and Paper Hangers of America, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the New England section, Society of Chemical Industry, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Hope Chapter, Epworth League, of Woonsocket, R. I., against repeal of the anticanteen law—to the Committee on Military Affairs.

Also, resolution of union service of churches of Westerly, R. I., against repeal of the canteen law—to the Committee on Military Affairs.

Also, petition of the Florists and Gardeners' Club of Rhode Island, favoring basic-slag meal on the free list—to the Committee on Ways and Means.

Also, petition of the Woman's Christian Temperance Union of Rhode Island, for twenty-one years' prohibition in Oklahoma and Indian Territory as States—to the Committee on the Territories.

Also, petition of the Woman's Christian Temperance Union of Rhode Island, against sale of liquor in all Government buildings, ships, and parks—to the Committee on Alcoholic Liquor Traffic.

By Mr. CLARK of Florida: Petition of citizens of De Land, favoring general arbitration treaties—to the Committee on Foreign Affairs.

By Mr. DAVIDSON: Paper to accompany bill for relief of Ellen Carpenter—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Mary Hanson—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Clyde C. Fisher—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Daniel Edminster, jr.—to the Committee on Military Affairs.

By Mr. DUNWELL: Petition of General James A. Garfield Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Society of Medical Jurisprudence, for reorganization of the Medical Department of the Army—to the Committee on Military Affairs.

Also, petition of the Commercial Law League of America, for reform in the consular service—to the Committee on Foreign Affairs.

By Mr. FITZGERALD: Petition of the Association for the Protection of Commerce of the Port of New York, for improvement of the Coney Island channel—to the Committee on Rivers and Harbors.

Also, petition of the New York State Association of Bee Keepers, for increase of Government experiment stations—to the Committee on Agriculture.

By Mr. FLOYD: Paper to accompany bill for relief of John D. Reynolds—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of citizens of Hinckley, Ill., for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. GAINES of West Virginia: Petitions of Charleston Council, No. 9; Lincoln Council, No. 47; Riverside Council, No. 46; Elk City Council, No. 13, and Crystal Council, No. 28, Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. GRANGER: Petition of the First Baptist Church and the First Methodist Episcopal Church of Warren, R. I., for prohibition of the liquor traffic in the Indian Territory and Oklahoma as States—to the Committee on the Territories.

Also, petition of Pawcatuck Council, No. 15, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Park Street Free Baptist Church and the Fourth Baptist Church, of Providence, R. I., for prohibition of liquor traffic in Indian Territory and Oklahoma as States—to the Committee on the Territories.

By Mr. GUDGER: Paper to accompany bill for relief of estate of Robert D. McCombs—to the Committee on War Claims.

By Mr. HAY: Petition of Charles R. Hughes, against the tax on linotype machines—to the Committee on Ways and Means.

By Mr. HINSHAW: Petition of N. J. Ludy, for removal of the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HUFF: Petition of the Clearing House Association of Philadelphia, favoring an amendment of the national banking act to allow banks to loan 10 per cent of capital and surplus—to the Committee on Banking and Currency.

Also, petition of the Consular Law League of America, for reform in the consular service—to the Committee on Foreign Affairs.

By Mr. WILLIAM W. KITCHIN: Paper to accompany bill for relief of Mildred W. Mitchell—to the Committee on Pensions.

By Mr. LEVER: Petition of Hampton Lodge, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. McMORRAN: Petition of Grange No. 445, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. MANN: Petition of the Tank Manufacturing Com-

pany, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Edwin O. Jordan et al., for a national forest reserve of the White Mountains—to the Committee on Agriculture.

By Mr. OTJEN: Petition of Crystal Springs Lodge, No. 533, Independent Order Good Templars, in favor of amending law relating to original packages—to the Committee on the Judiciary.

By Mr. PADGETT: Paper to accompany bill for relief of William Shook—to the Committee on War Claims.

Also, paper to accompany bill for relief of David R. McChristian—to the Committee on War Claims.

Also, paper to accompany bill for relief of Ebenezer C. Alexander—to the Committee on War Claims.

By Mr. PAYNE: Petition of W. C. Curtis et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Adelbert Ridley, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. SMITH of Kentucky: Paper to accompany bill for relief of Thomas M. Bybee—to the Committee on War Claims.

Also, paper to accompany bill for relief of Manoah W. Dunkin—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Wiley R. Edwards—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of B. M. Bennett—to the Committee on Invalid Pensions.

By Mr. SPERRY: Petition of Putnam Council, No. 19, Order United American Mechanics, of Wallingford, Conn., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. RHINOCK: Petition of Local Union No. 238, of Covington, Ky., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. ROBERTSON of Louisiana: Petition of the Sunday School Association of the Parish of Tangipahoa, La., for a law prohibiting traffic in c. o. d. packages of whisky into prohibition counties—to the Committee on Ways and Means.

Also, petitions of the State Farmers' Convention, at Raleigh, N. C.; the Association of Commissioners of Agriculture of the Southern States, the Interstate Association of Live Stock Sanitary Boards, of Guthrie, Okla.; the American Veterinary Medical Association, of Cleveland, Ohio, and the North Carolina State board of agriculture, for extermination of the cattle tick—to the Committee on Agriculture.

By Mr. RYAN: Paper to accompany bill for relief of Robert McAnally—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: Petition of John M. Faison, for repeal of the tax on linotype machines—to the Committee on Ways and Means.

By Mr. VAN WINKLE: Petition of McKinley Council, Junior Order United American Mechanics, of Jersey City, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Woman's Club of Orange, N. J., for a child-labor law—to the Committee on Labor.

By Mr. WACHTER: Paper to accompany bill for relief of Samuel A. Bell—to the Committee on Invalid Pensions.

By Mr. WANGER: Petition of Council No. 149, Junior Order United American Mechanics, of Quakertown, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Council No. 18, Order United American Mechanics, of Lansdale, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January 27, 1906.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

BRIDGE ACROSS RED RIVER, LOUISIANA.

Mr. WATKINS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 12314) to amend an act approved February 3, 1905, authorizing the construction of a bridge across Red River, Shreveport, La., which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That an act of Congress approved February 3, 1905, entitled "An act to authorize the construction of a bridge across Red River at Shreveport, La.," be, and is hereby, revived and reenacted.

SEC. 2. That section 5 of said act is hereby amended to read as follows:

"SEC. 5. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from February 3, 1906."

With the following amendments:

In line 6, after the word "hereby," strike out the words "revived and reenacted."

In line 7, strike out the words "SEC. 2. That section 5 of said act is hereby."

The SPEAKER. Is there objection?

Mr. RANDELL of Texas. Mr. Speaker, reserving the right to object, I would like to ask the necessity for that?

Mr. WATKINS. It is to construct a bridge for the traffic across the Red River, which construction was delayed on account of the yellow fever last year.

Mr. RANDELL of Texas. It has already been authorized?

Mr. WATKINS. Yes; it has already been authorized and this is simply to extend the time. They have the right to build it, but they can not do it unless the time is extended.

Mr. RANDELL of Texas. Mr. Speaker, for the present I shall object.

URGENT DEFICIENCY APPROPRIATIONS.

Mr. CLARK of Missouri. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Missouri demands the regular order. The question is on agreeing to the amendment respecting the eight-hour law on the Isthmus of Panama, on which the yeas and nays were ordered.

The question was taken; and there were—yeas 120, nays 110, answered "present" 11, not voting 145, as follows:

YEAS—120.

Acheson	Dawes	Hoar	Parker
Adams, Pa.	De Armond	Howell, Utah	Payne
Alexander	Deemer	Hubbard	Perkins
Allen, Me.	Dovener	Jenkins	Reeder
Ames	Draper	Jones, Wash.	Reynolds
Barchfeld	Dwight	Keifer	Rives
Bates	Ellis	Kinkaid	Roberts
Bennet, N. Y.	Esch	Klepper	Scroggy
Birdsall	Flack	Knapp	Shartel
Bishop	Fletcher	Knowland	Sibley
Bonynge	Foss	Lacey	Smith, Cal.
Boutell	Foster, Ind.	Landis, Chas. B.	Smith, Ill.
Brown	Foster, Vt.	Landis, Frederick	Smith, Iowa
Brownlow	Fowler	Lawrence	Smyser
Buckman	French	Loud	Southard
Burke, Pa.	Fulkerson	Loudenslager	Southwick
Burleigh	Fuller	Lovering	Sperry
Burton, Ohio	Gaines, W. Va.	McKinley, Ill.	Sterling
Calderhead	Gardner, Mass.	McKinney	Stevens, Minn.
Campbell, Ohio	Gillett, Mass.	McMorran	Sulloway
Chaney	Graff	Mahon	Tawney
Chapman	Gronna	Mann	Tirrell
Cole	Grosvenor	Marshall	Volstead
Conner	Hale	Miller	Waldo
Cousins	Hamilton	Mondell	Wanger
Currier	Haskins	Mouser	Watson
Dalzell	Haugen	Mudd	Weeks
Darragh	Hepburn	Needham	Welborn
Davidson	Hermann	Norris	Wilson
Davis, Minn.	Higgins	Palmer	The Speaker

NAYS—110.

Adamson	Floyd	Lever	Russell
Aiken	Garner	Lewis	Ryan
Allen, N. J.	Garrett	Lloyd	Shackleford
Bartlett	Gilbert, Ky.	McCall	Sheppard
Beall, Tex.	Gill	McGavin	Sherley
Bennett, Ky.	Gillespie	McLachlan	Sims
Bowers	Goebel	McLain	Slayden
Broocks, Tex.	Greene	McNary	Smith, Ky.
Brooks, Colo.	Gregg	Macon	Smith, Pa.
Brundidge	Gudger	Maynard	Smith, Tex.
Burnett	Hay	Meyer	Spight
Butler, Tenn.	Henin	Michalek	Stafford
Campbell, Kans.	Henry, Tex.	Moon, Tenn.	Stanley
Candler	Hogg	Moore	Stephens, Tex.
Capron	Hopkins	Padgett	Sullivan, Mass.
Clark, Fla.	Houston	Page	Swanson
Clark, Mo.	Humphreys, Miss.	Pou	Talbott
Clayton	Hunt	Pujo	Taylor, Ala.
Cooper, Wis.	James	Rainey	Thomas, N. C.
Dale	Johnson	Randell, Tex.	Towne
Davis, W. Va.	Keliher	Rhinock	Townsend
Dickson, Ill.	Kitchin, Claude	Richardson, Ala.	Underwood
Dixon, Ind.	Kitchin, Wm. W.	Richardson, Ky.	Wallace
Edwards	Kline	Rixey	Watkins
Ellerbe	Lamar	Robertson, La.	Webb
Field	Lee	Robinson, Ark.	Williams
Finley	Legare	Rodenberg	
Fitzgerald	Lester	Rucker	

ANSWERED "PRESENT"—11.

Bradley	Crumpacker	Patterson, N. C.	Sherman
Brick	Flood	Patterson, S. C.	Weisse
Burton, Del.	Griggs	Reid	

NOT VOTING—145.

Adams, Wis.	Bartholdt	Blackburn	Burgess
Andrus	Bede	Bowersock	Burke, S. Dak.
Babcock	Beidler	Bowie	Burleson
Bankhead	Bell, Ga.	Brantley	Butler, Pa.
Bannon	Bingham	Broussard	Byrd

Calder	Hedge	McCarthy	Smith, Md.
Cassel	Henry, Conn.	McCleary, Minn.	Smith, Samuel W.
Castor	Hill, Conn.	McCreary, Pa.	Smith, Wm. Alden
Cockran	Hill, Miss.	McDermott	Snapp
Cocks	Hinshaw	McKinlay, Cal.	Southall
Cooper, Pa.	Hitt	Madden	Sparkman
Cromer	Holliday	Martin	Steenerson
Curtis	Howard	Minor	Sullivan, N. Y.
Cushman	Howell, N. J.	Moon, Pa.	Sulzer
Davey, La.	Huff	Morrell	Taylor, Ohio
Dawson	Hughes	Murdock	Thomas, Ohio
Denby	Hull	Murphy	Trimble
Dixon, Mont.	Humphrey, Wash.	Nevin	Tyndall
Dresser	Jones, Va.	Olcott	Van Duzer
Driscoll	Kahn	Olmsted	Van Winkle
Dunwell	Kennedy, Nebr.	Otjen	Vreeland
Fassett	Kennedy, Ohio	Overstreet	Wachter
Fordney	Ketcham	Parsons	Wadsworth
Gaines, Tenn.	Knopf	Patterson, Pa.	Webber
Garber	Lafean	Patterson, Tenn.	Weems
Gardner, Mich.	Lamb	Pearre	Wharton
Gardner, N. J.	Law	Pollard	Wiley, Ala.
Gilbert, Ind.	Le Fevre	Powers	Wiley, N. J.
Gillett, Cal.	Lilley, Conn.	Prince	Williamson
Glass	Lilley, Pa.	Ransdell, La.	Wood, Mo.
Goldfogle	Lindsay	Rhodes	Wood, N. J.
Goulden	Littauer	Ruppert	Woodyard
Graham	Little	Samuel	Young
Granger	Littlefield	Schneebeli	Zenor
Hardwick	Livingston	Scott	
Hayes	Longworth	Slemp	
Hearst	Lorimer	Small	

So the amendment was agreed to.

The Clerk announced the following pairs:

For the day:

Mr. ANDRUS with Mr. SULZER.

Mr. BABCOCK with Mr. BANKHEAD.

Mr. BANNON with Mr. SMALL.

Mr. BINGHAM with Mr. COCKRAN.

Mr. BOWERSOCK with Mr. GLASS.

Mr. BRICK with Mr. BURLESON.

Mr. CALDER with Mr. JONES of Virginia.

Mr. DUNWELL with Mr. BURGESS.

Mr. FASSETT with Mr. GAINES of Tennessee.

Mr. DAWSON with Mr. LAMB.

Mr. GILLETT of California with Mr. GOLDFOGLE.

Mr. HOWELL of New Jersey with Mr. MCDERMOTT.

Mr. KAHN with Mr. BRANTLEY.

Mr. LAW with Mr. LINDSAY.

Mr. LILLEY of Pennsylvania with Mr. HEARST.

Mr. LITTAUER with Mr. GRIGGS.

Mr. MCCREARY of Pennsylvania with Mr. SOUTHALL.

Mr. OLMSTED with Mr. FLOOD.

Mr. OVERSTREET with Mr. SPARKMAN.

Mr. PEARRE with Mr. HOWARD.

Mr. SAMUEL W. SMITH with Mr. BYRD.

Mr. WM. ALDEN SMITH with Mr. SMITH of Maryland.

Mr. VREELAND with Mr. WILEY of Alabama.

Mr. WACHTER with Mr. TRIMBLE.

Mr. WILEY of New Jersey with Mr. LIVINGSTON.

Mr. WOOD of New Jersey with Mr. DAVEY of Louisiana.

Until Wednesday:

Mr. LILLEY of Connecticut with Mr. REID.

Mr. LONGWORTH with Mr. GRANGER.

For one week:

Mr. KETCHAM with Mr. GARBER.

Mr. WADSWORTH with Mr. BOWIE.

Until further notice:

Mr. SCOTT with Mr. HARDWICK.

Mr. CURTIS with Mr. LITTLE.

Mr. CRUMPACKER with Mr. ZENOR.

Mr. BURTON of Delaware with Mr. BELL of Georgia.

Mr. CROMER with Mr. PATTERSON of South Carolina.

Mr. BUTLER of Pennsylvania with Mr. BROUSSARD.

Mr. GRAHAM with Mr. VAN DUZER.

Mr. HITT with Mr. HILL of Mississippi.

For the session:

Mr. BRADLEY with Mr. GOULDEN.

Mr. KNOPF with Mr. WEISSE.

Mr. MORRELL with Mr. SULLIVAN of New York.

Mr. PATTERSON of Pennsylvania with Mr. PATTERSON of North Carolina.

Mr. SHERMAN with Mr. RUPPERT.

Mr. GRIGGS. Mr. Speaker, I would like to change my vote from "no" to "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called Mr. GRIGGS's name and he answered "present."

Mr. LIVINGSTON. Mr. Speaker, I was standing here in the aisle and did not hear my name called.

The SPEAKER. Was the gentleman giving attention when his name was called or should have been called?

Mr. LIVINGSTON. I can not say that positively, Mr. Speaker, but I was standing in the aisle expecting to hear my name.

The SPEAKER. The Chair thinks the gentleman does not bring himself within the rule, unless he was present giving attention and did not hear his name called.

Mr. LIVINGSTON. I had been listening quite a little bit for my name. I thought the Clerk was on the first call and was calling it regularly down and had skipped over me. I do not want to tell a story.

The SPEAKER. The Chair hardly thinks the gentleman comes within the rule.

Mr. LIVINGSTON. Then I answer "present," Mr. Speaker.

The SPEAKER. The gentleman can not do that.

Mr. PATTERSON of North Carolina. Mr. Speaker, I would like to ask if Mr. PATTERSON of Pennsylvania has voted?

The SPEAKER. The Chair understands he has not voted.

Mr. PATTERSON of North Carolina. Then I have a pair with him, and I would like to answer "present."

The Clerk called the name of Mr. PATTERSON of North Carolina, and he answered "present."

Mr. SAMUEL. Mr. Speaker, I would like to vote. I did not hear my name called.

The SPEAKER. Was the gentleman giving attention?

Mr. SAMUEL. No, sir. I did not hear my name at all, though.

The SPEAKER. The rule is that a gentleman must be present and giving attention when his name was called, or should have been called, before he can, under the rule, vote. The reason of the rule is that perchance the Clerk may have omitted to call the gentleman's name.

Mr. SAMUEL. I would have voted "no."

Mr. MCNARY. Mr. Speaker, I desire to have my name called. I did not hear it.

The SPEAKER. Was the gentleman present and giving attention when his name was called or should have been called?

Mr. MCNARY. Yes.

The SPEAKER. And did not hear it when it should have been called?

Mr. MCNARY. On the second roll call; I was not here on the first roll call.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called Mr. MCNARY's name, and he answered "no."

The result of the vote was announced as above recorded.

The bill as amended was ordered to be engrossed for a third reading, was read the third time, and passed.

On motion of Mr. TAWNEY, a motion to reconsider the last vote was laid on the table.

PENSION BILLS.

Mr. SULLOWAY. Mr. Speaker, I ask that matters on the Private Calendar relating to pensions under the rule be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent that matters on the Private Calendar for consideration from the Committees on Invalid Pensions and Pensions may be considered in the House as in Committee of the Whole House. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

An act (S. 1447) to provide for the purchase of a site and the erection of a public building thereon at Anderson, in the State of South Carolina.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

An act (S. 1447) to provide for the purchase of a site and the erection of a public building thereon at Anderson, in the State of South Carolina—to the Committee on Public Buildings and Grounds.

AUGUST WESTFIELD.

The SPEAKER laid before the House the bill (H. R. 5023) granting an increase of pension to August Westfield, with Senate amendment.

The amendment was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The question was taken, and the amendment was agreed to.

GALON S. CLEVENGER.

The SPEAKER laid before the House the bill (H. R. 1056) granting a pension to Galon S. Clevenger, with Senate amendment.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House disagree in the Senate amendment and ask for a conference.

The question was taken, and the motion was agreed to.

The SPEAKER announced the following conferees: Mr. LOUDENSLAGER, Mr. PATTERSON of Pennsylvania, and Mr. RICHARDSON of Alabama.

ADAM WUCHER.

The next pension business was the bill (H. R. 6451) granting an increase of pension to Adam Wucher.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adam Wucher, late of Company D, Thirteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $100 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the words "one hundred" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRITZ MULLER.

The next pension business was the bill (H. R. 7418) granting an increase of pension to Fritz Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fritz Miller, late of Company E, Second Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Miller" and insert in lieu thereof the word "Muller."

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "sixty."

Amend the title so as to read: "A bill granting an increase of pension to Fritz Muller."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE W. WILBURN.

The next pension business was the bill (H. R. 3380) granting an increase of pension to George W. Wilburn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Wilburn, late of Company C and Company K, Second Regiment District of Columbia Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "C and Company."

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELI BRAZELTON.

The next pension business was the bill (H. R. 6144) granting a pension to Eli Brazilton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eli Brazilton, late of Company B, Thirtieth Regiment of Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Brazilton" and insert the word "Brazelton."

In line 7, after the word "Regiment," strike out the word "of."

In line 8, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Eli Brazelton."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS E. MORROW.

The next pension business was the bill (H. R. 4827) granting an increase of pension to Thomas E. Morrow.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas E. Morrow, late of Company F, Eleventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALBERT LATHROP.

The next pension business was the bill (H. R. 3605) granting an increase of pension to Albert Lathrop.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert Lathrop, late of Company L, Twenty-fourth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Cavalry," insert the words "and Company L, First Regiment New York Provisional Volunteer Cavalry."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE J. WILCOX.

The next pension business was the bill (H. R. 5644) granting an increase of pension to George J. Wilcox.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George J. Wilcox, late of Company I, Thirty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty-six."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

AXEL A. M. NATT OCH DAG.

The next pension business was the bill (H. R. 1952) granting a pension to Axel A. M. Natt och Dag.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Axel A. M. Natt och Dag, late of Company C, Fifteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

In the same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Axel A. M. Natt och Dag."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN H. CASSIDY.

The next pension business was the bill (H. R. 611) granting an increase of pension to John H. Cassidy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Cassidy, late of Company B, Third Regiment Rhode Island Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DAVID R. PRINGLE.

The next pension business was the bill (H. R. 5170) granting an increase of pension to David R. Pringle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pensions laws, the name of David R. Pringle, late of Company E, Second Regiment Pennsylvania Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Heavy," insert the word "Volunteer."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE E. ROSS.

The next pension business was the bill (H. R. 530) granting an increase of pension to George E. Ross.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George E. Ross, late of Company E, Seventeenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN BREDEN.

The next pension business was the bill (H. R. 1213) granting a pension to John Breden.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Breden, late of Company K, Thirty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."
In same line, after the word "month," insert the words "in lieu of that he is now receiving."
Amend the title so as to read: "A bill granting an increase of pension to John Breden."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES H. EVERITT.

The next pension business was the bill (H. R. 10522) granting an increase of pension to Charles H. Everitt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Everitt, late of Company C, One hundred and forty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANGIE A. MARVIN.

The next pension business was the bill (H. R. 2811) granting a pension to Angie A. Marvin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Angie A. Marvin, widow of Mathew Marvin, late of Company K, First Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIJAH SPANGLER.

The next pension business was the bill (H. R. 1059) granting an increase of pension to Elijah Spangler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elijah Spangler, late of Company C, Ninety-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN A. COULTER.

The next pension business was the bill (H. R. 724) granting an increase of pension to John A. Coulter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. Coulter, late lieutenant of Company E, One hundred and forty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "lieutenant," insert the word "second."
In same line, after the word "lieutenant," strike out the word "of."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

REBECCA J. RUPE.

The next pension business was the bill (H. R. 1925) granting a pension to Rebecca J. H. Rupe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rebecca J. H. Rupe, widow of Simon B. Harrison, late assistant surgeon of the Thirty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $17 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "H."
In same line, before the word "widow," insert the word "former."
In same line strike out the word "Simon" and insert in lieu thereof the word "Simeon."
In same line strike out the word "Harrison" and insert in lieu thereof the word "Harriman."
In same line, after the word "late," insert the word "second."
In line 7 strike out the words "of the."
In lines 8 and 9 strike out the word "seventeen" and insert in lieu thereof the word "eight."
Amend the title so as to read: "A bill granting a pension to Rebecca J. Rupe."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SAMUEL B. SPINNING.

The next pension business was the bill (H. R. 1554) granting an increase of pension to Samuel B. Spinning.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel B. Spinning, late of Second Battery, Connecticut Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM D. STAUFFER.

The next pension business was the bill (H. R. 1136) granting an increase of pension to William D. Stauffer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William D. Stauffer, late of Company H, One hundred and ninety-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE SARGENT.

The next pension business was the bill (H. R. 1131) granting an increase of pension to George Sargent.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Sargent, late of Company K, One hundred and twenty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "K" and insert in lieu thereof the letter "D."

In line 7 strike out the word "twenty-second" and insert in lieu thereof the word "ninety-fifth."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EDWIN R. GOODELL.

The next pension business was the bill (H. R. 5015) granting an increase of pension to Edwin R. Goodell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin R. Goodell, late of Company I, First Regiment New York Veteran Cavalry, and pay him a pension at the rate of $35 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Veteran," insert the word "Volunteer."

In line 8 strike out the word "thirty-five" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SAMUEL O'TOOL.

The next pension business was the bill (H. R. 7231) granting a pension to Samuel O'Toole.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel O'Toole, late of Company C, One hundred and twenty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "O'Toole" and insert in lieu thereof the word "O'Tool."

In line 8, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Samuel O'Tool."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALICE GEARKEE.

The next pension business was the bill (H. R. 6941) granting an increase of pension to Alice Gearkee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alice Gearkee, widow of John H. Gearkee, late captain Company B, Twenty-second Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, after the letter "B," insert the words "and major."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GLAWVINA A. PINNELL.

The next pension business was the bill (H. R. 7240) granting a pension to Glawvina A. Pinnell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Glawvina A. Pinnell, widow of Willis O. Pinnell, late captain of Company H, Seventy-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The amendment recommended by the committee was read, as follows:

In line 7, before the word "Company," strike out the word "of."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALFRED S. ISAACS.

The next pension business was the bill (H. R. 6977) granting an increase of pension to Alfred S. Isaacs.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred S. Isaacs, late of Company G, Ninety-fifth Regiment New York Veteran Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Veteran."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM JOHN STEWART.

The next pension business was the bill (H. R. 4391) granting an increase of pension to William John Stewart.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William John Stewart, alias John Scott, late of Company K, Twentieth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Infantry," insert the words "and Company K, Fifth Regiment Connecticut Veteran Volunteer Infantry."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to William John Stewart, alias John Scott."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY DUFFY.

The next pension business was the bill (H. R. 6992) granting an increase of pension to Mary Duffy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Duffy, widow of Michael Duffy, late of Company G, Seventy-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SAMUEL J. JONES.

The next pension business was the bill (H. R. 6227) granting an increase of pension to Samuel J. Jones.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel J. Jones, late of Fourth Battery Wisconsin Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Wisconsin," insert the word "Volunteer."

In line 7 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SAMUEL A. SHAW.

The next pension business was the bill (H. R. 6448) granting an increase of pension to Samuel A. Shaw.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel A. Shaw, late of Company C, Second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; it was accordingly read the third time, and passed.

ANDREW M. DUNHAM.

The next pension business was the bill (H. R. 7001) granting an increase of pension to Andrew M. Dunham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew M. Dunham, late of Company F, Eighty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month under the provisions of the act of March 3, 1883, as his disabilities are equivalent to the loss of a hand or foot or a leg at or above the knee; and that such increase of pension shall commence from the date of the passage of this act.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the words "under the" and all of lines 9, 10, 11, 12, and 13 and insert in lieu thereof the words "in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; it was accordingly read the third time, and passed.

JAMES SCROGUM.

The next pension business was the bill (H. R. 4732) granting an increase of pension to James Scrogum.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Scrogum, late of Company C, Sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

CHARLES WASHBURN.

The next pension business was the bill (H. R. 6947) granting an increase of pension to Charles Washburn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Washburn, late of Company A, Thirty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "first lieutenant."

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

JOHN ALVES.

The next pension business was the bill (H. R. 8242) granting an increase of pension to John Alves.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Alves, late of Company A, Fourteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; it was accordingly read the third time, and passed.

DILLON F. ACKER.

The next pension business was the bill (H. R. 10308) granting an increase of pension to Dillon F. Acker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dillon F. Acker, late of Company F, Eighty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "F" and insert in lieu thereof the letter "I."

In line 7 strike out the word "Volunteer" and insert in lieu thereof the words "State Militia."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; it was accordingly read the third time, and passed.

WILLIAM H. MORRIS.

The next pension business was the bill (H. R. 10266) granting an increase of pension to William H. Morris.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Morris, late captain Company A, Fifteenth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "captain" and insert in lieu thereof the word "of."

In same line strike out the letter "A" and insert in lieu thereof the letter "E."

In same line strike out the word "Fifteenth" and insert in lieu thereof the word "Second."

In line 7 strike out the word "Cavalry" and insert in lieu thereof the word "Infantry."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; it was accordingly read the third time, and passed.

LAFAYETTE DODDS.

The next pension business was the bill (H. R. 8043) granting an increase of pension to Lafayette Dodds.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lafayette Dodds, late of Company K, Eighth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; it was accordingly read the third time, and passed.

MICHAEL WREN.

The next pension business was the bill (H. R. 7420) granting an increase of pension to Michael Wren.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael Wren, late of Company G, Third Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; it was accordingly read the third time, and passed.

ANNIE M. SMITH.

The next pension business was the bill (H. R. 7607) granting an increase of pension to Anna M. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna M. Smith, widow of George F. Smith, late of Company E, Sixteenth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Anna" an insert in lieu thereof the word "Annie."

In line 8 strike out the word "twenty" and insert in lieu thereof the word "twelve."

Amend the title so as to read: "A bill granting an increase of pension to Annie M. Smith."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; it was accordingly read the third time, and passed.

EMMA ALDRED.

The next pension business was the bill (H. R. 11310) granting a pension to Emma Aldred.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma Aldred, widow of James Aldred, late of Company B, Fourth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH L. BOSTWICK.

The next pension business was the bill (H. R. 10623) granting an increase of pension to Joseph L. Bostwick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph L. Bostwick, late of Company M, Second Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Company," insert the words "L, Ninth Regiment, and Company."

In line 8 strike out the word "twenty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

NANCY STILLWELL.

The next pension business was the bill (H. R. 4964) granting an increase of pension to Nancy Stillwell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy Stillwell, widow of George W. Stillwell, late of Company E, Thirty-fourth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "of," insert the words "Company F, Thirty-third Regiment, and."

In line 8 strike out the word "twenty" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM T. WILEY.

The next pension business was the bill (H. R. 4708) granting a pension to William T. Wiley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William T. Wiley, late of Company H, Eighty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $27 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "twenty-seven" and insert in lieu thereof the word "twenty."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to William T. Wiley."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES H. COLE.

The next pension business was the bill (H. R. 1797) granting a pension to James H. Cole.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. Cole, late of Company H, Fortieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "late," insert the words "alias John V. Cole."

Amend the title so as to read: "A bill granting a pension to James H. Cole, alias John V. Cole."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN J. BREWER.

The next pension business was the bill (H. R. 10611) granting a pension to John J. Brewer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John J. Brewer, late of Company A, Tenth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the words "second lieutenant."

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "fifteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SARAH EMALINE FINKLEA.

The next pension business was the bill (H. R. 1123) granting an increase of pension to Sarah Emaline Finklea.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah Emaline Finklea, widow of James Finklea, late of Company H, Fifth Regiment Louisiana Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN J. GRANT.

The next pension business was the bill (H. R. 1124) granting an increase of pension to John J. Grant.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John J. Grant, late a private in Captain Fowler's company, Second Regiment Georgia Volunteers, in war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "a private in" and insert "of."

In lines 7 and 8 strike out "in war with Mexico" and insert "Cherokee Indian disturbances."

In line 8 strike out "twenty" and insert "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANCES ANN BATCHELOR.

The next pension business was the bill (H. R. 1125) granting an increase of pension to Francis Ann Batchelor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis Ann Batchelor, widow of James C. Batchelor, late of Captain Nott's company volunteers, Indian wars, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

Change the spelling of the claimant's Christian name where it appears in the title and body of the bill to "Frances."

In line 7, after "company," insert "Alabama," and in the same line strike out "Indian wars" and insert "Florida Indian war."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EPSY ANN AUSTIN.

The next pension business was the bill (H. R. 1283) granting an increase of pension to Epsy Ann Austin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Epsy Ann Austin, widow of John A. Austin, late a soldier in Captain Coleman's company, Alabama Volunteers, Creek Indian war of 1836, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out "a soldier in" and insert "of."

In line 8 strike out "of eighteen hundred and thirty-six."

In line 9 strike out "twenty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SUSAN S. THEALL.

The next pension business was the bill (H. R. 1953) granting a pension to Susan S. Theall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan S. Theall, widow of Hiram W. Theall, late first lieutenant Company D, Stevenson's New York Infantry Regiment, war with Mexico, and pay her a pension at the rate of $40 per month.

The amendments recommended by the committee were read, as follows:

In line 7, after "Stevenson's," insert "regiment."
In lines 7 and 8 strike out "Regiment" and insert "Volunteers."
In line 9 strike out "forty" and insert "twelve," and add to the end of the bill the words "in lieu of that she is now receiving."
Amend the title so as to read: "A bill granting an increase of pension to Susan S. Theall."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LYDIA B. JACKSON.

The next pension business was the bill (H. R. 2113) granting an increase of pension to L. B. Jackson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of L. B. Jackson, widow of Borzilla Jackson, late of Company F, First Regiment North Carolina Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

Strike out the initial "L." where it occurs in the claimant's name in the title and body of the bill and insert "Lydia."
Change the soldier's christian name in line 6 to "Barzilla N."
In line 8 strike out "twenty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EMMA AUGER.

The next pension business was the bill (H. R. 2795) granting a pension to Emma Auger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma Auger, mother of Hector Auger, late of the United States Navy, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after "Emma Auger," insert "dependent."
In the same line, strike out "of the" and insert "ship's cook, third class, United States ship Dixie."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN A. ROBERTS.

The next pension business was the bill (H. R. 4215) granting an increase of pension to John A. Roberts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. Roberts, late of Company K, First Regiment Georgia Volunteers, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "thirty" and insert "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN M. WILLIAMSON.

The next pension business was the bill (H. R. 4218) granting an increase of pension to John M. Williamson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Williamson, late of Company A, Third Regiment North Carolina, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "North Carolina" and insert "United States Dragoons."
In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANNIE ROHR.

The next pension business was the bill (H. R. 4607) granting a pension to Annie Gaebel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to restore to the pension roll of the United States the name of Annie Gaebel (now Rohr), formerly the widow of Frederick A. H. Gaebel, first lieutenant, Forty-fifth United States Infantry, at the same rate as received before her name was stricken from said roll.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and substitute the following: "That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie Rohr, former widow of Frederick A. H. Gaebel, late first lieutenant, Forty-fifth Regiment United States Infantry, and pay her a pension at the rate of $17 per month."
Amend the title so as to read: "A bill granting a pension to Annie Rohr."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY ROBERTS.

The next pension business was the bill (H. R. 4738) granting an increase of pension to Henry Roberts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Roberts, late of Company B, First Regiment North Carolina Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after "Infantry," insert "war with Mexico."
In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LAWRENCE B. SMITH.

The next pension business was the bill (H. R. 4739) granting an increase of pension to Lawrence B. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lawrence B. Smith, late of Company I, First Regiment North Carolina Volunteer Infantry, and pay him a pension of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after "Infantry," insert "war with Mexico."
In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GABRIEL SMITH.

The next pension business was the bill (H. R. 4822) granting an increase of pension to Gabriel Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gabriel Smith, late of Company C, Fourth Regiment United States Artillery, Mexican war, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Mexican war" and insert "war with Mexico;" and in line 8 strike out the word "four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN W. ROACHE.

The next pension business was the bill (H. R. 4879) granting an increase of pension to John W. Roache.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Roache, late of Company E, Eighth Regiment United States Infantry (Seminole war), and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "(Seminole war)" and insert "Florida Indian war."
In line 8 strike out "fifty" and insert "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY J. STECK.

The next pension business was the bill (H. R. 5957) granting a pension to Henry J. Steck.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry J. Steck, late of Company C, Fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after "Infantry," insert "war with Spain."
In line 8 strike out "fifty" and insert "forty."
Amend the title so as to read: "A bill granting an increase of pension to Henry J. Steck."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES EIFFERT.

The next pension business was the bill (H. R. 6143) granting a pension to James Eiffert.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Eiffert, late a private of Captain Powell's company, Tennessee Volunteers, Indian wars, and pay him a pension at the rate of $16 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "a private."
In line 7 strike out "Indian wars" and insert "Cherokee Indian disturbances."
Add to the end of the bill the words "in lieu of that he is now receiving."
Amend the title so as to read: "A bill granting an increase of pension to James Eiffert."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MAUD O. WORTH.

The next pension business was the bill (H. R. 6147) granting a pension to Maud O. Worth.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maud O. Worth, widow of John M. Worth, late second-class fireman, United States Navy, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 7, after "fireman," insert "U. S. S. Baltimore."
Add to the end of the bill the words "and $2 per month additional on account of each of the minor children of said John M. Worth until they reach the age of 16 years."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JONATHAN TERRELL.

The next pension business was the bill (H. R. 6228) granting an increase of pension to Jonathan H. Terrell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jonathan H. Terrell, a veteran of the Mexican war, and now drawing a pension of $12 per month under act of January 26, 1887, late of Company F, First Regiment North Carolina Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Strike out the initial "H." where it occurs in the claimant's name in the title and the body of the bill.
In lines 6, 7, and 8 strike out "a veteran of the Mexican war, and now drawing a pension of $12 per month under act of January 26, 1887."
In line 11 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EVA B. KOCH.

The next pension business was the bill (H. R. 6859) granting a pension to Eva B. Koch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eva B. Koch, widow of Christian Koch, late of Company E, Seventh Regiment United States Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after "Christian Koch," insert "alias Christian Cook."
In line 7, after "United States," strike out "Volunteer."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN J. MEELER.

The next pension business was the bill (H. R. 7036) granting a pension to John J. Meeler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John J. Meeler, late of Company L, Second Regiment Arkansas Volunteer Infantry, Spanish-American war, and pay him a pension at the rate of $30 per month.

The amendment recommended by the committee was read, as follows:

In lines 7 and 8 strike out "Spanish-American war, and pay him a pension at the rate of $30 per month" and insert in lieu thereof "war with Spain."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WESLEY J. BANKS.

The next pension business was the bill (H. R. 7665) granting an increase of pension to Wesley J. Banks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wesley J. Banks, late of Company A, First Regiment Indiana Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Amend by striking out of line 8 the word "seventy-two" and inserting the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIZABETH T. CARPENTER.

The next pension business was the bill (H. R. 7939) granting an increase of pension to Elizabeth T. Carpenter.

Mr. LOUDENSLAGER. Mr. Speaker, I request that the bill S. 2082 be substituted for the bill H. R. 7939, and that the latter bill be laid on the table.

The SPEAKER pro tempore (Mr. CAMPBELL of Kansas). The gentleman from New Jersey moves that the following bill be substituted for the bill H. R. 7939.

The Clerk read as follows:

An act (S. 2082) granting an increase of pension to Elizabeth T. Carpenter.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth T. Carpenter, widow of Gilbert S. Carpenter, late lieutenant-colonel Seventh Regiment United States Infantry and brigadier-general United States Army, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the bill H. R. 7939 be laid on the table.

The question was taken; and the motion was agreed to.

WILLIAM H. LORANCE.

The next pension business was the bill (H. R. 8944) granting an increase of pension to William H. Lorance.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Lorance, late of Company C, Fifth Regiment Tennessee Volunteer Infantry, Mexican war, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Mexican war" and insert "war with Mexico."
In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EMMA H. BENHAM.

The next pension business was the bill (H. R. 8090) granting a pension to Emma H. Benham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma H. Benham, widow of Andrew E. K. Benham, Rear-Admiral, United States Navy, and pay her a pension at the rate of $100 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after "Andrew E. K. Benham," insert "late."
In line 8 strike out "one hundred" and insert "fifty."
Add to the end of the bill the words "in lieu of that she is now receiving."
Amend the title so as to read: "A bill granting an increase of pension to Emma H. Benham."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

VOLLIE A. M'MILLEN.

The next pension business was the bill (H. R. 9253) granting a pension to Vallie A. McMillin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Vallie A. McMillin, widow of Newton D. McMillin, late of Captain Highsmith's company, Texas Mounted Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

Change the spelling of the claimant's name where it appears in the title and the body of the bill to "Vollie A. McMillen." Also, in line 8, change the soldier's name to "Newton D. McMillen."
In line 8 strike out "twelve" and insert "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN G. HARRIS.

The next pension business was the bill (H. R. 9579) granting an increase of pension to John G. Harris.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John G. Harris, late of Company G, Second Regiment Volunteer Cavalry, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Volunteer Cavalry" and insert "Texas Mounted Volunteers."
In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EZEKIAL POLK.

The next pension business was the bill (H. R. 10551) granting an increase of pension to Ezekial Polk.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ezekial Polk, late of Company E, Third Regiment United States Dragoons, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SION B. GLAZNER.

The next pension business was the bill (H. R. 11096) granting an increase of pension to Sion B. Glazner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sion B. Glazner, late of United States Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "United States Indian wars" and insert "Captain Killion's company, North Carolina Volunteers, Cherokee Indian disturbance."
In line 7 strike out "thirty" and insert "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SARAH E. MACGOWAN.

The next pension business was the bill (H. R. 11324) granting an increase of pension to Sarah E. MacGowan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah E. MacGowan, widow of Alexander B. MacGowan, late brevet major, United States Army, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "brevet major, United States Army" and insert "captain, Twelfth Regiment, United States Infantry."
In line 8 strike out "thirty" and insert "twenty-five."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

VICTORIA BISHOP.

The next pension business was the bill (H. R. 11415) granting an increase of pension to Victoria Bishop.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Victoria Bishop, widow of Empson Bishop, late of Hudson's regiment Tennessee Militia, war of 1812, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "late of," insert "Captain."
In line 7 strike out "regiment" and insert "company."
In line 8 strike out "twenty" and insert "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANGELINA HERNANDEZ.

The next pension business was the bill (S. 2143) granting an increase of pension to Angelina Hernandez.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Angelina Hernandez, widow of Ramon Hernandez, late of Captain Moseley's independent company, Florida Mounted Volunteers, Seminole Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading, read the third time, and passed.

DORA H. KUHNS.

The next pension business was the bill (S. 1444) granting a pension to Dora H. Kuhns.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dora H. Kuhns, widow of Herman L. Kuhns, late captain and quartermaster, Eighth Regiment Ohio Volunteer Infantry, war with Spain, and pay her a pension at the rate of $20 per month.

The bill was ordered to a third reading, read the third time, and passed.

SARAH A. PRESTON.

The next pension business was the bill (S. 1201) granting an increase of pension to Sarah A. Preston.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah A. Preston, widow of James F. Preston, late captain Company A, First

Regiment Virginia Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading, read the third time, and passed.

JAMES SLOAN.

The next pension business was the bill (S. 1040) granting an increase of pension to James Sloan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Sloan, late of Company C, Fourth Regiment United States Infantry, Oregon and Washington Territory Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, read the third time, and passed.

LEE H. BUCKLAND.

The next pension business was the bill (S. 574) granting an increase of pension to Lee H. Buckland.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lee H. Buckland, late of Company A, Second Regiment United States Dragoons, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ORANGE G. JONES.

The next pension business was the bill (S. 386) granting an increase of pension to Orange G. Jones.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Orange G. Jones, late of Company A, First Regiment North Carolina Volunteers, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WALTER BARNEY.

The next pension business was the bill (S. 327) granting an increase of pension to Walter Barney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Walter Barney, late of Company C, Mormon Battalion, Iowa Volunteers, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN F. CLULEY.

The next pension business was the bill (H. R. 10521) granting an increase of pension to John F. Cluley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John F. Cluley, late of Company F, Second Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Company" and insert in lieu thereof the word "Battery."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

S. HARRIET MORRIS.

The next pension business was the bill (H. R. 7838) granting an increase of pension to S. Harriet Morris.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of S. Harriet Morris, widow of Caleb M. Morris, late captain of Company C, One hundred and ninety-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "of."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CARLON B. OSBORN.

The next pension business was the bill (H. R. 7941) granting an increase of pension to Carlon B. Osborn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Carlon B. Osborn, late of Company G, First Regiment Missouri State Militia, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of Company G" and insert in lieu thereof the words "hospital steward."

In line 7, after the word "Militia," insert the words "Volunteer Cavalry."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANGEL HAUSKER.

The next pension business was the bill (H. R. 8044) granting an increase of pension to Angel Housker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Angel Housker, late of Company E, Seventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Housker" and insert in lieu thereof the word "Hausker."

Amend the title so as to read: "A bill granting an increase of pension to Angel Hausker."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SILAS G. ELLIOTT.

The next pension business was the bill (H. R. 8187) granting an increase of pension to Silas G. Elliott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Silas G. Elliott, late of Company A, Twenty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN DOLAN.

The next pension business was the bill (H. R. 8253) granting an increase of pension to John Dolan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Dolan, late second lieutenant Troop C, First New York Mounted Rifles, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "second," insert the words "of Company A, and."

In the same line strike out the word "Troop" and insert in lieu thereof the word "Company."

In same line, after the word "First," insert the word "Regiment."

In line 7, before the word "Mounted," insert the word "Volunteer."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN G. ROWAN.

The next pension business was the bill (H. R. 8618) granting an increase of pension to John G. Rowan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John G. Rowan, late of Company I, Twenty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

STOUT SHEARER.

The next pension business was the bill (H. R. 8794) granting an increase of pension to Stout Sherer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stout Sherer, late of Company G, One hundred and twenty-second Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Sherer" and insert in lieu thereof the word "Shearer."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to Stout Shearer."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; it was accordingly read the third time, and passed.

JOHN KELLER.

The next pension business was the bill (H. R. 8926) granting an increase of pension to John Keller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Keller, late of Company E, Twenty-fourth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty-six."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; it was accordingly read the third time, and passed.

HENRY B. JORDAN.

The next pension business was the bill (H. R. 8222) granting an increase of pension to Henry B. Jordan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry B. Jordan, late of Company E, Thirtieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; it was accordingly read the third time, and passed.

HENRY BROWN.

The next pension business was the bill (H. R. 9104) granting an increase of pension to Henry Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Brown, late of Company D, Fourth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; it was accordingly read the third time, and passed.

HERMAN A. KIMBALL.

The next pension business was the bill (H. R. 9142) granting an increase of pension to Herman A. Kimball.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Herman A. Kimball, late of Company G, Fifty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Fifty-seventh," insert the words "Fifty-ninth and."

In line 7 strike out the word "Regiment" and insert in lieu thereof the word "Regiments."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; it was accordingly read the third time, and passed.

JACOB M. LONGSWORTH.

The next pension business was the bill (H. R. 9416) granting an increase of pension to Jacob M. Longsworth.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob M. Longsworth, late of Company D, Eighty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $60 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "sixty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; it was accordingly read the third time, and passed.

JOSIAH NICHOLSON.

The next pension business was the bill (H. R. 9789) granting an increase of pension to Josiah Nicholson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Josiah Nichelson, late of Company A, One hundred and twentieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Nichelson" and insert in lieu thereof the word "Nicholson."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

Amend the title so as to read: "A bill granting an increase of pension to Josiah Nicholson."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; it was accordingly read the third time, and passed.

THOMAS J. MARTIN.

The next pension business was the bill (H. R. 9944) granting an increase of pension to Thomas J. Martin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas J. Martin, late of Company D, Thirtieth Regiment Ohio Veteran Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Veteran."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; it was accordingly read the third time, and passed.

APPLETON GIBSON.

The next pension business was the bill (H. R. 10007) granting an increase of pension to Appleton Gibson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Appleton Gibson, late of Company F, Twenty-fifth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Company" and insert in lieu thereof the word "Companies."

In same line, after the letter "F," insert the words "and B."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; it was accordingly read the third time, and passed.

ELIAS SMITH.

The next pension business was the bill (H. R. 10258) granting an increase of pension to Elias Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elias Smith, late seaman on board United States gunboat Delaware and

United States steamship North Carolina, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "seaman on board United States gunboat Delaware and United States steamship," and insert in lieu thereof the words "of the U. S. S."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; it was accordingly read the third time, and passed.

SAMUEL C. LONG.

The next pension business was the bill (H. R. 10299) granting a pension to S. C. Long.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of S. C. Long, late of Company F, Twenty-second Regiment Pennsylvania Volunteer Cavalry, and Company G, Third Regiment Provisional Cavalry, and pay him a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "S." and insert in lieu thereof the word "Samuel."

In line 8, before the word "Provisional," insert the word "Pennsylvania."

In same line, before the word "Cavalry," insert the word "Volunteer."

In line 9 strike out the word "fifty" and insert in lieu thereof the word "thirty."

In the same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Samuel C. Long."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE W. BRUMMETT.

The next pension business was the bill (H. R. 7576) granting an increase of pension to George W. Brummett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Brummett, late of Twelfth Regiment Kentucky Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "twelfth," insert the words "Company H."

In line 7, before the word "Infantry," insert the word "Volunteer."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

PATRICK J. DONAHUE.

The next pension business was the bill (H. R. 10323) granting an increase of pension to Patrick J. Donahue.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Patrick J. Donahue, late of Company I, Twenty-first Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM SHANNON.

The next pension business was the bill (H. R. 7680) granting an increase of pension to William Shannon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Shannon, late of Company I, Thirteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of dollars per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "second lieutenant."

In line 8, before the word "dollars," insert the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM BODE.

The next pension business was the bill (H. R. 8649) granting an increase of pension to William Bode.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Bode, late of Company B, Twenty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

NATHANIEL COOPER.

The next pension business was the bill (H. R. 4225) granting an increase of pension to Nathaniel Cooper.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nathaniel Cooper, late of Company E, Sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM J. CHENOWETH.

The next pension business was the bill (H. R. 10362) granting an increase of pension to William J. Cheneworth.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William J. Cheneworth, late surgeon of the Thirty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Cheneworth" and insert in lieu thereof the word "Chenoweth."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

Amend the title so as to read: "A bill granting an increase of pension to William J. Chenoweth."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

OSCAR WILLIAMSON.

The next pension business was the bill (H. R. 5597) granting an increase of pension to Oscar Williamson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oscar Williamson, late of Company C, Ninety-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY M. CONNELL.

The next pension business was the bill (H. R. 5832) granting a pension to Mary M. Connell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary M. Connell, widow of William V. Connell, late of Company E, Fifth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN J. QUIMBY.

The next pension business was the bill (H. R. 11620) granting an increase of pension to John J. Quimby.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John J. Quimby, late of Company D, Fourteenth Regiment Maine Volunteer

Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the word "captain."
In the same line strike out the letter "D" and insert in lieu thereof the letter "B."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LOUIS PRATT.

The next pension business was the bill (H. R. 11144) granting an increase of pension to Louis Pratt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lewis Pratt, late of Company K, Thirty-ninth Regiment Indiana Volunteer Infantry, and Eighth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 7 and 8 strike out the words "and Eighth Regiment Indiana Volunteer Cavalry."
In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

OSCAR B. CASWELL.

The next pension business was the bill (H. R. 10582) granting an increase of pension to Oscar B. Caswell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oscar B. Caswell, late of Company H, Sixth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of Company H" and insert in lieu thereof the word "unassigned."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ABRAM J. HILL.

The next pension business was the bill (H. R. 10872) granting an increase of pension to Abram J. Hill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abram J. Hill, late of Company H, One hundred and ninety-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARION H. LONG.

The next pension business was the bill (H. R. 11596) granting a pension to Marion H. Long.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marion H. Long, widow of John C. Long, late of Company —, One hundred and forty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "of Company" and insert in lieu thereof the words "first lieutenant and adjutant."
In line 9 strike out the word "thirty" and insert in lieu thereof the word "seventeen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN A. ENSMINGER.

The next pension business was the bill (H. R. 10436) granting an increase of pension to John A. Ensminger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. Ensminger, late of Company C, One hundred and twenty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the words "second lieutenant."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DAVID E. LONGSDORF.

The next pension business was the bill (H. R. 11403) granting an increase of pension to David E. Longsdorf.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David E. Longsdorf, late quartermaster of the One hundred and fifty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," insert the words "first lieutenant and regimental."
In lines 7 and 8 strike out the words "Volunteer Infantry" and insert in lieu thereof the words "Drafted Militia."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN R. COTTON.

The next pension business was the bill (H. R. 11302) granting an increase of pension to John R. Cotton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John R. Cotton, late first lieutenant Company A, Seventy-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

NATHAN W. JOSSELYN.

The next pension business was the bill (H. R. 10918) granting an increase of pension to Nathan Webster Josselyn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nathan Webster Josselyn, late of Company H, Seventy-fifth Regiment United States Colored Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Webster" and insert in lieu thereof the letter "W."
In same line, before the word "Seventy-fifth," insert the words "Third Regiment Massachusetts Volunteer Cavalry, and second lieutenant Company C."
In line 7, before the word "Infantry," insert the word "Volunteer."
Amend the title so as to read: "A bill granting an increase of pension to Nathan W. Josselyn."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM H. FLINT.

The next pension business was the bill (H. R. 10722) granting an increase of pension to William H. Flint.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of William H. Flint, late of Company B, One hundred and fifteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES R. JORDAN.

The next pension business was the bill (H. R. 11653) granting an increase of pension to James R. Jordan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of James R. Jordan, late of Company K, One hundred and forty-fifth Regiment Pennsylvania Volunteer Infantry, and Company A, Thirty-seventh Regiment United States Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "and."
In lines 8 and 9 strike out the words "Company A, Thirty-seventh Regiment United States Volunteer Infantry."
In line 9 strike out the word "fifty" and insert in lieu thereof the word "thirty-six."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LEMUEL HERBERT.

The next pension business was the bill (H. R. 11160) granting an increase of pension to Lemuel Herbert.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lemuel Herbert, late of Company D, Tenth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HARRIET E. ST. JOHN.

The next pension business was the bill (H. R. 11630) granting a pension to Harriet E. Saint John.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriet E. Saint John, widow of Thomas H. Saint John, late of Company D, Fifteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the words "Harriet E.," strike out the word "Saint" and insert in lieu thereof the letters "St."
In same line, after the words "Thomas H.," strike out the word "Saint" and insert in lieu thereof the letters "St."
Amend the title so as to read: A bill granting a pension to Harriet E. St. John."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HIRAM E. MONROE.

The next pension business was the bill (H. R. 1467) granting an increase of pension to Hiram E. Monroe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hiram E. Monroe, late of Company E, Eleventh Regiment Michigan Volunteer Cavalry, and pay him a pension of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANTOINETTE HANNAHS.

The next pension business was the bill (H. R. 2345) granting an increase of pension to Antoinette Hannahs.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Antionette Hannahs, widow of Franklin Hannahs, late of Company C, Eighty-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the word "captain."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS A. SLACK.

The next pension business was the bill (H. R. 2083) granting an increase of pension to Thomas A. Slack.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas A. Slack, late captain Company C, Twenty-ninth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $100 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the words "one hundred" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM ELMES.

The next pension business was the bill (H. R. 2291) granting an increase of pension to William Elms.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Elms, late of Company I, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Elms" and insert in lieu thereof the word "Elmes."
In the same line, after the word "Company," insert "F, One hundred and seventy-eighth Regiment Pennsylvania Volunteer Infantry, and Company."
In line 7, after the word "Pennsylvania," insert the word "Provisional."
In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twenty-four."
Amend the title so as to read: "A bill granting an increase of pension to William Elmes."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELISHA WHITE.

The next pension business was the bill (H. R. 2169) granting an increase of pension to Elisah White.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elisah White, late of Company F, One hundred and twenty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Elisah" and insert in lieu thereof the word "Elisha."
In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."
Amend the title so as to read: "A bill granting an increase of pension to Elisha White."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CASWELL D. FERGUSON.

The next pension business was the bill (H. R. 1057) granting an increase of pension to Caswell D. Ferguson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caswell

D. Ferguson, late of the Second Battery, Iowa Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Second," strike out the word "the."
In same line, after the word "Iowa," insert the word "Volunteer."
In line 7 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MAGGIE PARKER.

The next pension business was the bill (H. R. 3214) granting a pension to Maggie Parker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maggie Parker, widow of Stephen Parker, late of Company C, Twelfth Regiment United States Infantry, and pay her a pension at the rate of $30 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "eight."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS M'CABE.

The next pension business was the bill (H. R. 2771) granting an increase of pension to Thomas McCabe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas McCabe, late of Company G, Seventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANSON K. CARR.

The next pension business was the bill (H. R. 3400) granting an increase of pension to Anson K. Carr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anson K. Carr, late of Company —, ——— Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after the word "Company," insert the words "F, Ninth."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS MAGINLEY.

The next pension business was the bill (H. R. 2084) granting an increase of pension to Thomas Maginley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Thomas Maginley, late of Company B, Tenth Regiment Massachusetts Volunteer Infantry; Company H, Thirty-seventh Regiment Massachusetts Volunteer Infantry, and One hundred and fifth Company, Second Battalion Veteran Reserve Corps, and pay him a pension at the rate of $100 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 4, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws."
In lines 9 and 10 strike out the words "one hundred" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DARIUS J. BROWN.

The next pension business was the bill (H. R. 1437) granting an increase of pension to Darius J. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Darius J. Brown, late of Company E, One hundred and twenty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ROBERT PURCELL.

The next pension business was the bill (H. R. 1884) granting an increase of pension to Robert E. Purcell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert E. Purcell, late of Company K, Fourteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "E."
Amend the title so as to read: "A bill granting an increase of pension to Robert Purcell."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MESHACK L. JONES.

The next pension business was the bill (H. R. 4730) granting an increase of pension to Meshach L. Jones.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Meshach L. Jones, late of Company F, Seventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Meshach" and insert in lieu thereof the word "Meshack."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."
Amend the title so as to read: "A bill granting an increase of pension to Meshack L. Jones."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

NAPOLEON D. O. LORD.

The next pension business was the bill (H. R. 5808) granting an increase of pension to Napoleon D. O. Lord.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Napoleon D. O. Lord, late of Company K, Fourteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EDWARD J. MILLS.

The next pension business was the bill (H. R. 6192) granting an increase of pension to Edward J. Mills.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward J. Mills, late of Company H, Two hundred and first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DAVID L. DAVIDSON.

The next pension business was the bill (H. R. 5925) granting an increase of pension to D. L. Davidson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of D. L. Davidson, late of Company C, One hundred and sixteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "D." and insert in lieu thereof the word "David."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to David L. Davidson."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DANIEL B. NORWOOD.

The next pension business was the bill (H. R. 4411) granting a pension to Daniel B. Norwood.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel B. Norwood, late of Company H, Sixth Regiment United States Volunteer Infantry, and pay him a pension at the rate of $8 per month.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE H. RICE.

The next pension business was the bill (H. R. 6538) granting an increase of pension to George H. Rice.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George H. Rice, late of Company D, One hundred and thirty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN BOKART.

The next pension business was the bill (H. R. 4884) granting an increase of pension to John Bokart.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Bokart, late of Company A, Tenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

IDA L. AND CLARA E. WINTERS.

The next pension business was the bill (H. R. 1958) granting a pension to Ida L. and Clara H. Winters.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the names of Ida L. and Clara H. Winters, weak-minded children of James Winters, late of Company G, Two hundredth Regiment Pennsylvania Volunteer Infantry, and pay them each a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "H" and insert in lieu thereof the letter "E."

In same line strike out the words "weak-minded" and insert in lieu thereof the words "helpless and dependent."

Amend the title so as to read: "A bill granting a pension to Ida L. and Clara E. Winters."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALGERNON LIGHTCAP.

The next pension business was the bill (H. R. 2289) granting an increase of pension to Algernon Lightcap.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Algernon Lightcap, late of Company E, Ninety-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN C. MESSERSCHMIDT.

The next pension business was the bill (H. R. 8596) granting an increase of pension to John C. Messerschmidt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John C. Messerschmidt, late of Company E, Fifty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the word "captain."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN W. SEEBER.

The next pension business was the bill (H. R. 3216) granting an increase of pension to John W. Seeber.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Seeber, late of Company I, Thirty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JONATHAN C. S. TWITCHELL.

The next pension business was the bill (H. R. 3678) granting an increase of pension to J. C. S. Twitchell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of J. C. S. Twitchell, late captain Company H, Fifth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "J." and insert in lieu thereof the word "Jonathan."

In same line, after the word "late," insert the words "of Company B and."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

Amend the title so as to read: "A bill granting an increase of pension to Jonathan C. S. Twitchell."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM R. P. FOALE.

The next pension business was the bill (H. R. 1974) granting an increase of pension to William R. P. Foale.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William R. P. Foale, late of Company D, Sixteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EDWARD MAXWELL.

The next pension business was the bill (H. R. 1201) granting a pension to Edward Maxwell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of Edward Maxwell, late of Company C, Fifty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Edward Maxwell."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN FISHER.

The next pension business was the bill (H. R. 1072) granting an increase of pension to John Fisher.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Fisher, late of Company A, First Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $35 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-five" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

BENJAMIN FAGLEY.

The next pension business was the bill (H. R. 1382) granting an increase of pension to Benjamin Fagley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin Fagley, late of Company E, One hundred and thirty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH BAILEY.

The next pension business was the bill (H. R. 6516) granting an increase of pension to Joseph G. Bailey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph G. Bailey, late of Company E, Forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "G."

Amend the title so as to read: "A bill granting an increase of pension to Joseph Bailey."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; it was accordingly read the third time, and passed.

FRANCIS CAREY.

The next pension business was the bill (H. R. 5016) granting an increase of pension to Francis Carey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis Carey, late of Company L, Fiftieth Regiment New York Engineers, and pay him a pension at the rate of $35 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Engineers," insert the word "Volunteer."

In line 8 strike out the word "thirty-five" and insert the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; it was accordingly read the third time, and passed.

JONATHAN J. BOYER.

The next pension business was the bill (H. R. 6157) granting an increase of pension to Jonathan J. Boyer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jonathan J. Boyer, late of Company F, Eleventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; was accordingly read the third time, and passed.

CHARLES R. ELLIS.

The next pension business was the bill (H. R. 7224) granting an increase of pension to Charles R. Ellis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles R. Ellis, late of Company E, One hundred and forty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; it was accordingly read the third time, and passed.

JAMES G. HEAD.

The next pension business was the bill (H. R. 7302) granting a pension to James G. Head.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of James G. Head, late a private of Company K, Seventh Illinois Volunteer Cavalry, and to pay him a pension at the rate of $30 per month in lieu of that which he now receives under certificate No. 846892.

The amendments recommended by the committee were read, as follows:

In line 5 strike out the words "a private."

In same line, after the word "Seventh," insert the word "Regiment."

In line 6 strike out the word "to."

In line 7 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

In same line strike out the words "which he" and all of lines 8 and 9 and insert in lieu thereof the words "he is now receiving."

Amend title so as to read: "A bill granting an increase of pension to James G. Head."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; it was accordingly read the third time, and passed.

THOMAS ADAIR.

The next pension business was the bill (H. R. 4735) granting an increase of pension to Thomas Adair.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Adair, late of Company I, Second Regiment Missouri Volunteer Light Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; it was accordingly read the third time, and passed.

RICHARD M'CARTHY.

The next pension business was the bill (H. R. 6338) granting an increase of pension to Richard McCarthy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Richard McCarthy, late of Company D, Eighty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The bill as amended was ordered to be engrossed for a third reading; it was accordingly read the third time, and passed.

GEORGE W. SHEPHERD.

The next pension business was the bill (H. R. 4765) granting an increase of pension to George W. Shepherd.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Shepherd, late of Company K, Thirty-fourth Regiment Ohio Volun-

teer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The bill as amended was ordered to be engrossed for a third reading; it was accordingly read the third time, and passed.

DAVID A. CARPENTER.

The next pension business was the bill (H. R. 4666) granting an increase of pension to David A. Carpenter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David A. Carpenter, late a landsman, United States Navy, on board the Ohio and the Sunflower, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "a landsman, United States Navy," and in line 7 the words "on board the Ohio and the Sunflower," and insert in lieu thereof the words "of U. S. S. Sunflower and North Carolina, United States Navy, and Company E, First Regiment Rhode Island Volunteer Light Artillery."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The bill as amended was ordered to be engrossed for a third reading; it was accordingly read the third time, and passed.

CHRISTOPHER PLETZKE.

The next pension business was the bill (H. R. 4224) granting an increase of pension to Christopher Pletzke.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Christopher Pletzke, late of Company B, Eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; it was accordingly read the third time, and passed.

TRAVIS W. TICHENOR.

The next pension business was the bill (H. R. 5254) granting an increase of pension to Travis W. Tichenor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Travis W. Tichenor, late of Company L, Thirteenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; it was accordingly read the third time, and passed.

RICHARD PHILLIPS, JR.

The next pension business was the bill (H. R. 6962) granting an increase of pension to Richard Phillips, jr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Richard Phillips, jr., late of Company B, Eighth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of ——— dollars per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8, before the word "dollars," insert the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HAMILTON SECHEVERELL.

The next pension business was the bill (H. R. 4195) granting an increase of pension to J. H. SeCheverell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of J. H. SeCheverell, late of Company M, Second Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "J. H. SeCheverell" and insert in lieu thereof the words "Hamilton Secheverell."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to Hamilton Secheverell."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES GRAHAM.

The next pension business was the bill (H. R. 10296) granting an increase of pension to James Graham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Graham, late of Company G, Eleventh United States Infantry; Company I, One hundred and twenty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Company G, Eleventh United," all of line 7, and in line 8 the words "Regiment Pennsylvania Volunteer Infantry" and insert in lieu thereof the words "Light Battery Mississippi Marine Brigade, and Company E, First Regiment Missouri Volunteer Light Artillery."

In line 9 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN SARVIS.

The next pension business was the bill (H. R. 6993) granting an increase of pension to John Sarvis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Sarvis, late of Fourth Battery, Indiana Volunteer Light Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANK BUNCHER.

The next pension business was the bill (H. R. 2394) granting an increase of pension to Frank Buncher.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank Buncher, late of Company G, Sixth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JESSIE MARIE HESTER.

The next pension business was the bill (H. R. 3229) granting a pension to Jessie Marie Hester.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jessie Marie Hester, widow of Lieut. William H. Hester, late of Company L, Third Kentucky Cavalry, and pay her a pension at the rate of $35 per month.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, and 8 and insert in lieu thereof the following: "of Jessie Marie Hester, widow of William W. Hester, late first lieutenant Company L, Third Regiment Kentucky Volunteer Cavalry, and lieutenant-colonel Forty-eighth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JONATHAN CARR.

The next pension business was the bill (H. R. 8288) granting an increase of pension to Jonathan Carr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jona-

than Carr, late of Company I, First Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "first lieutenant and captain."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ASHER S. BOUDEN.

The next pension business was the bill (H. R. 6051) granting an increase of pension to Asher S. Bouden.

The bill was read, as follows:

Be it enacted, etc., That the Secertary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Asher S. Bouden, late of Company D, Ninety-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LIZZIE E. SHEHAN.

The next pension business was the bill (S. 15) granting an increase of pension to Lizzie E. Shehan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lizzie E. Shehan, widow of James R. Shehan, late of Company I, First Regiment Maine Volunteer Cavalry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

CHARLES A. BRADBURY.

The next pension business was the bill (S. 23) granting an increase of pension to Charles A. Bradbury.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles A. Bradbury, late of Company G, Twenty-third Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

HARTWELL C. KEYES.

The next pension business was the bill (S. 76) granting an increase of pension to Hartwell C. Keyes.

Mr. SULLOWAY. Mr. Speaker, the beneficiary in this case is dead, and I move to lay the bill on the table.

The motion was agreed to.

CURTIS A. CARPENTER.

The next pension business was the bill (S. 82) granting an increase of pension to Curtis A. Carpenter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Curtis A. Carpenter, late of Company C, Fifteenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; was accordingly read the third time, and passed.

EDWARD KEASTER.

The next pension business was the bill (S. 85) granting an increase of pension to Edward Keaster.

Mr. SULLOWAY. Mr. Speaker, the beneficiary of this bill is dead, and I move that the bill be laid on the table.

The motion was agreed to.

EUGENE P. KINGSLEY.

The next pension business was the bill (S. 99) granting an increase of pension to Eugene P. Kingsley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eugene P. Kingsley, late of Company K, One hundred and fiftieth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; was accordingly read the third time, and passed.

JOHN D. M'FADDEN.

The next pension business was the bill (S. 113) granting an increase of pension to John D. McFadden.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John D. McFadden, late of Company I, Twenty-first Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; was accordingly read the third time, and passed.

PETER P. CHACEY.

The next pension business was the bill (S. 135) granting an increase of pension to Peter P. Chacey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Peter P. Chacey, late of Company C, Eighth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; was accordingly read the third time, and passed.

ROBERT WIPER.

The next pension business was the bill (S. 137) granting an increase of pension to Robert Wiper.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert Wiper, late of Company I, Sixty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; was accordingly read the third time, and passed.

MINERVA BRIGGS.

The next pension business was the bill (S. 144) granting an increase of pension to Minerva Briggs.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Minerva Briggs, widow of James Briggs, late of Company B, Thirteenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; was accordingly read the third time, and passed.

PATRICK M'CUE.

The next pension business was the bill (S. 147) granting an increase of pension to Patrick McCue.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Patrick McCue, late of Company K, Eleventh Regiment Missouri Volunteer Infantry, and Companies C and F, Battalion Mississippi Marine Brigade Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; was accordingly read the third time, and passed.

CASSIUS LISK.

The next pension business was the bill (S. 149) granting an increase of pension to Cassius Lisk.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cassius Lisk, late of Twenty-sixth Independent Battery New York Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; was accordingly read the third time, and passed.

LUCIUS A. LINCOLN.

The next pension business was the bill (S. 150) granting an increase of pension to Lucius A. Lincoln.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucius A. Lincoln, late of Company C, Eighth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

LIZZIE G. REYNOLDS.

The next pension business was the bill (S. 157) granting an increase of pension to Lizzie G. Reynolds.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lizzie

G. Reynolds, widow of Phineas B. Reynolds, late of Company K, Thirty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ELIZABETH DAVIS.

The next pension business was the bill (S. 168) granting an increase of pension to Elizabeth Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Davis, widow of William P. Davis, late captain Company I, One hundred and eighteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

OLIVER P. SMITH.

The next pension business was the bill (S. 182) granting an increase of pension to Oliver P. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oliver P. Smith, late of Company F, Fifth Regiment New Hampshire Volunteer Infantry, and Company A, First Regiment New Hampshire Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

LYMAN MARSH.

The next pension business was the bill (S. 184) granting an increase of pension to Lyman Marsh.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lyman Marsh, late of Company G, Eighth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES L. COWELL.

The next pension business was the bill (S. 194) granting an increase of pension to James L. Cowell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James L. Cowell, late of Company D, Twelfth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN PIEPER.

The next pension business was the bill (S. 195) granting an increase of pension to John Pieper.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Pieper, late commissary sergeant Tenth Regiment Maryland Volunteer Infantry, and United States Army, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ALLEN AMBURN.

The next pension business was the bill (S. 202) granting an increase of pension to Allen Amburn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Allen Amburn, late of Company D, Thirty-first Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN F. WALTER.

The next pension business was the bill (S. 204) granting an increase of pension to John F. Walter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John F. Walter, late of Company I, First Regiment Minnesota Volunteer Mounted Rangers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

FRANCIS GEE.

The next pension business was the bill (S. 205) granting an increase of pension to Francis Gee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis Gee, late of Company B, Thirty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM C. BRECKENRIDGE.

The next pension business was the bill (S. 217) granting an increase of pension to William C. Breckenridge.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William C. Breckenridge, late of Company H, Eighth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, read the third time, and passed.

ABRAHAM M. CORY.

The next pension business was the bill (S. 336) granting a pension to Abraham M. Cory.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abraham M. Cory, late acting assistant surgeon, United States Army, and pay him a pension at the rate of $12 per month.

The bill was ordered to a third reading, read the third time, and passed.

THOMAS M'LAUGHLIN.

The next pension business was the bill (S. 471) granting an increase of pension to Thomas McLaughlin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas McLaughlin, late of Company A, Twenty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, read the third time, and passed.

NELSON B. TOOL.

The next pension business was the bill (S. 489) granting an increase of pension to Nelson B. Tool.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nelson B. Tool, late of Company M, Eleventh Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, read the third time, and passed.

MICHAEL BRADY.

The next pension business was the bill (S. 525) granting an increase of pension to Michael Brady.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael Brady, late of Company C, Sixty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, read the third time, and passed.

ROBERT R. M'CORMICK.

The next pension business was the bill (S. 528) granting a pension to Robert R. McCormick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert M. McCormick, invalid and dependent son of Robert M. McCormick, late captain Company G, Seventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $12 per month.

The bill was ordered to a third reading, read the third time, and passed.

SOPHIA A. KNAPP.

The next pension business was the bill (S. 530) granting an increase of pension to Sophia A. Knapp.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sophia A. Knapp, widow of Sylvester Knapp, late of the Twenty-fourth Battery Indiana Volunteer Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to a third reading, read the third time, and passed.

HIRAM B. DOTY.

The next pension business was the bill (S. 532) granting an increase of pension to Hiram B. Doty.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hiram B. Doty, late of Company G, Seventy-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, read the third time, and passed.

SETH M. TUCKER.

The next pension business was the bill (S. 559) granting an increase of pension to Seth M. Tucker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Seth M. Tucker, late first lieutenant Companies B and I, Tenth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, read the third time, and passed.

ANDREW C. REED.

The next pension business was the bill (S. 560) granting an increase of pension to Andrew C. Reed.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew C. Reed, late of Company C, Twenty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, read the third time, and passed.

CHARLES H. KNIGHT.

The next pension business was the bill (S. 571) granting an increase of pension to Charles H. Knight.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Knight, late of Company H, Fourteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ALLEN J. NASH.

The next pension business was the bill (S. 626) granting an increase of pension to Allen J. Nash.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Allen J. Nash, late of Company A, Twenty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOSEPH HILER.

The next pension business was the bill (S. 627) granting an increase of pension to Joseph Hiler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Hiler, late of Company G, Third Regiment Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MAURICE DOWNEY.

The next pension business was the bill (S. 708) granting an increase of pension to Maurice Downey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maurice Downey, late of Company C, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

EPHRAIM A. GORDON.

The next pension business was the bill (S. 713) granting an increase of pension to Ephraim A. Gordon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ephraim A. Gordon, late of Company K, Fourth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

BYRON LENT.

The next pension business was the bill (S. 777) granting an increase of pension to Byron Lent.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Byron Lent, late of Company I, Seventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MOSES H. SAWYER.

The next pension business was the bill (S. 783) granting an increase of pension to Moses H. Sawyer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Moses H. Sawyer, late acting master United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

PATRICK GARVEY.

The next pension business was the bill (S. 786) granting an increase of pension to Patrick Garvey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Patrick Garvey, late captain Company B, Ninth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES W. RYAN.

The next pension business was the bill (S. 844) granting an increase of pension to James W. Ryan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James W. Ryan, late of Company D, Second Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HORATIO CARTER.

The next pension business was the bill (S. 849) granting an increase of pension to Horatio Carter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Horatio Carter, late of Company K, Twenty-fourth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

Mr. SULLOWAY. Mr. Speaker, the beneficiary of this bill is entirely helpless and unable to dress himself. I move to strike out $24 and insert $30.

The SPEAKER pro tempore (Mr. CAMPBELL of Kansas). The gentleman from New Hampshire proposes an amendment, which the Clerk will report.

The Clerk read as follows:

In line 8 strike out "twenty-four" and insert "thirty."

The amendment was agreed to.

The bill as amended was ordered to a third reading, and was accordingly read a third time, and passed.

ROBERT F. CATTERSON.

The next pension business was the bill (S. 944) granting an increase of pension to Robert F. Catterson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of Robert F. Catterson, late colonel Ninety-seventh Regiment Indiana Volunteer Infantry, and brigadier-general, United States Volunteers, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

DAVID L. WRIGHT.

The next pension business was the bill (S. 974) granting an increase of pension to David L. Wright.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David L. Wright, late first lieutenant and captain Company E, Fifty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM C. BEACHEY.

The next pension business was the bill (S. 1036) granting an increase of pension to William C. Beachey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William C. Beachey, late of Company G, One hundred and eighty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HENRY E. BEDELL.

The next pension business was the bill (S. 1164) granting an increase of pension to Henry E. Bedell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry E. Bedell, late of Company D, Eleventh Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

CHARLES W. OLESON.

The next pension business was the bill (S. 1214) granting an increase of pension to Charles W. Oleson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles W. Oleson, late assistant surgeon Fourteenth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

JOHN CHRISTOFF.

The next pension business was the bill (S. 1238) granting an increase of pension to John Christoff.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Christoff, late of Company B, Eighty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

JOSEPH G. M'GARVEY.

The next pension business was the bill (S. 1239) granting an increase of pension to Joseph G. McGarvey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph G. McGarvey, late of Company G, Eighty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

CHARLES E. SMITH.

The next pension business was the bill (S. 1269) granting an increase of pension to Charles E. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles E. Smith, late of Company K, Fourth Regiment Minnesota Volunteer Infantry, and captain Company A, Fifty-sixth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

CHARLES S. M. HOOTON.

The next pension business was the bill (S. 1310) granting an increase of pension to Charles S. M. Hooton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles S. M. Hooton, late of Company F, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

JOHN LEAVITT.

The next pension business was the bill (S. 1340) granting an increase of pension to John Leavitt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Leavitt, late of Company A, One hundred and forty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

FRED PREISINGER.

The next pension business was the bill (S. 1341) granting an increase of pension to Fred Preisinger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fred Preisinger, late of Company H, Seventy-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

MORTON M. NOAH.

The next pension business was the bill (S. 1342) granting an increase of pension to Morton M. Noah.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Morton M. Noah, late of Company A, Fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

JEREMIAH INGALLS, ALIAS JEREMIAH BOSS.

The next pension business was the bill (S. 1359) granting an increase of pension to Jeremiah Ingalls, alias Jeremiah Boss.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jeremiah Ingalls, alias Jeremiah Boss, late of Company I, Twenty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

JULIA W. ESTES.

The next pension business was the bill (S. 1408) granting an increase of pension to Julia W. Estes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia W. Estes, widow of Llewellyn G. Estes, late major and assistant adjutant-general and brevet brigadier-general, United States Volunteers, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

WILLIAM W. LANE.

The next pension business was the bill (S. 1431) granting an increase of pension to William W. Lane.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William W. Lane, late of Company B, Thirty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at a rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

URIAH D. BARRETT.

The next pension business was the bill (S. 1505) granting an increase of pension to Uriah D. Barrett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Uriah D. Barrett, late of Company I, Tenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

HELEN M. BLANCHARD.

The next pension business was the bill (S. 1737) granting an increase of pension to Helen M. Blanchard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Helen M. Blanchard, widow of John A. Blanchard, late surgeon Forty-eighth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $15 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

RUFUS H. PAINE.

The next pension business was the bill (S. 1826) granting an increase of pension to Rufus H. Paine.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rufus H. Paine, late of Company A, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

REBECCA A. WHITE.

The next pension business was the bill (S. 1872) granting an increase of pension to Rebecca A. White.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rebecca A. White, widow of George W. White, late of Company B, Third Regiment Kentucky Volunteer Infantry, and Battery A, Kentucky Volunteer Light Artillery, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

GEORGE W. PATTON.

The next pension business was the bill (S. 1888) granting an increase of pension to George W. Patton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Patton, late of Company D, Eleventh Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

BENJAMIN F. GRAHAM.

The next business was the bill (H. R. 11543) to correct the military record of Benjamin F. Graham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to grant an honorable discharge to Benjamin F. Graham, an assistant surgeon of the One hundred and ninety-fourth Regiment Ohio Volunteer Infantry during the war of the rebellion.

SEC. 2. That said honorable discharge shall supersede and take the place of the record relative to the said Benjamin F. Graham now on file in the War Department.

The amendment recommended by the committee was read, as follows:

In line 10, after the word "Department," insert the following: "*Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY K. LEWIS.

The next pension business was the bill (H. R. 1280) granting a pension to Mary K. Lewis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary K. Lewis, widow of Green B. Lewis, late of Captain Dennard's company, Georgia Mounted Volunteers, Creek Indian war, and pay her a pension at the rate of $8 per month.

The amendment recommended by the committee was read, as follows:

In line 7, after "company," insert "First Regiment."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FLORENCE D. RAFFERTY.

The next pension business was the bill (H. R. 1545) granting a pension to Florence D. Rafferty.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Florence D. Rafferty, widow of M. A. Rafferty, late of Company F, Seventy-first Regiment New York Volunteer Infantry, war with Spain, and pay her a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 6 change the initial "M." where it occurs in the soldier's name to the Christian name "Malcolm," and in the same line, after "late," insert "captain."

At the end of the bill add the words "and $2 per month additional on account of the minor child of said Malcolm A. Rafferty until he reaches the age of 16 years.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EVELYN S. BEARDSLEE.

The next pension business was the bill (H. R. 2340) granting a pension to Evelyn S. Beardslee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Evelyn S. Beardslee, widow of Lester A. Beardslee, late rear-admiral, United States Navy, and pay her a pension at the rate of $100 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "one hundred" and insert "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WINIFRED E. LEWIS.

The next pension business was the bill (H. R. 2342) granting a pension to Winifred E. Lewis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Winifred E. Lewis, late nurse, United States service, war with Spain, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after "nurse," insert "Medical Department."

In lines 6 and 7 strike out "service, war with Spain," and insert "Army."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DANIEL M. ROSE.

The next pension business was the bill (H. R. 4217) granting an increase of pension to Daniel M. Rose.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel M. Rose, late of Company F, Fifth Regiment Tennessee Volunteers, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "thirty" and insert "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY M. C. MANNING.

The next pension business was the bill (H. R. 4713) granting a pension to Mary Manning.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Manning, widow of William Cheney Manning, late major, Twenty-third United States Infantry, and pay her a pension at the rate of $—— per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the Christian name "Mary," insert the initials "M. C."
In the same line change the Christian name "Cheney" to the initial "C."
In line 7 change "major" to "captain."
After "Twenty-third" insert "Regiment."
In line 8 insert in the blank space in the bill the word "thirty" and add to the end of the bill the words "in lieu of that she is now receiving."
Change the title so as to read: "A bill granting an increase of pension to Mary M. C. Manning."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EMMA M. BOYER.

The next pension business was the bill (H. R. 4727) granting a pension to Emma M. Boyer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma M. Boyer, widow of Paul Boyer, late of Company I, Fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after "Paul," insert the initial "K."
In line 8, before "and pay her a pension," insert "war with Spain;" and in the same line strike out "thirty" and insert "twelve;" and at the end of the bill insert: "and $2 per month additional on account of each of the minor children of said Paul K. Boyer until they reach the age of 16 years."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ODILIA LOGAN.

The next pension business was the bill (H. R. 4737) granting an increase of pension to Odilia Logan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Odilia Logan, widow of William Logan, late captain Company A, Seventh Regiment Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after "Regiment," insert "United States."
In line 8 strike out "fifty" and insert "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LEOLA V. FRANKS.

The next pension business was the bill (H. R. 4826) granting a pension to Leola V. Franks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Leola V. Franks, widow of Thomas B. Franks, late lieutenant Company —, Fifth Regiment United States Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out "Lieutenant" and insert "Captain."
In line 7, after "Company," insert "E."
In line 8, after "Infantry," insert "war with Spain."
In line 9 strike out "thirty" and insert "twenty," and add to the end of the bill the words: "and two dollars per month additional on account of the minor child of said Thomas B. Franks until he reaches the age of sixteen years."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LOCKEY STUARD.

The next pension business was the bill (H. R. 5238) granting an increase of pension to Lockey Stewart.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lockey Stewart, widow of William R. Stewart, late of Company D, First North Carolina Regiment Volunteers, war with Mexico, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

Change the surname of the claimant and the soldier where it appears in the title and the body of the bill to "Stuard."
In line 7, after "First," insert "Regiment."
After "North Carolina," in the same line, strike out "Regiment."
In line 8 strike out "thirty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JENNIE L. OVERTON.

The next pension business was the bill (H. R. 5955) granting an increase of pension to Jennie L. Overton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jennie L. Overton, widow of Clough Overton, late captain Company D, Fifteenth Regiment United States Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out "Company D."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANNA M. CASE.

The next pension business was the bill (H. R. 6076) granting a pension to Anna M. Case.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna M. Case, dependent mother of Charles C. Case, late of Company K, First Regiment, United States Cavalry, war with Spain, and pay her a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In lines 7 and 8 strike out "war with Spain."
In line 8 strike out "thirty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS J. STEVENS.

The next pension business was the bill (H. R. 6613) granting a pension to Thomas J. Slevens.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas J. Slevens, late of Company D, Third Regiment Kentucky Volunteer Infantry, in war with Spain, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

Change the claimant's surname where it appears in the title and the body of the bill as "Slevens" to "Stevens."
In line 7 strike out "in;" and in lines 7 and 8 strike out "and pay him a pension at the rate of $30 per month," in order that a rating shall be fixed for the alleged disabilities in accordance with the degree of disability disclosed upon medical examination, as provided by law.

Mr. SMITH of Kentucky. Mr. Speaker, there is a correction in the name which I think is not there. Instead of "Slevens" it ought to be "Stevens." The "l" ought to be a "t."

The SPEAKER pro tempore. The gentleman from Kentucky suggests that the name in this bill should be "Stevens" instead of "Slevens," as read in the bill.

Mr. LOUDENSLAGER. Mr. Speaker, I would say there is nothing before the committee that would suggest that the name should be "Stevens."

Mr. SMITH of Kentucky. In the committee report, I beg to suggest——

Mr. LOUDENSLAGER. I have no objection to changing the name.

Mr. SMITH of Kentucky. In the committee's report it says change the claimant's surname where it appears in the body of the bill to "Stevens" from "Slevens." That is recommended in the report.

Let me ask the chairman of the committee if his colleague, Judge BENNETT, suggested an amendment that I would like to have adopted? I handed Judge BENNETT an amendment which, I think, carries out the committee's purpose, and I would like to have it adopted.

Mr. LOUDENSLAGER. What was that?

Mr. SMITH of Kentucky. To strike out the language "and pay him a pension at the rate of thirty dollars per month." The committee strikes that out, to which I have no objection, but I wished to have it inserted "to pay him a pension at such a rate as the degree of his disability from manual labor may be

shown by medical examination which the Secretary of the Interior has caused to be made."

Mr. LOUDENSLAGER. I will say that the language of the bill itself covers that.

Mr. SMITH of Kentucky. I will ask to pass this bill to the foot of the Calendar, so that I will not delay other gentlemen who have bills pending.

The motion was agreed to.

WILLIAM MILLER.

The next pension business was the bill (H. R. 6936) granting an increase of pension to William Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Miller, late of Captain Horton's company, Third Regiment North Carolina Volunteers, Indian wars, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Indian wars" and insert "Cherokee Indian disturbance."

In line 8 strike out "seventy-two" and insert "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM HOLLAND.

The next pension business was the bill (H. R. 7599) granting an increase of pension to William Holland.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Holland, late of Company D, First Regiment Arkansas Volunteer Cavalry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, after "Arkansas," insert "Mounted Infantry."

In the same line strike out "Cavalry."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN WELCH.

The next pension business was the bill (H. R. 7600) granting an increase of pension to John Welch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Welch, late of Captain Sutton's company, Bell's regiment, Texas Mounted Volunteers, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "Captain Sutton's," and in the same line, after "Company," insert "C."

In line 7 strike out "Volunteers" and insert "Riflemen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SARAH A. J. TAYMAN.

The next pension business was the bill (H. R. 8217) granting an increase of pension to Sarah A. J. Tayman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah A. J. Tayman, widow of Jacob Tayman, late a soldier of the United States in the war of 1812, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "Jacob Tayman," insert "alias Jacob Tarman."

In lines 6 and 7 strike out "a soldier of the United States in the" and insert "of Captain Trysinger's company, Pennsylvania Militia."

In line 8 strike out "thirty" and insert "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS TODD.

The next pension business was the bill (H. R. 8846) granting an increase of pension to Thomas Todd.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Todd, late captain Company I, Third Regiment Kentucky Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "thirty" and insert "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

PHILIP B. THOMPSON.

The next pension business was the bill (H. R. 8847) granting an increase of pension to Phil. B. Thompson, sr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Phil. B. Thompson, sr., late captain Company C, Second Regiment Kentucky Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Change "Phil." where it occurs in the title and body of the bill to "Philip," and strike out "senior" where it occurs in the title and the body of the bill.

In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and pased.

The title was amended so as to read: "A bill granting an increase of pension to Philip B. Thompson."

ALANSON B. THOMAS.

The next pension business was the bill (H. R. 10192) granting an increase of pension to Alanson B. Thomas.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alanson B. Thomas, late of Company C, Third Regiment Illinois Volunteers, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "thirty" and insert "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a tihrd reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS B. DAVIS.

The next pension business was the bill (H. R. 10353) granting a pension to Thomas B. Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas B. Davis, late of Company I, Thirty-third Regiment United States Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 7, after "Infantry," insert "war with Spain."

In line 8 strike out "twenty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SAMUEL F. KING.

The next pension business was the bill (H. R. 10434) granting an increase of pension to Samuel F. King.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel F. King, late of Company C, Third Regiment Illinois Volunteer Infantry, Mexican war, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out "Mexican war" and insert "war with Mexico."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY ANN GAUNT.

The next pension business was the bill (H. R. 10439) granting an increase of pension to Mary Ann Gaunt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Ann Gaunt, widow of James M. Gaunt, late of Company B, Second Regiment Illinois Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LIZZIE BREMMER.

The next pension business was the bill (H. R. 10457) granting a pension to Lizzie Bremner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lizzie Bremner, widow of Charles Bremner, late of Company F, Third United States Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

Change the claimant's and the soldier's surname, where it appears in the title and the body of the bill, to "Bremmer."

In line 7, after "Third," insert "Regiment."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Lizzie Bremmer."

ALTA M. WESTENHAVER.

The next pension business was the bill (H. R. 10459) granting a pension to Alta M. Westenhaver.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alta M. Westenhaver, widow of Jackson C. Westenhaver, late of Company F, Fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 8, after "Infantry," insert "war with Spain."

Add to the end of the bill the words "and $2 per month additional on account of each of the minor children of said Jackson C. Westenhaver until they reach the age of 16 years."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES WILKINSON.

The next pension business was the bill (H. R. 10552) granting an increase of pension to James Wilkerson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Wilkerson, late of Capt. S. P. Ross's company, Texas Volunteer Mounted Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Change the spelling of the claimant's surname where it appears in the title and the body of the bill to "Wilkinson."

In line 6, after "Captain," strike out the initials "S. P."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to James Wilkinson."

ROBERT M. WHITSON.

The next pension business was the bill (H. R. 10765) granting an increase of pension to Robert M. Whitson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert M. Whitson, late of Company A, First Regiment Tennessee Volunteers, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "thirty" and insert "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

RACHEL L. BARTLETT.

The next pension business was the bill (H. R. 10766) granting a pension to Rachel L. Bartlett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rachel L. Bartlett, widow of Charles G. Bartlett, late colonel Ninth Regiment United States Infantry, and pay her a pension at the rate of $50 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "fifty" and insert "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN H. PARKER.

The next pension business was the bill (H. R. 10588) for the relief of John H. Parker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay John H. Parker, who served in the Navy before and during the Mexican war, $30 per month in lieu of the $8 he now receives.

The amendments recommended by the committee were read, as follows:

Strike out all in the bill after "directed to," in line 4, and insert the following: "place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Parker, late passed midshipman, United States Navy, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to John H. Parker."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARTHA E. HALLOWELL.

The next pension business was the bill (H. R. 12054) granting an increase of pension to Martha E. Hallowell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha E. Hallowell, widow of William Hallowell, late of Company K, First Regiment Massachusetts Volunteers, Mexican war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In lines 7 and 8 strike out "Mexican war" and insert "war with Mexico."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY G. BRIGHT.

The next pension business was the bill (S. 21) granting a pension to Mary G. Bright.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary G. Bright, widow of George A. Bright, late surgeon and medical director, United States Navy, and pay her a pension at the rate of $30 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

RUSSELL A. M'KINLEY.

The next pension business was the bill (S. 988) granting a pension to Russell A. McKinley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Russell A. McKinley, late of Troop C, Second Regiment United States Cavalry, and pay him a pension at the rate of $100 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

THOMAS J. STEVENS.

Mr. LOUDENSLAGER. Now, Mr. Speaker, I ask for the consideration of the bill H. R. 6613, which was just recently laid over.

The SPEAKER pro tempore. The Clerk will report the bill.

The bill was again read.

Mr. LOUDENSLAGER. Mr. Speaker, I move to amend the bill so that it shall read "Stevens" instead of "Slevens."

Mr. SMITH of Kentucky. Since the explanation made by the gentleman, I am satisfied with the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

RECONSIDERATION.

On motion of Mr. SULLOWAY, a motion to reconsider the various votes by which the several bills were passed was laid on the table.

WILLIAM A. HILDRETH.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent for the present consideration of a resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent for the present consideration of a resolution, which will be reported by the Clerk.

The Clerk read as follows:

Resolved, That the action of the Speaker in signing the bill (H. R. 1330) granting an increase of pension to William A. Hildreth be rescinded and that the bill be returned to the Senate with the request that similar action be taken by the Senate with respect to the signature of the Vice-President, and that the passage of the bill be reconsidered, and that it be postponed indefinitely, the beneficiary of the same being dead.

The SPEAKER. Is there objection to the present consideration of this resolution?

There was no objection.

The resolution was agreed to.

REGULATION OF CONSTRUCTION OF BRIDGES OVER NAVIGABLE WATERS.

Mr. MANN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6009) to regulate the construction of bridges over navigable waters.

Mr. HENRY of Texas. Mr. Speaker, reserving the right to object, I will say to the gentleman from Illinois that I have not had the time to critically examine this bill as I expected. I do not know that I shall object, but I would like to have a little time to offer an amendment and discuss several features of it.

Mr. MANN. I have no objection to that.

The SPEAKER. Is there objection to the present consideration? [After a pause.] The Chair hears none. The bill has been read to the House——

Mr. MANN. If the Chair will pardon me, I do not think when the bill was up the other day that it was read.

Mr. CLARK of Missouri. I do not think, Mr. Speaker, that the bill has been read. I do not care much about it, but the House is very thin at this time and I know that several Members have serious objection to the bill. It looks to me as if it would be better to have the bill go over until the attendance is better than it is now, at any rate.

The SPEAKER. Unanimous consent for the consideration of the bill has been given.

Mr. CLARK of Missouri. I know it has, and I am not objecting to its consideration.

Mr. MANN. I will yield to the gentleman from Texas. How much time does the gentleman want?

Mr. HENRY of Texas. I suppose I would be entitled to recognition in my own right in opposition to the bill. I do not want to use an hour.

Mr. MANN. Is not the gentleman willing to take a part of my time?

Mr. HENRY of Texas. There might be some one else who would like to discuss the bill. Thirty minutes will be as much time as I care for, and I do not think I will need that.

Mr. MANN. If the gentleman from Texas thinks that there ought to be more opportunity to discuss the bill, I am perfectly willing that it should go over.

Mr. HENRY of Texas. I would like to have it go over until Monday at least, as I have not had the time to look into it as I would like to.

Mr. MANN. Then, Mr. Speaker, I will withdraw my request at this time.

The SPEAKER. The Chair will suggest to the gentleman from Illinois that the House has already given consent for the present consideration of the bill. There is a doubt as to whether the bill has been reported. The Chair suggests to the gentleman that the bill be reported and then it will stand as unfinished business to be taken up on Monday or at any other time.

Mr. MANN. That will be entirely satisfactory.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That when, hereafter, authority is granted by Congress to any persons to construct and maintain a bridge across or over any of the navigable waters of the United States, such bridge shall not be built or commenced until the plans and specifications for its construction, together with such drawings of the proposed construction and such map of the proposed location as may be required for a full understanding of the subject, have been submitted to the Secretary of War and Chief of Engineers for their approval, or until they shall have approved such plans and specifications and the location of such bridge and accessory works; and when the plans for any bridge to be constructed under the provisions of this act have been approved by the Chief of Engineers and by the Secretary of War it shall not be lawful to deviate from such plans, either before or after completion of the structure, unless the modification of such plans has previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War.

SEC. 2. That any bridge built in accordance with the provisions of this act shall be a lawful structure and shall be recognized and known as a post route, upon which no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for the transportation over any railroad, street railway, or public highway leading to said bridge; and the United States shall have the right to construct, maintain, and repair, without any charge therefor, telegraph and telephone lines across and upon said bridge and its approaches; and equal privileges in the use of said bridge and its approaches shall be granted to all telegraph and telephone companies.

SEC. 3. That no bridge erected or maintained under the provisions of this act shall at any time unreasonably obstruct the free navigation of the waters over which it is constructed, and if any bridge erected in accordance with the provisions of this act shall, in the opinion of the Secretary of War, at any time unreasonably obstruct such navigation, either on account of insufficient height, width of span, or otherwise, or if there be difficulty in passing the draw opening or the drawspan of such bridge by rafts, steamboats, or other water craft, it shall be the duty of the Secretary of War, after giving the parties interested reasonable opportunity to be heard, to notify the persons owning or controlling such bridge to so alter the same as to render navigation through or under it reasonably free, easy, and unobstructive, stating in such notice the changes required to be made, and prescribing in each case a reasonable time in which to make such changes, and if at the end of the time so specified the changes so required have not been made, the persons owning or controlling such bridge shall be deemed guilty of a violation of this act; and all such alterations shall be made and all such obstructions shall be removed at the expense of the persons owning or operating said bridge. The persons owning or operating any such bridge shall maintain, at their own expense, such lights and other signals thereon as the Secretary of Commerce and Labor shall prescribe. If the bridge shall be constructed with a draw, then the draw shall be opened promptly by the persons owning or operating such bridge upon reasonable signal for the passage of boats and other water craft. If tolls shall be charged for the transit over any bridge constructed under the provisions of this act, of engines, cars, street cars, wagons, carriages, vehicles, animals, foot passengers, or other passengers, then the Secretary of War may, at any time, prescribe the reasonable rates of toll for such transit over such bridge, and the rates so prescribed shall be the legal rates and shall be the rates demanded for such transit.

SEC. 4. That any persons who shall fail or refuse to comply with the lawful order of the Secretary of War or the Chief of Engineers, made in accordance with the provisions of this act, shall be deemed guilty of a violation of this act, and any persons who shall be guilty of a violation of this act shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine not exceeding $5,000, and every month such persons shall remain in default shall be deemed a new offense and subject such persons to additional penalties therefor; and in addition to the penalties above described the Secretary of War and the Chief of Engineers may, upon refusal of the persons owning or controlling any such bridge and accessory work to comply with any lawful order issued by the Secretary of War or Chief of Engineers in regard thereto, cause the removal of such bridge and accessory works as an obstruction to navigation at the expense of the persons owning or controlling such bridge, and suit for such expense may be brought in the name of the United States against such persons, and recovery had for such expenses in any court of competent jurisdiction; and the removal of any structures erected or maintained in violation of the provisions of this act or the order or direction of the Secretary of War or Chief of Engineers made in pursuance thereof may be enforced by injunction, mandamus, or other summary process, upon application to the circuit court in the district in which such structure may, in whole or in part, exist, and proper proceedings to this end may be instituted under the direction of the Attorney-General of the United States at the request of the Chief of Engineers or the Secretary of War; and in case of any litigation arising from any obstruction or alleged obstruction to navigation created by the construction of any bridge under this act, the cause or question arising may be tried before the circuit court of the United States in any district in which any portion of said obstruction or bridge touches.

SEC. 5. That whenever Congress shall hereafter by law authorize the construction of any bridge over or across any of the navigable waters of the United States, and no time for the commencement and completion of such bridge is named in said act, the authority thereby granted shall cease and be null and void unless the actual construction of the bridge authorized in such act be commenced within one year and completed within three years from the date of the passage of such act.

SEC. 6. That the right to alter, amend, or repeal this act is hereby expressly reserved as to any and all bridges which may be built in accordance with the provisions of this act, and the United States shall incur no liability for the alteration, amendment, or repeal thereof to the owner or owners or any other persons interested in any bridge which shall have been constructed in accordance with its provisions.

SEC. 7. That the word "persons" as used in this act shall be construed to import both the singular and the plural, as the case demands, and shall include corporations, companies, and associations.

The Clerk also read the following amendments, recommended by the committee:

Amend by striking out of line 25, on page 3, the word "then" and inserting in lieu thereof the words "such tolls shall be reasonable and just and."

Amend by striking out in line 25, page 3, after the word "time," the words "and from time to time."

Amend by striking out of line 19, page 4, the words "as an obstruction to navigation."

Amend by striking out of line 7, page 5, the words "the Chief of Engineers or."

Amend by striking out of line 12, page 5, after the word "district," the word "in."

ADJOURNMENT.

Mr. SULLOWAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 2 o'clock and 2 minutes p. m.) the House adjourned until Monday, January 29, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John C. Lutholtz, sole heir of estate of Mary Lutholtz, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Postmaster-General submitting an estimate of appropriation for typewriting machines, etc., for the postal service—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, recommending the establishment of prizes for enlisted men of the Army schools for bakers and cooks—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a detailed statement of the expenditures of the Revenue-Cutter Service—to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

A letter from the Secretary of War, submitting, with a favorable recommendation, a draft of a bill for the relief of certain members of the National Board for the Promotion of Rifle Practice—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, submitting, with a favorable recommendation, a draft of proposed legislation relative to disbursing agents for public buildings in course of construction—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Postmaster-General submitting an estimate of appropriation for blanks, printing, etc., for the money-order service—to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 12709) to allow and regulate amendments in judicial proceedings in the courts of the United States, reported the same without amendment, accompanied by a report (No. 590); which said bill and report were referred to the House Calendar.

Mr. HEPBURN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commission, reported the same with amendment, accompanied by a report (No. 591); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SOUTHWICK, from the Committee on Education, to which was referred the bill of the House (H. R. 10501) to incorporate the National Educational Association of the United States, reported the same with amendment, accompanied by a report (No. 592); which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. SHACKLEFORD: A bill (H. R. 13296) to put printing paper and wood pulp on the free list—to the Committee on Ways and Means.

By Mr. DRESSER: A bill (H. R. 13297) to provide for the erection of a public building at Bradford, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. LEVER: A bill (H. R. 13298) to provide for the erection of a monument to Maj. Gen. Thomas Sumter—to the Committee on the Library.

By Mr. BONYNGE: A bill (H. R. 13299) to reimburse the several States and Territories for expenses incurred in assisting the Government of the United States in raising, paying, organizing, supplying, and equipping troops for service in the war with Spain—to the Committee on War Claims.

By Mr. BURNETT: A bill (H. R. 13300) to authorize W. T. Brown, his heirs, successors, and assigns, to use the waters of Coosa River at Lock 4, in Alabama—to the Committee on Rivers and Harbors.

By Mr. DAWSON: A bill (H. R. 13301) making State historical societies designated depositories of public documents—to the Committee on Printing.

By Mr. RICHARDSON of Kentucky: A bill (H. R. 13302) making an appropriation of $10,000 for dredging the channel of Bear Creek, Edmonson County, Ky.—to the Committee on Rivers and Harbors.

By Mr. AIKEN: A bill (H. R. 13303) to increase the compensation of carriers on rural free-delivery mail routes—to the Committee on the Post-Office and Post-Roads.

By Mr. GOULDEN: A bill (H. R. 13304) to provide a suitable memorial to the memory of Christopher Columbus—to the Committee on the Library.

By Mr. SMITH of Kentucky: A bill (H. R. 13305) to amend section 1 of the act of March 3, 1887, entitled "An act to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States, and to regulate the removal of causes from State courts, and for other purposes," approved March 3, 1875, as corrected by act approved August 13, 1888—to the Committee on the Judiciary.

By Mr. VAN DUZER: A bill (H. R. 13306) for the further distribution of the Reports of the Supreme Court, and for other purposes—to the Committee on the Judiciary.

By Mr. McGUIRE: A bill (H. R. 13307) to amend an act entitled "An act to amend an act entitled 'An act to supplement existing laws relating to the disposition of lands, and so forth, approved March 3, 1901,' approved June 30, 1902"—to the Committee on the Public Lands.

By Mr. ROBINSON of Arkansas: A bill (H. R. 13308) to authorize the construction of a bridge across the Arkansas River at Pine Bluff—to the Committee on Interstate and Foreign Commerce.

By Mr. HITT: A joint resolution (H. J. Res. 88) to create a commission to examine into the subjects of citizenship of the United States, expatriation, and protection abroad—to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. AIKEN: A bill (H. R. 13309) granting an increase of pension to John P. Willson—to the Committe on Pensions.

Also, a bill (H. R. 13310) granting an increase of pension to James McKee—to the Committee on Pensions.

Also, a bill (H. R. 13311) granting an increase of pension to John Wilkinson—to the Committee on Pensions.

Also, a bill (H. R. 13312) granting an increase of pension to Pierce L. Tribble—to the Committee on Pensions.

By Mr. BONYNGE: A bill (H. R. 13313) for the relief of Edwin L. Hobart—to the Committee on War Claims.

By Mr. BURNETT: A bill (H. R. 13314) for the relief of Elizabeth Gattis, of Cherokee County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 13315) for the relief of the heirs of Samuel Carter, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13316) to remove the charge of desertion from the military record of F. M. Bruce—to the Committee on Military Affairs.

By Mr. CAMPBELL of Kansas: A bill (H. R. 13317) granting a pension to Abraham Mann—to the Committee on Pensions.

By Mr. CHANEY: A bill (H. R. 13318) granting an increase of pension to Odom Butler—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 13319) for the relief of Andrew Yewell—to the Committee on Claims.

By Mr. CAPRON: A bill (H. R. 13320) granting a pension to Helen M. Goff—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 13321) granting

an increase of pension to George Hughes—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 13322) to remove the charge of desertion from the military record of William McCutcheon—to the Committee on Military Affairs.

By Mr. DICKSON of Illinois: A bill (H. R. 13323) granting an increase of pension to Alfred W. Gilkirson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13324) granting an increase of pension to James Breeze—to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 13325) granting a pension to Rachel A. Woodmansee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13326) granting an increase of pension to Augustus McDaniel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13327) granting an increase of pension to William B. P. Turner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13328) granting an increase of pension to Isaac Pryor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13329) granting an increase of pension to John W. Wright—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 13330) for the relief of the estate of Jacob W. Hudson, deceased—to the Committee on War Claims.

By Mr. DRESSER: A bill (H. R. 13331) granting a pension to Christopher H. Fource—to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 13332) for the relief of P. H. Idol and J. A. Craft—to the Committee on Claims.

By Mr. FRENCH: A bill (H. R. 13333) granting an increase of pension to Gillis J. McBane—to the Committee on Invalid Pensions.

By Mr. GARDNER of New Jersey: A bill (H. R. 13334) granting an increase of pension to Erastus A. Doe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13335) granting an increase of pension to Martin Cook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13336) granting an increase of pension to Samuel Horn—to the Committee on Invalid Pensions.

By Mr. GILBERT of Indiana: A bill (H. R. 13337) granting an increase of pension to Joseph W. Hersh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13338) to correct the military record of Elisha O. Huss—to the Committee on Military Affairs.

By Mr. GREGG: A bill (H. R. 13339) granting a military bounty land warrant to John B. Anderson—to the Committee on Pensions.

By Mr. HUNT: A bill (H. R. 13340) for the relief of Sidney J. Wetherell, assignee of A. V. Davis—to the Committee on War Claims.

Also, a bill (H. R. 13341) granting an increase of pension to Robert C. Pate—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Nebraska: A bill (H. R. 13342) granting an increase of pension to Morris W. Clark—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 13343) to correct the military record of John N. Duffer—to the Committee on Military Affairs.

By Mr. SNAPP: A bill (H. R. 13344) granting an increase of pension to F. B. A. Kuehne—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13345) granting an increase of pension to Frank Clendenin—to the Committee on Invalid Pensions.

By Mr. LLOYD: A bill (H. R. 13346) granting a pension to William O. Underwood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13347) granting a pension to Sitha J. Sholly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13348) granting an increase of pension to Nancy Shelton—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: A bill (H. R. 13349) granting an increase of pension to Robert Gordon—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 13350) for the relief of the estate of Jacob Reichard, deceased—to the Committee on War Claims.

By Mr. RICHARDSON of Kentucky: A bill (H. R. 13351) for the benefit of the estate of A. W. Slemmons, of Metcalfe County, Ky.—to the Committee on War Claims.

Also, a bill (H. R. 13352) granting a pension to Amelia Strain—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 13353) for the relief of the heirs of Mary A. Summerhill, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13354) granting a pension to Henry Pullam—to the Committee on Invalid Pensions.

By Mr. RIVES (by request): A bill (H. R. 13355) granting an increase of pension to Austin Drake—to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 13356) for the relief of the Reloj Cattle Company—to the Committee on Private Land Claims.

By Mr. RUCKER: A bill (H. R. 13357) for the relief of John Hudgins—to the Committee on Claims.

By Mr. SAMUEL: A bill (H. R. 13358) granting an increase of pension to John C. Lloyd—to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 13359) for the relief of persons who sustained property damage caused by fire at the Rock Island Arsenal—to the Committee on Claims.

By Mr. SMITH of Kentucky. A bill (H. R. 13360) for the relief of Elizabeth St. Clair—to the Committee on War Claims.

By Mr. SOUTHWICK: A bill (H. R. 13361) to refund taxes illegally collected from the estate of John G. Myers—to the Committee on Claims.

By Mr. TIRRELL: A bill (H. R. 13362) for the relief of Lucius A. Austin—to the Committee on Claims.

By Mr. WEISSE: A bill (H. R. 13363) for the relief of Peter Gumm—to the Committee on Military Affairs.

Also, a bill (H. R. 13364) granting an increase of pension to William Frederick—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 9705) granting a pension to George W. Robinson—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5413) granting a pension to Oscar L. Thrash—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5414) granting a pension to Charles W. Atkinson—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the National Grange, the Temple Pump Company, and citizens of Buffalo, N. Y., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Japanese and Korean Exclusion League, favoring rigid enforcement of the exclusion act—to the Committee on Foreign Affairs.

By Mr. ALLEN: Petition of Robert Brenner, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BIRDSALL: Petition of J. W. Jarnagin, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BONYNGE: Petition of W. E. McGraw Lodge, No. 680, Brotherhood of Railway Trainmen, favoring bills H. R. 239 and S. 1657—to the Committee on the Judiciary.

Also, petition of W. E. McGraw Lodge, No. 680, Brotherhood of Railway Trainmen, favoring bill H. R. 9328—to the Committee on the Judiciary.

By Mr. BOWERSOCK: Petition of citizens of Severy, Kans., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Japanese and Korean Exclusion League, for strict maintenance of the exclusion act—to the Committee on Immigration and Naturalization.

By Mr. BRADLEY: Petition of Salisbury Council, Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of George T. Gregg, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Frederick W. Wilson, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BURLEIGH: Petition of of citizens of Maine, against repeal of the Grout law—to the Committee on Agriculture.

By Mr. BURNETT: Paper to accompany bill for relief of W. S. Kirby—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of estate of Austin Nix—to the Committee on War Claims.

Also, petition of W. M. Meeks & Son, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BURTON of Delaware: Petition of the American Association of Masters, Mates, and Pilots of Steam Vessels, asking

for a joint resolution authorizing the President to appoint a commissioner to appraise the Chesapeake and Delaware Canal, and for other purposes—to the Committee on Rivers and Harbors.

Also, petition of the American Association of Masters, Mates, and Pilots of Steam Vessels, for an adequate appropriation to construct the Delaware Ship Canal as an open free deep waterway to connect Delaware and Chesapeake bays—to the Committee on Rivers and Harbors.

Also, petition of E. B. Louderbough, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petitions of the Harlan & Hollingsworth Corporation, Anthony Higgins, William T. Hilles, David S. Clark, and T. C. Dupont—to the Committee on Rivers and Harbors.

Also, paper to accompany bill for relief of Mrs. A. McD. Morris—to the Committee on Claims.

By Mr. CLAYTON: Petition of A. O. C. Acre et al., favoring repeal of the tariff on hides—to the Committee on Ways and Means.

By Mr. COOPER of Wisconsin: Petition of Andrew Simonson, for removal of the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DARRAGH: Paper to accompany bill for relief of Lieut. George Van Orden—to the Committee on Naval Affairs.

By Mr. DAWSON: Petition of the American Humane Association, protesting against extension of time for confining live stock in transit without food or water—to the Committee on Interstate and Foreign Commerce.

By Mr. DEEMER: Petition of H. R. Schoch, master of Grange No. 136, of Pennsylvania, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. DOVENER: Paper to accompany bill for relief of James Dean—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Abner G. Robinson—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of James S. Pelley—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of estate of Jacob W. Hudson—to the Committee on War Claims.

By Mr. DRAPER: Petition of the New York Anti-Saloon League, for prohibition in Arizona and New Mexico as States—to the Committee on the Territories.

By Mr. DRESSER: Petition of S. W. Smith, for removal of the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. ESCH: Petition of the Japanese and Korean Exclusion League of San Francisco, for strict enforcement of the Chinese-exclusion act—to the Committee on Immigration and Naturalization.

Also, petition of the Committee on Commercial law, against repeal of the bankruptcy law—to the Committee on the Judiciary.

By Mr. GARNER: Paper to accompany bill H. R. 7637—to the Committee on Pensions.

By Mr. GUDGER: Petition of the Association of Commissioners of Agriculture of the Southern States, for extermination of the cattle tick—to the Committee on Agriculture.

Also, petition of F. M. Messier, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Japanese and Korean Exclusion League, for strict maintenance of the Chinese-exclusion act—to the Committee on Immigration and Naturalization.

By Mr. HASKINS: Petition of Diamond Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. HOPKINS: Papers to accompany bill H. R. 5356—to the Committee on Public Buildings and Grounds.

By Mr. HOWELL of New Jersey: Paper to accompany bill for relief of Robert W. Bennett (previously referred to Committee on Military Affairs)—to the Committee on Claims.

By Mr. KETCHAM: Petition of D. H. Kennedy et al., against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. CLAUDE KITCHIN: Resolution of the general assembly of North Carolina, against any statutory regulation relative to the sale of tobacco, to be free of tax or charge—to the Committee on Ways and Means.

By Mr. WILLIAM W. KITCHIN: Petitions of R. W. Haywood and J. T. Britt, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. KLINE: Petitions of Daniel Miller, Wilson J. Hartzell, Rftter & Co., Edmond Randall, Welt Bate Publishing Company, Call Publishing Company, William F. Schlechter, and Muhlenberg College, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. KNAPP: Paper to accompany bill for relief of John N. Dupper—to the Committee on Naval Affairs.

By Mr. LINDSAY: Petition of the Commercial Law League of America, favoring the original Lodge bill—to the Committee on Foreign Affairs.

Also, petition of the New York State Association of Bee Keepers, for increase of Government experiment stations—to the Committee on Agriculture.

Also, petition of the Manufacturers' Association of Brooklyn, N. Y., against legislation for the metric system—to the Committee on Coinage, Weights, and Measures.

Also, petition of the Indian Rights Association of Philadelphia, for separate statehood for Indian Territory—to the Committee on the Territories.

Also, petition of the Western Fruit Jobbers' Association, of Omaha, to give fixing of railway rates to the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of John L. Beveridge and 100 others, for a volunteer generals' retired list for Union generals of the civil war—to the Committee on Military Affairs.

Also, petition of W. L. Sanderson Post, Grand Army of the Republic, for aid to care for the cemetery at the National Soldiers' Home at New Albany, Ind.—to the Committee on Military Affairs.

Also, petition of the Japanese and Korean Exclusion League of San Francisco, for strenuous observance of the exclusion act—to the Committee on Foreign Affairs.

Also, petition of the American Mining Congress, of Denver, Colo., for a national Department of Mines and Mining, financial assistance for schools of mines, and a law relative to locating and working mines of the reserved metals—to the Committee on Mines and Mining.

By Mr. LITTAUER: Petitions of H. C. Diefendorf and G. H. Loadwick, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LLOYD: Petitions of John W. McNought and W. C. Biggs, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petitions of J. J. Heefner and S. S. Ball, for removal of the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LOUD: Petition of the National Grange of Patrons of Husbandry, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Fred. G. Carlson, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of citizens of Michigan, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. MANN: Petition of 14 citizens of New York and vicinity, for relief of heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. MARSHALL: Petition of the Tri-State Grain and Stock Growers' Association, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petitions of Edmund Devany and F. R. Strong, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of Augustus Joyeux—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: Petition of G. W. Pengborn and John Perrin, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Robert Gordon—to the Committee on Invalid Pensions.

By Mr. PADGETT: Paper to accompany bill for relief of George Pillow—to the Committee on Military Affairs.

By Mr. PUJO: Paper to accompany bill for relief of Katherine R. Mitchell—to the Committee on Invalid Pensions.

By Mr. REID: Papers to accompany bill H. R. 3117—to the Committee on the Post-Office and Post-Roads.

By Mr. REYNOLDS: Paper to accompany bill for relief of John F. Welch—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: Petition of George Wolsey Symonds, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. RIXEY: Paper to accompany bill for relief of Kitty Douglas—to the Committee on War Claims.

By Mr. RYAN: Petition of Buffalo Division, No. 2, Order of Railway Conductors, favoring bill H. R. 239—to the Committee on the Judiciary.

Also, petition of the Japanese and Korean Exclusion League of San Francisco, for enforcement of the Chinese-exclusion law—to the Committee on Immigration and Naturalization.

By Mr. SAMUEL: Petition of Shamokin Council, No. 71, Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SHACKLEFORD: Petitions of Austin Brothers, C. J. Waldon, Walter Williams, and William Hirth, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SHERMAN: Petitions of Chapple & Olmstead and Raymond E. Porter, for removal of the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Little Falls (N. Y.) Council, Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SMITH: Paper to accompany bill for relief of Elizabeth St. Clair—to the Committee on War Claims.

By Mr. SPERRY: Petitions of Charles J. Sawden and the New Haven Union Company, for removal of the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. STERLING: Paper to accompany bill for relief of Andrew Sayles—to the Committee on Invalid Pensions.

Also, petition of Division No. 74, Order of Railway Conductors, of Decatur, Ill., favoring bill H. R. 239—to the Committee on the Judiciary.

By Mr. TRIMBLE: Petition of members of the Woman's Club of Central Kentucky, for investigation of industrial condition of women and children—to the Committee on Labor.

By Mr. WEISSE: Petition of the Demokrat Printing Company, for removal of the tariff from linotype machines—to the Committee on Ways and Means.

By Mr. WILEY of Alabama: Petition of the Baldwin Times Publishing Company, for removal of the tax on linotype machines—to the Committee on Ways and Means.

SENATE.

MONDAY, *January 29, 1906.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of the proceedings of Thursday last; when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

MONEY-ORDER SERVICE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Postmaster-General submitting an estimate of appropriation for incorporation in the urgent deficiency appropriation bill of $15,000 for blanks, blank books, printed matter, etc., for the money-order service for the fiscal year ending June 30, 1906; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

SALE OF TOWN SITES IN IDAHO.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of the General Land Office inclosing the draft of a bill making an appropriation for the appraisement and sale of town sites of Hepburn, Rupert, and Sherrer, Idaho, etc.; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

INDIAN APPROPRIATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs recommending the repeal of section 8 of the act of March 3, 1875, requiring a yearly tabular statement of appropriation for Indian appropriations and an itemized statement of salaries and incidental expenses paid at the Indian agencies and the appropriations out of which paid, and submitting an item for that purpose to be included in the urgent deficiency appropriation bill; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PAYMENT OF TEXAS STATE VOLUNTEERS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a report of the result of an investigation made by the Military Secretary of the Army relative to the sums of money actually expended by the State of Texas from February 28, 1855, to June 21, 1860, in payment of State volunteers, etc.; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 849) granting an increase of pension to Horatio Carter, with an amendment in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 5023) granting an increase of pension to August Westfield.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 1056) granting a pension to Galon S. Clevenger, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOUDENSLAGER, Mr. PATTERSON of Pennsylvania, and Mr. RICHARDSON of Alabama managers at the conference on the part of the House.

The message also announced that the House had passed the following bills:

S. 15. An act granting an increase of pension to Lizzie E. Shehan;

S. 21. An act granting a pension to Mary G. Bright;

S. 23. An act granting an increase of pension to Charles A. Bradbury;

S. 82. An act granting an increase of pension to Curtis A. Carpenter;

S. 99. An act granting an increase of pension to Eugene P. Kingsley;

S. 113. An act granting an increase of pension to John D. McFadden;

S. 135. An act granting an increase of pension to Peter P. Chacey;

S. 137. An act granting an increase of pension to Robert Wiper;

S. 144. An act granting an increase of pension to Minerva Briggs;

S. 147. An act granting an increase of pension to Patrick McCue;

S. 149. An act granting an increase of pension to Cassius Lisk;

S. 150. An act granting an increase of pension to Lucius A. Lincoln;

S. 157. An act granting an increase of pension to Lizzie G. Reynolds;

S. 168. An act granting an increase of pension to Elizabeth Davis;

S. 182. An act granting an increase of pension to Oliver P. Smith;

S. 184. An act granting an increase of pension to Lyman Marsh;

S. 194. An act granting an increase of pension to James L. Cowell;

S. 195. An act granting an increase of pension to John Pieper;

S. 202. An act granting an increase of pension to Allen Amburn;

S. 204. An act granting an increase of pension to John F. Walter;

S. 205. An act granting an increase of pension to Francis Gee;

S. 217. An act granting an increase of pension to William C. Breckenridge;

S. 327. An act granting an increase of pension to Walter Barney;

S. 336. An act granting a pension to Abraham M. Cory;

S. 386. An act granting an increase of pension to Orange G. Jones;

S. 471. An act granting an increase of pension to Thomas McLaughlin;

S. 489. An act granting an increase of pension to Nelson B. Tool;

S. 525. An act granting an increase of pension to Michael Brady;

S. 528. An act granting a pension to Robert R. McCormick;

S. 530. An act granting an increase of pension to Sophia A. Knapp;

S. 532. An act granting an increase of pension to Hiram B. Doty;

S. 559. An act granting an increase of pension to Seth M. Tucker;

S. 560. An act granting an increase of pension to Andrew C. Reed;

S. 571. An act granting an increase of pension to Charles H. Knight;

S. 574. An act granting an increase of pension to Lee H. Buckland;

S. 626. An act granting an increase of pension to Allen J. Nash;

S. 627. An act granting an increase of pension to Joseph Hiler;

S. 708. An act granting an increase of pension to Maurice Downey;
S. 713. An act granting an increase of pension to Ephraim A. Gordon;
S. 777. An act granting an increase of pension to Byron Lent;
S. 783. An act granting an increase of pension to Moses H. Sawyer;
S. 786. An act granting an increase of pension to Patrick Garvey;
S. 844. An act granting an increase of pension to James W. Ryan;
S. 944. An act granting an increase of pension to Robert F. Catterson;
S. 974. An act granting an increase of pension to David L. Wright;
S. 988. An act granting a pension to Russell A. McKinley;
S. 1036. An act granting an increase of pension to William C. Beachey;
S. 1040. An act granting an increase of pension to James Sloan;
S. 1164. An act granting an increase of pension to Henry E. Bedell;
S. 1201. An act granting an increase of pension to Sarah A. Preston;
S. 1214. An act granting an increase of pension to Charles W. Oleson;
S. 1238. An act granting an increase of pension to John Christoff;
S. 1239. An act granting an increase of pension to Joseph G. McGarvey;
S. 1269. An act granting an increase of pension to Charles E. Smith;
S. 1310. An act granting an increase of pension to Charles S. M. Hooton;
S. 1340. An act granting an increase of pension to John Leavitt;
S. 1341. An act granting an increase of pension to Fred Preisinger;
S. 1342. An act granting an increase of pension to Morton M. Noah;
S. 1359. An act granting an increase of pension to Jeremiah Ingalls, alias Jeremiah Boss;
S. 1408. An act granting an increase of pension to Julia W. Estes;
S. 1431. An act granting an increase of pension to William W. Lane;
S. 1444. An act granting a pension to Dora H. Kuhns;
S. 1505. An act granting an increase of pension to Uriah D. Barrett;
S. 1737. An act granting an increase of pension to Helen M. Blanchard;
S. 1826. An act granting an increase of pension to Rufus H. Paine;
S. 1872. An act granting an increase of pension to Rebecca A. White;
S. 1888. An act granting an increase of pension to George W. Patton;
S. 2082. An act granting an increase of pension to Elizabeth T. Carpenter; and
S. 2143. An act granting an increase of pension to Angelina Hernandez.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 530. An act granting an increase of pension to George E. Ross;
H. R. 611. An act granting an increase of pension to John H. Cassidy;
H. R. 724. An act granting an increase of pension to John A. Coulter;
H. R. 1057. An act granting an increase of pension to Caswell D. Ferguson;
H. R. 1059. An act granting an increase of pension to Elijah Spangler;
H. R. 1072. An act granting an increase of pension to John Fisher;
H. R. 1123. An act granting an increase of pension to Sarah Emaline Finklea;
H. R. 1124. An act granting an increase of pension to John J. Grant;
H. R. 1125. An act granting an increase of pension to Frances Ann Batchelor;
H. R. 1131. An act granting an increase of pension to George Sargent;
H. R. 1136. An act granting an increase of pension to William D. Stauffer;
H. R. 1201. An act granting an increase of pension to Edward Maxwell;
H. R. 1213. An act granting an increase of pension to John Breden;
H. R. 1280. An act granting a pension to Mary K. Lewis;
H. R. 1283. An act granting an increase of pension to Epsy Ann Austin;
H. R. 1382. An act granting an increase of pension to Benjamin Fagley;
H. R. 1437. An act granting an increase of pension to Darius J. Brown;
H. R. 1467. An act granting an increase of pension to Hiram E. Monroe;
H. R. 1545. An act granting a pension to Florence D. Rafferty;
H. R. 1554. An act granting an increase of pension to Samuel B. Spinning;
H. R. 1797. An act granting a pension to James H. Cole, alias John V. Cole;
H. R. 1884. An act granting an increase of pension to Robert Purcell;
H. R. 1925. An act granting a pension to Rebecca J. Rupe;
H. R. 1952. An act granting an increase of pension to Axel A. M. Natt och Dag;
H. R. 1953. An act granting an increase of pension to Susan S. Theall;
H. R. 1958. An act granting a pension to Ida L. and Clara E. Winters;
H. R. 1974. An act granting an increase of pension to William R. P. Foale;
H. R. 2083. An act granting an increase of pension to Thomas A. Slack;
H. R. 2084. An act granting an increase of pension to Thomas Maginley;
H. R. 2113. An act granting an increase of pension to Lydia B. Jackson;
H. R. 2169. An act granting an increase of pension to Elisha White;
H. R. 2289. An act granting an increase of pension to Algernon Lightcap;
H. R. 2291. An act granting an increase of pension to William Elmes;
H. R. 2340. An act granting a pension to Evelyn S. Beardslee;
H. R. 2342. An act granting a pension to Winifred E. Lewis;
H. R. 2345. An act granting an increase of pension to Antoinette Hannahs;
H. R. 2394. An act granting an increase of pension to Frank Buncher;
H. R. 2771. An act granting an increase of pension to Thomas McCabe;
H. R. 2795. An act granting a pension to Emma Auger;
H. R. 2811. An act granting a pension to Angie A. Marvin;
H. R. 3214. An act granting a pension to Maggie Parker;
H. R. 3216. An act granting an increase of pension to John W. Seeber;
H. R. 3229. An act granting a pension to Jessie Marie Hester;
H. R. 3380. An act granting an increase of pension to George W. Wilburn;
H. R. 3400. An act granting an increase of pension to Anson K. Carr;
H. R. 3605. An act granting an increase of pension to Albert Lathrop;
H. R. 3678. An act granting an increase of pension to Jonathan C. S. Twitchell;
H. R. 4195. An act granting an increase of pension to Hamilton Secheverell;
H. R. 4215. An act granting an increase of pension to John A. Roberts;
H. R. 4217. An act granting an increase of pension to Daniel M. Rose;
H. R. 4218. An act granting an increase of pension to John M. Williamson;
H. R. 4224. An act granting an increase of pension to Christopher Pletzke;
H. R. 4225. An act granting an increase of pension to Nathaniel Cooper;
H. R. 4391. An act granting an increase of pension to William John Stewart, alias John Scott;
H. R. 4411. An act granting a pension to Daniel B. Norwood;
H. R. 4607. An act granting a pension to Annie Rohr;
H. R. 4666. An act granting an increase of pension to David A. Carpenter;

H. R. 4708. An act granting an increase of pension to William T. Wiley;
H. R. 4713. An act granting an increase of pension to Mary M. C. Manning;
H. R. 4727. An act granting a pension to Emma M. Boyer;
H. R. 4730. An act granting an increase of pension to Meshack L. Jones;
H. R. 4732. An act granting an increase of pension to James Scrogum;
H. R. 4765. An act granting an increase of pension to Thomas Adair;
H. R. 4737. An act granting an increase of pension to Odilia Logan;
H. R. 4738. An act granting an increase of pension to Henry Roberts;
H. R. 4739. An act granting an increase of pension to Lawrence B. Smith;
H. R. 4765. An act granting an increase of pension to George W. Shepherd;
H. R. 4822. An act granting an increase of pension to Gabriel Smith;
H. R. 4826. An act granting a pension to Leola V. Franks;
H. R. 4827. An act granting an increase of pension to Thomas E. Morrow;
H. R. 4879. An act granting an increase of pension to John W. Roache;
H. R. 4884. An act granting an increase of pension to John Bokart;
H. R. 4964. An act granting an increase of pension to Nancy Stillwell;
H. R. 5015. An act granting an increase of pension to Edwin R. Goodell;
H. R. 5016. An act granting an increase of pension to Francis Carey;
H. R. 5170. An act granting an increase of pension to David R. Pringle;
H. R. 5238. An act granting an increase of pension to Lockey Steward;
H. R. 5254. An act granting an increase of pension to Travis W. Tichenor;
H. R. 5597. An act granting an increase of pension to Oscar Williamson;
H. R. 5644. An act granting an increase of pension to George J. Wilcox;
H. R. 5808. An act granting an increase of pension to Napoleon D. O. Lord;
H. R. 5832. An act granting a pension to Mary M. Connell;
H. R. 5925. An act granting an increase of pension to David L. Davidson;
H. R. 5955. An act granting an increase of pension to Jennie L. Overton;
H. R. 5957. An act granting an increase of pension to Henry J. Steck;
H. R. 6076. An act granting a pension to Anna M. Case;
H. R. 6143. An act granting an increase of pension to James Eiffert;
H. R. 6144. An act granting an increase of pension to Eli Brazelton;
H. R. 6147. An act granting a pension to Maud O. Worth;
H. R. 6157. An act granting an increase of pension to Jonathan J. Boyer;
H. R. 6192. An act granting an increase of pension to Edward J. Mills;
H. R. 6227. An act granting an increase of pension to Samuel J. Jones;
H. R. 6228. An act granting an increase of pension to Jonathan Terrell;
H. R. 6338. An act granting an increase of pension to Richard McCarthy;
H. R. 6448. An act granting an increase of pension to Samuel A. Shaw;
H. R. 6451. An act granting an increase of pension to Adam Wucher;
H. R. 6516. An act granting an increase of pension to Joseph Bailey;
H. R. 6538. An act granting an increase of pension to George H. Rice;
H. R. 6613. An act granting a pension to Thomas J. Stevens;
H. R. 6859. An act granting a pension to Eva B. Koch;
H. R. 6936. An act granting an increase of pension to William Miller;
H. R. 6941. An act granting an increase of pension to Alice Gearkee;
H. R. 6947. An act granting an increase of pension to Charles Washburn;
H. R. 6962. An act granting an increase of pension to Richard Phillips, jr.;
H. R. 6977. An act granting an increase of pension to Alfred S. Isaacs;
H. R. 6992. An act granting an increase of pension to Mary Duffy;
H. R. 6993. An act granting an increase of pension to John Sarvis;
H. R. 7001. An act granting an increase of pension to Andrew M. Dunham;
H. R. 7224. An act granting an increase of pension to Charles R. Ellis;
H. R. 7231. An act granting an increase of pension to Samuel O'Toole;
H. R. 7240. An act granting a pension to Glawvina A. Pinnell;
H. R. 7302. An act granting an increase of pension to James G. Head;
H. R. 7418. An act granting an increase of pension to Fritz Muller;
H. R. 7420. An act granting an increase of pension to Michael Wren;
H. R. 7576. An act granting an increase of pension to George W. Brummett;
H. R. 7599. An act granting an increase of pension to William Holland;
H. R. 7600. An act granting an increase of pension to John Welch;
H. R. 7607. An act granting an increase of pension to Anna M. Smith;
H. R. 7636. An act granting a pension to John J. Meeler;
H. R. 7665. An act granting an increase of pension to Wesley J. Banks;
H. R. 7680. An act granting an increase of pension to William Shannon;
H. R. 7838. An act granting an increase of pension to S. Harriet Morris;
H. R. 7941. An act granting an increase of pension to Carlon B. Osborn;
H. R. 8043. An act granting an increase of pension to Lafayette Dodds;
H. R. 8044. An act granting an increase of pension to Angel Hausker;
H. R. 8090. An act granting a pension to Emma H. Benham;
H. R. 8187. An act granting an increase of pension to Silas G. Elliott;
H. R. 8217. An act granting an increase of pension to Sarah A. J. Tayman;
H. R. 8222. An act granting an increase of pension to Henry B. Jordan;
H. R. 8242. An act granting an increase of pension to John Alves;
H. R. 8253. An act granting an increase of pension to John Dolan;
H. R. 8288. An act granting an increase of pension to Jonathan Carr;
H. R. 8596. An act granting an increase of pension to John C. Messerschmidt;
H. R. 8618. An act granting an increase of pension to John G. Rowan;
H. R. 8649. An act granting an increase of pension to William Bode;
H. R. 8794. An act granting an increase of pension to Stout Sherer;
H. R. 8846. An act granting an increase of pension to Thomas Todd;
H. R. 8847. An act granting an increase of pension to Philip B. Thompson;
H. R. 8926. An act granting an increase of pension to John Keller;
H. R. 8944. An act granting an increase of pension to William H. Lorance;
H. R. 9051. An act granting an increase of pension to Asher S. Bouden;
H. R. 9104. An act granting an increase of pension to Henry Brown;
H. R. 9142. An act granting an increase of pension to Herman A. Kimball;
H. R. 9253. An act granting a pension to Vollie A. McMillen;
H. R. 9416. An act granting an increase of pension to Jacob M. Longsworth;
H. R. 9579. An act granting an increase of pension to John G. Harris;
H. R. 9789. An act granting an increase of persion to Josiah Nicholson;

H. R. 9944. An act granting an increase of pension to Thomas J. Martin;
H. R. 10007. An act granting an increase of pension to Appleton Gibson;
H. R. 10192. An act granting an increase of pension to Alanson B. Thomas;
H. R. 10258. An act granting an increase of pension to Elias Smith;
H. R. 10266. An act granting an increase of pension to William H. Morris;
H. R. 10296. An act granting an increase of pension to James Graham;
H. R. 10299. An act granting an increase of pension to Samuel C. Long;
H. R. 10308. An act granting an increase of pension to Dillon F. Acker;
H. R. 10323. An act granting an increase of pension to Patrick J. Donahue;
H. R. 10353. An act granting a pension to Thomas B. Davis;
H. R. 10362. An act granting an increase of pension to William J. Cheneweth;
H. R. 10434. An act granting an increase of pension to Samuel F. King;
H. R. 10436. An act granting an increase of pension to John A. Ensminger;
H. R. 10439. An act granting an increase of pension to Mary Ann Gaunt;
H. R. 10457. An act granting a pension to Lizzie Bremmer;
H. R. 10459. An act granting a pension to Alta M. Westenhaver;
H. R. 10521. An act granting an increase of pension to John F. Cluley;
H. R. 10522. An act granting an increase of pension to Charles H. Everitt;
H. R. 10551. An act granting an increase of pension to Ezekial Polk;
H. R. 10552. An act granting an increase of pension to James Wilkinson;
H. R. 10582. An act granting an increase of pension to Oscar B. Caswell;
H. R. 10588. An act granting an increase of pension to John H. Parker;
H. R. 10611. An act granting a pension to John J. Brewer;
H. R. 10623. An act granting an increase of pension to Joseph L. Bostwick;
H. R. 10722. An act granting an increase of pension to William H. Flint;
H. R. 10765. An act granting an increase of pension to Robert M. Whitson;
H. R. 10766. An act granting a pension to Rachel L. Bartlett;
H. R. 10872. An act granting an increase of pension to Abram J. Hill;
H. R. 10918. An act granting an increase of pension to Nathan W. Josselyn;
H. R. 11096. An act granting an increase of pension to Sion B. Glazner;
H. R. 11144. An act granting an increase of pension to Louis Pratt;
H. R. 11160. An act granting an increase of pension to Lemuel Herbert;
H. R. 11302. An act granting an increase of pension to John R. Cotton;
H. R. 11310. An act granting a pension to Emma Aldred;
H. R. 11324. An act granting an increase of pension to Sarah E. MacGowan;
H. R. 11403. An act granting an increase of pension to David E. Longsdorf;
H. R. 11415. An act granting an increase of pension to Victoria Bishop;
H. R. 11543. An act to correct the military record of Benjamin F. Graham;
H. R. 11596. An act granting a pension to Marion H. Long;
H. R. 11620. An act granting an increase of pension to John J. Quimby;
H. R. 11630. An act granting a pension to Harriet E. St. John;
H. R. 11653. An act granting an increase of pension to James R. Jordan; and
H. R. 12054. An act granting an increase of pension to Martha E. Hallowell.

Subsequently the foregoing pension bills were severally read twice by their titles, and referred to the Committee on Pensions.

The message also announced that the House had passed the bill (H. R. 12320) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

H. R. 486. An act granting an increase of pension to John Armstrong;
H. R. 532. An act granting an increase of pension to James T. Berry;
H. R. 604. An act granting an increase of pension to Hiram F. Armstrong;
H. R. 723. An act granting an increase of pension to George W. Raigle;
H. R. 1062. An act granting an increase of pension to George E. Brickett;
H. R. 1073. An act granting an increase of pension to William J. Castlow.
H. R. 1074. An act granting an increase of pension to Benjamin F. Bean;
H. R. 1179. An act granting an increase of pension to Thomas Picket;
H. R. 1199. An act granting a pension to Lydia A. Jewell;
H. R. 1288. An act granting an increase of pension to Sterns D. Platt;
H. R. 1339. An act granting an increase of pension to James Kelley;
H. R. 1361. An act granting an increase of pension to Camillus B. Leftwich;
H. R. 1378. An act granting an increase of pension to Henry H. Hobart;
H. R. 1381. An act granting an increase of pension to David H. Quigg;
H. R. 1505. An act granting an increase of pension to William Birmingham;
H. R. 1511. An act granting an increase of pension to Cornelius A. Hallenbeck;
H. R. 1653. An act granting an increase of pension to Frank W. Weeks;
H. R. 1675. An act granting an increase of pension to Melissa S. Lee;
H. R. 1686. An act granting an increase of pension to George S. McGregor;
H. R. 1752. An act granting an increase of pension to Hugh Lokerson;
H. R. 1766. An act granting an increase of pension to John T. Stone;
H. R. 1772. An act granting an increase of pension to James C. Plybon;
H. R. 1789. An act granting an increase of pension to Jacob Shade;
H. R. 1853. An act granting an increase of pension to William J. Johnson;
H. R. 1868. An act granting an increase of pension to Perry Egge;
H. R. 1908. An act granting an increase of pension to Emma Rowe;
H. R. 1986. An act granting an increase of pension to Morris Bennett;
H. R. 2011. An act granting an increase of pension to John Lezenby;
H. R. 2089. An act granting an increase of pension to Laura J. Forbes;
H. R. 2395. An act granting an increase of pension to Christopher Clinton;
H. R. 2435. An act granting a pension to Hilia Ann Connor;
H. R. 2594. An act granting an increase of pension to Levi Bearss;
H. R. 2718. An act granting an increase of pension to James F. Hare;
H. R. 2735. An act granting an increase of pension to Samuel Foster;
H. R. 2770. An act granting an increase of pension to Ephraim Plumpton;
H. R. 3006. An act granting an increase of pension to William H. Crites;
H. R. 3010. An act granting an increase of pension to Thomas C. Meadows;
H. R. 3245. An act granting an increase of pension to Robert C. Smyth;
H. R. 3283. An act granting an increase of pension to Bruno Tiesler;
H. R. 3340. An act granting an increase of pension to William Moorhead;

H. R. 3368. An act granting an increase of pension to William McNair;

H. R. 3402. An act granting an increase of pension to Sidney S. Brigham;

H. R. 3405. An act granting an increase of pension to David Palmer;

H. R. 3427. An act granting an increase of pension to William B. Kimball;

H. R. 3428. An act granting an increase of pension to Samuel E. Chamberlain;

H. R. 3449. An act granting an increase of pension to Harvey Gaskill;

H. R. 3451. An act granting an increase of pension to Alpheus A. Rockwell;

H. R. 3481. An act granting an increase of pension to William H. Cranston;

H. R. 3487. An act granting an increase of pension to Ferdinand Weise;

H. R. 3506. An act granting an increase of pension to George W. McCormick;

H. R. 3573. An act granting an increase of pension to John V. Sanders;

H. R. 3575. An act granting an increase of pension to Silas B. Hovious;

H. R. 3606. An act granting an increase of pension to John S. Hoover;

H. R. 3716. An act granting a pension to Augustus Foss;

H. R. 3758. An act granting an increase of pension to George Nulton;

H. R. 4153. An act granting an increase of pension to Henry C. Wildy;

H. R. 4165. An act granting an increase of pension to Henry C. Sternberg;

H. R. 4176. An act granting an increase of pension to Michael Mohan;

H. R. 4196. An act granting an increase of pension to James J. Winans;

H. R. 4216. An act granting an increase of pension to Robert Boon;

H. R. 4348. An act granting an increase of pension to William McCraw;

H. R. 4701. An act granting an increase of pension to Elijah Thompson Hurst, alias Elijah Thompson;

H. R. 4876. An act granting an increase of pension to William L. Beeks;

H. R. 5027. An act granting an increase of pension to Charles W. Knight;

H. R. 5686. An act granting an increase of pension to Adelle Tobey;

H. R. 6518. An act granting an increase of pension to James M. Long;

H. R. 7309. An act granting a pension to Louis Dieckgraefe;

H. R. 7408. An act granting an increase of pension to Joseph W. Price;

H. R. 8550. An act granting an increase of pension to John Bierer;

H. R. 8713. An act granting an increase of pension to Payton S. Lynn; and

H. R. 8994. An act to provide for a land district in Yellowstone, Carbon, and Rosebud counties, in the State of Montana, to be known as the Billings land district.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Commercial Club of Albuquerque, N. Mex., praying for the admission of the Territories of Arizona and New Mexico into the Union as one State; which was referred to the Committee on Territories.

He also presented a petition of the State Horticultural Society of Washington and a petition of the Orange Growers' Association of Highland, Cal., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

Mr. PLATT presented a petition of the board of harbor commissioners of Niagara Falls, N. Y., praying that an appropriation be made for deepening the channel of the Niagara River between Niagara Falls and Lake Erie in that State; which was referred to the Committee on Commerce.

He also presented a memorial of the Woman's Christian Temperance Union of Hannibal, N. Y., remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented a petition of Pulver Council, No. 14, Junior Order United American Mechanics, of Ravena, N. Y., and a petition of Puritan Council, No. 27, Junior Order United American Mechanics, of Southampton, N. Y., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented a petition of the New York State Agricultural Society, of Albany, N. Y., and a petition of New Haven Grange, Patrons of Husbandry, of New Haven, N. Y., praying for the enactment of legislation to remove the duty on alcohol used for industrial purposes; which were referred to the Committee on Finance.

He also presented a memorial of Local Union No. 5, Cigar Makers' International Union of America, of Rochester, N. Y., and a memorial of sundry citizens of Rochester, N. Y., remonstrating against any reduction of the duty on cigars and tobacco imported from the Philippine Islands; which were referred to the Committee on the Philippines.

Mr. BURNHAM presented a memorial of Local Union No. 192, Cigar Makers' International Union, of Manchester, N. H., remonstrating against any reduction of the duty on cigars and tobacco imported from the Philippine Islands; which was referred to the Committee on the Philippines.

He also presented the petition of Ellen R. Richardson, of East Haverhill, N. H., praying for the passage of the so-called "pure-food bill;" which was ordered to be laid on the table.

Mr. DICK presented the petition of J. R. Mell and sundry other citizens of Akron, Ohio, praying for the enactment of legislation to pay enlisted men and noncommissioned officers who served three years in the war of the rebellion a bounty of $100; which was referred to the Committee on Military Affairs.

Mr. FLINT presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying for the enactment of legislation to reorganize the consular service; which was ordered to lie on the table.

He also presented a memorial of the Federation of Labor of the State of California, remonstrating against any reduction of the duty on cigars and tobacco imported from the Philippine Islands; which was referred to the Committee on the Philippines.

He also presented a petition of the Federation of Labor of the State of California, praying for the enactment of legislation providing increased compensation for members of the United States Life-Saving Service; which was referred to the Committee on Commerce.

He also presented a petition of the Federation of Labor of the State of California, praying for the enactment of legislation providing for the adjustment of the claim of shipkeepers at the Mare Island Navy-Yard, in that State, for work performed in excess of eight hours; which was referred to the Committee on Naval Affairs.

He also presented a petition of the Sacramento Valley Development Association, of Sacramento, Cal., praying that an appropriation of $10,000 be made to combat the effects of pear blight in that State; which was referred to the Committee on Agriculture and Forestry.

Mr. FULTON presented a paper to accompany the bill (S. 1896) granting a pension to Smith Bledsoe; which was referred to the Committee on Pensions.

Mr. LODGE presented sundry memorials of citizens of Boston, Mass., remonstrating against any reduction of the duty on cigars and tobacco imported from the Philippine Islands; which were referred to the Committee on the Philippines.

Mr. ELKINS presented the petition of Patrick Crickard, of Randolph County, W. Va., praying for the enactment of legislation granting relief to the county court of Randolph County, in that State; which was referred to the Committee on Claims.

Mr. DRYDEN presented a petition of the Federation of Women's Clubs of the State of New Jersey, praying for the enactment of legislation providing for the purchase of the Calaveras Grove of Big Trees in California; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the State Grange, Patrons of Husbandry, of Mullica Hill, N. J., praying for the enactment of legislation to remove the duty on domestic alcohol; which was referred to the Committee on Finance.

He also presented the petition of H. W. Neary, of Point Pleasant, N. J., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the Woman's Club of Orange, N. J., praying for the enactment of legislation to regulate child labor in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Home Missionary Society of Camden, N. J., praying for the enactment of legisla-

tion to prohibit the sale of intoxicating liquors in all Government buildings and grounds; which was referred to the Committee on Public Buildings and Grounds.

Mr. LONG presented the memorial of J. M. Evans and son and 7 other citizens of Severy, Kans., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Woman's Christian Temperance Union of Galva, Kans., remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented petitions of the Woman's Christian Temperance unions of Belpre and Galva, and of Charles E. Sturdevant and 50 other citizens of Lewis, all in the State of Kansas, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented petitions of sundry citizens of Galva, of Charles E. Sturdevant and 50 other citizens of Lewis, and of the Woman's Christian Temperance Union of Sedan, all in the State of Kansas, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Indian Territory when admitted to statehood; which were ordered to lie on the table.

Mr. SPOONER presented a memorial of sundry citizens of Wisconsin, remonstrating against the passage of the so-called "Philippine tariff bill;" which was referred to the Committee on the Philippines.

He also presented a petition of Banner Council, No. 17, Junior Order United American Mechanics, of Milwaukee, Wis., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

Mr. CULBERSON presented a petition of sundry citizens of Dallas, Tex., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. PATTERSON presented the petition of Mrs. Eliza Branstine and 362 other citizens of Colorado Springs, Colo., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Indian Territory when admitted to statehood; which was ordered to lie on the table.

He also presented a petition of W. E. McGraw Lodge, No. 680, Brotherhood of Railroad Trainmen, of Denver, Colo., praying for the passage of the so-called "anti-injunction bill;" which was referred to the Committee on the Judiciary.

He also presented a petition of Royal Gorge Lodge, No. 59, Brotherhood of Locomotive Firemen, of Pueblo, Colo., praying for the passage of the so-called "anti-injunction bill" and also for the so-called "employers' liability bill;" which were referred to the Committee on the Judiciary.

Mr. DEPEW presented a petition of the Board of Harbor Commissioners of Niagara Falls, N. Y., praying that an appropriation be made for deepening the channel of the Niagara River between the city of Niagara Falls and Tonawanda, in that State; which was referred to the Committee on Commerce.

Mr. BULKELEY presented a petition of the New Haven Union Company, of New Haven, Conn., praying for the enactment of legislation to remove the duty on linotype and composing machines; which was referred to the Committee on Finance.

Mr. HANSBROUGH presented a petition of the North Dakota State Drainage League, of Grand Forks, N. Dak., praying that an appropriation of $1,000,000 be made from the reclamation fund for the drainage of lands in the Red River Valley counties in that State; which was referred to the Committee on Irrigation.

He also presented the petition of W. R. Kellogg, of Jamestown, N. Dak., praying for the enactment of legislation to remove the duty on linotype and composing machines; which was referred to the Committee on Finance.

Mr. KNOX presented a petition of the Organization of the General Slocum Survivors of New York City, N. Y., praying for the enactment of legislation granting relief to the survivors of the *General Slocum* disaster; which was referred to the Committee on Claims.

He also presented a petition of the Clerical Brotherhood of the Protestant Episcopal Church of the Diocese of Pennsylvania, praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

He also presented petitions of the Dubbs Memorial Reform Church, of Allentown; Linden Street Methodist Episcopal Church, of Allentown; the Board of Trustees of Trinity United Evangelical Church, of Allentown; Seibert's United Evangelical Church, of Allentown; Bethany Evangelical Church, of Allentown; St. Mary's Reform Church, of McKees Rocks; First United Presbyterian Church of Sharon; Methodist Episcopal Church of McKees Rocks; Atonement Reformed Episcopal Church, of Lancaster, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented petitions of Fort Grange, No. 951, Patrons of Husbandry, of McAlevys Fort; German Grange, No. 785, Patrons of Husbandry, of German Township; Tunkhannock Grange, No. 209, Patrons of Husbandry, of Tunkhannock, all in the State of Pennsylvania, praying for the enactment of legislation to amend the present oleomargarine law by striking out the word "knowingly;" which were referred to the Committee on Agriculture and Forestry.

He also presented memorials of C. Sunstein & Sons, of Pittsburg; Alfred E. Norris & Co., of Philadelphia; Scranton Distributing Company, of Scranton; Hollenbach, Dietrich & Co., of Reading; Gallagher & Burton, of Philadelphia; J. S. Perrine & Son, of Philadelphia; Joseph Tiers & Co., of Philadelphia; Bowen & Co., of Wilkes-Barre; Casey Brothers, of Scranton; Raphael & Zeugschemidt, of Pittsburg; Louis J. Adler & Co., of Pittsburg; Rosskam, Gerstley & Co., of Philadelphia; Carstairs, McCall & Co., of Philadelphia; H. & H. W. Catherwood, of Philadelphia; Wm. Brice & Co., of Philadelphia; Patrick McGrath & Sons, of Norristown; Raphael Adolph Co., of Pittsburg; Otto Frey, of Pittsburg; Carl E. Lauber, of Philadelphia; Wright & Campbell, of Philadelphia; Nicholas J. Griffin, of Philadelphia; Moore & Tinnott, of Philadelphia; R. Jacob Jackers, of Philadelphia; Angelo Myers, of Philadelphia; James Morony, of Philadelphia; The Ph. Hamburger Company, of Pittsburg; Thompson Distilling Company, of Pittsburg, all in the State of Pennsylvania, remonstrating against the clause in the so-called "pure-food bill" requiring formula to be printed on packages containing blended liquor; which were ordered to lie on the table.

He also presented petitions of Atlas Council, Junior Order United American Mechanics, of Siegrieds; Crystal Council, Junior Order United American Mechanics, of Jeanette; Chatham Council, Junior Order United American Mechanics, of Chatham; Coatesville Council, Junior Order United American Mechanics, of Coatesville; Blairsville Council, Junior Order United American Mechanics, of Blairsville; Swatara Council, Junior Order United American Mechanics, of Middletown; Laurel Council, Junior Order United American Mechanics, of Pittsburg; Colonial Council, Junior Order United American Mechanics, of York; Pipersville Council, Junior Order United American Mechanics, of Pipersville; John R. Marlin Council, Junior Order United American Mechanics, of Philadelphia; Aurora Council, Junior Order United American Mechanics, of Aurora; Jordan Council, Junior Order United American Mechanics, of Allentown; Paintersville Council, Junior Order United American Mechanics, of Paintersville; Colonel Fred Taylor Council, Junior Order United American Mechanics, of Philadelphia; Susquehanna Council, Junior Order United American Mechanics, of Susquehanna, all in the State of Pennsylvania, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented petitions of the Shakespeare Club of Conneautville; the Woman's Club of Wilkinsburg; the Travelers' Club of Carlisle; the Civic Club of Carlisle; the Monday Club of Mercer; California-Coal Center Civic Club, of California; the Civic Club of Allegheny County, of Pittsburg; of Conrad Klein, of Erie, and of the Civic Club of Bloomsburg, all in the State of Pennsylvania, praying for the enactment of legislation to prevent the impending destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented petitions of J. Edward Wagner, of Philadelphia; Joseph W. Leeds, of West Chester; D. L. Hower, of Honesdale; E. H. Thomas, of Kingston; Thomas F. Ionee, of Germantown; the Allegheny County Woman's Christian Temperance Union, of Pittsburg; William B. Harvey, of Westgrove; A. J. Still, of Danville; O. B. Wehr, of Best, and of Jonathan Eldridge, of West Chester, all in the State of Pennsylvania, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. GALLINGER presented a memorial of Local Union Cigar Makers' International Union of America, of Manchester, N. H., remonstrating against any reduction of the duty on

cigars and tobacco imported from the Philippine Islands; which was referred to the Committee on the Philippines.

He also presented a petition of the executive board of the Japanese and Korean Exclusion League of the United States, praying for the strict enforcement of the present Chinese exclusion law; which was referred to the Committee on Immigration.

He also presented a memorial of the Brightwood Park Citizens' Association, of Washington, D. C., remonstrating against any change of the present public school system in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of Shawnee, Hennessey, Oklahoma City, Jones City, Fallis, Guthrie, El Reno, Blackwell, Pawhuska, and Norman, all in Oklahoma Territory, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in that Territory when admitted to statehood; which were referred to the Committee on Territories.

He also presented a petition of the Civic Center of Washington, D. C., praying for the enactment of legislation to regulate child labor in the District of Columbia; which was referred to the Committee on the District of Columbia.

COMPULSORY EDUCATION IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. I have a further petition from the same organization, the Civic Center of Washington, relating to the compulsory education of children in the District of Columbia. This organization presents statistics to show that there are six or seven thousand children in the District of Columbia now who are not required to go to the public schools of this city. There is a bill pending before the Committee on the District of Columbia on this subject. They ask that the petition shall be printed as a Senate document, which I trust will be done, but in connection with the matter I want to read a letter from the superintendent of schools of the District of Columbia bearing on this quesion.

I made inquiry of the Commissioners as to whether there are now school facilities for the children who are enrolled, it having come to my attention some years ago that a very large proportion of the children in this District could only get the privilege of attending school one-half day because of the fact that we did not have school buildings enough to accommodate them. The superintendent writes that—

> The reports for October, 1905, show that we have 42 half-day schools of the third grade, 23 of which are white, and 19 colored, with an enrollment of 809 white and 734 colored, making a total of 1,543 pupils.
>
> The number of half-day schools in grades above the second where it is desirable to have all-day sessions has been steadily reduced during the past five years as new buildings have been occupied, and, in spite of the increasing population, we are in better condition in this respect than we have ever been.

From that letter it appears that now there are 1,543 pupils of the third grade in this District who are denied the privilege of a full day's schooling, and are compelled to accept one-half day. In addition to that, there are the six or seven thousand children who do not attend school; and it is a very serious question whether Congress, notwithstanding the desire of these good people, wants to take the children out of the stores and the manufacturing establishments of the city of Washington, where they are earning something toward supporting their families, and compel them to go to school when we have not any desks for them to occupy.

I move that the petition of the Civic Center be printed as a document, and that the document, when printed, be referred, together with the letter from the superintendent of schools, to the Committee on Appropriations.

The motion was agreed to.

REPORT OF AMERICAN INSTRUCTORS OF THE DEAF.

Mr. PLATT, from the Committee on Printing, to whom was referred the resolution submitted by Mr. PERKINS on the 23d instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

> *Resolved*, That there be printed for the use of the Convention of American Instructors of the Deaf, in style similar to that of the last report of said convention and wrapped for mailing, 600 copies of the Report of the Seventeenth Meeting of the Convention of American Instructors of the Deaf, being Senate Document No. 105, Fifty-ninth Congress first session.

EMPLOYERS' LIABILITY BILLS.

Mr. ELKINS. I am instructed by the Committee on Interstate Commerce to ask to be discharged from the further consideration of Senate bill 156 and Senate bill 1657, two bills on the same subject, and which are alike, and to ask that they be referred to the Committee on the Judiciary, with the accompanying documents.

Mr. PENROSE. I believe I introduced one of these bills, and I should like to ask the Senator from West Virginia whether both of these measures have been already taken from the Judiciary Committee and referred to the Committee on Interstate Commerce by order of the Senate.

Mr. ELKINS. I think not. I will make this explanation. In the resolution authorizing the Interstate Commerce Committee to take testimony during the recess of the Senate the subject covered by these two bills was included. The committee accordingly took testimony on that subject, and I have accompanied with the bills the testimony taken in part, and we have further testimony which we will send down to the Judiciary Committee. The Committee on Interstate Commerce was of the opinion unanimously that the subject belongs to the Judiciary Committee.

Mr. PENROSE. I did not quite understand the order of the Senate in the sense placed upon it by the Senator from West Virginia. I understood that the Senate simply made an order that the bill was improperly referred to the Committee on the Judiciary and properly belongs to the Interstate Commerce Committee. So it seems to me rather an unusual and extraordinary proceeding for the Senate to take a bill from one committee for the purpose of referring it to another committee with the object of taking testimony on the measure.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from New Hampshire?

Mr. PENROSE. Certainly.

Mr. GALLINGER. If the Senator will permit me, I should like to inquire what the bills relate to.

Mr. PENROSE. They are known as employers' liability bills. One of them was introduced by the Senator from Virginia [Mr. DANIEL] and the other was introduced by me. They are both on similar lines. If it is the practice of the Senate to take a bill from one committee and refer it to another committee for the purpose of taking testimony thereon, then I have much to learn about the practice of the Senate. But if the Interstate Commerce Committee desires to avoid its responsibility in the consideration of this measure and to refer the bills back to the committee from which they have already been formally taken by the Senate, then it seems to me it is time for the Senate to pause and consider whether the bills can fairly be permitted to be taken from one committee to another without any prospect of definite action from either.

I ask the Senator from West Virginia to permit his request to go over until to-morrow, so that we can ascertain just what was the order of the Senate in reference to these bills. Surely they were not referred to the committee of which the distinguished Senator is chairman simply for the purpose of relieving the Judiciary Committee of the labor and responsibility of taking testimony.

Mr. ELKINS. Mr. President, this is the first time I have heard that these two bills were ever before the Committee on the Judiciary. It is quite new to me.

Mr. PENROSE. That is my information, Mr. President.

Mr. ELKINS. They came to us, if the Senator will allow me, as original bills, introduced by the Senator from Virginia and the Senator from Pennsylvania. The subject-matter of the two bills was covered in the resolution, and it was investigated and we took testimony; and I tried to accompany the testimony taken in print with the motion I made. It was the judgment of the committee that these bills and this subject belong to the Judiciary Committee. I do not think the committee had any knowledge whatever of the bills having ever been before the Judiciary Committee.

I quite willingly consent to the suggestion that the matter may go over until the Senator from Pennsylvania and the Senate are better informed on the subject.

Mr. PENROSE. My attention was only called to the fact a few moments ago that this action was contemplated, and I certainly thought I received the information that the bills had been taken from the Judiciary Committee and transferred to the Interstate Commerce Committee. I am not certain that I am correct, and that is the reason why I should like to have the matter go over until it can be thoroughly examined.

The VICE-PRESIDENT. Without objection, the motion of the Senator from West Virginia——

Mr. McCUMBER. Mr. President, I simply rose to ask the Senator from West Virginia if it is not a fact that practically the same bills were introduced at a previous session and referred to the Committee on the Judiciary, and the Committee on the Judiciary asked to be relieved from the further consideration of the bills and have them referred to the Committee on Interstate Commerce? Was not that done at a previous session?

Mr. ELKINS. I have no remembrance of the fact. I do not think that was the action taken.

Mr. BEVERIDGE. Did not the bills come to your committee in that way?

Mr. ELKINS. No; the bills came to the Interstate Commerce Committee as bills introduced in the Senate and referred to the Committee on Interstate Commerce.

Mr. LODGE. I wish to inquire simply what is the request before the Senate? I did not hear it.

The VICE-PRESIDENT. The Senator from West Virginia moves that the Committee on Interstate Commerce be discharged from the further consideration of Senate bill 156 and Senate bill 1657 and that they be referred to the Committee on the Judiciary. The Senator from West Virginia assents to the request that his motion may lie over until to-morrow, and without objection it is so ordered.

Mr. BEVERIDGE. I would suggest, Mr. President, the record ought to show what the facts are in this interesting matter, and between now and the time the request of the Senator comes up for consideration to-morrow the record should be looked into. Certainly it is an important thing, if a bill has been referred to one committee, and then that committee asks to be relieved from it and have it referred to another committee and that is done, and then that committee asks to have it referred back to the first one. Are reports of committees in order?

The VICE-PRESIDENT. Reports of standing and select committees are now in order.

REPORTS OF COMMITTEES.

Mr. BEVERIDGE, from the Committee on Territories, to whom was referred the bill (H. R. 12707) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States, reported it with amendments, and submitted a report thereon.

Mr. PATTERSON subsequently said: I was not in the Chamber when what is known as the "statehood bill" was reported. It was received by the committee on Friday morning and that afternoon it was ordered to be reported to the Senate favorably. The minority has not had time to prepare the report it intends to present and file. I merely want to give notice that there will be a minority report filed either this week or early next.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 2871) granting an increase of pension to Joseph Brunnell;

A bill (S. 136) granting an increase of pension to Sabastian Lauder;

A bill (S. 139) granting an increase of pension to Frederick Le Hundra;

A bill (S. 2526) granting an increase of pension to Thomas Welch;

A bill (S. 2869) granting an increase of pension to Rachel A. Foulk; and

A bill (S. 476) granting an increase of pension to Emily Peterson.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 2459) granting an increase of pension to Alexander M. Scott; and

A bill (S. 1463) granting an increase of pension to Anna Z. Potter.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 213) granting an increase of pension to John M. Doersch; and

A bill (S. 208) granting an increase of pension to Daniel J. Smith.

Mr. DUBOIS, from the Committee on the District of Columbia, to whom was referred the bill (S. 2098) authorizing the extension of Second street NW. north to Trumbull street, and W street westward to Second street NW., reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2478) authorizing the extension of Prospect street NW., submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (S. 1736) granting a pension to Lena S. Fenn, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3286) granting an increase of pension to Mary J. McGehee;

A bill (H. R. 9984) granting an increase of pension to Samuel McKinney;

A bill (H. R. 8409) granting an increase of pension to George H. Stowits; and

A bill (H. R. 7662) granting an increase of pension to Barney Shultz.

Mr. TILLMAN. I suppose it would come under the order of petitions and memorials, as it is somewhat of their nature, but I will ask leave out of order to have read a communication from the Red Rock Fuel Company, which will explain itself. It relates to the railway-rate matter and railroad regulation.

The VICE-PRESIDENT. The Senator from South Carolina asks that the communication sent to the Secretary's desk by him be read. Is there objection?

Mr. SCOTT. Will the Senator from South Carolina let it go over until we are through with our reports of committees?

Mr. TILLMAN. This matter has already gone over, and the farther we get away from it——

Mr. SCOTT. I object to its reading now.

The VICE-PRESIDENT. The Senator from West Virginia objects.

Mr. TILLMAN. All right. I will get it in to-morrow.

Mr. SCOTT, from the Committee on the District of Columbia, to whom was referred the bill (S. 2321) for the opening of Fessenden street NW., District of Columbia, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2165) extending the provisions of the pension laws of the United States to persons engaged in the operation and construction of military telegraph lines during the war of the rebellion;

A bill (H. R. 10365) granting a pension to Emeline S. Hayner;

A bill (H. R. 8689) granting a pension to Frank P. Haas;

A bill (H. R. 7735) granting an increase of pension to James Hartzel;

A bill (H. R. 6172) granting an increase of pension to Abraham K. Vantine;

A bill (H. R. 5182) granting an increase of pension to Robert S. Williams; and

A bill (H. R. 5158) granting an increase of pension to Ephraim N. R. Ohl.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 121) granting an increase of pension to John Cook;

A bill (S. 3184) granting an increase of pension to Alfred T. Hawk;

A bill (S. 506) granting an increase of pension to James Wilson; and

A bill (S. 127) granting an increase of pension to Anthony H. Crawford.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon;

A bill (S. 587) granting a pension to Mary J. Chenoweth; and

A bill (S. 3307) granting an increase of pension to Phillip W. Cornman.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 1518) granting an increase of pension to Phineas F. Lull; and

A bill (S. 3311) granting a pension to Bernhard Schaffner.

Mr. SMOOT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 968) granting an increase of pension to Edward Michaelis, alias Edward Michel; and

A bill (S. 970) granting an increase of pension to William Crome.

Mr. CARMACK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 749) granting an increase of pension to Elkanah M. Wynn;

A bill (H. R. 10352) granting an increase of pension to Sarah A. Boush; and

A bill (H. R. 7206) granting a pension to Nannie Frazier.

Mr. PILES, from the Committee on Pensions, to whom was referred the bill (S. 2557) granting an increase of pension to Charles F. Longfellow, reported it with amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 1268) granting an increase of pension to William Lownsberry; and

A bill (S. 994) granting a pension to Henry Weston.

Mr. PILES, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2556) granting an increase of pension to George B. Hunter;

A bill (H. R. 5631) granting an increase of pension to Leonard F. Simmons;

A bill (S. 2778) granting an increase of pension to John W. Langford; and

A bill (H. R. 5642) granting an increase of pension to John W. Bancroft.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8832) granting a pension to William I. Heed;

A bill (H. R. 8532) granting an increase of pension to Retta M. Fairbanks;

A bill (H. R. 8404) granting an increase of pension to John H. Ferguson;

A bill (H. R. 8403) granting an increase of pension to James L. Rector;

A bill (H. R. 8374) granting an increase of pension to Ellen R. Graham;

A bill (H. R. 7673) granting an increase of pension to Homer A. Barrows;

A bill (H. R. 6983) granting an increase of pension to Chalkley Petitt;

A bill (H. R. 5779) granting a pension to Hannah W. Green;

A bill (H. R. 8181) granting an increase of pension to Martin B. Noyes;

A bill (H. R. 4643) granting an increase of pension to Orlena F. Seaver; and

A bill (H. R. 4392) granting an increase of pension to Joseph Miller.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 2320) to amend the Code of the District of Columbia relating to dower; and

A bill (S. 2319) to amend the Code of the District of Columbia.

Mr. BURKETT, from the Committee on the District of Columbia, to whom was referred the bill (S. 56) authorizing the extension of Rhode Island avenue NE., reported it with amendments, and submitted a report thereon.

He also, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1821) granting an increase of pension to Samuel L. Andrews; and

A bill (S. 566) granting an increase of pension to George Wiley.

Mr. BURKETT, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 3285) granting an increase of pension to Mary M. Hull; and

A bill (S. 2089) granting an increase of pension to John P. Campbell.

Mr. BURKETT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7758) granting an increase of pension to John L. Whitman;

A bill (H. R. 8799) granting an increase of pension to Bartholomew Moriarty; and

A bill (H. R. 7755) granting an increase of pension to Adam Wenzel.

Mr. OVERMAN, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5237) granting an increase of pension to Rebecca Garland;

A bill (H. R. 8659) granting an increase of pension to James Powers;

A bill (H. R. 4740) granting an increase of pension to Ransom L. Logan; and

A bill (H. R. 5236) granting an increase of pension to Mary Greene.

Mr. GEARIN, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1037) granting an increase of pension to Adolphus L. Oxton;

A bill (S. 1840) granting an increase of pension to James Prettyman;

A bill (S. 624) granting an increase of pension to Abbie C. Moore;

A bill (S. 639) granting an increase of pension to George M. Bradley; and

A bill (S. 619) granting an increase of pension to James F. Prater.

Mr. GEARIN, from the Committee on Pensions, to whom was referred the bill (S. 2183) granting an increase of pension to George P. Trobridge, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7888) granting an increase of pension to Charles W. Sutherlin;

A bill (H. R. 4991) granting an increase of pension to William R. Gilsan; and

A bill (H. R. 7889) granting an increase of pension to Aaron Noble.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 724) granting an increase of pension to George A. Parker;

A bill (H. R. 9659) granting an increase of pension to Abram V. Smith;

A bill (H. R. 6544) granting an increase of pension to Buford P. Moss;

A bill (H. R. 6186) granting an increase of pension to William Harvey;

A bill (H. R. 7878) granting an increase of pension to Ann Betts;

A bill (H. R. 10142) granting an increase of pension to Thomas Bush;

A bill (H. R. 10225) granting an increase of pension to Nathan B. Richardson;

A bill (H. R. 6183) granting a pension to Amanuel Russell;

A bill (H. R. 6447) granting an increase of pension to Mary E. Davenport;

A bill (H. R. 5845) granting an increase of pension to Robert T. Knox;

A bill (H. R. 10572) granting an increase of pension to Mary A. Hackley;

A bill (H. R. 4706) granting an increase of pension to Anna M. Gardner;

A bill (H. R. 6446) granting an increase of pension to Silas N. Bradshaw;

A bill (H. R. 10573) granting a pension to Mariah Baughman; and

A bill (H. R. 2012) granting an increase of pension to William Wilson.

Mr. ALGER, from the Committee on Pensions, to whom was referred the bill (S. 1017) granting an increase of pension to Mary Ryan, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 2421) granting an increase of pension to Herrick Hodges; and

A bill (S. 2411) granting an increase of pension to Carrie B. Findley.

Mr. ALLISON, from the Committee on Appropriations, to whom was referred the letter of the Secretary of War of the 19th instant, inclosing a letter from the Surgeon-General of the Army, recommending legislation raising the general limit of cost for barracks and other permanent structures, asked to be discharged from its further consideration, and that it be referred to the Committee on Militay Affairs; which was agreed to.

BILLS INTRODUCED.

Mr. PLATT introduced a bill (S. 3719) to commemorate the battle of Plattsburg and to provide a monument in honor of American sailors and soldiers killed in defense of Plattsburg; which was read twice by its title, and referred to the Committee on the Library.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3720) granting an increase of pension to Smith Vaughan; and

A bill (S. 3721) granting a pension to Mary C. Morgan (with accompanying papers).

Mr. FRYE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3722) granting an increase of pension to Corydon G. Ireland (with accompanying paper); and

A bill (S. 3723) granting an increase of pension to Robert M. Gustin.

Mr. FRYE introduced a bill (S. 3724) to amend section 4400 of the Revised Statutes, relating to inspection of steam vessels; which was read twice by its title, and referred to the Committee on Commerce.

Mr. ELKINS introduced a bill (S. 3725) for the relief of George W. Green; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3726) granting an increase of pension to John B. Sandy;

A bill (S. 3727) granting a pension to George W. Mullins;

A bill (S. 3728) granting a pension to William H. Winans;

A bill (S. 3729) granting a pension to Edward R. Girault;

A bill (S. 3730) granting a pension to John H. Crumbaugh (with accompanying papers); and

A bill (S. 3731) granting a pension to Thomas Kiddy (with accompanying papers).

Mr. ELKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3732) for the relief of George W. McKeever;

A bill (S. 3733) providing for the payment of the amounts due the employees in and the contractors who furnished castings to the United States armory at Harpers Ferry, Va., from January 1, 1861, to April 19, 1861, inclusive; and

A bill (S. 3734) for the relief of Henry Snider.

Mr. DRYDEN introduced a bill (S. 3735) granting an increase of pension to Phebe W. Drake; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LONG introduced a bill (S. 3736) to improve the public building at Kansas City, Kans.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 3737) granting a pension to Samuel E. Frint; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. SMOOT introduced a bill (S. 3738) granting an increase of pension to Lisania Judd; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3739) for the relief of A. A. Noon; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. FLINT introduced a bill (S. 3740) authorizing the appointment of D. Rodney Brown as an ensign on the retired list of the United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3741) providing for rank and pay for certain retired officers of the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3742) granting an increase of pension to Jordan J. Denny; which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 3743) to amend an act entitled "An act granting to railroads the right of way through the public lands of the United States," approved March 3, 1875; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. GALLINGER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (S. 3744) to amend sections 877 and 878 of the Code of Law for the District of Columbia; and

A bill (S. 3745) to extend Fourth, Irving, and Sixth streets NE. (with an accompanying paper).

Mr. ALLEE introduced a bill (S. 3746) correcting the military record of William S. Walker; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 3747) granting an increase of pension to George N. Tarburton; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3748) for the relief of the heirs of Henry Hackfeld, Frank Molteno, and James I. Dowsett, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. DEPEW introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3749) granting a pension to William F. Walker;

A bill (S. 3750) granting an increase of pension to Wilbur F. Flint; and

A bill (S. 3751) granting an increase of pension to Daniel D. Nash (with an accompanying paper).

Mr. PENROSE introduced a bill (S. 3752) for the relief of the widow of Everett Wroe; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3753) to grant an honorable discharge from the military service to Alexander Gray; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3754) to pension volunteer Army nurses;

A bill (S. 3755) granting an increase of pension to Miles Wall;

A bill (S. 3756) for the relief of John W. Heald;

A bill (S. 3757) granting a pension to Sarah Ann Bradford;

A bill (S. 3758) granting a pension to David Hixson;

A bill (S. 3759) granting an increase of pension to Henry D. Miller (with an accompanying paper);

A bill (S. 3760) granting an increase of pension to John Patton (with an accompanying paper);

A bill (S. 3761) granting an increase of pension to Alfred J. Sellers (with an accompanying paper); and

A bill (S. 3762) granting an increase of pension to William H. H. Bouslough (with accompanying papers).

Mr. BURNHAM introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3763) granting an increase of pension to Mary A. Baker;

A bill (S. 3764) granting an increase of pension to John D. Hall;

A bill (S. 3765) granting an increase of pension to Charles R. Frost; and

A bill (S. 3766) granting an increase of pension to Lyman J. Slate.

Mr. SCOTT introduced a bill (S. 3767) granting an increase of pension to Samuel Turner; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CARMACK introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3768) for the relief of D. Froneberger;

A bill (S. 3769) for the relief of the estate of C. H. Medlin, deceased;

A bill (S. 3770) for the relief of the estate of Hudson Muse, deceased;

A bill (S. 3771) for the relief of the estate of Elizabeth McClure, deceased;

A bill (S. 3772) for the relief of the estate of Samuel Stolsworth, deceased;

A bill (S. 3773) for the relief of the heirs of Mrs. M. L. Rodgers, deceased;

A bill (S. 3774) for the relief of the estate of James T. Clement, deceased;

A bill (S. 3775) for the relief of the estate of Wilson Cupples, deceased;

A bill (S. 3776) for the relief of the estate of Walter W. Melton, deceased;

A bill (S. 3777) for the relief of the Overton Hotel Company;

A bill (S. 3778) for the relief of H. J. Brewer;

A bill (S. 3779) for the relief of H. H. Belew;

A bill (S. 3780) for the relief of the estate of Wiley B. Brigance, deceased;

A bill (S. 3781) for the relief of the estate of J. J. Brison, deceased;

A bill (S. 3782) for the relief of the estate of John S. Burrows, deceased;

A bill (S. 3783) for the relief of Abner Ogles;

A bill (S. 3784) for the relief of the estate of L. D. Crawley, deceased;

A bill (S. 3785) for the relief of the estate of Peter Williams, deceased;

A bill (S. 3786) for the relief of the estate of Harriet G. Woods, deceased;

A bill (S. 3787) for the relief of Solomon Lyons;

A bill (S. 3788) for the relief of the estate of H. S. Simmons, deceased;

A bill (S. 3789) for the relief of the estate of John Williams, deceased;

A bill (S. 3790) for the relief of the estate of C. H. Medlin, deceased;

A bill (S. 3791) for the relief of H. H. Belew;

A bill (S. 3792) for the relief of Peter Williams;

A bill (S. 3793) for the relief of James N. Richards;

A bill (S. 3794) for the relief of Dilly Williams;

A bill (S. 3795) for the relief of the estate of Wiley B. Brigance, deceased; and

A bill (S. 3796) for the relief of Mathew Williams.

Mr. McCUMBER introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 3797) granting an increase of pension to A. E. Wood;

A bill (S. 3798) granting an increase of pension to Charles Farrell;

A bill (S. 3799) granting an increase of pension to W. B. Hibbs; and

A bill (S. 3800) granting an increase of pension to Albert D. Cordner.

Mr. PATTERSON introduced a bill (S. 3801) defining the jurisdiction of United States courts in which corporations are parties; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 3802) to provide for the purchase of a site and the erection of a public building thereon at Fort Collins, Colo.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 3803) for the relief of William L. McClure; and

A bill (S. 3804) for the relief of Joshua T. Reynolds.

Mr. PATTERSON introduced a bill (S. 3805) granting an increase of pension to John Murphy; which was referred to the Committee on Pensions.

He also introduced a bill (S. 3806) granting an increase of pension to Benjamin K. Kimberly; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FULTON introduced a bill (S. 3807) for the relief of John Thurman; which was read twice by its title, and referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3808) granting a pension to David B. Garrison;

A bill (S. 3809) granting an increase of pension to Samuel Hawken (with an accompanying paper); and

A bill (S. 3810) granting a pension to Luman N. Judd (with accompanying papers).

Mr. KNOX introduced a bill (S. 3811) granting an increase of pension to Ephraim Winters; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PROCTOR introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 3812) granting an increase of pension to Truman R. Stinehour; and

A bill (S. 3813) granting an increase of pension to John Kinahan.

Mr. DUBOIS introduced a bill (S. 3814) granting a pension to John Giffin; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3815) for the relief of certain Cherokee freedmen; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. MALLORY introduced a bill (S. 3816) to amend an act entitled "An act granting pensions to survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and Seminole war," approved July 27, 1892; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TALIAFERRO introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3817) granting a pension to Margaret Lewis (with accompanying papers);

A bill (S. 3818) granting an increase of pension to David B. Johnson; and

A bill (S. 3819) granting an increase of pension to William H. Houston (with an accompanying paper).

Mr. BURKETT introduced a bill (S. 3820) for the relief of Eunice Tripler; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. RAYNER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3821) granting an increase of pension to Henry Wilhelm;

A bill (S. 3822) granting a pension to Andrea P. Caldwell; and

A bill (S. 3823) granting an increase of pension to John W. Boulden.

Mr. RAYNER introduced a bill (S. 3824) for the relief of John T. Vincent; which was read twice by its title, and referred to the Committee on Indian Depredations.

Mr. FRAZIER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3825) for the relief of the heirs of Hugh W. McGavock (with an accompanying paper);

A bill (S. 3826) for the relief of the Cumberland Presbyterian Church, of Granville, Tenn.;

A bill (S. 3827) for the relief of W. W. Elam;

A bill (S. 3828) for the relief of the trustees of the Methodist Episcopal Church South, at Franklin, Tenn. (with accompanying papers);

A bill (S. 3829) for the relief of the estate of Alexander F. Beckham, deceased; and

A bill (S. 3830) for the relief of the heirs of I. L. Davis, deceased.

Mr. FRAZIER introduced a bill (S. 3831) granting a pension to Mrs. Jimmie T. Coop; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3832) granting an increase of pension to Carrie M. Whiteside; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McCREARY introduced a bill (S. 3833) granting a pension to George H. Thorpe; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SPOONER introduced a bill (S. 3834) granting an increase of pension to Robert McCalvy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3835) granting an increase of pension to Luther M. Royal; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3836) for the election of judges and clerks of the Territorial district courts of Arizona; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. NELSON introduced a bill (S. 3837) to regulate enlistments and punishments in the United States Revenue-Cutter Service; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BURROWS introduced a bill (S. 3838) for the relief of J. W. Cromwell, surviving partner of the firm of J. W. Cromwell & Co.; which was read twice by its title, and referred to the Committee on Claims.

Mr. CARTER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3839) granting an increase of pension to John T. Brothers;

A bill (S. 3840) granting an increase of pension to John Workman; and

A bill (S. 3841) granting an increase of pension to William T. Sweet.

Mr. HOPKINS (for Mr. CULLOM) introduced a bill (S. 3842) for the relief of Mary C. Mayers; which was read twice by its title, and referred to the Committee on Claims.

He also (for Mr. CULLOM), introduced a bill (S. 3843) grant-

ing an increase of pension to Rollin T. Waller; which was read twice by its title, and referred to the Committee on Pensions.

He also (for Mr. CULLOM), introduced a bill (S. 3844) granting an increase of pension to Catherine Jones; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MILLARD (by request) introduced a bill (S. 3845) for the relief of Louis A. Yorke; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. DICK introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3846) granting a pension to William B. Longsdorf;

A bill (S. 3847) granting an increase of pension to Mary L. Morrow;

A bill (S. 3848) granting an increase of pension to Jennie Little;

A bill (S. 3849) granting an increase of pension to Elizabeth W. Walker;

A bill (S. 3850) granting an increase of pension to George W. Sopher;

A bill (S. 3851) granting an increase of pension to William Nevitt;

A bill (S. 3852) granting an increase of pension to Levi W. Curtis;

A bill (S. 3853) granting an increase of pension to Henry C. Jennings;

A bill (S. 3854) granting an increase of pension to Levi Prince;

A bill (S. 3855) granting an increase of pension to John Clinger;

A bill (S. 3856) granting an increase of pension to Henry Deuble;

A bill (S. 3857) granting an increase of pension to James J. Murphy;

A bill (S. 3858) granting an increase of pension to Frank M. Lansdown;

A bill (S. 3859) granting an increase of pension to William Vantilbing; and

A bill (S. 3860) granting an increase of pension to Joseph C. Flickinger.

Mr. DICK introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 3861) to correct the military record of John Poehls;

A bill (S. 3862) to correct the military record of Lora E. Reed;

A bill (S. 3863) to correct the military record of Stephen Thompson; and

A bill (S. 3864) to correct the military record of Frank Wempe.

Mr. DICK introduced a bill (S. 3865) for the relief of Emma Morris; which was read twice by its title, and referred to the Committee on Claims.

Mr. KITTREDGE introduced a bill (S. 3866) granting an increase of pension to Samuel J. Burlock; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DANIEL introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3867) for the relief of the estate of Isaac Haynes, deceased;

A bill (by request) (S. 3868) for the relief of Benjamin M. Yancey;

A bill (by request) (S. 3869) for the relief of the estate of Henry S. Williams, deceased;

A bill (by request) (S. 3870) for the relief of the estate of David B. Tennant, deceased;

A bill (by request) (S. 3871) for the relief of the estate of William Shreve, deceased;

A bill (by request) (S. 3872) for the relief of the estate of W. H. Stringfellow, deceased;

A bill (by request) (S. 3873) for the relief of the estate of Peter Sheets, deceased;

A bill (by request) (S. 3874) for the relief of the estate of W. H. Harrison, deceased; and

A bill (S. 3875) for the relief of the estate of William Fletcher, deceased.

Mr. CARMACK introduced a bill (S. 3876) for the relief of F. A. R. Scott; which was read twice by its title, and referred to the Committee on Claims.

Mr. GALLINGER. On behalf of the Senator from Maine [Mr. HALE], who is unavoidably detained from the Senate Chamber, I introduce a bill.

The bill (S. 3877) granting authority to the Secretary of the Navy, in his discretion, to dismiss midshipmen from the United States Naval Academy; was read twice by its title, and referred to the Committee on Naval Affairs.

AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. DUBOIS submitted an amendment proposing to appropriate $25,000 to complete the survey of the Fort Hall Indian Reservation, in Idaho, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

WILLIAM A. HILDRETH.

Mr. McCUMBER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Senate be directed to request the House of Representatives to return to the Senate the bill (H. R. 1330) granting an increase of pension to William A. Hildreth, the beneficiary of said bill having died.

RAILROAD RATE REGULATION.

Mr. SCOTT. Mr. President, I objected a few moments ago to the reading of a paper offered by the Senator from South Carolina [Mr. TILLMAN]. I withdraw my objection to the reading of that paper, if the Senator desires to present it.

The VICE-PRESIDENT. Does the Senator from South Caroline desire that the paper shall be read, the objection being withdrawn?

Mr. TILLMAN. Mr. President, I am in no special hurry. As this is a matter in regard to West Virginia railroad management—I came near saying of outrageous and tyrannical action there—the Senator coming from that State, his attitude of objection might be misunderstood. I rose, however, for an entirely different purpose. I will send the paper to the desk and ask to have it read. It will explain itself.

The VICE-PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

[Red Rock Fuel Company; Fairmont gas and steam coal; mines at Buckhannon, Upshur County, W. Va.]

OFFICE OF LOGAN M. BULLITT, PRESIDENT,
Torresdale, Philadelphia, January 23, 1906.

Hon. BENJAMIN R. TILLMAN,
Washington, D. C.

DEAR SIR: The Red Rock Fuel Company is the owner of over 4,000 acres of valuable coal lands on the line of the Baltimore and Ohio Railroad in Upshur County, W. Va., which it is endeavoring to develop. In pursuance of this purpose it has opened its mine, constructed a tipple, and built a side track from the tipple to the right of way of the Baltimore and Ohio Railroad (some 4,000 feet), and is in a position to make large shipments of coal if it receives the same treatment that the Baltimore and Ohio accords to other shippers of coal on its line of railroad, viz, a connection between the tracks of the Baltimore and Ohio Railroad and its side track.

Nearly one year ago the Red Rock Fuel Company made an application to the Baltimore and Ohio Railroad Company for such connection, agreeing to pay the entire cost of the same, and pointing out that it had been the practice of the railroad for years to furnish such connections to persons or corporations desiring to ship coal from lands adjacent to its lines on the terms offered by the Red Rock Fuel Company.

This request was met by a prompt refusal by the Baltimore and Ohio Railroad Company, and with a further statement that it would not grant the connection requested nor permit the Red Rock Fuel Company to become a shipper of coal if it could prevent it, on the ground that it (the Baltimore and Ohio Railroad Company) had more coal for transportation than it had facilities to carry it; but the real reason, as found by the Interstate Commerce Commission, as hereinafter set forth, was that the Baltimore and Ohio Railroad Company owned a controlling interest in various coal companies along its line of railroad, which companies ship the bulk of the coal mined along its lines, and that it did not propose to have the Red Rock Fuel Company or any other concern compete with it for business.

Proceedings were commenced by the Red Rock Fuel Company before the Interstate Commerce Commission last May to require the Baltimore and Ohio Railroad to furnish the desired connection. These proceedings resulted in a decision in favor of the Red Rock Fuel Company in an opinion handed down on November 25, and, founded on this, an order was entered by the Commission requiring the Baltimore and Ohio Railroad to desist from discriminating against the Red Rock Fuel Company in favor of other shippers and in favor of itself or to furnish the connection for the Red Rock Fuel Company by December 23, 1905. The Baltimore and Ohio Railroad Company has failed to comply with this order and has announced its intention to disregard it.

During the proceedings it developed that the Pennsylvania Railroad Company controls the Baltimore and Ohio Railroad and that it has an interest in limiting the shipments of coal from the line of the Baltimore and Ohio Railroad, so as to prevent competition with coal mines on the lines of the Pennsylvania Railroad.

While the injury done in this case is only a private one to the Red Rock Fuel Company, yet it is such an abuse of railway franchises and such a perfectly clear-cut example of injustice on the part of a public servant, with no extenuating circumstances to becloud the main issue, that the Red Rock Fuel Company takes the liberty of inclosing you a copy of the Interstate Commerce Commission's decision in this matter, together with a very brief extract from the testimony taken during the hearing, touching upon the most important statements above made, with the hope that you will give it your attention.

Therefore your earnest consideration of the facts of this case is asked, not only in the interest of the Red Rock Fuel Company, but also in the interest of all independent coal shippers who have no railroad influence and the public generally, who have felt the oppressive force of railway abuses of a similar character, but whose cases, perhaps, are not susceptible of as clear and certain demonstration as this one, and your

aid is respectfully invited to making such acts of oppression hereafter impossible.

A full investigation should be had of all the bituminous-coal-carrying railroads reaching Atlantic ports and their relation to each other, and especially the question of whether they are interested in coal properties as well as serving the public as carriers.

Should you desire any further information in regard to this matter it will be cheerfully furnished.

RED ROCK FUEL COMPANY,
LOGAN M. BULLITT, *President.*

Mr. TILLMAN. Mr. President——

Mr. SCOTT. Will the Senator permit me a moment?

Mr. TILLMAN. Certainly.

Mr. SCOTT. I wish to state that in making objection this morning to the reading of the paper referred to by the Senator it was not because I had any objection whatever to the reading of the paper, but it was because the order of reports of committees had not been concluded; we were in the midst of the transaction of morning business, and a number of us were desirous of temporarily leaving the Senate Chamber. For those reasons I objected to the reading of the paper at that time. I want to make it clear that I do not object at all to having that paper read and having the matter fully and freely discussed.

Mr. TILLMAN. Mr. President, to complete the statement of facts as to the present situation, I should like to have read the finding of the Interstate Commerce Commission and its order in the premises. I will not ask that the testimony be read, but simply the result of the investigation.

The VICE-PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 25th day of November A. D. 1905.

Present: Hon. Martin A. Knapp, chairman; Hon. Judson C. Clements, Hon. Charles A. Prouty, Hon. Joseph W. Fifer, Commissioners.

RED ROCK FUEL COMPANY V. BALTIMORE AND OHIO RAILROAD COMPANY.

This case being at issue upon complaint and answer on file, and having been duly investigated and submitted by the parties, and the Commission having, on the date hereof, made and filed a report and opinion herein containing its findings of fact and conclusions thereon, which said report and opinion is hereby referred to and made a part of this order,

It is ordered, That the defendant, the Baltimore and Ohio Railroad company, be, and is hereby, notified and required to wholly cease and desist on or before the 23d of December, 1905, and continuously thereafter, from subjecting complainant to undue and unreasonable prejudice and disadvantage, and from giving undue and unreasonable preference and advantage to other operators of coal mines in the Fairmont coal district of West Virginia and shippers of coal therefrom, or to itself, by refusing to allow at a designated proper point between Lorentz and Buckhannon, in the State of West Virginia, on a line of railroad operated by it in the Fairmont coal district of West Virginia, a side-track connection by means of which complainant may deliver from a side track between its adjacent coal mine and said line of railroad carloads of coal to defendant for shipment and carriage to interstate destinations, while said defendant has granted, and is continuing to allow and maintain, side-track connections for other mines in said Fairmont coal district situated, as compared with complainant's mine, similarly in essential respects for the purpose of shipping coal over defendant's line or lines as interstate traffic, which said discriminating action is found and declared in and by said report and opinion of the Commission to be in violation of section 3 of the act to regulate commerce.

And it is further ordered, That a notice embodying this order be forthwith sent to the defendant corporation, together with a copy of the report and opinion of the Commission herein, in conformity with the provisions of the fifteenth section of the act to regulate commerce.

Mr. TILLMAN. Mr. President, it is not my purpose to do more than make two or three brief comments on these remarkable documents. In the first place, I want to remark that the relief sought here would appear to be obtainable under State law, and if there be none, then West Virginia stands disgraced because she has not enacted such a law. In other words, both of these railroads being within the State of West Virginia—that is, the Baltimore and Ohio running through that State and this little spur being within its borders—are certainly under the jurisdiction of the legislature of West Virginia, and if there is no law there to compel the connection——

Mr. ELKINS. There is such a law.

Mr. TILLMAN. Well, then, why is the law not enforced? The Senator from West Virginia on my right [Mr. ELKINS] says that there is such a law. I want to know why it is not enforced.

Mr. ELKINS. Mr. President, why the law is not enforced I do not know. I can not say why it has not been enforced, but the law is plain as to the connection between railroads. It could be enforced by mandamus, I suppose.

Mr. TILLMAN. I will merely call the Senator's attention to what appears to be a very plain remedy. It seems that these people who desired to engage in interstate commerce, endeavoring to furnish coal for shipment out of the State, have been cut off by the Baltimore and Ohio Railroad Company and refused all access to the market.

There is a further statement that the order of the Commission, which is based upon the act to regulate commerce, has been flagrantly disobeyed, and while I presume there has been an order made by the Commission, we see how weak the Commission is, or else these persons would not come to us here, but the aggrieved parties would go into the courts and get redress.

There is a still further statement in that letter, which I think should require the strictest scrutiny and inquiry, and that is to the effect that the Baltimore and Ohio Railroad Company is controlled by the Pennsylvania Railroad Company. This some of us have suspected for a good while; and it would seem to me that it was about time for an inquiry to be instituted in some Department of this Government—the Department of Justice, I suppose—to ascertain why there is not a suit brought to annul any control by the Pennsylvania Railroad of the Baltimore and Ohio Railroad, which is a competing line with the Pennsylvania. In other words, is this not another parallel case to the Hill litigation, the Northern Securities Company case? I do not know but what it would be well, in pursuing this subject, to try to get the Senate to pass a resolution inquiring of the Attorney-General what is the status of this matter and whether or not the Department of Justice has undertaken, or will undertake, an inquiry into the facts, with a view to action. These people state in this investigation that it has been determined that that is a fact. If it is, it is a very interesting fact, which we certainly ought to know.

As for the general proposition—that is, that railways shall own coal mines, or, as they do now in many instances, prevent private citizens from using the facilities of commerce to compete with them—that already is a flagrant and outrageous situation in the anthracite region in the State of Pennsylvania, contrary to its constitution, as I understand; and if we are to sit quietly and allow the bituminous coal output to be regulated by the greed of the millionaires or multimillionaires who control the railways, it looks to me as if we were getting very near to the point where the tyranny of the corporations will grow unbearable. All this merely points to the necessity for some early action which will grant relief to the people in all matters relating to railroad transportation.

CHINESE BOYCOTT OF AMERICAN MANUFACTURES.

The VICE-PRESIDENT. If there be no further resolutions, concurrent or other, the morning business is closed, and the Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. TILLMAN on the 25th instant, as follows:

Whereas the boycott of American manufactured products by the people of China is a matter of very serious and deep concern to the capitalists and laborers interested in those industries; and

Whereas it is understood that the former United States minister, Wu Ting Fang, is a leader of this movement among his countrymen, assigning as a reason therefor the outrages and indignities put upon Chinest travelers and students under our immigration laws, and through the unwise and drastic methods which have been followed in executing these laws; and

Whereas the policy thus stigmatized by the Chinese is not such as shoud be followed by one great nation in dealing with another; and

Whereas it is in the interest of our commercial expansion and growth that the just complaints of the Chinese people should be carefully investigated and the whole subject presented to Congress for its guidance and information: Therefore, be it

Resolved by the Senate, That the Committee on Immigration shall consider and, after thorough investigation, report to the Senate the facts in the case and suggest any remedies that may be deemed advisable.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. TELLER. Mr. President, has that resolution just been introduced?

The VICE-PRESIDENT. No; it is a resolution which has come over from a previous day.

Mr. TELLER. There are some statements contained in the resolution that I should myself very much dislike to agree to. If in order, I wish simply to enter my declaration that I do not believe they are true.

Mr. TILLMAN. Will the Senator be kind enough to indicate what statements he thinks are untrue? Here is the resolution [handing the resolution to Mr. TELLER].

Mr. TELLER. I can not indicate except in a general way. I have had no opportunity to see the resolution.

Mr. TILLMAN. Probably the resolution had better be again read, Mr. President.

Mr. TELLER. Is the resolution printed?

Mr. TILLMAN. Yes; and here is a copy of it.

Mr. TELLER. I have no disposition to interfere with any inquiry which may be desired, but I do not think we should commit the Senate to any declaration of facts such as seems to be contained in the resolution.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Massachusetts?

Mr. TILLMAN. Certainly.

Mr. LODGE. I merely want to make a suggestion. I think with the Senator, that this is a subject that ought to be investigated, and it is a subject of very great importance.

Mr. TILLMAN. I so consider it.

Mr. LODGE. But it seems to me it would be just as well to omit the somewhat comprehensive declaration of fact in the preamble of the resolution.

Mr. TELLER. If the preamble is stricken out, I have no objection to the resolution itself. If it is understood that this is only a declaration that certain facts are alleged, that some people somewhere claim these statements to be true, then I should have no objection.

Mr. TILLMAN. That is all I tried to say. I may have been unfortunate in my selection of words. I drew the resolution hurriedly, but I am perfectly willing to have it amended to suit the supersensitive ideas of Senators, though I think the President's own message, together with the report of the Commissioner-General of Immigration, bear out every assertion that I make in the resolution.

Mr. LODGE. I do not object to the Senator's assertions, but those are the very things we desire to investigate. The Senator says that it is understood the former minister from China, Mr. Wu Ting Fang, is a leader in that movement. I understand that he explicitly denies that.

Mr. TILLMAN. I have seen it stated fifty times and have never seen it denied once.

Mr. LODGE. I understand that it has been denied by him.

Mr. BACON. If agreeable to the Senator, I suggest that he strike out the words I have marked in the resolution and insert the word "alleged."

Mr. TILLMAN. All right; put in the word "alleged." That is a legal phrase which will suit you gentlemen.

Mr. BACON. Merely omit the words I have indicated.

Mr. TILLMAN. The Senator from Georgia suggests that I strike out the words "understood that the former United States minister, Wu Ting Fang, is a leader of this movement among his countrymen, assigning," and insert the word "alleged;" so that it will read:

Whereas it is alleged as a reason therefor, etc.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Wyoming?

Mr. TILLMAN. With pleasure.

Mr. WARREN. I desire to say that Wu Ting Fang has explicitly denied that he has been guilty of such conduct as that alleged in the resolution. He has made that denial explicitly to me in private conversation.

Mr. TELLER. Mr. President, I want to say just a word. If it is true that a minister accredited to this country has been taking the course indicated, it seems to me that is one of the cases were he ought to be simply returned to his own country.

Mr. TILLMAN. The resolution refers to the old man, the former minister, whom we all liked so much when he was over here.

Mr. TELLER. I do not know, but I understand——

Mr. TILLMAN. I am talking about the man who has been recalled, the man who is now in China. I want to know when my friend the Senator from Wyoming had the pleasure of conversing with him, and where.

Mr. LODGE. Last summer.

Mr. WARREN. Mr. President——

Mr. TELLER. I forgot that the Senator from Wyoming had been in the East.

Mr. WARREN. I have stated simply what Wu Ting Fang said to me with a great deal of earnestness, and I have no reason to believe he was not telling the truth.

Mr. TILLMAN. Of course not. I would not for a moment suspect him of that, or the Senator from Wyoming of misrepresenting him. I merely wanted to know when it occurred; that is all.

Mr. TELLER. The Senator can accomplish everything he desires without the preamble. That is a delicate sort of a preamble. I think he ought to drop the preamble out of the resolution.

Mr. TILLMAN. I do not know that this preamble is so—I will not say unparliamentary, because it is not; I will not say undiplomatic, because it is not, to my mind. I will read here, however, a couple of extracts from the message of the President, and see if they do not go as far as anything I have said. I read them hurriedly. He says:

But in the effort to carry out the policy of excluding Chinese laborers, Chinese coolies, grave injustice and wrong have been done by this nation to the people of China, and therefore ultimately to this nation itself. Chinese students, business and professional men of all kinds—not only merchants, but bankers, doctors, manufacturers, professors, travelers, and the like—should be encouraged to come here and treated on precisely the same footing that we treat students, business men, travelers, and the like of other nations.

That is all I am asking. I have understood that there have been requirements under the immigration law, or the rules established by the Immigration Bureau, that every Chinaman who comes here, whatever he may claim to be his purpose or business, and to whatever class he may claim to belong, shall have three photographs made of himself, and that he has to be measured by the Bertillon system, and all that kind of outrageous invasion of private rights.

Mr. CLAY. I wish to call attention to the fact that the resolution of the Senator from South Carolina simply sets forth the grievances of the Chinese, and merely recites the complaint made by the former minister. It does not——

Mr. TILLMAN. But the Senator from Wyoming said the former minister has denied it. I have heard the minister in speeches right here in this city make practically the same complaint, and I never will forget the emphasis that he used in uttering that great Latin word "atrocious." Almost anybody who heard him speak can recall the emphasis and the way his mustache fairly got four or five additional kinks or curls in it when he alluded to the indignities and outrages put upon his countrymen.

Mr. CLAY. I wish to say to the Senator that I did not intend to say anything against his resolution.

Mr. TILLMAN. I know that.

Mr. CLAY. I think it is proper. It simply sets forth the grievances of the Chinese Government and asks that they be investigated. That is all there is in the preamble of the resolution. I think it ought to be adopted.

Mr. TILLMAN. I will read further from the President's message:

But we must treat the Chinese student, traveler, and business man in a spirit of the broadest justice and courtesy if we expect similar treatment to be accorded to our own people of similar rank who go to China. Much trouble has come during the past summer from the organized boycott against American goods which has been started in China. The main factor in producing this boycott has been the resentment felt by the students and business people of China, by all the Chinese leaders, against the harshness of our law toward educated Chinamen of the professional and business classes.

Mr. President, it does seem to me we are getting very squeamish, and, as I said a moment ago, a little supersensitive when we undertake to deny in a preamble facts that are acknowledged practically by the President himself; and I do not see why the Senate, which has the power to investigate and to legislate, or at least to endeavor to legislate by the introduction of a bill and passing it here, should hesitate for one moment to try to do justice in this case. The people down my way are very deeply interested in it. We have a large market in China for our manufactured cotton goods, and there are there millions, scores of millions, of dollars invested in cotton mills whose entire output goes to China; and the trade was growing very rapidly, notwithstanding we have no protective tariff on it. We were competing with Germany and England in the open markets of the world without any butter on our backs, as New England and other parts of the country seem to require.

But since this boycott agitation over there broke out there is a kind of a shiver of dissatisfaction in China, and overt acts of aggressive self-defense, and our people are deeply concerned to have this matter investigated, and let us do justice if we have been doing wrong. That is all there is to it. I hope the resolution will go through, striking out the words:

It is understood that the former United States minister, Wu Ting Fang, is a leader of this movement among his countrymen.

So that it will read:

Whereas it is alleged as a reason therefor the outrages and indignities put upon Chinese travelers and students, etc.

As Mr. Fang has informed the Senator from Wyoming that he is entirely innocent of any personal leadership in that respect, I do not wish to bring him in as a part of the exhibits in this case.

Mr. DUBOIS. Mr. President, I have no objection to voting for this resolution, but I am not going to vote for it on the assumption that it states facts. I think an investigation will prove that the statements which are made in regard to the treatment of Chinese who come over here are not true. In a very few cases bona fide students have been badly treated by our officials. These are rare exceptions, however.

I do not see him in the Chamber at present, but I have talked with a United States Senator, who was a United States attorney, and I have talked with a Member of the other House, who was an assistant United States attorney, and I have made investigation pretty thoroughly, and I find that coolies come here often under the guise of merchants. Often consuls abroad grant a cooly a certificate that he is a merchant. It is done in this way: Two bona fide merchants of Shanghai, we

will say, go to the American consul there, having with them a cooly. The Chinese merchants swear that the cooly has $10,000 invested in their business; that he is a partner in the mercantile business with them. The consul grants the cooly a certificate that he is a merchant; and it has been stated so broadly that I will restate it—it is charged that the consuls receive anywhere from two to three hundred dollars apiece for the certificates. If a consul issues only a thousand of them a year he is doing pretty well.

Now, when that cooly arrives at one of our ports he is held up by our officers. They find that his hands are calloused, that his shoulders are calloused where he has been carrying burdens under a bamboo pole; and after an investigation and after questioning him they soon discover that he is a cooly, and they send him back to China.

This boycott is not on account of the treatment which we accord to Chinese merchants and students. The boycott is damaging practically in the Cantonese district alone. It amounts to nothing to speak of in northern China, where the students come from. I was in Canton not a great while ago, and when our party arrived in Hongkong we were informed that it would be dangerous for us to go to Canton, up the river a little way; that the boycott was in full force, and we would be insulted; and it being more or less of an official party, that our country might be drawn into a very disagreeable contention with China, which might lead to war. We were warned not to go to Canton at all on account of the boycott. The walls of Canton were placarded with posters ridiculing the Americans. The feeling was very intense against Americans on the part of the coolies.

However, we went to Canton, and, although we did not discover from the Chinese who entertained us the cause of the boycott, some of us did discover the cause of it. A few of us met the representatives of American interests there, and they gave us a statement in regard to the boycott. All the guilds in the Cantonese district, which are the powerful organizations there, more powerful than our labor organizations, united in demanding the admission of the Chinese cooly to the United States. Otherwise there would be a boycott. It is not on account of the merchants and students. They proved these things to us. Every one of those merchants—every American merchant there—agreed as to the cause of the boycott.

The representatives of the British and American Tobacco Company—we met in their offices—said they had lost some 40 per cent of their trade on account of the boycott, and the loss was continuing. We asked them who were the beneficiaries, and they said the Japanese. The Japanese Government has a monopoly of the tobacco industry, and as our merchants go out of business the Japanese take their places. The people with whom we talked would not say they thought the Japanese were behind the boycott, but that is the easy inference.

We asked them why the Cantonese people, or those in that district, were so anxious to have the Chinese cooly come to the United States. They said because all the coolies in the United States are from the Canton district. That is not literally true, but 90 per cent at least of the Chinamen in the United States come from that district alone and most of them from Canton, and they send back to that district some $25,000,000 a year to their merchants and to their people; and those remaining there argue that if more Chinese coolies came here from the Cantonese district, just so many times $25,000,000 a year would go back to Canton and to that district, and $25,000,000 is an enormous sum in China.

Now, the viceroy sympathizes with this boycott. He pays no attention to orders from Peking. The Peking Government can not enforce its demands. The central government is not strong enough there. It dare not remove the viceroy, because he is as strong as, if not stronger than, the Government, and he cares more for the people of the Cantonese district than he does for an order from Peking.

Our people, on the other hand, I will say to the Senator from South Carolina, are not very much concerned to have Chinese coolies come here. I have heard it intimated that the southern people would like to have them as an offset to the negro people. If the Chinese are to come, I earnestly hope they will be landed in New York or in New Orleans and let them work their way west or south, as the case may be, and not let them land on our coast and work east.

Mr. CLAY. The Senator from Idaho is mistaken in his statement about the people of the South desiring this class of help to come in competition with the negro. I never heard the question discussed in my State in my life. The people of my State, and I believe the people of the South, are anxious to be on cordial relations with the people of China, and they are anxious to have business with them and to treat them properly; but I have never heard such a question discussed in my State in my life.

Mr. DUBOIS. I should have said "some southern people." I did not intend to make it so broad, because I know that generally the southern people occupy the position we do in regard to the question.

Mr. TILLMAN. I want to disclaim the slightest purpose or desire along that line on the part of everybody I know anything about in the South. We have troubles enough of our own on account of the present condition without undertaking to mix it up or get "confusion worse confounded" by another element of labor which we consider more or less debased, or something like that. We do not want any coolies.

Mr. DUBOIS. I know there is not a representative from the South in this Chamber who desires it. But I say I have heard the argument advanced by southern men. What I desired chiefly to say was that, in my judgment, we are not going to stop the boycott by throwing bouquets at merchants and students. That is not the cause for the boycott, and the boycott will continue unless we admit the coolies, or unless this Government stands firm and does not undertake to pander to the boycotters and apologize for the rigid enforcement of our exclusion laws.

Mr. TELLER. Mr. President, I am not at all supersensitive about the Chinese question. I have faced the Chinese question as very few men on this floor have. I think I perhaps ought to except the senior Senator from Wyoming [Mr. WARREN], who has had some experience in this line directly. I know something about the cooly Chinamen, and I believe the statement made by the senior Senator from Idaho [Mr. DUBOIS] is absolutely true. It is not a demand for the students or the merchants. It is a demand for the coolies. This demand is not made by the Chinamen alone. It is made by a great interest in this country and that interest makes the demand, in the first instance, because of the high price of labor here, and, in the second instance, the scarcity of labor in the United States.

In every community in the West there is a paucity of labor. In my own State there are communities which suffer for want of the proper number of laborers who can be hired by the day or by the month. We have in Colorado a very large mining population, and I want to say here now that the mining population is not concerned about the introduction of cooly Chinese. There is not a Chinaman in the mines in Colorado, and there never will be one in the mines in Colorado; and I might, I think, apply that pretty much to all the West, except in the few instances where placer mines originally, years ago, were worked by Chinamen. I know of none now that are being worked by Chinamen. There may be a few in California, but if there are they are mines in which white men decline to work.

There is not anywhere probably a country where there is such a wide difference between the labor of the country and what you may call the "business men" of the country as there is in China. The average Chinese merchant is a man of Chinese education. The Chinese student is a student in Chinese circles. Hundreds of them have come to the United States and have completed an English education in some of the highest institutions in this country. They go home, notwithstanding that education, and they are still Chinamen and ever will be. There can be no assimilation between a Chinaman and an American citizen.

In the first place, the American citizen will not, except in rare instances, either socially or otherwise, have much to do with the Chinaman, and a Chinaman who has been educated thinks himself of the first class and looks down with contempt upon the average American, no matter though he may be his associate in a college of the country. There may be exceptions and always will be, but we can not afford to allow Chinese labor to come here, and while it is barely possible that there has been such maladministration of the statutes as complained of, I do not myself believe it. If there has been, it is not here that the remedy should be sought, but it is in the executive department of the Government. That occasionally a Chinaman who is entitled to come in under the law may be excluded I have not the slightest doubt. I will venture to say, however, from my own observation—and I think I will be supported by all those who have lived in a community that has any considerable number of Chinamen in it—that ten will get in who ought not to be allowed to come in where one will be excluded improperly.

Mr. President, I do not intend to go to any length on this subject, except to say that I believe the laws are now sufficient, and I can not believe that we have agents to enforce those laws who are so cruel and wicked, as is said that they will deliberately turn back those who are entitled to come in.

As to the boycott that is going on, nothing you can do here will prevent it. It is not the coolies who are doing it. It is the higher class. They are crying "China for Chinamen; Asia for the Asiatics." That we will have to meet. We may sell them some cotton cloths now; South Carolina may manufacture some and send them to China, but the day is not very far distant when there will be no market in China for cotton goods from the United States. There will be Chinese cotton cloths coming here for sale—yards of them, hundreds of yards of them where there will be one yard going the other way.

We are importing from China very much more than we are selling to China. That is true of all Asia. The difference between what we import and what we export will grow greater and greater every year, and the great industrial horde of Japan, in spite of anything you can do here, will seize and control the trade of the 400,000,000 Chinamen. We can not put our American citizens in competition with them, because we can not persuade—nor does anybody desire that we should—our people to come down to the style of living and the condition of the Chinese or the Japanese.

Mr. NEWLANDS obtained the floor.

Mr. TILLMAN. I was going to suggest, if the Senators who are opposed to the preamble will be satisfied with it, that I will strike out everything except the first "Whereas," so that it will read:

Whereas the boycott of American manufactured products by the people of China is a matter of very serious and deep concern to the capitalists and laborers interested in those industries; Therefore be it

Resolved, That the Committee on Immigration shall consider and after a thorough investigation report to the Senate the facts in the case, and suggest any remedies that may be deemed advisable; and that it be empowered to send for persons and papers and to employ a stenographer.

The VICE-PRESIDENT. The Senator from South Carolina has a right to modify his resolution as he suggests.

Mr. GALLINGER. The Senator ought to add "the expense of the investigation to be paid from the contingent fund of the Senate;" so that it will read, "it shall have power to send for persons and papers, to administer oaths, and to employ a stenographer, the expenses thereof to be paid from the contingent fund of the Senate."

The VICE-PRESIDENT. The Chair will suggest that if the resolution is modified so as to provide for the employment of a stenographer, it will necessarily have to go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. GALLINGER. Certainly; that is right.

Mr. NEWLANDS. Mr. President, I desire to add a word tc what has been said by the Senator from Idaho.

The feeling in China, according to my observation whilst there during the last summer, does not arise so much from the exclusion of the student or merchant class of China as it does from the exclusion of the coolies. The feeling—the intense feeling—displayed in Canton was the intense feeling mainly of the cooly class.

It would be impossible to arouse the great cooly class in China because of the indignities put upon the student or merchant class. The feeling exists there——

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from South Carolina?

Mr. NEWLANDS. Certainly.

Mr. TILLMAN. I hope the Senator will not misconstrue my purpose in asking this question, but how long was the Senator in Canton and Hongkong on his recent visit East?

Mr. NEWLANDS. We were in Hongkong about three or four days, in Canton part of one day, in Peking four days, I think.

Mr. TILLMAN. From the statements and assertions of fact made by the Senator from Nevada and the Senator from Idaho, was not their visit somewhat on the same line as Mr. Poultney Bigelow's invasion of the Isthmus? Could you have found out much in regard to this condition in any trustworthy manner in that length of time?

Mr. NEWLANDS. Possibly so——

Mr. TILLMAN. I am wholly unbiased. I have no interest in this matter whatever. I do not want any Chinamen down our way, and I am perfectly willing to try to keep the Chinamen away from your country—I mean the undesirable class. But when the assertion is made so broadly that this is a cooly insurrection or cooly uprising against American products, and that the educated and wealthy classes are not concerned, while it may be so, I should like to have it proved by better evidence than that acquired in a mere passing or stop off at Canton and Hongkong and a chat with some interested people there; that is all.

Mr. NEWLANDS. I will say, Mr. President, that I am not opposed to the Senator's resolution, and I understand his purpose, of course, which is to secure friendly trade relations between this country and China, and to remove all misapprehensions. I realize the fact that he does not desire to enlarge the immigration of the cooly class to this country. But I think the Senate is entitled to the information, however meager it may be upon this question, from men who have been in the Orient even for a day or two, and their impressions may add somethng to the general information on the subject.

I state to the Senator that while we were in Hongkong and Canton this uprising against the Chinese-exclusion law was the the subject of the hour, and that we were discussing that question with English merchants and American merchants, and with English officials and American officials and Chinese officials, and that necessarily we got some information upon the subject.

It was intimated that our trip to Canton would be attended with danger. Danger from whom? From the student class? They are a peaceful class. From the merchant class? They are a peaceful class. No; the danger was from the cooly class. It was feared that upon the streets the members of our party would be insulted, that indignities would be put upon them, and that the popular feeling was such that the Chinese officials could not control them.

Now, China is reaching out to some degree of national life. China has not yet been really nationalized. The Imperial Government itself, as the Senator from Idaho says, is not a strong government. The government of the viceroy in each province is comparatively a strong government, and yet the viceroys realize that when the coolies are really aroused they are in a degree powerless. These guilds, these labor organizations, are so powerful there that if an officer were to attempt to carry out an edict which would be prejudicial to their interests they would not hesitate to paralyze the business of an entire city and province. I am told that in the case of unpopular taxes this has been accomplished and the unpopular tax has been withdrawn.

China's national life is increasing every day; the sense of patriotism is increasing there as well as the sense of pride, and I think our difficulties in the Orient are likely to increase instead of to diminish—to increase not because of any fault of ours, but simply because we stand in such a relation to China, facing us on the Pacific Ocean, that we are likely, if the gates are open, to get immigration from that country that no other country would.

The Pacific coast attracts the Chinaman because the climate is suited to him; and the high wages attract him, and the transportation is very cheap. The Chinamen realize what work in this country means, what it means in the way of assisting their families at home, what it means in the way of the accumulation of money, so that they can retire later on upon what may be regarded as a fortune in China. So they fasten their eyes upon this country of all the countries of the world for an immigration movement, and they resent the fact that they should be closed out.

The national life that is now being aroused there will gradually increase their pride. They find that among the great militant powers of the earth, the great commercial powers of the earth, struggling in the Orient for commerce, the United States is the only one of those great powers which excludes the Chinaman. So, necessarily, their unfriendliness to us as compared with other nations will increase, and it will increase notwithstanding both Japan and China are debtors of the United States for most substantial acts of kindness in the past.

The United States has done more to open up Japan to its great career as a civilized power than any other power in the world. It has done more to maintain the integrity of China than any other power in the world. Yet the sense of past obligations will rapidly disappear as they feel the effects of a public sentiment which tends to prevent their people from coming to our country.

If we were to attempt to exclude the Japanese to-morrow—and there is a serious agitation going on in this country with reference to that—we would undoubtedly, if it were successful, have the active hostility of Japan. If we continue the exclusion of the Chinese, as we will continue it, and as we ought to continue it, we will find that the ill feeling of the Chinaman will steadily increase.

In addition to that, we are pursuing a trade policy in the Orient itself which is likely to aggravate these evils, a policy of absolute unfairness in demanding the open door in China, in Manchuria, and in Korea, and elsewhere in the Orient, and at the same time preparing to close the door in the Philippine Islands. It will undoubtedly add to Chinese irritation that we are now in control of legislation in the Philippine Islands and that we are that power to prevent an oriental people from migrating to oriental soil. We have claimed the right, 7,000 miles away from our legislative sphere of legislative control, to

legislate for seventeen hundred islands in the Philippine Archipelago and to prevent absolutely the Chinese from landing upon Philippine soil, and we are now also taking steps to prevent them from landing their goods there.

The very purpose of the measure which has recently passed the House, providing for the free entry of Philippine products into this country and the free entry of American products into the Philippines three years hence, at the expiration of the Spanish treaty, is to cut off the trade of Japan and of China with the Philippine Islands, for the effect of it will be to give us a tariff preference of 20 per cent not only over England, Germany, and France, but over the neighbors of the Philippine Islands—China and Japan. This will intensify the feeling of both the Japanese and the Chinese.

We are insisting upon the open door in Manchuria and Korea, and to-day Japan occupies almost precisely the same relation to Manchuria and Korea that we occupy toward the Philippine Islands. Japan has entered into the possession of Korea, insisting upon it that her purpose is to maintain the integrity and the independence of Korea. Notwithstanding that assurance to the Korean people, notwithstanding that assurance to the civilized world, she is exercising absolute domination over Korea, just as we are in the Philippine Islands.

We took possession of the Philippine Islands under a war, a humanitarian war, whose declared purpose was not conquest or acquisition of territory, but the freedom of a people suffering from oppression and wrong. And so under conditions of a similar character we find ourselves in the domination and possession of the Philippine Islands, and Japan finds herself in the domination and possession of Korea.

In addition to that, as to Manchuria, she occupies to-day, by treaty relation with China, substantially the same relation that Russia herself had to Korea, and even a stronger position, and she will largely dominate the trade policy of Manchuria.

So Japan, if she chooses, being the dominant power both in Manchuria and Korea, can close the doors against the trade of the United States, and yet, in order to obtain the monopoly of trade in the Philippine Islands with 7,000,000 people, we are running the risk of forcing Japan in retaliation to close the doors in Korea with its 8,000,000 people and in Manchuria with its 15,000,000 people against our trade, and we are also endangering, by this selfish policy, our trade with the entire Orient, embracing a population of between five and seven hundred million people. To this mistake will be added the mistake of extending our navigation laws to the Philippines, for the express purpose of cutting out the Japanese and other foreign powers from all their present participation in the transportation of the products of the Philippines. The world is now protesting against the trade restrictions upon our domestic soil. Can we extend these restrictions upon foreign trade and preferences to our own to an oriental country now dominated by us without running the risk of oriental retaliation that will restrict our trade in the Orient generally?

It is utterly impossible for us to take a step backward upon the question of Chinese immigration. The mind of the American people is fixed upon that. It is unnecessary to discuss it. You can not find ten men in the Senate and you can not find twenty-five men in the House of Representatives who to-day would vote to relax the laws for the exclusion of Chinese coolies. Is it wise for us to go a step further and in addition to excluding their people practically exclude their goods from territory in the Orient dominated by the American sovereignty?

Mr. DUBOIS. Mr. President, I do not want the statement of the Senator from South Carolina to stand as it is. When we got to Hongkong this question was very intense. We were in the midst of the boycott. Speaking for myself, and I presume it was so with the others of the party, representatives of all the American business interests there talked to me in regard to this condition. In addition to that, three of us met a large party of Americans who were affected by the boycott—those who were being hurt and who lived there. They were vitally concerned, and it was from them that we got the information.

We asked them if they expected us to go back and advocate the admission of Chinese coolies in order to raise the boycott? They said:

By no manner of means. We are too good Americans for that. We do not want you to do anything of the sort. We would not have you do it if we could. All that we want to do is to let you understand the causes of the boycott and to ask our Government to stand firm; that is, not to relax their vigilance, but give the Chinese Peking Government to understand that our Government will hold them responsible for any indignities which may arise or any murders which may be committed or riots which may occur.

So it was not a passing visit by any manner of means. These American business men there presented in writing to our party the facts as I have stated them.

The VICE-PRESIDENT. The question is on the adoption of the resolution of the Senator from South Carolina as modified.

Mr. GALLINGER. Let it be read. I think it will have to go to the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE-PRESIDENT. The resolution will be read as modified.

The Secretary read as follows:

Whereas the boycott of American manufactured products by the people of China is a matter of very serious and deep concern to the capitalists and laborers interested in those industries: Therefore, be it

Resolved, That the Committee on Immigration shall consider and, after thorough investigation, report to the Senate the facts in the case and suggest any remedies that may be deemed advisable, and that it be authorized to send for persons and papers, to administer oaths, and to employ a stenographer, and that all expenses shall be paid out of the contingent fund of the Senate.

The VICE-PRESIDENT. The Chair would state that the resolution as modified will necessarily go to the Committee to Audit and Control the Contingent Expenses of the Senate. It is so referred.

HOUSE BILLS REFERRED.

H. R. 11543. An act to correct the military record of Benjamin F. Graham was read twice by its title, and referred to the Committee on Military Affairs.

H. R. 12320. An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

CLAIM OF WILLIAM RADCLIFFE.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, was, on motion of Mr. FRYE, referred to the Committee on Foreign Relations, and ordered to be printed:

The Senate and House of Representatives:

I transmit herewith a report by the Secretary of State, with accompanying papers, concerning the claim of the British subject, William Radcliffe, for compensation for the destruction of his fish hatchery and other property at the hands of a mob in Delta, Colo., in the summer of 1901.

I renew the recommendation which I made to the Congress on April 14, 1904, that as an act of equity and comity provision be made for the payment of the sum of $25,000 to Mr. Radcliffe in full settlement of his claim.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 29, 1906.*

THE MERCHANT MARINE.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 529) to promote the national defense, to create a force of naval volunteers, to establish American ocean mail lines to foreign markets, to promote commerce, and to provide revenue from tonnage.

Mr. GALLINGER. Mr. President, I have some amendments to offer to the bill and some observations to make on the bill itself, and two other Senators notified me that they are ready to proceed. But notwithstanding that, the Senator from Idaho [Mr. HEYBURN] having given notice that he would address the Senate to-day on a matter which is of importance to his State, I will ask that the unfinished business may be laid temporarily aside until the Senator from Idaho concludes his remarks.

The VICE-PRESIDENT. Without objection, the unfinished business will be temporarily laid aside.

REPORT OF BUREAU OF ANIMAL INDUSTRY.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying report, referred to the Committee on Agriculture and Forestry, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report, by the Secretary of Agriculture, of the operations of the Bureau of Animal Industry of that Department for the fiscal year ended June 30, 1905, in compliance with the requirements of section 11 of the act approved May 29, 1884, for the establishment of that Bureau.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 29, 1906.*

GALON S. CLEVENGER.

The VICE-PRESIDENT laid before the Senate the action of the House disagreeing to the amendment of the Senate to the bill (H. R. 1056) granting a pension to Galon S. Clevenger, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PATTERSON. I move that the Senate insist upon its amendment and agree to the conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. McCUMBER, Mr. SCOTT, and Mr. TALIAFERRO were appointed.

HORATIO CARTER.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 849) granting an increase of pension to Horatio Carter, which was, in line 8, before the word "dollars," to strike out "twenty-four" and insert "thirty."

Mr. PATTERSON. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

CALL OF THE SENATE.

Mr. HEYBURN. Mr. President, I would suggest that there is not present a quorum of the Senate.

The VICE-PRESIDENT. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll.

Mr. HEYBURN. Pending the call of the Senate, I am advised——

The VICE-PRESIDENT. The Chair would state that there is no business in order pending the roll call.

Mr. HEYBURN. I was not going to propose any business, but I think, if I may, by unanimous consent, make a suggestion——

The VICE-PRESIDENT. There can be no unanimous consent given.

Mr. GALLINGER. I will object to that. No business can be transacted.

Mr. HEYBURN. I understand, but I was going to suggest the reason of the absence of many Senators.

Mr. HOPKINS. I desire to state that my colleague [Mr. CULLOM] is absent on account of illness. I therefore ask that he may be excused.

The VICE-PRESIDENT. Without objection, the senior Senator from Illinois will be excused.

Mr. SCOTT. On behalf of my colleague [Mr. ELKINS], I will state that he is a pall bearer at the funeral of the late General Wheeler, and consequently is absent from the Senate at this time. I presume that is the case with many other Senators who are absent.

The roll call having been concluded, the following Senators were announced as having answered to their names:

Allee	Dillingham	Kittredge	Proctor
Allison	Dubois	La Follette	Rayner
Ankeny	Flint	Latimer	Scott
Bailey	Foster	Lodge	Simmons
Beveridge	Frazier	Long	Smoot
Brandegee	Fulton	Mallory	Spooner
Bulkeley	Gallinger	Newlands	Stone
Burkett	Gamble	Overman	Sutherland
Burnham	Gearin	Patterson	Teller
Burrows	Hansbrough	Penrose	Warner
Carmack	Heyburn	Perkins	Warren
Carter	Hopkins	Piles	

The VICE-PRESIDENT. Forty-seven Senators have answered to their names. A quorum of the Senate is present.

FOREST-RESERVE LANDS.

Mr. HEYBURN. Mr. President, the subject that I desire to discuss at this hour is one that concerns the Senators and the country more, perhaps, than would be indicated from a casual observance of the bill and its title. I ask that there be taken from the table Senate bill No. 1661, and that the bill be laid before the Senate.

The VICE-PRESIDENT. The Senator from Idaho asks to have laid before the Senate a bill the title of which will be stated.

The SECRETARY. A bill (S. 1661) to reimburse the States and Territories for sections 16 and 36 when taken for forest or other Government reserves.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Idaho? The Chair hears none.

Mr. HEYBURN. I ask that the bill may be read for information.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill introduced by Mr. HEYBURN, December 14, 1905, as follows:

Be it enacted, etc., That whenever any lands contained in sections 16 and 36 of the public lands of the United States, which have been granted to a State or Territory for educational purposes, shall be included in the withdrawal of public lands for the purpose of creating forest or other Government reserves, the said State or Territory shall be compensated by the payment out of the Treasury of the United States into the educational fund of the State or Territory in which said lands are situated, a sum of money not less than the minimum price at which said lands are authorized to be sold by the State or Territory, whenever it is made to appear that there are not sufficient surveyed public lands of the United States subject to selection by the said State or Territory in lieu of the lands so included within the reserve as aforesaid of the cash value of at least the minimum price at which said lands so taken by the Government may be sold under the law.

Mr. HEYBURN. Mr. President, it will be seen that this bill is one that directly affects the public school funds of the country. The importance of this measure, or a like measure, has been growing upon us as the policy of the Administration in the execution of the forest-reserve laws has developed. We have now reached a point where we must, by legislation, take hold of the question of the creation of forest reserves and the management and control of them under the authority of the Constitution of the United States vested in us to control the public lands.

In 1891 Congress yielded up this constitutional power, or, rather, delegated it to the executive department of the Government. Our constitutional power over the public lands of the United States is expressed in section 3 of Article IV of the Constitution, and it reads:

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

That last clause has been lost sight of both in the legislation and in the execution of the laws that have been enacted on this subject. I think the attention of the legislators was distracted before completing the reading of that provision of the Constitution, and that they lost sight of the fact that the rights of the States are to be protected as well as the rights of the Government. That provision was undoubtedly based upon the fact that the public lands lying within the States, so far as their usefulness was to be developed from settlement, could only be realized by those who made their homes within the States; that that property, in order to contribute its proportionate share to the maintenance of the State, to the expenses of the State government, must be developed and controlled by the individuals who should become attached to it and make it the basis of a home. That is the primary principle underlying the acquisition, the control, and the development of the public lands of the United States.

No subject that has ever been before Congress has attracted more attention from the very earliest days of the legislative history of this country than that pertaining to the public lands of the country. Congress primarily is vested not only with the power to deal with this question, but with the responsibility for the administration of this asset of the Government. In an hour of unwisdom in 1891, on the 3d of March, Congress provided what seemed at that time to be a very innocent measure, as follows:

SEC. 24. That the President of the United States may, from time to time, set apart and reserve, in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations, and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof.

There is no word of limitation or protection thrown around that absolute power vested in the executive department of the Government to withdraw public lands from the purposes for which they were acquired and the purposes for which they are held and place them in a forest reserve. The word "reserve" might mean anything, but it certainly does not mean that they are no longer available for the home-making purposes of the settler and the pioneer.

It was apparent after a few years that this authority should be surrounded by some safeguard; that some limitation should be placed upon it; so that subsequently it was provided that—

No public forest reservation shall be established, except to improve and protect the forest within the reservation, or for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of citizens of the United States; but it is not for the purpose or intent of these provisions, or of the act providing for such reservations, to authorize the inclusion therein of lands more valuable for the mineral therein, or for agricultural purposes, than for forest purposes.

That is the first limitation that was placed upon the power of the President to withdraw these lands. During Territorial days, in these geographic subdivisions of the country that are now States, Congress reserved public-land sections 16 and 36 for educational purposes. When Congress passed the enabling acts authorizing the people of the Territories to form State governments they said there should be granted to the States when formed the sixteenth and thirty-sixth sections or denominated subdivisions. There is a line of decisions emanating from the judiciary of this country and from the judicial department

of the executive department of the Interior, holding that those grants were not in præsenti, that they were inchoate grants, to be perfected upon the doing of something in the future.

That idea seems to have been adopted by the present executive department of the Government in dealing with this question. They have lost sight of the fact that when Idaho was admitted into the Union as a State the grant was in terms in præsenti; that Idaho did not come in in pursuance of an enabling act, but came in by a direct legislative provision of Congress, admitting it as of the status in which it presented itself to Congress. Notwithstanding this difference in the nature of the title or tenure of the State to these lands, the executive department has undertaken, in pursuance of the provision authorizing the withdrawal of land for forest-reserve purposes, to include the lands that passed to the State of Idaho by an absolute grant as of the date of the passage of the act, and has made no provision for the selection of other lands by the State even if it had the power to take the lands, which it has not.

I maintain, and I shall show upon authority, that there is no provision for the selection or exchange of lands to be taken from the State since the grant attached. The provision for the selection of lieu lands applies only to those lands the title of which had passed from the Government before the passage of the act admitting the State of Idaho into the Union; and the manner is indicated in the enacting provisions as to the place and manner of selection.

I maintain here and now that when Idaho was admitted as a State, the title to every sixteenth and thirty-sixth section of the public lands within the State passed to the State of Idaho, where the title rested at that time in the Government, and that they were not and have not been at any time since the admission of Idaho a part of the public lands of the United States.

But through a mistaken interpretation of the law the executive department has undertaken to treat those lands, those sections 16 and 36, in the State of Idaho, as of the status of lands which were reserved in the Territories to be applied to public school purposes. They have made a mistake. I desire it to be distinctly understood that I am not here for the purpose of making an attack upon the Administration or any individual connected with it, but I am here for the purpose of laying the foundation to right a wrong that has been perpetrated under a misinterpretation of the authority given by an act of Congress.

Here I pause long enough to call attention to a map of Idaho, which I have had placed upon the wall, and I desire to say that if any Senator wishes to see that map more closely, I have photographic copies of it here and will be pleased to have them sent to their desks.

The map, when inserted in the RECORD, will show the forest reserves already created in cross lines and the forest reserves selected to be created in straight lines. The colors upon this map will, of course, not appear in the RECORD, but sections will be easily distinguished by the difference of lines.

The area of forest reserves already created in Idaho is 9,488,324 acres, or 14,825 square miles. The area of forest reserves proposed to be created in Idaho in February is 5,855,556 acres, or 9,149 square miles, making a total area of 15,343,880 acres, or 23,974 square miles.

The total area of the State of Idaho, according to the last census, is 84,290 square miles. It thus appears that the lands withdrawn and to be withdrawn for forest reserves are equal to 28.4 per cent of the entire area of the State of Idaho.

The portion of that map in green represents the forest reserves that have been already created. The portion of the map in yellow represents, according to this letter of transmittal from the Chief Forester of the United States to myself upon my request, lands that are intended to be withdrawn or included as forest reserves on or after February 5, 1906.

I requested a statement as to the lands already included within the forest reserves as well as those contemplated to be included within forest reserves, and that map is the answer to my request. It is official and authentic, and these photographs of it, which I had made for convenience and colored appropriately, are, of course, an exact sunprint of that map and do not vary from it in any manner.

A statement has been made in the public press in regard to some remarks which I made before a committee of this House to the effect that the map which I used upon that occasion was not correct. That is the map and this is the letter transmitting it to me, saying in effect that the map correctly represents the facts. So there can be no question that these photographs speak as truly as sunlight can speak, because they have reproduced nothing except that which was upon that map.

Mr. DOLLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. Certainly.

Mr. DOLLIVER. I ask the Senator to state what is the actual character of these lands reserved for forest purposes?

Mr. HEYBURN. I shall have occasion to deal with that question in some detail.

Mr. DOLLIVER. And what proportion of the area of the State is included in the forest reserves?

Mr. HEYBURN. I will state that now.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. HEYBURN. Certainly.

Mr GALLINGER. If the Senator please, I should like him to give an approximate estimate of the value of these lands.

Mr. HEYBURN. I shall be glad to deal with that.

Mr. GALLINGER. If the Senator will permit me a moment further, we are trying to get a little forest reserve in the White Mountains. Objection is made that it is going to cost the Government something. I want to ascertain how much it costs the Government to withdraw lands and make forest reserves out in the Western States.

Mr. WARREN. While the Senator is pausing in his remarks I desire to ask him a question. I assume that the constitution of his State fixes a minimum price at which State lands can be sold, and I should be glad to have in the RECORD a statement of the minimum price for which the State of Idaho is allowed to sell its lands.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Certainly.

Mr. SMOOT. I should like to ask the Senator this question: Are not the lands that are marked in yellow upon the map simply those that are determined by proclamation of the President for the purpose of examination, with a view to the possible creation of future forest reserves?

Mr. HEYBURN. They are not.

Mr. SMOOT. Part of that land may not be included in forest reserves at all.

Mr. HEYBURN. No; I had the letter referring to that matter a moment ago. According to the letter, those are the lands that the forester, upon whose recommendation forest reserves are created by proclamation, will recommend to the President on the 5th of February, 1906, be created into a reserve.

Now, I have quite a comfortable supply of questions in my mind, and I shall endeavor to answer them all. First, as to relative areas. I have that data placed upon the bottom of each of these maps. I am using Idaho as a text. It may be that all I say in regard to Idaho will apply with equal force to a number of other public-land States; but I shall leave the question of those several States and their relation to the forest-reserve proposition to the representatives from those States upon this floor. However, I think I can illustrate and demonstrate the principle that I desire to discuss by taking Idaho as a text.

The forest reserves already created in Idaho by official proclamation include 9,488,324 acres, or 14,825 square miles. You can compare that area of square miles with some of the States represented upon this floor by two Senators, and you will find that it will take several of the States in certain sections of this country to make that area. The area to be included under the notice which I have received, and which is indicated upon that map, is 5,855,556 acres, or 9,149 square miles, making a total of forest reserves created and to be created in Idaho 15,343,880 acres, or 23,924 square miles, much larger than Scotland.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. HEYBURN. Certainly.

Mr. NELSON. What proportion is that of the total area of the State?

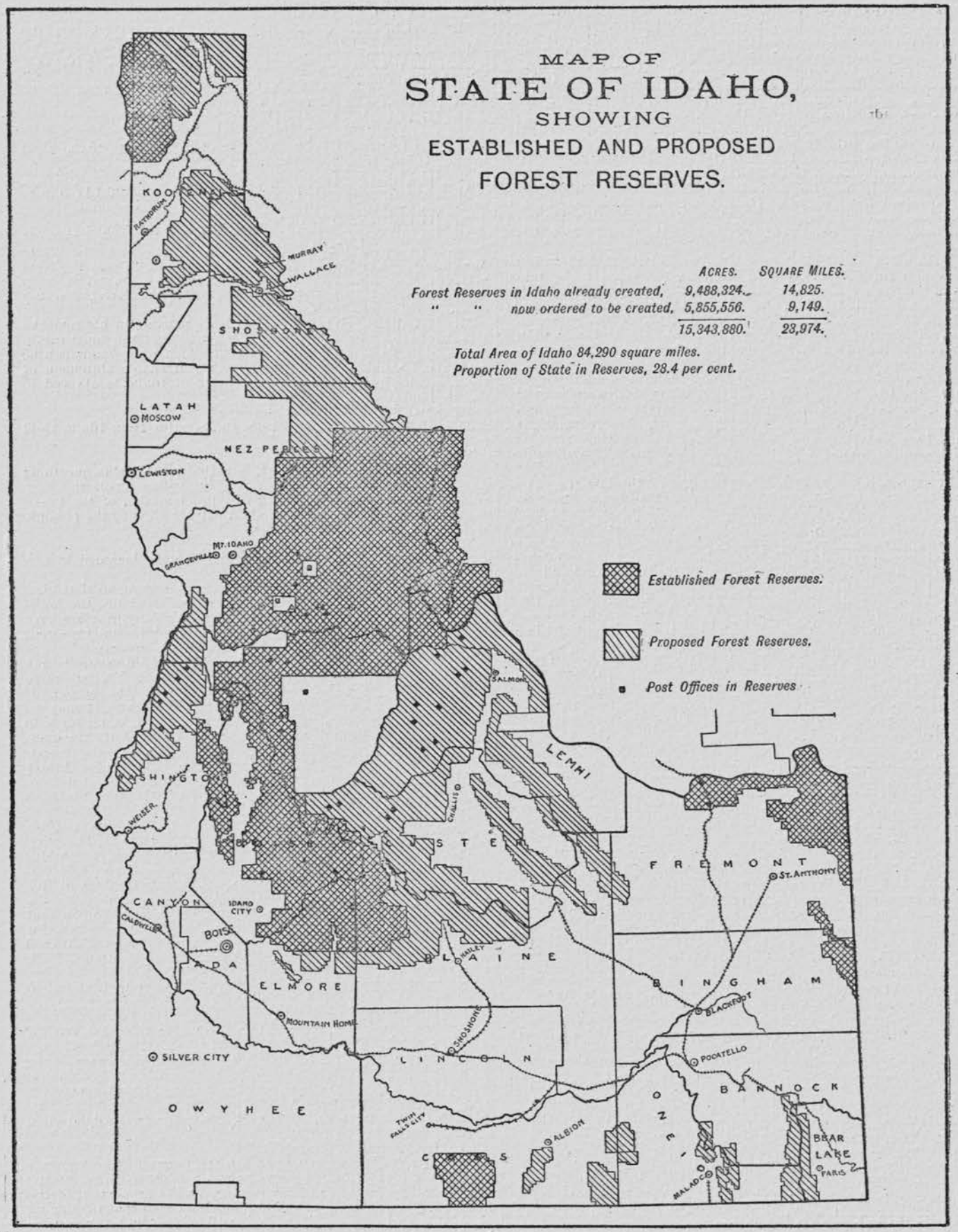
Mr. HEYBURN. That is 28.4 per cent of the total area of the State. Those figures are also upon the bottom of these maps. I have placed that data there for convenience of reference.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Certainly.

Mr. SMOOT. I should like to ask the Senator if he knows—I do not see it upon his map—how much of the area of the State is really in mountainous country—what proportion of the whole land of the State is mountainous land; so that in judging as to this matter we may know whether this 28.4 per cent is


MAP OF
STATE OF IDAHO,
SHOWING
ESTABLISHED AND PROPOSED
FOREST RESERVES.
ACRES. SQUARE MILES.
Forest Reserves in Idaho already created, 9,488,324. 14,825.
" " now ordered to be created, 5,855,556. 9,149.
15,343,880. 23,974.
Total Area of Idaho 84,290 square miles.
Proportion of State in Reserves, 28.4 per cent.
Established Forest Reserves.
Proposed Forest Reserves.
Post Offices in Reserves
KOOTENAI
PLATHORUM
MURRAY
WALLACE
SHOSHONE
LATAH
MOSCOW
NEZ PERCES
LEWISTON
MT. IDAHO
GRANGEVILLE
SALMON
LEMHI
WASHINGTON
WEISER
CHALLIS
CUSTER
FREMONT
ST. ANTHONY
CANYON
IDAHO CITY
CALDWELL
BOISE
ADA
BLAINE
HAILEY
ELMORE
MOUNTAIN HOME
BINGHAM
BLACKFOOT
SHOSHONE
SILVER CITY
LINCOLN
POCATELLO
BANNOCK
OWYHEE
TWIN FALLS CITY
ALBION
CASSIA
ONEIDA
MALAD
BEAR LAKE
PARIS

mostly mountain districts, or whether it takes in other classes of land.

Mr. HEYBURN. I will give the Senator information upon that question in the orderly presentation of what I have to say.

I have prepared and present here a map of Idaho showing only the forest reserves, so that nothing else may embarrass the eye. It is exactly the same thing as is shown upon that map [indicating]. There is the State of Idaho; there is the area included within forest reserves. It is a presentation that will appeal to the Senate upon the ground of fairness as to whether or not any State ought to be diminished to the extent of 28 per cent of its area by withdrawing land therein from settlement.

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. HEYBURN. In just a moment. The right of settlement and the land upon which to make it constitute the basic element of prosperity and the chief asset of every new State, because it is men that make States, not trees. Now, I yield to the Senator from Nevada.

Mr. NEWLANDS. I should like to ask the Senator from Idaho two questions. One is whether he thinks there ought to be any forest reserves in Idaho; and if so, what the extent of the area reserved should be? Also, in view of the fact that the present population of Idaho approximates 100,000——

Mr. HEYBURN. How many?

Mr. NEWLANDS. One hundred thousand, is it, or 150,000?

Mr. HEYBURN. Our school census indicates about 300,000.

Mr. NEWLANDS. About 300,000. I was under a misapprehension. Then, I will ask the Senator, in view of the fact that her present population is 300,000 and that Idaho some day before very long will probably have a population of a million and a half, whether he regards the present reservation of one-fifth of the entire area for purposes of the future as unwise?

Mr. HEYBURN. Mr. President, the questions submitted by the Senator from Nevada are exactly the questions to discuss while I am on my feet on this occasion, and I trust that before I take my seat I will have covered all of them.

It is not necessary that I should be required, because I object to the wholesale inclusion of the lands of the State in forest reserves, to lay out new forest reserves or to designate exactly the boundaries that I think should mark the forest reserves. I am not here to create forest reserves; I am here to control and limit them, and to undo the wrongs that have been done in this matter.

As to just what proportion of the State should be included in forest reserves, there is no set rule by which that may be governed. From the beginning of the world men have made their homes preferentially in the forests and in the mountains. The States of New England were settled in the forests in preference to the open plains. The States of the West were settled in the forest. Men need trees to make their homes, to build their fences, to construct their barns, and to lay the railroad iron upon. They need trees, and they go where they are to make their homes.

Idaho has, as I have said, about 300,000 population. Since its admission into the Union its population has grown more than three times larger than it was at that time, when its population was about 86,000. But it is territory and natural resources that make States primarily, or, as I should say, more correctly speaking, that are the foundation upon which a State can be made.

Idaho has the natural resources upon which a State of more than a million and a half of people can be speedily built. The question to-day is not whether the Government shall constitute itself our guardian and trustee and say how we shall administer the lands and the assets and the resources we have; that is not the Government's function. I have already shown that it does not possess the right to take from Idaho a single inch of ground that belongs to that State.

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Illinois?

Mr. HEYBURN. Certainly.

Mr. HOPKINS. If the Senator has the figures, so that he can give them to the Senate, I should like to know the number of acres of arable land in the State of Idaho and the number of acres of arable land included in the proposed reservation.

Mr. HEYBURN. I could take some statistician's statement of it, Mr. President, and undertake to say to-day what was arable and what was not, and some pioneer would come along to-morrow and prove that I was in error by making a home upon the land which I had pronounced unfit for habitation. I might say what was mineral and what was not mineral, as the wiseacres have been doing for the last half a century in this country, and some prospector would come along to-morrow and prove that I was mistaken, as they have been doing for the last half century.

Mr. HOPKINS. So far as I am personally concerned, I am not asking for what some future party may say. I simply want the present information on the subject of the arable land in the State and the number of acres of arable land in the proposed reservation.

Mr. HEYBURN. I have not, nor has any person, ascertained the exact quantity of arable land in the State of Idaho, which covers more ground by 5,000 square miles than all of the States of New England, and the next generation will not have discovered and determined just how much arable land there is in that State. They will not have determined what land is mineral and what land is not mineral.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. HEYBURN. Certainly.

Mr. NELSON. Will the Senator allow me? I simply ask for information. Is it not a fact that the main spur of the Rocky Mountains passes through the State of Idaho and that a large share of the lands which have been reserved and are proposed to be reserved is in the mountainous and rocky parts of the State, which are not really suitable for agricultural purposes, but whose chief value consists in the timber? Is it not a good plan to reserve this timber? While they are putting the lands within forest reserves are they not still open to mineral exploration and discovery under the forest-reserve law and practice?

Mr. HEYBURN. That inspires me to ask the Senator a question. For whom would you reserve this timber?

Mr. NELSON. For the American public, present and future.

Mr. HEYBURN. Living where—in Idaho or outside of it?

Mr. NELSON. The whole country.

Mr. HEYBURN. Then this land that constitutes her geography is not an asset of Idaho, but an asset of the people of Minnesota?

Mr. NELSON. It is an asset of the United States until the United States has parted with the title.

Mr. HEYBURN. The United States has parted with the title. The people of Minnesota—and the Senator will understand that I am making no invidious comparisons or attack—may have denuded their lands of timber; they may have been wasteful of the resources that nature gave them, and it might be convenient to-day for them to undertake to administer the assets of Idaho and to say, "You shall keep your settlers out of these mountains in order that we may come in there and find a supply of timber to continue our prosperity."

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Yes; but I had not finished answering the question. However, I will yield.

Mr. SMOOT. I simply wish to ask the Senator a question. Is it not a fact that the governor of Idaho not long ago made a statement that he as governor of the State had made arrangements with the Department here that in lieu of sections 16 and 36 within forest reserves the State should receive other sections of land within the State?

Mr. HEYBURN. I wish to answer that question before I take up another.

The governor of Idaho expressed himself in most hearty accord with the position I am taking here up to a certain time, when the chief forester went to Idaho and sat down cozily in the executive sanctum and induced the governor to believe that he had the power to exchange the lands of the Government within the State for these sections 16 and 36, belonging to the State school fund, and the governor at once, of course, was wreathed in smiles and said, "If you can do that, of course I will trade you these lands, the title of which resides in the State of Idaho, for other lands. You give me the right to select the other lands." And if I am not misinformed, acting upon that, he has actually gone ahead and selected 125,000 acres of grazing land in the State of Idaho, under the impression that he can yield up the title of the State to those lands, which passed by virtue of the admission act of Idaho State. And the forester, under the impression that he can give title to the public lands of the United States, has undertaken to give the governor of the State of Idaho the right to select public lands in lieu thereof. I should like to see the muniment of title that will pass between these gentlemen for those lands. I should like to know how the chief forester, the Secretary of the Interior, or the President of the United States is going to convey those lands to the State of Idaho, by what kind of instrument.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. Certainly.

Mr. FULTON. I should like to ask the Senator a question. Having in mind our theory of government (whether it be stated expressly in the Constitution or not, it is certainly a part of our constitutional law), that the new States when admitted into the Union shall come in on an equal footing in all respects whatsoever with the original States, is not that theory violated when the Government withdraws permanently a large portion of the lands included within the boundary of a new State and holds it not for the benefit of the citizens of that State, but against their consent, for what the Senator from Minnesota [Mr. NELSON] suggests is for the benefit of the whole country?

Mr. HEYBURN. Probably one of the most interesting discussions that ever was had in the Senate of the United States was in regard to that question during the time when Mr. Clay and that school of statesmen were members of this body. A question arose as to who was the beneficiary of the trust in which these lands were held by the Government, whether it was the present and future inhabitants of a State or whether it was all the people of the United States regardless of where they reside; and that question divided this great body in that day.

I want to differentiate here as to the class or character of title that passed to the different States. They do not hold by the same tenure or measure of right. In the old days, when enabling acts were passed authorizing the formation of a State government, the words used were "there shall be" granted to the State. Under that language the courts, up to the Supreme Court of the United States, have held that that was not a grant in presenti; that it was an inchoate grant that could be perfected after the State was admitted, the lands surveyed, and the right attached to the definite sections and townships. The courts said in that case—the Nevada case—that until the land was surveyed the grant was necessarily a floating one, because it could not be known to what particular piece of land the 16 and 36 would attach. They held in that case that the title did not pass to the State until the land was selected and the selection ratified; that that was necessary.

In that case there was no State in existence when the enabling act of Congress was passed. The State was to come into existence or not, according to the conditions that should arise. If the people adopted a constitution, if they agreed upon a form of government, if they did certain things in the way of ratifying, then by proclamation of the President it became a State. That is true of most of our States.

In the reservation of land in the Territory for school purposes, sections 16 and 36, Congress used uniformly the expression "there shall be reserved." That was not a grant at all; it was a promise; and the Department has misconstrued and misapplied the law as applied to the States that were admitted under different conditions. They have applied the rule of law applicable to Territories in construing an entirely different law, and in one of the documents which I have before me they recite these decisions in justification of their act. They say the right of the State did not attach until the lands were surveyed and selected.

They disregarded the rule of the decisions in this respect, and they have gone ahead in Idaho and included within their reserve 4,400,000 acres of land that was surveyed and subdivided, which included 244,441 acres of public school lands. They have included mineral lands of vast extent, and they say that it is entirely at the discretion of the Department as to such inclusion; that their judgment controls as to whether or not land is more valuable for mineral or for agricultural or for forestry purposes. In the light of history, could anything be more absurd than that?

The mines of this country have been discovered by a class of men who know nothing of the science of geology, who know nothing of the rules by which these men attempt to measure and determine this question. Lands which have been pronounced worthless by scientific men—worthless according to all the rules and limitations of geological possibilities—are today the richest mining ground in the United States. I know men whom the community threatened to incarcerate because, forsooth, they were wasting their strength and their substance in digging in the earth in the hope of finding a mine who afterwards found the mine despite all of the adverse theories—mines which have produced millions and hundreds of millions of dollars.

To-day these parties are assuming to say that this is and that is not mineral. "This we may include and shut you out from, because it is a forest reserve, because it is not mineral land." They have included recently by this very order represented by this letter, represented by the yellow portion of that map, covering the Shoshone Reserve, about 340,000 acres of land that has just been adjudged by the Land Office to be mineral in character in a contest between the Northern Pacific Railway Company, which claimed that it was agricultural, and prospectors, who claimed that it was mineral in character. It has been decided, and that decision stands until reversed, to be mineral ground; and yet they say they have a right to include that class of land in a forest reserve, because they have the right to determine whether it is better adapted to "forestry purposes" than it is to mining or agriculture. Ah, but it is said, "The law allows a man to prospect and mine in a forest reserve, and we recognize his right to do it." They do not recognize his right. They will grant him a special privilege to do it, but he does not stand on a par with the American citizen who goes out into the public domain of the United States for the purpose of prospecting and finding mines. He does not go there of right under the law. He goes there by the grace of a bureau and its officers.

Here is a circular which they have issued, of date August 1, 1905.

Mr. GALLINGER. Is it a ten-year right?

Mr. HEYBURN. No. He goes there and remains there just so long as the forester consents, and he can be put off at any time.

Mr. GALLINGER. Dispossessed?

Mr. HEYBURN. Dispossessed of his right. Then I have here a clipping from a local paper——

Mr. BEVERIDGE. Does the Senator mean to say that after the prospector goes on, under the permit of the forester, and locates his claim he can be dispossessed?

Mr. HEYBURN. Yes.

Mr. BEVERIDGE. After he has discovered his ore, established his mine, or taken such steps under the permit of the Department as he sees fit, that then he can be dispossessed?

Mr. HEYBURN. I can best answer that by reading the circular which I hold in my hand.

Mr. BEVERIDGE. That is tremendously interesting to me, and I suppose to every Senator here. I ask for information.

Mr. HEYBURN. I understand that.

Mr. BEVERIDGE. I should like to know whether that can be done.

Mr. HEYBURN. I understand.

Mr. BEVERIDGE. Do I understand the Senator to say that the prospector can be dispossessed after he has located his claim under the permit of the Department?

Mr. HEYBURN. I will answer it in this way: In my judgment, this whole scheme will be overthrown by the courts when they come to deal with it.

Mr. BEVERIDGE. That may be.

Mr. HEYBURN. But I say until that day comes, as long as it is an executive function, they can put him out, and they will do it under their own rules.

Mr. BEVERIDGE. Have they done so yet?

Mr. HEYBURN. The Senator anticipates a statement I intended to read from a paper which I have here on that very question, in which the Chief Forester made the statement that the miners had nothing to object to, had no ground for objections, because they were permitted to mine unmolested, and a local paper takes it up very promptly and calls his attention to something that was occurring right at that time, by his own chief forester in that division; and I will invade the order of presenting this matter in order that the Senator may have an answer at this time.

Mr. BEVERIDGE. Let the Senator proceed in his own way. I did not mean to interrupt the Senator's orderly procedure.

Mr. HEYBURN. There is no more important feature of this under discussion than that of the miners and their rights to mine upon this land.

I will read the circular which I was proceeding to read. I also have a statement of a newspaper published right in the district, right in the place where these things occurred; and I thought I could put my hand on it immediately. I will answer the Senator. I will, however, proceed with the circular which I was reading and then I promise the Senator I will call the attention of the Senate to further facts. This circular is of date August 1, 1905:

AMENDED CIRCULAR—FINAL PROOF CLAIMS IN FOREST RESERVES.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., August 1, 1905.

Registers and receivers, United States land offices.

SIRS: Attention is called to the following reissue of the circular of April 8, 1905, with additions thereto suggested by the Forestry Bureau,

Department of Agriculture. The original circular is in full force and effect, the reissue being deemed necessary to more fully emphasize the purpose of the original circular.

1. Hereafter you will, when issuing notice of intention to make final proof upon claims, either mineral or nonmineral, within an established forest reserve, furnish a copy thereof to the forest supervisor in charge of such reserve, in order that he may be enabled to be present at the taking of final proof to examine and cross-examine claimant and his witnesses, or may protest the passage of the mineral application to entry, as the case may be. In the former case, whenever the supervisor may deem it necessary, the examination may be reduced to writing at the cost of the claimant and made a part of the final proof in that case. You will request the forest supervisor to make proper return of the proof notice, to be made a part of the case, with such notations thereon as he may consider best.

2. You will carefully examine any proofs for claims within forest reserves, whether mineral or nonmineral, together with any evidence furnished by the forest supervisor or brought out by his examination, and either reject, suspend, or approve the same according to the following directions——

Mr. SPOONER. Will the Senator permit me?

Mr. HEYBURN. Certainly.

Mr. SPOONER. Is that an official circular?

Mr. HEYBURN. It is sent to me as an official circular.

Mr. SPOONER. To whom is it addressed?

Mr. HEYBURN. It is addressed to the "Registers and receivers, United States land offices."

Mr. SPOONER. By whom is it signed?

Mr. HEYBURN. By the Acting Commissioner of the General Land Office, J. H. Fimple, and approved by Thomas Ryan, Acting Secretary. I called for these circulars, and they were sent me.

Mr. SPOONER. Will the Senator permit me again?

Mr. HEYBURN. Certainly.

Mr. SPOONER. I have forgotten the terms of the forest-reserve act. To what extent, if at all, does it interfere with the laws of the land on the subject of locating mines?

Mr. HEYBURN. The forest-reserve act in itself declares that mineral lands are not intended to be included within reserves, and later on Congress passed a law as an amendment, I think, to the sundry civil bill or some other bill, providing that prospecting might be done and locations might be made in forest reserves.

Mr. BEVERIDGE. Under regulations?

Mr. HEYBURN. Under regulations.

Mr. BEVERIDGE. Is that the regulation?

Mr. HEYBURN. This is the regulation made pursuant to it, I assume. There have been other regulations. I am going to call the attention of the Senate to the form required. Now, this is a limitation on the right of mining. These are the rules laid down by which to test the right of the man to make his final entry of a mining claim:

3. If sufficient facts appear upon the face of the record, you will reject the final proof, advising claimant of your reasons therefor, with the right of appeal. No further action thereon will be required from the forest supervisor.

Just think of that. Analyze that. That is a distinct rule.

3. If sufficient facts appear upon the face of the record, you will reject the final proof.

Not "if you can find that this man is entitled to enter his claim, you will allow him to have it," but the negative is stated. It carries with it the assumption that the officers are there to see that he does not get it unless he can run the gantlet. That is the spirit of it.

Mr. BEVERIDGE. I will ask the Senator——

Mr. HEYBURN. I was going to read a little more of it.

Mr. BEVERIDGE. Is not that rather a criticism of the method of expression instead of the expression itself?

Mr. HEYBURN. I am here for the purpose of criticising the method of the execution of this law as well as the enactment of it, as well as the wisdom of the law itself. I am here to criticise the method of its execution for the purpose of emphasizing what I shall ask Congress to do at the right time.

Mr. BEVERIDGE. I am not criticising the Senator's criticism of either, but from his last remark I am asking him if his criticism is not directed rather to the form of expression than the substance?

Mr. HEYBURN. Yes; the form, indicating the spirit.

Mr. BEVERIDGE. Oh!

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. I should like to finish reading this, and then I will not have it all broken up in the RECORD. I will yield to the Senator from Utah in a moment.

4. If you believe the proof to be fraudulent, or doubtful, but do not have sufficient reasons to justify its rejection, or if the forest supervisor has returned the notice with a definite protest against the claim, you will suspend the proof and submit a brief statement of the facts in the case to the special agent in charge of the district in which said proof is made, such statement to include the names and addresses of claimants and witnesses, and your reasons for the suspension of the proof. You will forward the proof to this office with a copy of your letter to the special agent. The special agent will then proceed to make such investigation as he may deem necessary, and to submit his report on the approved form. Upon receipt of his report, appropriate action will be taken upon the entire record as then made up.

5. If you believe the proof to have been made in good faith and that the law has been in all respects complied with, you will pass such proof to entry in the regular order, upon compliance by the claimant with all the requirements therein and on the payment of fees and commissions, but you will in no case issue final certificate or pass a mineral application to entry when any definite protest by a forest officer has been made against the claim.

6. You will promptly notify the forest supervisor of whatever action you take in every case.

The names and addresses of forest supervisors will be furnished you by this office. Notices of claims in forest reserves in which there is no forest officer in charge should be forwarded to the Forester, Agricultural Department, Washington D. C.

Very respectfully,

J. H. FIMPLE,
Acting Commissioner.

Approved August 1, 1905.

THOS. RYAN, *Acting Secretary.*

There is a document that places the miners of Idaho at a disadvantage as compared with the miners in other parts of the country.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Certainly.

Mr. SMOOT. I should like to ask the Senator a question. In his experience in Idaho in relation to forest reserves and the location of mineral claims upon a forest reserve, has not the Senator found that this very instruction which is coming from the Department at this time has been given for the very purpose of avoiding fraud? And is it not true that many times miners, or alleged miners, have gone upon forest reserves in Idaho and other States and simply located upon a piece of land, calling it a mineral claim, when there was no other object on earth than to get the timber within the claim and when there was no mineral whatever there? Is not this instruction given to obviate that very difficulty rather than to have a miner expelled from the reserve for seeking mines?

Mr. HEYBURN. Such is not the case. There is so small a percentage of fact upon which to base a question of that kind that it is not worthy of being taken into consideration. Men do not subject themselves to the hardships of prospecting except for an earnest purpose. They do not go out into the woods to hunt worthless lands. They do not go to the trouble to stake worthless ground. They are there for the earnest purpose of finding valuable mines, in the hope that they may inure to their permanent benefit.

Mr. BEVERIDGE. Does the Senator contend that the regulation which he has just read is not legally issued by the Department under the authority given the Department by the law to make the necessary regulations?

Mr. HEYBURN. Possibly——

Mr. BEVERIDGE. So far as legality is concerned, it is legal.

Mr. HEYBURN. I do not——

Mr. BEVERIDGE. I am trying to get the ground of the Senator's objection. The Senator, I understand, is now attacking the wisdom of the regulation, the wise policy of the regulation, and not the legality of the regulation under the law.

Mr. HEYBURN. I am rather illustrating the unwisdom of this law by pointing out the manner of its execution, which is often the surest test, because the executive officer primarily interprets the law in the process of its execution.

Mr. BEVERIDGE. I understand; and not the illegality of the regulation itself.

Mr. HEYBURN. The illegality goes back to the act of Congress authorizing the Department to make the regulation. It places the miner or the prospector in one part of the country, upon the public domain of the United States, at a disadvantage or upon a different level or measure of right than another prospector in another part of the country.

Mr. BEVERIDGE. That would go to the wisdom of it.

Mr. HEYBURN. Let us consider it as a whole—wisdom, policy, and all together.

Mr. BEVERIDGE. That being true, I will ask the Senator one more question, and I think I shall have no more questions to ask him. That is this: Would he, as a matter of policy, throw open the forest reserves of the country to the unlimited exploration of miners and prospectors precisely the same as the rest of the public domain?

Mr. HEYBURN. Yes.

Mr. BEVERIDGE. Making no distinction——

Mr. HEYBURN. Not a particle of distinction.

Mr. BEVERIDGE. Between what was done in a forest reserve and what was done outside of one?

Mr. FULTON. I will ask the Senator from Indiana why not?

Mr. BEVERIDGE. I am myself asking for information. The Senator from Idaho is speaking most interestingly on a very important subject, where he claims a discrimination is made against a certain class of our citizens, and I am asking him, or the Senator from Oregon, or the Senator from Colorado a question. I am asking whether or not they would throw open the forest reserves to unlimited prospecting of miners substantially the same as any other public land?

Now, when that question is answered we will get to the heart of the matter.

Mr. TELLER. If the Senator from Idaho will allow me to answer the question I will answer it.

Mr. HEYBURN. Certainly.

Mr. TELLER. Soon after the passage of this law, which was passed about 1887, or somewhere along there, a law was enacted that all forest reserves should be open to prospecting by miners; and the prospector takes his claim in a forest reserve exactly as he takes it anywhere else; and until these recent circulars we never have had any trouble. He has gone to the Land Office and shown that he was on a forest reserve. He has proved it up according to the law and the practice, and he has taken his title.

Recently these new circulars have come in, and a new law. While under the law creating these reserves there is provision for the preservation of the timber on the land, there is no provision of the law that will justify any man in saying that they could change the law with reference to prospecting on the public lands.

If I may say a word, although I dislike to interrupt the Senator from Idaho, I will say that these laws of location have been in force for more than fifty years. They came in force by the consent of the people and had no other authority than that until 1866, when Congress enacted a general law for the securing of title to a claim by patent. These principles are just as well established as to the taking of claims in the Land Office for mining purposes as to the taking of claims under the homestead or any other act.

Now, I want to say a word in reply to the Senator from Utah. I have lived for forty-five years in a mining region, practically in a mining camp, and I say now that I never heard the complaint made at any time that any man ever filed on a piece of land and fraudulently secured title to a mine. He could only take a tract of land in some of the States 600 feet wide and 1,500 feet long; in some of the States he could only take 160 feet wide and 1,500 feet long, because the width of the claim is left to the State to determine under the act of 1866. No man would go into the forest and attempt to take timber with that kind of a claim.

Further, Mr. President, it has never been a practice in the Land Office to do this. I have procured claims for myself and other people. I hold now a large amount of property that I have acquired as the law provided I should, and if it did not have a mine on it it would not be worth 10 cents. It must have a claim on it that will produce gold or silver or else it is good for nothing.

There are a good many other things I should like to say when the time comes, but I will not interfere with the Senator from Idaho.

Mr. HEYBURN. Mr. President, I will supplement what the Senator from Colorado has said. I would not charge the Senator from Indiana with minimizing the mining interests or industries at all, but when he compares it with forestry or the benefit to be derived from the creation of forest reserves, it seems to me that a word of emphasis and explanation is due.

The forest reserves in Idaho this last year produced, as I am informed, less than $8,000, if I have the correct figures of the income to the Government from that source. The mining interests of Idaho this last year produced more than $23,000,000 into the treasure and wealth of the country from the various channels into which it flows. There is no comparison as to the relative importance of the two. Forests are not a thing that grew up yesterday, are here to-day, and if destroyed are gone forever. Those forests were in Idaho when the stars sang together in the morning. They have lived through the centuries, renewing themselves by the processes of nature, and they will continue to live.

In north Idaho our forests, according to the careful estimate of those capable of estimating it, increase about 8 per cent a year. It must depend of course upon the rainfall, and the character of the soil, and the character of timber. That is not uniform, but it is applicable to north Idaho. That increase is quite sufficient to meet any waste that has ever been committed.

Mr. BEVERIDGE rose.

Mr. HEYBURN. Just a word, before I am interrupted, about the question of waste. Every circular from the Department, every utterance of the Department, dwells upon the waste of the public timber. There never was a log of it wasted. No man ever cut a tree without a purpose. It was either to warm him by his fireside, to provide the lumber to make his home, to sell in the market, or to build residences for other people. But there is no such thing as wasted timber. The forests of Wisconsin and Minnesota have not been wasted. They are to be found to-day in the beautiful cities of those States. They are to be found in the beds of their railways. They are to be found in the homes and barns and fences of the farmers. That is the transfer of the forest to the useful purposes for which a beneficent Providence designed it.

So we misuse the term "waste;" and all of the lectures that are delivered on the question of forestry throughout the country are predicated upon the proposition that the timber in the West is being wasted. I know of no man in Idaho who wants to waste a foot of its timber. I do not know of any citizens who ruthlessly and uselessly cut down its trees. They have converted them into homes, into cities, into useful purposes. They have been doing it since the beginning of the world. There is more timber to-day in States like Iowa than there was when I was a boy. There is more timber to-day in the State of Indiana than there was when the Senator from Indiana was a boy.

Mr. BEVERIDGE. No.

Mr. HEYBURN. In parts of it. I speak of useful timber, appropriately distributed. Of course, there is a portion of Indiana that was heavily timbered with walnut. The settlers went in there, and I remember very well when they were slaying it, burning it up, in order to make room for their homes, because they had no homes elsewhere; and they have regretted it ever since and have wished that they had that walnut timber back. But if they will think twice they have something better than the walnut timber. They have those beautiful farms and homes and cities into which it went. It is true that some of it was piled and burned in order to get it away, because there was no market for it.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Indiana?

Mr. HEYBURN. Certainly.

Mr. BEVERIDGE. The Senator discovers an attack where none had thus far been advanced or perhaps contemplated. I merely asked the Senator, and that for information, whether his purpose would be to throw open the forest reserve to the same exploitation by prospectors that lands not on forest reserves were thrown open to? That was the question, and in that there was no comparison intended or actually made between the relative importance of the mining industry or the mining resources of the great State of Idaho and the timber resources of that or any other State. I trust, Mr. President, that I have a just appreciation of both.

Since, however, the Senator said something about the relative returns of the forests and the mines, and in language as truthful as it was poetic, said the forests were standing there when the morning stars sang together and would continue to stand there while that song was continued, I may say that the same can not be said of mines, which are closed when the ore is taken from the earth. The forests, if properly maintained and not permitted to be ruthlessly destroyed, as in many sections of this country they have been ruthlessly and sometimes ignorantly destroyed, preserve and conserve the waterfall, letting it go into the streams gradually, that it may laugh down through channels to the enrichment of the fertile valleys below in which after all is found the wealth—the true resources of any country.

Mining is a great industry. I appreciate it. I appreciate it quite as much as the Senator. But after all the elemental industry upon which all other industries depend and about which all other industries cluster is the agriculture that we find in our valleys and upon our plains; and it is not to preserve a tree in its pristine beauty, but it is that the waterfall may be equally distributed in order that these otherwise fertile valleys shall not become barren deserts that forest reserves are established.

Mr. FULTON. Will the Senator allow me?

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. I should like to say before the Senator interrupts me, inasmuch as it belongs here—of course I did not misunderstand the Senator, and, while I may have spoken earnestly, it was not intended as resentment—I should like to make the suggestion that there never was a mountain where there was not a valley, for one exists only because of the other.

Mr. BEVERIDGE. But the mountains are usually covered with timber.

Mr. HEYBURN. I yield to the Senator from Oregon.

Mr. FULTON. I wish to direct the attention of the Senator from Indiana to the fact that some of the reservations to which I could take him are located in places where the annual rainfall is from 60 to 70 inches, and it would not seem that there is a very great deal of importance to be attached to the work of conserving the waterfall in streams that run down the mountains in that part of the country.

Mr. BEVERIDGE. If the Senator will be generous enough to permit me, speaking out of an abundance of lack of information compared with the vast information the Senator possesses——

Mr. FULTON. Only as to that one locality.

Mr. BEVERIDGE. I say it is a matter of common knowledge that regardless of the extent of the rainfall, if the forests and the vegetation are not there to hold it from rushing suddenly into the channels of the streams, the result is that when there is a great rainfall there is a torrential flood, and that when there is not the rainfall the waters have all run off and we have a drought. Even in the Mississippi Valley, where the forests have well-nigh been cut off and they are now raising trees by planting them, we find that when the forests were there the rivers were steadily bank full, as they are in England. Now they will have a vast flood, as there is almost yearly on the Ohio, and then the waters will subside so that streams otherwise swollen become mere brooklets, in which one can wade.

That is the point. The forests do not increase or diminish the rainfall. The forests permit the rain, after it has fallen, to go gradually into the channels of the streams and thus continuously fertilize the valleys. The Senator does not deny that?

Mr. FULTON. I only say, Mr. President, the Senator is making an excellent speech. The trouble is it does not apply to the situation.

Mr. BEVERIDGE. Well, the Senator's forest reserve in Washington does not apply to the forest reserve in Idaho, and therefore I had to direct my remarks to the question put to me by the Senator from Oregon.

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Colorado?

Mr. HEYBURN. With pleasure.

Mr. PATTERSON. I only wanted to say a few words in reply to the question of the Senator from Indiana as to whether or not Senators would want the portions of the public domain within forest reserves opened to the prospector without limitation or regulation or special permission. To any Senator acquainted with the industry of mining it will suggest itself at once that there is no necessity for regulations surrounding the prospector. When the prospector enters a mountain, with timber or not, he goes there either with his pick and his shovel upon his shoulder or with his pack mule bearing for him his tools and his food, looking for the evidences of minerals, either upon the surface or very close to the surface, and until he discovers minerals it is impossible for him, under the law, to interfere with the timber in any way, except it may be to build a fire with which to cook his food or to cut a few branches to secure for himself a shelter. He has no title of any kind or character to the public domain until he discovers ore, except just so much of it as he may at the time be occupying with his feet.

Therefore, so far as the prospector and the forest reserves are concerned, the prospector can not injure them while he observes the law, and there is no necessity for regulations or permissions in order that he may enter them. Any regulation that is put around a prospector under those circumstances simply thwarts and impedes the discovery of mines of the precious metals, which, in the matter of trade and commerce and the industries of this great world, are almost as important as the crops themselves that are raised in the fields.

It is for that reason, Mr. President, that, so far as I am concerned, I regard every regulation which is connected with the advent of the prospector into the forest reserves as being an unnecessary impediment to the development of the mining resources of the country.

Mr. HEYBURN. Now, Mr. President, the circular which I had and which I read provides that the prospector must satisfy a forester of the validity and legitimacy of his claim before he may be permitted to enter at the land office. A man having a mining claim off the reservation goes to the land office and shows a valid location, which is prescribed by the statute, showing a compliance with the provisions of the statute with reference to the discovery, marking of his claim, the performance of the necessary $500 worth of labor, he is entitled to a patent, because the Government says that whenever a man has proven his faith in his discovery to the extent that he has expended in labor and improvements thereon $500, the Government will take him at his word and grant him a patent for it and convey him the fee simple. Prior to that time he holds his title simply by virtue of expending a hundred dollars in labor and improvements each year.

Now, along comes a regulation of the Department—not a law—and takes away from that miner the right which the law gave him to patent his claim, and says: "No; your neighbor, who is 100 feet away from you outside the reservation line, may have the benefit of the statute regulating the patenting of mines, but you can not, because we have included you by an Executive order within a forest reserve." You have got to not only satisfy the requirements of law, but you have got to convince this forester that you have a valid claim, or you have got to convince the tribunal to which an appeal from his decision may be taken, who perhaps never saw a mine and does not know anything about it, that this is a valid claim. It may be that that prospector has gone upon the public domain and found that which, in his judgment, is the infallible evidence of an ultimate mine, something to which the language of the United States Supreme Court in Harrington *v.* Chambers applies, where the court said that whenever the miner is willing to expend his money and devote his time to the development of a mining claim the Government will inquire no further, because it assumes that men are not going to expend their time and money except for the reason that they believe they have found a mine.

So I say, to resume, that, under the law, when a man has found that which he believes will result in a profitable mine he may patent it, in the absence of this restrictive legislation.

Mr. SPOONER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Wisconsin?

Mr. HEYBURN. Certainly.

Mr. SPOONER. Only a moment. I am not controverting anything the Senator from Idaho says. I recognize the importance of the subject and the Senator's fullness of information in regard to it. I want to ask him if he knows any reason why the provision of the law to which I call his attention is not now in force? If it be in force, it would seem to be a very plain proposition that the Senator is correct in his contention that this circular is without the authority of law.

Mr. BEVERIDGE. He does not contend that, I understand.

Mr. HEYBURN. Yes; I say it is absolutely in derogation of the law.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Indiana?

Mr. HEYBURN. Certainly.

Mr. BEVERIDGE. I wish to direct the attention of the Senator from Wisconsin to the fact that I directed that particular inquiry to the Senator from Idaho, as to whether his contention was that the circular was without authority of law, and the Senator said no; that he did not——

Mr. HEYBURN. I beg the Senator's pardon; I said when it got into court, where it ought to be taken, it would be inevitably declared to be absolutely void.

Mr. BEVERIDGE. I am mistaken. I understood the Senator to say he did not question the legality of the regulation.

Mr. HEYBURN. Oh, well; that is another proposition.

Mr. BEVERIDGE. No; authority of law and legality of regulation are the same.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. I have yielded to the Senator from Wisconsin, and he has the floor.

Mr. SPOONER. I do not claim to be very familiar with the laws as they now stand in relation to this subject, but I find here in the act of 1897 a general provision for forest reservations, those heretofore created and those hereafter to be created. I find the provision also that—

It is not the purpose or intent of these provisions, or of the act providing for such reservations, to authorize the inclusion therein of lands more valuable for the mineral therein or for agricultural purposes than for forest purposes.

Then comes this provision, if I may have the attention of the Senator from Idaho, that—

And any mineral lands in any forest reservation—

You see the act has provided for forest reservations existing and forest reservations to be hereafter created—

and any mineral lands in any forest reservation which have been or which may be shown to be such, and subject to entry under the existing mining laws of the United States and the rules and regulations applying thereto, shall continue to be subject to such location and entry, notwithstanding any provisions herein contained.

That is the general statute, the statute referred to by the Senator from Colorado, and it seemed very clearly to establish

the proposition, first, that these reservations were to be opened to the location of mines, which involves of necessity that they shall be open to exploration to determine whether there are or are not in probability mines, and that being mines in prospect, having been discovered, they may be located under the existing mining laws of the United States, and the rules and regulations applying thereto, without any obstruction whatever from this forest-reserve act. If that is true, then it must be true that a regulation which subjects a mining claim or location to the test of the judgment of a forester instead of the judgment of the land officers of the United States is not in harmony with the law and is not applied throughout the country to mining claims generally.

Mr. HEYBURN. I am very glad to have the suggestion of the Senator from Wisconsin as to the potency of the statute and the absolute invalidity of any order of regulation that seeks to limit it. Let me now, in connection with that, call the attention of the Senate further to a regulation which I find in the Forest Reserve Manual. I may be met with the statement that this manual is now obsolete. It was issued by the Department and was in force during the time I had this question under consideration, because I want to say here when the first forest reserve was created in Idaho, after the passage of the act, I came to Washington, went before the Commissioner of the General Land Office, and protested against it; and from that day to this I have been endeavoring to undo the effects of that legislation wherever, as in the State of Idaho, it has been so executed as to absorb the public domain and exclude the people from it. So the question is not a new one at all. Here is a rule that was in force, and I have had occasion frequently to protest against it. It is the report to be made on a mining claim by the forester. It is a blank in this manual. It is the form that the forester is required to follow or to be guided by:

REPORT ON MINING CLAIM.

——— ——— Reserve.

Date: —— day of ———, 190—.

1. Name and address of claimant ——— ———.
2. Location of claim (by legal subdivisions or natural landmarks; preferably use description given in register of mining claims as filed in district recorder's office) ——— ———.
3. Has it been recorded? (If so, state where, by whom, and under what designation) ——— ———.
4. Topography of land or claim (state whether level, steep slope, rough, broken ground; whether in valley, on hillsides, or on top of ridge or butte) ——— ———.
5. Surface (state whether even or rough and broken, smooth or strewn with rocks) ——— ———.
6. Soil (state whether coarse sand, clay, or loam; whether stony, gravelly, fertile, or useless for agricultural purposes) ——— ———.
7. Is there water on or near the claim which may be used in working this claim? ——— ———.
8. Is there now a ditch or other means of bringing water on this claim for prospecting or mining purposes? ——— ———.
9. If not, what has claimant done in the past to supply water for this work? ——— ———.
10. Is the claim clearly staked by posts or marks? ——— ———.
11. Kind of claim (placer, etc.) ——— ———.
12. Kinds of mineral alleged to exist on claims (gold, silver, lead, etc.) ——— ———.
13. When located ——— ———.
14. Has assessment work been performed every year requiring an expenditure of not less than $100, and what evidence is there to substantiate this? ——— ———.
15. What improvements are there on the claim?
    (*a*) Buildings ——— ———.
    (*b*) Excavations (extent and depth, length of shaft, etc.) ——— ———.
16. Is there timber on the plain? If so, what kinds and how much? ——— ———.
17. What evidence is there to show that there is mineral enough to make the claim a valid mining claim? ——— ———.

It is the forester who is going to report on this. There is not anybody on earth entitled to pass on that, under the decision of the United States Supreme Court in Chambers *v.* Harrington, except the man who locates and expends his time and money on the claim. His faith is the test. He may work there for years and years, as those of us who have spent a lifetime in the mines know men do, and then, after everybody but himself has given up hope, realize his fondest dreams.

18. Has the claim been thoroughly examined by an expert prospector—

By an expert prospector! That, I suppose, would mean a man with bifurcated hair. That is the usual "expert prospector," as we understand—

or miner employed to ascertain the character of the claim?

Who is to employ him to go there and nose around this prospector's claim to see whether or not, in the judgment of this "expert prospector," the miner is justified in spending his time and wearing away his life to ascertain the character of the claim and develop it.

If so, what is his name and finding? (Use extra sheet if much information is added.)

19. When and by what forest officer was claim inspected?

He does not have to be a miner, but a "forest officer." Then take that in connection with the circular, which says in case of an adverse report by him this poor fellow is tied up indefinitely, probably not able to stand the expense and strain of a contest to show that that forester did not know a mine from a tree.

20. Opinion of forest officer, and reasons for such opinion: Do you think claim a valid one?

He is given judicial authority to determine whether or not this claim is marked upon the ground so that its boundaries can be readily traced; whether or not the ledge is one of rock in place or mineral-bearing rock in place; and whether or not it is a legal claim. This man has to express an opinion on these matters.

Experience has taught us that the opinions which come down from these field rangers, who are sent out by the Department, are harder to overthrow than are the decisions of any court below that of a court of last resort, because there is a certain dogmatic manner of stating these things which this class of men allege to be facts which is accepted by the Department. They say, "We know this man whom we have appointed to make investigation; we have confidence in him; we sent him out there; he has no interest in finding anything except the real facts, and we will not reverse his decision." The poor prospector becomes a trespasser from that moment; he has no right to the forest reserve except to move on.

I am speaking for the mining interests of the United States, because all the mining land that there is of future consequence in Idaho is either under a forest reserve or under the threat of a forest reserve—most of it under a forest reserve. The widening fields of the prospector, the widening fields of production, upon which the future of the State depends, are all under the ban of the forest reserve. Men may go there, not by right, but by grace. They go there not as other men have gone upon the lands where they have made free homes in this country, because the law gave them the right to do it. They not only go there by grace, but they stay there at the sufferance of the forester, who is delegated to exercise judicial functions in determining whether or not this man shall hold his claim. I reread rule No. 20:

20. Opinion of forest officer and reasons for such opinion. (Do you think claim a valid one, or one merely located to hold the land for business location, town-site uses, or to obtain timber, or for other purposes?)

There is a spirit of suspicion directed against the honesty of men in every section of those regulations. The presumption suggested in them is that no man is honest; that American citizens can not be trusted to go out and take that which they are entitled to under the law. The presumption is that they will take that to which they are not entitled. We in Idaho are more interested, and the country is more interested in the settlement of vacant lands than in the manner of the settlement. We are more interested in the development of the mineral resources of the country than in the technical distinction as to whether or not the rule of the Department has been infracted or not. The ultimate purpose of the law is that the waste places shall be developed; that they shall add to the wealth of the country; that new fields shall be opened up; that civilization shall be widened and continuously spread.

Now, I will leave the mining feature of the subject for a moment, and I want seriously to call your attention to another phase of it. Our State will be great, populous, and prosperous according or not as this territory, which is the natural asset of the State, is left open to settlement. It is not enough to say that it is mountainous. Men live in mountains. No mountain exists without the valleys that make it the distinguishing feature above the level surface. Half the country that you traverse along the Atlantic coast is mountainous. The homes commence in the valleys and climb up until I have seen them at night like an eye in the mountain, where the miner's cabin or the settler's home was looking out like a sentinel over the valleys below. Most of the men from mountainous countries go to mountainous countries. The population that has come to us from Switzerland and such countries seeks the mountains rather than the open plains; they prefer the mountains; they are accustomed to the conditions that surround them; and, as I stated earlier in my remarks, the New World has always been settled in the timber. The pioneer goes where he can strip the bark from the tree to cover him from the storms until he can cut the tree and carve and lay it into the shape of a home.

I have seen, as many Senators have seen, cities and States grow. I once camped in a tent on the banks of the river where the beautiful city in which I now live stands when there were not two sticks crossed to mark the future city. I have seen that country grow from a forest, in which there was little or no evidence of promise to those unacquainted with the condi-

tions, out of which cities, Territories, and States have grown. I have seen a community grow up since I first went there that has contributed to the treasure of this country more than $200,000,000 in substantial wealth. I have seen a country that has to-day from ten to fifteen thousand people in it grow up almost in a season. If these forestry people had been in the Coeur d'Alenes twenty years ago, none of the present conditions would have existed had they been free to do what they are now doing, and that country would to-day be an unexplored, undeveloped wilderness.

I can almost throw a stone from my back door onto a forest reserve. I made the statement to the Department that those lands in the proposed Shoshone Reserve were claimed as future homes by more than 100 people. They sent an inspector there by the name of Schwartz to criticise my statement. He has reported, and his report is printed in a document at Government expense, that he found they were nonresidents; that he found about 180 cabins, worth from $10 to $15 apiece. He criticised these embryo homes and the men who had selected this part of the earth as their place of abode or selection under the law. Had that same intelligent inspector been sent into the woods of Kentucky, Indiana, or Illinois in the early days he would have condemned the homes in which Lincoln, Grant, and Douglas were born as a violation of the law and unfit for human habitation—some of those cabins were without windows—and he would have condemned them as being evidence of bad faith on the part of the home maker. Lowell says "the woodman's ax and the settler's trowel are seldom wielded by the selfsame hand." The pioneer is sui generis. He does not build the beautiful homes that mark a country in its period of prosperity.

I have seen men stop along the banks of a river, strip the bark from the white cedar to make themselves a shelter over night, and in the morning, upon looking around the country, select that spot as their home; and I have seen beautiful homes grow on the ground where that bark shack was first constructed.

That is the reason I object to the class of inspection that is provided for in the regulations which I have read in the circular issued only in August of this last year, where a forester, a man who is sent out as an inspector for the Department, is to pass upon the good faith and the intention and the justification of the pioneer in selecting his share of the earth and determining where he will live.

There is now under proclamation and under promise of proclamation 111,000,000 acres of forest reserves in the United States that have grown out of that little seven and a half lines of amendment to the act of March 3, 1891, and it has expanded and has expanded until to-day it is larger than all of the Middle and New England States combined—11,000,000 acres, the Forester says, created and contemplated—and "contemplation" means created, because the lands are withdrawn even for the purpose of inspection, preliminary to the proclamation, which excludes the citizen just as effectually as does the creation of the reserve. Why, can it be possible—and I know I speak to some Senators who were here at the time and participated in this legislation—can it be possible that the Congress of the United States contemplated, when they gave that brief authority to the President to withdraw land in his discretion suitable for forest reserves, that one twenty-seventh of the United States would be within forest reserves within fifteen years? Can it be possible that Congress contemplated that that law was to be executed so that the forest reserves—which are no man's land, which have no element of self-government in them or about them, for they are governed by edict, by regulations, by rules, and by nonresidents—should be created to the present extent? Can it be possible that Congress intended that their areas should be greater than all the New England and Middle States combined, half the original thirteen States in area, with the promise of enlargement during the coming year in indefinite and glowing terms?

We want the States settled by real men who make homes and raise families, who till the soil, who grow the fruit, or engage in the industry best adapted to them.

I know, I was going to say, nearly every foot of the forest reserves of Idaho. I come as near knowing them as any man can know that area of country. I have traversed it north and south and east and west; I have camped on it; I have lived on it and alongside of it for nearly a quarter of a century. When you tell me that because that part of that country is covered with forests, because some of it is at an elevation of from four to six thousand feet above sea level that it is not adapted to making homes, I say the man who makes that statement does not know the country or he never saw a new country grow; that he is not capable of judging as to the conditions out of which men will make homes.

The most fertile fields of Colorado are at a greater elevation than those they have condemned because of their elevation in Idaho. I have seen exhibits of fruit at our fairs raised on these reserves the equal of which you can not produce on this coast. I have seen small fruits and berries cultivated, grown, and sent to market from within these reserves on land that they say is not susceptible of cultivation and that is fit only for a forest reserve that would do credit to any country.

I made these statements on one occasion and they sent a special agent out there to see whether or not they were true. He said he did not find these people living on the land. Why? The land was not open to settlement. He complained of the slight expense that they had incurred in making their homes. Under the law they were not justified in going to any expense. They went there merely for the purpose of indicating that as soon as the bounty of the Government was free to them and those lands were open to settlement they intended to make their homes or claim their rights under the law there. They marked that intention by the little cabin. Habitable? I do not care whether it is habitable or not. What is habitable for one man is not always habitable for another. It was the indication of their lawful selection.

He says they were engaged in various vocations in neighboring cities and towns and other parts of the country. Of course they were. They were industrious, occupied citizens of the United States, who, having been given by law the right to select a limited portion of the public domain and to make only one selection during their lifetime, had gone into these promising fields and forests and had, by building this rude log structure indicated their purpose of making this their home or their selection under existing law. They had then gone back to their usual vocations, to remain there industrious, law-abiding citizens until such time as the Government says, "Now the land is ready; go and make good your promise and your selection."

I have been criticised in some of the articles that have been inspired in this case. They have talked about sheaves of photographs being shaken in my face as a reproach against my statement that these people were settlers and intended settlers. Of course, there was no foundation for such statements; it was only part of a plan to attack the opposition to their plans by degrading it, by discrediting it, and bringing it into contempt. Throughout the country the press was fed with such statements, and I have one here, to which I desire to call the attention of the Senate: "The President's rebuke."

This comes from the Pittsburg Dispatch of September 28, 1905, and it is a sample of the work of the press bureau that has undertaken to break down an honest and fair criticism of the manner of the execution of this law.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from South Carolina?

Mr. HEYBURN. Yes.

Mr. TILLMAN. The Senator used the word "press bureau" rather emphatically. Do I understand him to say that there is any evidence that the Bureau of Forestry has a press agent or something in the line of Mr. Bishop?

Mr. HEYBURN. I will read the answer to that from a document, and then I will leave it to the Senator's own judgment.

Mr. TILLMAN. I shall be glad to hear it.

Mr. HEYBURN. I think I shall have no difficulty in doing it. I am not here to try to convict any Department of this Government. I am here, though, to defend an honest opposition to the maladministration of a bad law.

Mr. TILLMAN. Badly conceived and badly executed.

Mr. HEYBURN. The law might be defeated in the courts, but a question that involves all the people, where there is error, ought to be settled and rectified here.

Mr. TILLMAN. That is right, sir.

Mr. HEYBURN (reading):

Senator HEYBURN of Idaho, is the latest individual to discover that President Roosevelt has a policy in relation to the rights of the people which will admit of no interference on the part of anyone, not even a Senator.

"I will not for one moment—

This is quoted—

"consent to sacrifice the interests of the people as a whole to the real or fancied interests of any individual or of any political faction," wrote the President in response to a letter from the Senator, dealing with certain desired changes in forestry reserve."

Here is the next one: "HEYBURN in black book."

This is from the Spokesman-Review; but it was published in a lot of other newspapers. It went out from a syndicate here in Washington that was engaged in trying to prevent a candid opposition of this plan.

ROOSEVELT NO LONGER GIVES CONSIDERATION TO STATEMENTS OF IDAHO SENATOR, SAYS OREGONIAN WRITER—FACTS ABOUT AGRICULTURAL LAND IN SHOSHONE FOREST RESERVE AT VARIANCE WITH HEYBURN'S CLAIMS—MANY LOCATIONS BY HIS FRIENDS.

"When a United States Senator or any other man deliberately misrepresents facts to President Roosevelt, and the President finds it out, that man need never expect President Roosevelt again to place reliance in what he may say," says the Washington correspondent of the Portland Oregonian. "This statement has direct bearing on the case to be cited.

"On the night of March 30 a conference was held at the White House, attended by President Roosevelt, Senator HEYBURN of Idaho, Assistant Forester O. W. Price, of the Forest Service, and Assistant Land Commissioner J. H. Fimple. The conference was called to talk over forest-reserve conditions in Idaho, Mr. HEYBURN having repeatedly taken issue with the steps made by the Administration.

"On this particular night Mr. HEYBURN directed his attention to the proposed Shoshone Reserve"—

That is the one that lies right back of my house, right alongside of the town of Wallace, which land has been declared and adjudicated within the last few days to be mineral land. There are about thirty-nine townships of it.

"On this particular night Mr. HEYBURN directed his attention to the proposed Shoshone Reserve, which is to be created to embrace about one-half the area of Shoshone County, Idaho."

That is the county in which I live.

"The Senator was the first man called. 'Senator HEYBURN,' said the President, 'let us hear what you have to say.'

HEYBURN'S PLEA.

"The Senator said it was unnecessary; that the people of Shoshone County did not want it; that it would retard development, and added that much of its land had already been settled upon by industrious settlers who had gone into that country to make homes."

That is, the 180 people referred to in Shultz's report who went there and established the evidence of their intention on the ground by building the log houses referred to in the Shultz report.

"He made an earnest plea on behalf of these settlers, saying they would be hardshipped if their lands should be embodied in a forest reserve, and would be obliged in the end to relinquish the lands upon which they were struggling to build homes."

Of course, I did not say anything of the kind; but I am going to take this paper as we find it for present consideration.

"'Why, Mr. President,' exclaimed the Senator in conclusion, after he had asserted that there was a vast amount of purely agricultural land in the Shoshone withdrawal, "Mr. President, we have in that region an Adirondacks, where some of our wealthy men have built themselves summer homes.'"

I pause long enough to say that no such thing occurred, nor anything upon which to base such a statement.

"'If that country is not reserved, it will in time become a famous summer resort.'

"When Mr. HEYBURN concluded, Mr. Price"—

Mr. Price is the gentleman who was there to represent Mr. Pinchot, the chief forester of the United States—

"When Mr. HEYBURN concluded, Mr. Price, at the President's request, told why the forest service desired to create a big reserve in Shoshone County. He explained that some valuable timber remained; that much of the area had once been timbered, but had been denuded by fire, and said that without Government protection the remaining timber land would soon be denuded by lumbermen. Under Government care the existing forest would be preserved and the burned areas would in time become reforested. He then laid before the President a great collection of photographs, showing the type of country and the character of settlements. Instead of agricultural country, the land was unfit in every way for cultivation; instead of homes of bona fide settlers, the photographs showed rough huts built on a hundred or more claims by men who had located in the very best timber for the obvious purpose of getting the timber and deserting the land. Not a single house was found which was inhabited; not a single entry appeared to have been made in good faith."

Entry in good faith! The lands had never been opened to entry. There was no possible process by which a settler could initiate title upon those lands. This is simply a silly statement, a tissue of falsehoods and misstatements, and the fact that it purports to state what occurred at that private meeting stamps its origin and the spirit that inspired it. But I will proceed:

MR. ROOSEVELT ASTOUNDED.

"The President was astounded by what he saw. His interest increased as he went further through the pile of photographs."

I did not see these photographs, but I have seen the country.

"When he had seen enough he took out a bunch of photographs of the huts and waving them before the astonished Senator, fairly hissed:

"'Mr. HEYBURN, rich men don't build shacks.'"

That is quoted.

HEYBURN'S SECOND PLEA.

"That ended the conference, but it evidently did not subdue the junior Senator from Idaho. On April 6 Mr. HEYBURN addressed a lengthy letter to the President, renewing his protest against the creation of the Shoshone Reserve. In the letter Mr. HEYBURN again referred to the settlements which he insisted had been made in good faith within the reserve. He told how settlements abounded just outside the limits of the proposed reserve, and said they were gradually extending up the various streams, into the heart of the Shoshone country. Every year sees the settlements push farther up these streams, and there are now prosperous mining camps and growing settlements right in the very heart of the proposed reserve."

There was a judgment rendered within the last ten or fifteen days saying that that is true. One of the Departments of the Government, vested with judicial power to do so, has said that those mineral camps exist, and that that is a mineral country.

I read that to show the manner in which this contest has been carried on—not by the President. I feel perfectly free to say that the day I received that article I took it down and showed it to the President, and he denounced it.

Mr. TILLMAN. Mr. President——

Mr. HEYBURN. I will not go further than to say that the President denounced it in such unqualified terms that I have taken it for granted that the parties who were responsible for it were found and that they were called to account for it. Of course that kind of article could only have emanated from some of the representatives of the Bureau of Forestry, or other Department of the Government, who were present at that interview, and I have stated who were present when the interview took place.

I do not say this for the purpose of making any attack upon the President of the United States. I know that he desires and intends to execute this law fairly and for the best interests of the people; but I know that, like every other executive officer, he is more or less at the mercy of those subordinates on whom he must necessarily rely for information.

I have a right here, as I said in one of the letters which I wrote to the President and which I intend to read to the Senate before I am through with the discussion of this question, to speak of this matter. I said in one of those letters that, while in dealing with this question with the Departments or with the Executive I was speaking only as a private citizen, there was a forum where I could present this question to the country. I am here to-day for that purpose.

I am not here for the purpose of attacking the Administration; I am not here for the purpose of abusing it; I am not here for the purpose of discrediting it, but I am here for the purpose of indulging in that candid criticism in which it is my province and my right to indulge in discussing affairs connected with any department of the Government—executive, legislative, or judicial. I have the right to show, and I claim the privilege and the courtesy of the Senate while I show to them, that this law should be brought to the bar of justice.

I have introduced, and there is now pending before one of the committees of this body, a bill that provides that there shall be no more forest reserves created by Executive order; that Congress shall resume its constitutional functions and deal directly with the public lands, and that henceforth when forest reserves are to be created they shall be created by Congressional action.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from South Carolina?

Mr. HEYBURN. Yes.

Mr. TILLMAN. The Senator was so pressing in his desire to finish his thought that I did not want to interrupt him, but I should like now, if he will permit me, to recur to the statement of a newspaper about the President shaking a bunch of photographs in his face.

Mr. HEYBURN. That is not true.

Mr. TILLMAN. I should not imagine it was; but I just wanted the Senator to give us his own statement in regard to it.

Mr. HEYBURN. The interview was within the ordinary bounds of dignity and decorum, and there was neither excitement nor resentment nor lecture nor abuse nor defense. But I was there as a private citizen from the State of Idaho. My Senatorial functions do not require me or authorize me to go to the executive branch of the Government and either dictate or seek to control; but, as I said before, I started in to check the evil effects of this legislation as soon as it was enacted. I hope when I am through that the existing legislation will no longer be a part of the laws of this country.

Mr. TELLER. I wish to ask the Senator a question. What was the result of the interview? Was the reservation established or not?

Mr. HEYBURN. Which interview?

Mr. TELLER. The interview the Senator speaks of—that he has been detailing.

Mr. HEYBURN. I was requested to present my views in writing, which I did; and they are before the country in the shape of a brief.

Mr. TELLER. The Senator does not understand. Did they establish the reserve or not?

Mr. HEYBURN. That is the one which is now on that map to be recommended on the 7th of next month.

Mr. TELLER. Oh!

Mr. HEYBURN. I have kept up a continual opposition to it.

I do not mean to be understood as claiming that I have prevented its establishment all these months, but I have kept up a continual opposition to it; and now I am up against the proposition that unless Congress acts or unless some notice or promise of action is sent out from this body, on the 7th of next month that fair country will be recommended for a forest reserve.

Mr. TELLER. Will the Senator allow me to say that if he had succeeded in defeating the proposition I should like to congratulate him, for on various occasions I have made that effort, and I have never yet succeeded.

Mr. HEYBURN. I do not care for this combination press bureau that has been organized for the purpose of blackening my character, in the hope that they might so degrade me that I might not have influence enough to represent the State which I have been elected to represent in part. As I say, I do not care for them, but I propose that this body and I propose that the country shall know exactly what they have done and the relation that I bear toward them. You can not possibly get at this from the right point of view without knowing something of the source from and the spirit in which these attacks emanate.

Mr. TILLMAN. Mr. President——

Mr. HEYBURN. If the Senator will pardon me, I wish to finish the expression, or it will be disconnected in the RECORD.

In pursuance of, and at the expense of the Government, this document [exhibiting], containing ninety pages, with some maps, called "Bulletin No. 67," has been issued and sent throughout the country. It might fairly be denominated "A Brief of the Forest Bureau against HEYBURN." [Laughter.]

Now I will yield to the Senator from South Carolina.

Mr. TILLMAN. If I understand the Senator's position, he is complaining about the action of the Forestry Bureau in influencing the President to ignore the Senator from Idaho.

Mr. HEYBURN. They have not done it, so that the Senator need not bother about it. They have not succeeded. These statements are not true simply because they are in the press.

Mr. TILLMAN. If this forest reservation is going to be ordered on the 7th of next month unless Congress acts, it looks to me as if the Senator has not got the square deal from the President which he ought to expect.

Mr. HEYBURN. I will be the first, probably, to complain of it if I have not a square deal from the President.

Mr. TILLMAN. I want to understand the Senator's attitude. It looks to me like he is now complaining strenuously.

Mr. HEYBURN. No. I want to say to the Senator, and I thought I had made myself plain, the President disapproved of the article when I showed it to him——

Mr. TILLMAN. I am not speaking about the article.

Mr. HEYBURN. In most emphatic terms as being unfair and denounced it, and, I think, took steps to correct those who were responsible for it.

Mr. TILLMAN. I am not speaking of the article at all. I am speaking of the results. The Senator points to the map and states that a certain reservation will be ordered by the Executive by the 7th of next month unless something is done to relieve him.

Mr. HEYBURN. I say it will be recommended by the Chief Forester. I read the letter, so you have the language of it exactly. The Chief Forester notified me that on that day he will recommend it for withdrawal. I am free to say that I expect, unless Congress expresses itself directly or in a way that shall be understood, that it will be withdrawn. I undertake to say now it is not now open to settlement.

Mr. TILLMAN. When will the order providing for the withdrawal of this land from settlement and its being placed in a reserve go into effect?

Mr. HEYBURN. The reservation will go into effect as soon as the proclamation is issued, as the statutes provide.

Mr. TILLMAN. I am trying to get the Senator to enlighten us as to whether he expects the President to withhold that order, in accordance with his wishes and knowledge on the subject, or whether he expects that the President will recognize the Forestry Bureau against his recommendation. That is what I am trying to get at.

Mr. HEYBURN. I have not any expectations on the subject. I am not going to have any imaginary differences with the President of the United States. The relations between the President of the United States and myself are as friendly as should exist between a citizen of good standing and the Chief Magistrate. I am not here to make trouble or to run away from it. I am not going to conjure up any possible future difficulties out of the situation.

I read that article for the purpose of showing what the newspapers have said, not what the President has said or done. I read that article for the purpose of showing the spirit of the attack that had been made, in order to accomplish a given purpose. The President does not know of those things. The President's intentions are honest and his intentions are friendly toward the people of the State of Idaho and toward myself, and I am not here to apologize for or to defend the relations existing between the President and myself. I read that article with some reluctance, but I determined that I would not close this subject until the Senate knew something of the motive behind the attack that has been made in the press for the last two years directed against myself.

Mr. BAILEY. Will the Senator from Idaho permit me?

Mr. HEYBURN. Certainly.

Mr. BAILEY. I wish to ask him a question. The Senator exhibits what I thought to be a public document and declares that it ought to be entitled "The Forestry Division against HEYBURN."

Mr. HEYBURN. It is a public document.

Mr. BAILEY. The Senator further declares that a Department of the Government is assiduously and deliberately engaged in an effort to discredit him for the manner in which he has sought to protect the interests of his constituents. To my mind, that is a most serious charge against the Executive Department of the Government. If the Senator——

Mr. HEYBURN. I will ask the Senator to permit me here. Why against the Executive Department of the Government?

Mr. BAILEY. Is not that an Executive Department of the Government??

Mr. HEYBURN. It is individuals in the Executive Department of the Government.

Mr. BAILEY. The Senator did not permit me to ask the question. I merely stated an introduction to the question. I want to ask the Senator from Idaho if he knows whether these transactions have been called to the attention of the President of the United States?

Mr. HEYBURN. I know that the transaction indicated by the newspaper article I have just read was called to the attention of the President of the United States by myself in person. I first sent it by letter, and I followed it up, and I took another copy of it and went down to the White House with it.

Mr. BAILEY. Does the Senator know whether this public document, printed at the expense of the Government, has also been called to the attention of the President?

Mr. HEYBURN. I think it has. I have not called it to his attention. I have passed that period now, inasmuch as Congress is in session, where I have to deal with this question from the standpoint of a private individual. Whatever I do in relation to the matter of forest reserves from this time on will be done here in the responsible forum of which I am a member.

Mr. BAILEY. With the permission of the Senator from Idaho, I will say that some persons who do not know so much about this particular question, but who are sincerely anxious to do whatever may be best for the people most immediately concerned, might not find it so easy to dismiss the matter as the Senator from Idaho seems willing to do. He protests his confidence in the President, and I want to know for my own information, and probably as influencing my action upon this matter, whether or not it is true that the President of the United States knows that appointees within his jurisdiction and under his power are using their office for the purpose of attacking and discrediting a Senator, as the Senator says is the case at bar. If the President does know that and has made no removal, I think it presents a very serious question, and I wish to ask the Senator from Idaho whether or not any of the parties concerned in this propaganda against him have been removed from their office?

Mr. HEYBURN. I do not know.

Mr. BAILEY. Would the Senator not know if they had been removed?

Mr. HEYBURN. I do not think I would know, because I have not been to the Department and I have not cared enough about their action to make me go down there, nor have I the slightest intention of going there.

Mr. BAILEY. Then I do not think it is worth all the time necessary to call it to the attention of the Senate and the country.

Mr. HEYBURN. The Senate can deal with these questions. The Senator from Texas is in a position to deal with these questions as readily as I am. There are different ways of meeting issues in life. One man meets them in one way and another in another. I choose to meet this issue of the attack upon me in the way I have met it here to-day. I am not going to enter into a squabble in the newspapers. I am not going to introduce sensational resolutions for inquiries. I do not care whether these three men, whose sole business it is to send out literature and conduct a press bureau for the purpose of

recommending the acts of the forestry service to the people of the United States, are there or not. I am not responsible for the conduct of the executive department of the Government. They are as responsible to the country as we are. I have their names; I know who they are; but I am not here to make an attack on them.

I have called the attention of the executive department of the Government to them, and that is where my jurisdiction and that is where the jurisdiction of the Senate end. We have no right to "investigate" those men. They are responsible alone to the head of the executive department, and he is responsible to the country.

Mr. BAILEY. The Senator from Idaho is quite right in saying that we deal with these matters according to our own views, but surely there can be no difference of opinion among Senators or among fair-minded men outside of the Senate as to the gross impropriety, not to say the indecency, of a bureau of the executive department of this Government deliberately, sedately, and continuously pursuing a Senator with the purpose of discrediting him. Now, what I complain about, if I complain at all, is that the Senator from Idaho denounces these men; denounces the statements contained in the newspaper as falsehood; he denounces the men who conduct this attack upon him, but with a party loyalty which perhaps may do him credit as a partisan, he continually exempts the President. I say that if the President of the United States has had his attention called to this misconduct and has not removed the men guilty of it, then all the Senator says against these men can be said with justice against the President.

Mr. HEYBURN. I do not care to be diverted into that channel. I did not come here to defend myself against any statements that have been made by this combination. I do not ask anything at the hands of the country or of the Senate because of these statements or of their falsity. I merely incorporated them into my remarks for the purpose of meeting whatever influence the press may have upon the minds of those to whose attention such statements have been called during the last year or more so far as this question has been before the public, and I will return to the consideration of the real question.

I wish to redirect the minds of Senators to this proposition: The executive department of the Government, because of a misinterpretation of law, has undertaken to take possession of lands in Idaho, the fee simple of which rests in the State of Idaho for educational purposes. The executtive department threatens to take possession of more lands belonging to the State of Idaho in fee simple and convert them into a forest reserve; and I want the Congress of the United States to stay this action, either by reporting and enacting the bill which is now pending here, or by such other steps as will effectuate that purpose. I want those lands which belong to the State of Idaho kept for the State of Idaho for the purpose for which they were given to the State of Idaho by the Government—that is, for the public schools.

Our admission act and the constitution of Idaho provide that these lands can not be sold for less than $10 per acre. It was intended that the State should sell them as they grew in value. Some of them are not now worth that much, but by reason of the growth of the country about them their value will be enhanced and they will be worth it. Other timber lands which have been included in forest reserves are worth many times that price.

There is another thing in connection with that. They are creating forest reserves in Idaho for the purpose of providing pasture. They are creating forest reserves in Idaho that contain no forests and they are doing it at the demand of those who are interested in grazing upon those lands.

Mr. GALLINGER. Will the Senator permit me? Some time ago I inquired of the Senator the value placed on these lands per acre. I understand the Senator to say that the minimum value is $10 an acre?

Mr. HEYBURN. Yes, sir.

Mr. GALLINGER. If there are 15,000,000 acres in a forest reserve, it would be $150,000,000?

Mr. HEYBURN. Only one-eighteenth of it is school land. Two sections out of a township makes one-eighteenth. It would be considerably over $10,000,000 for the school lands.

I did not introduce this bill expecting that the State should be paid out of the Public Treasury $10 an acre for all these school sections. I introduced the bill more particularly for the purpose of calling the attention of Congress and the country to the fact that these lands were being taken and to stop the taking. The State of Idaho can go into court and recover those lands against the Government or the grantee of the Government, but the State of Idaho has not done so, and the error is not upon the State up to date, but it is upon the part of the executive department that has gone into possession of the lands and laid claim to them, and excluded settlement and enterprise from them to the detriment of the prosperity and growth of the State.

Mr. BEVERIDGE. I direct the Senator's attention to a statement which he has just made, which I am not quite sure I properly understood, and which, if I did understand it correctly, is grave with importance. He said, as I remember—and I rise to ask whether I am right—that certain forest reserves which had no forests in them, but were merely grazing lands, had been created at the requests of those interested, to wit, the people who grazed cattle on them.

Mr. HEYBURN. That is right, strictly.

Mr. BEVERIDGE. That cattlemen have requested the Government to make forest reserves out of land purely for grazing purposes, for their personal benefit.

Mr. HEYBURN. I made that charge, and that charge is true, and forest reserves are being created that have no forests in them in order to facilitate grazing and grazing privileges to those who are fortunate enough to get contracts for them.

Mr. SMOOT. I do not think the Senator would like to have it understood by the Senate or the country at large that all of the land within this forest reserve is worth $10 an acre.

Mr. HEYBURN. If the Senator will permit, I do not want to be diverted from a line of discussion to go back to the question of the value of those lands. Of course all land to-day is not worth as much as it will be at some other time in the future, but with the growth and settlement of the State around these sections of land, which by the wisdom of the policy of their designation are all of them surrounded by land that does not belong to the State, one element of the community builds up another, just as in the case of the granting of alternate sections to the railroads. The purpose of that provision in the law was that the railroads, in selling their land, would not sell it in solid blocks and leave other large solid blocks isolated. It is the alternate principle, the community principle—one building or tending to build up another—the land not within the alternate sections being open to the homesteader without price, and the land within the railroad sections being open to the man who had more money and was able to go in there and pay his way.

Mr. DUBOIS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the senior Senator from Idaho?

Mr. HEYBURN. Certainly.

Mr. DUBOIS. I think my colleague was a little bit misunderstood in regard to the $10 proposition. The General Government granted Idaho certain lands for certain purposes when Idaho was admitted to statehood, and our constitutional convention, of which my colleague was a distinguished member, put in our constitution a clause that no land belonging to the State, presented by the General Government, should be sold for less than $10 an acre.

Mr. HEYBURN. The grant of lands was made after the constitution was adopted. Idaho adopted a constitution, and came to Congress for admission. It was admitted as a State with the constitution as it stands to-day, with the exception of a few amendments that have been made since. So the constitution became a part of the act of Congress admitting the State, because it was approved by the act of Congress and it was incorporated in the spirit of the admission bill. And under that school lands can not be sold for less than $10 an acre. Sections 16 and 30 came by direct grant. Other lands that were granted the State at the time of the admission were not grants in presenti, but were subject to selection, and the grant would not attach until the land was selected and designated. But that is not true of sections 16 and 36.

If you will examine the statutes, you will find that Utah came in under an enabling act, and Judge Marshall held that the title attached after the land had been surveyed, and left open the question whether the grant would attach to unsurveyed land. But Idaho has a direct clause—not "there shall be granted," as it is in the case of Utah. As to Idaho, it is "there is hereby granted," bringing it within the cases construing the law as to railroad lands, where it has been held that those were words of present grant, and that Congress lost its jurisdiction over the land as soon as the bill became a law. The same was held in the case of Borden *v.* Northern Pacific Railroad Company. That doctrine is settled.

Now, that being true, these lands belonging to Idaho, any act on the part of the Executive, on the part of Congress, or on the part of any branch of the Government in attempting to take that title away or to interfere with its enjoyment or its use violates the rights of the State, violates that principle of the

Constitution of the United States which I think perhaps has not been closely observed at all times even by the lawmaking body of the country—the last clause of section 3 of Article IV of the Constitution, which is a very important one—where it says:

Nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.

The last provision, "or of any particular State," is just as sacred in that it protects the rights of the State in this property as it is in that it recognizes and protects the rights of the General Government to its property.

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Colorado?

Mr. HEYBURN. Certainly.

Mr. PATTERSON. If the title of the State of Idaho is as perfect to sections 16 and 36 as the Senator claims it to be under the Constitution and the enabling act, will not a proper suit determine that fact?

Mr. HEYBURN. Yes.

Mr. PATTERSON. And give to the State of Idaho the full benefit of its title?

Mr. HEYBURN. Yes.

Mr. PATTERSON. Then why this bill?

Mr. HEYBURN. But will Congress stand by and see a part of the machinery of the National Government cloud and encumber and delay the title of the State by a misinterpretation of something that can be made plain by a stroke of the pen in a statute? One of the functions of this legislative body is that where laws are being misapplied they will be amended and the executive department will be directed as to the proper application of the principles that Congress intended to incorporate into the law.

Mr. PATTERSON. I understand the purpose of this bill is to enable the State of Idaho to take lands in lieu of those included within the forest reservation?

Mr. HEYBURN. No.

Mr. PATTERSON. Then I misunderstood the proposition.

Mr. HEYBURN. There is no provision of law to allow it to take lands in lieu of those to which title has passed. There is a distinct provision and a judicial interpretation of law that says that neither the Interior Department nor the executive department has the right to exchange lands. It is like that transaction which was made between the Interior Department and the claimants of alternate sections in the San Francisco forest reserve. There was no more authority of law to warrant the making of that contract than there would be to make this trade between the lands in the State of Idaho and the Government. The State of Idaho has a constitution which says that public lands may be disposed of only at public sale upon certain notice, under certain conditions, at a certain place, for a certain price, and there is no alternative provision for it. The legislature of Idaho can not authorize the trading of lands, and the executive department of the United States has not that jurisdiction over the public lands, notwithstanding all the acts of Congress that will authorize it, to trade the lands of the United States for chips or whetstones or land somewhere else.

Mr. BEVERIDGE. May I interrupt the Senator?

Mr. HEYBURN. Certainly.

Mr. BEVERIDGE. Mr. President, I want the Senator's indulgence to ask him a question outside the order of his argument just at present. I was profoundly interested in the statement he made, about which I asked his verification, which was that forest reserves were being created where there were none, but where there was purely grazing ground, for the personal benefit of those who could graze their cattle on them.

I have been talking to some of the Senators here from various States in whose States the great forest reserves are found, and I will ask the Senator, from what I understand in conversation with these other Senators, if this is not the fact; that between two mountains there will be a valley, in which there are no trees, but which is included in the forest reserve? I ask the Senator if that is not the grazing land to which he refers, and if the grazing upon this land by cattlemen is not let—rented—to them for compensation? If that be the case, nothing could be more proper, and thus a charge which appeared to me at first to be serious is at once explained. Is that the case?

Mr. HEYBURN. Well, Mr. President——

Mr. BEVERIDGE. Is that the case, I ask the Senator?

Mr. HEYBURN. I am going to answer.

Mr. BEVERIDGE. All right.

Mr. HEYBURN. That is not the condition to which I referred. It is more than probable that that condition exists too. The statements from the local communities are sometimes pretty safe criterions. Here is an article to which I wish to call attention:

CATTLEMEN WANT RANGE—CLAIM SHEEP MEN OCCUPY ALL DESIRABLE TERRITORY, THEREBY PREVENTING CATTLE AND HORSES FROM GRAZING.

COUNCIL, *January 6.*

Council is in what I may call the "semiarid" region of the State, up near Payette Lake, one of the most beautiful sections of the State. Cattle and horses and stock of all kinds are there in large quantities.

A meeting of the farmers of this section is in progress to-day for the formulation of a petition to be forwarded to Major Fenn, forest superintendent for Idaho, asking him to set aside a strip of ground along the south border of this valley for the exclusive ranging of horses and cattle belonging to the settlers of this vicinity. This step has been made necessary by the action of the sheep men, who have heretofore wholly disregarded the rights of the settlers and have allowed their flocks to range indiscriminately over the entire section, thereby denuding the range of sustenance for the horses and cattle of the settlers.

Then it goes on and elaborates. Then here is another one:

ADDING TO THE FOREST RESERVES—STOCKMEN AND SETTLERS PETITIONING FOR ADDITIONS TO SAVE THE RANGE COUNTRY FROM OUTSIDE INVASION.

An official letter has been received by Forest Supervisor Fenn that the petition of numerous settlers and stockmen, asking that two and one-half townships be added to the east side of the Sawtooth Reserve, had received favorable action by the Department, and that a proclamation would issue in the near future creating the addition. The lands embraced in the townships are located on what is known as "Lime Creek."

Another contemplated addition to the Sawtooth, and for which petitions are now being circulated, asks that the lines be extended east to the Pahsimeria Valley.

Letters are being received from settlers and stockmen in the vicinity of Council, Salubria, and the country west of those places, asking what steps are necessary to secure the establishment of the Seven Devils Reserve, and also that additions be made to the territory covered by the Weiser Reserve.

I read that just to show how selfish interests are taking advantage of this condition, and how reserves have been created that will give them exclusive rights under contract for grazing. Now, then, I will add that I am advised, informally, that at a very early day they will apportion the range among the sheep men, determining how many sheep may range in a certain section and how many cattle may range in a certain section, giving them exclusive right to apportion it among the men who apply. They have a rule of precedence. They destroy the public range. They give men special privileges upon the public range. They charge them a slight fee for it. It is immaterial whether they charge them anything or not, but the principle I object to is that of exclusion.

If the Government makes a contract to-day that it will give certain stockmen the exclusive privilege to range within certain bounds for one year or five years, it means that when the settler comes along with his white-covered wagon and his family he does not stop in that part of the State; he is warned that he could not for at least five years, or for the term of the lease, secure a foothold here.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. HEYBURN. Certainly.

Mr. WARREN. I presume the Senator from Idaho does not wish the Senate to understand that the Government is renting its lands outside of forest reserves to cattlemen?

Mr. HEYBURN. No; but they are creating forest reserves where there is little or no timber, and because they have created such forest reserves they are renting the range to these cattlemen and sheep men. They are good citizens; I know them; but they have been actuated, like many other men, by the principle of self-gain. They want that range extended because they can make a contract for grazing through the forester, and after that forester has approved of their application it will be granted to them and they will then have an exclusive right to range. I will not undertake to say what proportion of each range is timbered and what is not, but I will undertake to say that these ranges that are asked for are not timber ranges; they are simply pasture grounds.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. HEYBURN. Certainly.

Mr. WARREN. The Senator from Idaho understands that the lands which are included in the forest reserves are those over which sheep and cattle had ranged before?

Mr. HEYBURN. Oh, yes.

Mr. WARREN. And I presume the Senator understands, as we all know, that there has been up to the present year no charge made, but now a charge is made per head, and not as to any particular locality. So the preference, if any, is to those who may pay a rental upon a certain number of head of cattle or sheep to range in a certain forest reserve.

Mr. HEYBURN. I think the Senator will find that now the territory is apportioned on general lines. I have here a

circular, but I will not go into that. I do not wish to detain the Senate longer to-day. This is a large subject, and while it may not interest all Senators, yet it is one that interests a large proportion of the people. It involves the question of the right and the power of Congress and the duty of Congress to resume its constitutional powers. It involves the growth of our States in the West. Whenever you establish a forest reserve you put up the sign "No thoroughfare" to the man who is in search of a home, and there are thousands of them yet going there. The men who went into Iowa and Indiana and Illinois and Nebraska and Wisconsin and Minnesota and made their homes and raised their families are sending out the surplus sons to our country, and they are seeking homes, just as their fathers hunted them, and they are looking for the best they can get. There should not be one acre of the public domain withdrawn from the choice of those people. Had it been done fifty years ago a number of the great States of to-day would have made a very poor showing compared with what they do to-day in growth and prosperity?

Mr. WARREN. May I ask the Senator a question?

Mr. HEYBURN. Certainly.

Mr. WARREN. I am only propounding questions to get information. I am very much interested in this subject. My State is very much interested in it. I wish to find whether the conditions in Idaho are different from the conditions in other States. Does the Senator maintain that the creation of these forest reserves is for the purpose of giving control of the land to cattlemen and to sheep men?

Mr. HEYBURN. No; I charge no ulterior or vicious motives to these men. I am talking of results and facts. I am not making an attack upon the individuals. I suppose they are acting up to their lights, up to the best they know, up to what they believe is right. Of course they are; but that is no reason why I should sit mutely here and see a wrong done, if we conceive it to be a wrong. Our function here is to keep a watchful eye upon the Government in all its branches, and wherever error seems to have grown up to correct it.

In closing for to-day, at least I just want to emphasize this proposition, that behind all of my objection, over and aside from all of the details that have entered into this discussion, is the question of an open door in that western country for the miner, the farmer, the fruit grower, the cattleman, and the sheep man. I want the natural resources to be available when he comes knocking at our door looking for a home. I do not want any signs of "No thoroughfare" up in the State. We have to have Indian reservations. They are limited both as to quantity and as to use, and we are opening them gradually from time to time. They are all right. We have to have military reservations to accommodate the military forces of our country. We have to withdraw temporarily, under existing laws, certain sections of land that are to be applied to the reclamation service.

I was asked by one Senator as to how much of the country I would consent to have within forest reserves. I would not withdraw one acre of the country from the right of settlement on the part of the immigrant, the man who is seeking a home. If he wanted to live on the top of Stevens Peak, I would allow him to exercise his right to do so and occupy the land of his choice; and I would allow this settlement to creep gradually from the valleys up these mountains.

How do these pioneers according to their inclinations select? The man from the mountain goes to the mountain. The man who is accustomed to the prairies is apt to seek the prairies and the wheat fields of Latah, Nez Perces, and Idaho counties or other lands of that character. The man who came from the lowland country will go into the river valleys. They will seek something of the same character as that with which they had become familiar. So it results in a very intelligent, a very beneficial, and a very fortunate diversification of the population throughout the State. The very fact that men will live in these mountains is established by the fact that they do live in them. The complaint is made that these people trespass. What they call trespass is in reality the expression of choice on the part of people as to place of residence. I believe the rule to be applied to them was laid down by the Supreme Court. I have referred several times to the case of Harrington *v.* Chambers, where the Supreme Court of the United States said that the judgment and faith of the miner should govern, and I believe the rule applied to mining claims should apply to all classes of the public land.

Now, we are met with a proposition that men can not be trusted; that if you give them that right they will steal. That is a contention on the part of the executive department of the Government, if it ever made it or ever offered it, of inefficiency to execute the laws or else it is a charge that Congress has not wisely made the laws. It is one or the other.

Now, Mr. President, at this point, when I am compelled by reason of the lateness of the hour to leave this question, I hope it will not be dismissed from the minds of Senators or be allowed to rest. It is a fruitful field for consideration, investigation, and discussion, and it offers an opportunity for wise determination on the part of the Senate that will cure this evil. This will cure it. Let no more reserves be made until Congress has had a chance to investigate the result of the application of the law which it passed, a little unconsidered amendment to an act that was not intended to include this subject at all, a little insufficiently considered amendment, that has resulted in carving out from the body of this country an area larger than the Middle and New England States combined, and that has carved out of Idaho 27.3 per cent of her territory just as good as that that is outside of the reserves. There are mountains and valleys, timber and water, and a climate that constitute the possibilities of settlement and home making. All it needs is the people. Give them a chance to go in there and go in there under a right and not by the grace of a privilege. The American citizen does not take kindly to being compelled to ask somebody's consent to do that which he and his forefathers have enjoyed the right to do under the law. Many questions bearing on the subject of discussion and which I intended to discuss must be deferred to another time because of the lateness of the hour. Much of the time that I had intended to devote to the consideration of them has been taken by the questions interposed, which I have been pleased to have asked and to answer.

Now, Mr. President, while I have not nearly covered all of the ground that should be discussed in considering this question, I will not at this time ask that the bill be referred, but I will ask that it remain upon the table for further consideration.

The VICE-PRESIDENT. The bill will lie on the table.

Mr. DUBOIS. Mr. President, it is not very often that I differ with my colleague [Mr. HEYBURN], and it is with extreme regret that I am compelled to do so on this occasion. I think we have almost always voted together, and I think I may say we always vote together where the interests of Idaho are concerned. We have done so in the past, and I think we will do so in the future.

But in regard to this proposition I differ radically and totally with my colleague. So far as those newspaper articles are concerned, I know little about them; they are the correspondents of Republican newspapers. In regard to the publication of the pamphlet by the Agricultural Department, I am inclined to think the Agricultural Department might have gotten the consent of my colleague before publishing that correspondence. That, however, is a question of propriety or ethics to be determined between the President and my colleague. There is a letter in that pamphlet from me to the President, published without my consent also. I have no objection to its publication, and never doubted the propriety of its publication, although never consulted about it. I will ask the Secretary to read a circular from the Department of Agriculture, and I will ask Senators to listen to it, because I think it is a complete answer to everything my colleague has said.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., February 1, 1905.

The FORESTER, *Forest Service.*

SIR: The President has attached his signature to the following act:

"An act providing for the transfer of forest reserves from the Department of the Interior to the Department of Agriculture.

"*Be it enacted, etc.*, That the Secretary of the Department of Agriculture shall, from and after the passage of this act, execute or cause to be executed all laws affecting public lands heretofore or hereafter reserved under the provisions of section 24 of the act entitled 'An act to repeal the timber-culture laws, and for other purposes,' approved March 3, 1891, and acts supplemental to and amendatory thereof, after such lands have been so reserved, excepting such laws as affect the surveying, prospecting, locating, appropriating, entering, relinquishing, reconveying, certifying, or patenting of any of such lands.

"SEC. 2. That pulp wood or wood pulp manufactured from timber in the district of Alaska may be exported therefrom.

"SEC. 3. That forest supervisors and rangers shall be selected, when practicable, from qualified citizens of the States or Territories in which the said reserves, respectively, are situated.

"SEC. 4. That rights of way for the construction and maintenance of dams, reservoirs, water plants, ditches, flumes, pipes, tunnels, and canals, within and across the forest reserves of the United States, are hereby granted to citizens and corporations of the United States for municipal or mining purposes, and for the purposes of the milling and reduction of ores, during the period of their beneficial use, under such rules and regulations as may be prescribed by the Secretary of the Interior, and subject to the laws of the State or Territory in which said reserves are respectively situated.

"SEC. 5. That all money received from the sale of any products or the use of any land or resources of said forest reserves shall be covered into the Treasury of the United States and for a period of five years from the passage of this act shall constitute a special fund available, until expended, as the Secretary of Agriculture may direct, for the

protection, administration, improvement, and extension of Federal forest reserves.

"Approved, February 1, 1905."

By this act the administration of the Federal forest reserves is transferred to this Department. Its provisions will be carried out through the forest service, under your immediate supervision. You have already tentatively negotiated the transfer with the Commissioner of the General Land Office, whose powers and duties thus transferred I assign to you. Until otherwise instructed, you will submit to me for approval all questions of organization, sales, permits, and privileges, except such as are intrusted by the present regulations to field officers on the ground. All officers of the forest reserve service transferred will be subject to your instructions and will report directly to you. You will at once issue to them the necessary notice to this effect.

In order to facilitate the prompt transaction of business upon the forest reserves and to give effect to the general policy outlined below, you are instructed to recommend at the earliest practicable date whatever changes may be necessary in the rules and regulations governing the reserves, so that I may, in accordance with the provisions of the above act, delegate to you and to forest reserve officers in the field so much of my authority as may be essential to the prompt transaction of business and to the administration of the reserves in accordance with local needs. Until such revision is made the present rules and regulations will remain in force, except those relating to the receipt and transmittal of moneys, in which case special fiscal agents of this Department will perform the duties heretofore rendered by the receivers of local land offices in accordance with existing laws and regulations. The chief of records, forest service, is hereby designated a special fiscal agent, and you will direct him at once to execute and submit for my approval a bond for $20,000.

On December 17, 1904, the President signed the following order:

"In the exercise of the power vested in the President by section 1753 of the Revised Statutes and acts amendatory thereof:

"*It is ordered*, That all persons employed in the field and in the District of Columbia in the 'protection and administration of forestry reserves in or under the General Land Office of the Interior Department' be classified and the civil-service act and rules applied thereto, and that no person be hereafter appointed, employed, promoted, or transferred in said service until he passes an examination in conformity therewith, unless specifically exempted thereunder. This order shall apply to all officers and employees, except persons employed merely as laborers, and persons whose appointments are confirmed by the Senate."

This order classifies the whole forest-reserve service, now transferred, and places it under the civil-service law.

In the administration of the forest reserves it must be clearly borne in mind that all land is to be devoted to its most productive use for the permanent good of the whole people and not for the temporary benefit of individuals or companies. All the resources of forest reserves are for use, and this use must be brought about in a thoroughly prompt and businesslike manner, under such restrictions only as will insure the permanence of these resources. The vital importance of forest reserves to the great industries of the Western States will be largely increased in the near future by the continued steady advance in settlement and development. The permanence of the resources of the reserves is therefore indispensable to continued prosperity, and the policy of this Department for their protection and use will invariably be guided by this fact, always bearing in mind that the conservative use of these resources in no way conflicts with their permanent value.

You will see to it that the water, wood, and forage of the reserves are conserved and wisely used for the benefit of the home builder first of all, upon whom depends the best permanent use of lands and resources alike. The continued prosperity of the agricultural, lumbering, mining, and live-stock interests is directly dependent upon a permanent and accessible supply of water, wood, and forage, as well as upon the present and future use of these resources under businesslike regulations, enforced with promptness, effectiveness, and common sense. In the management of each reserve local questions will be decided upon local grounds; the dominant industry will be considered first, but with as little restriction to minor industries as may be possible; sudden changes in industrial conditions will be avoided by gradual adjustment after due notice, and where conflicting interests must be reconciled the question will always be decided from the standpoint of the greatest good of the greatest number in the long run.

These general principles will govern in the protection and use of the water supply, in the disposal of timber and wood, in the use of the range, and in all other matters connected with the management of the reserves. They can be successfully applied only when the administration of each reserve is left very largely in the hands of the local officers, under the eye of thoroughly trained and competent inspectors.

Very respectfully,

JAMES WILSON, *Secretary.*

Mr. DUBOIS. This is a circular letter of instruction from the Secretary of Agriculture to the Forester, with the authority of the President of the United States, in which it is set forth in plain language that the interests of the agriculturist, the laboring men, the grazing men, the miners, shall all be considered first; that these forest reserves are created in their interest, and that rules and regulations shall be passed, and the administration shall be so carried on that all these various peoples and interests in our State will be the beneficiaries. Unless you start out with the assumption that the President of the United States and the Secretary of Agriculture and the Forester intend to deceive, that they are not in earnest, the circular is a sufficient answer to what my colleague has said. I myself believe the President, the Secretary of Agriculture, and the Forester mean to carry out the law in accordance with their openly proclaimed and published promises and instructions. I believe they intend to aid and not retard present and future development of our State.

There are in Idaho 55,000,000 acres of land, and of those acres 14,000,000 are now or will hereafter be in forest reserves. Out of those 14,000,000 acres of land in forest reserves not one-tenth of 1 per cent is agricultural land or under cultivation, and not one-half of 1 per cent of all those acres is susceptible of cultivation. When a forest reserve is to be established, when they propose to establish a forest reserve, they first temporarily withdraw the land. If by any mistake they include agricultural lands, after, on further examination, having found this out, those agricultural lands are excluded. If at any time any individual thinks he is aggrieved, or if there is agricultural land within the reserve and the aggrieved party, either on account of there being agricultural land or for other reasons makes his complaint here to the Department, he will get relief. I have had parts of reserves in Idaho released on a showing of fact, and it can be done by any Senator from any Western State if his constituency shall make a showing of fact.

Areas included in forest reserves by proclamation of the President can be excluded from existing forest reserves by exactly the same procedure. As a matter of fact these changes, which in the case of some of the earlier reserves have become advisable through the inclusion of agricultural land, have been and are now being made. The boundaries of all forest reserves can be changed and are being changed without any delay when they are found to include land more valuable for agricultural purposes than for forestry purposes.

Personally I have found the Forest Service more than willing to extend immunity to settlers who were upon the land before the reserve was created and who, through negligence or mistake, have failed to obtain a valid settlement claim. In two distinct instances which have come to my personal attention the Forest Service has instructed its supervisor not to interfere with settlers who were there previous to the establishment of the reserve, but who have no legal claim and are therefore technically trespassers.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Indiana?

Mr. DUBOIS. I yield.

Mr. BEVERIDGE. Then I understand—and I direct the Senator's attention to it—that he does not agree with the statement of the junior Senator from Idaho [Mr. HEYBURN] that the Government has created forest reserves out of grazing grounds for the purpose of privately benefiting grazing and cattlemen?

Mr. DUBOIS. I never heard that statement until it was made on the floor to-day.

Mr. BEVERIDGE. The Senator, as I understand, does not agree to that statement?

Mr. DUBOIS. I think I am pretty familiar with all the forest reserves in Idaho. I went over and criticised the objection of my colleague to each of them in detail, and I do not know of any forest reserve having been created for such a purpose. It is new to me that any forest reserve in Idaho was created for the benefit of stockmen. It has been supposed that owners of large herds of sheep have objected to their creation.

Mr. BEVERIDGE. I will say I am very glad to hear that disavowal, because the statement caught my particular attention.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the senior Senator from Idaho yield to the junior Senator from Idaho?

Mr. DUBOIS. Certainly.

Mr. HEYBURN. I should like to ask the Senator what will this settler, with his family and his worldly goods all around him, do while his application to settle upon this land is being considered and reviewed and sent to Washington and the land released? Will he not go somewhere else, where the land is not tied up, where it has no burden of delay upon it, and find his home?

Mr. DUBOIS. They are not including agricultural land within the reserves; and if some one happens to be settled on agricultural land where a reserve is created, taking his land into the reserve does not disturb the settler in the slightest degree.

Mr. HEYBURN. I was referring to the man the Senator referred to, who finds agricultural land within a forest reserve, who would like to have it, and makes application to have it segregated. How is he going to occupy his time while all the machinery of the law is being put in motion to secure that segregation?

Mr. DUBOIS. They certainly will not include that land within the reservation.

Mr. HEYBURN. Is it not more probable that he would go elsewhere?

Mr. DUBOIS. Very often, as in the case referred to by my colleague in his own country, those numerous people who built houses attempted to take that land under the homestead act; but I was informed at the Department that those people could not take it under the homestead act because it was not land

that could be homesteaded; that they could not take it under the timber and stone act because the land had not been surveyed, and they could not make a homestead filing because it was not agricultural land.

Mr. HEYBURN. That would have been determined when they came to enter, I presume.

Mr. DUBOIS. I presented their statement to the forester and tried to get relief for them. In their statement they did not claim that this land, of which my colleague speaks, in Shoshone County, was agricultural land. They based their plea for relief on other grounds, and I tried to aid them to retain their claims to these timber lands. The mountain sides there are as steep as these walls, pretty nearly straight up and down, near the town of Wallace, where my colleague lives. It is impossible to make farms on them.

As I have said, as a matter of fact, there are no agricultural lands, to speak of, within the forest reserves in Idaho. So far as grazing is concerned, everybody in Idaho, unless, perhaps, it may be a few of the large sheep owners, is in favor of these reserves. Why? Under the regulations of the Department, a permit is issued to a sheep owner to run a certain number of sheep within the reserve. That permit is given first to the one nearest the reserve, and the next permit to the next nearest, and so on until the last served are those who do not live in the State at all. The number of permits is held down, so that the range is not destroyed by overgrazing, but is preserved from one year to another. This is distinctly in the interest of the cattlemen and of the sheep men of our State, and I am sure they understand and appreciate this fact.

Mr. DOLLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. DUBOIS. I do.

Mr. DOLLIVER. I should like to inquire what is the object of the forest reserves in Idaho as respects the water courses and rivers in that State, and especially the great river that runs through the State?

Mr. DUBOIS. I shall be glad to answer, but first I wish to say, as I see one of the Senators from Wisconsin [Mr. LA FOLLETTE] is here, that some of their distinguished citizens, after having used up all the good forest land in Wisconsin—the Weyerhouser Company—came out to Idaho and now own half a million acres of the finest white-pine timber in the world, nearly all located in north Idaho.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the senior Senator from Idaho yield to the junior Senator from Idaho?

Mr. DUBOIS. I do.

Mr. HEYBURN. I should like to inquire of the Senator whether he refers to the same Mr. Weyerhouser, who about a week ago was elected one of the vice-presidents of the Forestry Congress here in Washington, that is supposed to take care of, protect, and guard these forest reserves?

Mr. DUBOIS. I presume so. I do not care to have any more syndicates get a half million acres of our timber land, however, and they can not under the forestry reserve policy, no matter whether they profess to advocate the policy or not. Our timber is going pretty rapidly. That is the fact mostly in north Idaho. The Weyerhouser Company are building a railroad 47 miles long and are going to put in mills, which will employ 2,500 hands. They care nothing for Idaho. They will cut the timber off the land and destroy the forest, and it will not reforest. After they have done that they will leave the State and go somewhere else. We want to preserve these forest lands for the present population of Idaho and for future generations.

In south Idaho another question is involved, more important than the commercial value of the timber—and I am glad the Senator from Iowa [Mr. DOLLIVER] asked me the question and I should be glad to have any Senator ask me questions—in south Idaho we have absolutely reached the limit of our water supply. We have not enough of water now to irrigate the lands where ditches have been built. We must immediately store water in Jacksons Lake, at the head of Snake River, in order to supply the land now under ditches along the Snake River of which the Senator from Iowa speaks. There is no opportunity for us to get enough water. Although we are one of the best-watered of the arid States, there is not nearly enough of water, and never will be, not even with all available storage reservoirs, to supply our land, which would be highly productive if we had an adequate water supply.

These forest reserves are absolutely necessary for the conservation of the water supply. If they are not created at the heads of the streams, the forests will be taken off, the water will come down in floods in the spring, and there will not be enough of it when it is needed in the middle of the summer months and in autumn. Forest reserves and irrigation are inseparable, and successful irrigation can not be maintained without forest reserves in these arid regions. There is not a Senator here from an arid section who does not know that that is true.

There is nothing to prevent a prospector from going anywhere on a forest reserve. There is not a single, solitary rule or regulation to prevent that. The regulations contained in the Forest Reserve Manual, from which my colleague read, have been obsolete for eighteen months, and the circular which he read was issued by the Land Department to the registers and receivers of the Land Department and applied to mines and not to prospectors.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the senior Senator from Idaho yield to the junior Senator from Idaho?

Mr. DUBOIS. I do.

Mr. HEYBURN. I think the Senator from Idaho will give me credit for having called attention to the fact that the book was obsolete. I was merely exhibiting it as a specimen of the management with which I had become familiar; but the circular I read as to present requirements is not obsolete.

Mr. DUBOIS. In all good nature, it seems to me that my colleague is discussing conditions which once existed, but which do not exist now. Senators here will recollect that for the last fifteen or twenty years those of us who are representatives of that western country have been inveighing more or less against forest reserves. This was especially so when they were first created.

They would segregate a great extent of country without sufficient investigation or care. We objected. We proposed this, that, and the other remedy and safeguard, until finally they have established rules and regulations that protect every industry in that country, and they are the rules and regulations which the western representatives have gotten them to adopt after long-continued and persistent effort. The regulations under the forest-reserve law, it seems to me, are the product of the constant efforts of these western representatives for fifteen or twenty years; and it does seem to me that they are most wise and useful.

The present Administration may, and doubtless does, make some mistakes in the numerous details of carrying on this great work, but they are so few and insignificant as compared with the great benefit which the policy confers on our whole people that they are entitled to the support of western representatives at least.

Mr. GALLINGER. I ask that the unfinished business may be laid before the Senate.

Mr. BEVERIDGE. The Senator from Idaho is not through.

Mr. GALLINGER. I beg pardon. I thought the Senator had concluded.

Mr. BEVERIDGE. The Senator has not concluded.

Mr. GALLINGER. The unfinished business was laid aside to allow the junior Senator from Idaho [Mr. HEYBURN] to conclude his remarks, but I am entirely willing to yield further.

Mr. DUBOIS. I do not intend to take up much of the Senate's time at this late hour.

I call attention to this fact, that these supervisors and these forest rangers are selected from the residents of the various States where they are to perform service.

The head of the forestry work in Idaho is F. A. Fenn, speaker of the first legislature of the State of Idaho. He was an officer in the Idaho battalion that served in the Philippines. His father was one of the early Delegates in Congress from Idaho. Major Fenn, who must be nearly 50 years of age, was born in Idaho, and has never lived any place else. He has always lived in the mining regions. The officers under him who are administering forest reserves in Idaho are citizens of Idaho. They have a direct interest in the State and in its people. They will live in Idaho when they sever their connection with the Forestry Bureau. They are not dudes or college graduates from the East, and it is not to be presumed fairly that they will do anything to embarrass or injure their neighbors and friends of a lifetime. It is the clearly defined policy of the Department, which policy is being executed, to have the officers of the reserves of the various States and Territories, from the superintendent down to the last ranger, selected from the residents of the respective States and Territories. All of the interests which they have in the world are bound to be in the prosperity of the State, and their nearest friends and kinsmen are the people of Idaho. From personal knowledge I know that they are among the very best in all respects of our citizenship.

Complaints do not come here as they used to, with all the red tape attendant and consequent delay, but a given case is settled immediately on the ground by a supervisor, who is a

native of the State and knows the neighbors and who has an interest in them and in his own future. Anyone can go on these forest reserves and get all the lumber he wants. Any four of us, if we lived in Idaho, could enter into a combination and say, "We will erect a sawmill," and go on any forest reserve and get from the Government all the lumber we wanted; but we would be under certain rules and regulations which would preserve the forests. We would not be permitted to destroy them.

About one-third of Idaho has been burned out within the last fifty years. Four hundred million dollars' worth of lumber has thus been destroyed. The forest reserves will be patrolled, the trees will be protected from fires, and that enormous and continuing loss will be stopped.

Then, in the forest reserve roads and bridges are constructed—the Government taking that expense off of the hands of our pioneers. It builds roads and bridges all through the forest reserves. It is much easier to do any kind of business on a forest reserve than it is on the public domain. For instance, if you want to have a summer resort or a hotel or anything of that kind, you can get it at once on a forest reserve; whereas if it is on the public domain, it is a very difficult and cumbersome proposition.

The design of the forest reserve and the policy of the officers of the Department is to make it easy to the citizens in that country to get timber, to mine, and to do business on the reservation. There is no disposition whatever, so far as I have been able to see, nor is there any sign of it in any of their rules and regulations, to hinder the development of that country. On the other hand, the whole tendency is to make the development easier and more rapid.

Mr. CLARK of Wyoming. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. DUBOIS. Certainly.

Mr. CLARK of Wyoming. I understood from the remarks of the Senator from Idaho that where agricultural lands had inadvertently been included within forest reserves it is still quite an easy matter to make settlement upon such agricultural lands. I ask the Senator from Idaho if it is not a fact that the settler is prohibited from settling upon such lands, and if it is not also a fact that people who are interested are now seeking a law at the hands of this Congress providing that settlers may go upon lands and homestead such lands as may be suitable for agricultural purposes within the forest reserves?

Mr. DUBOIS. Yes. My statement was that, if it was shown that agricultural lands are within the temporarily withdrawn lands, they are released before the proclamation is issued, and the agricultural lands are not put into the reserve at all.

Mr. CLARK of Wyoming. But is it not also a fact that before the proclamation is issued there is seldom an opportunity to show that they are agricultural lands? Is it not true that when the forest-reserve policy was first inaugurated a set of rules and regulations was promulgated by the Interior Department, providing that before the forest reserve could be proclaimed there should be published in the newspapers of general circulation in the vicinity a notice that a forest reserve was under contemplation? Is it not also true that those rules have been abrogated; that now no notice is given; that really the first notice to the people of a State that a certain portion of their State is to be laid out into forest reserve is when the proclamation is made by the President of the United States, and that then, if it is found that agricultural lands have been inadvertently included, it is worth more than all the lands are worth to get them out from under the operation of that proclamation? In other words, is it not an exceedingly difficult process to take out from under the forest reserve lands once included therein? I do not know whether that has been the Senator's experience or not, but it has been the experience of some of us.

Mr. DUBOIS. It has not been my experience. The first step is the temporary withdrawal of the land. Then investigations are made and the agricultural lands are not put within the reserve. A very considerable time elapses between the temporary withdrawal and the proclamation of the President which creates the reserve. During this time everyone interested understands fully what lands it is contemplated and proposed to include within the reserve. My understanding and belief is that it is not designed to include agricultural land within any forest reserve.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the junior Senator from Idaho?

Mr. DUBOIS. Certainly.

Mr. HEYBURN. The Senator says the first thing done is the withdrawal of the land from the reservation. At whose instance is this agricultural land pointed out as a subject for action by the Department? When the proclamation says "All persons are forbid making settlement upon this reservation," at whose instance can this segregation of the land inadvertently included be taken up? At the settler's? How does he get a footing there when he is forbidden to make settlement on it? I should like to have the Senator's idea of how he would go about securing a home upon agricultural land within a forest reserve.

Mr. DUBOIS. If the land is settled on when it is put in a reserve, the settler is not disturbed. If the land has not been settled on by anyone, and no one has tried to acquire any right to it, it certainly can not be very valuable agricultural land——

Mr. HEYBURN. But, Mr. President, I would suggest to the Senator——

Mr. DUBOIS. But in their investigation, if the Department find that there is agricultural land there, or if anyone in the neighborhood says "You are including valuable agricultural land," and demonstrates that fact, then that land is not put into the reserve. But it can not be very valuable agricultural land if it has lain idle all the time and unclaimed until the reserve has been spread over it.

Mr. HEYBURN. But I would ask the Senator how can there be anybody in the neighborhood to point it out? In a reserve containing 3,000,000 acres, how can there be any neighbors to point this out when settlement upon the land is forbidden?

Mr. DUBOIS. There are as many neighbors there the day after the creation of the forest reserve as there were the day before.

Mr. HEYBURN. But not as many as there would be the next year, perhaps.

Mr. DUBOIS. As I have said repeatedly, the same power—that is, the Executive—which puts lands in forest reserves can take lands out of forest reserves, and will do so at any time on a showing of fact that lands are more valuable for agriculture than forestry.

Mr. SMOOT. In answer to the junior Senator from Idaho I would suggest that we have had a great deal of experience in our State with just such questions as he brings forth now. It has been solved in our State by the people who live adjacent to those reserves notifying me here that there were certain sections of land within the proposed forest reserve, or within the withdrawn area, that were agricultural lands, and they requested by petition here that those lands be withdrawn.

I want to say in behalf of the Bureau of Forestry that of all the petitions that have been sent here of that kind—and there have been numbers from the State of Utah—not a single one has been refused, and section after section has been withdrawn from proposed forest reserves upon petitions from people living adjacent to the proposed forest reserve.

Mr. CLARK of Wyoming. Mr. President, if the Senator from Idaho [Mr. DUBOIS] will pardon me a moment, the Senator from Utah [Mr. SMOOT] has been more fortunate in his experience than some of the rest of us. But I want to say to the Senator from Idaho that my former suggestion was called out by an experience in my own State, where settlement had been made on a forest reserve prior to its creation into a reserve, not under the homestead law, but settlement had been made with a design to take the land under the desert-land act. The terms of that act had been complied with so far as they could be complied with. Of course a man attempting to secure title under the desert-land act under those circumstances was wrong in the first instance, because it was unsurveyed land. The particular instance to which I refer was the experience of three families which had settled, hoping at the same time to get title when the land should be surveyed.

Prior to the running of the Government surveys over the land, but after it had been reclaimed and made productive, the Yellowstone Forest Reserve was created, covering the nearest spot where we hoped from Wyoming to give the Senator sufficient water for his beautiful farms in Idaho. The farmer who had made that settlement was notified, and it was held in the General Land Office, after proper proceedings before the local and General Land Office, that he absolutely had no title and could not hope to obtain title; that the land was in a forest reserve; and he was compelled to remove from there and abandon several years of hard labor in bringing in water.

I cite that merely as an illustration, and perhaps an unfortunate one, and entirely contrary to the one cited by the Senator from Utah. It simply shows the difficulty of getting these lands out of a reserve proclamation after their having been once placed there.

Mr. DUBOIS. There are comparatively few of such instances, I should think, as cited by the Senator from Wyoming, and it is not the design and has not been the practice of

the Department to include or retain agricultural land within forest reserves. There may be exceptions, as indicated by the Senator from Wyoming, but they are rare. So far as there being a hundred and ten or a hundred and fifteen million acres of land in forest reserves, as complained of by my colleague, I do not see what difference it would make if there were 400,000,000 acres, provided the system is a good thing for the entire western country.

In my judgment, in Idaho there is not altogether—and I put a very large estimate on it—7,000,000 acres of agricultural land out of the 55,000,000 acres, and scarcely none of the land in forest reserves can ever be utilized for agriculture.

I assume that the same condition exists in other States, although of course I do not know as to the facts in regard to it. When I say 7,000,000 acres of agricultural land, I mean we can not possibly cultivate that much land in Idaho. There is not sufficient water in south Idaho to cultivate much more land than is already being provided for under our different irrigation projects. So, while 14,000,000 acres in forest reserves seems like a large amount, on the other hand, when you consider that there are 55,000,000 acres in all and only 7,000,000 of the entire number agricultural, it is not a very large amount, and you must bear in mind forest reserves are not only absolutely necessary for a continued and adequate water supply for at least half of these 7,000,000 acres, but they are also necessary for continued prosperity in mining, lumbering, and grazing.

Mr. WARREN. May I interrupt the Senator from Idaho?

Mr. DUBOIS. I yield the floor.

Mr. WARREN. I wish to ask the Senator a question before he yields the floor. I desire to say in this connection that I shall wish to take up this subject some other time. It is too late now.

I want to ask whether the State of Idaho has availed itself to any extent of the privilege which has been exercised by other States of selecting lieu lands in place of sections 16 and 36 in forest reserves?

Mr. DUBOIS. I think not.

Mr. PATTERSON. I ask the Senator from Wyoming whether there is any such authority?

Mr. WARREN. I will say that I think that authority has been exercised in other States.

Mr. PATTERSON. I never heard of it.

Mr. DUBOIS. I wish to keep the record correct. I did not quite understand the question of the Senator from Wyoming. Did he refer to sections 16 and 36 which had been occupied? If those are the ones to which he referred, the State has availed itself of the privilege of selecting lands in lieu of them.

Mr. WARREN. No. I wanted to know whether there had been any selection made or sought to be made in lieu of those lands that had been included in earlier forest reserves, set aside heretofore by proclamation.

Mr. DUBOIS. I think not. Although I believe by a ruling or decision of the Secretary of the Interior a State has a right to make selections in lieu of sections 16 and 36, if such sections are included or put into a forest reserve.

THE MERCHANT MARINE.

Mr. GALLINGER. I ask that the unfinished business be laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business, which will be stated by title.

The SECRETARY. A bill (S. 529) to promote the national defense, to create a force of naval volunteers, to establish American ocean mail lines to foreign markets, to promote commerce, and to provide revenue from tonnage.

Mr. GALLINGER. Mr. President, at 2 o'clock to-day there were three Senators ready to proceed with the discussion of this bill. I was very glad to yield to the Senator from Idaho [Mr. HEYBURN], and the entire day has been consumed in this very interesting discussion.

I simply desire to say that to-morrow I will ask that the consideration of the bill be proceeded with at the hour of 2 o'clock to the exclusion perhaps of more interesting matters that might be urged upon me.

PRINTING OF MAP.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Idaho?

Mr. GALLINGER. I do.

Mr. HEYBURN. I desire to ask unanimous consent that the map, copies of which Senators have, may be printed in the CONGRESSIONAL RECORD. It can be photographed to page size and printed, and I think it is necessary to make plain the subject of to-day's discussion.

The VICE-PRESIDENT. The Senator from Idaho asks permission that the map which he has exhibited in the course of his speech to-day may be printed in the RECORD as a part of his remarks. Is there objection?

Mr. PATTERSON. The Senator can refer to but one map—the black and white map. He can not have the colored map printed. It would not be intelligible. He could not have it printed in green and yellow.

Mr. HEYBURN. There is a small map. I think the Senator saw it.

Mr. PATTERSON. Yes; the black and white map.

Mr. HEYBURN. It is a photograph of that map. It can be photographed to the exact size needed.

Mr. PATTERSON. Do you propose to carry the colors in the photographic map?

Mr. HEYBURN. Yes.

Mr. PATTERSON. You can not have the colors printed in the CONGRESSIONAL RECORD.

Mr. HEYBURN. No. It will be black and white.

Mr. PATTERSON. Then you can not differentiate between forest reserves and the forest reserves that are to be.

Mr. HEYBURN. One of them is indicated by barred lines and the other by solid color.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Idaho? The Chair hears none, and it is granted.

[The map referred to will be found in connection with Mr. HEYBURN'S speech, on page 1679.]

EXECUTIVE SESSION.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 5 o'clock and 47 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 30, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 29, 1906.

CONSUL.

Albert R. Morawetz, of Arizona, now consul at Nogales, to be consul of the United States at Bahia, Brazil, vice Henry W. Furniss, appointed envoy extraordinary and minister plenipotentiary to Haiti.

DISTRICT ATTORNEY.

William H. Atwell to be United States attorney for the northern district of Texas. A reappointment, his term expiring June 18, 1906.

MARSHALS.

Grosvenor A. Porter, of Indian Territory, to be United States marshal for the southern district of Indian Territory, in the place of Benjamin H. Colbert, whose term expired January 20, 1906.

William W. Hanson to be United States marshal for the southern district of Texas. A reappointment, his term expiring June 30, 1906.

Eugene Nolte, of Texas, to be United States marshal for the western district of Texas, in the place of George L. Siebrecht, whose term expires March 3, 1906.

DISTRICT ATTORNEY.

Charles A. Boynton, of Texas, to be United States attorney for the western district of Texas, in the place of Henry Terrell, whose term expires June 18, 1906.

CIRCUIT JUDGE.

William J. Robinson, of Hawaii, to be third judge of the circuit court, first circuit, of the Territory of Hawaii. A reappointment, his term having expired on January 22, 1906.

SURVEYOR-GENERAL.

William S. Graham, of California, to be surveyor-general of California, his term having expired January 9, 1906. (Reappointment.)

ASSAYER.

Calvin E. Vilas, of Washington, to be assayer in charge of the United States assay office at Seattle, Wash., to succeed Frederick A. Wing, resigned.

COLLECTOR OF CUSTOMS.

Frank W. Barnes, of California, to be collector of customs for the district of San Diego, in the State of California, to succeed William W. Bowers, whose term of office will expire by limitation January 30, 1906.

REGISTERS OF LAND OFFICES.

Charles D. Ford, of Colorado, whose term will expire January 31, 1906, to be register of the land office at Denver, Colo. (Reappointment.)

J. C. Herman Engel, of Anoka, Minn., to be register of the land office at Duluth, Minn., vice William E. Culkin, term expired.

PROMOTIONS IN THE ARMY.

Corps of Engineers.

Capt. Charles H. McKinstry, Corps of Engineers, to be major from January 1, 1906, vice Lucas, resigned.

First Lieut. Thomas H. Jackson, Corps of Engineers, to be captain from January 1, 1906, vice McKinstry, promoted.

Second Lieut. William D. A. Anderson, Corps of Engineers, to be first lieutenant from January 1, 1906, vice Jackson, promoted.

Artillery Corps.

Second Lieut. Edward H. De Armond, Artillery Corps, to be first lieutenant from January 24, 1906, vice Fuller, detailed in Signal Corps.

REAPPOINTMENTS IN THE ARMY.

Judge-Advocate-General's Department.

Brig. Gen. George B. Davis, Judge-Advocate-General, to be Judge-Advocate-General with the rank of brigadier-general for the period of four years beginning May 23, 1905, with rank from May 24, 1901, his former appointment as Judge-Advocate-General having expired May 23, 1905.

Ordnance Department.

Brig. Gen. William Crozier, Chief of Ordnance, to be Chief of Ordnance with the rank of brigadier-general for the period of four years beginning November 22, 1905, with rank from November 22, 1901, his former appointment as Chief of Ordnance having expired November 22, 1905.

APPOINTMENTS IN THE NAVY.

Lieut. Henry H. Hough to be a lieutenant-commander in the Navy from the 1st day of January, 1906, to fill a vacancy created in that grade by the act of Congress approved March 3, 1903.

Surg. John M. Steele to be a medical inspector in the Navy from the 16th day of December, 1905, vice Medical Inspector Cumberland G. Herndon, retired.

The following-named citizens to be assistant paymasters in the Navy from the 25th day of January, 1906, to fill vacancies existing in that grade on that date:

Ellsworth H. Van Patten, a citizen of Virginia.
Joseph E. McDonald, a citizen of New York.
Everett G. Morsell, a citizen of the District of Columbia.
Lawrence G. Haughey, a citizen of Indiana.
Thomas P. Ballenger, a citizen of the District of Columbia.
Frank T. Foxwell, a citizen of Maryland.
Richard H. Johnston, a citizen of New York.

POSTMASTERS.

ALABAMA.

William M. McNaron to be postmaster at Albertville, in the county of Marshall and State of Alabama. Office became Presidential January 1, 1906.

ARKANSAS.

James W. Grubbs to be postmaster at Newport, in the county of Jackson and State of Arkansas, in place of William B. Empie. Incumbents commission expired January 16, 1906.

Winfield S. Holt to be postmaster at Little Rock, in the county of Pulaski and State of Arkansas, in place of Winfield S. Holt. Incumbent's commission expired January 15, 1906.

Jacob Shaul to be postmaster at Marianna, in the county of Lee and State of Arkansas, in place of Jacob Shaul. Incumbent's commission expired January 16, 1906.

CALIFORNIA.

Marcus J. Isaacs to be postmaster at Etna Mills, in the county of Siskiyou and State of California, in place of Marcus J. Isaacs. Incumbent's commission expires February 10, 1906.

COLORADO.

Edwin Price to be postmaster at Grand Junction, in the county of Mesa and State of Colorado, in place of Edwin Price. Incumbent's commission expired January 28, 1906.

DELAWARE.

Henry C. Conrad to be postmaster at Wilmington, in the county of Newcastle and State of Delaware, in place of William H. Heald. Incumbent's commission expired January 21, 1906.

Thomas L. Mason to be postmaster at Clayton, in the county of Kent and State of Delaware, in place of Thomas L. Mason. Incumbent's commission expired January 21, 1906.

J. Frank Reybold to be postmaster at Delaware City, in the county of Newcastle and State of Delaware, in place of J. Frank Reybold. Incumbent's commission expired January 21, 1906.

GEORGIA.

Charles R. Jones to be postmaster at Rossville, in the county of Walker and State of Georgia. Office became Presidential January 1, 1906.

ILLINOIS.

Smith D. Atkins to be postmaster at Freeport, in the county of Stephenson and State of Illinois, in place of Smith D. Atkins. Incumbent's commission expired January 13, 1906.

Otto W. Balgeman to be postmaster at Elmhurst, in the county of Dupage and State of Illinois, in place of William Graue. Incumbent's commission expired January 13, 1906.

Emory Gregg to be postmaster at Fairbury, in the county of Livingston and State of Illinois, in place of Emory Gregg. Incumbent's commission expires February 5, 1906.

John W. Hancock to be postmaster at Casey, in the county of Clark and State of Illinois, in place of John W. Hancock. Incumbent's commission expires February 10, 1906.

Richard F. Lawson to be postmaster at Effingham, in the county of Effingham and State of Illinois, in place of Richard F. Lawson. Incumbent's commission expires February 5, 1906.

Thomas S. Reynolds to be postmaster at Harrisburg, in the county of Saline and State of Illinois, in place of Thomas S. Reynolds. Incumbent's commission expired December 18, 1905.

C. A. Simington to be postmaster at Sheffield, in the county of Bureau and State of Illinois, in place of James B. Stetson. Incumbent's commission expired January 28, 1906.

Alice A. Sumner to be postmaster at Pecatonica, in the county of Winnebago and State of Illinois, in place of Irvin S. Sumner, deceased.

INDIANA.

William S. Leffew to be postmaster at Boswell, in the county of Benton and State of Indiana, in place of William S. Leffew. Incumbent's commission expires February 7, 1906.

Marcus R. Sulzer to be postmaster at Madison, in the county of Jefferson and State of Indiana, in place of Michael C. Garbea. Incumbent's commission expired December 12, 1905.

INDIAN TERRITORY.

Elijah E. Norvell to be postmaster at Wynnewood, in District Seventeen, Indian Territory, in place of Nelson H. Norman, deceased.

IOWA.

L. W. Chandler to be postmaster at Fonda, in the county of Pocahontas and State of Iowa, in place of Joseph Mallison. Incumbent's commission expired January 21, 1906.

James Harvey Johnson to be postmaster at Logan, in the county of Harrison and State of Iowa, in place of Frank H. McCabe. Incumbent's commission expired January 28, 1906.

Joe Morton to be postmaster at Sheldon, in the county of O'Brien and State of Iowa, in place of James C. Stewart. Incumbent's commission expired January 21, 1906.

Charles J. Wonser to be postmaster at Tama, in the county of Tama and State of Iowa, in place of Charles J. Wonser. Incumbent's commission expired December 16, 1905.

KANSAS.

Joseph E. Humphrey to be postmaster at Nickerson, in the county of Reno and State of Kansas, in place of Joseph E. Humphrey. Incumbent's commission expired January 21, 1906.

Robert J. Smith to be postmaster at Wellington, in the county of Sumner and State of Kansas, in place of Levi Ferguson. Incumbent's commission expired January 16, 1906.

MAINE.

Walter E. Clark to be postmaster at Waldoboro, in the county of Lincoln and State of Maine, in place of Walter E. Clark. Incumbent's commission expires January 29, 1906.

MASSACHUSETTS.

Peter P. Smith to be postmaster at Adams, in the county of Berkshire and State of Massachusetts, in place of Peter P. Smith. Incumbent's commission expired December 17, 1905.

MICHIGAN.

Erwin Eveleth to be postmaster at Corunna, in the county of Shiawassee and State of Michigan, in place of Erwin Eveleth. Incumbent's commission expired January 20, 1906.

Calvin E. Houk to be postmaster at Ironwood, in the county of Gogebic and State of Michigan, in place of Calvin E. Houk. Incumbent's commission expires February 7, 1906.

George A. Newett to be postmaster at Ishpeming, in the county of Marquette and State of Michigan, in place of Nellie W. Krogman. Incumbent's commission expired January 20, 1906.

Richard M. Sampson, jr., to be postmaster at Norway, in the county of Dickinson and State of Michigan, in place of Richard M. Sampson, jr. Incumbent's commission expires Feburary 7, 1906.

Charles J. Wickstrom to be postmaster at Calumet, in the County of Houghton and State of Michigan, in place of William H. Hosking. Incumbent's commission expires February 7, 1906.

MINNESOTA.

Hamilton H. Judson to be postmaster at Farmington, in the county of Dakota and State of Minnesota, in place of Hamilton H. Judson. Incumbent's commission expires February 10, 1906.

MISSOURI.

Samuel A. Chapell to be postmaster at Monett, in the county of Barry and State of Missouri, in place of Samuel A. Chapell. Incumbent's commission expired January 22, 1906.

Herschel P. Kinsolving to be postmaster at Malden, in the county of Dunklin and State of Missouri, in place of Herschel P. Kinsolving. Incumbent's commission expired January 22, 1906.

Gus A. Page to be postmaster at Grandin, in the county of Carter and State of Missouri, in place of William C. Slagle. Incumbent's commission expired January 22, 1906.

Samuel A. Shelton to be postmaster at Marshfield, in the county of Webster and State of Missouri, in place of William C. Shannon. Incumbent's commission expired January 22, 1906.

W. R. Sweeney to be postmaster at Salisbury, in the county of Chariton and State of Missouri, in place of Francis B. McCurry. Incumbent's commission expired January 22, 1906.

NEBRASKA.

Robert D. Thomson to be postmaster at North Platte, in the county of Lincoln and State of Nebraska, in place of Robert D. Thomson. Incumbent's commission expired January 20, 1906.

NEW HAMPSHIRE.

Herbert P. Thompson to be postmaster at Troy, in the county of Cheshire and State of New Hampshire, in place of Herbert P. Thompson. Incumbent's commission expired January 16, 1906.

NEW JERSEY.

Roger M. Bridgman to be postmaster at Ridgewood, in the county of Bergen and State of New Jersey, in place of Roger M. Bridgman. Incumbent's commission expired January 28, 1906.

Peter C. Brown to be postmaster at Spring Lake Beach, in the county of Monmouth and State of New Jersey, in place of Herbert C. Van Arsdale. Incumbent's commission expired January 21, 1906.

John T. Lovett to be postmaster at Little Silver, in the county of Monmouth and State of New Jersey, in place of John T. Lovett. Incumbent's commission expired January 21, 1906.

NEW YORK.

John J. Mahoney to be postmaster at Willard, in the county of Seneca and State of New York, in place of John J. Mahoney. Incumbent's commission expired January 21, 1906.

Frank C. Wilcox to be postmaster at Painted Post, in the county of Steuben and State of New York, in place of Frank C. Wilcox. Incumbent's commission expires February 10, 1906.

NORTH CAROLINA.

Leroy L. Brinkley to be postmaster at Edenton, in the county of Chowan and State of North Carolina, in place of Leroy L. Brinkley. Incumbent's commission expired January 27, 1906.

OHIO.

J. F. Outcalt to be postmaster at Wauseon, in the county of Fulton and State of Ohio, in place of Walter S. Brigham, deceased.

Edward B. Roemer to be postmaster at Zanesville, in the county of Muskingum and State of Ohio, in place of Fenton Bagley, resigned.

PENNSYLVANIA.

John M. Carson to be postmaster at Homer City, in the county of Indiana and State of Pennsylvania. Office became Presidential January 1, 1906.

Clayton O. Slater to be postmaster at Latrobe, in the county of Westmoreland and State of Pennsylvania, in place of Clayton O. Slater. Incumbent's commission expires February 5, 1906.

George Sowash to be postmaster at Irwin, in the county of Westmoreland and State of Pennsylvania, in place of George Sowash. Incumbent's commission expires January 30, 1906.

Samuel M. Turk to be postmaster at Parkers Landing, in the county of Armstrong and State of Pennsylvania, in place of Samuel M. Turk. Incumbent's commission expires February 7, 1906.

RHODE ISLAND.

Almon K. Goodwin to be postmaster at Pawtucket, in the county of Providence and State of Rhode Island, in place of Almon K. Goodwin. Incumbent's commission expired January 21, 1906.

SOUTH CAROLINA.

James B. Odom to be postmaster at Johnston, in the county of Edgefield and State of South Carolina. Office became Presidential January 1, 1906.

TENNESSEE.

Abe L. Davidson to be postmaster at Tullahoma, in the county of Coffee and State of Tennessee, in place of Abe L. Davidson. Incumbent's commission expired January 13, 1906.

Joseph Marks to be postmaster at Covington, in the county of Tipton and State of Tennessee, in place of Joseph Marks. Incumbent's commission expires February 10, 1906.

TEXAS.

William L. Boyd to be postmaster at Kemp, in the county of Kaufman and State of Texas. Office became Presidential January 1, 1906.

Joshua C. Brown to be postmaster at Madisonville, in the county of Madison and State of Texas. Office became Presidential October 1, 1905.

Mattie Lamon to be postmaster at Burnet, in the county of Burnet and State of Texas, in place of Mattie Lamon. Incumbent's commission expired January 13, 1906.

Robert C. May to be postmaster at Leonard, in the county of Fannin and State of Texas, in place of Robert C. May. Incumbent's commission expires February 17, 1906.

Moritz Riedel to be postmaster at Yorktown, in the county of Dewitt and State of Texas. Office became Presidential October 1, 1905.

J. Mark Westmoreland to be postmaster at Lott, in the county of Falls and State of Texas. Office became Presidential January 1, 1906.

VERMONT.

E. H. Webster to be postmaster at Barton, in the county of Orleans and State of Vermont, in place of E. H. Webster. Incumbent's commission expired January 28, 1906.

VIRGINIA.

Herbert B. Woodfin to be postmaster at National Soldiers' Home, in the county of Elizabeth City and State of Virginia, in place of Herbert B. Woodfin. Incumbent's commission expired January 20, 1906.

WASHINGTON.

William F. Case to be postmaster at Northport, in the county of Stevens and State of Washington, in place of William F. Case. Incumbent's commission expired January 13, 1906.

Oliver Hinman to be postmaster at Ellensburg, in the county of Kittitas and State of Washington, in place of Oliver Hinman. Incumbent's commission expired January 21, 1906.

WEST VIRGINIA.

B. Randolph Bias to be postmaster at Williamson, in the county of Mingo and State of West Virginia, in place of B. Randolph Bias. Incumbent's commission expired January 13, 1906.

William L. Erwin to be postmaster at Harpers Ferry, in the county of Jefferson and State of West Virginia, in place of William L. Erwin. Incumbent's commission expired January 21, 1906.

WISCONSIN.

Emilus S. Goodell to be postmaster at Viroqua, in the county of Vernon and State of Wisconsin, in place of Emilus S. Goodell. Incumbent's commission expired January 21, 1906.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 29, 1906.

ASSISTANT ATTORNEY-GENERAL.

Josiah A. Van Orsdel, of Wyoming, to be Assistant Attorney-General, commencing February 1, 1906.

AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

Lloyd C. Griscom, of Pennsylvania, now envoy extraordinary and minister plenipotentiary to Japan, to be ambassador extraordinary and plenipotentiary of the United States to Brazil.

CONSUL.

Albert H. Michelson, of Massachusetts, to be consul of the United States at Turin, Italy.

DISTRICT ATTORNEY.

Charles A. Goss, of Nebraska, to be United States attorney for the district of Nebraska.

COLLECTORS OF CUSTOMS.

Robert W. Dowe, of Texas, to be collector of customs for the district of Saluria, in the State of Texas.

James J. Haynes, of Texas, to be collector of customs for the district of Corpus Christi, in the State of Texas.

Walter I. Lillie, of Michigan, to be collector of customs for the district of Michigan, in the State of Michigan.

APPOINTMENTS IN PORTO RICO PROVISIONAL REGIMENT OF INFANTRY.

To be second lieutenants with rank from January 17, 1906.

Felix Emmanuelli, of Porto Rico.
Daniel Rodriguez, of Porto Rico.

GOVERNOR-GENERAL OF THE PHILIPPINES.

Henry Clay Ide, of Vermont, to be governor-general of the Philippine Islands, provided for in the act of Congress approved July 1, 1902, entitled "An act temporarily to provide for the administration of affairs of civil government in the Philippines, and for other purposes," as amended by the act of Congress approved February 6, 1905.

VICE-GOVERNOR OF THE PHILIPPINES.

James F. Smith, of California, to be vice-governor of the Philippine Islands, provided for in the act of Congress approved July 1, 1902, entitled "An act temporarily to provide for the administration of affairs of civil government in the Philippines, and for other purposes," as amended by the act of Congress approved February 6, 1905.

PROMOTIONS IN THE ARMY.

Col. Frank Thorp, Artillery Corps, to be placed on the retired list of the Army with the rank of brigadier-general from the date upon which he shall be retired from active service.

Cavalry Arm.

Second Lieut. Daniel D. Gregory, First Cavalry, to be first lieutenant from January 18, 1906.
Second Lieut. Allen C. Keyes, Fourteenth Cavalry, to be first lieutenant from December 5, 1905.
Second Lieut. John A. Pearson, Eleventh Cavalry, to be first lieutenant from December 28, 1905.

Artillery Corps.

Second Lieut. Gordon Robinson, Artillery Corps, to be first lieutenant from January 1, 1906.

PROMOTION IN THE NAVY.

Lieut. Commander Roy C. Smith to be a commander in the Navy from the 22d day of January, 1906.

POSTMASTERS.

ALABAMA.

William T. Hutchens to be postmaster at Huntsville, in the county of Madison and State of Alabama.

CALIFORNIA.

Walter H. Metcalf to be postmaster at Sawtelle, in the county of Los Angeles and State of California.
Thomas H. Selvage to be postmaster at Eureka, in the county of Humboldt and State of California.

CONNECTICUT.

Edwin W. S. Pickett to be postmaster at Fairfield, in the county of Fairfield and State of Connecticut.

FLORIDA.

John McDougall to be postmaster at Tallahassee, in the county of Leon and State of Florida.

IDAHO.

Hugh Cramer to be postmaster at Hailey, in the county of Blaine and State of Idaho.

ILLINOIS.

James R. Smith to be postmaster at Taylorville, in the county of Christian and State of Illinois.

INDIANA.

Sherman L. Keach to be postmaster at Bedford, in the county of Lawrence and State of Indiana.
Martin V. Starr to be postmaster at Goshen, in the county of Elkhart and State of Indiana.
George D. Taylor to be postmaster at Worthington, in the county of Greene and State of Indiana.

MAINE.

Marcellus L. Hussey to be postmaster at Guilford, in the county of Piscataquis and State of Maine.

MARYLAND.

Harry A. Carroll to be postmaster at Havre de Grace, in the county of Harford and State of Maryland.
Asa Hepner to be postmaster at Sykesville, in the county of Carroll and State of Maryland.

MASSACHUSETTS.

Charles L. Hammond to be postmaster at Quincy, in the county of Norfolk and State of Massachusetts.
Edgar J. Whelpley to be postmaster at Salem, in the county of Essex and State of Massachusetts.

MINNESOTA.

Frederick A. McVicar to be postmaster at Grand Rapids, in the county of Itasca and State of Minnesota.

MISSOURI.

Emory H. Brant to be postmaster at Maysville, in the county of Dekalb and State of Missouri.
Arthur W. Brewster to be postmaster at St. Joseph, in the county of Buchanan and State of Missouri.
Thomas Francis to be postmaster at Bevier, in the county of Macon and State of Missouri.
Ezekiel A. Sample to be postmaster at Fredericktown, in the county of Madison and State of Missouri.
William M. Tygart to be postmaster as South St. Joseph, in the county of Buchanan and State of Missouri.
John T. Wagoner to be postmaster at Odessa, in the county of Lafayette and State of Missouri.

NEW JERSEY.

Robinson J. M. Chase to be postmaster at Nutley, in the county of Essex and State of New Jersey.

NEW YORK.

Edward J. Lewis to be postmaster at Saugerties, in the county of Ulster and State of New York.

OHIO.

Plympton S. Lybarger to be postmaster at Shelby, in the county of Richland and State of Ohio.

TENNESSEE.

William Spellings to be postmaster at McKenzie, in the county of Carroll and State of Tennessee.

TEXAS.

D. R. Emerson to be postmaster at Marlin, in the county of Falls and State of Texas.
John J. Stevens to be postmaster at San Antonio, in the county of Bexar and State of Texas.

WISCONSIN.

E. Darwin Sperry to be postmaster at Phillips, in the county of Price and State of Wisconsin.
William B. Tscharner to be postmaster at La Crosse, in the county of La Crosse and State of Wisconsin.

WYOMING.

Joseph Iredale to be postmaster at Rock Springs, in the county of Sweetwater and State of Wyoming.

HOUSE OF REPRESENTATIVES.

MONDAY, *January 29, 1906.*

The House met at 12 o'clock m.
Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.
The Journal of the proceedings of Saturday, January 27, 1906, was read and approved.

REPRESENTATIVE MICHALEK.

Mr. YOUNG. Mr. Speaker, I present the following privileged resolution and report from the Committee on Elections No. 1, which I send to the desk and ask to have read.

The Clerk read the report, as follows:

The Committee on Elections No. 1, to whom was referred the protest of citizens of the Fifth Congressional district of Illinois, against the right of Hon. ANTHONY MICHALEK, elected as a Member of the House of Representatives from that district to the Fifty-ninth Congress, to a seat in the House, on the ground that he was not at the time he was elected a citizen of the United States, beg leave to report and recommend the passage of the following resolution:

"Whereas there is now pending before the House of Representatives a protest alleging that the Hon. ANTHONY MICHALEK was not at the time of his election as a Member of this House, and is not now, a citizen of the United States and therefore is disqualified to be or remain a Member of this House, which protest has been referred to the Committee on Elections No. 1, for investigation: Therefore

"*Resolved by the House of Representatives*, That said committee be empowered to take such testimony as it deems necessary to a determination of said matter, either before said committee or before a subcommittee thereof or a member of said Committee on Elections No. 1 appointed therefor or any other person selected by said committee for such purpose, and that the time, place, and manner of taking, certifying, and returning said testimony be determined by said committee and that the expenses incurred in taking said testimony be paid from the contingent fund of the House upon the order of said Committee on Elections No. 1."

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and the resolution was agreed to.

On motion of Mr. YOUNG, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS RED RIVER, LOUISIANA.

Mr. WATKINS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 12314) to amend an act approved February 3, 1905, authorizing the construction of

a bridge across Red River at Shreveport, La., which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That an act of Congress approved February 3, 1905, entitled "An act to authorize the construction of a bridge across Red River at Shreveport, La.," be, and is hereby, revived and reenacted.

SEC. 2. That section 5 of said act is hereby amended to read as follows:

"SEC. 5. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from February 3, 1906."

With the following amendments:

In line 3 strike out the word "an" and insert in lieu thereof the words "section 5 of the."

In line 6 strike out the words "revived and reenacted."

In line 7 strike out the words "SEC. 2. That section 5 of said act is hereby."

The SPEAKER. Is there objection?

Mr. SHEPPARD. Mr. Speaker, I understand that this bill in no way interferes with navigation.

Mr. WATKINS. No, Mr. Speaker; and the objection urged on Saturday, when this bill was brought up by me, by the gentleman from Texas [Mr. RANDELL] has been withdrawn, and formal notice of that withdrawal has been given.

The SPEAKER. The Chair hears no objection. The question is on agreeing to the amendments.

The question was taken; and the amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. WATKINS, a motion to reconsider the last vote was laid on the table.

WILLIAM A. HILDRETH.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent for the present consideration of the following request, which I send to the desk and ask to have read.

The Clerk read as follows:

On Saturday last I presented a resolution relative to a bill (H. R. 1330) granting an increase of pension to William A. Hildreth. The beneficiary in this case is dead, and the bill, as I understood it, had been signed by the Speaker of the House and the Vice-President. I now understand that the bill has not been signed, and I ask unanimous consent that the vote on the resolution offered by me on Saturday last be rescinded.

The SPEAKER. Without objection, the request will be granted.

There was no objection.

BRIDGE ACROSS WATER BETWEEN END OF CEDAR POINT AND DAUPHIN ISLAND.

Mr. TAYLOR of Alabama. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1747) to authorize the Mobile Railway and Dock Company to construct and maintain a bridge or viaduct across the water between the end of Cedar Point and Dauphin Island, which I send to the desk and ask to have read.

The Clerk read the bill at length, with the following amendment:

On page 3, in line 23, strike out the words "and change" and insert in lieu thereof the words "or remove."

The SPEAKER. Is there objection?

Mr. SULZER. Mr. Speaker, I wish to ask the gentleman from Alabama if this bill has been approved by the War Department?

Mr. TAYLOR of Alabama. Mr. Speaker, it has been approved by the War Department, passed in the Senate, referred to and considered by the committee in the House, and approved by the committee, and again approved by the War Department, unanimously.

Mr. SULZER. I guess it is all right.

The SPEAKER. The Chair hears no objection. The question is on the amendment.

The question was taken; and the amendment was agreed to.

The SPEAKER. The question now is on the third reading of the bill as amended.

The bill was ordered to be read a third time; and it was read the third time, and passed.

On motion of Mr. TAYLOR of Alabama, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages, in writing, from the President of the United States were communicated to the House of Representatives by Mr. BARNES, one of his secretaries.

BRIDGE ACROSS MISSOURI RIVER AT YANKTON, S. DAK.

Mr. BURKE of South Dakota. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 312.

The SPEAKER. The gentleman from South Dakota asks unanimous consent for the present consideration of the bill the title of which the Clerk will report.

The Clerk read as follows:

An act (S. 312) to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read the bill.

The bill was read, as follows:

Be it enacted, etc., That section 6 of the act approved March 9, 1904, authorizing the Yankton, Norfolk and Southern Railway Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak., as amended by the act approved January 27, 1905, be, and is hereby, amended by extending the time for commencing the construction of said bridge to March 9, 1907, and by extending the time for completing said bridge to March 9, 1909.

Mr. SULZER. Mr. Speaker, I wish to ask the gentleman if this bill has been approved by the War Department?

Mr. BURKE of South Dakota. It has, and it only provides for the extension of time within which to commence the building of the bridge.

Mr. SULZER. Then I have no objection.

The bill was ordered to be read a third time; and it was read the third time, and passed.

On motion of Mr. BURKE of South Dakota, a motion to reconsider the last vote was laid on the table.

AUTHORIZING WINNEPEG, YANKTON AND GULF RAILROAD TO CONSTRUCT BRIDGE ACROSS MISSOURI RIVER NEAR YANKTON, S. DAK.

Mr. BURKE of South Dakota. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 979.

The SPEAKER. The gentleman from South Dakota asks unanimous consent for the present consideration of the bill the title of which the Clerk will report.

The Clerk read as follows:

An act (S. 979) to amend an act entitled "An act to authorize the Winnipeg, Yankton and Gulf Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read the bill.

The bill was read at length.

The bill was ordered to be read the third time; and it was read the third time, and passed.

On motion of Mr. BURKE of South Dakota, a motion to reconsider the last vote was laid on the table.

INFORMATION FROM INTERSTATE COMMERCE COMMISSION IN REGARD TO FREIGHT RATES.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Texas asks unanimous consent for the present consideration of a resolution which the Clerk will report.

The Clerk read as follows:

House resolution No. 131.

Whereas the Cattle Raisers' Association of Texas in 1905, in their annual convention at Fort Worth, Tex., declared that the railroad companies carrying their live stock to the Kansas City, St. Louis, Chicago, and other markets had recently increased their freight rates to exorbitant figures, and that these advances amount to more than $1,000,000 per year to the live-stock industries of the State, over and above what the rates were and had been for a considerable period of time previous to the advances made, and the higher rates charged are for a poorer service than were the lower rates; and

Whereas said cattle raisers in said association further charged that the said live-stock rates are in excess by from 20 to 30 per cent of the live-stock rates charged to and from similarly situated territory in the Northwest for similar service under similar conditions, and that in that particular there is an unjust discrimination against the live-stock business in this State: Therefore, be it

Resolved, That the Interstate Commerce Commission be, and it is hereby, directed to transmit to this House for its guidance the following information, if not inconsistent with the public interests, namely:

First. What increases, if any, in railroad freight rates on live stock shipped to market from Texas have been made in the year 1905 over previous years, and what railroads, if any, have made such increased rates.

Second. What increases in freight rates, if any, have been made in said year over prior years on other important commodities shipped to or from the State of Texas.

Third. Whether the freight rates now charged on live stock shipped to market from Texas are in excess of live-stock rates charged to and from similarly situated and distant territory in the Northwest, for similar service, under similar conditions; and if there now is existing any unjust discrimination in freight rates against live-stock business of the State of Texas; and if so, to what extent the State of Texas is discriminated against in the shipment of live stock.

Fourth. Whether the State of Texas is discriminated against in the shipment of any commodities other than live stock, under the conditions mentioned in the above interrogatory No. 3; and if so, to what extent it is so discriminated against.

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, reserving the right to object, I

would like to ask if this resolution was reported by any committee?

Mr. STEPHENS of Texas. It was submitted to the Interstate and Foreign Commerce Committee and ordered to be printed on January 8, 1906. I will state to the gentleman when I drafted the resolution I supposed it would be a privileged resolution, simply asking for information, but it seems that in the Speaker's opinion it is not a privileged resolution, inasmuch as it was directed to the Interstate Commerce Commission, which is not the head of a Department. I hope, however, the gentleman from New York will have no objection to it, because the information is now in the possession of the Interstate Commerce Commission.

Mr. PAYNE. I will state to the gentleman I have not any objection to the general object of the inquiry, but it seems to me that the resolution and the whereases in the preamble are very elaborate and call for a very extensive inquiry, and would be quite extensive, and if the resolution went to the committee they might report an amendment which might go more directly to the point desired by the gentleman.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to state to the gentleman that there are only four questions asked in these resolutions. The first is as to whether freight rates have been increased on the shipment of live stock from Texas to points on the Missouri River and Chicago. The second is whether recent increases of freight rates have been made in other commodities shipped to or from Texas over the same lines of railroads. The third is as to whether or not the same rate of freight is charged for the same distance of miles from Texas to those markets as are charged to freights coming from the Northwest and other points outside of Texas. There is no complication about this resolution. I will state to the gentleman from New York [Mr. PAYNE] that in the Interstate Commerce Committee's report, made to Congress of date December 14, 1905, that this question of Texas freight rates is dealt with, and this is the way it is submitted by that committee: On page 18 of that report I find the following under the heading of "Hearings and investigations," viz:

Seventy-nine hearings and investigations of alleged violations of the act to regulate commerce have been had at general sessions of the committee in its office in Washington, D. C., and at special sessions held in Chicago, etc.

Among these seventy-nine I find these:

Advance in rates on live stock to points in Texas, New Mexico, Oklahoma, Colorado, and Kansas to Kansas City, St. Joseph, South Omaha, St. Louis, Chicago, Fort Worth, New Orleans, Denver, and Pueblo. Terminal charge on live stock at Union Stock Yards, Chicago, Ill.

Mr. Speaker, the Commission investigated these charges, or alleged violations, and made the following decision thereon:

THE CATTLE-RATE CASE.

A case relating to the reasonableness of rates and involving very large interests is that of the Cattle Raisers' Association of Texas *v.* The Missouri, Kansas and Texas Railway Company et al. (11 I. C. C. Rep., 296), in which the Cattle Raisers' Association of Texas appeared as complainant. Its members are engaged in live-stock operations in nearly every State and Territory west of the Missouri River except the Pacific Coast States. Practically all the railroad companies engaged in interstate transportation of live stock in which the members of the complainant association operate were made defendants.

The rates charged for such transportation of live stock were complained of as unjust and unreasonable. The case relates particularly to advances in rates on cattle from points north of the Texas quarantine line to northern ranges in Colorado, western Nebraska, Wyoming, Montana, North and South Dakota, and also to advances in rates from points in Texas, Colorado, Wyoming, Arizona, Nebraska, Kansas, Indian Territory, and New Mexico to Chicago, St. Louis, and Kansas City. In the decision the advances in rates are shown in detail, commencing early in the year 1899, and to the various points mentioned some reductions are stated.

The Commission considered the cost to the carriers at originating and delivering points, cost and maintenance of equipment, expense of unloading and reloading in transit incident to feeding, watering, and resting the stock, character of the movement, number of cars in trains, the average loading, volume, and desirability of the traffic, the return of empty cars, the liability to damage, the cost of carriage, the increased cost of producing live stock, decreased selling price, method of making the advanced rates, disappearance of competition, cost of railroad labor and supplies, improved methods of operation and increased general traffic, mileage, revenue per car and per train, and other pertinent circumstances and conditions which need not be described.

The conclusion of the Commission was that the advances in live-stock rates made by the defendants dur'ng the year 1903 were unjust and unreasonable, and that to the extent of such advances the present rates are unjust and unreasonable.

A further ruling in this case was that the present terminal charge for the delivery of live stock at the Union Stock Yards in Chicago, amounting to $2 per car, is unjust and unreasonable, and that the reasonable charge would be $1 per car for such terminal services. This point was also involved as a main issue in another proceeding, a statement of which immediately follows.

THE CHICAGO LIVE-STOCK TERMINAL-CHARGE CASE.

This case is entitled "Cattle Raisers' Association of Texas, complainant, and Chicago Live Stock Exchange, intervener, *v.* The Chicago, Burlington and Quincy Railway Company et al." (11 I. C. C. Rep., 277.) The decision last rendered by the Commission in this proceeding is the fourth the Commission has had occasion to make in the case. On June 1, 1894, the railways entering the city of Chicago imposed a charge of $2 per car for the delivery of live stock at the Union Stock Yards. Before that no charge was made for such delivery. On September 1, 1896, the Cattle Raisers' Association complained to the Commission, alleging the unlawfulness of this terminal charge, and on March 10, 1897, the Chicago Live Stock Exchange intervened in support of the complaint. Under the complaint and intervening petition this terminal charge as applied to all live-stock shipments delivered at the Union Stock Yards by the defendants was challenged.

After investigation the Commission decided that the charge was unreasonable to the amount of $1 per car, and stated that an order would be made requiring the carriers to cease and desist from continuing to impose the charge of $2. Subsequently the carriers filed a motion for rehearing, which, after further argument, was denied in a separate report and opinion. Thereupon an order was made pursuant to the original opinion, the question of reparation being reserved for future consideration. The defendants having refused to obey the order, legal proceedings were instituted for its enforcement, which finally resulted in the affirmance by the Supreme Court of the United States of the decree of the circuit court dismissing the petition of the Commission, but with a qualification.

The Supreme Court held that the Commission was right in its conclusion that the expense of delivery had been previously included in the through rate, and that the defendants were not justified in imposing the additional charge of $2 when the expense to them had only been increased by $1, and therefore the entire rate which the shipper was compelled to pay was $1 too high; but inasmuch as the rates from certain territory had been reduced by an amount much greater than the addition made by the terminal charge, the court was of the opinion that the rate was still favorable to the shipper, and since the report of the Commission left it doubtful whether this reduction from that particular territory, which amounted to 5 cents, applied to all the territory in question, or, if it applied to a part only, did not definitely define that part, the court could not enforce the order of the Commission as made, but was compelled to affirm the decree of the circuit court declining to enforce the order. The Supreme Court stated, however, in concluding its opinion that its decision and consequent decree were to be without prejudice to the right of the Commission to subsequently proceed with respect to any territory to which the reductions did not apply.

In February, 1903, the Cattle Raisers' Association of Texas and the Chicago Live Stock Exchange filed a petition asking permission to proceed with the matter of reparation, and also to reopen the case, with a view to defining the territory to which the reduction of 5 cents did not apply and making an order in respect to that territory. This petition was granted, and the defendants were notified to file such answers in the premises as they might desire. The defendants, instead of answering, filed a motion to vacate the order of the Commission to proceed with the matter of reparation and to reopen the case. Thereupon the Commission rendered another decision, and held that the matter of reparation was not connected with nor controlled by the order to cease and desist, and that in its original decision the Commission had expressly reserved the subject of reparation for further consideration; and that while a decision upon the order to desist might be of such a character as to necessarily control the awarding of reparation, it was in no sense an adjudication of that subject. It was therefore held that the Commission might properly proceed with that branch of the case.

The Commission also held, with respect to the order to cease and desist, that all territory over which the reduction of 1896 applied to the original case was ended and no further steps could be had, but that it was still open to the Commission to inquire what that territory was and to proceed with respect to territory not embraced in those limits to correct the unreasonable rates produced by the exaction of this $2 charge.

The decision last rendered in this case shows that the matter of reparation was further held in abeyance, and that the only branch of the case for determination was that relating to an order for the future. This involved two questions of fact: First. To what territory did the reduction of 5 cents in October, 1896, apply? Second. As to the remaining territory had the rates to Chicago become so low that the addition of the $2 terminal charge was not unjust and unreasonable? Some other matters were also considered by the Commission. The general findings and rulings of the Commission in this case are briefly stated as follows:

A railroad company may maintain its live-stock depot at a particular point, although it neither builds nor repairs nor insures the stock pens into which the stock is unloaded and does not hire or control the men who do the unloading; and whether the Union Stock Yards, at Chicago, have been, in railroad phraseology or in legal definition, the depot of defendants is immaterial, for they were and still are, in fact, the point to which the stock is transported and unloaded under the shipping contract of defendants.

Excluding the territory covered by the reduction of 1896, which is described in the findings of the Commission, live-stock rates to Chicago, participated in by by the defendant carriers, were, on May 31, 1894, reasonable compensation for the service performed, including delivery at the Union Stock Yards, in Chicago. At all times since that date such rates have been and now are sufficiently high to include a delivery at the stock yards as such delivery was made prior to June 1, 1894. While since that time there have been advances and reductions, they have been about equal, averaging probably less than 1 cent per 100 pounds, and the great majority of rates remain the same as they were on May 31, 1894. These scattered reductions, as well as the advances, applied variously, some on cattle, some on sheep, and others on hogs.

No change in the rate has been made to offset the addition of the terminal charge in Chicago of $2 per car or with any reference to such charge. The imposition of any such terminal charge, except in so far as the cost in Chicago of delivery has been increased by the trackage charge paid by defendants to the stock-yards company, since June 1, 1894, is unreasonable. Such increased cost of delivery—that is to say, such trackage charge—is fairly estimated for all the defendants at $1 per car. Thereupon the Commission held, first, that delivery to the Union Stock Yards prior to June 1, 1894, was included in the rate and was in no sense a gratuity; second, that outside of the excluded territory the terminal charge for delivery to the stock yards in Chicago of $1 per car is reasonable, and that defendants' terminal charge of $2 per car, exacted since June 1, 1894, is unreasonable.

As before stated, the case was retained for further proceedings in the matter of reparation.

Mr. Speaker, the questions asked by my resolution are designed to secure information (now in the possession of the Interstate Commerce Commission) that will, in my judgment, show

conclusively that the State of Texas has been unjustly discriminated against not only in live-stock rates, but in all classes of freight. This matter is of so great importance to my State that the last legislature passed the following resolution, viz:

[From General Laws of Texas, 1905.]

INTERSTATE COMMERCE COMMISSION—RELATIVE TO CONGRESS GRANTING IT MORE POWER.

House concurrent resolution No. 9.

Whereas Texas is a long distance from the manufacturing and market centers of the United States, and the high interstate rates now being charged to Texas common points make an amendment of the interstate-commerce law, increasing the powers of the Interstate Commerce Commission, so as to enable said Commission to ascertain and enforce reasonable freight rates, one of deep concern to our people: Therefore, be it

Resolved by the house of representatives (the senate concurring), That we indorse the action of our Members of Congress in voting for a bill to increase the powers of the Interstate Commerce Commission, and we invoke the assistance of our Senators in securing the passage of such needed legislation through the Senate of the United States. We also commend the splendid presentation of the necessity for granting more power to the Interstate Commerce Commission made by a distinguished citizen of Texas, the Hon. Sam Cowan, of Fort Worth. And we express our gratification and approval of the firm and courageous course of the President of the United States in respect to this most important question.

Approved February 21, 1905.

I think this information, now being in their possession, should be sent to Congress for its information and guidance, inasmuch as we are to take up, I understand, this freight-rate question in a very few days.

Mr. PAYNE. Mr. Speaker, I would like to ask the chairman of the Committee on Interstate and Foreign Commerce if it has been considered by his committee?

Mr. HEPBURN. It has not been considered by the committee.

Mr. PAYNE. Does not the gentleman think it ought to be?

Mr. HEPBURN. I think it would be better to have it considered by that committee.

Mr. PAYNE. I think, Mr. Speaker, it had better go there and give that committee opportunity to consider it.

Mr. STEPHENS of Texas. Mr. Speaker, a parliamentary inquiry. I submit the question as to whether or not this is a privileged resolution under the rules. I therefore move to discharge the committee and consider it in the House.

The SPEAKER. The Chair thinks that it does not come within the class of resolutions which are privileged, as this does not call upon the head of a Department. And there are precedents which show that this resolution is not privileged, and it seems to the Chair that under the rule it is not.

Mr. STEPHENS of Texas. Then, Mr. Speaker, do I understand the Chair to hold that no resolution of inquiry can be directed to anyone except it be to the head of a Department himself, or to the President?

The SPEAKER. "Resolutions of inquiry," the Chair will read from the Digest, "addressed to the heads of Executive Departments only are privileged, and then not until reported or one week from presentation."

Mr. STEPHENS of Texas. Then, I would ask the Speaker if this Interstate Commerce Commission is not the head of a Department?

The SPEAKER. The precedent is based upon a resolution where the call was upon the head of the Smithsonian Institution. It seems to the Chair that it is on all fours with the present case, and that the rule is explicit in itself that it applies to the head of an Executive Department.

Mr. STEPHENS of Texas. I understand the difference to be this, Mr. Speaker, that this Interstate Commerce Commission has control of freight rates.

The SPEAKER. And still it is not an Executive Department.

Mr. STEPHENS of Texas. It is semijudicial, is it not?

The SPEAKER. Well, it would be quite competent for the House to adopt a rule that would make the resolution privileged, but it has not done so, in the opinion of the Chair.

Mr. STEPHENS of Texas. Does it not belong to any Executive Department then?

The SPEAKER. It is similar to the resolution calling upon the head of the Smithsonian Institution for information, in that respect.

Mr. STEPHENS of Texas. Then can no inquiry be directed to the Smithsonian Institution?

The SPEAKER. Undoubtedly; but the gentleman and the Chair are engaged in a conversation as to the meaning of the rule, as to whether a resolution could be framed, directed to the Interstate Commerce Commission, that would be privileged under the rule. The House has power to inquire about anything.

Mr. STEPHENS of Texas. Then, Mr. Speaker, I hope the gentleman from New York [Mr. PAYNE] will withdraw his objection and let this be considered.

Mr. PAYNE. I think the Committee on Interstate and Foreign Commerce had better consider the question. If reported here by them, I would not have any objection.

The SPEAKER. Objection is heard.

INTERSTATE COMMERCE.

Mr. GILLESPIE. Mr. Speaker, I desire to present a privileged resolution.

The SPEAKER. The gentleman from Texas [Mr. GILLESPIE] presents a privileged resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That the President of the United States be, and he is hereby, requested to report to the House of Representatives, for its information, all the facts within the knowledge of the Interstate Commerce Commission which shows or tends to show that there exists at this time, or heretofore within the last twelve months has existed, a combination or arrangement between the Pennsylvania Railroad Company, the Pennsylvania Company, the Norfolk and Western Railway Company, the Baltimore and Ohio Railroad Company, the Philadelphia, Baltimore and Washington Railroad Company, the Northern Central Railway Company, and the Chesapeake and Ohio Railway Company, or any two or more of said railroad companies, in violation of the act passed July 2, 1890, and entitled "An act to protect trade and commerce against unlawful restraints and monopolies," or acts amendatory thereof.

Mr. PAYNE. Mr. Speaker, I would like to reserve the right to object and to inquire whether this resolution has been reported.

The SPEAKER. This resolution was introduced January 18, referred to the Committee on Interstate and Foreign Commerce, and ordered to be printed. The gentleman now, as a matter of privilege under the rules, moves to discharge the committee from further consideration of the resolution?

Mr. GILLESPIE. Yes, sir.

Mr. PAYNE. I think, Mr. Speaker, that the resolution is privileged under that statement, and I would suggest to the gentleman to insert the usual words requesting information from the President. After the word "requested" insert "if not incompatible with the public interest."

Mr. GILLESPIE. I will accept that amendment to the resolution.

The SPEAKER. The resolution is not yet before the House. The motion is to discharge the committee. If that is done, the resolution will be subject to amendment.

The question was taken; and the committee was discharged from further consideration of the resolution.

The SPEAKER. Now the amendment of the gentleman from New York.

Mr. GILLESPIE. I accept the amendment.

The Clerk read as follows:

In line 2, after the word "requested," insert the words "if not incompatible with the public interest."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The resolution as amended was agreed to.

Mr. DALZELL. Mr. Speaker, just a word. Does the gentleman think this resolution in proper form, to request the President to send this information? Ought it not to be addressed to the Department from which the information is desired?

Mr. GILLESPIE. As I understand, that is not an Executive Department, and the President can get that information through the Interstate Commerce Commission as the head of all Departments of the Government.

Mr. DALZELL. I am asking for information.

Mr. GILLESPIE. That is the distinct idea upon which the resolution is framed.

Mr. DALZELL. Is that right?

Mr. SMITH of Kentucky. I desire to state that under the act creating the Department of Commerce and Labor the President can make public such information as he approves. The President shall in his discretion make public any information received from that Department as he may deem proper.

Mr. MANN. The gentleman is in error about that. That is a provision with reference to investigations by the Bureau of Corporations in the Department of Commerce and Labor.

Mr. SMITH of Kentucky. Oh, yes.

Mr. CLAYTON. The President gets this information from the Interstate Commerce Commission and gives the House the benefit of it.

Mr. DALZELL. Why should not this information be got through the Commission?

Mr. BURLESON. Because it is not one of the Departments.

Mr. DALZELL. Mr. Speaker, if this resolution requiring information from the Interstate Commerce Commission primarily would not be privileged, then it can not be made privileged by addressing it to the President of the United States.

The SPEAKER. The Chair would state that the resolution has been agreed to, and still the gentleman can move to reconsider, and the Chair regards all that is now being said as by unanimous consent. Rule XXII is as follows:

All resolutions of inquiry addressed to the heads of Executive Departments shall be reported to the House within one week after presentation.

Mr. DALZELL. Now, Mr. Speaker, the President is not the head of a Department within the meaning of that rule. But, in the second place, if that information ought to be had by reason of an inquiry addressed to the Interstate Commerce Commission, and it is sought to evade the rule because that is not an Executive Department, then this resolution can not be made privileged by addressing it to the President of the United States.

The SPEAKER. The Chair does not know that he ought to rule on a subject not before the House, but if before the House the Chair would be prepared to rule; and perhaps by unanimous consent the Chair may be indulged in an informal expression of opinion, which he might not possibly be bound by, as to whether the President is the head of the Executive Departments. Now, it seems to the Chair, under a fair construction of this rule, that the President is the head not only of one, but all the Executive Departments. The Chair only intimates what he would hold as at present advised if the question were before the House.

Mr. HEPBURN. That resolution and the preceding one were referred to the Committee on Interstate and Foreign Commerce.

Mr. MANN. I ask for order, Mr. Speaker.

Mr. HEPBURN. Neither of these resolutions have been considered by the committee. It has been engaged upon public matters, I might say, perhaps, of superior importance, and the chairman of that committee did not regard the matter as important—that is, in the sense of hurried action on the question. I do not think that Rule XXII can anywhere be invoked in relation to that. One calls for information from the President of the United States, the other for information from the Interstate Commerce Commission. Rule XXII makes special certain resolutions, under certain circumstances, that call for information from the head of a Department. The chairman of that committee did not consider that these two resolutions, or either of them, were affected by that rule. I say that in justification of the nonaction of that committee.

Mr. MANN. Mr. Speaker, I ask that that resolution may be reported again.

The SPEAKER. All this proceeds by unanimous consent, and without objection, the resolution will be again reported.

The Clerk read the resolution.

Mr. GILLESPIE. I call for the regular order, Mr. Speaker.

Mr. OLMSTED. If I may be permitted a moment to call attention to an act of Congress defining what is an Executive Department and what is the head of an Executive Department——

Mr. GILLESPIE. Regular order, Mr. Speaker.

Mr. DALZELL. I move to reconsider the vote by which the resolution was agreed to.

Mr. CLARK of Missouri. Mr. Speaker, I should like to inquire if the gentleman from Pennsylvania voted on the right side so that under the rule he is entitled to make that motion.

The SPEAKER. There was no record of the vote.

Mr. MANN. Mr. Speaker, as I understand, the resolution has not been agreed to.

The SPEAKER. The Chair is under the impression that it was agreed to.

Mr. MANN. The Speaker put the question as to whether the committee should be discharged, and said that the resolution would then be before the House for amendment.

The SPEAKER. The Chair will have the notes of the Official Reporter in a moment.

Mr. GILLESPIE. The resolution has been agreed to, Mr. Speaker.

The SPEAKER. The Chair is under that impression. The Chair has sent for the reporter's notes of what was done and will have them in a moment.

Mr. MANN. Mr. Speaker, there seems to be a very unanimous expression of opinion in this part of the House that what the Speaker did was to submit the amendment, and the amendment was agreed to, and then the gentleman from Pennsylvania [Mr. DALZELL] addressed the Speaker as to whether it was a privileged resolution or not.

The SPEAKER. One moment and we will have the reporter's notes and there will be no doubt whatever about it.

Mr. GILLESPIE. I have no desire to cut off discussion as to the merits of the resolution if, by unanimous consent, the House wishes to indulge in such a discussion. I do not wish to do so.

The SPEAKER. The Chair thinks it well to find out "where we are at."

Mr. DALZELL. I want to say that the motion I now make is wholly irrespective of the merits. I think it is a very important principle as to whether you can make resolutions privileged which are not otherwise privileged by addressing them to the President of the United States.

The SPEAKER. The Chair is correct. The resolution has been agreed to. The notes of the Official Reporter show that to be the fact.

Mr. DALZELL. Then I move to reconsider.

The SPEAKER. The gentleman from Pennsylvania moves to reconsider the vote.

Mr. GILLESPIE. I move to lay that motion on the table.

The SPEAKER. The gentleman from Pennsylvania moves to reconsider the vote by which the resolution was agreed to, and the gentleman from Texas [Mr. GILLESPIE] moves to lay that motion on the table.

The question being taken, the Speaker announced that the ayes appeared to have it.

Mr. DALZELL. Division!

The House divided; and there were—ayes 76, noes 98.

Mr. GILLESPIE. The yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The Clerk began to call the roll.

Mr. GROSVENOR. Mr. Speaker, none of us knows what this vote is.

The SPEAKER. The Chair will, by unanimous consent, state that the resolution was agreed to and the gentleman from Pennsylvania [Mr. DALZELL] moved to reconsider, and the gentleman from Texas [Mr. GILLESPIE] moved to lay that motion upon the table. Upon that motion the yeas and nays have been ordered, and the House is now voting.

Mr. GROSVENOR. Mr. Speaker, I would suggest that there are very few Members who are acquainted with the resolution.

Mr. GILLESPIE. Regular order!

The SPEAKER. That is the misfortune of gentlemen. The regular order is demanded. The resolution is at the desk.

The question was taken; and there were—yeas 123, nays 92, answered "present" 7, not voting 163, as follows:

YEAS—123.

Bankhead	Floyd	Lawrence	Sherley
Bell, Ga.	Fuller	Lee	Sims
Bennett, Ky.	Garner	Lever	Slayden
Bishop	Garrett	Lewis	Smith, Ill.
Bowers	Gill	Lloyd	Smith, Iowa
Bowie	Gillespie	McNary	Smith, Ky.
Brantley	Graff	Macon	Smith, Tex.
Broocks, Tex.	Gregg	Mann	Smyser
Brownlow	Griggs	Miller	Southard
Brundidge	Grosvenor	Moon, Tenn.	Sparkman
Burgess	Gudger	Moore	Spight
Burleson	Hamilton	Mouser	Stanley
Burnett	Heflin	Mudd	Stephens, Tex.
Campbell, Ohio	Henry, Tex.	Murphy	Sulzer
Candler	Hepburn	Norris	Talbott
Chapman	Hinshaw	Otjen	Tawney
Clark, Mo.	Hogg	Padgett	Taylor, Ala.
Clayton	Holliday	Page	Taylor, Ohio
Cockran	Hopkins	Randell, Tex.	Thomas, N. C.
Cole	Howard	Ransdell, La.	Towne
Cooper, Pa.	Hunt	Reeder	Trimble
Cooper, Wis.	James	Richardson, Ala.	Underwood
Darragh	Johnson	Richardson, Ky.	Wallace
Davis, Minn.	Jones, Va.	Rixey	Watkins
Davis, W. Va.	Keliher	Robertson, La.	Webb
De Armond	Kinkaid	Robinson, Ark.	Weisse
Dixon, Ind.	Kitchin, Claude	Rucker	Welborn
Edwards	Kitchin, Wm. W.	Russell	Wiley, Ala.
Ellerbe	Lamb	Ryan	Williams
Field	Landis, Chas. B	Shackleford	Wood, Mo.
Fitzgerald	Landis, Frederick	Sheppard	

NAYS—92.

Allen, Me.	Deemer	Hull	Parsons
Barchfeld	Denby	Humphrey, Wash.	Payne
Bates	Dovener	Jenkins	Perkins
Birdsall	Draper	Jones, Wash.	Powers
Bonynge	Driscoll	Keifer	Rives
Boutell	Dwight	Klepper	Roberts
Brick	Ellis	Knowland	Samuel
Brown	Esch	Lacey	Slemp
Buckman	Fassett	Lafean	Smith, Cal.
Burke, S. Dak.	Flack	Lilley, Pa.	Smith, Pa.
Burleigh	Fletcher	Littlefield	Southwick
Burton, Del.	Foster, Ind.	Loud	Sterling
Butler, Pa.	French	Loudenslager	Stevens, Minn.
Calderhead	Fulkerson	Lovering	Sulloway
Capron	Gillett, Mass.	McCall	Thomas, Ohio
Cassel	Gronna	McKinley, Ill.	Tirrell
Chaney	Hale	Mahon	Tyndall
Currier	Haskins	Marshall	Volstead
Cushman	Hayes	Needham	Wachter
Dale	Henry, Conn.	Nevin	Wadsworth
Dalzell	Hill, Conn.	Olcott	Watson
Davidson	Hubbard	Palmer	Wiley, N. J.
Dawson	Huff	Parker	Young

ANSWERED "PRESENT"—7.

Bartlett	Gaines, Tenn.	Morrel	Reid
Crumpacker	Gilbert, Ky.	Olmsted	

NOT VOTING—163.

Acheson	Finley	Knopf	Pujo
Adams, Pa.	Flood	Lamar	Rainey
Adams, Wis.	Fordney	Law	Reynolds
Adamson	Foss	Le Fevre	Rhinock
Aiken	Foster, Vt.	Legare	Rhodes
Alexander	Fowler	Lester	Rodenberg
Allen, N. J.	Gaines, W. Va.	Lilley, Conn.	Ruppert
Ames	Garber	Lindsay	Schneebeli
Andrus	Gardner, Mass.	Littauer	Scott
Babcock	Gardner, Mich.	Little	Scroggy
Bannon	Gardner, N. J.	Livingston	Shartel
Bartholdt	Gillett, Cal.	Longworth	Sherman
Beall, Tex.	Gilbert, Ind.	Lorimer	Sibley
Bede	Glass	McCarthy	Small
Beidler	Goebel	McCleary, Minn.	Smith, Md.
Bennet, N. Y.	Goldfogle	McCreary, Pa.	Smith, Samuel W.
Bingham	Goulden	McDermott	Smith, Wm. Alden
Blackburn	Graham	McGavin	Snapp
Bowersock	Granger	McKinlay, Cal.	Southall
Bradley	Greene	McKinney	Sperry
Brooks, Colo.	Hardwick	McLachlan	Stafford
Broussard	Haugen	McLain	Steenerson
Burke, Pa.	Hay	McMorran	Sullivan, Mass.
Burton, Ohio	Hearst	Madden	Sullivan, N. Y.
Butler, Tenn.	Hedge	Martin	Swanson
Byrd	Hermann	Maynard	Townsend
Calder	Higgins	Meyer	Van Duzer
Campbell, Kans.	Hill, Miss.	Michalek	Van Winkle
Castor	Hitt	Minor	Vreeland
Clark, Fla	Hoar	Mondell	Waldo
Cocks	Houston	Moon, Pa.	Wanger
Conner	Howell, N. J	Murdock	Webber
Cousins	Howell, Utah.	Overstreet	Weeks
Cromer	Hughes	Patterson, N. C	Weems
Curtis	Humphreys, Miss.	Patterson, Pa.	Wharton
Davey, La.	Kahn	Patterson, S. C	Williamson
Dawes	Kennedy, Nebr.	Patterson, Tenn.	Wilson
Dickson, Ill.	Kennedy, Ohio	Pearre	Wood, N. J.
Dixon, Mont.	Ketcham	Pollard	Woodyard
Dresser	Kline	Pou	Zenor
Dunwell	Knapp	Prince	

The Clerk announced the following pairs:

For the session:

Mr. WANGER with Mr. ADAMSON.

Mr. BRADLEY with Mr. GOULDEN.

Mr. SHERMAN with Mr. RUPPERT.

Mr. PATTERSON of Pennsylvania with Mr. PATTERSON of North Carolina.

Mr. MORRELL with Mr. SULLIVAN of New York.

Until further notice:

Mr. OLMSTED with Mr. FLOOD.

Mr. HITT with Mr. HILL of Mississippi.

Mr. GRAHAM with Mr. VAN DUZER.

Mr. CROMER with Mr. PATTERSON of South Carolina.

Mr. CRUMPACKER with Mr. ZENOR.

Mr. CURTIS with Mr. LITTLE.

Mr. SCOTT with Mr. HARDWICK.

For one week:

Mr. KETCHAM with Mr. GARBER.

Mr. WADSWORTH with Mr. BOWIE.

Until Wednesday:

Mr. LILLEY of Connecticut with Mr. REID.

Until January 30:

Mr. SIBLEY with Mr. BARTLETT.

Until Monday and Tuesday:

Mr. LONGWORTH with Mr. GAINES of Tennessee.

For this day:

Mr. GARDNER of Michigan with Mr. GILBERT of Kentucky.

Mr. HIGGINS with Mr. MOON of Tennessee.

Mr. OVERSTREET with Mr. LIVINGSTON.

Mr. WM. ALDEN SMITH with Mr. CLARK of Florida.

Mr. BABCOCK with Mr. BEALL of Texas.

Mr. KNAPP with Mr. PUJO.

Mr. BINGHAM with Mr. RHINOCK.

Mr. BANNON with Mr. SMALL.

Mr. SAMUEL W. SMITH with Mr. BYRD.

Mr. HOWELL of New Jersey with Mr. MCDERMOTT.

Mr. PEARRE with Mr. HAY.

Mr. ANDRUS with Mr. SULLIVAN of Massachusetts.

Mr. WILSON of Illinois with Mr. LEGARE.

Mr. FOSTER of Vermont with Mr. POU.

Mr. FOSS with Mr. MEYER.

Mr. ADAMS of Pennsylvania with Mr. DAVEY of Louisiana.

Mr. BARTHOLDT with Mr. BROUSSARD.

Mr. BEDE with Mr. AIKEN.

Mr. BOWERSOCK with Mr. BUTLER of Tennessee.

Mr. CAMPBELL of Kansas with Mr. GOLDFOGLE.

Mr. CONNER with Mr. GRANGER.

Mr. COUSINS with Mr. HEARST.

Mr. CALDER with Mr. GLASS.

Mr. DRESSER with Mr. HOUSTON.

Mr. DUNWELL with Mr. HUMPHREYS of Mississippi.

Mr. GARDNER of Massachusetts with Mr. KLINE.

Mr. GREENE of Massachusetts with Mr. LAMAR of Florida.

Mr. HEDGE with Mr. LESTER.

Mr. HUGHES with Mr. MAYNARD.

Mr. KAHN with Mr. LINDSAY.

Mr. KENNEDY of Ohio with Mr. MCLAIN.

Mr. LITTAUER with Mr. SWANSON.

Mr. MCCREARY of Pennsylvania with Mr. RAINEY.

Mr. VREELAND with Mr. SMITH of Maryland.

Mr. VAN WINKLE with Mr. SOUTHALL.

On this vote:

Mr. TOWNSEND with Mr. FINLEY.

Mr. CRUMPACKER. Mr. Speaker, I voted "no," but on reflection I find that I am paired with Mr. ZENOR, who, if he were here, would vote "aye." I wish to be recorded as "present."

The name of Mr. CRUMPACKER was called, and he answered "present," as above recorded.

Mr. GAINES of Tennessee. Mr. Speaker, I desire to know if Mr. LONGWORTH has voted?

The SPEAKER. He has not.

Mr. GAINES of Tennessee. I desire to withdraw my vote of "aye," and answer "present."

The name of Mr. GAINES of Tennessee was called, and he answered "present," as above recorded.

Mr. BARTLETT. Mr. Speaker, I desire to know whether Mr. SIBLEY has voted?

The SPEAKER. The gentleman is not recorded.

Mr. BARTLETT. I desire to withdraw my vote in the affirmative and answer "present."

Mr. ALLEN of New Jersey. Mr. Speaker, I desire to know how I am recorded?

The SPEAKER. The gentleman is not recorded.

Mr. ALLEN of New Jersey. I came into the room on the second call just as my name was called by the Clerk. I did not have time to answer before the next name was called.

The SPEAKER. It seems to the Chair that the gentleman does not bring himself within the rule.

Mr. BUTLER of Pennsylvania. Mr. Speaker, I notice that I am paired with the gentleman from Louisiana, Mr. BROUSSARD. I was paired with him during Friday and Saturday only. There is no authority whatever to pair me for to-day.

The SPEAKER. The pair will be canceled.

The result of the vote was announced as above recorded.

REGULATION OF RAILROAD RATES.

Mr. HEPBURN. Mr. Speaker, I ask unanimous consent that the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, may be made the special order for to-morrow and continuing days until the final action of the House upon the bill.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the bill H. R. 12987—the railroad rate bill—be made the special order for to-morrow and continuing from day to day until completed. Is there objection?

Mr. SHERLEY. Mr. Speaker, I would like to ask the gentleman whether there has been a sufficient print of that bill for Members to procure copies. I have been unable to get any.

Mr. HEPBURN. I think not, and I intend later to ask for an additional print.

Mr. BARTLETT. I hope the gentleman from Iowa will do that.

Mr. SHERLEY. I suggest that the gentleman in asking for that additional print provide that a certain number go to each Member of the House, because as soon as they get into the room they are gobbled up by a few people and Members who are really interested in the bill have no way of obtaining copies.

Mr. HEPBURN. I shall ask that they be distributed through the folding room.

Mr. BARTLETT. I don't know how many of the reports have been printed, but it might be well to have the reports distributed in the same way.

Mr. HEPBURN. I intend to include that in the same request.

The SPEAKER. The Chair will again state the request of the gentleman from Iowa. The gentleman from Iowa asks unanimous consent that the bill H. R. 12987, the railroad rate bill, beginning with to-morrow, be made a special order for consideration in the Committee of the Whole House on the state of the Union, and from day to day thereafter until consideration of the bill is concluded. Is there objection?

Mr. BARTLETT. Mr. Speaker, I desire to say that I trust that request will be granted. We have both sides, the majority and the minority, agreeing upon this very important measure,

and upon it full debate will be given. I trust that no objection will be made by anybody.

The SPEAKER. The Chair hears no objection, and it is so ordered.

Mr. HEPBURN. Mr. Speaker, I ask unanimous consent that the time for general debate be controlled equally by the gentleman from Georgia, Mr. ADAMSON, and myself.

The SPEAKER. The gentleman from Iowa asks unaniomus consent that the time for general debate of this measure be equally divided, to be controlled by the gentleman from Georgia, Mr. ADAMSON, and the gentleman from Iowa, Mr. HEPBURN. Is there objection?

There was no objection, and it was so ordered.

Mr. HEPBURN. Mr. Speaker, I ask unanimous consent that 5,000 copies of the report, which contains the bill, be printed for the use of the House, to be distributed through the folding room.

Mr. MANN. Mr. Speaker, I suggest to the chairman of the Committee on Interstate and Foreign Commerce that he also have 5,000 copies of the bill printed, which will be in bill form. It is true that the bill is in the report, but it is in fine print.

Mr. HEPBURN. Mr. Speaker, I shall ask that that also be included in the request.

The SPEAKER. The gentleman from Iowa asks unanimous consent that 5,000 copies of the bill and of the report be printed and distributed through the folding room. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Appropriations was discharged from the further consideration of House Document No. 437, respecting typewriting machines for the postal service, and the same referred to the Committee on the Post-Office and Post-Roads.

By unanimous consent, the Committee on Pensions was discharged from the further consideration of the bill (S. 1258) granting an increase of pension to Charles W. Paige, alias Jackson Morse, and the same referred to the Committee on Invalid Pensions.

REPRINT OF BILLS.

By unanimous consent, at the request of Mr. BATES, leave was granted for a reprint of the bill (H. R. 239) relating to liability of common carriers by railroads in the District of Columbia and Territories and common carriers by railroads engaged in commerce between the States and between the States and foreign nations to their employees.

At the request of Mr. THOMAS of North Carolina for a reprint of the bill (H. R. 254) declaring all persons or associations of persons, joint stock companies, corporations, or associations of such companies or corporations, owning or operating or owning and operating private freight cars and refrigerator cars used in interstate commerce to be common carriers and subject to the provisions of the act to regulate commerce approved February 4, 1887, and all acts amendatory thereof or supplemental thereto.

DISTRICT OF COLUMBIA.

The SPEAKER. Under the rule to-day, Monday, is set aside for the consideration of bills relating to the District of Columbia, and the Chair recognizes the gentleman from Pennsylvania, Mr. MORRELL.

RETENTS ON CONTRACTS WITH THE DISTRICT OF COLUMBIA.

Mr. MORRELL. Mr. Speaker, in the absence of the chairman of the committee, the gentleman from Wisconsin [Mr. BABCOCK], who is ill and unable therefore to be here, I call up first the bill (H. R. 125) regulating the retent on contracts with the District of Columbia, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That on all contracts made by the District of Columbia for construction work there shall be held a retent of 10 per cent of the cost of such construction work as a guaranty fund to keep the work done under such contracts in repair, and that the terms of such contracts shall be strictly and faithfully performed. On contracts for the construction of asphalt, tar, brick, cement, or stone pavements the retent shall be held for a term of five years from the date of completion of the contract. On contracts for the construction of bridges and sewers the retent shall be held for a term of one year from the date of completion of the contract. On contracts for the construction of buildings, and other contracts for construction work, the retent shall be held until the completion of the work. All retents for one year or more shall be deposited with the Treasurer of the United States as now required by law.

SEC. 2. That all laws or parts of laws inconsistent with the provisions hereof are hereby repealed.

Mr. MORRELL. Mr. Speaker, in explanation of this bill I will say that the present law of the District government compels a retent of 10 per cent for five years on all contracts for public works, except on building and grading. This works a great hardship upon small contractors, particularly if they have any number of different contracts with the Government, for the reason that it locks up a great deal of their capital, and the object of this bill is to reduce that amount.

The bill was ordered to be engrossed for a third reading, and it was read the third time, and passed.

On motion of Mr. MORRELL, a motion to reconsider the last vote was laid on the table.

AMENDING DISTRICT CODE.

Mr. MORRELL. Mr. Speaker, I desire to call up the bill H. R. 120.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 120) to amend section 7 of the Code of Law for the District of Columbia.

Be it enacted, etc., That section 7 of the Code of Law for the District of Columbia is hereby amended by adding thereto the following:

"Any justice of the peace may, on complaint under oath or actual view, issue warrants returnable to the police court against persons accused of crimes and offenses committed in the District of Columbia, and he shall make a record of his proceedings in every case in a book to be kept for that purpose: *Provided*, That such warrants shall be issued to all persons applying therefor at all times, including Sundays and legal holidays, upon demand, free of charge."

The committee amendments were read, as follows:

In line 3 strike out the word "seven" and insert the word "nine."

In line 5 insert after the word "may" the words "at any time, including Sundays and legal holidays."

In line 10 strike out the colon and insert a period, also strike out all of the proviso in lines 10, 11, and 12 and insert in lieu thereof "Such warrant shall be issued free of charge."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; was read the third time, and passed.

The title was amended so as to read: "A bill to amend section 9 of the Code of Law for the District of Columbia."

On motion of Mr. MORRELL, a motion to reconsider the last vote was laid on the table.

FIRE ESCAPES IN CERTAIN BUILDINGS IN THE DISTRICT OF COLUMBIA.

Mr. MORRELL. Mr. Speaker, I desire to call up the bill H. R. 122.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 122) to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes.

Be it enacted, etc., That it shall be the duty of the owner, lessee, occupant, or person having possession, charge, or control of any building three or more stories in height, or over 30 feet in height, constructed or used or intended to be used as a tenement house, apartment house, flat, hotel, office building, store, hospital, seminary, academy, school, college, institute, dormitory, asylum, sanitarium, hall, or place of amusement, to provide and cause to be erected and fixed to every such building, connecting with each floor above the first floor by easily accessible and unobstructed openings, one or more suitable fire escapes, in such location and numbers and of such material, type, and construction as the Commissioners of the District of Columbia may determine.

SEC. 2. That it shall be the duty of the owner, lessee, occupant, or person having possession, charge, or control of any building already erected, or which may hereafter be erected, in which ten or more persons are employed at the same time in any of the stories above the second story, where there are not provided at least two stairways, each 3 or more feet wide and separated from each other by a distance of at least 30 feet, to provide and cause to be erected and affixed thereto a sufficient number of the aforesaid fire escapes, the location and number of the same to be determined by the said Commissioners, and to keep the hallways and stairways in every such building as is used and occupied at night properly lighted, to the satisfaction of the Commissioners of the District of Columbia, from sunset to sunrise.

SEC. 3. That it shall also be the duty of the owner, lessee, occupant, or person having possession, charge, or control of any building used or intended to be used as set forth in section 1 of this act, or any building in which ten or more persons are employed, as set forth in section 2 of this act, to provide, install, and maintain therein proper and sufficient guide signs, guide lights, exit lights, hall and stairway lights, fire hose, and fire extinguishers, in such location and numbers and of such type and character as the Commissioners of the District of Columbia may determine.

SEC. 4. That the Commissioners of the District of Columbia are hereby authorized and directed to require any alterations or changes that may become necessary in buildings now or hereafter erected, in order to properly locate or relocate fire escapes or to afford access to fire escapes, and to require any changes or alterations in any building that may be necessary in order to provide for the erection of additional fire escapes, when in the judgment of said Commissioners additional fire escapes are necessary.

SEC. 5. That on such buildings as the Commissioners of the District of Columbia may determine to be fireproof the requirements of this act as to fire escapes, guide signs, and alarm gongs may be waived, but when the face of a wall of any such fireproof building is within 30 feet of a combustible building or structure, or when the side or sides, front, or rear of such building or structure faces within 30 feet of a combustible building or contains a light or air shaft or a similar recess within 30 feet of a combustible building, then each and every window or opening in said wall or walls shall be protected from fire by automatic iron shutters or wire glass in fireproof sash and frames. Each elevator shaft and stairway extending to the basement of such buildings shall terminate in a fireproof compartment or inclosure, separating the elevator shaft and stairs from other parts of the basement, and no opening shall be made or maintained in such compartment or inclosure unless the same be provided with self-closing fireproof doors.

SEC. 6. That it shall be unlawful to obstruct any hall, passageway, corridor, or stairway in any building mentioned in this act with baggage, trunks, furniture, cans, or with any other thing whatsoever.

SEC. 7. That no door or window leading to any fire escape shall be covered or obstructed by any fixed grating or barrier, and no person shall at any time place any incumbrance or obstacle upon any fire escape or upon any platform, ladder, or stairway leading to or from any fire escape.

SEC. 8. That no license shall be issued to any person to conduct any business for which a license is required in any building mentioned in this act until such building has been provided and equipped with a sufficient number of fire escapes and other appliances required by this act.

SEC. 9. That any person failing or neglecting to provide fire escapes, alarm gongs, guide signs, fire hose, fire extinguishers, or other appliances required by this act, after notice from the Commissioners of the District of Columbia so to do, shall, upon conviction thereof, be punished by a fine of not less than $10 nor more than $100, and shall be punished by a further fine of $50 for each week that he fails to comply with the notice aforesaid. Any person violating any other provision of this act shall be punished, upon conviction thereof, by a fine of not less than $10 nor more than $100 for each offense.

SEC. 10. That the said notice requiring the erection of fire escapes and other appliances mentioned in this act shall specify the character and number of fire escapes or other appliances to be provided, the location of the same, and the time within which said fire escapes or other appliances shall be provided, and in no case shall more than ninety days be allowed for compliance with said notice.

SEC. 11. That said notice shall be deemed to have been served if delivered to the person to be notified, or if left with any adult person at the usual residence or place of business of the person to be notified in the District of Columbia, or if no such residence or place of business can be found in said District by reasonable search, if left with any adult person at the office of any agent of the person to be notified, provided such agent has any authority or duty with reference to the building to which said notice relates, or if no such office can be found in said District by reasonable search if forwarded by registered mail to the last known address of the person to be notified and not returned by the post-office authorities, or if no address be known or can by reasonable diligence be ascertained, or if any notice forwarded as authorized by the preceding clause of this section be returned by the post-office authorities, if published on ten consecutive days in a daily newspaper published in the District of Columbia, or if by reason of an outstanding unrecorded transfer of title the name of the owner in fact can not be ascertained beyond a reasonable doubt, if served on the owner of record in the manner hereinbefore in this section provided. Any notice to a corporation shall, for the purposes of this act, be deemed to have been served on such corporation if served on the president, secretary, treasurer, general manager, or any principal officer of such corporation in the manner hereinbefore provided for the service of notices on natural persons holding property in their own right; and notice to a foreign corporation shall, for the purposes of this act, be deemed to have been served if served on any agent of such corporation personally, or if left with any person of suitable age and discretion residing at the usual residence or employed at the usual place of business of such agent in the District of Columbia.

SEC. 12. That the supreme court of the District of Columbia, in term time or in vacation, may, upon a petition of the District of Columbia, filed by its said Commissioners, issue an injunction to restrain the use or occupation of any building in the District of Columbia in violation of any of the provisions of this act.

SEC. 13. That all acts or parts of acts inconsistent herewith be, and the same are hereby, repealed.

The committee amendments were read, as follows:

Page 1, line 5, strike out the word "or" where it appears before the word "over."

Page 3 strike out all beginning with the word "That," in line 12, down to and including the word "each," in line 23, and insert before the word "elevator" the words "That each."

Page 3, line 24, strike out the word "such" and insert in lieu thereof the word "the;" also add, after the word "buildings," the words "heretofore mentioned."

Page 4, line 4, strike out the word "self-closing."

Page 5, line 1, strike out the word "week" and insert in lieu thereof the word "day."

Page 6, line 18, strike out the period after the word "Columbia" and insert in lieu thereof a colon, and add the following: "*Provided*, That in case of failure or refusal of the owner, lessee, occupant, or person having possession, charge, or control of any building specified in this act to comply with the requirements of the notice provided for in section 10, then, and in that event, the Commissioners are hereby empowered, and it is their duty, to cause such erection of fire escapes and other appliances mentioned in the notice provided for, and they are hereby authorized to assess the costs thereof as a tax against the buildings on which they are erected and the ground on which the same stands, and to issue tax-lien certificates against such building and grounds for the amount of such assessments, bearing interest at the rate of 10 per cent per annum, which certificates may be turned over by the Commissioners to the contractor for doing the work."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was read the third time, and passed.

On motion of Mr. MORRELL, a motion to reconsider the last vote was laid on the table.

SALE OF PROVISIONS, PRODUCE, AND COMMODITIES IN THE DISTRICT OF COLUMBIA.

Mr. MORRELL. Mr. Speaker, I desire to call up the bill H. R. 4468.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 4468) to amend an act entitled "An act to provide for the apointment of a sealer and assistant sealer of weights and measures in the District of Coulmbia, and for other purposes," approved March 2, 1895.

Be it enacted, etc., That section 10 of the act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895, be, and the same is hereby, amended so as to read:

"SEC. 10. No person shall sell or offer for sale, anywhere in the District of Columbia, any provisions or produce or commodities of any kind for a greater weight or measure than the true weight or measure thereof; and all provisions, produce, or commodities of any kind shall be weighed by scales, weights, or balances or measured in measures duly tested and sealed by the sealer or an assistant sealer of weights and measures: *Provided*, That berries, when offered for sale in an original package or basket containing a standard measure, may be sold in said package or basket without the same having first been tested and sealed, but in no case shall said basket be refilled for use in the sale of berries or produce of any kind whatsoever: *And provided further*, That poultry and vegetables, usually sold by the head or bunch, may be offered for sale and sold in other manner than by weight or measure; but in all cases where the person intending to purchase shall so desire and request, poultry shall be weighed as hereinbefore prescribed: *And provided further*, That scales reported not in use shall be sealed down, and said seal shall not be broken except by authority of the sealer of weights and measures."

The bill was ordered to be engrossed for a third reading; and it was read the third time, and passed.

On motion of Mr. MORRELL, a motion to reconsider the last vote was laid on the table.

SALE OF COAL AND COKE IN THE DISTRICT OF COLUMBIA.

Mr. MORRELL. Mr. Speaker, I call up the bill H. R. 4470.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 4470) to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895.

Be it enacted, etc., That section 12 of the act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895, be, and the same is hereby, amended so as to read:

"SEC. 12. That no person shall sell, or deliver, any coal, or coke, within the limits of the District of Columbia unless at the time of the delivery thereof to the person in charge of the wagon, cart, or other vehicle or conveyance used for and in the delivery thereof, a written or printed certificate duly signed by or for the seller, showing separately the actual weight of said coal, or coke, and the name of the purchaser thereof, and the weight of the said wagon, cart, or other vehicle or conveyance, and showing the total weight of said coal, coke, wagon, cart, other vehicle, or conveyance. And any person who shall violate or neglect or refuse to comply with the provisions of this section shall be punished by a fine of not more than $40: *Provided*, That all prosecutions under this act shall be brought in the police court of the District of Columbia on information filed by the corporation counsel or one of his assistants."

The bill was ordered to be engrossed for a third reading; and it was read the third time, and passed.

On motion of Mr. MORRELL, a motion to reconsider the last vote was laid on the table.

LICENSE FEES FROM DEALERS IN INFLAMMABLE OILS, ETC.

Mr. MORRELL. Mr. Speaker, I desire now to call up the bill H. R. 9757, but I find that this bill is not on the House Calendar. I therefore would like unanimous consent for it to be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 9757) to amend paragraph 34 of section 7 of an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902.

Mr. PAYNE. Mr. Speaker, I would like to hear the act reported.

The SPEAKER. The Clerk will report the act.

The Clerk read as follows:

Be it enacted, etc., That paragraph 34 of section 7 of the act of Congress approved July 1, 1902, entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," be, and the same is hereby, amended by adding thereto the following:

"Persons licensed to store or sell kerosene or oils of like grade, or explosives of any kind, shall pay a license tax of $1 per annum for each permit issued; for storing or selling fireworks the license tax shall be 50 cents per annum for each permit issued; for storing or selling gasoline or oils of like grade the license tax shall be $5 per annum for each permit issued: *Provided*, That persons paying a license tax as fuel hucksters shall not be required to pay an additional tax for storing or selling such articles."

The SPEAKER. The bill is on the Union Calendar. The gentleman from Pennsylvania asks unanimous consent that it shall be considered in the House as in Committee of the Whole House on the state of the Union. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and it was read the third time, and passed.

On motion of Mr. MORRELL, a motion to reconsider the last vote was laid on the table.

PUBLIC HAY SCALES IN THE DISTRICT OF COLUMBIA.

Mr. MORRELL. Mr. Speaker, I desire to call up the bill H. R. 4469.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 4469) authorizing the Commissioners of the District of Columbia to make regulations respecting the public hay scales.

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized and empowered to make such regulations as they may deem proper for the sale of the use of the public hay scales of the District of Columbia, and to place public weighmasters in charge of such scales when deemed necessary and to prescribe the fees to be paid by the persons using such scales to the said weighmasters for services rendered by them.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to ask whether this is reported from the committee?

Mr. MORRELL. Yes, sir; and if the gentleman desires any information on the subject I will request the gentleman who made the report [Mr. CAMPBELL of Kansas] to give it.

Mr. STEPHENS of Texas. Is it a unanimous report?

Mr. MORRELL. It was reported unanimously; yes. It is a bill that was recommended by the Commissioners. They sent a letter in favor of it, and it was reported favorably by the committee unanimously.

Mr. STEPHENS of Texas. I understand that these scales belong to the District of Columbia, do they not?

Mr. MORRELL. These are District scales.

Mr. CAMPBELL of Kansas. Mr. Speaker, the purpose of this bill is to enable the Commissioners to avoid what they think has been a combination of those who have bid for the use of these scales. The Commissioners regard it as a valuable privilege, and they want to avoid the combination that keeps down the price at public auctions at which the weighing privilege is sold under an old law. They want, in the event that the privilege of these scales is not sold for sufficient, to put a man in charge on their own account.

Mr. STEPHENS of Texas. Does that prohibit the use of private scales—that is, dealers doing their own weighing?

Mr. CAMPBELL of Kansas. There are other regulations governing that matter.

Mr. STEPHENS of Texas. Does not the gentleman think it might inconvenience them to have to go to a distant part of the city?

Mr. CAMPBELL of Kansas. This is to protect the public against false weights and measures.

Mr. STEPHENS of Texas. Would they not get that more directly to have some one supervise the weights and scales?

Mr. CAMPBELL of Kansas. Such supervision is now provided for in the law to which this is amendatory. The purpose of this amendment is to protect the Commissioners against the combination of those who have charge of these scales. The weighing privilege is sold at auction annually, and the Commissioners think it a valuable privilege and that it has been bringing too small an amount. Now they want, in case the amount bid is not in their opinion sufficient, to put a man in charge of the scales on their own account and collect the usual fees that are charged. That is the purpose of this bill.

Mr. STEPHENS of Texas. Mr. Speaker, I have no objection.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move the passage of the bill.

The bill was ordered to be engrossed and read a third time; and it was read a third time, and passed.

NAMES OF STREETS.

Mr. MORRELL. Mr. Speaker, I desire to call up the bill H. R. 7048.

The SPEAKER. The gentleman from Pennsylvania [Mr. MORRELL] desires to call up bill H. R. 7048, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 7048) changing names of Pierce place, Blake street, Swann street, Cedar street or place, and Oregon avenue, to Samson street.

Be it enacted, etc., That from and after the passage of this act the street passing through squares Nos. 206, 191, 177, 152, and 132, lying between S and T streets, Fourteenth and Nineteenth streets, in the District of Columbia, now known by the various names of Pierce place, Blake street, Swann street, Cedar street or place, and Oregon avenue, shall hereafter be known and designated throughout its entire length as "Samson street," in honor of the late George Whitefield Samson, president of the Columbian College (now the George Washington University), Washington, D. C., from 1859 to 1871.

Mr. McCLEARY of Minnesota. I understand that this provides one name in the place of many?

Mr. MORRELL. One name to the street the entire length.

Mr. SIMS. Mr. Speaker, I desire to be recognized in opposition to the bill, and I would like to be recognized in my own time, if possible.

The SPEAKER. The gentleman from Pennsylvania has one hour, and he can yield such portion of it as he chooses.

Mr. MORRELL. How much time does the gentleman require?

Mr. SIMS. I do not think it will take much time, but I would prefer that those in favor of the bill would first present their reasons why they want it passed. Perhaps no one wants it passed.

Mr. MORRELL. In view of the request, I will call upon the gentleman who made the report on the bill, Mr. WILEY of New Jersey. I will yield to the gentleman such time as he desires or will give him the balance of my time.

Mr. CLARK of Missouri. Mr. Speaker, I would like to make a suggestion before this is begun, and that is that the gentleman from Pennsylvania shall yield the gentleman from Tennessee [Mr. SIMS] half of his time, so he can distribute it as he pleases. Of course he need not do so unless he desires.

Mr. MORRELL. I think that is but fair, Mr. Speaker. I will yield to the gentleman one-half of my time.

The SPEAKER. One-half of the hour?

Mr. MORRELL. One-half of the hour.

Mr. SIMS. I do not think it will take even half of that.

Mr. WILEY of New Jersey. Mr. Speaker, the object of this bill has been fully set forth. The street at present has five names, some of which are duplicated in other parts of the city of Washington and once or twice in Georgetown. The old street named after this distinguished gentleman was changed, and at that time it was tactily understood by the District Committee that another street should bear the name of Samson. This street which it is proposed to call Samson street comes in alphabetically with the arrangement in the District—that is, being between S and T. At present Oregon avenue is not in harmony with that. Doctor Samson was the president of the Columbian University for a series of years. He was a distinguished man; a man worthy to have a street named after him. I have his record here, and if any gentleman is interested I will read it, but if not asked to do so, I will not read it. The report on this street is favored by the District Commissioners; it also passed the District Committee of the House. The gentleman from Tennessee was not there at the time. I will say probably he would have opposed it had he been there. For these reasons I hope that the motion will prevail.

Mr. McCLEARY of Minnesota. Is it not the practice to reserve the names of States for avenues that run obliquely through the city?

Mr. WILEY of New Jersey. I understand it is.

Mr. SIMS. Mr. Speaker and gentlemen of the House, I think I can explain in a very few moments my objection to the bill. We are asked here to change the names of Pierce place, Blake street, Swan street, Cedar street or place, and Oregon avenue all to Samson street. This is a question that interests all the people of the District of Columbia. The people who live on these streets have their post-office addresses upon them, and they are well known. We are asked to change the names of all these streets to the name of Samson street. And for what purpose? It is not to commemorate the name of Admiral Sampson, but George Whitefield Samson, who was president of the Columbian College, now George Washington University, Washington, D. C., from 1859 to 1871.

Now, the whole object and purpose of changing the names of these streets is that the name of this deceased professor of Columbian College may have his name given to some street in Washington City. Even the college itself lost its name. It is shown by the bill itself it is now George Washington University. A young gentleman named Samson, grandson of this professor, has been besieging the District Committee for four or five years to get some street named after his grandfather in this city. Three or four years ago we considered the matter in a bill pending then before the House and finally changed the name to Church street. Now, here is even Oregon avenue, the name of a State, to be wiped out in order to have that street named Samson street. You see how this will work. If we let this thing go through, every school-teacher in Washington may be besieging this House in order to have his name given to a street.

Now, Mr. Speaker, I think the policy pursued in the city of Washington has been a correct one, namely, that the great avenues should be given the names of States and the streets named after great national characters in all cases where the letters of the alphabet are not used. The avenues are named after the States and the squares and circles after great national characters. If it was a new street and had no name, it then would have been a different matter. This nation has no end of great national characters and we are making them every day; and now it is moved to strike out five names and put in the name of Samson, a private individual, against whom I have no fault, nor have I against the grandson endeavoring to get his grandfather's name given to the street. But the idea of Congress getting down to this kind of business is something I can not agree to. Why, I have not heard of a single individual who has lived on these streets that has asked for this

change to be made. There has not been any hearing before the committee. I have not heard a word said by anybody, except this young man, and I do not condemn him for endeavoring to get the name of the street given to his deceased ancestor.

Mr. CAMPBELL of Kansas. Will the gentleman yield to a question?

Mr. SIMS. Certainly.

Mr. CAMPBELL of Kansas. The gentleman from Tennessee said there had been no hearings in this matter. I will ask the gentleman if he does not recall that this very question took up almost the entire time of the committee during a session in the last Congress?

Mr. SIMS. Well, I was speaking of this bill. I do not remember whether that bill embraced these same streets or not.

Mr. CAMPBELL of Kansas. I think they are exactly the same streets.

Mr. SIMS. But I will ask the gentleman about these hearings, if he will say whether it was the people who lived along these streets that wanted the change of the names made?

Mr. CAMPBELL of Kansas. I will not take up the gentleman's time. I will answer that in my own time. I will say, however, there were many there interested in the change of the names of the street other than the young gentleman to whom the gentleman has referred.

Mr. SIMS. Were they people who lived on these streets who will be affected, or were they merely friends of this young man?

Mr. CAMPBELL of Kansas. Well, my recollection is not very distinct, but I think there were many who said they were interested in having a uniformity of names for the avenues and streets.

Mr. SIMS. Did they ask for this particular name, Samson?

Mr. CAMPBELL of Kansas. I think they were not urging any one particular name.

Mr. SIMS. Why, one of the names is Oregon avenue. That is named after one of the great States.

Mr. CAMPBELL of Kansas. For the reason, if the gentleman please, that avenues take the names of States, while streets have not been so named in this city.

Mr. SIMS. One of the streets to be changed and to lose its name is Oregon avenue,

Mr. CAMPBELL of Kansas. Oregon avenue for the distance of one block, between Seventeenth and Eighteenth.

Mr. SIMS. If you are going to change these names, why not extend Oregon avenue to cover all these?

Mr. CAMPBELL of Kansas. Under the plat of this city this is not an avenue and could not be. It is a street. That is to say, avenues run diagonally, while the streets run north and south and east and west.

Mr. SIMS. One of the names to be changed by this bill is Oregon avenue, to be changed to Samson street. Now, if it is necessary to name all these streets by one name, I would still insist that it should be some great national character, and we have so many of them that are not commemorated on the map of Washington.

Mr. PAYNE. The gentleman speaks of naming five or six streets. Is it not in reality one continuous street with five or six names?

Mr. SIMS. That is correct, as I understand it, and if it is desired that all these streets under different names should have one name, as they are connected, I still fail to see why we should name the street Samson street, or why we should give it the name of any other private individual, when the nation's history is full of the names of great historical characters who are not on the plat of the city of Washington. If any gentleman wants to amend this bill and put the name of some national character into it, I shall not have any objection to that; but how many more school professors or the relatives of deceased professors will come here and ask to have streets named after them? Why, I suppose it will not be very long—and it will be a very strong name to conjure with—before somebody will want a street named for Mr. Harry St. George Tucker, because he has been one of the presidents of this institution. It would be a splendid name, of a splendid man; but are we going to set the precedent of wiping out the names we have and adopting the names of deceased private citizens, however virtuous or learned they may have been? We have a number of educational institutions here.

Mr. OLMSTED. Mr. Speaker——

The SPEAKER pro tempore. Will the gentleman yield for a question?

Mr. SIMS. Certainly.

Mr. OLMSTED. Would the gentleman be willing to substitute the name of Schley instead of Samson?

Mr. SIMS. If this was to be "Sampson," in commemoration of the great admiral; but the bill itself says "George Whitfield Samson," a former president of the college. If the change suggested by the gentleman from Pennsylvania should be carried out it would be a very meritorious amendment. I should much prefer to have it named after Admiral Sampson, because he was a great national character. I would not object to its being Schley street, because he is a great national character. I should not object to a street being named after any well-known national character. Why, Mr. Speaker, the day may come when we will want to name a street "Olmsted street," and what would we do if the space is all taken. [Laughter.] I think I would be in favor of that.

Mr. OLMSTED. Why not begin right now? [Laughter.]

Mr. PALMER. Would you be willing to have this named Sims street?

Mr. SIMS. I should object to that, Mr. Speaker, for the reason I have given, that I think the streets of this city ought to be named after great national characters. Why, the day may come when we will want some street called Cannon street, or Payne street, or Dalzell street, or Williams street, and we are going to take up all the space in naming the streets after private individuals, who, however good and virtuous they were, are unknown to the people of the United States generally. I think we are going a great way to change the names of existing streets and adopt new names for no better reason than has been given to the House.

Mr. Speaker, I reserve the balance of my time.

Mr. MORRELL. I yield two minutes to the gentleman from New Jersey [Mr. WILEY].

Mr. WILEY of New Jersey. Mr. Speaker, my friend from Tennessee [Mr. SIMS], I think, has been a little misled in regard to Mr. Samson. Possibly he has been misled by the name, for he seems to have the gait of a gazer. The gentleman from Tennessee speaks rather deprecatingly about Mr. Samson as a school-teacher. Some of the Presidents of the United States have been school-teachers, and I consider it an honored profession. The gentleman says there have been no papers from people living on the street. I hold in my hand a few letters, one of them from J. W. Chapman, who says that he is the largest owner on Pierce place and Blake street, and he favors giving a uniform name to the street; also from three other property holders on the same street, and they all favor this change of name. This proposed name begins with S, and as it is between S and T streets it is therefore alphabetically correct and is in conformity with the arrangements for street naming adopted by the Commissioners. The gentleman for whom we propose to name this street is distinguished enough to make the proposed name a worthy honor. I hope the motion will prevail.

Mr. MORRELL. I now yield ten minutes to the gentleman from Kansas.

Mr. CAMPBELL of Kansas. Mr. Speaker, I shall not ask the attention of the House for that length of time. The purpose of changing the name of these streets is not to honor Mr. Samson, but to give uniformity to the name of the street. As has already been stated, for a distance of five blocks this street has five separate and distinct names. Some of these names are the same as those of other streets and alleys within the city. Here are a few of the duplicates that occur: Pierce place, between Fourteenth and Sixteenth streets NW.; Pierce street, Anacostia; Pierce street NW., from North Capitol to New Jersey avenue; Pierce Mill road, Rock Creek; Pierce street, alley, from L to Pierce street; Swann street, between Sixteenth and Seventeenth NW.; Swan alley NW.; Cedar alley, from 1325 S to 1322 P; Cedar court SW., from 19 E street; Cedar road, from Spring street road; Cedar street NW., from 1836 Thirteenth street and from Eighteenth street above S.

Now, Mr. Speaker, the hearings we had in the Fifty-eighth Congress, as I remember it, disclosed the fact that all the people wanted uniformity. Some wanted Samson street, some wanted the entire street changed to Pierce, and some the name of a distinguished President given to the entire length. Some suggested other names, but all were united in demanding that there be uniformity in the name of the street. The suggestion was made by the gentleman from Tennessee a moment ago that this street already contains the name of an avenue given to it for the State of Oregon. Now, that would be contrary to the purpose that was had when this city was laid out. The avenues run diagonally across the city. Oregon avenue is just one block in length, running between Seventeenth and Eighteenth streets, and to give "Oregon" as the name of this street covering but five blocks affected by this bill would not be in harmony with the policy that has heretofore been pursued with regard to the naming of the avenues after States.

So that the name of Samson or any other name that may be

substituted, other than Oregon, should be applied to this street.

The committee has no pride in the matter so far as the name is concerned. Any suitable name that will give uniformity is all that the committee asks. But they do ask that action be had and that uniformity be given to these five blocks by giving it one name.

Mr. PALMER. Would it not be belittling to the State of Oregon to give that name to this short street only five blocks in length?

Mr. CAMPBELL of Kansas. I think it would. I do not think it would be fair to the State of Oregon to give it a name of a street only five blocks in length.

Mr. PERKINS. Will the gentleman permit of an interruption?

Mr. CAMPBELL of Kansas. Certainly.

Mr. PERKINS. Does this street run through New Hampshire avenue?

Mr. CAMPBELL of Kansas. I think it does. It runs between S and T from Fourteenth to Nineteenth street NW.

Mr. PERKINS. I do not want to interfere with the committee, but if they are looking for a name, the house in which Admiral Sampson died is on the corner of that street and New Hampshire avenue.

Mr. CAMPBELL of Kansas. That is not the same name. I will say to the gentleman from New York that at the time of the hearings the name of Admiral Sampson was suggested.

Mr. PERKINS. The house in which Admiral Sampson lived and died is on the corner of this street and New Hampshire avenue.

Mr. OLMSTED. I would like to ask if the committee would not accept an amendment to call this "Sampson place," spelling it with a "p."

Mr. CAMPBELL of Kansas. I have no pride in the matter, but the gentleman who reported the bill favors the name of "Samson," and that is the name that was agreed upon by the committee, not because of any particular desire to avoid any other name, but this name seems to have been presented with more force and argument to the committee. The distinguished gentleman whose name is to be perpetuated by this bill was at one time the president of a great university here for many years and was one of the substantial citizens of the city of Washington, a public-spirited philanthropist, a great educator, and a man of high piety. He left an honored name, and many spoke highly of him before the committee other than his great grandson, who takes just pride in his memory.

Mr. SIMS. Mr. Speaker, how much time have I remaining?

The SPEAKER. Twenty-three minutes.

Mr. SIMS. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. SHERMAN].

Mr. SHERMAN. Mr. Speaker, in the time which the gentleman from Tennessee has courteously yielded to me I desire to have read this amendment, which at the proper time I shall offer and press, which I send to the desk and ask to have read.

The Clerk read as follows:

In line 11 strike out the word "Samson" and insert the word "Wheeler."

Strike out all after the word "late," in line 12, and insert in lieu thereof "Gen. Joseph Wheeler;" so that it will read: "Wheeler street, in honor of the late Gen. Joseph Wheeler."

Mr. SHERMAN. Mr. Speaker, it is a custom in this House, which has been varied but once within my recollection or experience, to take no action when there occurs the death of a gentleman, no matter how distinguished, who had served in this House at some prior time. It seems to me that we could not, with safety, pursue any other course in a body of such large proportions as this, and one so frequently changing, but it seems to me, also, that it is eminently fitting, when the opportunity is presented, to take such action as will indicate our knowledge of the passing away of an unusual character. General Wheeler for more than a decade served in this House, I might say, with unparalleled industry, certainly with very great ability and with wonderful vitality and unchanging courtesy toward all. In the prime of his vigorous manhood he fought with bravery and brilliancy for the cause which he believed to be right. With the shadow of life's evening over him he battled for our common flag with a zeal and an energy which belied his years. At this moment in another part of this city are being held the funeral services over his remains, and it seems to me that here in this body, in which are still serving many, many men who saw his service here, who associated with him and know from experience his fidelity and his worth, it is but fitting that in this meager way we pay such tribute as we can to the memory of one of the greatest of generals, Joseph Wheeler. [Applause.]

Mr. MORRELL. Mr. Speaker, I yield five minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL of Kansas. Mr. Speaker, this House could not add renown or fame to the name of Gen. Joseph Wheeler today by giving his name to a little street consisting of but five short blocks in length in this city. His name needs no such trifling tribute at the hands of the House of Represetnatives. The name of Gen. Joseph Wheeler will live and pass on through the ages without being mentioned in connection with a street five blocks in length in the city of Washington. Indeed, he needs no such monument. Why, sir, he needs neither marble nor bronze to perpetuate his fame and memory, much less this action. The adoption of this amendment could not add to his immortality in history. On the contrary, it would not be in keeping with the solemnity of his burial at this moment to drop such a trifling tribute upon his grave.

Mr. MORRELL. Mr. Speaker, as a member of the District Committee I have for some time been impressed with the fact that the present system of street extension in the District of Columbia is unequal and incongruous. Long before the discussion of January 8, 1906, over the Kalorama avenue bill was precipitated upon the House I had begun an investigation not only of the system of the District, but of systems of other cities of the United States. The motive which led me to do this was that I might present a bill for a general law which would remedy these incongruities and inequalities.

I now desire to present, as comprehensively as possible, the weaknesses of the present system and to outline the principles upon which a general bill should be drawn.

The Washington system of street extension rests upon four distinct bodies of law. These are:

1. The general highway act of 1893.
2. A series of special street-extension acts.
3. The Code of the District of Columbia.
4. Provisions of general appropriation bills.

I. The general highway act of 1893 is a very elaborate law. It provides that the Commissioners of the District of Columbia shall prepare a plan for the extension of a permanent system of highways over all that portion of said district not included within the limits of the city of Washington and Georgetown. It requires that this system shall conform to the street plan of the city of Washington as nearly as practicable; that the streets shall not be less than 90 feet in width nor more than 160 feet; that the Commissioners shall map out each and every street extension area planned by themselves and submit this for approval to a commission, consisting of—at the time—the Secretary of War, the Secretary of the Interior, and the Chief of Engineers; when approved, this map shall become the plan for the boundaries and dimensions of all the streets, avenues, and roads in the said area; that they shall then proceed to condemn the land needed for such streets, avenues, and roads, and which may not have been dedicated by the owners thereof, in the supreme court of the District of Columbia sitting as a district court of the United States; that a jury of SEVEN SHALL, under the direction of this court, ascertain the damages occasioned by each extension, assess one-half of these against the land benefited and one-half against the revenues of the District of Columbia. It provides for an appeal from the decision of this court sitting as a district court to the same court in general term.

The jury under this act is specifically required to assess the damages caused by the opening of any highway against other property which it shall ascertain and determine to have been benefited to a proportional part of the whole of said one-half of the damages. In general terms this law may be said to be a good law, and had it been rigidly adhered to by Congress its effects would have been beneficial. On account, however, of the appeal provision which it contains, vigorous objections were urged against it by interested parties, and out of this grew a flourishing body of special laws passed by the Congress of the United States.

II. Very soon after the passage of the general highway act, Congress was importuned to pass special acts for the opening of certain streets, and entered upon a career of street legislation which has produced something more than twenty special acts. After four or five years of experiment with this species of legislation, an effort was made to arrange a form which should become a model for all succeeding bills, and which we have been told in this discussion did become a model. In fact, it has, I believe, been stated upon this floor, that this particular bill follows this prearranged form word for word. The difficulty is to ascertain which of these numerous special acts was the model. As I shall show, they are all alike except in the ten or eleven sections which define the court machinery and the modus operandi by which the decisions of the court are carried into effect. They differ in almost every material provision which makes for or against what might be considered wise

legislation. Some of the bills require a dedication of from two-thirds to three-fourths of the land required as an antecedent condition; one bill requires the payment of a money consideration as collateral before proceedings shall begin; all the others require neither a dedication of land nor a payment of money.

But the main question, Who shall pay for these improvements? is answered by these acts in an absurdly contradictory manner. Some of them require that all the damages ascertained to be due shall be assessed against other land benefited; in other cases only 50 per cent of the damages is to be so assessed; and in others a discretion is given to the Commissioners by which an amount less than 50 per cent may be assessed.

In arranging for the deferred assessments some of these acts give two equal annual assessments and charge 10 per cent annual interest thereon; others give five years at 4 per cent annual interest, and still others four years at 5 per cent annual interest.

All of these special acts apply to one particular part of the city and ignore all other parts. They all, up to the present, have applied to that region lying between Tennallytown road and the Soldiers' Home, north of Rock Creek, or in the neighborhood of the National Park. It may be remarked that this region is the one in which the speculative interests have predominated since 1888.

I have investigated the thirteen special acts passed by the Fifty-eighth Congress in order that I might show the differences which I have just pointed out. These acts are:

1. The Wrights road act of April 22, 1904, which requires that the entire amount of damages shall be assessed against the lands benefited in two equal annual installments, with interest at 10 per cent per annum.

2. The act for the extension of Twenty-third street from S to California, April 22, 1904, followed the preceding act in every particular, but required the jury to include the expenses of the condemnation proceedings in the damages. The deferred assessments were five, carrying interest at 4 per cent.

3. The Kalorama avenue act, April 28, 1904, did not require the assessment of all the damages, nor even 50 per cent, against lands benefited, but gave the Commissioners discretion to accept a less percentage.

4. The Euclid avenue act, April 28, 1904, followed the preceding.

5. The V street act, April 28, 1904, required the parties interested to deposit $1,250 as an antecedent condition. It assessed the entire damage against the benefits and provided for five assessments at 4 per cent.

6. The act opening highways on the east and west sides of the Zoological Park, April 28, 1904, followed the Kalorama avenue act of the same date.

7. The Albemarle street extension act, April 28, 1904, is in the same form.

8. The Wyoming avenue act, April 28, 1904, required all the damages to be assessed as benefits.

9. The T street extension, March 3, 1905, assessed 50 per cent or less of the damages against beneficiaries.

10. The M street extension act, March 3, 1905, required a dedication of at least two-thirds of the land needed for the extension; assessed all the damages against benefits, but exempted the remaining parts of all the lands owned by the dedicants from assessment. The assessments were two, at 10 per cent per annum.

11. The Nineteenth street extension act, March 3, 1905, assessed the entire damages against the benefits and made two assessments at 10 per cent.

12. The Kalorama extension act, March 3, 1905, assessed the entire damages against the benefits and made five assessments at 4 per cent.

13. The Rittenhouse street extension act, March 3, 1905, required a dedication of at least two-thirds of the land, assessed the entire amount of damages against benefits, exempted dedicants from further assessment, and made two equal annual assessments at 10 per cent.

In the first session of the Fifty-sixth Congress the Sixteenth street extension act was passed. This required a dedication of three-fourths of all the land and that 50 per cent of the damages should be assessed against *abutters*, but *not* against the dedicants. These dedicants gave about 50 acres of agricultural land as the price for the enormous exemption which they received in the act referred to. It is a strange commentary upon this character of legislation, that if the act requires an assessment of all the damages against benefits the jury apparently has no trouble in finding a full 100 per cent of beneficiaries, and if the act requires 50 per cent the jury apparently finds this with equal ease. In other words, a jury seems to have no difficulty in finding whatever percentage of benefits may be demanded by the act in the property abutting, adjacent, or contiguous to the improvement. But in the Sixteenth street extension the jury broke down. Although required to find but 50 per cent of benefited property after exempting the dedicants, it could find but about 13 per cent of beneficiaries.

The damages assessed by the jury were $729,952.

The benefits were $108,834.

Although the act required that 50 per cent of the damages should be assessed against beneficiaries, under the discretionary power given the Commissioners this finding was approved and this balance, $620,018, was cast one-half on the abutters who were not dedicants and one-half upon the District of Columbia.

It must be remembered—and this is most important—that, in addition to the damages set out, the entire cost of grading and paving roadways is borne by the taxpayers at large, and that but only one-half the cost of sidewalks is assessed on abutting property owners, the other half being borne by the public.

I want it distinctly understood that I do not find fault with the dedicants for taking advantage of existing laws regarding dedicants, nor do I find fault with those who bought and own the property through which these streets have been opened, but I do most emphatically find fault with and condemn the laws themselves and this character of legislation.

III. The third body of underlying law in the matter of street opening is the Code of the District of Columbia. On February 23, 1905, an act amending the Code of the District of Columbia was passed, which enacted a general law as to alleys and minor streets. It empowered the Commissioners to open, extend, widen, or straighten alleys or minor streets upon petition of more than half of the owners of real estate in the square or block, and limited the width of the minor street to not less than 40 nor more than 60 feet; it authorized condemnations by a jury of five persons, to be selected and charged as in the preceding acts; it authorized all damages to be assessed as benefits and made four deferred payments or assessments carrying 4 per cent.

One great difficulty in the opening of new streets under the Washington system is the modus operandi of the initial proceedings. Too much has been left in the initiative to interested parties and too little to the owners of the real estate of the District to be improved. There is a system very much in favor among American cities very much like the provision set out in the Code. That provision is the one which authorizes the creation of separate street-improvement districts. These districts are to be found throughout the American Union and have contributed no little to the solution of the vexed question of street opening and the original or first cost of street improvement.

The citizens of the District of Columbia, and by this I mean those whose residence is here and not elsewhere, are deprived of the right of suffrage. To give them the right to form special improvement districts, either in the old city or in the outlying suburbs, would, in my opinion, not only add to their privileges as citizens, but would contribute largely to the improvement of the streets of the District. The provision of the Code limits the street improvement, based upon the petition of more than half the owners of real estate, to a square or block and to minor streets. It should be enlarged to permit a majority of the real estate owners along any street or system of streets to so petition and to form a special improvement district, the entire expense of which shall be cast upon the property of that district and assessed at not more than 2 per cent per annum until full payment is made. This system has worked well elsewhere, because it to a large measure places these improvements directly in the hands of the property owners themselves, and as they pay the bills and improve in harmony with plans furnished by the Commissioners of the District there should be no objection to its enactment here.

IV. The Government of the United States, in the sundry civil appropriation bills of March 3, 1899, and June 6, 1900, made a direct appropriation to the Adams Mill road extension. Although this method is rarely used, this appropriation shows that streets may be improved by a direct appropriation from the United States Treasury.

COMPARISON OF THE WASHINGTON CITY SYSTEM WITH OTHER CITY SYSTEMS.

Mr. Speaker, it is obvious, I think, that the fault of the Washington system is not so much in method as in law. There is too much law. There are too many ways of reaching an end under the law, and the most vicious of these is the one which permits the opening and improvement of streets by special acts of Congress. Other American cities operate under a single well-known law passed by the legislatures of the respective States, while Washington operates under a series of four distinct bodies of law, in which the body known as special acts

differs materially and overrides the other bodies of the law. The laws under which the cities operate are rarely changed, while the laws of the District of Columbia are changed frequently, sixteen having been passed since 1902.

All of the cities of the State of New York, whether of the first, second, or third classes, are by general statutes authorized to condemn lands for the opening of streets, but the expense must be borne wholly by the property benefited, except that the council of any city, whenever an improvement shall be deemed more general than local, may assess a part of the expense against the city.

All the cities of the State of Ohio are authorized by general statutes to assess upon abutting, adjacent, contiguous, or other specially benefited lots or lands in the corporation, any part of the entire cost and expense connected with the improvement. The municipality, however, must pay at least 2 per cent and may pay more.

The cities of Pennsylvania may open new streets upon a petition signed by a majority of the owners of property on the streets affected and levy the cost on the abutters. The municipality may assume a part of the expense. By reference to a statement of the comptroller of Pittsburg, which I shall attach to and make a part of my speech, it will be seen that the tendency to get something for nothing is by no means confined to the city of Washington.

The laws of these three States are fairly representative of all the laws of the other States.

The almost universal rule is to levy the greater part of the first or original expense of street extension against abutters as the principal beneficiaries.

WHO ARE THE BENEFICIARIES?

In some States the constitutional provisions are such that benefits can not be set off against damages. In others benefits can not be set off against the land seized, but may be set off against damages to the rest of it. In others the benefits may be set off against the value of the land as well as against incidental injuries. And the latter ruling is supported by the weight of authority in the greater number of States.

Elliott in his Roads and Highways, page 557, lays down the rule in these words:

> Where the property fronts on the street improved then it may be said, as a matter of law, that it is benefited to the extent of the improvement, and on this assumption assessments on frontage may be sustained on principle.

THE ALMOST UNIVERSAL RULE.

It is an almost universal rule in all American cities that the expense of new streets is to be cast arbitrarily upon abutters, as the principal beneficiary. And logically, if they are not benefited to the extent of this expense, but yet at the same time they ask for it, who else is?

Subject to this, if it can be shown that other and adjoining property is benefited, it may be assessed with the abutters.

And lastly, as the general public obtains an easement in the street, it may be called a beneficiary and may be assessed. But, except in rare cases, this assessment against the public is for the least part of the expense, and in the great majority of cases bears no expense whatever.

Right here, however, it may be said that Washington holds a position sui generis. Washington has a system of streets which are in common like the streets of all other cities, but it also has in addition a plan which demands a system of streets unlike the streets of any other American city, a system which might be termed national in character. And it is but just that to the extent of the excess of expense created by this plan the assessment should be not against abutters, nor against the revenues of the District of Columbia, but upon the revenues of the United States.

THE APPLICATION.

The special statutes of the District of Columbia vary and lead to inequalities and incongruities. Why one set of men should put up collateral in order to obtain the opening of a street and not another? Why on some streets 100 per cent of all the damages shall be assessed against benefits and only 50 per cent or less in others? Why one set of men should pay 10 per cent interest annually and another 4 per cent? Why men on one extension of Kalorama avenue should be required to pay all of the damages and men on another extension of the same avenue 50 per cent or less? Why M street and Rittenhouse street should each be required to dedicate two-thirds of the land and pay 10 per cent on deferred asessments, while each of the other eleven streets named in the other eleven acts require no dedication and charge a less per cent? Why Sixteenth street should be improved at the expense of the public and other streets at the expense of the beneficiaries? Why one section of the city of Washington receives all the benefits of this special street improvement at the expense of all the other sections?

These are all vital questions. They show that the laws are incongrous and need revision. To this end I have introduced a bill.

A few words in explanation of the bill:

This bill modifies and reenacts the highway act of 1893 and chapter 55 of the code of 1901, as the latter is amended. These acts seem to me to be in the main just and reasonable; but after investigation and reflection I am persuaded that they are defective in three or four particulars, and have attempted to provide a remedy for those defects.

The general and fair understanding of the situation in Washington is that there are three parties in interest in every case of opening a new street or avenue in this District—first, the person whose property is taken for that purpose; second, the District of Columbia, and, third, the United States; and that the burdens ought to be equitably distributed among these parties. The United States controls the laying out of streets, avenues, county roads, and suburban streets, through a commission consisting of the Secretary of War, the Secretary of the Interior, and the Chief of Engineers, for the time being. The national authority, and not the local authority, thus controls the subject, and acts solely with a view to national interests in developing here a city conformable in all its parts to the magnificent plan designed by L'Enfant and Washington for a national capital, and not for a county town. The streets are often of 160 feet in width and many miles in length. The case is entirely different from that of other cities. My bill, therefore, provides that the United States shall pay one-third of all damages for property taken for streets exceeding 80 feet in width, and shall be made a party to, and be represented by its attorney for this District, in all condemnation proceedings relating to such streets.

It also provides for allowing the District to issue bonds not exceeding $2,000,000 annually, and not exceeding $30,000,000 in all, in order to provide a fund for the payment of the damages awarded against it in such condemnation proceedings.

It secures to any party aggrieved by the final order of the supreme court of the District in any such proceedings the right of appeal to the Court of Appeals of the District.

As to minor streets and alleys and county roads not exceeding 60 feet in width, it adopts the provisions of the District Code as amended by the act of March 3, 1901, which do not require the United States to pay anything, the matter being considered purely local.

I believe that under the plan I have proposed the burden of expense incident to the development of the capital city may be made to fall with reasonable impartiality upon the parties upon whom it justly and equitably should rest. Equality in the imposition of the burden is of the highest importance, and though absolute equality and absolute justice are never attainable, the adoption of some rule or system tending to that end is indispensable. I believe that the plan suggested would save a great deal of money to the United States by convincing the people here that we mean to treat them fairly, and thereby inducing them to act justly toward the Government of the United States. If we attempt to compel them at their sole expense to execute the magnificent plans of improvement prepared by the officers of the United States for the aggrandizement of the national capital, they will simply recoup by awarding exorbitant damages against the United States for all lands taken for its use, and in the long run we shall be losers and not gainers by an unjust policy. They will also continue to endeavor to obtain special legislation through Congress, as they have been doing since 1888.

My object is to put an end to abuses now existing, and to hereafter carry on street openings in a systematic way under fair and impartial general laws.

To refer for a moment again to the faults of the present system, they are, to my mind—

1. The special laws enacted by Congress interfere with the proper development of the general law.

2. The general law does not give the citizens of the District sufficient power of initiative and results in extravagant improvements, unnecessary improvements, and favoritism in the selection of improvements.

3. For minor streets and alleys in a single block (that is, streets 60 feet wide or less), the code places the initiative in the citizens. When a majority of property owners in such block ask for an improvement the Commissioners are directed to make it. This is right as far as it goes, but it does not go far enough.

The right to form special improvement districts should be given by general statute. These districts should be permitted

to take in any length of street or any area upon which streets have not been already laid out. Let a majority of the citizens owning abutting property petition for the improvement and then cast upon abutting property a certain proportion of the cost of condemnation and the first or original cost of the improvement. This is a stimulus to local pride.

4. Streets in kind like streets of other cities—80 feet wide or less—should be paid for like streets in other cities, a certain part on abutting property and a certain part by the District of Columbia. For such streets one half should be borne by the abutters and the other half by the District.

5. For extraordinary streets, more than 80 feet wide, the United States should pay one-third, the District of Columbia one-third, and the abutters one-third.

6. In other cities the opening and improvement of streets is facilitated by an issue of bonds. Authority to do that in Washington would break down favoritism and result in a general improvement of all sections. A sinking fund should be created. Assessments made upon abutters for from ten to twenty years, for their proportionate part of every improvement and the necessary interest, and upon the entire property of the District for the remaining part, would provide a fund to retire bonds issued to run at from ten to twenty years.

7. The figures submitted herewith show that the moneys heretofore appropriated for street extension, street improvement, and even for street repairs, have been used too much for one part of the city to the exclusion of the rightful demands of all other parts.

The following figures, taken from the Engineer's Report for the years 1903, 1904, and 1905, for work on streets, avenues, county roads and suburban streets, and repairs to asphalt, show the glaring inequalities in distribution of appropriation by the Commissioners of the District:

Total improvements in west Washington, $706,164, or 77.7 per cent.
Total improvements in east Washington, $225,865, or 22.3 per cent.
Total amount to the Northwest, $662,272, or 72.5 per cent.
Total amount to the Northeast, $118,046, or 11.1 per cent.
Total amount to the Southeast, $107,819, or 11 per cent.
Total amount to the Southwest, $43,892, or 5.4 per cent.

ENGINEER'S REPORT.

Work on streets, avenues, county roads, and suburban streets for the year ending June 30, 1905.

[Vol. II, page 42, folder, Table E.]

	Square yards.	Cost.
Northwest	12,263	$37,698
County roads, northwest	45,819	85,729
Total northwest	58,082	123,427
Northeast	8,336	19,924
Southwest	7,416	16,382
Southeast	13,102	30,121
Georgetown	4,190	9,935

Repairs to asphalt—Table F.

Northwest	$79,950
Southeast	7,457
Southwest	4,151
Total to northwest, including Georgetown	213,312
Total to northeast	19,924
Total to southwest	20,533
Total to southeast	37,578
Total to west Washington	233,845
Total to east Washington	57,402

Table E, 1904.

Streets in northwest	$30,015
Suburban northwest	129,577
Total northwest	159,592
Streets in northeast	33,709
Suburban northeast	8,482
Total northeast	42,191
Streets in southeast	35,037
Streets in southwest	16,726

Table F, 1904—Repairs to asphalt.

Northwest	$80,568
Southwest	1,901

Table E, 1903.

Streets in northwest	$54,456
Suburban northwest	109,294
Total northwest	163,750
Streets in northeast	29,901
Suburban northeast	15,852
Total northeast	45,703
Streets in southeast	26,551
Streets in southwest	16,479

Table F, 1903—Repairs to asphalt.

Northwest	$44,059
Northeast	10,178
Southwest	4,732
Southeast	19,135

CONDEMNATION PROCEEDINGS IN OTHER CITIES.

Pittsburg.—Improvements of a general character are distributed upon abutters and the city in the ratio of two-thirds upon abutters to one-third upon the city. Improvements of strictly local character are cast upon abutters.

The city comptroller of Pittsburg in his report for 1904–5 said:

"A practice which in its inception was intended to relieve hardships in deserving and exceptional cases has grown to such proportions as to become a great and grievous wrong. In outlining public improvements care should be exercised in determining their scope and whether local or general in their character. If general and affecting the community as well as abutting property, the charge against the work might with justice be distributed and the city regarded as a beneficiary; but where the benefits are merely local the city should not be assessed with any portion of the work. It seems to have been the practice in late years, and is rapidly growing, of getting all the improvements that can be had at other people's expense. In other words, local improvements are very often made where the benefits are not equal to the damages, and the difference is charged to the city. * * * I do not believe that in many of these cases, and the books are full of them, that the general public is benefited in any way, and some plan should be adopted by which this practice of improving any portion of the local thoroughfares at the expense of the general public should be stopped."

St. Louis.—This city formerly cast the cost of improvements upon the frontage. This was changed so as to lay special taxation against particular pieces of property as benefits. The auditor for 1905 says that this system produces greater inequalities than the old system, and that it is complicated, ill defined, and provocative of litigation. In neither case is the cost cast upon the city, except where the city may be an abutter or benefited. The total amount, however, paid by the city in condemnation proceedings under either system since 1887, a period of nineteen years, was $331,234, or about $17,400 a year.

Buffalo.—Street extensions, grade crossings, and sewer improvements are made by the city, and the expense assessed against the streets or districts benefited thereby. Bonds are issued and a sinking fund created. A certain amount of the indebtedness is cast upon the frontage and the remainder upon a district locally benefited.

Boston.—The cost for extending streets is cast upon abutters. Bonds are issued as in Buffalo, a sinking fund created, and assessments made against the abutting property or the property of the district benefited.

Cost of actual condemnations in Washington.

Year.	Street.	Damages.	Benefits.
1902	Sixteenth street	$729,952	$108,834
1902	Eckington place	5,968	2,023
1902	Adams Mill road	6,092	----------
1905	Euclid place	14,608	7,400
1905	Highways on east and west sides of the Zoological Park.	51,627	23,506
Total		808,247	141,763

In all of the other improvements, twelve in number, the benefits were about equal to the damages. The total damages in eleven of these only amounted to about $50,000. From this it appears that this system works well upon small improvements, but opens the way for speculative enterprise at the cost of the city in large improvements. Street extensions in 1902 cost $1,086,676; street improvements cost $618,387; care and lighting, $936,019. Total, streets, exclusive of bridges and sewers, $2,641,000.

In re the extension of Sixteenth street NW., court roll No. 580, in the supreme court of the District of Columbia, holding a district court, May 29, 1901.

VERDICT AND AWARD OF DAMAGES AND ASSESSMENT OF BENEFITS.

Schedule No. 1, damages.
Schedule No. 2, benefits.
Proceedings under acts of March 3, 1899, January 30, 1900, and June 6, 1900.

NOTE.—Schedule No. 1 sets out, first, damages awarded for land taken and damages due to grading, and, second, damages to improvements.

Schedule No. 1, damages for land taken and damages due to grading.

HALL & ELVAN'S SUBDIVISION OF MERIDIAN HILL.

Owners.	Award.
Miles Rock	$850.00
Howard University	7,701.00
Do	209.25
James B. Nicholson	3,461.25
Do	1,335.75
John W. Smith	9,905.00
Henry D. Williams	1,384.75
Louisa A. Williams	1,422.25
Do	1,459.75
Do	1,497.25
Do	1,534.75
Do	1,572.25
Do	1,027.60
Henry D. Williams	1,046.80
Do	1,066.00
Do	1,085.20
Benjamin P. Davis	1,123.06
Do	1,142.80
Do	1,162.00
Do	1,181.20
Do	1,200.50
W. Riley Deeble	1,909.75
Do	1,947.25
Do	1,984.75
Do	2,022.25
Do	2,060.00
Henry D. Williams	2,514.00

Mary F. Henderson	$775.00
James B. Nicholson	10,062.00
Do	422.25
William H. Walker	8,199.00
Do	1,525.50
D. W. Clinton Broadhead	1,077.50
Do	1,129.30
James H. C. Wilson	1,212.20
Amelia F. Hensley	1,344.20
James F. Smith	1,476.20
Robert Portner	1,608.20
Mary F. Henderson	1,740.20
W. H. Walker and Chas. M. Campbell, trustees	4,091.70
Do	11,250.00
Do	3,926.00
Alban H. Nixon	4,046.00
Do	4,166.00
Do	4,286.00
Myron M. Parker	3,657.50
Do	145.60
James B. Nicholson	43.55
Do	2,885.00
Alonzo C. Barnett	3,507.00
Do	27.75
Henry Carter	135.30
C. H. Merriam, jr	111.40
Do	69.30
Do	11,250.00
Harriet S. Blaine	5,246.50
Do	450.70
Do	5,366.50
Do	426.70
J. H. C. Wilson and Alice S. Hill	5,486.30
Do	402.70
Heirs of Mary M. Hodgan	5,606.50
Do	473.40
William A. Campbell	5,726.50
Do	443.35
Do	5,846.50
Do	413.35
William Scott	6,572.50
Do	533.80
Do	1,003.25
Do	68.05
Albion C. Chatham, jr	5,631.25
Do	426.50
John D. Langhorne	4,095.00
Harriet S. Blaine	1,331.00
Laura F. Barney	294.60
Charles D. Walcott and Richard Rathbum, trustees	438.70
Rebecca S. Barnes	31.75
John E. Anderson	64.05
Eliza A. Duffield	98.55
Morrell Morean	300.70

UNSUBDIVIDED TRACT, NORTHWEST CORNER SIXTEENTH STREET AND COLUMBIA ROAD.

Mary Swain Thompson	$1,771.05

DENISON AND LEIGHTON'S SUBDIVISION OF THE ESLIN ESTATE.

Elbert Robinson and Oliver A. Morris	$1,203.10
Do	321.70
Do	2,690.65
Do	96.20
Do	850.80
Do	9,590.30
Do	262.50
William J. Walker and John Mitchell, jr., trustees	2.75
M. W. and Katherine M. Edmonds	6,129.90
Do	189.75
Stanley Pearce	5,625.45
Mary R. Langtree	5,610.40
David Ingalls	5,547.25
Do	23.80
Alexander Grant and George F. Stone, trustees	4,978.35
Do	300.50
Butler F. Abbott	4,256.10
Do	654.00
Katherine S. Foos	3,361.00
Do	922.10
Elizabeth Varney	739.80
Do	930.50
John B. Henderson	1,830.30
Dwight Anderson	1,261.00
Do	515.70
Phebe S. Lea	2,246.00
Zeno B. Babbitt	2,249.00
William and Henrietta E. J. Ramsay	8,367.00
Mary B. Ames	8,071.25
Do	136.90
Do	869.00
Do	78.00
Do	1,537.00
Do	185.15
George W. Sensner	1,482.74
Do	236.40
George F. Stone	339.20
Do	2,492.10
Do	1,820.00
Do	1,600.00
Emma B. Fitzgerald	2,163.50
Do	856.10
Charles R. Rowzee	705.50
Elizabeth Varney	960.00
Do	357.90
Lydia A. Tanner	10,301.20
Do	248.40
S. Elizabeth Henry and Nellie M. Leadingham	7,304.80
Do	626.80
Mary E. Sleman	2,593.90
Mortimer Du Perow	203.40
C. R. McMahon	1,484.20
Priscilla B. Henley	588.00
Elizabeth Smith	$485.50
Mary F. Henderson	913.90
Charles M. Campbell	1.15
John M. Henderson	1,304.05
Do	5.60
William K. Davidson	1,648.40
Do	1,817.50
Douglas F. Forrest	2,354.70
Ellen McMahon	1,265.10
Nellie M. Leadingham	1,323.60
Jennie F. Skindle	5,719.60
Do	159.00
Martha H. Wheeler	2,535.90
Do	530.90
Emeline L. Morse	2,150.70
Do	710.20
Edwin H. Snyder	1,765.50
Alice E. Snyder	1,380.00
William E. Snyder	1,224.00
Alfred T. Gage	487.70

S. P. BROWN'S SUBDIVISION OF MOUNT PLEASANT.

Annie Hardon	$2,793.00
Do	3,904.50
Carl Hoffman	242.25
Mary F. Henderson	246.70
Do	4,968.10
Benjamin P. Davis	12,687.10
Do	3,889.50
George E. Emmerich	3,362.00
Jessie T. Green	4,220.00
Do	1,749.60
Do	1,749.60
Do	1,750.20
Do	1,750.20
Do	980.00
William and Mary E. Butterworth	6,072.40
William H. Crowell	1,152.50
William F. and Charles W. Wagner	48.35
Richard P. Strong	245.60
Laura Arnett Cole	421.05
Do	6,363.90
Do	9,000.00
Do	7,596.50
Harry B. Parker	217.60
Do	435.85
Do	3,157.40
Heirs of Sydney V. Mitchell	328.50
Do	1,266.80
Laura Arnett Cole	4,500.00
Do	3,192.45
Do	125.50
Catherine E. Peck and Claudius B. Jewell, trustees	1,204.15
Theresa Dillon	2,000.00
Do	2,517.90
Amos Hadley	5,785.00
Sarah F. Exley	1,974.60
Do	6,565.30
Do	637.70
Martha F. Harmon	379.05
Melvina Rogers	10,824.90
Do	875.10
Do	2,617.55
Do	80.00
William E. Anderson	1,149.85
Do	120.00
Rebecca M. Bensal	711.60
Do	375.00
John Moon	16.95
Do	625.00
Nicholas E. Young	6,967.45
Do	458.10
Do	1,248.70
Do	3,444.20
Do	119.80
Do	3,564.00
Do	3,247.20
Do	316.70
William H. Andrews	1,700.00
Do	2,687.00
T. Pliny Moran	9.30
Do	400.00
Harrison G. Brewer	90.85
Do	70.00
Do	880.50
Do	200.00
Wm. A. and Julia Whitson	777.80
Do	275.20
Do	3,122.15
Do	27.90
John T. Knott	875.00
Richard D., Wm. R., and Jno. K. Gordon	875.00
George R. Repetti	700.00
Frederick W. Ritter, jr	700.00
Do	700.00
Margaret A. Connell	700.00
George W. Bigelow	1,204.50
Edgar W. Murphy	1.70
Thomas O'Connor	437.30
Alice Simpson	1,375.00
Eliza Warder	962.50
Do	680.60
Do	6.90
Susie A. Hertford	317.75
Do	26.00
Benjamin W. Holman, trustee	298.35
Do	45.40
Do	430.80
Do	119.10
Do	369.00
Do	181.00
Do	307.00
Do	50.00

Benjamin W. Holman, trustee	$245.00
Do	150.00
Do	183.00
Do	200.00
Do	121.00
Do	250.00
Do	59.20
Do	300.00
Do	6.50
Emma K. Yoder	2,232.60
Do	232.40
Do	216.90
Benjamin W. Holman, trustee	3,015.00
Do	2,300.00
Do	3,344.50
Do	1,051.85
Ellis Spear	4,767.00
Do	221.05
Do	250.00
Sarah F. Spear	3,303.80
Do	500.00
J. Wilson Dyrenforth	1,051.30
Do	500.00
Do	446.75

UNCLASSIFIED TRACTS.

Julia A. L. Hall	$1,600.00
Caroline D. Tracy	2,107.50
Do	392.50
J. D. Croisant	9.40
Herbert T. W. Jenner	1,800.00
Albion B. Jameson and Albert F. Hendershott	10,144.00
L. P. Shoemaker	481.50
Charles Early and C. C. Lancaster, trustees	11,615.00
Augustus Burdorf and Allen S. Johnson, trustees	4,882.50
Gustav H. Kuhn	1,775.00
Charles C. Glover	4,353.50
Charles W. Russell	3,572.50
Alexander F. Matthews	50.75
Charles G. Matthews	1,271.00
Achsah B. Rowell	1,342.50
John L. Norris	442.50
Emma Hayes	123.50
Edward L. White	455.00
Helen W. Davis	92.95
Mary V. Barbee	188.50
Alice F. Opdyke	20.80
Alexander Reynolds	50.70
Samuel C. Raub	983.45
Augustus Burdorf and Allen C. Clark, trustees	728.50
Do	65.00

SCHEDULE NO. 1 (B).—DAMAGES TO IMPROVEMENTS.

Alban H. Nixon	$15.00
Myron M. Parker	150.00
Do	40.00
James B. Nicholson	450.00
Alonzo C. Barnett	2,800.00
Elbert Robertson and Oliver A. Morris	150.00
Mary R. Langtree	3,300.00
Emma B. Fitzgerald	25.00
Charles R. Rowzee	25.00
George W. Sensner	5,900.00
Mary B. Ames	5,600.00
Do	6,400.00
William and Henrietta E. J. Ramsay	6,000.00
Zeno B. Babbitt	4,400.00
Phebe S. Lea	4,700.00
Dwight Anderson	4,400.00
Lydia A. Tanner	9,500.00
Mortimer Du Perow	4,500.00
Columbia R. McMahon	1,900.00
Elizabeth Smith	1,200.00
Nellie M. Leadingham	1,400.00
Ellen McMahon	800.00
Douglas F. Forrest	2,000.00
Annie Hardon	50.00
Do	1,750.00
Carl Hoffman	50.00
Benjamin P. Davis	2,700.00
George M. Emmerich	5,800.00
Jessie T. Green	4,321.00
Laura Arnett Cole	5,000.00
Do	5,750.00
Harry B. Parker	1,200.00
Amos Hadley	3,300.00
Theresa Dillon	5,100.00
Sarah F. Exley	3,000.00
Melvina Rogers	7,500.00
Nicholas E. Young	4,200.00
William E. Anderson	600.00
Rebecca M. Bonsal	15.00
John Moon	125.00
Margaret A. Connell	2,700.00
Wm. A. and Julia M. Whitson	3,000.00
Harrison G. Brewer	190.00
Alice Simpson	2,900.00
C. C. Glover	100.00
John L. Norris	800.00
A. B. Rowell	1,000.00
Total damages	729,952.29

SCHEDULE NO. 2.—ASSESSMENTS OF BENEFITS.

John W. Smith	$872.00
Miles Rock	150.00
Do	375.00
Do	525.00
Do	942.00
James B. Nicholson	451.80
Betsy Ann Hill	50.00
Lewis P. H. Davis	451.80
Lucy Dix Bolles	225.00
Henry D. Williams	$348.05
Louisa A. Williams	340.55
Do	333.05
Do	325.25
Do	254.45
Do	248.40
Do	394.50
Henry D. Williams	390.65
Do	386.80
Do	382.95
Benjamin P. Davis	379.10
Do	375.30
Do	371.45
Do	367.60
Do	363.75
Do	359.90
W. Riley Deeble	394.45
Do	388.45
Do	382.45
Do	376.40
Do	370.40
Henry D. Williams	364.40
Maria J. Carter	75.00
Do	75.00
Georgianna Bules	120.00
John A. Schlueter	90.00
Mary F. Henderson	1,106.50
Do	1,115.85
Do	729.30
Do	562.90
Do	439.20
Harriet S. Blaine	190.60
A. M. Crane	144.00
Do	120.00
Selina D. Wilson	200.00
Do	420.00
Mary M. Henderson	300.00
Mary F. Henderson	300.00
Do	900.00
Charles T. Willis	562.00
De Witt C. Broadhead	562.50
Do	375.00
George T. Klipstein and Caroline G. Caughey	375.00
Susan V. Jackson	525.00
De Witt C. Broadhead	375.00
Joseph F. Webber	150.00
Sarah E. Coffin	225.00
De Witt C. Broadhead	1,659.50
Do	1,303.60
James H. C. Wilson	1,279.60
Amelia T. Hensley	1,255.60
James T. Smith	1,231.60
Robert Portner	1,207.60
Mary F. Henderson	1,183.60
Frederick L. Rosenund	450.00
Do	750.00
W. Henry Walker and Chas. M. Campbell, trustees	985.50
Do	893.50
Albion H. Nixon	863.50
Do	833.50
Do	803.50
James V. White	773.50
Adelaide Barnett	250.00
James B. Nicholson	450.00
Virginia B. Holmes	160.00
Albert W. Bingham, jr	120.00
James B. Wimer	80.00
Elizabeth M. Power	40.00
Mary F. Henderson	300.00
Do	600.00
Do	574.00
Henry Carter	1,148.60
John D. Langhorne	630.00
Ida M. Shumate	268.30
Harriet S. Blaine	2,215.00
Laura F. Barney	526.00
Charles D. Walcott and Richard Rathbun, trustees	1,067.00
Mable H. Mellen and Marie H. Hoggatt	450.00
W. D. Davis	774.00
Mable H. Mellen and Marie H. Hoggatt	225.00
Lucy E. Moten	1,125.00
Rebecca S. Barnes	747.25
John E. Anderson	369.40
Eliza A. Duffield	366.45
Morrell Moreon	723.85

DENISON & LEIGHTON'S SUBDIVISION OF ESLIN ESTATE.

Elbert Robertson and Oliver A. Morris	$777.40
Do	1,207.88
Do	217.85
Katherine S. Foos	512.30
Elizabeth Varney	516.95
Emma B. Fitzgerald	487.35
Do	288.60
Charles R. Rowzee	318.60
Elizabeth Varney	727.90
Do	848.25
John B. Henderson	894.50
Arthur H. Whitlark	235.75
Do	1,173.40
George F. Stone	236.10
Thomas W. Hunster	1,672.20
Charles H. Arnes	641.80
Mortimer De Perow	380.55
Columbus R. McMahon	457.60
Priscilla B. Henley	276.95
Elizabeth Smith	257.70
Mary F. Henderson	866.95
Charles M. Campbell	490.25
Watson W. Farrar	490.60
Mary F. Henderson	392.50
Oscar P. Schmidt	392.50

Mary F. Henderson	$785.00
Do	583.50
Edwin H. Snyder	532.20
Columbus Kelly	695.80
William F. Snyder	798.30
Huldah Tilley and Alfred T. Gage	506.40
Christine Tyner	60.75
Thomas H. Sypherd	93.55
James B. McLaughlin	150.00
Do	204.45
Marie Schmidt	353.40
John M. Henderson, trustee	78.30

S. P. BROWN'S SUBDIVISION OF MOUNT PLEASANT.

Annie Hardon	$350.00
Carl Hoffman	184.00
W. H. Crowell	779.30
Wilhelmina Hoffman	203.00
Carl Hoffman	166.80
Joseph H. Crawford	472.50
Margaret J. Crawford	417.15
William F. and C. W. Wagner, Samuel Barnes, and Philip B. Milton	1,084.55
Benjamin P. Davis	1,185.70
Mary F. Henderson	326.80
Do	653.60
Do	1,056.50
Do	468.40
Selina M. Miller	311.25
Do	150.60
Do	389.10
Do	1,167.20
Richard P. Strong	170.00
Do	1,463.20
Laura Arnett Cole	524.95
Harry B. Parker	587.80
Heirs of Sydney V. Mitchell	168.75
Do	101.25
Do	145.85
Do	50.60
Charles Schneider	540.00
Charles R. Wright	234.00
Henry Troomby	469.92
C. B. Jewell, trustee	1,120.80
Dan Costello and Hugh Govern	939.85
Nicholas E. Young and Joseph H. Crawford	469.90
Nicholas E. Young	43.10
Robert H. Young	21.60
Henry C. Harmon	290.40
Do	667.30
Sarah F. Exley	466.80
William H. Andrews	8,818.60
Nicholas E. Young	740.00
Melvina Rogers	319.90
William E. Anderson	276.40
John Moon	157.10
Rebecca M. Bonsal	618.20
T. Pliny Moran	469.40
Harrison G. Brewer	280.35
Ellis Spear	375.00
Sarah F. Spear	750.00
J. A. Dyrenforth	473.70
Benjamin F. Holmes	100.00
Do	200.00
Do	260.00
Do	320.00
Do	380.00
Do	2,650.00

UNSUBDIVIDED TRACTS.

Charles Early and Charles C. Lancaster	$2,137.00
Augustus Burgdorf and Allen S. Johnson	2,750.00
Do	1,228.50
Gustav H. Kuhn	1,000.00
Total benefits	108,834.75

The names of the dedicants may be obtained from the books in the office of the surveyor of the District.

A bill (H. R. 12692) to provide for opening and extending streets and avenues, county roads, and suburban streets in the District of Columbia, and for other purposes.

Be it enacted, etc., That except as modified or repealed by this act all the provisions of the act of Congress approved the 2d day of March, 1893, entitled "An act to provide a permanent system of highways in the District of Columbia lying outside of cities," shall be and remain in full force and effect, and that all the powers given to the Commissioners and others thereby shall also apply to and be capable of being exercised within the limits of the cities of Washington and West Washington (formerly Georgetown), and upon and through any addition thereto, whenever it may be necessary to open or connect streets within the said cities, or streets lying partly within and partly beyond the limits thereof.

SEC. 2. That in all cases where any street, avenue, county road, or suburban street which may be laid out and established in pursuance of this act or the act of March 2, 1893, aforesaid, shall exceed 80 feet in width, the amount awarded by the court as damages for such highway or part thereof condemned and established, together with the entire first or original cost of the improvement, shall be assessed one-third against the land abutting upon the street or streets to be improved to a depth of 150 feet on each side thereof and the other two-thirds shall be charged to the District of Columbia and the Treasury of the United States in equal proportions, and the damages awarded for all reservations which may be condemned and established shall be charged wholly to the Treasury of the United States; that for all streets 80 feet in width or under the entire amount of the damages and the entire first or original cost of the improvement shall be assessed one-half against the abutting property on each side of the improvement to a depth of 150 feet and the other half shall be charged to the District of Columbia.

SEC. 3. That in all cases where any street, alley, suburban street, or county road shall be not more than 80 feet in width and confined to a single block, the amount awarded by the court as damages shall be ascertained and paid in the manner prescribed by the act approved the 23d of February, 1905, entitled "An act to amend chapter 55 of an act entitled 'An act to establish a code of law for the District of Columbia,'" relating to the opening of minor streets and alleys in the said District; and all other provisions of the said chapter 55 of the act of March 3, 1901, not inconsistent with this act or the said acts of March 2, 1893, and February 23, 1905, shall be and remain in full force and effect.

SEC. 4. That in case citizens of the District of Columbia shall, by petition filed with the Commissioners of the District of Columbia and signed by at least one-half of the owners of property abutting upon any highway, street, or streets of the District of Columbia, or of property lying within the boundaries of any special improvement district or area to be established within the boundaries of the District of Columbia, ask that a highway, street, or streets be improved, or opened and improved, under this act and the preceding acts and laws of which it is amendatory, it shall be the duty of the Commissioners of the District of Columbia to improve or open and improve said highway, street, or streets in manner and form now provided by law for the improvement of existing streets, or the opening, extension, and improvement of new streets, or as said existing law shall be modified by this act.

SEC. 5. That in order to provide an available fund for the payment of the damages which may hereafter be awarded against the District of Columbia in the execution of the plan of street extension hereinbefore authorized and required, and for the first or original improvement thereof, the Commissioners of the District of Columbia shall have authority to execute, issue, and sell, from time to time, as exigencies may require, bonds of the District of Columbia, not to exceed $2,000,000 in any one year, nor to exceed $30,000,000 in all, to be paid, principal and interest, fifty years from the date thereof and wholly from the revenues of the District of Columbia.

SEC. 6. That the United States shall be made a party to all proceedings for the condemnation of lands for highways under the system hereby established whenever the highways to be opened, extended, or improved shall exceed 80 feet in width, and the attorney of the United States for the District of Columbia shall appear for the United States in all such proceedings.

SEC. 7. That any party aggrieved by the final order or decree of the supreme court of the District of Columbia holding a district court, fixing the amount of damages or the assessment upon any parcel of land, may take an appeal therefrom to the court of appeals of the District of Columbia and shall be entitled to a bill of exceptions as in civil cases; and said court of appeals may affirm, reverse, or modify the order or decree appealed from: *Provided*, That said court of appeals shall consider only questions of law arising on such appeal, and that such appeal shall be taken within twenty days after the making of the final order or decree appealed from, and not afterwards, and shall be subject to existing laws and rules of court regulating appeals to said court of appeals from the supreme court of the District of Columbia.

SEC. 8. That all laws and parts of laws inconsistent with this act are hereby repealed.

SEC. 9. That this act shall take effect from and after its passage.

Now, Mr. Speaker, I would like to know how much time the gentleman from Tennessee has remaining?

The SPEAKER. Twenty minutes.

Mr. SIMS. Mr. Speaker, all I have to say in addition to what I have said is that I accept the amendment offered by the gentleman from New York [Mr. SHERMAN], and I do not think it would dishonor the memory of General Wheeler to name a street in the capital city for him. I think it would honor the city of Washington and, therefore, I heartily accept the amendment.

Mr. MORRELL. Mr. Speaker, do I understand the gentleman does not desire to use the balance of his time?

Mr. SIMS. Unless some gentleman wants to speak on the side I am representing I do not care to use any further time.

Mr. MORRELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the extension of streets of the District of Columbia.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

In line 11 strike out the word "Samson" and insert the word "Wheeler." Strike out all after the word "late," in line 12, and insert in lieu thereof "Gen. Joseph Wheeler;" so it will read: "Wheeler street, in honor of the late Gen. Joseph Wheeler."

The question was taken; and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was read the third time, and passed.

The title was amended so as to read: "A bill changing the names of Pierce place, Blake street, Swann street, Cedar street or place, and Oregon avenue to Wheeler street."

Mr. MORRELL. Mr. Speaker, there are no further bills to bring up.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its amendment to the bill (H. R. 1056) granting a pension to Galon S. Clevenger, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCCUMBER, Mr. SCOTT, and Mr. TALIAFERRO as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 849) granting an increase of pension to Horatio Carter.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 1330) granting an increase of pension to William A. Hildreth, the beneficiary of said bill having died.

GENERAL BRIDGE BILL.

Mr. MANN. Mr. Speaker, I call up the bill H. R. 6009.

The SPEAKER. The gentleman from Illinois calls up as unfinished business the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 6009) to regulate the construction of bridges over navigable waters.

Mr. MANN. The bill has been read, Mr. Speaker. I yield thirty minutes to the gentleman from Texas [Mr. HENRY].

Mr. HENRY of Texas. Mr. Speaker, I do not know that I shall use the thirty minutes that have been yielded to me. It may be, as the gentleman has said, that there is not very much in this bill, that it is not one of very great importance. It is a bill dealing with the general subject of constructing bridges across navigable streams in the United States. This matter is a part of the broad subject of interstate commerce. The bill has been referred to the Committee on Interstate Commerce and has been reported back by unanimous decision of that committee, under their power to inquire into questions touching the regulation of interstate commerce. It is intended to be a bill for the purpose of authorizing railway corporations to construct bridges across navigable rivers, and yet not once does the bill mention the word "corporation," but only refers to persons.

Mr. MANN. May I interrupt the gentleman to say the gentleman is mistaken?

Mr. HENRY of Texas. With pleasure.

Mr. MANN. The last section of the bill provides that the word "persons" shall include "corporations," so it does mention corporations.

Mr. HENRY of Texas. Oh, yes; I was speaking of the first section. It starts out authorizing persons to construct bridges, and winds up in the last clause by saying that "persons" shall mean "corporations."

In one place it is provided that the plans and specifications and drawings are submitted to the Secretary of War; then, under such provision, whether he approves those plans and specifications or not, the corporations or persons would be authorized to proceed with the construction of the bridge. The next clause requires that the plans shall be approved by the Secretary of War. In other words, under the first part of the section, no matter whether the Secretary of War has approved the plans and specifications, the individuals or corporations can proceed with the construction of the bridge.

Mr. MANN. May I interrupt the gentleman?

Mr. HENRY of Texas. Yes, sir.

Mr. MANN. I am not sure but that the gentleman's criticism may be correct. At least, it is my intention to ask the House to amend the bill by striking out "or" and insert "nor."

Mr. HENRY of Texas. I think that is correct, and that will remove the difficulty. The gentlemen have spoken of the care bestowed in the preparation of this bill. With all due respect to the gentleman from Illinois and other members of the Interstate Commerce Committee, I wish to say that it strikes me that the bill has not been as carefully drawn as it should be on a great subject like this. On to-morrow the House begins the consideration of the broad subject of regulating interstate commerce, and to-day we have before this body a bill that invades that great subject to a large extent. The language of this bill, it seems to me, has not been chosen with the utmost precision.

Now, let me refer to one or two other loose expressions in it. The bill requires that the plans and specifications be submitted to the Chief of Engineers and to the Secretary of War. The Chief of Engineers is under the Secretary of War, and if they ought to be submitted to the War Department, why not say that they shall be submitted to the Secretary of War, because the Chief of Engineers must act as the Secretary of War says. And it seems to me that that might become important under certain conditions.

I shall not discuss the various sections. But let me refer to section 3 of this bill, on page 3. In the latter part of that section I find this language—and this, I think, is one of the most objectionable features of the bill:

If tolls shall be charged for the transit over any bridge constructed under the provisions of this act, of engines, cars, street cars, wagons, carriages, vehicles, animals, foot passengers, or other passengers, such tolls shall be reasonable and just, and the Secretary of War may, at any time, and from time to time, prescribe the reasonable rates of toll for such transit over such bridge, and the rates so prescribed shall be the legal rates and shall be the rates demanded and received for such transit.

There in that section is conferred upon the Secretary of War the great power of fixing and establishing the rates and tolls over bridges across navigable streams in this country; for instance, the power applies to the bridge at St. Louis across to East St. Louis; at Cairo across the river; at Memphis, and bridges across the other rivers of this country. It authorizes the Secretary of War to fix the tolls that shall be charged. Mr. Speaker, this may be in the estimation of some gentlemen very innocent language, but I undertake to say that whenever this body confers the great rate-making power on the Secretary of War and withdraws that power from the jurisdiction of the Interstate Commerce Commission, and also from the various State commissions of the respective States of this Union, and thus fixes the tolls on the bridges, a great power has been conferred, and one that certainly should be handled with conservatism. I have been reminded that such a provision as this has been in practically all of the bridge bills that have been passed. I believe that was the statement, was it not, the other day? I will ask the gentleman from Illinois [Mr. MANN].

Mr. MANN. It is customary to put that provision in all bills where tolls are permitted to be charged for passage over the bridge. It has been done for many years, I think.

Mr. HENRY of Texas. Now, Mr. Speaker, as a general rule that is correct, but when the power of fixing rates across these bridges was conferred upon the Secretary of War originally the Interstate Commerce Commission had not been created. And because there was no other power to determine this question, and it must be submitted to some jurisdiction, it was remitted to the jurisdiction of the Secretary of War, for the reason that he had charge of the navigable streams of this country, their improvement, etc.

Mr. ADAMSON. Will the gentleman permit an interruption?

Mr. HENRY of Texas. I will.

Mr. ADAMSON. I would like to remind the gentleman from Texas that these provisions in these bills, and the provision in this bill can, of course, have no application to the hundreds of cases of bridges across nonnavigable streams which will be under the control of the Interstate Commerce Commission, provided we ever succeed in passing such a bill. But it is put in these bridge bills to provide for bridges over navigable rivers, in the discretion of the Secretary of War, for the reason that work upon navigable streams is done under the supervision of the Secretary of War, and such restrictions and conditions as we place upon our consent for them to put bridges across navigable rivers are usually for that reason placed within the discretion of the Secretary of War.

Mr. HENRY of Texas. So far that is all right. I do not object to this question generally being put under the jurisdiction of the Secretary of War, but now here is a question of rate making for these bridges conferred on the Secretary of War that he has had heretofore. The time has come when it should cease. It should be put under the jurisdiction of the Interstate Commerce Commission and the railroad commissions of the various States.

Mr. ADAMSON. Mr. Chairman, I remind the gentleman that that power has never yet been given to the Interstate Commerce Commission, and we still hear dire threats that it never shall be done.

Mr. HENRY of Texas. With the aid of the "Republican party first and the Lord next," we hope we will begin the consideration of a bill to-morrow that will pass.

Mr. ADAMSON. But this House alone can not fix it.

Mr. HENRY of Texas. We can by an amendment.

Mr. MANN. The gentleman will permit me. Of course this bill is designed primarily to shorten the time and labor of the House in consideration of bridge bills. If it were even proper, I think the gentleman is mistaken in thinking it would be proper to give this power to the Interstate Commission in all cases that would involve controversy, which would prevent the enactment of this bill into law in all probability. If this bill is enacted now, the law containing this provision giving to the Secretary of War the power—it being admitted that somebody ought to have the power—and then we enact the bill which our committee has reported and which comes up for consideration to-morrow, that of itself will confer that power upon the Interstate Commerce Commission, so far as it relates to interstate commerce, notwithstanding the provisions of this bill, and to that extent would repeal the provisions of this bill. So that the difficulty is practically a difficulty, I will say, in legislation.

Mr. HENRY of Texas. It might and it might not be so construed. Only the other day we passed a bill with reference to Sabine River, between Louisiana and Texas. There was no pro-

vision in that bill authorizing the Secretary of War to fix rates, and that was an interstate river.

Mr. MANN. If the gentleman will pardon me, we do not put into ordinary bridge bills any reference to the Secretary of War fixing the rate for crossing the bridge. If we pass a bill simply for a railroad, for instance, we do not undertake in any case to determine the rate over the bridge as apart from the rate over the railroad; but in many cases a bridge is erected, however, over a stream over which there is no railroad, but it is for foot passengers and vehicles. It has always been the custom in those bills, where a toll is permitted to be charged, to put in a provision that the Secretary of War shall have the right to fix the tolls, in order that the company may not charge extortionate tolls.

Mr. HENRY of Texas. I understand the gentleman.

Here is this power conferred upon the Secretary of War. Tomorrow we will begin the consideration of the bill introduced by the gentleman from Iowa, chairman of the Committee on Interstate and Foreign Commerce, which in its very first section puts all bridges across navigable streams and used in connection with railroads under the jurisdiction of the Interstate Commerce Commission. This may become a very important question, I say, wherever rates are established or tolls charged, that the power establishing rates and tolls should give public hearings; that the people who complain of them should have the right to go into some forum and make complaint and have their case tried, and not have it adjudicated by some clerk in the War Department.

It may be that I am magnifying the difficulties of this proposition. But let us see. There is a bridge from St. Louis to East St. Louis. Millions and millions of tons of freight are carried over that bridge. The reports of the Interstate Commerce Commission inform me that we have had considerable trouble in reference to the freight rates across that bridge. There have arisen many controversies. Put it in the power of the Secretary of War to fix those rates without a hearing, without a trial, without anyone complaining of them, and then you let the Interstate Commerce Commission fix the rates on all the great railways of this country, the charges across the bridge being a part of the freight rate; then you have rates fixed by two different jurisdictions—one, in an arbitrary manner, by the Secretary of War, the other by the Interstate Commerce Commission, upon hearing and with a public trial. Is it not easy to understand how freight from many of the commercial centers of the country, from a vast section, from many States in the Union, might be diverted or changed by a charge across one of these important bridges? Is it not easy to see that there might be that conflict of jurisdiction? I submit to the House, in all candor, that it would be better to put these great bridges of the country under the jurisdiction of the Interstate Commerce Commission, a body, in my judgment, admirably equipped to ascertain what the true charges and tolls should be, not only upon the railroads of the country, but across the bridges, which are a part and parcel of them.

That feature of section 3 should be stricken out so as to put this question under the jurisdiction of the Interstate Commerce Commission. With that out of it I see no particular objection to the bill; but with that section in there—withdrawing the bridges from the jurisdiction of the Interstate Commerce Commission and from the jurisdiction of every railroad commission in every State in this Union—there is danger in such legislation, and there is certainly a very serious prospect of a conflict of jurisdiction.

Then you go to section 4, and you find that there is an effort to fix a penalty. Now, listen to the language used to fix a penalty:

> That any persons who shall fail or refuse to comply with the lawful order of the Secretary of War or the Chief of Engineers, made in accordance with the provisions of this act, shall be deemed guilty of a violation of this act, and any persons who shall be guilty of a violation of this act shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine not exceeding $5,000, and every month such persons shall remain in default shall be deemed a new offense and subject such persons to additional penalites therefor.

What court has jurisdiction? Is it a civil penalty or is it a penal statute imposing a fine? Is that language plain enough? Is it intelligible? Under that power could you haul up the officers of a railroad who violate the provisions of this statute and punish them when no reference is made to corporations except in the last section of this bill? On a great subject like this should not more care be required in expressing the will and intention of Congress?

Such suggestions I desired to make, and believe that they are appropriate to the subject, that this measure should not contain such a provision, authorizing the construction of bridges for all future time in this country, conferring unbridled power upon the Secretary of War, who can not give this matter his personal attention, but must necessarily refer it to some assistant or some clerk in the War Department. It seems to me that this matter should be relegated to the Interstate Commerce Commission. [Applause.]

Now, Mr. Speaker, how much time have I left?

The SPEAKER pro tempore. The gentleman has eight minutes remaining.

Mr. HENRY of Texas. I yield back the balance of my time to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I appreciate the difficulties under which the gentleman from Texas labors, as well as the rest of us, in legislation of this sort. We wish to pass a bill which can be passed without too much waiting in this body, or in another body that sometimes acts upon measures. The purpose of this bill is partly to relieve the House and the committees and the departments of the tedium of constant investigation as to the terms of various bills, and partly in order that bridges shall be constructed upon uniform terms.

When I say to the gentlemen of the House that in the last Congress we passed one hundred different bridge bills, all of which required the attention of the War Department as to their special provisions, all of which required and received the attention of the Committee on Interstate and Foreign Commerce as to their provisions, all of which required the attention and time of the House, both in reading and in consideration of their provisions, the gentleman will understand the purpose of the bill. It is to relieve the House of this extra labor.

Now, the gentleman from Texas [Mr. HENRY] says that it is a mistake to give to the Secretary of War the authority to regulate the matter of tolls over bridges where tolls are to be charged. Let me first say to the gentleman and to the House that that provision does not in any way affect the charging of railroad fares. It does not affect the railroad question, or the regulation of railway rates. That will be left to the Interstate Commerce Commission. But here is a bridge located over a stream in a State, for the use of foot passengers, for the use of vehicles. The Interstate Commerce Commission has no jurisdiction and no method of trying that case.

Mr. HENRY of Texas. Will the gentleman permit me to interrupt him?

Mr. MANN. Certainly.

Mr. HENRY of Texas. Do you contend that because a river happens to be wholly within a State, and not between two States, it can not be a navigable stream and can not be under the jurisdiction of the Secretary of War for the improvement of rivers and harbors?

Mr. MANN. The gentleman entirely misunderstood me.

Mr. HENRY of Texas. I understood you to say that a river within a State and a bridge across that river could not come within the jurisdiction of the Interstate Commerce Commission.

Mr. MANN. I said that a bridge wholly within a State was not under the jurisdiction of the Interstate Commerce Commission as to fixing the rate of fare over it, and it is not.

Mr. HENRY of Texas. But it could be if it was a navigable river, could it not?

Mr. MANN. There is no provision now in law, and there will be none by any bill that has passed, giving that power to the Interstate Commerce Commission.

I agree with the gentleman that in this bill we could reserve that power, but here is a bridge from a town to the other side of the river, the town being located on one side of that river. The bridge is built, not for railway purposes, but for wagons and the travel over it—for passengers and traffic wholly within the State. Now, the Interstate Commerce Commission has no jurisdiction——

Mr. HENRY of Texas. I know it has not, but the Commission could certainly be vested with the jurisdiction to fix the rates over a bridge of that sort that might impede navigation of a river of that kind, else how could Congress take jurisdiction over a river wholly within a State for purposes of making it open to navigation, except under the bill regulating interstate commerce?

Mr. MANN. If the gentleman will pardon me, the power which Congress has over streams wholly within the State is a negative power. We have power and control over the streams to say that a bridge company can not construct a bridge except upon certain terms, but we could not force the construction of the bridge. It is true we can reserve in this bill, or in any bill we pass, the power of the Secretary of War to regulate the tolls, or give the Interstate Commerce Commission power to regulate the rates. But the Interstate Commerce Commission would not proceed under the power which we propose to confer upon it by the Hepburn bill or which it now has for the regulation of interstate commerce, and there is no procedure provided for.

Now, it does not seem to the committee—and remember, gentlemen, that the same committee which reported this bill into the House unanimously (and this specific matter was considered by the committee) has also unanimously reported a bill giving the Interstate Commerce Commission the power to fix rates—we did not think it was feasible to put upon the Interstate Commerce Commission, which will have work enough to do to regulate railway rates, the duty of determining what should be the rate for foot passengers and vehicles passing over a local bridge. The matter does not interfere or affect the general railway rates or railway lines. The Interstate Commerce Commission will have all the power that would otherwise be conferred upon it to say what the rates will be from one point to another, although the traffic passes over a bridge; and this will not interfere with that authority. It is purely a practical question, I will say to the gentleman from Texas, and this decision was arrived at after considerable study. It may be that we are mistaken, because we are not proud of our opinions; it is likely we may be mistaken, but the committee dealing with the question believed it was better to follow the precedents upon the subject and leave to the Secretary of War, after hearing, the authority to decide, not for the regulation of commerce between the States, but for the protection of the local people desiring to use it.

Mr. HENRY of Texas. If the gentleman will allow me——

Mr. MANN. Certainly.

Mr. HENRY of Texas. In Texas we are about to open up two great rivers to navigation. We have begun a system of locks and dams on two of these rivers, the Trinity and the Brazos rivers. Does the gentleman contend that the language of this bill does not authorize the Secretary of War to fix the toll charges across bridges that are to be constructed hereafter over these streams to the exclusion of the railroad commission of the State of Texas? In other words, is not the language plain that if hereafter a bridge is authorized over a stream that the Government has begun to improve by a system of locks and dams, that then the State government will have no jurisdiction to determine the question of tolls because it has already been lodged in the Federal Government—in the War Department?

Mr. MANN. Will the gentleman tell me whether both of these rivers are wholly within the State of Texas so far as their navigability is concerned?

Mr. HENRY of Texas. That makes no difference.

Mr. MANN. Will the gentleman kindly answer?

Mr. HENRY of Texas. They are wholly within the State.

Mr. MANN. Then this bill does not apply to them at all.

Mr. HENRY of Texas. It can apply to them, and that is the contention I am making. In the case of Gibbons against Ogden it was decided that the rivers that run through the State could be a part of interstate commerce; it was a traffic that moved over the river, and here you are withdrawing it from the power of the State to control it as far as the bridges are concerned.

Mr. MANN. The law now provides that the Secretary of War may regulate the construction of bridges over rivers wholly within the State. I do not think this bill applies to any river in the State of Texas.

Mr. HENRY of Texas. I am afraid it does.

Mr. MANN. The gentleman ought to be willing to take our statement as to the law. The law now provides that the Secretary of War may fix conditions upon which he permits bridges to be erected wholly within the State.

Mr. HENRY of Texas. But not that he shall fix the rates and charges.

Mr. MANN. But he can reserve that right.

Mr. HENRY of Texas. The law as it now exists does not give any such authority, only that he shall control the construction of the bridges.

Mr. GARRETT. Mr. Speaker, may I ask the gentleman a question?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. MANN. I yield.

Mr. GARRETT. To what extent does the power of the Secretary of War now go on streams wholly within the limits of the State? That is, what is the extent of the power of the respective legislatures of the States and the extent of the power of the Secretary of War in regard to the construction of bridges across streams?

Mr. MANN. As I said before, the right, so far as the Government is concerned, is a mere license, a right to prevent the construction of bridges, and under the existing statute the Secretary of War is authorized, so far as the Government is concerned, to give consent to the erection of bridges over any stream wholly within the limits of a State. Of course, the power to construct the bridges must be derived from the State itself, but the Government does not interfere with the right to do this. In other words, the power of the Government is not exercised to regulate interstate commerce, but to prevent the interference with navigation and navigable streams, and the Government merely waives its right in behalf of persons who must obtain their authority elsewhere.

Mr. SHEPPARD. Mr. Speaker, may I ask the gentleman a question?

Mr. MANN. I yield to the gentleman.

Mr. SHEPPARD. Under the gentleman's bill, what opportunity would one have to express his opposition to certain bridge bills? Would he have to go to the Secretary of War?

Mr. MANN. Under this bill, Mr. Speaker, there must still be a bill passed through Congress in each case. It has not been considered desirable by the committee reporting the bill to transfer the whole authority to the Secretary of War. I may say to the gentleman that up to within a few years ago there was no Federal control over the matter of building bridges over streams, and the result was that until Congress assumed control of that matter it became a common thing to erect bridges which did interfere with navigation, and all over the country there are now bridges which do interfere with navigation, put there before Congress prohibited that. Finally Congress passed a law providing that no bridges should be built across navigable streams until the consent of Congress should be obtained, except that in rivers wholly navigable within a State the Secretary of War might give that consent. This bill simply provides that when Congress shall hereafter grant authority to build a bridge it shall be upon the terms named in this bill, the terms being those usually insisted upon by the committee of the two Houses having jurisdiction, and by Congress itself.

Mr. SHEPPARD. And special bills must be introduced hereafter?

Mr. MANN. Special bills will still have to be brought in, the theory of the committee being that the Member of Congress from the district is, after all, the best one to judge in ordinary cases as to whether the bridge should be permitted to be constructed at all at the place, but that uniform regulations ought to be provided in those cases, unless exceptional circumstances exist; and if exceptional circumstances do exist in any case, the Member of Congress from the district who introduces the bill can make provision for that in his bill and show the exceptional circumstances.

Mr. SHEPPARD. How will a saving of time be effected if bills must still be introduced as heretofore and receive consideration as heretofore?

Mr. MANN. As I say, we passed through the last Congress 100 different bridge bills. The ordinary bill covers from one to five pages of the bill page size, and covers a considerable space in the statutes. If this bill be enacted into law all that will be required in an ordinary case will be the introduction of a bill which will read like this:

Be it enacted, etc., That the John Doe Railroad Company, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge across the Richard Roe River, at or near Black Acre, in the State of ———, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters, approved ——— ——, 190—."

Mr. BURTON of Ohio. Mr. Speaker, will the gentleman from Illinois yield for a question?

Mr. MANN. I yield.

Mr. BURTON of Ohio. I would like to ask the gentleman from Illinois if the question has been considered whether it would not be well to insert a provision that a public hearing shall be granted before the privilege of constructing a bridge is given? I will say in that connection that in many instances bridges have been constructed across navigable streams which proved a serious obstruction to navigation, and the nature of the obstruction was not understood until the structure had actually appeared.

Mr. MANN. I will say to the gentleman from Ohio that that matter has been considered. It is not the practice in ordinary bills to require a public hearing to be had, and undoubtedly would meet with some objection. Now, these bills still have to pass through Congress, and if the gentleman has observed in these matters, as doubtless he has, when a bridge bill is passed through Congress notice is always given in the press generally, and especially in the local press in that locality, so that people are put upon notice, and it is the uniform custom of the War Department, where protest is made, to grant a hearing upon these propositions.

Mr. BURTON of Ohio. That is, for the local engineer to grant a hearing.

Mr. MANN. For the local engineer and even for the Chief of Engineers in Washington, for either to grant a hearing if requested.

Mr. BURTON of Ohio. I would like to ask further in regard to a provision granting the right to other companies to obtain the use of the bridge under such regulations as the Secretary of War may prescribe. Was it thought best to omit that provision?

Mr. MANN. We provide here that if tolls shall be charged, then the Secretary of War shall fix the tolls. That practically means fixing it so that anybody can use the bridge, and if a company desires to build a bridge solely for its own use we have not considered that it should be required thereafter to turn the bridge over to the use of some other company.

Mr. BURTON of Ohio. Is it not true that the impediment to navigation would be greatly lessened if in some cases two or three or even four railways might occupy the same bridge and they could do so without inconveniencing themselves?

Mr. MANN. Undoubtedly that is true in some cases, and we have considered that in such cases the Secretary of War, who reports upon all these bridge bills which are introduced, will so inform the committee or the Member of Congress who introduces the bill that we may put in a provision to that effect, but it is not desirable, as a general thing, to require a company which builds a bridge to give the use of it to some other company.

Mr. BURTON of Ohio. One question about the phraseology of the bill. On page 4, section 4, at the beginning it is provided that any persons who shall fail or refuse to comply with a lawful order issued by the Secretary of War or Chief of Engineers, made in accordance with the provisions of this act, etc. I do not notice on a cursory reading where the Chief of Engineers has the right to make affirmative orders which must be observed. Are not the orders with reference to modification, etc., all made by the Secretary of War?

Mr. MANN. I think it may be that the criticism is just. We have originally, in section 3, a provision giving the Secretary of War and Chief of Engineers authority to make an order notifying persons to change a bridge, and we strike out of that the Chief of Engineers, leaving the order to the Secretary of War.

Mr. BURTON of Ohio. Well, should not the words "or Chief of Engineers" be stricken out in lines 9 and 10, on page 4?

Mr. MANN. Well, there is a provision in section 4, in another place on page 5:

> Or the order or direction of the Secretary of War or Chief of Engineers made in pursuance thereof may be enforced by injunction.

Mr. BURTON of Ohio. The thought of the committee, I take it, was it would do no harm to have it there?

Mr. MANN. The gentleman understands, I think, very well—the other Members of the House ought to—that in framing the bill the way we have and saying the Secretary of War and Chief of Engineers, we have followed the lead of the very distinguished gentleman himself who is chairman of the Committee on Rivers and Harbors. I am not entirely certain that the Chief of Engineers ought to appear in here at all, but we have taken the lead of the gentleman who has inserted this item invariably in the river and harbor appropriation bills, concluding it is his superior knowledge and his superior judgment upon the subject.

Mr. BURTON of Ohio. I think I may say to the gentleman it was not due to knowledge, but to experience. There have been at least two cases where the Chief of Engineers made regulations for safeguarding navigation in which cases the Secretary of War overruled him, and I think very much to the disadvantage of navigation.

Mr. MANN. I have always followed the lead of the distinguished gentleman from Ohio on all matters relating to rivers and harbors, and I have had no doubt he had the best of reasons for putting in the river and harbor act of 1899 and other acts the words "Secretary of War and Chief of Engineers," and so we followed that provision.

Mr. BURTON of Ohio. Of course it is known that these questions in the first instance are referred to the Chief of Engineers, and his conclusions are, at least in a great majority of cases, accepted with only very partial consideration by the Secretary of War—if the gentleman will yield to me for a moment.

Mr. MANN. How much time have I remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from Illinois has seventeen minutes remaining.

Mr. MANN. I yield to the gentleman from Ohio.

Mr. BURTON of Ohio. Only for a moment. I thoroughly believe in a general way in this bill. It prevents encumbering the statutes with these lengthy provisions which are in almost exactly the same language. It saves the time of the House and of the committee. There is another good result which will naturally follow which has not been mentioned, namely, that regulations and provisions will be uniform, and such favoritism or discrimination as might arise from the framing of separate bills for each bridge will be prevented.

Mr. CLARK of Missouri. Mr. Speaker, I would like to ask the gentleman from Ohio [Mr. BURTON] one question.

The SPEAKER pro tempore. Does the gentleman from Ohio yield to the gentleman from Missouri?

Mr. BURTON of Ohio. Certainly.

Mr. CLARK of Missouri. Has the gentleman ever considered the proposition of taking this bridge-bill business clear out of the House by some sort of a general bill?

Mr. BURTON of Ohio. I do not think it would be possible. There have been a couple of decisions of the Supreme Court upon that subject. This bill refers, as regards the making of regulations and the modifications, merely to bridges hereafter to be constructed or authorized. It would be very doubtful whether the Secretary of War could demand that a modification could be made in a bridge already constructed without any restrictions.

Mr. CLARK of Missouri. What I was trying to get at is this: All of us are sick and tired of passing bridge bills here; and what I was trying to find out was, is there any way to pass a bill here that would confer on anybody the power to take charge of the whole subject, so that we will never hear of any more of these bridge bills?

Mr. BURTON of Ohio. I do not think so. It seems to me the legislature should act upon the questions of policy involved in the building of bridges. Suppose a railway desires to build a bridge across a river without a draw, and the navigation interests desire that there shall be one. The question raised is the comparative hardship which the two interests will suffer and the general policy to be pursued. The legislature, and not an executive body, should decide.

Mr. CRUMPACKER. I have in mind the gentleman's statement about the power of Congress to authorize the Secretary of War or some other Department head to take charge of the business of bridge building. The courts, it is true, have held that the building of bridges over navigable waters is a regulation of commerce, but I think, under the decisions of the courts, that Congress would have the power to provide that any corporation or individual could build a bridge over any navigable stream upon certain conditions and with certain safeguards, and Congress then authorize the Secretary of War, for instance, to ascertain as a matter of fact whether the conditions existed or the safeguards were followed, and certify the fact; and the corporation who received the certificate would be authorized then to go on and construct a bridge; and that would not be, within the meaning of the law, a delegation of legislative power, but simply the ascertainment of the facts. And it occurred to me that a bill might well be prepared conferring in that way the whole business upon the Secretary of War, unless there is some reason why the Congress wanted to reserve that power itself, and there may be reasons why it should do so.

Mr. BURTON of Ohio. I question very much whether that could be done as a matter of legal power. The regulations would be of so great a variety and the discretion would be so very large it seems to me it could not be conferred on the Executive Department. But as a question of general policy, in addition to what I have said, I do not believe it would be best. There are numerous cases in the country where the question arises as to which is the best way to build a bridge, whether near to the level of the water or well elevated above it; whether with or without a draw; also which is the more important, to accommodate traffic across it or navigation through or under it. There is also the question whether a bridge should be built at all. These questions are of such national importance that it would seem to me entirely undesirable to leave them to the discretion of an executive officer.

Mr. CRUMPACKER. If the gentleman bases his objection upon the question of policy he is right. But I think there is no doubt about the power of Congress to confer that authority in this way——

Mr. MANN. Whether Congress has the power or not, the fact is that when Congress did not exercise authority over this matter of bridge building bridges were constructed all over the land which then did or do now obstruct navigation, and there has yet been found no way of removing many of those obstructions, so that probably the jurisdiction of Congress is well retained.

I yield five minutes to the gentleman from Georgia [Mr. ADAMSON].

Mr. ADAMSON. Mr. Speaker, I am very much obliged to my friend the gentleman from Illinois [Mr. MANN], but I feel very well satisfied with the manner in which he has maintained the cause of the committee before the House. As to the questions suggested by various gentlemen, however, I wish to remark that even if there were no legal doubt involved as to the

possibility and practicability of providing to relegate this entire subject to the Secretary of War or any other authority, yet the practical and desirable consideration remains that exceptional conditions might often present themselves, rendering it desirable that Congress should have reserved to itself the power in order that special and exceptional provisions might be inserted in a bill to construct a particular bridge.

As to the modus operandi, the procedure after this bill is adopted will be clear and simple. Heretofore when bills were introduced for the construction of bridges they were very long. If not so when originally introduced, they were made so by amendments before they became law, containing the provisions which are thought by many of us in the course of legislation to be necessary to make the bills comply with the proper regulations of bridge construction. In this bill we seek to avoid the necessity for every committeeman and every Congressman and Senator and the Executive and everybody else who touches it to scan and study all these provisions in each separate bill. We simply refer to this bill and say such and such a corporation or party shall be authorized to build a bridge in conformity with this act. If any special conditions render special provisions desirable, we can add them to that short bill.

Now, as to the question raised by the gentleman from Texas [Mr. HENRY], I suggest to him and other Members of the House that the jurisdictions of the Interstate Commerce Commission and the Secretary of War over the control of bridges are not identical in extent nor are they even parallel. For instance, a bridge may be regulated by the Secretary of War because it is over a stream which, touching more than one State, the Government may at any time, at its pleasure, undertake to improve with a view to navigation. Yet that bridge, when constructed over that stream, might never be used in interstate commerce, but for entirely local accommodation and not subject to the interstate-commerce act at all. Such instances will comprise far the greatest number of cases contemplated by this bill.

On the contrary, a bridge over a very small, insignificant stream, nonnavigable and entirely within a State, which the jurisdiction of the Secretary of War will never touch, may nevertheless be under the control of the Interstate Commerce Commission, because it is a part of a through route for interstate commerce. I do not think there is any trouble about any of the matters suggested by my distinguished friend from Texas [Mr. HENRY]. The committee has given due attention to this entire subject. For years we have endeavored to secure legislation of this sort, to do which required provisions which should be sufficiently satisfactory to a sufficient number of the Members of Congress to insure its passage. We tried to frame one which would promise all possible benefit, if not entire satisfaction, to everybody, which is usually impossible. This bill has secured the sanction of every member of the committee. It comes here with a unanimous report, and I believe it is as nearly satisfactory to the Members of this House as it is possible to make a similar bill.

Mr. GARRETT. Will the gentleman allow me to ask him a question?

Mr. STEPHENS of Texas. May I ask the gentleman a question?

Mr. ADAMSON. The gentleman from Tennessee asked me first, and I yield to him.

Mr. GARRETT. The law now is, if I understand it correctly, that the Secretary of War may prescribe reasonable rates of tolls to be charged for passage over any bridge that is constructed under authority of a special act of Congress.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MANN. How much time have I remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has six minutes remaining.

Mr. MANN. I yield two minutes to the gentleman from Georgia.

Mr. GARRETT. As I understand, the law now is that the Secretary of War may prescribe the toll or rate which shall be charged over a bridge that is constructed under a special act of Congress as to bridges over streams wholly within a State.

Mr. ADAMSON. As to the specific language about toll or rates, I do not remember, but this I will say: I will refer the gentleman to the river and harbor act of 1899, I believe it was, in which authority is conferred upon the Secretary of War to regulate and provide for and approve provisions for the construction of any bridge where the stream is entirely within one State. The general tenor of the act is that he shall have entire control of the construction of such bridge without the necessity of coming to Congress. As to what the exact words are about toll, I do not undertake to state.

Mr. GARRETT. The law, as I understand it, is that where the construction of the bridge is wholly within the limits of the State it does not require an act of Congress for that bridge.

Mr. ADAMSON. That is correct.

Mr. GARRETT. That is a matter of general law, passed by all the State legislatures, for the construction of bridges—at least it is in my State—prescribing the general condition under which a bridge can be constructed.

Mr. ADAMSON. We do not charter a bridge company; we simply grant consent that a bridge may be constructed across a stream and impose the conditions of our consent. If the stream is entirely within a State, the conditions are imposed by the Secretary of War without coming to Congress.

Mr. GARRETT. Do you understand the Secretary of War to have the same power and authority to prescribe tolls as he chooses over every bridge that spans a stream running wholly in a State as he has over a stream that is interstate in character?

Mr. ADAMSON. I do not remember exactly the language used in that act of 1899 about tolls, or whether the word is used or not. I only know that it provides that the bridge may be constructed under such regulations and specifications as may be approved by the Secretary of War.

Mr. GARRETT. The point I am trying to get at is whether this particular bill here increases the power of the Secretary of War in regard to tolls in any way.

Mr. ADAMSON. It does not touch the power of the Secretary of War in the cases mentioned in the act of 1899 and has no relation to them, as I understand the matter.

Mr. MANN. Mr. Speaker, there are several typographical errors in the bill, which I should like to correct. In line 11, page 1, I move to amend by striking out "or" and inserting "nor."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

On page 1, line 11, strike out "or" and insert "nor."

The amendment was agreed to.

Mr. MANN. In line 9, page 3, strike out the word "unobstructive" and insert the word "unobstructed."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

On page 3, line 9, change the word "unobstructive" to "unobstructed."

The amendment was agreed to.

Mr. MANN. In line 20, page 4, the word "work" should be made plural—"works."

The amendment was read, as follows:

On page 4, line 20, insert a letter "s" after the word "work."

The amendment was agreed to.

Mr. MANN. In line 12, page 6, I propose to amend by inserting after the word "include" the words "municipalities, quasi municipal corporations;" so that the section will read:

That the word "persons" shall include municipalities, quasi municipal corporations, corporations, companies, and associations.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

After the word "include," in line 12, page 6, insert the words "municipalities, quasi municipal corporations."

The amendment was agreed to.

Mr. MANN. I now yield to the gentleman from Texas [Mr. HENRY], who wishes to offer an amendment.

Mr. HENRY of Texas. Mr. Speaker, I offer an amendment in line 3, page 1, after the word "any," to insert the words "corporation or."

The SPEAKER pro tempore. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

After the word "any," in line 3, page 1, insert "corporation or."

Mr. MANN. I may say that it is all included in the bill at present.

The question was taken on the amendment, and it was rejected.

Mr. HENRY of Texas. Now I offer this amendment, on page 4, line 3.

The SPEAKER pro tempore. The Clerk will report the amendment of the gentleman.

The Clerk read as follows:

In line 3, page 4, strike out "Secretary of War" and insert "Interstate Commerce Commission."

Mr. HENRY of Texas. Mr. Speaker, that is an amendment taking the power of fixing tolls away from the Secretary of War and placing it under the jurisdiction of the Interstate Commerce Commission.

The question being taken on the amendment of Mr. HENRY of Texas, the Speaker pro tempore announced that the noes appeared to have it.

Mr. HENRY of Texas. Division!

The House divided; and there were—ayes 18, noes 39.

Accordingly the amendment was rejected.

Mr. HENRY of Texas. Mr. Speaker, I offer another amendment, on page 4, in line 14, to insert the words "in any court of competent jurisdiction" after the word "punished."

The SPEAKER pro tempore. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

After the word "punished," in line 14, page 4, insert "in any court of competent jurisdiction."

Mr. MANN. There is no objection to that amendment. I think it is covered by the bill. I know it is covered by existing law.

The amendment was agreed to.

Mr. HENRY of Texas. Now, one more amendment. In line 15, page 4, I move to strike out the word "month" and insert the word "day;" and after the word "persons" insert "or corporations."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

In line 15, page 4, strike out "month" and insert "day;" and after the word "persons" insert "or corporations."

Mr. HENRY of Texas. Under the language of the bill one of these officials, or anyone violating the act, must violate it for a month before he becomes amenable to punishment, and I say that each day ought to be a separate offense. That is the effect of my amendment. The words "or corporation" were explained heretofore when I offered the other amendment, on page 1.

Mr. MANN. Mr. Speaker, the gentleman from Texas is mistaken about its being necessary to violate the act for a month to make it an offense. It is not proposed to make it $5,000 a day because that is too onerous; $5,000 a month is onerous enough.

Mr. HENRY of Texas. Does it not say that every month they shall remain in default shall be an offense?

Mr. MANN. A new offense, a distinction the gentleman will recognize.

Mr. HENRY of Texas. It must extend over a month. Let them quit violating the law.

Mr. MANN. There may be a conflict as to whether they have violated the law.

Mr. STEPHENS of Texas. Will the gentleman allow an interruption?

Mr. MANN. Certainly.

Mr. STEPHENS of Texas. Does the gentleman think that parties holding such monopoly as is held in St. Louis and Memphis could well afford to pay $5,000 a month?

Mr. MANN. I will say to the gentleman that if such a case arises we are authorized under this bill to proceed by mandamus or injunction. There is a summary process provided for in this bill.

Mr. STEPHENS of Texas. They levy a toll of 25 cents on each man and $5 a car to cross that bridge.

Mr. MANN. Under this bill we could settle that by an injunction or mandamus or other similar process. We provide a method in here for settling just such questions of that sort.

Mr. STEPHENS of Texas. Is it not possible if you grant the right to charge for fixed tolls it may be abused?

Mr. MANN. It can not be abused, because we give authority to enforce the order of the Secretary of War by mandamus proceeding.

Mr. CLARK of Missouri. Let me ask the gentleman a question.

Mr. MANN. Very well.

Mr. CLARK of Missouri. Do you or do you not know that in the face of the charter which provided that these bridges should never be owned by the same corporation, they have gone to work and consolidated the ownership so that they absolutely control the price of every car that goes into St. Louis, and that they have been trying to get the Secretary of War, for twelve months, to vacate the charter of the Merchants Bridge and have not succeeded, and St. Louis is as completely sewed up as if it were in a sack, as far as getting into it is concerned. It costs more to take a carload of coal across that bridge than it does to haul it from central Illinois to St. Louis.

Mr. MANN. I am perfectly familiar with that case. The committee of which I am a member has reported bills to remedy it. If the old bridge had been constructed under the operation of this bill there would be no difficulty about it at all.

Mr. CLARK of Missouri. I am glad to hear it.

Mr. MANN. That is one reason why we are trying to pass this bill.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was rejected.

The SPEAKER pro tempore. There are certain committee amendments, and if there is no objection, they will be considered together.

The question was taken, and the committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time; and it was read the third time, and passed.

On motion of Mr. MANN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

CHANGE OF REFERENCE.

By unanimous consent, reference was changed of the bill (S. 3001) granting an increase of pension to Juliet A. Bainbridge-Hoff and an act (S. 2879) granting an increase of pension to Mary J. Hoge, from the Committee on Invalid Pensions to the Committee on Pensions.

WILLIAM A. HILDRETH.

The SPEAKER laid before the House the following request from the Senate of the United States:

IN THE SENATE OF THE UNITED STATES,
January 29, 1906.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill H. R. 1330, granting an increase of pension to William A. Hildreth, the beneficiary of said bill having died.

The resolution was agreed to.

WILLIAM RADCLIFFE.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee on Claims, and ordered printed.

The Senate and House of Representatives:

I transmit herewith a report by the Secretary of State, with accompanying papers, concerning the claim of the British subject, William Radcliffe, for compensation for the destruction of his fish hatchery and other property at the hands of a mob in Delta, Colo., in the summer of 1901.

I renew the recommendation which I made to the Congress on April 14, 1904, that as an act of equity and comity provision be made for the payment of the sum of $25,000 to Mr. Radcliffe in full settlement of his claim.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 29, 1906.*

BUREAU OF ANIMAL INDUSTRY.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, referred to the Committee on Agriculture, and ordered printed.

To the Senate and House of Representatives:

I transmit herewith a report, by the Secretary of Agriculture, of the operations of the Bureau of Animal Industry of that Department, for the fiscal year ended June 30, 1905, in compliance with the requirements of section 11 of the act approved May 29, 1884, for the establishment of that Bureau.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 29, 1906.*

REQUIRING RETURNS FROM CORPORATIONS.

Mr. JENKINS (when the Committee on the Judiciary was called). Mr. Speaker, I am directed by the Committee on the Judiciary to call up the bill (H. R. 2) requiring all corporations engaged in interstate commerce to make returns, and for other purposes, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That every corporation which may be hereafter organized shall, at the time of engaging in interstate or foreign commerce, file the return hereinafter provided for, and every corporation, whenever organized and engaged in interstate or foreign commerce, shall file annually, on or before February 1 of each year, a return with the Commissioner of Corporations for the year ending the preceding December 31, stating its name, date of organization, where and when organized, giving statutes under which it is organized, and all amendments thereof; if consolidated, naming constituent companies and where and when organized, with the same information as to such constituent companies, so far as applicable, as is herein required of such corporation; if reorganized, name of original corporation or corporations, with full reference to laws under which all the reorganizations have taken place, with the same information as to all prior companies in the chain of reorganization, so far as applicable, as is herein required of such corporation; amount of bonds issued and outstanding; amount of authorized capital stock, shares into which it is divided, par value, whether common or preferred, and distinction between each; amount issued and outstanding; amount paid in; how much, if any, paid in cash, and how much, if any, in property; if any part in property, describing in detail the kind, character, and location, with its cash market value at the time it was received in payment, giving the elements upon which said market value is based, and especially whether in whole or in part upon the capitalization of earnings, earning capacity, or economies, with the date and the cash price paid therefor at its last sale; the name and address of each officer, managing agent, and director; a true and correct copy of its articles of incorporation;

a full, true, and correct copy of any and all rules, regulations, and by-laws adopted for the management and control of its business and the direction of its officers, managing agents, and directors. Nothing herein contained shall be construed as relieving any corporation from making, in addition to the foregoing, such returns as are now required by the "Act to regulate commerce," approved February 4, 1887, and all amendments thereof, nor as relieving any corporation, corporate combination, or joint-stock company from any duty or liability imposed by the "Act to establish the Department of Commerce and Labor," approved February 14, 1903, nor as limiting or restraining the powers conferred upon the Commission by said act; but the provisions of this act, as to signing and making oath to returns and making answers on oath to written inquiries, shall be applicable to returns and such answers made under said act and amendments thereof.

So far as any return may be a duplicate of one already filed hereunder, that fact may be stated, and the details which are in such case duplicates need not be repeated. Upon its being made to appear to the satisfaction of the Commissioner that without fault on its part it is impracticable for such corporation to furnish any of the items aforesaid, it may, by a written order of said Commissioner, be excused from furnishing such item or items.

Said Commissioner shall cause to be prepared a blank return for the use of such corporations, containing the foregoing requirements, and shall make such rules and regulations as may, in his judgment, be necessary to carry out the purposes of this act. The president, treasurer, and a majority of the directors of such corporation shall make oath in writing on said return that said return is true. The treasurer or other officer of such corporation having the requisite knowledge shall answer on oath all inquiries that may be made in writing on the direction of said Commissioner in relation to said return. Any corporation failing to make such return, or whose treasurer or other officer shall fail to make the answers aforesaid, may be restrained, on the suit of the United States, from engaging in interstate or foreign commerce until such return is made. Suit may be brought in any district of the United States at the election of the Attorney-General.

SEC. 2. That whoever knowingly swears to a return that is false in any material particular, or knowingly swears to an answer to any such inquiry that is false in any material particular, shall be deemed guilty of perjury and punished as provided in section 5392 of the Revised Statutes of the United States. Whoever shall knowingly prepare, or cause to be prepared, a return or answer that is false as aforesaid shall be deemed guilty of subornation of perjury and punished as aforesaid.

SEC. 3. That it shall be the duty of said Commissioner to cause to be prepared and published, on or before the 1st day of June in each year, a list of all corporations making returns, with an abstract of such returns, for free distribution in such number as said Commissioner may deem necessary to meet any reasonable and proper demand therefor, to be distributed under the direction of the Commissioner.

SEC. 4. That said Commissioner shall have the same authority to inquire into the management of the business of said corporations, relating to interstate and foreign commerce, in the same manner and to the same extent, with the same power to compel the attendance of, and the giving of testimony by, witnesses, and the production of books, papers, contracts, and agreements, as is provided in "An act to regulate commerce," approved February 4, 1887, and all amendments thereof. Said Commissioner may employ such agents and clerks as in his judgment may be necessary for properly executing the provisions of this act, and shall make an annual report to the President, containing, among other things, such specific recommendations for additional legislation as he may deem necessary.

Any corporation which shall neglect or refuse to make returns, and any person who shall neglect or refuse to make returns or who shall neglect or refuse to attend and testify or answer any lawful inquiry hereinbefore provided for, or produce books, papers, contracts, agreements, and documents, if in his custody, control, or power to do so, in obedience to the subpœna or lawful requirements of the Commissioner, shall be deemed guilty of an offense against the United States, and upon conviction thereof by a court of competent jurisdiction shall be punished by a fine of not less than $500 nor more than $5,000.

SEC. 5. That in all prosecutions, hearings, and proceedings under the provisions of this act, and under the provisions of "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, whether civil or criminal, no person shall be excused from attending and testifying, or from producing books, papers, contracts, agreements, and documents before the courts of the United States or the commissioners thereof, or said Commissioner of Corporations or the Interstate Commerce Commission, or in obedience to the subpœna of the same on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to criminate him or subject him to a penalty or forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify or produce evidence, documentary or otherwise, before said courts, commissioners, or Commissioner, or in obedience to the subpœna of either of them, in any such case or proceeding.

Testimony of witnesses under the provisions of the act to regulate interstate commerce and amendments thereof, and of this act, before said Commissioner shall be on oath, and said Commissioner may administer oaths and affirmations and sign subpœnas. This section shall not be construed to enlarge the power or jurisdiction of the Commissioner of Corporations.

SEC. 6. That the several circuit courts of the United States are hereby invested with jurisdiction to prevent and restrain violations of any of the provisions of section 1 of this act. It shall be the duty of the several district attorneys of the United States in their respective districts, under the direction of the Attorney-General, to institute proceedings in equity to prevent and restrain the several acts therein forbidden. Such proceedings may be by way of petition, setting forth the case, and praying that the acts thereby made unlawful shall be enjoined or otherwise prohibited. When the parties complained of shall be duly notified of such petition, the court shall proceed as soon as may be to the hearing and determination of the case, and upon such petition, and before final decree, the court may at any time make such temporary restraining order, injunction, or prohibition as shall be deemed just.

SEC. 7. That whenever it shall appear to the court before which any proceedings under this act shall be pending that the ends of justice require that other parties shall be brought before the court, the court may cause them to be summoned, whether they reside in the district where the court is held or not, and subpœnas to that end may be served in any district by the marshal thereof.

SEC. 8. That this act shall not be held to apply to corporations engaged in interstate commerce to which "An act to regulate commerce," approved February 4, 1887, and all amendments, applies.

SEC. 9. That this act shall take effect ———.

Mr. JENKINS. Mr. Speaker, I desire to yield to the gentleman from Maine [Mr. LITTLEFIELD] such time as he may require for the purpose of making amendments.

Mr. HEPBURN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HEPBURN. Mr. Speaker, I would like to know how this bill is now before the House.

The SPEAKER. It is before the House on a call of committees.

Mr. HEPBURN. Then, Mr. Speaker, I desire to raise a question of jurisdiction of the Judiciary Committee over this subject-matter. My understanding is that the subject that is involved in this bill was referred to the Committee on the Judiciary for a specific purpose, and only for that, and that was to report in their judgment what the constitutional power of this House was with reference to certain subjects discussed in the message of the President.

Mr. LITTLEFIELD. Mr. Speaker, this bill does not relate to that subject-matter.

Mr. HEPBURN. I think this bill does relate to that subject-matter, if the gentleman will pardon me.

Mr. JENKINS. Mr. Speaker, I was about to say to the gentleman that this bill was received by the committee and acted upon by the committee long before the resolution to which he refers was sent from the House to the committee.

Mr. HEPBURN. Mr. Speaker, I desire to make this suggestion, that this committee or this House could entertain this subject and legislate upon this subject solely because the Constitution gives to the Congress power over interstate commerce, and possibly those corporations engaging in it; if that is a correct statement, then I submit that this is a subject relating to commerce, that it does not belong to the Judiciary Committee, and that it is a usurpation on their part of the powers and duties of another committee to attempt legislation in this way.

Mr. LITTLEFIELD. Mr. Speaker, may I make a statement——

Mr. HEPBURN. Why, I am making my statement simply by courtesy.

Mr. NEEDHAM. Mr. Speaker, I desire to make a point of order that this is on the wrong Calendar under the rules of the House. It is a charge upon the Treasury.

The SPEAKER. One at a time, please.

Mr. HEPBURN. Mr. Speaker, I desire to make the point of order that this subject is not properly before the House, that it has not been reported by a committee having jurisdiction, and to remind gentleman that an erroneous assignment does not thereby give a committee right to consider the subject.

Mr. MANN. Mr. Speaker, I desire to make the further point of order that this bill should be on the Union Calendar, and not on the House Calendar.

Mr. NEEDHAM. Mr. Speaker, that is the point of order I had in mind a moment ago.

Mr. LITTLEFIELD. Just a word, Mr. Speaker. I will say that the distinguished gentleman from Iowa [Mr. HEPBURN] is entirely correct so far as the power that is sought to be exercised by the provisions of this bill is concerned. It does proceed altogether under the interstate-commerce clause of the Constitution, and the gentleman states absolutely correctly the legal situation in that respect. Now, I will state how the bill comes before the Committee on the Judiciary. In 1903 substantially all the provisions of this bill, with very trifling changes, were referred to the Committee on the Judiciary and reported by the Committee on the Judiciary to the House. The bill was taken up by the House, discussed and debated, and passed the House on a roll call with only two negative votes. It went to the Senate and died in the Senate. In the last Congress this same bill was introduced and went to the Committee on the Judiciary again, and that committee reported it unanimously, but too late for action at the last session.

At this session, following exactly the course taken in 1903 and the course taken in 1904, the same bill was introduced and referred to the same committee. I have not examined the rule, and I am not able to discuss intelligently the question as to whether or not the Committee on the Judiciary has jurisdiction. It does proceed under the interstate commerce clause. I do not quite understand that everything that relates to that belongs to the committee of which the distinguished gentleman from Iowa [Mr. HEPBURN] is the chairman, but under these circumstances and under these conditions it would almost seem that the practice of the House so far as this particular bill is concerned had vested the Judiciary Committee with the jurisdiction. That committee has no desire to usurp the jurisdiction of the com-

mittee of which the distinguished gentleman from Iowa [Mr. HEPBURN] is the chairman, but certainly under these circumstances we had a perfect right to feel that we were acting legitimately and properly in acting upon this measure and reporting it.

The SPEAKER. The Chair does not desire to hear further discussion upon the point of order. The whole matter has been settled by former precedents in the House. The Clerk will read.

The Clerk read as follows:

667. The erroneous reference of a public bill, if it remain uncorrected, in effect gives jurisdiction to the committee receiving it. On October 19, 1893, Mr. Joseph Wheeler, of Alabama, on behalf of the Committee on the Territories, presented for consideration the bill (H. R. 3606) to require railroad companies operating railroads in the Territories over a right of way granted by the Government to establish stations and depots at all town sites on the lines of said roads established by the Interior Department.

Mr. W. A. Stone, of Pennsylvania, made the point of order that the bill, not being within the jurisdiction of the Committee on the Territories, had been erroneously reported and was improperly on the Calendar.

The Speaker overruled the point, holding as follows:

"The reference of a public bill, as described by the rules, is different from that prescribed in regard to private bills. An erroneous reference of a public bill may be corrected any morning immediately after the reading of the Journal, either by unanimous consent or on motion of a member representing the committee to which the bill has been erroneously referred, or on motion of the committee claiming jurisdiction. And where a public bill has been suffered, even erroneously, to be considered by a committee and that committee has reported it back to the House, there is no way of raising the question of jurisdiction if the bill is a public bill. The case is different in regard to private bills. This bill is practically an amendment of a charter granted to a railroad company to pass through lands in the Territories, which original bill was reported by the Committee on the Territories." (Parliamentary Precedents.)

The SPEAKER. The Chair is perfectly clear that it is not the practice of the House and that the question can not be raised in this way at this time as to——

Mr. HEPBURN. Will the Speaker allow me to make a further suggestion on this subject? The action of the House in referring certain portions of the President's message to the Committee on the Judiciary with specific instructions as to the report and the character of the report, to go into the very root of jurisdiction or power of the House, it seems to me ought to have been an instruction to them not to report a bill. They were required first to report as to whether any power to enact a bill existed in this body or in the Congress, and that ought to be construed, it seems to me, by a committee of lawyers as a prohibition to engage in this particular form of report.

The SPEAKER. There is a second point of order, made by the gentleman from California, and also by the gentleman from Illinois, that this bill should be upon the Union Calendar. In other words, I take it it is claimed that it makes a charge upon the Treasury or entails an obligation upon the Government. The Chair has examined, somewhat hastily, it is true, the bill, but would be glad if the gentleman would point out——

Mr. LITTLEFIELD. I do not think it makes any charge upon the Government.

The SPEAKER. The Chair would be glad if the gentleman will point out if he can anything in the bill which makes it subject to the point of order.

Mr. FITZGERALD. It authorizes the employment of clerks by one of the Departments of the Government.

The SPEAKER. To what section does the gentleman refer?

Mr. JENKINS. To section 4.

Mr. MANN. The Speaker will notice in line 12, section 4, page 5, the bill provides that the Commissioner may employ such agents and clerks as in his judgment may be necessary.

The SPEAKER. The Chair will hear the gentleman from Maine. The language is as follows: "Said Commissioner may employ such agents and clerks as in his judgment may be necessary for properly executing the provisions of this act and shall make an annual report," etc. That is in section 4, page 5. It seems to the Chair that if enacted that would make a charge upon the Treasury.

Mr. LITTLEFIELD. I suppose that is the fact; I had not in mind that provision of the section, and, of course, I had not anything to do with the Calendar upon which the bill was placed, and my attention was just called at this moment to the particular Calendar upon which it appears. I do not know whether the gentleman desires to insist upon his point of order or not. I do not know that there is any objection to the bill. I will say, so far as the distinguished gentleman from Iowa is concerned, there is an express provision here that this bill does not relate to railroads and does not affect the returns upon the part of railroad companies. Section 8 takes care of it. And I will say further, in relation to the President's message, my understanding of that is that the whole subject of insurance and the Federal control of insurance, and whether you could reach that under the interstate-commerce clause of the Constitution, was given to us under the President's message. Now, this does not relate to an insurance company, it simply relates to corporations that are engaged in interstate commerce. It is true, if an insurance company was engaged in interstate commerce, it might be held to apply to it. But this bill we have acted upon entirely independent of the insurance proposition. It is the purpose of the committee to give a full hearing on that question and later on give the House the benefit of what its conclusion may be in relation thereto, and there is nothing in this bill, I beg to submit, that in any way either interferes with or militates for or against that proposition. Certainly no man on the committee had any such idea in his mind.

Now, this is, of course, an important bill; but it has passed the House once on a yea-and-nay roll call, with only two minority votes. It has had two unanimous reports from the committee. And Mr. Garfield came before the committee during the last session and said that the power vested in him as the Commissioner of Corporations by the legislation creating the Department of Commerce and Labor was simply insufficient and inadequate to accomplish the results that were expected, and that this bill with its provisions was necessary in order to enable him to procure what we are all talking about and all thinking about, namely, the proper degree of publicity on the part of corporations engaged in interstate commerce. The bill was submitted to him—I submitted it to him myself—at the last session. His law officers took it and looked it all over, examined it in detail word for word, suggested amendments and changes, every one of which were incorporated in the bill at his suggestion and at his request.

Mr. FITZGERALD. Suppose the Commissioner of Corporations decided that this act applied to insurance companies and demanded that they furnish the information that is provided in this bill and upon refusal of the company then proceeded to test that question in court, might it not be that that would be unconsciously legislating to affect insurance companies?

Mr. LITTLEFIELD. Of course, I will say to the gentleman frankly, if the Commissioner of Corporations undertook to prosecute a company for not complying with this act and the company resisted, on the ground that it was not engaged in interstate commerce, he might raise that question by proceeding under this act.

The SPEAKER. If the gentleman will permit, the Chair will state that, after all, necessarily these discussions proceed by unanimous consent. Practically this bill ought to be upon the Union Calendar and can not be considered at this time except by unanimous consent.

Mr. LITTLEFIELD. After these suggestions I was in hope, Mr. Speaker, that my distinguished friend from California [Mr. NEEDHAM] and my distinguished friend from Illinois [Mr. MANN] would withdraw their objections and let the House act upon it.

Mr. HEPBURN. Mr. Speaker, so far as I am concerned, I do not care any further to object to its consideration. I simply wanted to enter my protest against the usurpative zeal of the gentleman from Maine [Mr. LITTLEFIELD].

Mr. LITTLEFIELD. I hope the gentleman will include the whole of the committee in the suggestion.

The SPEAKER. Is there objection to the consideration of the bill at this time?

Mr. MANN. Do I understand that unanimous consent can be asked on the call of the committees?

The SPEAKER. If they are recognized, they could ask unanimous consent to bring in an elephant.

Mr. MANN. Mr. Speaker, reserving the right to object, when the bill was first read, and before the reading was finished, I was looking for some point in the bill to make upon it, thinking that it covered common carriers——

Mr. LITTLEFIELD. Not at all.

Mr. MANN (continuing). And contravened not only the provisions of the existing law about making reports, but was directly contrary to the provisions of the pending bill which is set for hearing to-morrow. But it does seem to me, Mr. Speaker, the gentleman from Maine [Mr. LITTLEFIELD], after having called attention of the House to this bill, might properly let it go over for consideration. There are plenty of people here who may wish to consider whether every grocery store, every private corporation in the land, shall be required to make reports to the Commissioner of Corporations.

Under this bill every kind of a corporation in a large city or small town which engages in any kind of business——

Mr. LITTLEFIELD. Interstate commerce.

Mr. MANN. Every corporation engages in the interstate commerce of the country, of course, at some time or other, and will be required to make a report. I think that the gentleman ought

to give us an opportunity to consider that phase of the bill without asking unanimous consent at this time.

Mr. LITTLEFIELD. If the Chair will indulge me just a moment, I think perhaps I can satisfy the gentleman upon that point. The gentleman will find the bill is very carefully drawn in all of these particulars. It is true that it would require every corporation engaged in interstate commerce to make a report, but it also provides that where one return is once made further returns, when the return would simply be a duplication of the one already made, are not required. So that simply one return would take care of every small corporation, and in an ordinary corporation they can comply with this provision in half an hour's time. It was difficult to tell where to draw the line, and this provision as to duplication practically takes care of that.

Mr. MANN. If the gentleman will allow me. Take an ordinary corporation engaged in practically private business in competition with a partnership or individual. They do not make a return to the Government and publish their business, and I do not see how even under the terms you name they can exempt themselves from making the annual report. They make reports on their business.

Mr. LITTLEFIELD (reading)—

So far as any return may be a duplicate of one already filed hereunder, the fact may be stated, and the details which are in such case duplicates need not be repeated. Upon its being made to appear to the satisfaction of the Commissioner that without fault on its part it is impracticable for such corporation to furnish any of the items aforesaid, it may by a written order of the Commissioner be excused from furnishing any such item or items.

Now, the return required here is confined to the items specified. We authorize the Commissioner to require a return made of specific things, and it is practically agreed on the part of all who have investigated that these things are of such a character that they do not disclose the business or involve the amount of business that would embarrass a corporation with its competitors. We simply require it to disclose the financial condition of the corporation, so that people can intelligently judge of the value of the stock and bonds that it is floating.

Mr. MANN. Is there any check on people interested on what the value of the private corporation is?

Mr. LITTLEFIELD. There might be in large corporations who are undertaking to inflate their stock and sell it.

Mr. MANN. I quite agree with the gentleman on the purpose of the bill, but the question with me is as to whether it is safeguarded sufficiently. Some of us may have to answer an outraged people upon the subject. I have had in the past a good many protests from my city against legislation of this kind which would affect corporations engaged in ordinary wholesale and retail business in the city of Chicago in competition with private partnerships and private individuals. Whether you reach them or not in this bill no one in the United States except the committee knows, and I do not know whether the gentleman is prepared to say.

Mr. LITTLEFIELD. I will answer, so far as I can, every question that the gentleman may ask with relation to the bill. I will do the best I can.

Mr. MANN. Does it cover these corporations?

Mr. LITTLEFIELD. It covers any corporation engaged in interstate commerce, large or small.

Mr. MANN. What does the return cover? Take a case with which we are all familiar, that of the old house of A. T. Stewart & Co., formerly engaged in the wholesale business in New York City. There is no harm in referring to them now, because they are out of business.

Mr. LITTLEFIELD. I will say frankly to the gentleman from Illinois that if I should attempt to state what the corporation is required to report I would have to read practically the first section of the bill.

Mr. MANN. Does not the gentleman think that he ought, then, to let the bill lie over, so that the rest of us can read it, too?

Mr. LITTLEFIELD. I certainly have no disposition to force the question unduly upon the House, but the gentleman appreciates the situation. This is the first time a call of the committees has reached the Committee on the Judiciary.

Mr. MANN. But the gentleman is not calling this up on the call of committees. That is out of the question. He is calling it up by unanimous consent.

Mr. LITTLEFIELD. But I am only on my feet because the call of committees has reached the Committee on the Judiciary. Unless we get unanimous consent, of course, we can not proceed.

The SPEAKER. Is there objection?

Mr. SHERLEY. I object.

The SPEAKER. Objection is made. The bill will be referred to the Union Calendar.

APPEALS IN CERTAIN CASES.

Mr. JENKINS. Mr. Speaker, by direction of the Committee on the Judiciary, I call up the bill (H. R. 12843) to amend the seventh section of the act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the seventh section of the act of Congress entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, be, and it is hereby, amended to read as follows:

"SEC. 7. That where, upon a hearing in equity in a district or circuit court, or by a judge thereof in vacation, an injunction shall be granted or continued, or a receiver appointed by an interlocutory order or decree, in any cause an appeal may be taken from such interlocutory order or decree granting or continuing such injunction, or appointing such receiver, to the circuit court of appeals: *Provided*, That the appeal must be taken within thirty days from entry of such order or decree, and it shall take precedence in the appellate court; and the proceedings in other respects in the court below shall not be stayed unless otherwise ordered by that court, or by the appellate court, or a judge thereof, during the pendency of such appeal: *Provided further*, That the court below may, in its discretion, require as a condition of the appeal an additional bond."

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. JENKINS. Mr. Speaker, I move to reconsider the vote by which the bill was passed, and I move to lay that motion on the table.

Mr. COCKRAN. Mr. Speaker, I should like to ask the gentleman from Wisconsin the purpose of this bill. In what respect does it modify the law?

Mr. JENKINS. I yield to the gentleman from Georgia [Mr. BRANTLEY] to answer that question.

Mr. BRANTLEY. Mr. Speaker, this bill enlarges the jurisdiction of the circuit court of appeals over interlocutory orders granting injunctions and appointing receivers. The court of appeals now has jurisdiction over interlocutory orders granting injunctions and appointing receivers, but is limited in such jurisdiction to interlocutory orders in cases where on final decree in the district or circuit court the circuit court of appeals has jurisdiction. Now, there are certain classes of cases involving constitutional questions that on final decree in the district court can not go to the circuit court of appeals, but must go to the Supreme Court of the United States. We do not intend to change the jurisdiction on final decree at all, but we simply propose by this bill to say that the circuit court of appeals may have jurisdiction over all interlocutory orders granting injunctions and appointing receivers. It is a change that has been demanded by the bar in many instances. At present it is possible and has been the practice sometimes to insert a fake constitutional question into a bill that really has no relation to the merits of the case, and when an interlocutory order granting an injunction has been had in such a case there is absolutely no appeal from it until the case reaches the Supreme Court of the United States on final decree, and the appeal is then of no value. The bill is most meritorious. It was unanimously reported by the Judiciary Committee in the last Congress and passed the House, and has been again unanimously reported.

Mr. JAMES. Is the judgment of the circuit court of appeals made final on an appeal from an interlocutory order in the district court?

Mr. BRANTLEY. The same finality that now exists from any other interlocutory order will exist under this bill. We do not change the law in that respect at all.

The SPEAKER. The gentleman from Wisconsin moves to reconsider the vote by which the bill was passed, and moves to lay that motion on the table. If there be no objection, the latter motion will be agreed to.

There was no objection.

RECOVERY OF VALUE OF UNLAWFUL REBATES.

Mr. JENKINS. Mr. Speaker, I now call up the bill (H. R. 11784) to authorize the recovery of the value of unlawful rebates and discriminations, and penalty therefor, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That any person, company, partnership, association, or corporation that shall, directly or indirectly, receive from any common carrier any benefit or advantage by any unlawful rebate, concession, preference, gratuity, or discrimination in respect of the transportation of any property in interstate or foreign commerce shall be liable to pay to the United States the value of every such benefit or advantage, to be recovered, with costs, in an action at law to be brought in the name of the United States in any court of competent jurisdiction.

SEC. 2. That any person, company, partnership, association, or cor-

poration that, directly or indirectly, shall knowingly receive from any common carrier any benefit or advantage by any unlawful rebate, concession, preference, gratuity, or discrimination in respect of the transportation of any property in interstate or foreign commerce shall be liable to pay to the United States double the value of such benefit or advantage, to be recovered, with costs, in an action at law to be brought in the name of the United States in any circuit court; and if in any such action under this section it shall be found that such benefit or advantage was received, but not that it was received knowingly, then the United States shall recover in such action the value of such benefit or advantage, with costs, as if such action had been brought under the first section of this act.

SEC. 3. That either of the actions above provided for may be instituted by the Attorney-General or, by leave of the court, by any person as informant after notice to the Attorney-General to bring such suit. Such informant shall receive half of any amount that shall be recovered in such suit instituted by him, or by settlement or compromise: *Provided, however,* That such informant shall not dismiss or settle any such suit without leave of the court, after notice to the Attorney-General and the United States attorney for the district wherein such suit shall be pending; and in case of such notice of application to dismiss, or on notice to such informant by the Attorney-General, in case such informant unduly delays or fails to prosecute such suit, the Attorney-General may be ordered by the court to assume said suit, and said informant shall lose all interest therein upon proper terms as to costs and expenses already incurred by him, to be settled by the court.

SEC. 4. That this act shall be cumulative of all other laws on the subject of unlawful rebates, concessions, preferences, gratuities, or discriminations in respect of the transportation of any property in interstate or foreign commerce, and judgment under this act shall not be pleaded in bar of any action under any other statute of the United States against rebates, concessions, preferences, gratuities, or discriminations; and nothing in this act contained shall in any way abridge or alter the remedies now existing at common law or by statute, but the provisions of this act are in addition to such remedies.

The following amendments, recommended by the committee, were read:

In section 2, after the words "in the name of the United States in any" (p. 2, lines 6 and 7), strike out the words "circuit court" and insert the words "court of competent jurisdiction."

In section 4, before the word "remedies" where it first occurs (p. 3, line 13), insert the words "rights or," and in the same section, before the word "remedies" where it occurs at the end of the section, insert the words "rights and."

Mr. SHERLEY. Mr. Speaker, this is an important bill, and I would like to hear some explanation of it.

Mr. JENKINS. I yield to the gentleman from New Jersey [Mr. PARKER], who reported the bill.

Mr. PARKER. Mr. Speaker, this is a bill of so much consequence that I would not bring it up at the end of the day but that my friend from Iowa, chairman of the Committee on Interstate and Foreign Commerce, has intimated to me that he did not feel that it would interfere with the privileges of his committee. I want, of course, to give every Member of the House an opportunity, if he thinks best, to debate so important a measure, and if it be requested I probably shall not object to its going over to some other day. But I welcome the opportunity now to explain this measure to the House.

As long ago as 1900, when the Judiciary Committee were dealing with the subject of trusts, it was reported to this House in minority views that the important matter in preventing trusts and monopolies was to prevent rebates and redress them by providing that any man who should receive an unlawful rebate should have to give up its value. In 1903 a majority of the Judiciary Committee, when another bill to prevent unlawful combinations was before that committee, united in the belief that this was the proper remedy, and all that prevented that majority from reporting favorably on the measure was difference of opinion as to its form. Some wanted the value of the rebate to be recovered, some wanted double that value to be recovered, and some wanted to allow suit to be brought not only by the Attorney-General, but also by an informer, and because of those three views the measure then failed.

The committee have now come to a substantially unanimous agreement. Two or three members of the committee are doubtful, but there is no minority report. We believe that the value of any benefit or advantage, whether it be by preference, concession, or discrimination of any kind, which is received by any man from a common carrier, and in which the public has no share, should be given up, and the first question is, to whom? Is it to go back to the railroad or common carrier? That was the first suggestion. Ought the railroad or common carrier to receive back the value of the preference which they have unlawfully given? Much might be said for that view, for it would be recovered by a simple action, as if for value had and received. But the difficulty is that the very railroad who gave the rebate, secret or otherwise, has thereby received the valuable patronage of enormous customers and obtained benefits which did not belong to that railroad, and it would be clearly inequitable and unjust that it should be paid money in addition for breaking the law. What is more, no suit authorized by that railroad would probably be brought in good faith. The railroad is certainly not the party injured. Nor are the persons injured merely those that were in competition, for very few dare to be in competition with the great trusts. Those who are injured are those who are kept out of competition, the great public; it is the great public that has paid more for the article manufactured by monopolies, and it is therefore not only necessary to have the public be the plaintiff, but it is right that the public which has been wronged should have the remedy.

Now, the novelty of this bill lies in two directions: First, in the fact that it is a remedy by civil suit on the civil side of the court and not a remedy on the criminal side; and secondly, that it is not a prosecution involving a mere fine of a few thousand dollars, but a suit for the whole value of the concession, which may amount to millions in a year. A suit on the civil side of the court has a preference over those upon the criminal side. It is governed by different rules. Witnesses can not refuse to testify. Books can not be kept back. What is more, the party who received the preference, in some cases, will insist that it was fair and that he took it honestly, while his rival insists that he has received an unlawful rebate, and under those circumstances the bill gives an opportunity for a trial before the court and a jury of a fairly disputed question—for example, whether discrimination has been made between men residing in neighboring towns, or perhaps whether a man that owns a switch or sidetrack has received unlawful advantages for the use of that sidetrack. We hope that in many cases suits brought under the first section for the simple value of the rebate with costs will enable such a question to be determined, not by a Government officer or a bureaucratic department, but by the action of court and jury—to determine in law and fact whether different rates have been charged or different privileges allowed in cases where the services performed were substantially the same, but without attacking any man's motives.

If, then, a verdict be recovered, the defendant gives up no more than what he has unlawfully received. But when judgment has been rendered the foundation is laid, if he and the common carrier persist in the unlawful course, for alleging that that course has been decreed to be unlawful, that the violation is willful, and for suit to be brought thereafter for double the value as by way of penalty under the second section.

The second distinction, as I have said, is in the amount of recovery.

Mr. KEIFER. Mr. Speaker, will the gentleman permit a question?

The SPEAKER. Does the gentleman yield?

Mr. PARKER. Yes.

Mr. KEIFER. I am not familiar enough with the bill, and I would like to know whether or not there is any limitation fixed in the bill with reference to the time that these suits may be brought to recover back?

Mr. PARKER. They are only for future violations. No bill would be constitutional that touched the past.

Mr. KEIFER. Then, as I understand, if the gentleman will allow me, this is in the nature of a regulation of interstate commerce by a prohibition against the payment of rebates, and the penalty is the right of the Government to recover back the rebate.

Mr. PARKER. This bill does not regulate commerce. Regulations are established by statutes reported and passed by the Committee on Interstate Commerce, acts which are cited in the report prohibiting unjust discrimination. There is no remedy in this bill against the carrier. What this bill says is that where the beneficiary—that is to say, the shipper—receives an unlawful rebates, declared to be unlawful by the interstate-commerce acts, he shall be liable to give up its value, and double that value if it be done willfully—that is, knowingly.

Mr. KEIFER. If the bill does not regulate interstate commerce, how do we get the constitutional power to simply pass an act that is penal in its character?

Mr. PARKER. It is based upon acts already existing which do regulate commerce and which make it unlawful for any man to receive preferences over another man, and then this bill says that if he shall have received such a preference, its value shall not stay in his pocket, but shall be reclaimed and taken.

Mr. KEIFER. One question further. I am not, as I said, familiar with the language of the bill. Does the bill provide that the rebate must be paid in violation of existing law, or does it apply generally to any rebate?

Mr. PARKER. Only to unlawful rebate—rebate in violation of law now existing or hereafter to be passed.

I was about to say, Mr. Speaker, that there are rebates that do not come within the simple and innocent class that I have mentioned. There are rebates that are secret, money repaid, passes given to the shipper, various advantages given to him, gifts made to his family, secret changes of schedules of which

he alone gets notice, so that he is able to buy up the market and monopolize—such rebates are given in some twenty different forms.

Those rebates, given knowingly and secretly, are certainly given willfully. A few of them only can be discovered. In such cases, as well as in the case where the rebate has already been adjudged to be unlawful by a decision of the court to which the shipper was a party—in such cases the second section rightly applies, by which a suit is brought for double the value, and it is to such instances that I think the President refers in his late message, in which, on page 6 of our copy, he says:

It is worth while considering whether it would not be wise to confer on the Government the right of civil action against the beneficiary of a rebate for at least twice the value of the rebate; this would help stop what is really blackmail.

Mr. BARTLETT. Mr. Speaker, may I ask the gentleman a question?

The SPEAKER. Does the gentleman yield?

Mr. PARKER. Could the gentleman wait a moment?

Mr. BARTLETT. Oh, yes; two moments.

Mr. PARKER. Just a moment. The third section of the bill is directed to a more difficult question, whether the suit should be only by the Attorney-General or whether to allow process by an informer acting as plaintiff in the name of the United States and sharing the recovery. My own impression, after some doubt, is that the provisions of the bill are sufficiently guarded in that respect. There may be cases in which the Attorney-General might not feel like putting the whole power of the Government in force simply to discuss a question as between two different towns, we will say, as to whether a published rate was right or wrong, and to assume the expense of such a suit.

In such an instance the Attorney-General might tell the complaining parties to try it themselves. The court might say—for the leave of the court is necessary by the bill to the bringing of such a suit—that it is a fair thing that the manufacturer in one town should have a suit in that court to determine against manufacturers in a neighboring town, whether the rates be fair, and bid him come in and try the case, only remembering—for so the bill provides—that he shall not settle that suit without the leave of the court, and that before settling or discontinuing it he must get such leave of the court after notice to the Attorney-General.

The bill likewise provides, in order to prevent fictitious actions, that if any informer bring such a suit and unduly delay it or fail to prosecute, the Attorney-General can apply to the court to be substituted, and may proceed to prosecute the suit to a conclusion. This is, therefore, not the ordinary provision for information by a private party. It is one in which the courts are given full power to adjust, arrange, and control the suit.

The fourth section of the bill provides that this act shall not interfere with any existing laws, but is in addition to the provisions of such laws and subject to them, providing a civil remedy, just as one whose property has been stolen can recover it, or as the Government may prosecute a smuggler or pirate and can likewise conduct proceedings of condemnation against the smuggled goods or the pirate vessel. This bill provides a proceeding against whatever is unlawfully in the hands of those who shall take it wrongfully. That proceeding goes directly for the corpus delicti. It insists on restoring the equality that has been infringed. It should be more efficient than any other remedy for the protection of fair competition, the prevention of monopolies, and the redress of the inequality caused by unjust privileges given to one which are withheld from others, and which are unlawful by express statute. I see it is getting near the usual hour of adjournment, and while I have welcomed the opportunity to call up this bill, if any gentleman here wishes to discuss it, so that it would be likely to go over until another day, I am very glad to answer questions, but should prefer not to attempt to hold the House against its will, but to ask its leave to hold the bill and its discussion as unfinished business. One or two gentlemen wished to ask questions.

Mr. McMORRAN. Will the gentleman yield for a question?

Mr. PARKER. Certainly.

Mr. McMORRAN. I understood the theory of your bill is there must be an informer in order to correct——

Mr. PARKER. No, sir.

Mr. McMORRAN. Suppose I am a shipper and I think my competitor is getting rebates from a railway. Now, how am I going to show it unless I get an informer?

Mr. PARKER. You can go to the Attorney-General and ask him to bring suit. If he will not bring suit you can apply to the court for leave to bring suit as informant or prosecutor after giving notice to the Attorney-General, and if the court thinks it right that suit should be brought it may be brought, but it still remains within the control of the court.

Mr. McMORRAN. Yes; but I may have the best of reasons to believe my competitor is receiving rebates yet I have not positive proof. Now, have I the right under the bill to insist upon the railways producing their books and verifying my suspicions?

Mr. PARKER. You have only the right which belongs to every one to subpœna witnesses to bring testimony into court.

Mr. McMORRAN. Regardless of the fact whether I have any facts to start upon or not?

Mr. PARKER. That is all you can do in any case.

Mr. BARTLETT. May I ask the gentleman a question?

Mr. PARKER. Yes, sir; I yield to the gentleman from Georgia.

Mr. BARTLETT. At the bottom of page 7 of your report I see this:

In such an action the defendant can not plead the purity of his intent or refuse to testify for fear of criminating himself, or do anything except to ask a fair trial of the question whether his contract privileges or freight rates are valid under the law of the land.

Now, if it is a suit to recover rebates unlawfully paid or received, why would he not criminate himself if he was compelled to testify as to the fact of doing an unlawful thing which is penalized both before the Elkins Act and by the Elkins Act? In other words, it is as much a crime for the shipper or corporation or railroad to give rebates now as it was before the Elkins Act removed the imprisonment for it, and they are fined $20,000, and there you say the person can be compelled to testify without fear of criminating himself. How would that be true?

If the person that testifies is compelled to testify, and from his testimony the fact is developed that he has violated the criminal law of the land, you make him testify even in a civil suit?

Mr. PARKER. This bill provides for suit against the shipper, while most of the criminal penalties are imposed upon the railroad or its agents, and the only section which creates a penalty as to the shipper is very carefully drawn, so as to require intention to be proved. It will be found in the Elkins Act. No man can read that section through carefully without seeing that it is directed against the intentional receipt or solicitation of rebates and that the penal or criminal part of the act applies only to such willful receipt of rebates, and if you had been shipping on a railroad——

Mr. BARTLETT. All crimes have intentions in them, of course.

Mr. PARKER. If you had been shipping on a railroad—we will suppose you controlled a business of many millions of dollars—and that thereupon you went to the railroad agents and simply said that you wanted a good rate; that you had been talking to agents of the other railroad and that they offered certain terms.

In this case, if you were offered better terms and accepted, not having looked at the law or compared the published rates, no jury in the world would ever convict you of criminal intent or crime under any of those acts. But, on the other hand, if the suit be under this bill for the simple value of the rebate, then if you want to protect yourself you will come right into court and say that you did not intend anything wrong, explain what you did, and ask a decision whether it be fair and legal or not. Then the court and jury will determine whether it be fair or whether it be unfair and unlawful. And in this suit the defendant can not plead that his intent was good. The question is not whether that intent was good or not, but whether he has been receiving from a common carrier advantages which do not belong to him under the published rates.

Mr. CRUMPACKER. Does this bill provide that testimony given under compulsory process shall not be used in any criminal prosecution?

Mr. PARKER. The committee would not put that in. That is a question for the House. The opinion of the committee was that this proceeding ought to be additional to all others.

Mr. CRUMPACKER. Then, under the law as it stands, if witnesses are compelled to give testimony, they have no protection against the use of that testimony in criminal prosecutions under other statutes against rebates?

Mr. PARKER. Except the great practical protection under which a witness who comes in and tells all he knows never is prosecuted.

Mr. CRUMPACKER. There is no legal protection, then?

Mr. PARKER. None at all; but a great practical protection.

Mr. CRUMPACKER. Does not the gentleman think it would be a better safeguard against abuses if the bill were amended so as to provide that evidence given in this class of cases should not be used against a witness in any criminal prosecution?

Mr. PARKER. I do not think so. I think that that would be an interference with the interstate-commerce provisions with reference to the penal laws, and at the same time this question

will be within the jurisdiction of the House when the bill comes before it.

Mr. CRUMPACKER. My judgment is that in courts trying this class of cases, if a witness makes objection that he can not answer a question without incriminating himself, the court will decide he can not be compelled to answer the question, because there is no protection.

Mr. PARKER. Mr. Speaker, I reserve the balance of my time.

Mr. PAYNE. Will the gentleman from New Jersey [Mr. PARKER] yield for a suggestion? I want to suggest to the gentleman that it is perfectly evident that the bill can not pass to-night. There seems to be considerable opposition to it, and the attendance is slim now.

Mr. PARKER. Is there objection to it? Does anybody prefer any other explanation of the bill?

Mr. MANN. I am frank to say to the gentleman that I want to get some light from him on two or three points in the bill.

Mr. PAYNE. I think I will make the motion that the House do now adjourn.

The SPEAKER. The gentleman from New Jersey reserves the remainder of his time.

Mr. JENKINS. Mr. Speaker, we have one or two other matters that we would like to dispose of to-night.

Mr. PARKER. Mr. Speaker, I would like unanimous consent that this particular bill should be considered as unfinished business.

Mr. JENKINS. It is unfinished business.

The SPEAKER. The gentleman from New Jersey [Mr. PARKER] asks unanimous consent that this may be considered as unfinished business in the House? Is there objection?

A MEMBER. Mr. Speaker, I object.

PROSECUTIONS BY DEPARTMENT OF JUSTICE.

Mr. JENKINS. Mr. Speaker, by direction of the Committee on the Judiciary I desire to call up House resolution No. 117. I want to say to the gentleman from New York [Mr. PAYNE] that I do it because the gentleman from Mississippi [Mr. WILLIAMS], who introduced the resolution, is here. It will take but a moment.

Mr. WILLIAMS. Mr. Speaker, in connection with that privileged resolution, I want to ask unanimous consent of the House——

The SPEAKER. Let the resolution be read.

The Clerk read as follows:

Resolved, That the Attorney-General is requested, if not incompatible with the public interest, to inform the House whether any criminal prosecutions have been instituted by the Department of Justice against the individuals or corporations who were adjudged recently by the Supreme Court of the United States, in the Northern Securities case, to be guilty of having violated the laws of the United States by entering into unlawful combinations in restraint of interstate commerce.

Also the following committee amendments:

Amend after the word "not," in the first line, and before the word "incompatible," in the second line, by inserting the words "in his judgment."

And further amend by striking out after the word "commerce," in lines 8 and 9, all of the remainder of the line 9 and lines 10 and 11.

RECOVERY OF VALUE OF UNLAWFUL REBATE.

The SPEAKER. The Chair will state that the bill preceding this matter, to which the gentleman from New Jersey addressed himself, by unanimous consent will go over as unfinished business until another call of committees is reached.

Mr. MANN. What is the request, Mr. Speaker?

The SPEAKER. Otherwise this resolution can not now be taken up, without some action on the part of the House, either postponing this bill or by unanimous consent abandoning it for the present, in which abandonment it would be unfinished when this order of business is reached again.

Mr. MANN. Well, it does not require unanimous consent.

The SPEAKER. The Chair is referring to the Parker bill. The Chair hears no objection.

PROSECUTIONS BY DEPARTMENT OF JUSTICE.

Mr. WILLIAMS. Now, Mr. Speaker, in connection with this matter——

The SPEAKER. Does the gentleman from Wisconsin yield?

Mr. JENKINS. I yield to the gentleman from Mississippi.

Mr. WILLIAMS. I want to ask unanimous consent, instead of addressing myself to this resolution this evening, to have time granted me to do so at some future time to be agreed upon by the Speaker and myself—the same length of time that I would be entitled to now.

Mr. PAYNE. There is no objection to the resolution, but it seems to me that we ought to have the benefit of the discussion before we vote upon it.

Mr. WILLIAMS. Mr. Speaker, this is a resolution for information. It is, of course, as the gentleman knows, privileged, and I do not know whether I will want to talk about it or not. Perhaps he may send the information to the House. He may give it in such a way that there will be nothing for me to discuss. I will probably be saving the time of the House. If, for example, he would send information that they had inaugurated prosecutions, that is all I want; all I want the country to know. Of course the resolution carries with it its privileged character. But this unanimous consent that I ask merely is to the effect that the House shall allow me at any future time to talk about it instead of talking about it now.

Mr. PAYNE. Mr. Speaker, I am in favor of the most liberal debate if the House has time, but I am not willing to consent that at some time in the future some gentleman shall make a speech on a subject not then before the House.

The SPEAKER. The gentleman from New York objects.

Mr. WILLIAMS. Mr. Speaker, the gentleman from Wisconsin will then, if he consents, withhold the resolution and introduce it another time when the House has more time. I do not want to trespass on the time of the House now. I may not want to do it at all. I do not see why unanimous consent can not now be granted.

Mr. JAMES. If you only do that, you do it by permission of the Speaker.

Mr. PAYNE. What is to prevent the gentleman asking unanimous consent at any time?

Mr. WILLIAMS. But after the resolution is introduced it will then have lost its privileged character and I will be at the mercy of the objector.

Mr. JENKINS. Mr. Speaker, to save time I will ask unanimous consent to withdraw the resolution at this time.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. PAYNE. I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 4 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for the payment of the claim of Hugo and Filomena de Ocampo, of the Philippine Islands—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting papers relating to the claim of José Ramos, of Balayan, Batangas, P. I.—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a draft of a bill to repeal the act of February 26, 1895, and to provide for the disposal of isolated tracts of public lands—to the Committee on the Public Lands, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a copy of a letter from the Chief of Engineers, report of examination of Portland Harbor, Maine—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, recommending legislation to provide heavy furniture for officers' quarters in the Philippines—to the Committee on Military Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1484) granting an increase of pension to John L. Lovell, reported the same with amendment, accompanied by a report (No. 593); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6178) granting an increase of pension to Carl W. Black, reported the same with amendment, accompanied by a report (No. 594); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6408) granting an increase of pension to Isaiah Queman, reported the same without amendment, accompanied by a report (No. 595); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pen-

sions, to which was referred the bill of the House (H. R. 12156) granting an increase of pension to Edwin Billings, reported the same with amendment, accompanied by a report (No. 596); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5163) granting a pension to William U. Mallorie, reported the same with amendment, accompanied by a report (No. 597); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4206) granting an increase of pension to Isaac Henry Ober, reported the same with amendment, accompanied by a report (No. 598); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10477) granting an increase of pension to James B. Babcock, reported the same with amendment, accompanied by a report (No. 599); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2823) granting an increase of pension to Orton D. Ford, reported the same with amendment, accompanied by a report (No. 600); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6109) granting an increase of pension to William H. Ackert, reported the same without amendment, accompanied by a report (No. 601); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1909) granting a pension to Alexander Miller, reported the same with amendment, accompanied by a report (No. 602); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6180) granting an increase of pension to Amherst F. Graves, reported the same with amendment, accompanied by a report (No. 603); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3552) granting an increase of pension to David F. McDonald, reported the same with amendment, accompanied by a report (No. 604); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1043) granting an increase of pension to Horace Hounsman, reported the same with amendment, accompanied by a report (No. 605); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10437) granting an increase of pension to Casper Yost, reported the same with amendment, accompanied by a report (No. 606); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11320) granting an increase of pension to Adam Cook, reported the same with amendment, accompanied by a report (No. 607); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11672) granting an increase of pension to Franklin J. Fellows, reported the same with amendment, accompanied by a report (No. 608); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9405) granting an increase of pension to John Burns, reported the same with amendment, accompanied by a report (No. 609); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2595) granting an increase of pension to Peter D. Sutton, reported the same with amendment, accompanied by a report (No. 610); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9065) granting an increase of pension to George G. Brail, reported the same with amendment, accompanied by a report (No. 611); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7721) granting an increase of pension to Daniel V. Lowrey, reported the same with amendment, accompanied by a report (No. 612); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11145) granting an increase of pension to Melvin J. Lee, reported the same with amendment, accompanied by a report (No. 613); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1859) granting an increase of pension to George T. B. Carr, reported the same with amendment, accompanied by a report (No. 614); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8714) granting an increase of pension to George Gibson, reported the same with amendment, accompanied by a report (No. 615); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9795) granting an increase of pension to Emory E. Patch, reported the same with amendment, accompanied by a report (No. 616); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pesnions, to which was referred the bill of the House (H. R. 6873) granting an increase of pension to Charles A. Phillips, reported the same with amendment, accompanied by a report (No. 617); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5938) granting an increase of pension to Edward J. McClaskey, reported the same with amendment, accompanied by a report (No. 618); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6399) granting an increase of pension to David Hanna, reported the same without amendment, accompanied by a report (No. 619); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4764) granting an increase of pension to Abijah Brown, reported the same with amendment, accompanied by a report (No. 620); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. H. 5909) granting an increase of pension to William H. Bynon, reported the same with amendment, accompanied by a report (No. 621); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6085) granting an increase of pension to Jacob C. Rardin, reported the same without amendment, accompanied by a report (No. 622); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4886) granting an increase of pension to Marcus D. Burket, reported the same with amendment, accompanied by a report (No. 623); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5186) granting an increase of pension to Charles W. Fulton, reported the same without amendment, accompanied by a report (No. 624); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9234) granting an increase of pension to W. A. McDonald, reported the same with amendment, accompanied by a report (No. 625); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4878) granting an increase of pension to Isaac H. Witherwax, reported the same with amendment, accompanied by a report (No. 626); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2762) granting an increase of pension to William Chandler, reported the same with amendment, accompanied by a report (No. 627); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pen-

sions, to which was referred the bill of the House (H. R. 8918) granting an increase of pension to A. J. Hull, reported the same with amendment, accompanied by a report (No. 628); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8317) grenting an increase of pension to Eliza Thompson, reported the same with amendment, accompanied by a report (No. 629); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8556) granting an increase of pension to Ethan Blodgett, reported the same without amendment, accompanied by a report (No. 630); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8663) granting an increase of pension to Frederick A. Amende, reported the same with amendment, accompanied by a report (No. 631); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8541) granting an increase of pension to E. H. Pinney, reported the same with amendment, accompanied by a report (No. 632); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9059) granting an increase of pension to Ebenezer S. Edgerton, reported the same with amendment, accompanied by a report (No. 633); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12507) granting an increase of pension to George W. Collier, reported the same with amendment, accompanied by a report (No. 634); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12289) granting an increase of pension to Joseph C. Grissom, reported the same with amendment, accompanied by a report (No. 635); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6385) granting an increase of pension to David Henry Hastings, reported the same with amendment, accompanied by a report (No. 636); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6507) granting an increase of pension to James M. Busby, reported the same without amendment, accompanied by a report (No. 637); which said bill and report were referred to the Private Calender.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3570) granting an increase of pension to Susan Whorton, reported the same without amendment, accompanied by a report (No. 638); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12388) granting an increase of pension to Harvey T. Dunn, reported the same with amendment, accompanied by a report (No. 639); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12102) to restore to the pension roll of the United States the name of Wilhelmina Healey, reported the same with amendment, accompanied by a report (No. 640); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8664) granting an increase of pension to Henry Wuescher, reported the same with amendment, accompanied by a report (No. 641); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3193) granting an increase of pension to James R. Todd, reported the same with amendment, accompanied by a report (No. 642); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5656) granting an increase of pension to Darius H. Randall, reported the same with amendment, accompanied by a report (No. 643); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9851) granting an increase of pension to William G. Richardson, reported the same without amendment, accompanied by a report (No. 644); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8913) granting an increase of pension to Myron E. Billings, reported the same with amendment, accompanied by a report (No. 645); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8169) granting an increase of pension to Eliza C. Jones, reported the same with amendment, accompanied by a report (No. 646); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12391) granting an increase of pension to J. Frederick Edgell, reported the same with amendment, accompanied by a report (No. 647); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11846) granting a pension to Clara M. Thompson, reported the same with amendment, accompanied by a report (No. 648); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7750) granting an increase of pension to Anton Riedmuller, reported the same with amendment, accompanied by a report (No. 649); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10256) granting an increase of pension to Daniel D. Diehl, reported the same with amendment, accompanied by a report (No. 650); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7649) granting an increase of pension to William Leipnitz, reported the same with amendment, accompanied by a report (No. 651); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8520) granting an increase of pension to Alfred F. White, reported the same with amendment, accompanied by a report (No. 652); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8213) granting an increase of pension to William Monteith, reported the same with amendment, accompanied by a report (No. 653); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6913) granting an increase of pension to John Gibbons, reported the same with amendment, accompanied by a report (No. 654); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6098) granting an increase of pension to Sadie A. Walker, reported the same with amendment, accompanied by a report (No. 655); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4179) granting an increase of pension to Owen Donohoe, reported the same with amendment, accompanied by a report (No. 656); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5647) granting an increase of pension to Peter Wetterich, reported the same with amendment, accompanied by a report (No. 657); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5830) granting an increase of pension to Sylvenus Hardy, reported the same without amendment, accompanied by a report (No. 658); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8302) granting an increase of pension to Maurice Hayes, reported the same with amendment, accompanied by a report (No. 659); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8061) granting an increase of pension to Hart Echard, reported the same with amendment, accompanied by a report (No. 660); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9567) granting

an increase of pension to Henderson Rose, reported the same with amendment, accompanied by a report (No. 661); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2156) granting an increase of pension to Rachel E. Ware, reported the same with amendment, accompanied by a report (No. 662); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1889) granting an increase of pension to William M. Shultz, reported the same with amendment, accompanied by a report (No. 663); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3250) granting a pension to Harrison White, reported the same with amendment, accompanied by a report (No. 664); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1160) granting a pension to Anna Swords and William Swords, reported the same with amendment, accompanied by a report (No. 665); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2093) granting a pension to Sarah A. Pitt, reported the same without amendment, accompanied by a report (No. 666); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11070) granting an increase of pension to Fitch Spoor, reported the same with amendment, accompanied by a report (No. 667); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11105) granting an increase of pension to Michael Comer, reported the same with amendment, accompanied by a report (No. 668); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11808) granting an increase of pension to Webster Thomas, reported the same with amendment, accompanied by a report (No. 669); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5753) granting an increase of pension to Sally H. Murphy, reported the same with amendment, accompanied by a report (No. 670); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1485) granting an increase of pension to Susan J. Williams, reported the same with amendment, accompanied by a report (No. 671); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3500) granting a pension to William Martin, reported the same with amendment, accompanied by a report (No. 672); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3315) granting an increase of pension to Lewis L. Dougherty, reported the same with amendment, accompanied by a report (No. 673); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6398) granting an increase of pension to George W. Henry, reported the same with amendment, accompanied by a report (No. 674); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1032) granting an increase of pension to Seth Phillips, reported the same with amendment, accompanied by a report (No. 675); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1569) granting a pension to Elizabeth Murray, reported the same without amendment, accompanied by a report (No. 676); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2204) granting a pension to Dexter E. W. Stone, reported the same with amendment, accompanied by a report (No. 677); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1902) granting an increase of pension to Gilbert Ford, reported the same with amendment, accompanied by a report (No. 678); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3230) granting an increase of pension to James H. Beulen, reported the same with amendment, accompanied by a report (No. 679); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2954) granting a pension to Chauncey P. Dean, reported the same with amendment, accompanied by a report (No. 680); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10886) granting an increase of pension to Martha S. Campbell, reported the same with amendment, accompanied by a report (No. 681); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10954) granting an increase of pension to Letitia D. Watkins, reported the same with amendment, accompanied by a report (No. 682); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11000) granting an increase of pension to Martha J. Wilson, reported the same with amendment, accompanied by a report (No. 683); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8251) granting an increase of pension to Abel S. Thompson, reported the same with amendment, accompanied by a report (No. 684); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8562) granting an increase of pension to William Ostermann, reported the same with amendment, accompanied by a report (No. 685); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3679) granting an increase of pension to Albert H. Hunter, reported the same with amendment, accompanied by a report (No. 686); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11916) granting an increase of pension to Edward L. Kimball, reported the same without amendment, accompanied by a report (No. 687); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3973) granting an increase of pension to Isaac P. Knight, reported the same with amendment, accompanied by a report (No. 688); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6115) granting an increase of pension to Edward Sarles, reported the same with amendment, accompanied by a report (No. 689); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. MANN: A bill (H. R. 13365) to amend an act entitled "An act authorizing the Kensington and Eastern Railroad Company to construct a bridge across the Calumet River," approved February 7, 1905—to the Committee on Interstate and Foreign Commerce.

By Mr. HINSHAW: A bill (H. R. 13366) for holding United States district court yearly at Beatrice, Nebr.—to the Committee on the Judiciary.

By Mr. GILLETT of California: A bill (H. R. 13367) to amend section 13 of an act of March 1, 1893, entitled "An act to create the California Débris Commission and regulate hydraulic mining in the State of California"—to the Committee on Mines and Mining.

By Mr. WILEY of Alabama: A bill (H. R. 13368) to appropriate $500,000 to aid in the extermination of the cattle-fever tick—to the Committee on Agriculture.

By Mr. THOMAS of North Carolina: A bill (H. R. 13369) to

amend an act entitled "An act to regulate the immigration of aliens into the United States," approved March 3, 1903—to the Committee on Immigration and Naturalization.

By Mr. WELBORN: A bill (H. R. 13370) providing for the erection of a public building at the city of Marshall, in the State of Missouri—to the Committee on Public Buildings and Grounds.

By Mr. BONYNGE (by request): A bill (H. R. 13371) to increase the pensions of certain persons now on the pension rolls under the general laws—to the Committee on Invalid Pensions.

By Mr. BROWN: A bill (H. R. 13372) to authorize the sale of timber on certain of the lands reserved for the use of the Menominee tribe of Indians, in the State of Wisconsin—to the Committee on Indian Affairs.

By Mr. OLCOTT: A bill (H. R. 13373) increasing the limit of cost of the New York custom-house—to the Committee on Public Buildings and Grounds.

By Mr. THOMAS of North Carolina: A bill (H. R. 13374) to remove the tariff on composing and linotype machines and the parts thereof—to the Committee on Ways and Means.

By Mr. HULL: A bill (H. R. 13375) to provide means to enable the President to carry into effect certain provisions of the act approved February 2, 1901, and to provide a partial reserve for coast defense in case of actual or impending foreign war—to the Committee on Military Affairs.

Also, a bill (H. R. 13376) for increasing the efficiency of Army bands—to the Committee on Military Affairs.

Also, a bill (H. R. 13377) to increase the efficiency of the Army of the United States—to the Committee on Military Affairs.

Also, a bill (H. R. 13378) to extend the special leave privileges authorized for officers of the Military Academy by section 1330, Revised Statutes, to certain instructors and student officers at service schools—to the Committee on Military Affairs.

Also, a bill (H. R. 13379) to increase the pay of company noncommissioned officers—to the Committee on Military Affairs.

Also, a bill (H. R. 13380) to provide the necessary noncommissioned officers for the various recruit depots of the United States Army—to the Committee on Military Affairs.

Also, a bill (H. R. 13381) to reorganize and to increase the efficiency of the artillery of the United States Army—to the Committee on Military Affairs.

Also, a bill (H. R. 13382) to increase the efficiency of the United States Army—to the Committee on Military Affairs.

Also, a bill (H. R. 13383) to authorize commissions to issue in the cases of officers of the Army retired with increased rank—to the Committee on Military Affairs.

Also, a bill (H. R. 13384) to organize a service corps in the United States Army—to the Committee on Military Affairs.

Also, a bill (H. R. 13385) to increase the efficiency of the veterinary service of the Army—to the Committee on Military Affairs.

By Mr. JAMES: A bill (H. R. 13386) relating to the removal of civil cases from the State courts to the United States court—to the Committee on the Judiciary.

By Mr. McGUIRE (by request): A bill (H. R. 13387) conferring jurisdiction on the Court of Claims to determine the amount due certain Shawnee and Delaware Indians from the United States—to the Committee on Indian Affairs.

By Mr. WILLIAM W. KITCHIN (by request): A bill (H. R. 13388) to amend and reenact an act entitled "An act to provide a permanent form of government for the District of Columbia," approved June 11, 1878, and for other purposes—to the Committee on the District of Columbia.

By Mr. DE ARMOND: A bill (H. R. 13389) to change the time for the meeting of the Congress and the inauguration of the President—to the Committee on the Judiciary.

By Mr. ANDREWS: A bill (H. R. 13390) to provide for an additional associate justice of the supreme court of the Territory of New Mexico—to the Committee on the Judiciary.

By Mr. OLCOTT: A bill (H. R. 13391) granting an increase of compensation to circuit and district court judges of the United States—to the Committee on the Judiciary.

By Mr. KALANIANAOLE: A bill (H. R. 13392) to ratify, approve, and confirm an act of the legislature of the Territory of Hawaii to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Teritory of Hawaii—to the Committee on the Territories.

By Mr. SMITH of Arizona (by request): A bill (H. R. 13393) providing for the election of judges and clerks in the Territorial district courts of Arizona—to the Committee on the Judiciary.

By Mr. SMITH of Maryland (by request): A bill (H. R. 13394) amending the statutes relating to patents, relieving medical and dental practitioners from unjust burdens imposed by patentees holding patents covering methods and devices for treating human diseases, ailments, and disabilities—to the Committee on Patents.

By Mr. McGUIRE: A bill (H. R. 13395) appropriating $500,000 for the purchase of a site and the erection of a public building in Oklahoma City, Okla.—to the Committee on Public Buildings and Grounds.

By Mr. BABCOCK A bill (H. R. 13396) for the completion of the public building at Baraboo, Wis.—to the Committee on Public Buildings and Grounds.

By Mr. BROOKS of Colorado: A bill (H. R. 13397) to increase the limit of cost for the purchase of a site and the erection of a public building thereon at Colorado Springs, Colo.—to the Committee on Public Buildings and Grounds.

By Mr. GROSVENOR: A bill (H. R. 13398) to amend section 4400 of the Revised Statutes, relating to inspection of steam vessels—to the Committee on the Merchant Marine and Fisheries.

By Mr. HEPBURN: A bill (H. R. 13538) to incorporate the Carnegie Foundation for the Advancement of Teaching—to the Committee on the Library.

By Mr. FOSS: A bill (H. R. 13539) granting authority to the Secretary of the Navy, in his discretion, to dismiss midshipmen from the United States Naval Academy, and regulating the procedure and punishment in trials for hazing at the said academy—to the Committee on Naval Affairs.

By Mr. RIXEY: A joint resolution (H. J. Res. 89) asking for estimates for the improvement of the approach from the main channel of the Potomac River to the wharf at Mount Vernon—to the Committee on Rivers and Harbors.

By Mr. DE ARMOND: A joint resolution (H. J. Res. 90) proposing an amendment to the Constitution concerning the beginning and ending of the Congress and the meetings thereof—to the Committee on the Judiciary.

By Mr. BARTHOLDT: A joint resolution (H. J. Res. 91) providing for the instruction of the delegates of the United States to the second Hague conference—to the Committee on Foreign Affairs.

By Mr. SIMS: A resolution (H. Res. 199) requesting certain information of the Secretary of Commerce and Labor—to the Committee on the Census.

By Mr. YOUNG, from the Committee on Elections No. 1: A resolution (H. Res. 200) authorizing and empowering Committee on Elections No. 1 to take testimony in the contested election as a Member of the House of Representatives against Hon. ANTHONY MICHALEK—Ordered to be printed.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ADAMS of Wisconsin: A bill (H. R. 13399) granting a pension to Thomas J. Davis—to the Committee on Invalid Pensions.

By Mr. ALLEN of Maine: A bill (H. R. 13400) for the relief of George W. Randall, of Portland, Cumberland County, Me.—to the Committee on Claims.

By Mr. BATES: A bill (H. R. 13401) advancing Capt. W. B. Brooks (retired), United States Navy, to the next higher grade—to the Committee on Naval Affairs.

By Mr. BONYNGE: A bill (H. R. 13402) granting a pension to John Reynolds—to the Committee on Pensions.

Also, a bill (H. R. 13403) granting an increase of pension to C. C. Washburn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13404) granting an increase of pension to George G. Wortman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13405) granting an increase of pension to Daniel R. Emery—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13406) granting an increase of pension to Marsena H. French—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13407) granting an increase of pension to Martin V. Harbour—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13408) granting an increase of pension to George A. White—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13409) granting an increase of pension to Susie A. Hogaboom—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13410) granting an increase of pension to Amos G. Cornish—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13411) granting an increase of pension to Daniel B. Morehead—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13412) granting an increase of pension to W. H. Nix—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13413) granting an increase of pension to John T. Webb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13414) granting an increase of pension to James G. Hartzell—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE: A bill (H. R. 13415) for the relief of the estate of Milton Sanders—to the Committee on War Claims.

By Mr. BUTLER of Tennessee: A bill (H. R. 13416) granting a pension to Henry T. Dawson—to the Committee on Pensions.

By Mr. CASSEL: A bill (H. R. 13417) granting an increase of pension to John W. Bookman—to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 13418) for the relief of W. S. Hammaker—to the Committee on Claims.

By Mr. COOPER of Wisconsin: A bill (H. R. 13419) granting an increase of pension to Alma Tucker—to the Committee on Invalid Pensions.

By Mr. DAWES: A bill (H. R. 13420) granting an increase of pension to John C. Griggs—to the Committee on Invalid Pensions.

By Mr. DAWSON: A bill (H. R. 13421) granting a pension to John W. Wabrass—to the Committee on Pensions.

By Mr. DICKSON of Illinois: A bill (H. R. 13422) granting an increase of pension to Alvin Eckley—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 13423) granting a pension to Isaac Brock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13424) granting a pension to J. P. Fox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13425) granting a pension to Zachariah Minnear—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13426) granting a pension to Ralph Whitehead—to the Committee on Pensions.

Also, a bill (H. R. 13427) granting an increase of pension to Oscar M. Parsons—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 13428) granting an increase of pension to Hiram D. Rundel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13429) to remove the charge of desertion from the military record of George L. Sprague—to the Committee on Military Affairs.

By Mr. FASSETT: A bill (H. R. 13430) granting an honorable discharge to Charles J. Chatfield, jr., deceased—to the Committee on Military Affairs.

By Mr. FIELD: A bill (H. R. 13431) granting an increase of pension to Stephen A. Daniel—to the Committee on Pensions.

Also, a bill (H. R. 13432) granting an increase of pension to Alexander H. Franklin—to the Committee on Pensions.

Also, a bill (H. R. 13433) granting an increase of pension to William R. Wooten—to the Committee on Pensions.

By Mr. FULLER: A bill (H. R. 13434) granting an increase of pension to Rollin T. Waller—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 13435) granting a pension to John H., alias Henry J., Richardson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13436) granting a pension to Margaret F. Hallig—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13437) granting an increase of pension to Samuel R. Lowry—to the Committee on Invalid Pensions.

By Mr. GUDGER: A bill (H. R. 13438) for the relief of the estate of Robert D. McCombs—to the Committee on War Claims.

By Mr. HALE: A bill (H. R. 13439) granting a pension to John R. Rogers—to the Committee on Pensions.

Also, a bill (H. R. 13440) granting a pension to Sampson McGee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13441) granting a pension to Nancy J. St. Clair—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13442) granting an increase of pension to Lycurgus Peltier—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13443) granting an increase of pension to James E. Hammontree—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13444) to remove the charge of desertion standing against Creed F. Casteel—to the Committee on Military Affairs.

By Mr. HAUGEN: A bill (H. R. 13445) granting an increase of pension to Thomas L. Blanchard—to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 13446) for the relief of Lillian P. Beaudin—to the Committee on Claims.

By Mr. HEPBURN: A bill (H. R. 13447) granting an increase of pension to Greenbury Hogue—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 13448) granting an increase of pension to Orson Willard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13449) granting an increase of pension to Samuel Hawkins—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 13450) granting an increase of pension to Joseph Loucks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13451) granting an increase of pension to Frederick D. Carpenter—to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 13452) for the relief of the heirs of Larkin Clark, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13453) for the relief of the heirs of James Stewart and John Lee McMichael, deceased—to the Committee on War Claims.

By Mr. HUGHES: A bill (H. R. 13454) granting an increase of pension to Alonzo Dyke—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13455) granting an increase of pension to Josiah P. Higgins—to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 13456) for the relief of James McKenzie—to the Committee on Military Affairs.

By Mr. JONES of Washington: A bill (H. R. 13457) granting an increase of pension to William M. McCay—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Nebraska: A bill (H. R. 13458) for the relief of Louis A. Yorke—to the Committee on Naval Affairs.

By Mr. LEE: A bill (H. R. 13459) for the relief of David H. Neely and Jane A. Neely—to the Committee on War Claims.

Also, a bill (H. R. 13460) for the relief of the estate of William Lewis, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13461) for the relief of the estate of Enoch Humphreys, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13462) for the relief of President Walraven—to the Committee on War Claims.

By Mr. LITTLEFIELD: A bill (H. R. 13463) to correct the military record of Joseph Nickols—to the Committee on Military Affairs.

By Mr. LORIMER: A bill (H. R. 13464) granting a pension to Anna Shea—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13465) granting an increase of pension to Eleanor Gregory—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13466) granting an increase of pension to A. N. Bradish—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13467) for the relief of the heirs of Charles A. Folsom—to the Committee on War Claims.

By Mr. McGUIRE: A bill (H. R. 13468) granting section 16, township 14 north, range 4 east, Indian meridian, Lincoln County, Oklahoma Territory, to the city of Chandler, said county, for school purposes—to the Committee on the Public Lands.

By Mr. McCLEARY of Minnesota: A bill (H. R. 13469) granting an increase of pension to Michael Davy—to the Committee on Invalid Pensions.

By Mr. MAHON: A bill (H. R. 13470) for the relief of William F. Morrow—to the Committee on War Claims.

By Mr. MANN: A bill (H. R. 13471) granting an increase of pension to Charles L. Noggle—to the Committee on Invalid Pensions.

By Mr. MARTIN: A bill (H. R. 13472) granting an increase of pension to William E. Fletcher—to the Committee on Invalid Pensions.

By Mr. MOON of Pennsylvania: A bill (H. R. 13473) granting a pension to Ely L. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13474) granting an increase of pension to N. Warren Pulsifer—to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 13475) for the relief of William Woolsey Johnson—to the Committee on Naval Affairs.

Also, a bill (H. R. 13346) for the relief of William Woolsey Johnson—to the Committee on Naval Affairs.

Also, a bill (H. R. 13477) granting an increase of pension to Joseph Bisser—to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 13478) granting a pension to Hannah Murphy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13479) granting a pension to N. H. Dibble—to the Committee on Pensions.

Also, a bill (H. R. 13480) granting an increase of pension to Eli Thomas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13481) granting an increase of pension to Martin B. Emery—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13482) granting an increase of pension to John W. Roads—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13483) granting an increase of pension to James Rhodus—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13484) granting an increase of pension to John A. Pond—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13485) granting an increase of pension to William H. Scott—to the Committee on Invalid Pensions.

By Mr. OLMSTED: A bill (H. R. 13486) granting an increase of pension to Martha Groner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13487) granting an increase of pension to Ephraim Winters—to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 13488) granting an increase of pension to Samuel H. Tyler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13489) granting an increase of pension to Edwin Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13490) granting an increase of pension to Thomas Violette—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 13491) granting a pension to Margaret Hinton—to the Committee on Pensions.

By Mr. RHINOCK: A bill (H. R. 13492) granting a pension to C. H. Conn—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 13493) granting an increase of pension to Elizabeth J. Meek—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13494) granting an honorable discharge to Russell C. Spaulding—to the Committee on Military Affairs.

By Mr. RYAN: A bill (H. R. 13495) granting a pension to Emma E. Murray—to the Committee on Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 13496) for the relief of Mary Christopher, heir of Lowell G. Spaulding—to the Committee on War Claims.

By Mr. SHARTEL: A bill (H. R. 13497) granting a pension to Isaac E. Schollars—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13498) granting a pension to John Pilkenton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13499) granting an increase of pension to William L. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13500) granting an increase of pension to George M. Evans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13501) to remove the charge of desertion from Saturnin Bena—to the Committee on Military Affairs.

By Mr. SHEPPARD: A bill (H. R. 13502) granting an increase of pension to John N. Buchanan—to the Committee on Invalid Pensions.

By Mr. SHERLEY: A bill (H. R. 13503) granting an increase of pension to C. W. Russell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13504) granting an increase of pension to Elizabeth Thompson—to the Committee on Pensions.

Also, a bill (H. R. 13505) granting an increase of pension to Martha E. Chambers—to the Committee on Pensions.

Also, a bill (H. R. 13506) granting a pension to Julia A. Bachus—to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 13507) granting an increase of pension to Thomas Crowley—to the Committee on Pensions.

By Mr. SMITH of Arizona: A bill (H. R. 13508) granting an increase of pension to George W. Koster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13509) granting an increase of pension to Charles E. Eberhart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13510) granting a pension to Sophia Andre—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13511) granting a pension to James C. Schackleford—to the Committee on Pensions.

By Mr. SPIGHT: A bill (H. R. 13512) granting a pension to John McLane—to the Committee on Invalid Pensions.

By Mr. SULLIVAN of New York: A bill (H. R. 13513) granting an increase of pension to Charles L. Jahne—to the Committee of Invalid Pensions.

Also, a bill (H. R. 13514) to place David Robertson, sergeant, first class, Hospital Corps, on the retired list of the United States Army—to the Committee on Military Affairs.

Also, a bill (H. R. 13515) to place David Robertson, sergeant, first class, Hospital Corps, on the retired list of the United States Army—to the Committee on Military Affairs.

Also, a bill (H. R. 13516) to place David Robertson, sergeant, first class, Hospital Corps, on the retired list of the United States Army—to the Committee on Military Affairs.

By Mr. TALBOTT: A bill (H. R. 13517) for the relief of Col. P. H. Ellis, of the United States Army—to the Committee on Military Affairs.

By Mr. TAYLOR of Ohio: A bill (H. R. 13518) to correct the military record of David Tyler—to the Committee on Military Affairs.

Also, a bill (H. R. 13519) to correct the military record of George Riley and pay him money due him—to the Committee on Military Affairs.

Also, a bill (H. R. 13520) granting a pension to James Faloon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13521) granting an increase of pension to George Borden—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 13522) for the relief of the heirs of D. W. Morton—to the Committee on War Claims.

By Mr. TYNDALL: A bill (H. H. 13523) granting an honorable discharge to George H. Smythe—to the Committee on Military Affairs.

By Mr. WEBB: A bill (H. R. 13524) granting a pension to John Halcombe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13525) granting a pension to Wilson Hensley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13526) granting a pension to Levi N. Lunsford—to the Committee on Pensions.

Also, a bill (H. R. 13527) granting a pension to Willard V. Shepherd—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 13528) granting an increase of pension to D. H. Norton—to the Committee on Invalid Pensions.

By Mr. WELBORN: A bill (H. R. 13529) granting a pension to Samuel P. Mansell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13530) granting a pension to Amos Whitsett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13531) granting a pension to Nannie W. Bailey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13532) granting an increase of pension to George E. Bush—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13533) granting a pension to James J. Wallis—to the Committee on Invalid Pensions.

By Mr. WOOD of New Jersey: A bill (H. R. 13534) granting an increase of pension to Clementine Pullen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13535) granting an increase of pension to William Kelly—to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 13536) granting an increase of pension to Peter Cline—to the Committee on Invalid Pensions.

By Mr. POU: A bill (H. R. 13537) granting an increase of pension to Elizabeth B. Busbee—to the Committee on Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 1888) granting a pension to William T. Scandlyn—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 1977) granting a pension to Emma C. Anderson—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12955) granting a pension to Lyman Critchfield, jr.—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7954) granting an increase of pension to Jonathan R. Blair—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk, and referred as follows:

By the SPEAKER: Petitions of C. A. Griggs et al., and Grange No. 893, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of George R. Deatnitz & Co., against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of R. M. May et al., favoring the Hepburn-Dolliver bill and the Sperry bill—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the Takoma Park Citizens' Association, for prompt passage of bill H. R. 9734—to the Committee on the District of Columbia.

By Mr. ADAMS of Wisconsin: Petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. ALEXANDER: Petitions of Buffalo Division, No. 2, and Corning Division, No. 2, Order of Railway Conductors; F. B. Griffith Division, No. 533, of East Buffalo, and Long Island Division, No. 269, of Long Island City, Brotherhood of Locomotive Engineers; Elmira Division, No. 9, Order of Railway Conductors; Division No. 15, Brotherhood of Locomotive

Engineers; Pandawaran Division, No. 341, Order of Railway Conductors, of Norwich, N. Y.; Metropolitan Lodge, No. 363, Brotherhood of Locomotive Firemen, of New York City, and Troy City Local, No. 315, of Green Island, favoring bills H. R. 239 and 9328 and S. 1657—to the Committee on the Judiciary.

By Mr. ALLEN of Maine: Petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. ALLEN of New Jersey: Petition of the New York Finishing Company, of New York City, protesting against bill H. R. 9752—to the Committee on Ways and Means.

Also, petition of John S. Mackay, favoring bills H. R. 11028 and 11952—to the Committee on Naval Affairs.

Also, petition of the State Horticultural Society, favoring bill H. R. 345—to the Committee on Agriculture.

Also, petition of five citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of the Federation of Women's Clubs, favoring bill H. R. 5065, for the preservation of Niagara Falls—to the Committee on Foreign Affairs.

Also, petition of the State Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Thomas Behn, of Passaic, N. J., favoring bill H. R. 10714—to the Committee on Rivers and Harbors.

Also, petition of William B. Newman, for bills H. R. 11028 and 11952—to the Committee on Naval Affairs.

Also, petition of the Waldrich Bleachery, of Delaware, N. J., against the McCleary bill—to the Committee on Ways and Means.

By Mr. BIRDSALL: Petitions of James F. Lavin, C. D. Mills, and Barnes & Hallock, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BONYNGE: Petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BOUTELL: Petition of K. Sheeley et al., for preservation of Niagara Falls—to the Committee on Foreign Affairs.

By Mr. BRICK: Petition of legal voters of the Eighth Congressional district of Indiana, for a service-pension bill—to the Committee on Invalid Pensions.

By Mr. BROOKS of Colorado: Petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BURLEIGH: Paper to accompany bill for relief of Joseph J. Roberts—to the Committee on Invalid Pensions.

By Mr. BURLESON: Petition of W. M. Cobb, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BURTON: Petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BUTLER of Pennsylvania: Petitions of E. L. Pratt; the Democrat, of Chester, Pa., and Charles C. Hadley, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of David F. Houston Council Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Charles Longsworth, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Council No. 248, of West Chester, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. CAMPBELL of Kansas: Petitions of E. A. Perry et al.; General Barly Post, No. 49; General Russell Post, No. 65; Osage Post, No. 156, and Walnut Post, No. 231, Grand Army of the Republic, Department of Kansas—to the Committee on Invalid Pensions.

Also, petition against bill H. R. 4429—to the Committee on the Post-Office and Post-Roads.

By Mr. CANDLER: Petitions of G. W. Dudley, of Iuka, Miss., and J. C. Martin, of Corinth, Miss., against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. CHAPMAN: Petitions of John B. Smith, F. M. Cunningham, and the Metropolis Herald, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. COOPER of Wisconsin: Petitions of the editor of the Racine Post, Dan S. Passage, I. B. Worthington, Emery Odell, the Burlington Standard Democrat, and Charles A. Booth, for removal of the tariff on linotype and composing machines—to the Committee on Ways and Means.

By Mr. CRUMPACKER: Paper to accompany bill for relief of William B. Young—to the Committee on Military Affairs.

Also, petition of J. H. Stephenson and John Bowie, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DALZELL: Petition of the Braddock Evening Herald, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DARRAGH: Petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DAVIS of Minnesota: Petitions of I. A. Herrick, of Farmington; G. H. Allen, of Red Wing; E. L. Ogilvie, of South St. Paul; M. W. Grimes, of Lasueur; C. P. Carpenter, of Northfield; E. B. Huntington, of Windom; B. G. Shulze, of Nicollet; H. D. Meyer, of Carver; J. C. Temple, of Morristown, and A. J. Schaller, of Hastings, Minn., against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DICKSON of Illinois: Paper to accompany bill for relief of Alvin Eckley—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of Gilbert M. Tucker, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petitions of John G. Smart, Louis H. Dickerman, and the Journal Company, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of W. J. Tyner, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DRESSER: Petition of Du Bois Council, No. 376, and Philipsburg Council, No. 279, Order United American Mechanics, for the passage of an immigration bill—to the Committee on Immigration and Naturalization.

Also, petitions of Matt Savage, of Clearfield; P. G. Meek, of Bellefonte, and J. K. Hockley, of East Emporium, in favor of the removal of the tariff on linotype and composing machines—to the Committee on Ways and Means.

By Mr. DUNWELL: Petition of the American Mining Congress, for a national Department of Mines and Mining—to the Committee on Mines and Mining.

By Mr. ESCH: Petition of the Wisconsin Humane Society, relative to transit of live stock—to the Committee on Interstate and Foreign Commerce.

Also, petition of William J. Stone et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. FIELD: Papers to accompany bill for relief of A. H. Franklin—to the Committee on Pensions.

Also, paper to accompany bill for relief of Stephen A. Daniel—to the Committee on Pensions.

Also, paper to accompany bill for relief of William R. Wooten—to the Committee on Pensions.

By Mr. FITZGERALD: Petition of the New York State Agricultural Society, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Japanese and Korean Exclusion League, of San Francisco, to enforce Chinese exclusion—to the Committee on Immigration and Naturalization.

By Mr. FLACK: Petition of J. B. and H. B. Sikes, of Clinton, N. Y., against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petitions of Malone Grange, No. 959; Adams Center Grange, No. 590, and Scotch Bush Grange, No. 699, Patrons of Husbandry, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. FLETCHER: Petition of the Military Park Monument Commission, protesting against the proposed consolidation of the National Military Park Association into one body—to the Committee on Military Affairs.

By Mr. FORDNEY: Petition of W. L. Wright, E. N. Gallagher, and C. C. Vaughan, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. FRENCH: Petition asking that revenue be removed from alcohol used for industrial purposes—to the Committee on Ways and Means.

Also, petition of citizens of Rupert, Idaho, upon applying funds from the sale of town sites on reclaimed lands to the reclamation fund and addition of the cost of reclamation to the settlers—to the Committee on the Public Lands.

By Mr. FULLER: Petition of Edw. M. Livingston, against the "fraud order" of the Post-Office Department—to the Committee on the Post-Office and Post-Roads.

Also, petition of Benson Knitting Company, for an increase of the tariff on German imports—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Clark A. Winans—to the Committee on Invalid Pensions.

Also, petition of the Continental Color and Chemical Company, relative to rates of tariff on dyestuffs—to the Committee on Ways and Means.

Also, petition of W. H. Ray, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the American Mining Congress, of Denver, Colo., for aid to schools of mines—to the Committee on Mines and Mining.

By Mr. GARNER: Petitions of Ed Eberhard and H. G. Wood, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. GOULDEN: Resolution of the Association for Improving New York Harbor—to the Committee on Rivers and Harbors.

Also, letter protesting against bill H. R. 3—to the Committee on Ways and Means.

Also, letter from the Military Order of Foreign Wars of the United States Army, of New York City, favoring S. Res. 11—to the Committee on Military Affairs.

Also, resolution of the Maritime Association of the Port of New York, favoring improvements in New York Harbor—to the Committee on Rivers and Harbors.

Also, memorial of citizens of Alaska, praying for recognition—to the Committee on the Territories.

Also, petition of F. Knabe and 14 others, of New York City, favorable to relief of the *General Slocum* disaster survivors—to the Committee on Claims.

Also, resolution of the Medical Society of New York, favoring reorganization of the Medical Corps of the United States Army and Navy—to the Committee on Military Affairs.

Also, petition of J. Lippner and 9 others, of New York City, favoring relief of the survivors of the *General Slocum* disaster—to the Committee on Claims.

By Mr. GROSVENOR: Petition of the Century Club, of Chillicothe, Ohio, for preservation of Niagara Falls—to the Committee on Foreign Affairs.

By Mr. HAMILTON: Petition of the Grobhiser & Crosby Furniture Company, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HASKINS: Petitions of F. E. Langley, of Barre, Vt., and the Argus and Patriot, of Montpelier, Vt., against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HAYES: Paper to accompany bill for relief of Matthew Totten—to the Committee on Military Affairs.

Also, petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HEDGE: Petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HENRY of Connecticut: Petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HEPBURN: Petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HILL of Connecticut: Petition of Wichita Grange, No. 132, Patrons of Husbandry, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HINSHAW: Petitions of W. E. Dayton & Son and E. A. Nalrath, against a tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of F. W. Judson, of Nebraska, favoring a reduction of postage on first-class mail matter to 1 cent—to the Committee on the Post-Office and Post-Roads.

By Mr. HOGG: Petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HOLLIDAY: Petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HOWELL of New Jersey: Petitions of Hugh Boyd, the Red Bank Register, and the Ocean Grove Times, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HUBBARD: Petition against the tariff on linotype machines to the Committee on Ways and Means.

By Mr. KNAPP: Petition of William E. Hughes, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LILLEY of Pennsylvania: Petitions of Grange No. 1209, the Glen Hazel Chemical Company, the Wright Chemical Company, the Ararat Chemical Company, the Jefferson Chemical Company, the Susquehanna Chemical Company, the Wayne Chemical Company, and the Penn Chemical Company, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Mabel Sott—to the Committee on Invalid Pensions.

By Mr. LITTAUER: Petitions of the Star Publishing Company, of Glens Falls; the Saratogian; the Glovers Revillo Company, and the Standard, of Fort Pearin, N. Y., against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LORIMER: Paper to accompany bill for relief of Samuel O. Gregory—to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: Petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. McNARY: Petition of Fred F. Mosher, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of William G. Curtis, M. D., of Quincy, Mass., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. MAHON: Petition of George W. Wagenselle, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. MANN: Paper to accompany bill for relief of Charles L. Noggle—to the Committee on Invalid Pensions.

By Mr. MARSHALL: Petition of citizens of North Dakota, for untaxed alcohol—to the Committee on Ways and Means.

By Mr. OLMSTED: Petition of General Simon Cameron Council, No. 21, Order United American Mechanics, of Harrisburg, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Edward S. Croll, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. OTJEN: Petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. OVERSTREET: Petitions of W. H. Coleman, Robert W. Brown, and the Green-McKinnon Lumber Company, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. PALMER: Petitions of Division No. 64, Order of Railway Conductors, and Lodge No. 511, Brotherhood of Railway Trainmen, relative to the Bates-Penrose bill—to the Committee on the Judiciary.

Also, petition of manufacturers of wood alcohol in Pennsylvania, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of City Lodge, No. 179, Order of Railway Trainmen, relative to bill H. R. 9328—to the Committee on the Judiciary.

Also, petition of William P. Hunter, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petitions of Colonel H. B. Wright Council, No. 806; Anthracite Council, No. 487; Ashley Council, No. 149; Willow Grove Council, No. 139; Molders' Union Council No. 216; Hanover Council, No. 251; William J. Boyers Council, No. 232; Pleasant Hill Council, No. 390; Columbia Council; Wanamie Council, No. 349; Hanover Council, No. 251, and Wilkes-Barre Council, Junior Order United American Mechanics, and John Knox Commandery, No. 12, Knights of Malta, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. PATTERSON of Tennessee: Resolution of the Southern Corn Millers' Association, of Nashville, Tenn., favoring curtailing the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Chamber of Commerce of New York, favoring extension of the consular service—to the Committee on Foreign Affairs.

Also, resolution of the American Mining Congress, of El Paso, Tex., favoring a Department of Mines and Mining—to the Committee on Mines and Mining.

Also, resolution of the Commercial Law League of America, favoring the Lodge consular bill—to the Committee on Foreign Affairs.

Also, letter from the University of Tennessee, favoring enlargement of experiment-station schools for agricultural improvement—to the Committee on Agriculture.

Also, resolution of the Arizona Cattle Growers' Association, against joint statehood—to the Committee on the Territories.

Also, resolution of the Memphis (Tenn.) Merchants' Exchange, favoring improvement of the consular service—to the Committee on Foreign Affairs.

Also, petition of the Association of Commissioners of Agriculture of the Southern States, favoring an appropriation to exterminate the cotton boll weevil—to the Committee on Agriculture.

Also, resolutions of the North Carolina State board of agriculture of June 3, 1905; the Interstate Live Stock Association, of Guthrie, Okla.; the North Carolina State Farmers' Associa-

tion, and the Veterinary Medical Association, of Cleveland, Ohio, favoring an appropriation for the extermination of the cattle tick—to the Committee on Agriculture.

Also, resolution of the Chamber of Commerce of New York, favoring an amendment to customs laws—to the Committee on Ways and Means.

By Mr. PERKINS: Petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. POWERS: Petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. RAINEY: Petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. REYNOLDS: Petition of the Bellwood (Pa.) Bulletin, for removal of the tariff on linotype and composing machines—to the Committee on Ways and Means.

Also, petition of the Organization of *General Slocum* Survivors, in favor of the Sulzer bill—to the Committee on Appropriations.

Also, petitions of Granges Nos. 1118, 1124, and 1116, all of Pennsylvania, in favor of the untaxed denaturized alcohol bill—to the Committee on Ways and Means.

Also, resolutions of East Tyrone Council, Good Will Council, and James A. Garfield Council, Junior Order United American Mechanics, favoring laws to restrict immigration—to the Committee on Immigration and Naturalization.

Also, petition of Cambria Grange, No. 116, in favor of the Adams bill—to the Committee on Agriculture.

Also, petition of the Inquirer Printing Company, of Bedford, Pa., and S. H. Van Ormer, of the Bedford (Pa.) Gazette, for the removal of the tariff on linotype and composing machines—to the Committee on Ways and Means.

By Mr. RIXEY: Petition of Belle Haven Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Mount Vernon and Marshall Hall Steamboat Company (Limited), relative to Potomac navigation in the vicinity of Mount Vernon—to the Committee on Rivers and Harbors.

Also, paper to accompany bill for relief of Russell C. Spaulding—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Elizabeth J. Meek—to the Committee on Invalid Pensions.

By Mr. RUCKER: Petition of J. E. Ford, of the Herald, Galt, Mo., for the removal of the tariff on linotype and composing machines—to the Committee on Ways and Means.

By Mr. RYAN: Petition of the mayor of New York et al., against bill H. R. 145—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Buffalo Catholic Company, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SCHNEEBELI: Petition of the Organization of *General Slocum* Survivors, praying for relief—to the Committee on Appropriations.

Also, resolutions of Bowman Council, No. 440, and Atlas Council, Junior Order United American Mechanics, of Siegfried, Pa., favoring extension of immigration laws—to the Committee on Immigration and Naturalization.

Also, letter from S. H. Bender, of Kutztown, Pa., favoring an increase of pay for the Hospital Corps, United States Navy—to the Committee on Naval Affairs.

By Mr. SHEPPARD: Petition against the tariff on linotype machines—to the Committee on Ways and Means.

Also, papers to accompany bill (H. R. 2307) granting a pension to Joseph J. Martin, and papers to accompany bill (H. R. 2306) granting a pension to James W. Stell—to the Committee on Pensions.

Also, paper to accompany bill for relief of May L. Davenport—to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: Petition of citizens of Missouri, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SHERLEY: Affidavit to accompany bill for pension for Julia A. Bachus—to the Committee on Invalid Pensions.

By Mr. SMITH of Arizona: Protests against joint statehood from citizens of Arizona Territory—to the Committee on the Territories.

Also, petition and resolution of the United Brotherhood of Carpenters and Jobbers of Prescott, Ariz., Local No. 1416, against foreign immigration—to the Committee on Immigration and Naturalization.

By Mr. SMITH of Texas: Petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SOUTHARD: Petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SPERRY: Petitions of Newton Dexter and the Church Press, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Mattabesset Council, No. 12, Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SPIGHT: Paper to accompany bill for relief of John McLane—to the Committee on Invalid Pensions.

By Mr. STERLING: Petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SULLIVAN of Massachusetts: Petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SULLIVAN of New York: Petition of the New York State Agricultural Society, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of W. L. Sanderson Post, Grand Army of the Republic, for aid in caring for the cemetery at New Albany, Ind., and an auditorium for the Soldiers' Home—to the Committee on Military Affairs.

Also, petition of the George A. Moss Company, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Margaret Dye Elli et al., against liquor in Indian Territory and all Government buildings, etc.—to the Committee on Ancoholic Liquor Traffic.

By Mr. SULZER: Petition of the New York Anti-Saloon League, against liquor in Indian Territory and Oklahoma—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the Japanese and Korean Exclusion League, for enforcement of the Chinese-exclusion act—to the Committee on Immigration and Naturalization.

Also, petition of E. J. Warner, against liquor in all Army posts—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the New York State Agricultural Society and the Country Gentleman, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. THOMAS of North Carolina: Petition of Pimlico Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of A. Roscower and Charles L. Stevens, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. UNDERWOOD: Petition of J. A. Hendrix et al., against the tariff on hides—to the Committee on Ways and Means.

By Mr. VAN WINKLE: Petition of Eureka Council, Junior Order United American Mechanics, of Jersey City, N. J., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. WADSWORTH: Petitions of C. C. Hayden, of Holley; Frederick M. Corson, of Lockport; Levi A. Cass, of Warsaw, and L. H. Beach, of Albion, N. Y., against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WILEY: Petition of different cattle associations, for aid to exterminate the cattle tick—to the Committee on Agriculture.

Also, petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WOOD of New Jersey: Paper to accompany bill for relief of Daniel Delts—to the Committee on Invalid Pensions.

Also, petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WEISSE: Paper to accompany bill for relief of Minnie Irwin—to the Committee on Invalid Pensions.

Also, petition of the Committee on Commercial Law, for the bankruptcy bill—to the Committee on the Judiciary.

Also, petition of N. F. Weber, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Western Fruit Jobbers' Association, relative to railway transportation—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Wisconsin Humane Society, relative to transit of live stock—to the Committee on Interstate and Foreign Commerce.

Also, petition of A. E. Yoell, for strenuous execution of Chinese exclusion—to the Committee on Immigration and Naturalization.

Also, pamphlet of the National German-American Alliance, relative to the beer industry—to the Committee on the Post-Office and Post-Roads.

Also, petitions of D. J. Hotchkiss and W. F. Weber, against the tariff on linotype machines—to the Committee on Ways and Means.

SENATE.

TUESDAY, *January 30, 1906.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Journal of yesterday's proceedings was read and approved.

DISPOSAL OF PUBLIC LANDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting the draft of a bill to repeal the amendment of section 2455 of the Revised Statutes of the United States made by the act of February 26, 1895, and to provide for the disposal of isolated tracts of public lands; which, with the accompanying paper, was referred to the Committee on Public Lands, and ordered to be printed.

SUPPLIES FOR QUARTERMASTER'S DEPARTMENT.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting an estimate of deficiency in the appropriations for regular supplies, Quartermaster's Department, for the fiscal year ending June 30, 1906, $600,000; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

ADVERTISEMENTS FOR CONSTRUCTION WORK.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting an estimate of appropriation for miscellaneous advertisements, War Department, $48.29, to pay the amounts found due certain newspapers for publishing advertisements for proposals for construction work, etc.; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

PAYMENT OF TEXAS STATE VOLUNTEERS.

Mr. WARREN. On the 29th instant a communication was received from the Secretary of War, transmitting a report of the result of an investigation by the Military Secretary of the Army as to the sums actually expended by the State of Texas between February 28, 1855, and June 21, 1860, in payment of State volunteers, etc., and was referred to the Committee on Military Affairs. It was printed and is known as Senate Document No. 169. I move that the committee be discharged from the further consideration of the communication, and that it be referred to the Committee on Appropriations.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed with an amendment the bill (S. 1747) to authorize the Mobile Railway and Dock Company to construct and maintain a bridge or viaduct across the water between the end of Cedar Point and Dauphin Island; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills:

S. 312. An act to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak.; and

S. 979. An act to amend an act entitled "An act authorizing the Winnipeg, Yankton and Gulf Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 120. An act to amend section 9 of the Code of Law for the District of Columbia;

H. R. 122. An act to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes;

H. R. 125. An act regulating the retent on contracts with the District of Columbia;

H. R. 4468. An act to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895;

H. R. 4469. An act authorizing the Commissioners of the District of Columbia to make regulations respecting the public hay scales;

H. R. 4470. An act to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895;

H. R. 6009. An act to regulate the construction of bridges over navigable waters;

H. R. 9757. An act to amend paragraph 34 of section 7 of an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902;

H. R. 12314. An act to amend an act approved February 3, 1905, authorizing the construction of a bridge across Red River at Shreveport, La.; and

H. R. 12843. An act to amend the seventh section of the act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Rialto Orange-Lemon Association, of Rialto, Cal., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Brightwood Citizens' Association, of Brightwood, D. C., praying for the enactment of legislation to authorize the Baltimore and Washington Transit Company of Maryland to extend its street railway into the District; which was referred to the Committee on the District of Columbia.

Mr. LODGE. Some days since I introduced a bill for the relief of A. W. Tedcastle, guardian of Frances L. Snell, which was referred to the Committee on Claims in due course. With it I filed certain papers, which is customary. An additional paper came in, which I sent up to the Committee on Claims to be filed with the bill. I was there informed that under the rule—a rule of which I had no knowledge whatever—it was necessary to present such papers in the Senate. It seems to me to be a useless regulation, but if that is the rule I now present the paper to be referred to the Committee on Claims, to be filed with Senate bill 3421.

Mr. KEAN. I wish to say in reply to the Senator from Massachusetts that I have been a member of the Committee on Claims for some years, and I never knew such a rule to be made.

Mr. LODGE. I will say to the Senator from New Jersey that I sent the paper up yesterday, and was informed at the committee room that by an order of the Secretary of the Senate, acting under a rule, as I suppose, it had to be presented in the Senate. It was something entirely new to me. I had supposed that papers could be sent to the committee.

Mr. KEAN. It is entirely new to me also.

The VICE-PRESIDENT. The paper will be referred to the Committee on Claims as requested by the Senator from Massachusetts.

Mr. GALLINGER presented a petition of the Brightwood Citizens' Association, of Brightwood, D. C., praying for the enactment of legislation to authorize the Baltimore and Washington Transit Company, of Maryland, to extend its street railway into the District; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Federation of Women's Clubs of Washington, D. C., praying for the enactment of legislation to change the public school system in the District; which was referred to the Committee on the District of Columbia.

He also presented the petition of William W. Morgan, of Washington, D. C., praying for the enactment of legislation to increase the salaries of janitors in the Metropolitan police department of the District; which was referred the Committee on Appropriations.

He also presented petitions of the Anti-Saloon League of Oklahoma Territory, and of sundry citizens of Cement, Okarche, Stillwater, Oklahoma City, Perkins, Newkirk, Guthrie, Walters, and Pond Creek, all in the Territory of Oklahoma, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in that Territory when admitted to statehood; which were ordered to lie on the table.

Mr. NELSON presented a memorial of Local Union No. 294, Cigar Makers' International Union, of Duluth, Minn., remonstrating against the passage of the so-called "Philippine tariff bill;" which was referred to the Committee on the Philippines.

Mr. PROCTOR presented a memorial of the Executive Board, Vermont State Branch, American Federation of Labor, of Barre, Vt., remonstrating against the passage of "An act to amend an act entitled 'An act temporarily to provide revenue for the Philippine Islands, and for other purposes,' approved March 8, 1902;" which was referred to the Committee on the Philippines.

He also presented petitions of Diamond Council, No. 39, of Sheffield; Lincoln Council, No. 4, of Windsor; Caledonia Spring Council, No. 28, of Wheelock, and General Stark Council, No. 35, of Springfield, all of the Junior Order United American Mechanics, in the State of Vermont, and of Minnehaha Council, No. 5, of Springfield, Vt., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. PLATT presented a memorial of Local Union No. 311, Cigar Makers' International Union, of Auburn, N. Y., remonstrating against any reduction of the duty on cigars and tobacco imported from the Philippine Islands; which was referred to the Committee on the Philippines.

He also presented the petition of F. W. Stevens and sundry other citizens of Chautauqua, N. Y., praying for the enactment of legislation for the relief of Frances A. Bliss; which was referred to the Committee on Claims.

Mr. GAMBLE presented the memorial of Christopher Aisenbrey and sundry other citizens of Menno, S. Dak., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry papers to accompany the bill (S. 2103) granting an increase of pension to Lorin R. Bingham; which were referred to the Committee on Pensions.

Mr. CLARK of Montana presented a petition of Butte Lodge, No. 580, Brotherhood of Railroad Trainmen, of Butte, Mont., praying for the passage of the so-called "employers' liability bill;" which was ordered to lie on the table.

Mr. STONE presented petitions of Terminal Lodge, No. 472, Brotherhood of Railroad Trainmen, of St. Louis; of Easter Lodge, No. 481, Brotherhood of Locomotive Firemen, of St. Louis; of Anchor Lodge, No. 54, Brotherhood of Locomotive Firemen, of Moberly, and of Local Division No. 55, Order of Railway Conductors, of Kansas City, all in the State of Missouri, praying for the passage of the so-called "employers' liability bill;" which were ordered to lie on the table.

Mr. BRANDEGEE presented a petition of the Mosaic Club, of Bridgeport, Conn., and a petition of the Saturday Morning Club, of New Haven, Conn., praying for the passage of the so-called "pure-food bill;" which were ordered to lie on the table.

He also presented a petition of the East End Parliament, of Norwich, Conn., praying for the enactment of legislation to prevent the destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the State Federation of Women's Clubs, of Connecticut, praying for the enactment of legislation to regulate child labor in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of Liberty Bell Council, No. 3, Junior Order United American Mechanics, of New Haven, Conn., and a petition of Local Union No. 216, United Brotherhood of Carpenters and Joiners, of Torrington, Conn., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented a memorial of Local Union No. 39, Cigar Makers' International Union of America, of New Haven, Conn., remonstrating against any reduction of the duty on cigars and tobacco imported from the Philippine Islands; which was referred to the Committee on the Philippines.

Mr. CLAY presented a petition of the Fruit Growers' Association of Marshallville and Montezuma, Ga., praying for the enactment of legislation to place private car lines under the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a paper to accompany the bill (S. 1864) for the relief of James H. Oliver, a commander on the retired list of the United States Navy; which was referred to the Committee on Naval Affairs.

Mr. OVERMAN presented a petition of the Association of the Commissioners of the Southern States, praying that an appropriation be made for the extermination of the cattle tick in the South; which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of Capital City Council, No. 1, of Raleigh; of Stoneville Council, No. 114, of Stoneville; of Virgin Springs Council, No. 69, of Virgin Springs; of Walkertown Council, No. 20, of Walkertown, and of Kenly Council, No. 196, of Kenly, all of the Junior Order of United American Mechanics, in the State of North Carolina, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. PENROSE presented petitions of Friendship Council, No. 201, of Washington; of Vesuvius Council, No. 116, of Aspinwall; of Hilldale Council, No. 235, of Allegheny; of Integrity Council, No. 338; of Spring Garden Council, No. 18; of Ivy Council, No. 970; of Pen and Pencil Council, No. 914, of Philadelphia; of Bowman's Council, No. 440; of Coal Valley Council, No. 98, of Coal Valley, and of Webster Council, No. 23, of the Junior Order of United American Mechanics, and of Iron Workers' local Union No. 216, of Wilkes-Barre, all in the State of Pennsylvania, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. PILES presented an affidavit to accompany the bill (S. 3535) authorizing the President to appoint John E. Phelps, late brigadier-general of volunteers, first lieutenant in the United States Army and place him on the retired list; which was referred to the Committee on Military Affairs.

Mr. HEYBURN presented a paper to accompany the bill (S. 3413) to prevent cruelty to animals while in transit by railroad or other means of transportation from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia and repealing sections 4386, 4387, 4388, 4389, and 4390 of the United States Revised Statutes; which was referred to the Committee on Agriculture and Forestry.

Mr. DEPEW presented a memorial of Local Union No. 5, Cigar Makers' International Union, of Rochester, N. Y., remonstrating against the passage of the so-called "Philippine tariff bill;" which was referred to the Committee on the Philippines.

He also presented a petition of the New York State Agricultural Society, praying for the removal of the internal-revenue tax on domestic alcohol; which was referred to the Committee on Finance.

He also presented petitions of Puritan Council, No. 27, of Southampton; William McKinley Council, No. 79, of Brooklyn; General Schuyler Council, No. 50, of Brooklyn, and of Pulver Council, No. 14, of Ravena, all of the Junior Order United American Mechanics, in the State of New York, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. KITTREDGE presented the memorial of Jacob Schnaidt and sundry other citizens of Menno, S. Dak., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1434) granting an increase of pension to Eleazar A. Patterson;

A bill (H. R. 1435) granting an increase of pension to Jason Robbins;

A bill (H. R. 7952) granting an increase of pension to Detrick Nortrup;

A bill (H. R. 8237) granting an increase of pension to Noah Palmer;

A bill (H. R. 7950) granting an increase of pension to Emma M. Heath;

A bill (H. R. 7237) granting an increase of pension to Philip Bacon;

A bill (H. R. 7423) granting a pension to Rachel A. Dailey;

A bill (H. R. 7230) granting an increase of pension to John M. Wells;

A bill (H. R. 6917) granting an increase of pension to Edmund R. Strang;

A bill (H. R. 6916) granting an increase of pension to Jacob Meier;

A bill (H. R. 5939) granting an increase of pension to James Brody;

A bill (H. R. 5654) granting a pension to Moses Eggleston;

A bill (H. R. 5653) granting an increase of pension to Henry W. Wells;

A bill (H. R. 8071) granting a pension to Mary Mitchell;

A bill (H. R. 10389) granting an increase of pension to John W. Ellsworth;

A bill (H. R. 5546) granting an increase of pension to James Eastwood;

A bill (H. R. 5253) granting an increase of pension to Greenberry Suddarth;

A bill (H. R. 4682) granting an increase of pension to James Whiteman;

A bill (H. R. 4731) granting an increase of pension to Robert McMullen;

A bill (H. R. 3295) granting an increase of pension to George W. Knapp;

A bill (H. R. 5208) granting a pension to Susan J. Rounds;
A bill (H. R. 4733) granting an increase of pension to John L. Files;
A bill (H. R. 10218) granting an increase of pension to Melissa Chase;
A bill (H. R. 5643) granting an increase of pension to Wells Briggs;
A bill (H. R. 2959) granting an increase of pension to Amos H. Tenant;
A bill (H. R. 519) granting an increase of pension to William C. Stewart;
A bill (H. R. 2262) granting an increase of pension to John Seymour;
A bill (H. R. 2800) granting an increase of pension to Thomas Manahan;
A bill (H. R. 1972) granting an increase of pension to Stephen Gillen;
A bill (H. R. 2266) granting an increase of pension to George H. Hodges;
A bill (H. R. 520) granting an increase of pension to Henry C. Stern;
A bill (H. R. 1810) granting an increase of pension to James E. Post;
A bill (H. R. 9092) granting a pension to Lucy Walke;
A bill (H. R. 7572) granting an increase of pension to Gilbert F. Capron;
A bill (H. R. 6113) granting an increase of pension to Moses Schoonmaker;
A bill (H. R. 5831) granting an increase of pension to Julius Zuehlke;
A bill (H. R. 6191) granting an increase of pension to Martin V. B. Bachman;
A bill (H. R. 6116) granting a pension to John Gainsback;
A bill (H. R. 4747) granting an increase of pension to Joseph C. Robinson;
A bill (H. R. 4393) granting an increase of pension to Henry Allen;
A bill (H. R. 1971) granting an increase of pension to Melville A. Smith;
A bill (H. R. 4177) granting a pension to Susan H. Chadsey; and
A bill (H. R. 1548) granting an increase of pension to Emma Leviness.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 3508) granting a pension to Mary J. Visscher, reported it with an amendment, and submitted a report thereon.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1417) granting an increase of pension to Henry A. Tilton;
A bill (S. 1010) granting an increase of pension to Joel M. Sawyer; and
A bill (S. 788) granting an increase of pension to Edward P. Metcalf.

Mr. BURNHAM, from the Committee on Pensions, to whom was referred the bill (S. 703) granting an increase of pension to Edmund T. Connolly, alias John Marks, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 181) granting an increase of pension to Francis E. Stevens;
A bill (S. 77) granting an increase of pension to Granville P. Mason;
A bill (S. 79) granting an increase of pension to James F. Tilton;
A bill (S. 75) granting an increase of pension to Urial J. Streeter;
A bill (S. 78) granting an increase of pension to Mary R. Blethen;
A bill (S. 702) granting an increase of pension to Richard Dearborn;
A bill (S. 909) granting an increase of pension to Harvey M. D. Hopkins;
A bill (S. 573) granting an increase of pension to Henry T. Braman; and
A bill (S. 1536) granting an increase of pension to William H. Brown.

Mr. CLAPP, from the Committee on Indian Affairs, to whom was referred the bill (S. 2996) to authorize the Secretary of the Interior to purchase 80 acres of land, more or less, from Karl A. Torgerson and Charles E. Heyn, for the benefit of certain allottees of the Grande Ronde Indian Reservation, reported it without amendment and submitted a report thereon.

He also, from the Committee on Claims, to whom was referred the bill (S. 1026) for the relief of Gen. C. C. Andrews, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the amendment intended to be proposed to the general deficiency appropriation bill, submitted by Mr. NELSON on the 16th instant, proposing to appropriate $4,926.67 to pay the owners of the Norwegian steamship *Nicaragua* for damage to said owners by reason of the rescue of an American citizen, John McCafferty, and the consequent quarantine of said ship at Mobile, Ala., in 1894, submitted a favorable report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. PROCTOR, from the Committee on Agriculture and Forestry, to whom was referred the bill (S. 1236) to authorize payment to the Henry Philipps Seed and Implement Company for seed furnished to and accepted by the Department of Agriculture during the fiscal year 1902, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. PETTUS, from the Committee on Military Affairs, to whom was referred the bill (S. 584) for the relief of David H. Moffat, reported it without amendment, and submitted a report thereon.

Mr. FORAKER, from the Committee on Military Affairs, to whom was referred the bill (S. 2172) to amend an act entitled "An act authorizing the Secretary of War to cause to be erected monuments and markers on the battlefield of Gettysburg, Pa., to commemorate the valorous deeds of certain regiments and batteries of the United States Army, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2626) to correct the military record of Isaac Thompson, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1690) for the relief of Theodore F. Northrop, reported it without amendment, and submitted a report thereon.

FUNERAL EXPENSES OF THE LATE SENATOR MITCHELL.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. FULTON on the 25th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay the expenses incident to the sickness and death of the Hon. JOHN H. MITCHELL, late a Senator from the State of Oregon, from the miscellaneous items of the contingent fund of the Senate, amounting to $547.75.

SURG. REUBEN A. CAMPBELL.

Mr. GALLINGER. I am directed by the Committee on Naval Affairs, to whom was referred the bill (S. 369) to authorize the appointment of Acting Asst. Surg. Reuben A. Campbell, United States Navy, as an assistant surgeon in the United States Navy, to report it favorably without amendment. It will take but a moment to consider the bill. I venture to ask unanimous consent for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the President, by and with the advice and consent of the Senate, to appoint Acting Asst. Surg. Reuben A. Campbell, United States Navy, as an assistant surgeon in the United States Navy with the rank of lieutenant (junior grade), to take rank and position at the foot of the list, whenever, before the expiration of his present acting commission, he shall successfully pass the examination prescribed by law for the appointment of medical officers of this grade.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. PROCTOR introduced a bill (S. 3878) for the relief of Addison C. Fletcher; which was read twice by its title, and referred to the Committee on Claims.

Mr. PENROSE introduced a bill (S. 3879) for the relief of Mary Cairney; which was read twice by its title, and referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3880) granting a pension to Anna R. Shattuck;
A bill (S. 3881) granting an increase of pension to Daniel McCullough; and

A bill (S. 3882) granting an increase of pension to Delphine Darling.

Mr. McCUMBER introduced a bill (S. 3883) granting an increase of pension to Ferdinand Hercher; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McENERY introduced a bill (S. 3884) for the relief of the legal representatives of the late firm of Lapène & Ferré; which was read twice by its title, and referred to the Committee on Claims.

Mr. BRANDEGEE introduced a bill (S. 3885) increasing the limit of cost of public building at Meriden, Conn.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. STONE introduced a bill (S. 3886) to amend an act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1895;" which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. OVERMAN introduced a bill (S. 3887) for the relief of the estate of Thomas A. Dough, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3888) granting an increase of pension to Susan E. Israel; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GEARIN introduced a bill (S. 3889) to correct the military record of Hiram D. Gates; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 3890) to correct the military record of David R. B. Winniford; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3891) granting an increase of pension to Ingram M. Richardson;

A bill (S. 3892) granting an increase of pension to Robert P. Ballard;

A bill (S. 3893) granting an increase of pension to David C. Howard; and

A bill (S. 3894) granting an increase of pension to Samuel Haudaker.

Mr. GAMBLE introduced a bill (S. 3895) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. WARREN introduced a bill (S. 3896) granting a pension to Mary McGill; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KEAN introduced a bill (S. 3897) for the relief of William H. Sterling; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3898) granting an increase of pension to Antonia T. E. White; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 3899) granting authority to the Secretary of the Navy, in his discretion, to dismiss midshipmen from the United States Naval Academy, and regulating the procedure and punishment in trials for hazing at the said academy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3900) to reimburse certain fire insurance companies the amounts paid by them for property destroyed by fire in suppressing the bubonic plague in the Territory of Hawaii in the years 1899 and 1900; which was read twice by its title, and referred to the Committee on Pacific Islands and Porto Rico.

Mr. DEPEW introduced a bill (S. 3901) for the relief of the State of New York; which was read twice by its title, and referred to the Committee on Claims.

Mr. PETTUS introduced a bill (S. 3902) for the relief of the heirs of Mary A. Summerhill, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. PILES introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 3903) granting an increase of pension to John McCoy;

A bill (S. 3904) granting an increase of pension to George J. Thomas; and

A bill (S. 3905) granting an increase of pension to James M. Garritt.

Mr. BACON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3906) for the relief of David H. Neely and Jane A. Neely;

A bill (S. 3907) for the relief of the estate of William Fenn, deceased;

A bill (S. 3908) for the relief of the heirs of James Stewart and John Lee McMichael, deceased;

A bill (S. 3909) for the relief of the estate of Enoch Humphreys, deceased (with an accompanying paper);

A bill (S. 3910) for the relief of the estate of Bennett Robertson, deceased;

A bill (S. 3911) for the relief of the estate of James Johnson, deceased;

A bill (S. 3912) for the relief of President Walraven;

A bill (S. 3913) for the relief of the estate of C. E. Rosser, deceased;

A bill (S. 3914) for the relief of the estate of Gabriel Parks, deceased (with an accompanying paper); and

A bill (S. 3915) for the relief of the estate of William Lewis, deceased (with an accompanying paper).

Mr. RAYNER introduced a bill (S. 3916) granting an increase of pension to Peter E. Little; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WARREN introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Military Affairs:

A bill (S. 3917) to provide the necessary noncommissioned officers for the various recruit depots of the United States Army;

A bill (S. 3918) to authorize commissions to issue in the cases of officers of the Army retired with increased rank;

A bill (S. 3919) to increase the efficiency of the United States Army;

A bill (S. 3920) for increasing the efficiency of Army bands;

A bill (S. 3921) to extend the special leave privileges authorized for officers of the Military Academy by section 1330, Revised Statutes, to certain instructors and student officers at service schools;

A bill (S. 3922) to provide means to enable the President to carry into effect certain provisions of the act approved February 2, 1901, and to provide a partial reserve for coast defense in case of actual or impending foreign war;

A bill (S. 3923) to reorganize and to increase the efficiency of the artillery of the United States Army;

A bill (S. 3924) to increase the pay of company noncommissioned officers;

A bill (S. 3925) to increase the efficiency of the Army of the United States;

A bill (S. 3926) to organize a service corps in the United States Army; and

A bill (S. 3927) to increase the efficiency of the veterinary service of the Army.

RETURN OF RECORDS TO NORTH CAROLINA.

Mr. SIMMONS. I introduce a joint resolution, and ask for its immediate consideration.

The joint resolution (S. R. 26) providing for the return of certain archives now in possession of the Department of State to the State of North Carolina was read the first time by its title.

Mr. GALLINGER. Let the joint resolution be read for information.

The VICE-PRESIDENT. It will be read for the information of the Senate.

The joint resolution was read the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of State be, and he is hereby, authorized and directed to withdraw from the files of the Department of State, and deliver to the State of North Carolina, certain legislative papers, correspondence, and other material appertaining to the records of said State and not needed for the use of the Department of State.

The VICE-PRESIDENT. The Senator from North Carolina asks unanimous consent for the present consideration of the joint resolution. Is there objection? The Chair hears none, and it is before the Senate as in Committee of the Whole.

Mr. SIMMONS. I desire in this connection to read an extract from a letter received by me this morning from the Secretary of State in regard to these papers:

DEPARTMENT OF STATE,
Washington, January 29, 1906.

Hon. F. M. SIMMONS,
United States Senate.

SIR: In reply to your letter of the 23d instant, I have the honor to inform you that this Department can see no objection to returning to the State of North Carolina certain legislative papers and other material

relating to the records of said State, now in its possession; but that the authority of Congress will be necessary before the removal can be effected.

Mr. KEAN. We can not hear the Senator on this side.

The VICE-PRESIDENT. The Chair will state that Senators on the opposite side of the Chamber from the Senator from North Carolina are unable to hear him.

Mr. SIMMONS. I have just read a letter from the Secretary of State, in which he says that there can be no objection to the return of these records.

Mr. KEAN. I think the joint resolution had better go to the Committee on the Library. I have no objection to it, but I think it had better be referred.

Mr. GALLINGER. If the Senator will permit me, I suggest that it ought to be in the form of a concurrent resolution. If a concurrent resolution, the resolving clause would be, "Resolved by the Senate, the House of Representatives concurring." I make that suggestion to the Senator.

Mr. SIMMONS. I introduced it in the form of a joint resolution because in the letter of the Secretary of State the part which I did not read says:

I inclose a draft of a joint resolution usual in such cases.

I am not familiar with the practice about that, and I deferred to the opinion of the Secretary of State.

Mr. GALLINGER. I suggest to the Senator that a joint resolution has to take the same course as a bill and have Executive approval. If the resolution were in a concurrent form it would only require the vote of the two Houses.

Mr. MALLORY. I should like to ask the Senator from North Carolina to let us know how the archives or records got into the possession of the State Department.

Mr. SIMMONS. I have no information as to how the records of the State of North Carolina got into the State Department, but I presume that at the close of the war they were taken by the Federal forces, which had possession of the capital of my State for a short time, and transported to the capital of the country. I presume that is the way they came into the possession of the Department.

These records are very important to my State at this time, because we are having compiled by the chief justice of the State the records of the State. These papers are very material, as will appear from a brief I have, furnished me by the chief of the bureau in which the records are deposited. They are—

Letters and petitions to the governor and the legislature.
Papers, letters, and accounts of the agency for settling North Carolina accounts with the United States.
Legislative papers.
Estimates of allowances for members and clerks of the council of State and of the legislature.
Reports of committees.
Letters from Delegates to Continental Congress, including copies of resolves of Congress.
Letters from Senators and Representatives, including copies of resolves and acts of Congress.
Militia papers.
Papers relating to administration of justice, extract from court records, indictments, executions, etc.
Journals of council of state.
Papers relating to rebuilding of State capitol.
Miscellaneous papers, forming about one-fourth of the collection.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Georgia?

Mr. SIMMONS. Certainly.

Mr. BACON. I simply desire to suggest to the Senator from New Hampshire that possibly a concurrent resolution would not reach the purpose and accomplish it. I do not see how a record or anything which is in one of the Departments can be withdrawn by a concurrent resolution. It must necessarily be a joint resolution. A concurrent resolution can only affect something within the immediate control of the two Houses, one or the other of them. A joint resolution is certainly necessary for anything which goes beyond that immediate jurisdiction.

Mr. GALLINGER. The Senator is right in the point he makes. I thought it related to a matter in the custody of Congress.

Mr. KEAN. I have no objection to the resolution, but I think it had better go to the committee.

The VICE-PRESIDENT. Under objection, the joint resolution will be referred to the Committee on the Library.

Mr. KEAN subsequently said: I wish to withdraw the objection I made to the resolution offered by the Senator from North Carolina.

The VICE-PRESIDENT. The Senator from New Jersey withdraws his objection to the present consideration of the joint resolution introduced by the Senator from North Carolina. The joint resolution is before the Senate as in Committee of the Whole and open to amendment. If no amendment be proposed——

Mr. ALLISON. It seems to me that the resolution ought to leave some discretion in the Secretary of State as to what particular documents shall be transferred to the State of North Carolina.

Mr. SIMMONS. I beg pardon of the Senator. I did not hear his suggestion.

Mr. ALLISON. The resolution provides that the Secretary of State shall be directed to transfer certain documents to the State of North Carolina. It does not state what documents. I should think it wise to leave the discretion in the Secretary of State to transmit such documents as are not needed in the State Department.

Mr. SIMMONS. I will say to the Senator from Iowa, with his permission, that the Secretary, at the time he wrote me the letter with reference to these documents, stated that there was no objection to transferring them to the State of North Carolina, and I secured from the bureau in which the documents are deposited a memorandum of what they consist of, and that memorandum I read to the Senate a few moments ago.

Mr. ALLISON. I was absent when that was done.

Mr. SIMMONS. I filed that memorandum.

Mr. ALLISON. I withdraw any objection, upon that statement. I make no further suggestion.

Mr. KEAN. Let the memorandum be printed in the RECORD.

Mr. SIMMONS. The memorandum goes into the RECORD as a part of my remarks.

Mr. LODGE. Has unanimous consent been given for the consideration of the joint resolution without reference to a committee?

The VICE-PRESIDENT. Unanimous consent was given.

Mr. LODGE. It seems to me it ought to go to a committee.

The VICE-PRESIDENT. Under objection from the Senator from Massachusetts the joint resolution will be referred to the Committee on the Library.

Mr. LODGE. It is a resolution to withdraw certain papers from the State Department of which we know nothing, and it seems to me we ought to have the information. It appears to me a pretty serious order to make without any consideration at all except a casual consideration here in the morning hour.

Mr. SIMMONS. If the Senator will permit me, I will read the memorandum showing what these papers are, and I think he will see that they are papers that belong to the files of the State of North Carolina, and have no connection with any of the records of the United States.

Mr. SPOONER. I should like to ask the Senator how did these papers get into the State Department?

Mr. SIMMONS. I am not able to speak positively about that, but just at the close of the war, as the Senator knows, the Federal forces occupied the capital of my State, Raleigh.

Mr. SPOONER. Are these papers a part of the Confederate archives?

Mr. LODGE. These are State papers.

Mr. SPOONER. What is the nature of the record? Are they records of the State made during the war?

Mr. SIMMONS. I think they are records that were in the office of the secretary of state in Raleigh at the time when the Federal forces passed through the State and had possession of the capitol——

Mr. SPOONER. What I want to get at——

Mr. SIMMONS. And they brought these records away.

Mr. SPOONER. Are they ancient papers or are they papers that originated and accumulated during the war? Do they have reference to the transactions of the State?

Mr. SIMMONS. I can not state about that; but I think a great many of the papers were accumulated before that time. For instance, if the Senator will allow me——

Mr. BACON. I suggest that the Senator from North Carolina read the list of papers. That is the best way.

Mr. SIMMONS. Some of the papers are letters from Delegates to the Continental Congress.

Mr. SPOONER. That may fairly be considered ancient.

Mr. SIMMONS. I should like, if the Senator will permit me, to read again the memorandum sent me by the Department, which shows the character of all the papers.

Mr. SPOONER. I should like to have the Senator read it.

Mr. SIMMONS. I read it a little while ago.

Mr. SPOONER. I had the misfortune not to be present.

Mr. SIMMONS (reading):

[Department of State, Bureau of Rolls and Library, William McNeir, Chief of Bureau, January 30, 1906. Memorandum of North Carolina archives in the Department of State.]

Following is a brief of the contents of the North Carolina papers referred to in Mr. Leland's letter.

They were called to my attention by a letter of Mr. Leland, which I sent up to the Department.

Letters and petitions to the governor and the legislature.
Papers, letters, and accounts of the agency for settling North Carolina accounts with the United States.
Legislative papers.
Estimates of allowances for members and clerks of the council of state and of the legislature.
Reports of committees.
Letters from Delegates to Continental Congress, including copies of resolves of Congress.
Letters from Senators and Representatives, including copies of resolves and acts of Congress.
Militia papers.
Papers relating to administration of justice, extracts from court records, indictments, executions, etc.
Journals of council of state.
Papers relating to rebuilding of State capitol.
Miscellaneous papers, forming about one-fourth of the collection.

I will state to the Senate that the chief justice of my State has been by an act of the legislature designated to compile the records of the State. He has been engaged in that work for a long time. He discovered in the prosecution of his investigations that a part of the records of the State were missing. He had been searching for them for some time, but was unable, until he received this letter from Mr. Leland, to locate the missing papers. He forwarded that letter to me, and I went to the State Department. I found that the records were there, and I submitted the letter of Mr. Leland and the letter of the chief justice who is engaged in the compilation of our State records, and who wants these records for the purpose of completing this compilation, to the Secretary of State, Mr. Root, and asked whether they could be returned without an act of Congress. He advised me in the letter which I read to the Senate a few moments ago during the absence of the Senator that they can not be returned without an act of Congress, and says that he sees no objection to their return, and he prepared and transmitted to me in that letter the joint resolution which I have introduced.

Mr. SPOONER. Now, if the Senator will permit me, the memorandum which he has read shows to the Senate the nature of some of the papers.

Mr. SIMMONS. Of all except the miscellaneous papers.

Mr. SPOONER. Some of the papers have been shown by that memorandum to be ancient documents of no value whatever, of course, except for historical purposes.

Mr. SIMMONS. And that is the purpose we want them for at this time.

Mr. SPOONER. If the Senator will permit me for a moment, I refer to the papers now which are characterized there as papers of colonial times—papers of the Continental Congress. There are papers there by general description mentioned which may very well remain in the Department of State or some other Department of the Government. There are papers, so far as the general designation in the memorandum is concerned, which would be embraced in what are called the Confederate archives, which are for a good many purposes of great value to the Government. The papers are legislative and executive, which originated during the war. I am opposed to passing a bill here, for it is a bill——

Mr. LODGE. It is a joint resolution.

Mr. SPOONER. A joint resolution is a bill. It requires the approval of the President. We can appropriate money by joint resolution. We can do anything almost by joint resolution that we could do by a bill. It is distinguished in that respect from a concurrent resolution.

I think this matter ought to be referred to a committee, and the Senate ought to know just what papers are embraced in the proposed bill. If there are papers that will be useful to the Government as being a part of the Confederate archives, even though they came from the State as State archives instead of archives of the Confederate government, they ought not to be included.

Mr. SIMMONS. With the Senator's permission, I am sure the Senator knows I do not desire that any papers should be returned to the State of North Carolina which ought properly to remain in the archives of the Government, but I think the Senator will discover from the bill itself that probably a sufficient discretion is left in the Secretary in order to enable him to transmit only those parts of the documents that properly belong to the State of North Carolina and retain the balance. I call the Senator's attention to the language of the joint resolution. It is as follows:

And he is hereby authorized and directed to withdraw from the files of the Department of State and deliver to the State of North Carolina certain legislative papers, correspondence, and other material appertaining to the records of said State and not needed for the use of the Department of State.

I think that clearly vests in the Secretary the discretion of determining what part of these papers ought to go back to North Carolina and what part ought to be retained here because they are needed in the State Department.

Mr. SPOONER. There are records in the State Department that never will be utilized by the State Department as such which ought to be in the State Department, but which are of value in other Departments and of value to the Government. Of course any paper which it is clear never will be of utility to the Government and is historical in its nature ought to be permitted to go back to the State of North Carolina, but there should be, I think, some much more definite information about the papers.

Mr. SIMMONS. I will state to the Senator that I am perfectly willing to accept any amendment he may wish to offer that will confine——

Mr. SPOONER. Let it go over until to-morrow and see if we can not agree upon some amendment.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Massachusetts?

Mr. SIMMONS. Yes.

Mr. LODGE. I thought the Senator had yielded the floor.

Mr. SPOONER. I will say to the Senator that if it goes over until to-morrow perhaps we can agree upon an amendment.

Mr. SIMMONS. As some question has been raised as to what part of the records ought to be returned to the State of North Carolina, I have no serious objection to its going over until to-morrow and going to the committee.

Mr. LODGE. I think it is a very bad practice to pass bills and joint resolutions without reference to a committee. I think it is a very bad practice to enter upon. If there is no objection to the joint resolution, it can be reported back within twenty-four hours after its reference. I ask that it be referred to the Committee on the Library.

The VICE-PRESIDENT. Under objection, the joint resolution will be referred to the Committee on the Library.

AMENDMENT TO DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. FRYE submitted an amendment providing for the establishment of a United States consulate at Calgary, Canada, and proposing to appropriate $1,500 therefor, intended to be proposed by him to the diplomatic and consular appropriation bill; which, with the accompanying papers, was referred to the Committee on Foreign Relations, and ordered to be printed.

WILLIAM A. HILDRETH.

Mr. McCUMBER. Mr. President, pursuant to a resolution yesterday passed by the Senate the House of Representatives has returned a certain bill, which is now on the table of the Senate, which I ask to have the Chair lay before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution from the House of Representatives returning to the Senate, in accordance with its request, the bill (H. R. 1330) granting an increase of pension to William A. Hildreth.

Mr. McCUMBER. Mr. President, I ask unanimous consent that the vote by which the bill was passed be reconsidered, the beneficiary having died, and that the bill be postponed indefinitely.

The VICE-PRESIDENT. The Senator from North Dakota asks unanimous consent that the vote by which the bill referred to was passed be reconsidered, and that the bill be indefinitely postponed. Is there objection? The Chair hears none, and that order is made.

PURE-FOOD BILL.

Mr. HEYBURN. I ask for a reprint of Senate Report No. 8, Fifty-ninth Congress, first session, being the report to accompany the bill (S. 88) for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes. It is a matter of eight or nine lines. I do not know why it is desired to have it reprinted, but I have been asked to have it done.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Idaho? The Chair hears none, and that order is made.

There being no objection, the order was agreed to, as follows:

Ordered, That 300 copies of Senate Report No. 8, Fifty-ninth Congress, first session, "Manufacture, sale, etc., of adulterated foods, etc.," be printed.

COURTS-MARTIAL OF MIDSHIPMEN.

Mr. MALLORY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy be, and he is hereby, directed to transmit to the Senate copies of the records and the evidence in full made and produced in the courts-martial recently held at the Naval Academy in the cases of Midshipmen Pettersen B. Marzoni and Claude B. Mayo, charged with hazing, together with a statement of the final action taken by the Navy Department in said cases; and to also

inform the Senate under and in accordance with what law or laws said courts-martial were convened, their proceedings conducted, and final action in said cases taken.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

H. R. 120. An act to amend section 9 of the Code of Law for the District of Columbia;

H. R. 122. An act to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes;

H. R. 125. An act regulating the retent on contracts with the District of Columbia;

H. R. 4468. An act to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895;

H. R. 4469. An act authorizing the Commissioners of the District of Columbia to make regulations respecting the public hay scales;

H. R. 4470. An act to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895; and

H. R. 9757. An act to amend paragraph 34 of section 7 of an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

H. R. 6009. An act to regulate the construction of bridges over navigable waters; and

H. R. 12314. An act to amend an act approved February 3, 1905, authorizing the construction of a bridge across Red River at Shreveport, La.

H. R. 12843. An act to amend the seventh section of the act entitled "An act to establish circuit court of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, was read twice by its title, and referred to the Committee on the Judiciary.

CEDAR POINT AND DAUPHIN ISLAND.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1747) to authorize the Mobile Railway and Dock Company to construct and maintain a bridge or viaduct across the water between the end of Cedar Point and Dauphin Island, which was, on page 3, line 22, to strike out the words "and change" and insert "or remove."

Mr. FRYE. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

EMPLOYERS' LIABILITY BILLS.

Mr. DANIEL. I inquire whether the motion of the Senator from West Virginia [Mr. ELKINS] for the discharge of the Committee on Interstate Commerce from what are known as the "employers' liability bills" has been laid before the Senate?

The VICE-PRESIDENT. It has not yet been laid before the Senate, but will be when in order.

Mr. CULBERSON. Mr. President, I inquire if the routine morning business has been concluded?

The VICE-PRESIDENT. The routine morning business has not been closed. Are there further concurrent or other resolutions? If not, the morning business is closed.

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. If the Senator from Colorado will withhold for a moment, the Chair will lay before the Senate the request of the Senator from West Virginia [Mr. ELKINS], coming over from yesterday, that the Committee on Interstate Commerce be discharged from the further consideration of Senate bill 156 and Senate bill 1657, and that they be referred to the Committee on the Judiciary, with the accompanying documents. Is there objection to the request?

Mr. ELKINS. Mr. President, I do not see in the Chamber the senior Senator from Pennsylvania [Mr. PENROSE], but I observe the Senator from Virginia [Mr. DANIEL] is present. I have looked into the RECORD with respect to the disposition of the bills referred to at the last session and at the present session of the Senate, and I find that in the Fifty-eighth Congress, second session, the Senator from Pennsylvania [Mr. PENROSE] introduced Senate bill 4092, which was referred to the Committee on the Judiciary.

On March 7, 1904, Senator Hoar, from the Committee on the Judiciary (see vol. 38, pt. 3, CONGRESSIONAL RECORD, p. 2906), asked that said committee be discharged from the further consideration of the bill and that it be referred to the Committee on Interstate Commerce; which was agreed to.

In the Fifty-ninth Congress, first session, the Senator from Pennsylvania [Mr. PENROSE] introduced Senate bill 1657, which was referred to the Committee on Interstate Commerce; and the Senator from Virginia [Mr. DANIEL] introduced Senate bill 156, which was referred to the same committee.

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Virginia yield to the Senator from Nevada?

Mr. ELKINS. I do.

Mr. NEWLANDS. I simply ask that we may have order in the Chamber, as it is impossible to hear what is being said.

The VICE-PRESIDENT. The Senate will be in order.

Mr. ELKINS. The two bills I have named are those which are covered by the motion I made yesterday under instructions from the Committee on Interstate Commerce, that they be discharged from their further consideration and that they be referred to the Committee on the Judiciary.

The question that is raised in these bills is covered in the resolution authorizing sessions of the Interstate Commerce Committee during the recess of the Senate. That question came up also in connection with these two bills, and the committee authorized the chairman to report that they had considered the subject and felt that it belonged rather to the Committee on the Judiciary than to the Committee on Interstate Commerce. Therefore it was that I made the motion yesterday that is now before the Senate.

Mr. DANIEL. Mr. President, there are two bills involved in this motion. One was offered by myself on December 6, 1905, and the other a little later by the Senator from Pennsylvania [Mr. PENROSE].

Mr. CLARK of Wyoming. It is impossible for us to hear, Mr. President.

The VICE-PRESIDENT. The Senate will be in order.

Mr. DANIEL. As I have said, the other bill was introduced a little later——

Mr. TELLER. I think we ought to have order enough to be able to hear what is going on. Nobody on this side of the Chamber heard the Senator from West Virginia [Mr. ELKINS] and I doubt whether anybody on the other side can hear the Senator from Virginia [Mr. DANIEL]. I think we had better have order established before the Senator from Virginia proceeds.

Mr. DANIEL. Mr. President, the motion of the Senator from West Virginia [Mr. ELKINS] involves two bills. One was offered by myself on December 6, 1905, and the other by the Senator from Pennsylvania [Mr. PENROSE] on December 14. Both of them, however, involve the same principle as a previous bill offered by the Senator from Pennsylvania, with some variations. They relate to the subject-matter of the liability of common carriers, of railroads in the District of Columbia and in the Territories, and as to that liability affecting their employees. The principle of the bill is that the carrier shall not be excused from negligence on account of the fellow-service of employees. That principle has been put into the constitution of the State of Virginia and has been adopted by the legislatures of many States. This is not the time to discuss it, nor do I propose to bring up the merits of either of those bills, but I wish to call the attention of the Senate to the fact that a proposition of this general nature has been pending in this body for over four years, and that as yet no committee has made a report upon it. It first appeared on December 8, 1902, during the Fifty-seventh Congress, in a bill introduced by the present senior Senator from Massachusetts [Mr. LODGE]. That bill was referred to the Committee on the Judiciary and there disappeared.

On February 3, 1904, the Senator from Pennsylvania offered a bill of the same general nature, which was also referred to the Committee on the Judiciary. This was in the Fifty-eighth Congress.

On March 7 of that year the then senior Senator from Massachusetts, Mr. Hoar, who was chairman of the Committee on the Judiciary, reported that bill to the Senate and asked that that committee be discharged from its further consideration and that it be referred to the Committee on Interstate Commerce. This was agreed to. The bill at that session went to the Committee on Interstate Commerce, which made no report.

In 1905 when the Senator from New Jersey [Mr. KEAN], from the Committee on Interstate Commerce, reported a resolution authorizing that committee to sit in vacation and to consider additional legislation on the interstate-commerce law, the

junior Senator from Virginia [Mr. MARTIN] offered an amendment, which I will read:

And also to consider what legislation should be enacted in relation to the liability of railroad companies engaged in interstate traffic or operating lines in any Territory of the United States for injuries received by their employees when in the discharge of duty.

This resolution was considered, amended, agreed to, and ordered to be printed.

During the vacation of the last session I think this matter was taken under consideration by that committee in connection with other matters. On December 14 of the present session the chairman of the Committee on Interstate Commerce, the Senator from West Virginia [Mr. ELKINS], who has made this motion, reported that:

Under the terms of the resolution the committee was required to report in ten days after the beginning of the present session of the Senate by bill or otherwise. While the committee can not report a bill to-day, I am authorized to state to the Senate, on behalf of the committee, that it went into session on the 21st of November and has been holding meetings, not every day since, but as often as it suited the convenience of the members, to consider the various and difficult subjects raised in the resolution that was adopted by the Senate.

He concluded by saying:

It is the belief of the members of the committee that later on it will be able to report a bill to the Senate for its consideration.

Mr. President, I am not criticising the Senator from West Virginia, but I simply wish to fix the attention of the Senate upon the fact that a procedure in the nature of a game of battledoor and shuttlecock has progressed in this body for now four years; and that, with no report on this measure, it now hangs fire again in the Senate, the committee to which it has been referred from year to year declining to make any report upon it.

I am well aware, Mr. President, that that committee has had some of the gravest questions of the age under consideration; but at the same time the question involved in this separate measure is a matter which has been discussed for a decade or more in the United States, and the learning of it fills the judicial reports and the literature of the law. The principle is very simple, and a very few hours would enable any man to collate the substance of this learning and to determine which way he stood, one side or the other, on this question.

There is now no legislation on this subject in the districts and Territories over which the United States has sole jurisdiction. All that I am seeking now is to get action on this bill, and have it brought before the Senate, so that this body shall determine whether or not it desires to embody it into law. The Interstate Commerce Committee does not want it; the Judiciary Committee has twice had it—once affirmatively shelved it as an overcoat that they did not wish to wear, and the other time said nothing about it.

I move, Mr. President, if it be in order to do so at this juncture, that this bill be referred to the Committee on Education and Labor.

The VICE-PRESIDENT. There is pending a motion to refer, and the Senator's motion is not in order.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Virginia yield to the Senator from Ohio?

Mr. DANIEL. I yield to the Senator.

Mr. FORAKER. I was not aware until a moment ago to what the Senator was addressing himself, having been otherwise occupied.

Mr. DANIEL. It was with reference to the common carriers' liability bill.

Mr. FORAKER. I am a member of the Interstate Commerce Committee, as the Senator knows, and I am also a member of the Committee on the Judiciary. I have no objection to considering these bills in either of those committees, and I do not think there is any objection to the consideration of them by the Interstate Commerce Committee.

Mr. KEAN. None whatever.

Mr. FORAKER. I am certainly quite willing to take up the bills for consideration at any time.

In the Committee on Interstate Commerce we have been, as the Senator well knows, very busily occupied with the general railway-rate legislation proposition that has been referred to us for consideration. I do not think the request that these bills be sent to the Committee on the Judiciary was due to any lack of disposition on the part of the Interstate Commerce Committee to consider these particular bills. I know it was not so far as I am concerned.

I might say more than that. I think attention was not particularly called to the bills at the time when this action was taken. I was otherwise engaged in the committee. I do not know how the other members of the committee feel, but I am quite sure that if these bills be left with the Interstate Commerce Committee or be sent to the Judiciary Committee they will receive attention. I know they will so far as I am concerned, and I have not heard of any member of either committee expressing any disposition not to give them consideration.

I think the bills ought to go to the Judiciary Committee because of the important legal questions involved, or else they should remain with the Interstate Commerce Committee.

The VICE-PRESIDENT. The question is on the motion of the Senator from West Virginia [Mr ELKINS].

Mr. DANIEL. I move to strike out "Committee on the Judiciary" and insert "Committee on Education and Labor" in the matter of reference. I suppose that motion is in order.

Mr. ALDRICH. If I am not mistaken, Mr. President, the parliamentary situation is this: The chairman of the Committee on Interstate Commerce asked unanimous consent that that committee be discharged from the further consideration of this subject, and that the bills be referred to the Committee on the Judiciary. I think he made no motion at all upon the subject. It was a request for unanimous consent by the Senator from West Virginia, and that is not a motion.

The VICE-PRESIDENT. The Senator from West Virginia yesterday stated:

Mr. ELKINS. I am instructed by the Committee on Interstate Commerce to ask to be discharged from the further consideration of Senate bill 156 and Senate bill 1657, two bills on the same subject, and which are alike, and to ask that they be referred to the Committee on the Judiciary, with the accompanying documents.

The Chair understood this to be in effect a motion, and distinctly stated it to the Senate as a motion.

Mr. DANIEL. That is right.

Mr. ALDRICH. Mr. President, I think the ordinary course of procedure in similar cases has been that unanimous consent has been asked. Such suggestions are usually made at a time when a motion would not be strictly in order. That has been the usual course.

The VICE-PRESIDENT. The Chair understands that under Rule XXVI a motion to discharge a committee from the further consideration of a specific subject must be considered as an independent proposition, and before considering the reference to another committee.

Mr. ALDRICH. That is a motion.

The VICE-PRESIDENT. Yes; a motion.

Mr. ALDRICH. But it is not the intention, I am sure, of the committee, and I imagine it was not the intention of the chairman of the committee to make a motion to that effect, but simply to ask the Senate by unanimous consent to have this change of reference made. Of course that can only be done by unanimous consent.

The VICE-PRESIDENT. If there should be objection to a request for unanimous consent, a motion would be in order.

Mr. ALDRICH. If the Senator chose to make the motion; yes. But if he did not, I assume it would be entirely within his control.

Mr. PENROSE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Virginia yield to the Senator from Pennsylvania?

Mr. DANIEL. Certainly.

Mr. PENROSE. I made objection yesterday to the unanimous consent asked for by the Senator from West Virginia [Mr. ELKINS], and the matter went over until to-day. As I understand, it is now open to such a motion as the Senator from Virginia [Mr. DANIEL] has made. Unanimous consent was not granted. The matter is now taken from the table for consideration, and any motion that any Senator chooses to make is applicable.

Mr. FORAKER. I only want to add, if the Senator from Virginia will indulge me to that extent——

The VICE-PRESIDENT. Does the Senator from Virginia yield to the Senator from Ohio?

Mr. DANIEL. I do.

Mr. FORAKER. I have no desire to keep these bills from the Interstate Commerce Committee or the Committee on the Judiciary. I only want to say for myself that there has been no attempt to avoid consideration of the bills, so far as I am aware. The bills were never brought up for consideration in the Interstate Commerce Committee, and if they were considered by the Judiciary Committee in the last Congress I naturally know nothing about it, because I was not then a member of that committee. If the Senate sees fit to leave the bills with the Interstate Commerce Committee I am quite sure they will receive consideration. If it is agreed to take them away from that committee, so far as I am concerned, I shall be very happy, because we are not looking for more work.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Virginia yield to the Senator from Massachusetts?

Mr. DANIEL. Yes.

Mr. LODGE. The question of order which I desire to make is, as I understand, first, the motion—if it is to be a matter of motion—I do not know whether or not a motion was made to discharge the committee——

The VICE-PRESIDENT. The Chair would ask the Senator from West Virginia [Mr. ELKINS] to kindly state whether he made a motion or a request for unanimous consent.

Mr. ELKINS. What I made was in the nature of a request. I asked unanimous consent that the committee be discharged. I did not feel at liberty to make a motion, and I did not make a motion. It was a report to the Senate, under the order of business as called by the Presiding Officer, and under the order of reports of committees I reported that I was authorized to ask that the committee be discharged from the further consideration of the bills.

Mr. LODGE. Then, Mr. President, the point of order I make is that no motion has yet been made, and that, if such a motion is made, it must lie over under the rule.

Mr. DANIEL. If the Senator will allow me, I will inform him that the motion was made on yesterday, and that it has lain over a day under the rule.

Mr. ALDRICH. Will the Senator allow me to make an additional suggestion?

The VICE-PRESIDENT. Does the Senator from Virginia yield to the Senator from Rhode Island?

Mr. DANIEL. Yes.

Mr. ALDRICH. If it was a motion to refer, that motion is not amendable under the Senate rules.

Mr. LODGE. But my point of order was that the motion to discharge the committee must in any event, whether considered to-day or to-morrow, be first decided.

The VICE-PRESIDENT. The Senator from Massachusetts is correct. The motion to discharge the committee must be first decided.

Mr. ELKINS. Will the Senator from Virginia allow me a word?

The VICE-PRESIDENT. Does the Senator from Virginia yield to the Senator from West Virginia?

Mr. DANIEL. I should like to ask the Senator a question while he is on his feet, and then I will yield the floor. Does the Senator think, if these bills were referred back to the Interstate Commerce Committee, that a report could be made upon them in twenty or thirty days?

Mr. ELKINS. I can hardly say. We have had the subject under consideration and took testimony in the hearings held during the recess. I can not say that within twenty or thirty days we can bring in a general bill on the rate question, but I think in that time we may be able to do so. Now, will the Senator, before he proceeds further, allow me to make a further statement?

Mr. President, the subject-matter of these two bills is a judicial question. The committee so considered it. Here is a bill to establish the carrier's liability for a fellow-servant's negligence. Railroads are now incorporated in the States. Jurisdiction in these cases is sought under the interstate-commerce clause of the Constitution where railroads are engaged in interstate traffic. There is a nice distinction as to whether the action in one of the cases should be brought in a State court or in a Federal court. This is an attempt to establish such liability on the part of the carrier, and, under the law it is proposed to pass, to put these causes in the Federal courts.

That distinction is what moved those members of the committee who were present unanimously to ask that the committee be discharged from the further consideration of the bill, in order that the underlying judicial question might be first determined.

There was no disposition in the committee, nor is there now, to avoid the consideration of this question if it is the judgment of the Senate that the Interstate Commerce Committee is the proper committee to take up and consider it.

It was considered to some extent at the last session. I am not authorized to state what happened in committee. It would not be proper for me to tell here what happened. As I say, it was to some extent considered then. It was considered during the vacation, and it has been considered at this session. For the reason I have stated, that we thought and still think the question whether such an action should lie in a State court or in a Federal court ought to be disposed of by the Judiciary Committee, and for that reason only, I asked that the Committee on Interstate Commerce be discharged from the further consideration of the subject, and that it be referred to the Committee on the Judiciary. But if there is any disposition on the part of the Senate, or if it is the judgment of the Senate that this question should be left with the Committee on Interstate Commerce, I assure the Senate it will have prompt consideration.

Mr. NEWLANDS. Mr. President, when this question came up before the Interstate Commerce Committee I did not object to the motion to refer the bill to the Judiciary Committee, but I did not then know that the bill had prior to that time been before the Judiciary Committee and that that committee had recommended that it be referred to the Interstate Commerce Committee. The Senator from Virginia [Mr. DANIEL] has well said this is a game of battledore and shuttlecock, and in such a game I do not wish to participate.

Now, with reference to this measure, it is a part of the legislation that is being pressed not only before the Congress of the United States, but in every State of the Union—pressed by the labor unions, the railroad unions, the unions of employees of railroads, and opposed in every legislature in every State in the Union by the railroads themselves. It is one of the fruitful causes of that activity in politics by railroad corporations which is so much deplored, and it is with reference to diminishing that activity in politics that I have urged before the Senate that we enter upon a comprehensive plan of incorporating the interstate railroads under a national incorporation act. If we can do that we can cover this question of the insurance of employees against injuries, whether those injuries are the result of the negligence of the corporation itself or whether they are the result of the negligence of a fellow-employee.

Now we are legislating piecemeal every day and every month and every year upon the question of interstate commerce. We are now legislating with reference to rates——

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Illinois?

Mr. NEWLANDS. Certainly.

Mr. HOPKINS. I trust the Senator does not propose to defer action on these bills which are now up for discussion here to-day until the nationalization of railroads under the plan suggested by the Senator.

Mr. NEWLANDS. I do not propose to defer the one. What I wish to do is to accelerate the other, and I insist upon it that we are prepared now to enter upon this question of the national incorporation of railroads——

Mr. HOPKINS. Why combine the two? Why not let each stand on its merits?

Mr. NEWLANDS. And that within a month, if the Senator will permit me to say it, a bill can be reported to the Congress of the United States for the national incorporation of railroads which will cover every question of this piecemeal legislation that is now occupying the attention of Congress, taking up its time unnecessarily. We have within easy reach in a national incorporation act a solution for all these vexed questions.

What was one of the proposals of the national incorporation act which I have suggested, in addition to the question of the control of capitalization, in addition to the question of return upon capital, in addition to the question of a fair, comprehensive rule of taxation that would apply throughout the United States? One of the propositions was that a certain percentage of the gross receipts of all railroads engaged in interstate commerce should be put into an insurance fund, that fund to be responsive to the demands of employees who received injuries in the service, which is the public service.

The gross receipts of these railroads are $2,000,000,000 a year. If you set aside 1 per cent of the gross receipts, it will amount to $20,000,000 annually. Set that aside in a fund in the Treasury, to be invested in approved securities, and then allow the Interstate Commerce Commission to fix the rules upon which payments shall be made to the men receiving the injuries. It is a brutal thing to compel the employee receiving an injury, or his heirs if he is killed in an accident, to resort to the courts, to employ counsel, to submit to the law's delay in order to recover damages. There ought to be some easier and speedier method of securing justice to these people who serve the public in this great service, and the entire expense of it should be fastened upon the public in the shape of a transportation charge.

As it is to-day, the public, in freights and fares, pay the railroads the $2,000,000,000 which they receive. The public pay the operating expense. The public pay the taxes. The public pay interest upon the debt. The public pay dividends to the stockholders. Why should not the public pay 1 per cent more—only one-hundredth of the present receipts—into a fund in order to protect these men who are engaged in the service of the public in a semihazardous occupation? Such a percentage should be regarded as part of the fixed charges against railroad corporations, like taxes and insurance, and rates should be so fixed as to cover this charge in addition to the other operating expenses and fixed charges of the companies.

Mr. HOPKINS. I am not sure I understand the position of the Senator from Nevada, and for that reason I desire to ask

him a question. Is it his position, relating to the nationalization of railroads, that if an employee—a brakeman or a conductor or flagman—on the Pennsylvania Railroad is injured and loses a leg or an arm, instead of the railroad company being liable for the damage, the general public shall pay it?

Mr. NEWLANDS. My proposition is this: That the public pays the entire income, the gross receipts of the railroads; that the entire transportation of the country is imposed upon the business and the transportation of the country; that $2,000,000,000 is received from the public for freights and fares. What I insist upon is that 1 per cent of that sum shall be set aside in an insurance fund for the protection of employees receiving injuries.

Mr. HOPKINS. Is the theory that the Senator presents on the question of damages that if an employee of a road in Pennsylvania or in Ohio is injured that that road has no more to do with paying damages than a road in New England or in California?

Mr. NEWLANDS. No; it has no more to do with the payment of that damage than a road in California or in New England. That is my proposition.

Mr. HOPKINS. In view of that——

Mr. NEWLANDS. My proposition is to take the whole subject-matter out of litigation——

Mr. HOPKINS. Yes.

Mr. NEWLANDS. And to do away with the necessity——

Mr. HOPKINS. In view of that——

Mr. NEWLANDS. If the Senator will permit me to conclude——

Mr. HOPKINS. I desire to ask the Senator from Nevada, if he is a friend of the employees of railroad companies and desires to see that justice is done them, whether it would not be better to consider these bills which are now being discussed in the Senate separately and on their merits than to delay them until this plan which is now advocated by the Senator from Nevada becomes a law?

Mr. NEWLANDS. I have already answered that question. I propose to delay nothing. I do not propose to delay the consideration of the bill which has been presented by the railroad employees of the country. I do not wish to delay action upon the bill that is intended to regulate interstate rates. All I do suggest is that contemporaneously with that action and as a part of it we can within the next month present a national incorporation act which will embrace all these questions, and which will do away with this friction between the public and the railroads, between the employees and the railroads, and which will settle all these questions in a rational, comprehensive, and scientific way.

Mr. HOPKINS. I dislike to take up the time of the Senator, but he says it can all be done in a month.

Mr. NEWLANDS. Yes.

Mr. HOPKINS. The Senator means it could all be done in a month if everybody approved of his plan in its comprehensive outline and in its details.

Mr. NEWLANDS. It could be done if that were accepted.

Mr. HOPKINS. The Senator from Nevada has been discussing this subject somewhat before the Interstate Commerce Committee. I should like to ask him if there is any prospect of that committee presenting his bill to the Senate within the near future?

Mr. NEWLANDS. I can not say. I see evidence of progress. Let me say that thus far almost every man who talks to me upon the subject says that the measure is all right, but it is ahead of the time. My answer is that if a thing is right, now is the time, always; and this thing is right.

I ask what additional questions does the national incorporation act involve?

Mr. SPOONER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Wisconsin?

Mr. NEWLANDS. Certainly.

Mr. SPOONER. I recollect that the Senator and I had a little discussion one day in a general way on his proposition, and I at that time was troubled by one phase of it, and that was the theory upon which the Senator was to arrange to take out of the States' power of taxation and regulation, transportation so far as it was intrastate. Has the Senator satisfied himself that it is within the constitutional capacity of Congress to pass a national railroad incorporation act requiring the interstate corporations of the country to organize under it, and to control independently of the State the purely State business which such railroad corporations would do?

Mr. NEWLANDS. Yes; I will say to the Senator that I have given a great deal of consideration to that question.

Mr. SPOONER. I know that.

Mr. NEWLANDS. It has not been decided by the courts whether or not the National Congress in incorporating an interstate railway can exempt it from State regulations as to intrastate rates. But the courts have not decided to the contrary, and in the case of the Texas Pacific Railway, to which the Senator from Texas [Mr. BAILEY] referred the other day, they have determined that it is an open question; and the Senator from Texas objected to the national incorporation act which I proposed because he feared that the Supreme Court would finally determine that a national corporation, chosen as a national instrumentality for the purpose of carrying out a national purpose, would be freed from State regulation as to purely State commerce. That was his fear. My reply to him was that I hoped that that fear would be realized; that I believed that as interstate commerce constitutes three-fourths of the business of the entire country, and in some States, like Nebraska, embraces nineteen-twentieths of the business of the State, the greater sovereignty ought to create the machine that is to do all the people's business, and that it is unwise and impolitic to burden it with State legislation either as to taxation or regulation; that the public interest requires simplicity in taxation and in regulation, and that the varying systems of taxation and regulation embodied in the legislation of eight or ten or fifteen States through which an interstate railroad system passes tends to complexity and confusion.

Mr. SPOONER. I inferred from the observation of the Senator to the effect that this national incorporation act accomplishing a great reform could be passed within a month; that the Senator had become, upon further reflection and examination, satisfied that there was no constitutional impediment to his plan, through a national incorporation act, to entirely extricate the railroad transportation of the country from State taxation and State supervision, which is one of the objects the Senator very clearly and eloquently set forth in support of his proposition.

Mr. NEWLANDS. But that is not the only object, let me state.

Mr. SPOONER. I know; but if this is a constitutional impediment, it could hardly be removed by the passage of an act of Congress. It would require something beyond that. It would require an amendment to the Constitution. I have not been able quite to make up my mind that the States can be compelled, by an act of Congress, to surrender to a national corporation the transportation arising in the State and ending in the State. Has the Senator?

Mr. NEWLANDS. No; I have not; but the bill can be made permissive or it can be made coercive. In the latter case only will the question to which the Senator has referred arise. But permissive legislation will, in my judgment, accomplish great good.

Mr. DANIEL. I dislike to interrupt this interesting discussion, if the Senator desires to go on, but we are very anxious to get this measure acted upon before 2 o'clock. There have been so many interruptions that I fear the Senator may be detained and we may not get action on the motion. If our friends will abbreviate their curiosity till after this motion is disposed of, it will be very agreeable. I do not mean this in the sense of a rebuke, of course.

Mr. NEWLANDS. Of course I do not wish to delay the Senate in the consideration of this motion, but I should like to answer very briefly—it will not take me more than five minutes, unless I am interrupted—the interrogatories of the Senator from Wisconsin, because I think it is appropriate that the answer should go into the RECORD now.

I will say to the Senator from Wisconsin that while I should hope that in the end corporations organized under a national incorporation act, doing an interstate business amounting to three-fourths of the business of the country, should not be subject to State legislation either as to taxation or regulation, yet I should favor a national incorporation act even if the corporations were subject to both. I do not regard the regulation of intrastate rates as a very serious matter, for it involves so little of the commerce of each one of these corporations engaged in interstate commerce, and even though the legislation of the State may be somewhat embarrassing, it can not be so embarrassing as to counterbalance the great advantages which I think would be obtained by the scientific consolidation of roads under a national charter.

Now, so far as the question of taxation is concerned, I have not the slightest doubt, inasmuch as the power to tax involves the power to destroy, and as that taxation is to be imposed upon the entire instrumentality, in its completeness, used by Congress for the transaction of interstate commerce, that if Congress

decides upon a fixed rule of taxation, uniform, reasonable, and just throughout the entire country, permitting the States to collect the tax upon that rule, the Supreme Court would determine that Congress has the power to fix such a rule.

We find that in the case of the national banks to-day the Congress of the United States fixes the rules of taxation and the States have to conform to it.

Mr. SPOONER. The Senator speaks of Congress permitting the States to collect this tax. Does he mean that the States are to collect taxes levied by Congress; that the States are to become agents of the National Government for the collection of taxes?

Mr. NEWLANDS. No; I do not propose that the National Government shall collect the taxes, but that the States shall.

Mr. SPOONER. But the rule is to be fixed by Congress?

Mr. NEWLANDS. The rule can be prescribed by Congress.

I go further than that. I think Congress can, if it chooses, absolutely exempt these corporations, as national instrumentalities, from all taxation, national or State; and as the greater must include the less, it necessarily follows that the Government can lay down the rule for the taxation by the States of these corporations engaged in interstate commerce; and I cite the Senator to the case of the national banks, which are national instrumentalities, and the Senator will find in the law incorporating national banks that the United States lays down the rule for their taxation by the States.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Minnesota?

Mr. NEWLANDS. Certainly.

Mr. NELSON. Will the Senator from Nevada permit me to suggest, in reference to the bills now under consideration, that the railroad employees are not here asking for the relief the Senator from Nevada suggests. They are simply asking that they be put on a par, in respect to injuries received, with the rights given them in many of the States. Some of our Federal courts hold that a man engaged in the railroad service assumes the risk of the service, and hence that there is no liability. Then again they have extended the doctrine of fellow-servant, holding that where an injury occurs through a mistake or ignorance of a fellow-servant, there is no liability.

Now, in many of the Western States—and I am not familiar with the situation in all the States—the rule is that if an injury happens to an employee engaged in the railway service without his negligence contributing thereto, although it may have occurred through the negligence of a fellow-servant, as it is called, or although it may result from a defective machine or other matters pertaining to it, the railroad company is liable. This is not a question that belongs appropriately to the Judiciary Committee. It is simply a question of public policy—whether the Federal Government will accord to these railroad employees the same rights and privileges in respect to injuries that are accorded them by the laws of many of the States. That is the only question, and in respect to that question of public policy I should think the Committee on Interstate Commerce is as appropriate a committee as any. It is not a question involving legal technicalities or legal matters. It is simply a question whether it is right and just to make the railroads liable in these cases. I submit that the committee which deals with interstate commerce and all that pertains to it is the appropriate committee.

Now, when the railroad employees ask for the relief the Senator from Nevada suggests, that, I think, will be the proper time to consider that question. But they are not asking for that now. The question is whether we will give them the relief they ask for now in these bills or something of that kind.

Mr. NEWLANDS. I trust the Senator from Minnesota understands that I am not opposing any fair law for determining the liability of corporations engaged in interstate commerce for accidents to employees. I am simply pointing out what I regard as a better method of accomplishing the same result, one more humane to the employees, one less costly to the employees, one that takes this whole question out of politics—and it is now in politics in every State in the Union—and one that settles the matter for all time.

I do not wish the Senate to understand for a moment that I am going to delay the consideration of this bill, or that I oppose its consideration by the Interstate Commerce Committee, but I do say that we are taking up this whole question of interstate commerce in the most fragmentary way, by piecemeal legislation, and that by the time we get through we shall find that years of legislation will have covered almost every inch of ground that would be covered by a national incorporation act passed now.

In the interest of the public, in the interest of the railroads themselves, and in the interest of the employees of the railroads, it does seem to me that we should have some comprehensive adjustment of this question that will prevent the overcapitalization of these great consolidated railroads; that will put them under some public control; that will fix the returns on capital; that will lay down a scientific rule of taxation; that will provide some humane method of compensating men who have received injuries or the heirs of men who have died as the result of injury in the service of the great railroad companies.

I insist upon it that now is as good a time as one year or two years hence, and that we will save the time of the Congress of the United States if, while considering this great regulation bill, we also attach to it simple provisions—and you will be amazed how simple the legislation is when your mind is directed to it—permitting the consolidation of railroads by national corporations under the supervision of the Interstate Commerce Commission.

Right now many of the consolidations of the country which have been eminently beneficial to the country are being threatened. In the House the other day a resolution was passed inquiring into the merger accomplished by the Pennsylvania Railroad, a merger which it is said has practically eliminated competition in the entire area covered by the trunk lines—the New York Central, the Pennsylvania Railroad, the Baltimore and Ohio, the Chesapeake and Ohio, and the Norfolk and Western.

Mr. KEAN. Do I understand the Senator from Nevada to say the New York Central and the Pennsylvania and all those roads are merged?

Mr. NEWLANDS. I said that a resolution had passed the House inquiring into such a merger.

Now, for my part, I believe that these consolidations are wise, provided they are entered into with the approval of some commission representing the country at large, such commission controlling the capitalization and preventing overcapitalization. I believe that unrestrained and uncontrolled and undirected combination is bad. I believe that restrained and controlled and directed combination is good.

As a matter of fact, we know that in almost every section of the country competition is being eliminated by combinations that have taken place. Many of them, under the doctrine of the Northern Securities decision, in absolute violation of law. It would be a great misfortune if the entire country were thrown into confusion by decisions annulling the combinations which have been already accomplished.

It will not do to wait till a crisis comes. We should consider this question now instead of waiting till the courts destroy and dismember these combinations and reduce the entire transportation of the country to confusion, and then by legislation take up the fragments and endeavor to mold them into legalized combinations.

It is a well-known fact, whether a merger has been accomplished or not, that competition has been practically eliminated in the entire trunk-line area. It is an absolute fact in ten Southern States that competition has been practically eliminated by the mergers that have been accomplished through the Southern Railway system, the Atlantic Coast Line system, and the Illinois Central Railroad system, those three systems having combined now 26,000 miles of railroad out of less than 30,000 miles of railroad in ten or twelve Southern States. Mergers accomplished under the law of a single State, yet effectual in the commerce of many States.

I am admonished that we are approaching the close of the morning hour, Mr. President, and I will not pursue this line further. I shall take the opportunity, however, at a later day, to say something on this subject.

Mr. PATTERSON obtained the floor.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Georgia?

Mr. PATTERSON. Yes; because it was my desire to get the floor not for the purpose of discussing this question. I want to discuss the resolution of the Senator from South Carolina [Mr. TILLMAN] and give my views, which are not quite in harmony with the views of my colleagues upon this side of the Chamber, on the matter of the Monroe doctrine, the Santo Domingo treaty, and the pending arrangement between the President and Santo Domingo. But it is very desirable, I think, that this motion should be disposed of in some way, and I yield the floor for the time being to the Senator from Georgia, to resume it when I can.

The VICE-PRESIDENT. The Senator from Georgia will proceed.

Mr. BACON. Mr. President, as there has been no distinct statement by any member of the Judiciary Committee who was a member at the time the bill was reported back to the Senate with a request that the committee be discharged and that it be

then referred to the Committee on Interstate Commerce, I desire to state, so far as I myself understood the action of the committee, the ground upon which it was based. It was not from any disposition to shirk a duty nor from any disposition to engage in the game of shuttlecock and battledoor, to which allusion has more than once been made.

The bill, as it appeared to the committee, is an extremely far-reaching measure, one, so far as I know, absolutely novel in its provisions and in the purposes which it seeks to accomplish. If it were a bill which sought to fix the rule of the liability of railroad companies to its employees in the District of Columbia or in the Territories, there would be no question that it would be a bill which should go to the Judiciary Committee. But the bill goes very much farther than that. In fact, that feature of it is infinitesimal compared with that which it embraces in its totality.

It is a bill which proposes to fix the rule of the liability of railroad companies for damages to employees not simply in the District of Columbia or in the Territories, but the rule of damages in all cases and in all jurisdictions of railroads which are engaged in interstate commerce, and as almost every railroad in the United States of any consequence is engaged in interstate commerce it may be said to be practically a bill which proposes to take away from the State the right to fix what shall be the rule of damages in case of an injury to an employee by a railroad company in that State and to have a rule of damages which shall be enacted by the Congress of the United States applied to every railroad in the United States that is engaged in interstate commerce. This would also necessarily devolve upon the Federal courts in each State the jurisdiction to try all cases against railroad companies in suits against them to recover damages for personal injuries. The magnitude of that question must strike everyone without any comment upon it whatever. The Senate will perceive that the great question presented by the bill is not the question, as suggested, simply whether this is a correct rule of damages, but whether or not under the interstate-commerce provision of the Constitution it is a matter within the jurisdiction of the Congress of the United States to pass a law which shall fix the rule of liability for damages in all cases in the United States in suits for personal injuries to employees.

It was for that reason, Mr. President, that the Judiciary Committee thought that a bill involving a question which hinged, and necessarily turned, upon the question whether it was a matter within the interstate-commerce provision of the Constitution should be with the Interstate Commerce Committee rather than with the Judiciary Committee. The Judiciary Committee considered this question in two sessions of Congress, and the then chairman of the committee, the former senior Senator from Massachusetts, Mr. Hoar, was very decidedly of the opinion that it was a question which should be determined, or rather which should be examined upon and reported to the Senate, by the Interstate Commerce Committee rather than by the Judiciary Committee.

I will state for the information of the Senate that, so far as the interests of my State are concerned, the bill would have very little effect, because the first two sections of the bill, which are the important ones, and which more immediately relate to the question of liability, are now substantially the law of Georgia. That is the fixed law of Georgia, and I approve of that law as the law of my State. But as to whether or not the Congress of the United States shall hereafter have jurisdiction to fix the question of what shall be the liability of a railroad company in California, or in Maine, or in Louisiana, or Texas, or Pennsylvania, and whether each of these States and all other States shall thereafter surrender the right to fix the question of the liability of railroads for such damages, and shall surrender the jurisdiction of the State courts to try such cases and turn them all over to the Federal courts, is an immense question.

The Senator from Virginia [Mr. DANIEL], who is the author of the bill, says to me that the States would not surrender it. Of course I would hesitate to differ from him on that subject, because he has given it very much more thought than I have. I have simply been guided by what I think is the plain reading of the bill and what I know to have been the view taken of it by the Judiciary Committee. I will read it for the purpose of seeing whether or not I am correct, and I will take but a minute; I see the time is nearly out before the expiration of the morning hour. The language is this:

That every common carrier by railroad engaged in trade or commerce in the District of Columbia, or in any Territory of the United States, or between the several States, or between any Territory and another, or between any Territory or Territories and any State or States, or the District of Columbia, or with foreign nations, or between the District of Columbia and any State or States or foreign nations, shall be liable to any of its employees, who are occupied in such trade or commerce, or, in the case of his death, to his heirs at law, for all damages which may result from the negligence or mismanagement of any of its officers, agents, or employees, or by reason of any defect or insufficiency in its cars, engines, appliances, machinery, track, roadbed, ways, or works.

That, as I have said, is the law of Georgia now. So I am not arguing as to anything which would affect my State or change the law from what it now is, except in so far as it would take the jurisdiction in all such cases from our State courts and confer the same upon the Federal courts, which would be a great hardship on the railroad employees. But it seems to me that that language would confer upon the Congress of the United States the right to legislate as to those matters, as to any railroads engaged in interstate commerce, and it could not be a concurrent jurisdiction between the Congress of the United States and the several States to legislate upon the same subject.

But I do not propose to discuss the question now. I simply rose for the purpose of suggesting the reasons why the Judiciary Committee thought the bill ought to go to the Interstate Commerce Committee. It was because it involved a great interstate-commerce question and must hinge upon the decision whether it was within the provision of the Constitution giving to Congress the right to legislate with reference to interstate commerce. I wished also to say that I think it ought to remain with the Committee on Interstate Commerce and that the Judiciary Committee was correct in the suggestion upon which the Senate acted in referring it to that committee.

Mr. TILLMAN. Mr. President——

Mr. PATTERSON. Mr. President, if there will be a vote taken upon the motion of the Senator from West Virginia now, I will yield for that purpose, but I will not yield for any other purpose.

Mr. TILLMAN. We can not get a vote until after I am heard. I have been sitting here for about an hour in order to get in. I did not care to rush roughshod over others.

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from South Carolina?

Mr. PATTERSON. It is perfectly manifest that this matter can not be disposed of this afternoon.

Mr. DANIEL. Let it go over until to-morrow.

Mr. PATTERSON. Therefore I desire to hold the floor until the time for placing the regular business of the session before the Senate arrives, that I may have the floor at the conclusion of the morning business to-morrow.

Mr. CLARK of Wyoming. Mr. President, I rise to a parliamentary inquiry. I should like to ask from the Chair the present parliamentary status of this matter of reference.

The VICE-PRESIDENT. The question is on the motion of the Senator from West Virginia [Mr. ELKINS], that the Committee on Interstate Commerce be discharged from the further consideration of the bills and that they be referred to the Committee on the Judiciary. Two questions are involved, and the first question is on the motion to discharge the committee.

Mr. CLARK of Wyoming. Before the motion is put, as a member of the Judiciary Committee I wish to say with reference to the merits of the bill or any other that it was only upon due consideration in the last Congress the Judiciary Committee came to the conculsion, and so reported through its chairman to the Senate, that the proper jurisdiction of the bill belonged to the Committee on Interstate Commerce. They did that after consideration, and did it with no desire to evade responsibility or to shirk work. That was the position of the Senate Committee on the Judiciary at that time, and it is the position held by some members of the committee at this time. I make that statement simply as an explanation.

Mr. ELKINS. Will the Senator from Colorado allow me just one word?

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from West Virginia?

Mr. PATTERSON. Yes.

Mr. ELKINS. After the Senator from South Carolina [Mr. TILLMAN], who is a member of the Interstate Commerce Committee, has an opportunity to be heard, with the consent of the members of the committee, which has been obtained, I will ask unanimous consent to withdraw my request. But I will not do so until after the Senator from South Carolina has had an opportunity to be heard. I want to give notice to the Senator from Colorado what my purpose is.

Mr. PATTERSON. I did not understand the Senator from West Virginia.

Mr. ELKINS. I stated that after the Senator from South Carolina [Mr. TILLMAN], who is a member of the Interstate Commerce Committee, has had an opportunity to be heard, I will ask unanimous consent to withdraw the request I made and leave the two bills in the Interstate Commerce Committee.

That will dispose of the question. But I do not want to make that request until after the Senator from South Carolina has been heard, if the Senator from Colorado will yield to him.

Mr. PATTERSON. Mr. President, I did intend to address the Senate upon the subject that has engrossed a good deal of its time and that involves questions as momentous as those that are involved not so much in the resolution of the Senator from South Carolina as in cognate questions that have been referred to and discussed and enlarged upon by Senators upon both sides of the Chamber.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 529) to promote the national defense, to create a force of naval volunteers, to establish American ocean mail lines to foreign markets, to promote commerce, and to provide revenue from tonnage.

Mr. GALLINGER. Mr. President, I have some amendments that I desire to offer to the bill.

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Colorado?

Mr. PATTERSON. Let me get the status at this time.

Mr. GALLINGER. I will yield to the Senator.

Mr. PATTERSON. I trust the Senator from New Hampshire understands——

The VICE-PRESIDENT. The unfinished business is the regular order and displaces all other business under the rule.

Mr. PATTERSON. That at the conclusion of the morning business to-morrow I will have the floor.

The VICE-PRESIDENT. The Senator may give notice to that effect.

Mr. PATTERSON. I give notice now that I will continue to-morrow, at the conclusion of the morning business, the remarks I commenced this afternoon.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Ohio?

Mr. GALLINGER. Certainly.

Mr. FORAKER. I only rose to make an inquiry as to what the ruling is upon the request of the Senator from Colorado. I do not understand that any Senator can preempt the floor except by the unanimous consent of the Senate.

The VICE-PRESIDENT. The Senator from Colorado has made no request, but has simply given notice.

Mr. FORAKER. I understand he has no right on that account except the general right which attaches to giving a notice.

The VICE-PRESIDENT. The Chair agrees with the Senator from Ohio. The Senator from New Hampshire has the floor.

THE MERCHANT MARINE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 529) to promote the national defense, to create a force of naval volunteers, to establish American ocean mail lines to foreign markets, to promote commerce, and to provide revenue from tonnage.

Mr. GALLINGER. I send an amendment to the desk, which I ask may be read.

The SECRETARY. On page 6, line 2, after the word "thereof," the first word in the line, insert:

engaged exclusively as a common carrier for the service of the public.

So as to read:

SEC. 2. That in the interest of the national defense and for the performance of the public services hereinafter specified, after July 1, 1907, the Secretary of the Treasury is hereby authorized and directed to pay, subject to the provisions of this act, out of any money in the Treasury not otherwise appropriated, to the owner or owners of any vessel hereafter built and registered in the United States or now duly registered by a citizen or citizens of the United States (including as such citizens any corporation created under the laws of the United States or any of the States thereof, engaged exclusively as a common carrier for the service of the public), subventions as hereinafter provided, etc.

The amendment was agreed to.

Mr. GALLINGER. In line 21, page 7, after the word "of," where it first occurs, I move to insert "section 2 of;" so as to read:

SEC. 3. That before receiving any subvention under the provisions of section 2 of this act the owner or owners of any vessel shall contract, in writing, with sufficient sureties, with the Secretary of Commerce and Labor to fulfill each and all of the following obligations, etc.

The amendment was agreed to.

Mr. GALLINGER. In line 7, page 9, after the word "no" and before the word "dry," I move to insert the word "American;" so as to read:

Fifth. That all ordinary repair or overhauling of said vessel shall be made in the United States, except in cases where dry docking is necessary and no American dry dock of sufficient capacity shall be within a distance of 500 miles of the location of the ship when the repairs shall be needed.

The amendment was agreed to.

Mr. GALLINGER. On page 11, line 11, I move the same amendment after the word "no;" so as to read:

except in cases where dry docking is necessary and no American dry dock of sufficient capacity shall be within a distance of 500 miles of the location of the ship when the repairs shall be desired, etc.

The amendment was agreed to.

Mr. GALLINGER. On page 13 I move to strike out lines 14 to 23, inclusive.

The SECRETARY. On page 13 strike out from line 14 to line 23, inclusive, in the following words:

Eighth. From a port of the Atlantic coast of the United States to the United Kingdom and northern Europe, on steamships of the United States of not less than 20 knots speed, for a weekly service at a maximum compensation not exceeding $250,000 a year in addition to the compensation now provided pursuant to contract under the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce."

The amendment was agreed to.

Mr. GALLINGER. On page 16 I move to strike out lines 4 to 17, inclusive, which is the provision for an increased tonnage tax, section 8.

The SECRETARY. Strike out section 8 of the bill, in the following words:

SEC. 8. That a duty of 8 cents per net ton, not to exceed in the aggregate 80 cents per net ton in any one year, is hereby imposed at each entry by sea on all vessels which shall be entered in any port of the United States from any foreign port or place in North America, Central America, the West India Islands, the Bahama Islands, the Bermuda Islands, the coast of South America bordering on the Caribbean Sea, or Newfoundland; and a duty of 16 cents per net ton, not to exceed in the aggregate $1.60 per net ton in any one year, is hereby imposed at each entry by sea on all vessels which shall be entered in any port of the United States from any other foreign port or place, not, however, to include vessels in distress or not engaged in trade.

The amendment was agreed to.

Mr. GALLINGER. I move to strike out section 10 of the bill likewise, that having relation to section 8, which has just been stricken out.

The SECRETARY. It is proposed to strike out section 10, in the following words:

SEC. 10. That section 14 of the act approved June 26, 1884, entitled "An act to remove certain burdens on the American merchant marine and to encourage the American foreign carrying trade, and for other purposes;" sections 11 and 12 of the act approved June 19, 1886, entitled "An act to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes;" section 1 of the act approved April 4, 1888, entitled "An act to amend the laws relating to navigation, and for other purposes;" so much of section 4219 of the Revised Statutes as conflicts with this act, and section 4232 of the Revised Statutes are hereby repealed.

The amendment was agreed to.

Mr. PATTERSON. Would it not be a good idea to have the bill reprinted?

Mr. GALLINGER. I am going to have that done. There is one other amendment which I should like to state. I shall move to amend the title of the bill so as to read:

A bill to promote the national defense, to create a naval reserve, to establish ocean mail lines to foreign markets, and to promote commerce.

I now ask that the bill be reprinted, showing all the amendments that have been made up to the present time.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. FRYE. I should like to know what consideration, by what committee or commission, has been given to the amendments which the Senator has offered to-day.

Mr. GALLINGER. Mr. President, I will say to the Senator that the Committee on Commerce has not had the privilege of giving them consideration. I did not suppose it was necessary in matters of this kind to take them before the committee which originally authorized the bill to be reported. I conferred, I will say to the Senator, with sundry Senators who have been interested in this subject and who have given it a great deal of thought, and it was deemed wise to make these amendments.

Mr. FRYE. I think the amendment which takes away from the American line the increased subsidy will convert the American line into a British line before a great while.

Mr. GALLINGER. I think, Mr. President, the Senator is probably correct in that contention.

Mr. FRYE. If the Senator will allow me——

Mr. GALLINGER. Certainly.

Mr. FRYE. I should like to say a word or two in relation to section 8. I regard that section as of the gravest importance. For a great many years we have been living in our country under a tonnage tax, which was not in the least oppressive, 3 cents, I think, a ton from all vessels entering our ports from neighboring countries, not to exceed five entries in a year. That would be 15 cents; all other entries from foreign ports 6 cents a ton, not to exceed 30 cents; a very moderate tax indeed.

During all these years our ships entering foreign ports have been paying from two to three and almost four times as heavy a tax.

I reported from the Committee on Commerce a few years ago a bill increasing our tonnage tax. It ought to be increased beyond any manner of question. We ought not to give such preferences to foreign commerce as are given by their heavy taxes upon our ships that enter their ports. Great Britain took notice of the fact that such a law had been reported, and immediately—if I remember aright—reduced her tax to about the level of ours.

Mr. GALLINGER. A little larger.

Mr. FRYE. A little larger, but only a little larger—almost to a level with ours. No other country took notice of it or did any such thing. They are still making our ships pay very excessive taxes at every entry which we make.

I want just as briefly as can be done to give these taxes. The British taxes, I say, were reduced pretty nearly to the level of ours.

German tax, 8 cents every arrival; ours, 6 cents (five arrivals, and no more); and the steamships will average probably ten arrivals, which would make the German tax 80 cents as against ours of 30 cents. French, 20 cents each arrival. If it made ten arrivals it would be $2. Italian, 27 cents; Spanish, 48½ cents; Norwegian, 35 cents; Austrian, 16 cents.

The tax which we have been imposing upon these foreign ships entering our ports has been a mere bagatelle, and the taxes which they have imposed on our ships entering their ports have run from two to three times greater than ours.

So I say I regard this section of the bill as of very great importance. The tonnage tax should be increased beyond peradventure. I hope if this bill passes the Senate and goes to the House of Representatives there the constitutional question which has been raised here will be laid to one side and that they will reincorporate in the bill an increased tonnage tax. I hope, though, it will not be so high a tonnage tax as this section 8 provides for. In my judgment, it is too high. It should not be higher than the average taxes which are imposed upon our vessels entering foreign ports. That is all that I desire to say about it.

I suppose this section is stricken out undoubtedly because the constitutional question has been raised in the Senate, and the Senator from New Hampshire did not wish to hazard the bill by having that question discussed and passed upon here.

Mr. GALLINGER. The Senator, Mr. President, is quite right in his closing suggestion. While some of us have felt that the constitutional question was at least a matter that could be doubted, some of us holding that it is not unconstitutional to provide revenue of an incidental nature in connection with a bill of this kind, yet the matter was so earnestly and so persistently and properly opposed by certain distinguished Senators on the other side—lawyers of eminence—that having this bill in charge it seemed to me it would not be profitable for us to consume a great deal of time in discussing that question and hazard the passage of the bill if we insisted upon keeping it in the bill.

For that reason it has been stricken out, and I join with the Senator from Maine in the hope that the House of Representatives, where no constitutional question can arise, may restore the section, at least increasing the tonnage tax to some extent. I agree with the Senator that the amount named in the bill is too high, and had the section remained in the bill I would have moved to reduce it.

Now, Mr. President, that was the motive which prompted me to move to eliminate the section from the bill, and I trust that the bill will now commend itself more warmly to the support of those who have been opposing it than it did in the first instance.

The senior Senator from Massachusetts [Mr. LODGE] intends to address himself to the bill, but he is temporarily out of the Chamber, and if there is any other business that will occupy a little time I will lay the bill aside or I will be glad to have other Senators discuss the subject.

Mr. MALLORY. Mr. President, I only rise to say, in reference to what has just been said by the Senator from New Hampshire [Mr. GALLINGER], that possibly I am one of those who so persistently advanced this question of constitutional law connected with this feature of the bill. I did not do so for the purpose of embarrassing the majority at all, but because I was conscientious in the belief that if retained in the bill in that shape the House of Representatives would send it back to us with some such suggestion as they attached to a measure which, in my judgment, was less obnoxious to that seventh section of the tenth article of the Constitution than is this bill.

I do not mean to say now that that provision of the bill is unconstitutional, but I think it is a matter for us to consider. I do not think it would take a very long time for us to determine, so far as the Senate is concerned, whether it is safe to put it in a bill or not. I merely want to put myself aright. I had no desire or purpose whatever to gratuitously interfere with the progress of this bill; but a matter of that kind is, in my judgment, extremely important, involving, as it may, the privileges of the two Houses, and I consequently desired to bring the matter to the consideration of the Senator from New Hampshire.

Mr. FRYE. Mr. President, I desire to ask the Senator from Florida a question before he takes his seat.

The VICE-PRESIDENT. Does the Senator from Florida yield to the Senator from Maine?

Mr. MALLORY. Certainly.

Mr. FRYE. Does not the Senator believe that the tonnage tax should be increased?

Mr. MALLORY. From what it now is?

Mr. FRYE. From what it now is.

Mr. MALLORY. Yes; I think so. I agree with the Senator from Maine as to that. As I said, I think it is probably too high as fixed in the bill, but I think it is too low as it is now under the law. I should be perfectly willing to see it increased from what it is now, but it would be rather an injury than a benefit to increase it to the extent which is proposed in this bill.

Mr. FRYE. I agree with the Senator that it is too high in this bill. There is no doubt about that. It will provoke tremendous hostility to the bill.

Mr. LODGE. Mr. President, there is really no need of my attempting to discuss at any length the principles involved in this shipping bill or in the report of the Commission. The general argument was covered with such thoroughness and such masterly grasp of the subject by the chairman of the Commission, the Senator from New Hampshire [Mr. GALLINGER], that there is nothing for me to add to it. But there were one or two points made by the Senator from Florida [Mr. MALLORY] upon which I should like to say a few words. One was in reference to the constitutionality of granting subsidies or bounties for the purpose of encouraging the shipping of the United States.

The Senator from Florida in his speech disputed the constitutional right of Congress to pass legislation of this character, and made one or two citations in support of that contention.

Mr. President, the grant of a bounty or a subsidy is a power which is recognized by all the authorities as inherent in any sovereign government. It has been, in fact, so generally recognized that I do not think it has ever been specifically contested. The Senator from Florida read from Judge Cooley's work on Taxation in support of his position, but the passage he cited was rather as to the expediency than as to the constitutionality of legislation of this character. He also cited a decision of Mr. Justice Miller in the case of The Loan Association *v.* Topeka, in 20 Wallace; but it seems to me that that case is very easily distinguishable. In the Topeka case a bonus was given to a particular firm or company. The principle adopted by all the courts is that a bounty must be for a public object; and that if it is for a public purpose the right of a sovereign State to grant it is uncontested. But the Topeka case, as I have said, is easily distinguishable on the ground that it was for the benefit of a particular person. Mr. Justice Miller in his decision uses the phrase, "private or personal object," and he uses it repeatedly. He says:

> To lay with one hand the power of the Government on the property of the citizen and with the other to bestow it upon favored individuals to aid private enterprises and to build up private fortunes is none the less a robbery because it is done under the forms of law and is called taxation. This is not legislation. It is a decree under legislative forms.

But he further says:

> And in deciding whether in the given case the object for which the taxes are assessed falls upon the one side or the other of this line they must be governed mainly by the course and usage of the Government, the objects for which taxes have been customarily and by long course of legislation levied, what objects or purposes have been considered necessary to the support and for the proper use of the government, whether State or municipal. Whatever lawfully pertains to this and is sanctioned by time and the acquiescence of the people may well be held to belong to the public use, and proper for the maintenance of good government, though this may not be the only criterion of rightful taxation.

He thus draws the distinction plainly between a subsidy or a bounty given for a public purpose and one given for the benefit of a private individual, or, as in the case before the court, for the benefit of a particular firm or company. Now, the subvention in this bill is offered to every company, firm, or individual in the United States who is ready to build and operate ships in our foreign commerce; it is open to all the people of the United States; it is not confined to a particular firm or company, and

the question therefore is simply whether the purpose of that bounty or subvention is a public purpose, and adopting the criterion set up by Mr. Justice Miller, whether it is in accordance with the usage and the general practice of governments.

The purpose of this bill is to offer encouragement by means of a payment of money to every man who will join the naval reserve or who will go into the deep-sea fisheries on the theory that it is a school for sailors, with a view to their fitness to serve the flag at any time and in any emergency. It is exactly parallel, so far as the naval reserve is concerned, to the bounty offered to soldiers and sailors to enlist. It is an encouragement to any man who will take service to enter upon it in the belief that in doing so he serves a great public object.

We spend money in order to educate and prepare officers for the Navy. Surely it is equally legitimate to spend money in the way of bounty or subvention or in any other manner for the education and preparation of seamen, which is clearly a public object. Mr. President, in support of this contention I desire to call attention to the case of Allen *v.* Smith, in volume 173 of the United States Reports. That was a case involving the sugar bounty, a case arising under a will as to the disposition of sugar bounties earned by the testator's estate.

Mr. SPOONER. Under the tariff act of 1890?

Mr. LODGE. Under the tariff act of 1890. In that case the court recognize absolutely the legitimate character and the constitutionality of that bounty. The question, of course, which they were deciding was simply the disposition of it under the will, but the language of the court is worth reading in this connection. In speaking of the bounty, the court say:

> It was not so much a gift by the Government as a reward paid in consideration of expenses incurred by the planters upon the faith of the Government's promise to pay a bounty to the manufacturers and producers of sugar. As applied to this case, we think the act of 1895 should be construed as a continuation of the prior bounty.

Recognizing in that way the legitimate character of that bounty.

> To say that it is an "unwilled asset" is practically to hold that it is a gift from the Government "without anything in the nature of a consideration," and that the amount of sugar produced is only to be considered as the measure of the bounty. This dissociates the bounty altogether from the motive which actuated Congress in granting it, and turns it into a mere donation of so much money, which it can not be presumed to have made, even if it had the power.

The court, following the exact line of distinction laid down by Mr. Justice Miller, then said:

> Bounties granted by a government are never pure donations, but are allowed either in consideration of services rendered or to be rendered, objects of public interest to be obtained, production or manufacture to be stimulated, or moral obligations to be recognized. To grant a bounty irrespective altogether of these considerations would be an act of pure agrarianism, and to determine who is entitled to the benefit of the bounty is but little more than to determine who has rendered the consideration.

You will observe that they say that bounties granted by the Government are allowed either in consideration of services rendered or to be rendered, objects of public interest to be obtained, production or manufacture to be stimulated; in other words, they held that the encouragement of the sugar industry was "an object of public interest to be obtained, of production and manufacture which could be properly stimulated by the Government;" that it met the requirement of a public object and therefore was entirely legitimate. Can there be any doubt that the training of seamen for the national defense is as legitimate a public purpose as growing sugar?

Mr. President, I think no one can dispute that the object of this bill is an object of public interest; that it is not confined to a particular firm, person, or corporation; that it is open to every citizen of the United States, and, more than all this, that it is in absolute accord with a long line of precedents of legislative action which meets the last test established by Mr. Justice Miller in the usage and practice of the Government.

Let us examine the history of the policy of the United States as to encouraging and training seamen.

The fishery bounties were first granted by act of February 16, 1792, at the rate of $1.50 per ton to vessels between 20 and 30 tons, and $2.50 per ton to vessels of above 30 tons—engaged for four months of a year, three-eighths going to the owners and five-eighths to the crew.

By act of July 8, 1797, the bounties were increased 33⅓ per cent.

By act of March 3, 1807, the bounties were repealed, and salt was put on the free list for the benefit of the fishermen.

The enrolled and licensed fishery tonnage fell off from 70,306 in 1807 to 30,459 in 1812—due in part to the embargo and later the war.

By act of July 29, 1813, bounties were again given to vessels "carrying on the bank and other cod fisheries," at the rate of $2.40 for vessels above 20 and below 30 tons and $4 for vessels above 30 tons for four months' service in a year.

The bounties were given at first ostensibly in part in compensation for the salt duties, but the salt duties were reduced from 20 cents a bushel finally to 2½ cents, and the bounties were not lessened.

Between 1815 and 1857 $12,128,000 was expended in bounties. The tonnage of the cod fisheries increased from 26,510 to 104,573, and the men from 3,711 to 13,545.

In the early years of the bounties the deep-sea fisheries were intensely a local industry. Doctor Seybert, in his Statistical Annals (1818), says:

> Our fishermen have been almost exclusively confined to the New England States; of these Massachusetts had the greatest share. * * * In the cod fishery no vessel (except 48⅔ tons returned for New Jersey in 1803 and 66⅔ for Virginia in 1796) was owned south of New York.

Now the ocean fisheries are carried on out of Florida ports, and in the North Pacific from San Francisco and Puget Sound.

The fisheries were seriously reduced after 1861—the war drawing the men into the Navy and Army—and in 1866 the bounties were discontinued and free salt in bond for curing fish was granted.

Mr. President, for more than seventy years bounties were given by our Government to fishermen without any requirement as to a naval reserve, such as we find in the pending bill, but simply because, in the judgment of the Congress during that long period, the fisheries, although then a very local industry—far more localized than they are now—were a matter of public interest sufficient to demand this special aid and encouragemen from the Government of the United States.

It is not at all unusual for governments to make such gifts or bounties to the fishing industry. At this very time fishery bounties are given by Canada, France, Germany, and Japan. Our fishermen have to compete with their near neighbors in Canada who receive a large bounty, being the income of the Halifax award, which was funded, and the annual income of that $5,000,000 award is distributed in bounties to the Canadian fishermen.

One of the earliest questions which confronted our Government was the encouragement of our merchant marine and fisheries. The merchant marine was encouraged by discriminating duties; the fisheries by a direct bounty. I have given already the date of the original act, but the report of Mr. Jefferson, then Secretary of State, on that question is one of the most interesting of our early State papers. Discussing the whole history of the fisheries, the entire report is an argument in favor of special aid to that industry. He says:

> On the whole—

Mr. Jefferson says—

> the historical view we have taken of these fisheries proves they are so poor in themselves as to come to nothing with distant nations—

He means nations distant from the fishing grounds—

> who do not support them from their treasury.

He recognizes absolutely the propriety of support to the fishing industry for reasons which he has set out at length in this famous report. He says further:

> We have seen that the advantages of our position—

That is, our neighborhood to the fishing grounds—

> place our fisheries on a ground somewhat higher, such as to relieve our Treasury from giving them support; but not to permit it to draw support from them, nor to dispense the Government from the obligation of effectuating free markets for them.

His argument is that we should take special pains to compel free markets for them and that we should furnish them with their salt free. But Congress decided that it was necessary to go further and passed the direct bounty act to which I have referred.

It is perfectly clear that granting bounties, from the well-recognized and familiar instance of the enlistment bounty to the soldier and the sailor, is a right inherent in sovereignty, a right which has never been questioned. The only question as to granting a bounty is whether it accords with the principles which have been stated by Mr. Justice Miller—that is, whether it is a bonus to a particular firm or person, or whether it is open to all the citizens of the country equally; whether it is for the promotion of a private object, or for the encouragement of some industry or some manufacture which is of general public interest, and, lastly, whether it is in accordance with the usages of governments generally.

Mr. President, it is too clear to require argument that in this particular case the bounty or the subvention proposed for our shipping is open to all the citizens of the United States; that it is designed to further a great public object—the encouragement and development of our merchant marine, which those of us who

have taken an interest in this subject—and I think we all do—believe would be of great and general advantage to the country at large, and, lastly, it is proved absolutely by many years of Congressional action that it has been the usage of this country to grant bounties to persons engaged in the fisheries and in the merchant marine, and also that it has been the practice in the past and is to-day the practice of other governments. It does not seem to me, Mr. President, that on that ground it is possible to contest successfully the constitutionality of this bill. On the contrary, in this bill we are following one of the policies adopted at the beginning of the Government and pursued for three-quarters of a century for the promotion of an industry, which all the Congresses and Executives of that period, without any distinction of party, conceived to be for the general interest of the entire country.

Now, I wish to take up another single point which has been brought recently to my attention. American shipowners and seamen, the men engaged in the actual operation and management of shipping, have been subjected not only to the rivalry of other nations and thrown without protection into the great arena of trade competition, but they have been obliged to meet special opposition in the bounties and the discriminations of various kinds used by other governments for the promotion of their own commerce. Quite recently there has been brought to my attention an organization, to which I have not seen allusion before, known as the "Sailing Ship Owners' International Union." It is a great combination of the sailing vessels of three countries—Great Britain, France, and Germany. They have formed a huge trust or combination to regulate the price of freight carried in sailing vessels.

Twenty or thirty years ago the best trade in which great sail ships engaged was the export of grain from our Pacific States around Cape Horn to Europe. American vessels, most of them built in New England and officered and largely manned by New England men, were the leaders in this trade, and it was a matter of record that American ships not only made the swiftest passages, but met with the fewest accidents, and delivered their cargoes of wheat in the best condition. Notwithstanding this fact, the powerful British insurance monopoly of Lloyds so discriminated in rates against these American ships that one by one they were driven out of the traffic and forced to seek refuge in the coastwise trade or become coal hulks and barges.

I may say, in passing, that the discrimination used by Lloyds has been one of the greatest obstacles in the way of the rehabilitation of our merchant marine, and one of the principal causes of the injuries inflicted upon it in the past.

Now the owners of the British ships, which, with some German and French ships, monopolize the wheat trade, have formed a hard and fast combination known as the "Sailing Ship Owners' International Union." More than 75 per cent of British, French, and German sail tonnage have joined this combination, as follows:

Country.	Total tonnage, 1,000 tons and upward, excluding liners.	Tonnage entered international union.
Great Britain	1,127,809	848,522
France	299,073	240,605
Germany	365,710	277,822
Total	1,792,592	1,366,949

Apparently no American ships are admitted to this European combination, though a few are still afloat. This European shipping trust has its headquarters at Leadenhall Buildings, London, and from this London office has issued a ukase to govern our American wheat trade.

Its methods are the approved and familiar methods of great industrial combinations or trusts everywhere. Its business is "managed by a committee consisting of seven representatives from Great Britain, four from France, and four from Germany."

This committee shall from time to time fix the minimum rates of freight—

I am quoting from their rules—

from the various loading ports as they judge best, in their absolute discretion.

Such owners as agree to join this union shall bind themselves not to accept for the ships which they control less than the minimum rate appointed by the above-mentioned international committee for any voyage for which the committee shall have fixed a rate of freight.

The committee shall have power to call upon each member of the union to disclose on oath the rate of freight and conditions of any charter.

In the event of any member of the union committing any breach of his undertaking, or of the rules of the union, he shall pay liquidated damages to the committee of 5 shillings per ton on the dead-weight capacity of the ship in connection with which the breach had been committed, but should such breach be committed unwittingly and through no fault of the member, the committee have discretion to modify the damages.

The object of the union is to control the grain rates of the world by means of this combination of sailing vessels.

This remarkable combination seems to have been of British free-trade origin, for a British newspaper article describing it states that—

It is practically the creation of Mr. R. W. Leyland, the well-known Liverpool shipowner.

And this British newspaper goes on to declare exultantly that—

The International Union of Sailing Ship Owners is the most remarkable body of its kind in the world. Indeed, it may be regarded as the most powerful shipping combination in existence, and it has no parallel in the international character of its constitution, which at first appeared to be a weakness, but is now seen to be a source of strength, for without foreign cooperation the union would have been impossible, and the French and German owners are even more enthusiastic for the union, if possible, than the British.

But the most interesting feature of this European shipowning combination to the American people, and especially to our Western farmers, is to be found in rule No. 2:

The only object of the union for the present shall be to fix minimum rates of freight for the principal voyages in which sailing ships engage, excepting only outward voyages from the United Kingdom or Continent of Europe, for which no rates of freight shall be arranged, each vessel being left free to make the best terms she can.

That is from their own countries they do not make a combined rate. These European shipowners have not framed their "combine" for the sake of increasing freight rates on the export products of their own countries. They are careful to give their own manufacturers and farmers at home the benefit of the most-favored treatment—low rates and free competition. Where they set their "combine" to work is on the export trade of the western coast of the United States; and the "combine" wrings its profits out of the harvests of the western farmers.

Here are a group of British, French, and German shipowners controlling 75 per cent of the available ocean sail tonnage of the world, dictating from London what tariff in the form of freight shall be imposed upon American products where they come into competition with their own products and at the same time leaving the market open to competition for the carrying of their own products into our country and other countries where they have to compete with local manufacturers and producers.

Under date of June 1, 1904, this foreign shipping trust fixed, in a circular signed at the Leadenhall Buildings by O. H. Pollak, honorary secretary, freight rates on the wheat of our far western farmers exported from San Francisco, Portland, Tacoma, or Seattle at a minimum of from 22 shillings 6 pence to 27 shillings 6 pence. Before this trust was formed the French subsidized ships had pulled the freight rates down as low as 17 shillings.

Therefore, the first stroke of this "combine" was to exact from our western wheat growers in freight money on shipments to Europe from 5 to 10 shillings per ton, or, in other words, from $1.25 to $2.50 on every ton of American grain sent around the Horn to Europe.

They put up the price from 5 to 10 shillings per ton by the formation of this trust and combination among these foreign shipowners, which is really directed at our grain trade from our western ports. The idea that we are leaving our freight carrying open to free competition and that thereby we are getting better freight rates is shown to be absolutely without foundation. As a matter of fact, we are helplessly at the mercy of this foreign combination.

American ships, driven off by Lloyds and almost destroyed by French subsidies, are now too few and far between to offer any effective resistance against this audacious European monopoly, which, from its headquarters in London, filches its profits from the pockets of American farmers and sneers at American law.

This is one result of the loss of our American merchant marine. If we had American ships, and if they attempted to form a monopoly like this, our courts could reach them, for their owners would be within our authority. But the jurisdiction of American antitrust legislation does not extend to Leadenhall Buildings in London.

Mr. President, I will ask to have printed in connection with what I have been saying copies of the circular and the table of rates fixed by the International Shipowners' Union and also a copy of their rules, which will show exactly how they operate in regard to it.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Without objection, the papers referred to will be inserted in the RECORD.

The papers referred to are as follows:

[Telegraphic address, "Langstaff," London. Telephone No. 4283 avenue.]

SAILING SHIP OWNERS' INTERNATIONAL UNION,
LEADENHALL BUILDINGS,
London, E. C., June 1, 1904.

DEAR SIR: Referring to your entry in this union, I have now to inform you that more than 75 per cent of British, French, and German tonnage have joined, and the union has therefore been constituted.

The figures are as follows:

Country.	Total tonnage, 1,000 tons and upward, excluding liners.	Tonnage entered International Union.
Great Britain	1,127,809	848,522
France	299,073	240,605
Germany	365,710	277,822
Total	1,792,592	1,366,949

I inclose herewith copy of the rules as finally approved; also circular intimating the minimum rates of freight so far fixed by the committee.

Herewith also is note of your subscription for the current year.

Kindly send check for same to enable me to forward certificate of membership.

Yours, faithfully, O. H. POLLAK,
Honorary Secretary.

SAILING SHIP OWNERS' INTERNATIONAL UNION,
LEADENHALL BUILDINGS,
London, E. C., June 1, 1904.

The committee met in London the 26th instant, and fixed the following as the minimum rates of freight below which the members of the union shall not engage their vessels.

These rates shall apply to all engagements entered into on and after June 6, 1904.

Although only one rate has been fixed as a minimum from each port, the committee expect that, at any rate for moderate-sized ships, higher figures will be obtained.

West coast North America: Calling for orders to U. K., H. A. D., Hamburg.

If San Francisco loading: Wheat, 22/6; flour, 23/9; barley, 23/9. Lay days not before July 15.

If Los Angeles, San Diego, or San Pedro loading: Wheat, flour, barley, 22/6. Lay days not before July 15.

If Portland (Oreg.) loading: Wheat, flour, barley, 27/6. Lay days not before September 1.

If Seattle and/or Tacoma loading: Wheat, flour, barley, 26/3. Lay days not before September 1.

Continent, Bordeaux, and Hamburg range other than H. A. D. H., 2/6 additional to above rates.

If ordered from loading port direct to port of discharge, not exceeding one-third less than above rates.

If cargo other than wheat, flour, barley, shipped, rate to be 2/6 in excess of the rate for wheat.

West coast South America: Chile to U. K., Cont., B/H., calling for orders.

Nitrate 20/– less 1/3 direct. Lay days not before August 15.

Australia: To U. K., Cont., B/H., calling for orders. No reduction direct. Wheat flour basis: If loaded at one port South Australia, 20/–; if loaded at Sydney, 20/–; if loaded at Melbourne or Geelong, 20/3.

New Caledonia: To U. K., Cont., B/H., calling for orders. No reduction direct. Nickel ore, 20/–; chrome ore, 25/–.

O. H. POLLAK, *Honorary Secretary.*

THE SAILING SHIP OWNERS' UNION—THE RULES.

Mr. O. H. Pollack, the honorary secretary of the Sailing Ship Owners' International Union, has sent to all the shipowners who have joined the union a letter, in which he states that more than 75 per cent of British, French, and German tonnage have joined, and the union has therefore been constituted. The figures are as follows:

Country.	Total tonnage, 1,000 tons and upward, excluding liners.	Tonnage entered, International Union.
Great Britain	1,127,809	848,522
France	299,073	240,605
Germany	365,710	277,822
Total	1,792,592	1,366,949

RULES.

The rules are as follows:

(1) The association shall be called "The Sailing Ship Owners' International Union," and its headquarters shall be situated in London.

(2) The only object of the union for the present shall be to fix minimum rates of freight for the principal voyages in which sailing ships engage, excepting only outward voyages from the United Kingdom or continent of Europe, for which no rates of freight shall be arranged, each vessel being left free to make the best terms she can.

(3) The business of the union shall be managed by a committee, consisting of seven representatives from Great Britain, four from France, and four from Germany, who shall meet where and as often as they think desirable in the general interest, with leave, in case of necessity, to each member of the committee to send a substitute of his own nationality who is a member of the union. This committee shall remain in office until 31st December in each year. Prior to that time the representative or representatives on the committee of each group of members of the union—British, French, German, or any other nationality—shall call a general meeting of the members of that group, at which the representative or representatives shall be elected to represent that group on the committee for twelve months from the ensuing 1st January. Due intimation of the election to be sent to the secretary of the international committee. The persons named above shall be the first committee of the union, and shall remain in office till 31st December, 1904.

(4) This committee shall from time to time fix the minimum rates of freight from the various loading ports as they judge best in their absolute discretion, and they shall have power to fix different minimum freights for ships of different sizes. Intimation of the rates of freight fixed by this committee shall, as required from time to time, be given to the members of the union per circular letter. This letter shall name a date for any specified rate coming into force, and this date shall apply to the charter party or loading agreement and not to the actual loading date. Not less than five days shall elapse between the dispatch of any registered letter from the London office of the union and any rate of freight which it prescribes becoming operative.

(5) Such owners as agree to join this union shall bind themselves not to accept for the ships which they control less than the minimum rate appointed by the above-mentioned international committee for any voyage for which the committee shall have fixed a rate of freight, and for all such voyages the various owners are prohibited from chartering except on the recognized terms of charter for the particular trade without any extra commissions, rebates, or back letters. Owners, however, shall be allowed to reimburse the charterers the net cost of any extra insurance the latter may have to pay on the cargo owing to the age or special condition of the ship.

(6) Should the minimum rates of freight not be obtainable for any vessel she shall be laid up until such a rate can be got, or, in the option of the owners, she has liberty to leave the port in ballast.

(7) The committee shall have power to call upon each member of the union to disclose on oath the rate of freight and conditions of any charter.

(8) In the event of any member of the union committing any breach of his undertaking or of the rules of the union, he shall pay liquidated damages to the committee of 5s per ton on the deadweight capacity of the ship in connection with which the breach has been committed, but should said breach be committed unwittingly and through no fault of the member, the committee have discretion to modify the damages.

(9) Only owners of ships of 1,000 tons net register and upward shall be eligible to be enrolled in this union.

(10) The various owners joining this union shall remain members thereof from year to year, but may terminate their membership at 31st December in any year on giving two months' written notice (say on or before 31st October of that year) to the committee.

(11) To provide for the expenses of the union each owner enrolled shall contribute, in advance £1 sterling per annum for each of his vessels of 1,000 tons net register and upwards.

COMMITTEE.

Representing Great Britain: Mr. J. A. Roxburgh, of Glasgow, president; Mr. R. W. Leyland, of Liverpool; Mr. Robt. J. Thomas, of Liverpool; Mr. P. Hugh Marshall, of Liverpool; Mr. George Milne, of Aberdeen; Mr. Andrew Weir, of Glasgow; Mr. Thomas Potter, of London.

Representing France: M. Eugene Pergeline, of Nantes, vice-president; M. Leon Gueugnier, of Paris; M. Eugene Salles, of Marseille; M. Joseph Polo, of Nantes.

Representing Germany: Mr. F. Loesener Sloman, of Hamburg, vice-president; Mr. F. W. Dahlstrom, of Hamburg; Mr. Emil Watjen, of Bremen; Mr. A. D. Vinnen, of Bremen.

Mr. O. H. Pollak, Leadenhall buildings, London, E. C., is the honorable secretary.

A scale of minimum freights has also been sent to the shipowners, and, of course, it is the object of the union to try and raise these rates. The dates upon which the scale takes effect vary with each port, the earliest date being July 15.

[From an occasional contributor.]

The International Union of Sailing Ship Owners is the most remarkable body of its kind in the world. Indeed, it may be regarded as the most powerful shipping combination in existence, and it has no parallel in the international character of its constitution, which at first appeared to be a weakness, but is now seen to be a source of strength, for without foreign cooperation the union would have been impossible, and the French and German owners are even more enthusiastic for the union, if possible, than the British. The union does not include sailing ship "liners" of 1,000 tons and upward, because these do not come into competition with the "tramps," who are chiefly hit by the ruling low rates. Excluding, therefore, these liners, there remain 1,792,592 tons of British and foreign sailing ships that could possibly join the union, and the total quantity that has joined the union is no less than 1,366,949 tons, so that the balance outside is only 425,643 tons, too small to offer effective competition to the union; besides which, some of those still outside, if not all, will no doubt join should the union realize the hopes of its promoters.

There will be great curiosity in shipping circles to see how such a novel and powerful combination works. It is formed to fix homeward freights alone, whether for the United Kingdom or the Continent, and not outward, as to which members are left a free hand. Mr. R. W. Leyland, the well-known Liverpool shipowner, will perhaps be more interested than anybody else in the fate of the union, for it is practically his creation.

Mr. MALLORY. Will the Senator from Massachusetts allow me to ask him a question?

Mr. LODGE. Certainly.

Mr. MALLORY. Can the Senator state how long that combination has been in existence?

Mr. LODGE. The circular is dated the 1st of June, 1904, and the circular letter says: "Referring to your entry into this union." So I suppose that it was being formed about that time.

Mr. MALLORY. Has the Senator stated in the course of his remarks where he gets the information he has given us?

Mr. LODGE. This was taken from a trade paper—I have not the name of it here—which gives the committee and the rules; and this is a copy of the circular that came into the possession of our Commission. The rules were printed in an English trade paper.

The object of the union is to control the grain rates of the world by means of this combination of sailing vessels.

Mr. President, that is the most recent illustration of the difficulties with which we have to contend in trying to secure a share of our foreign carrying trade. It is one which I should think would bring home to our farmers and to the exporters of our grain, which is an enormous interest, the advisability of building up the American merchant marine in such a way as to furnish competition in the matter of freight rates upon their great product.

But, Mr. President, that is only one of the obstacles we have had to meet. It is only one of the results which has come from a neglect of the shipping interest of the United States. The system of the United States has been a protective system, and whatever system is adopted by a Government ought to be uniform throughout. If we are to have what is called the "free-trade system"—that is, a system of tariff for revenue only—it should be free trade for everybody. If it is to be a protective system, it should be protection for everybody.

We have had a protective system which has covered every American interest, every American industry, every form of American labor except the interest of the shipowner and of the man who sails the ship. If we were on a free-trade basis, we could defend that position. We should say: "You must take your chances in the markets of the world as everyone else in the country does." But we shut them out from the chances if there are any which free trade would give them. We throw around everything in this country the shield of protection, very wisely, as I believe, and we leave the sailor and the shipowner alone outside, leave them in a position a thousand times worse than it would be if it was all free trade for everyone, because they alone are discriminated against both at home and abroad. They alone since the civil war have had no help whatever from the Government. We have protected the shipbuilder. We have never done anything to help the shipowner. We have left him and the sailor and the master and the fisherman all alike exposed to the competition of all the nations of the world. And not only that, we have not left them to competition where all enter on an equality. We have left them to struggle in the markets of the entire world with rivals who have been protected by their governments in the highest degree. England has reversed our system. She has given up protection of every industry but one, and that one is the industry of the shipowner and the ship manager, the sailor, and the sea captain. England has held that it was not only unprofitable, but, with a queer lack of humor and a strange indifference to facts, that it was immoral to protect by duties her farmer or her operative, but she has never failed to give protection of the most direct and flagrant kind to her shipping. It was but the other day that she made a huge gift of $20,000,000 to a single steamship company. From her merchant ships her protection has never been withdrawn.

The merchant marine has had an advantage in England over every other industry and over every other form of employment. If it has not been done by the indirect method of the tariff, it has been done by insurance discriminations, by port and light dues, by heavy subsidies and subventions. On an average, England has been paying three to four million dollars a year since 1830 to aid her shipping and to encourage her people to start foreign lines; while our people have been left, not to take an even chance in the markets of the world, but to meet a world competition, which is bounty fed, aided by subventions, and helped by government in every possible way that human ingenuity can devise.

In Germany not only are subventions given, but Germany regulates all the freight rates of the Empire by land, so as to benefit her own shipping. We are the only first-class nation in the world which leaves its commerce on the seas unprotected, unaided, and defenseless. The miserable result of such neglect has been the destruction of our merchant marine.

It is not, Mr. President, just, and it has always seemed to me to be the very height of injustice to select one single industry and leave it to compete alone in a world of protective tariffs, a world which, so far as shipping is concerned, is filled with rivals encouraged, stimulated, and upheld in every way by the direct bounties of the government.

As you, Mr. President [Mr. GALLINGER in the chair], are well aware, I went upon the Merchant Marine Commission, which held hearings in all parts of the country and over which you, sir, presided so ably, believing, after many years of experience here with different bills, that we ought to return to our old system of tariff discrimination. I was absolutely convinced, and convinced against my will, by the investigations we made that tariff discrimination was out of the question to-day as a means of aiding our merchant marine. It appeared in testimony beyond a peradventure—I will not undertake to read from the reports—that it was the most expensive method. It also appeared that we should be obliged, if we adopted tariff discrimination, to abrogate clauses in more than thirty treaties, which would mean the dislocation of our trade relations for the time being with some thirty countries. Of course, it could be done; we could denounce those treaties or that clause in them; but to do so would at once upset our relations with all those countries.

It became also equally obvious that the situation had changed since the days when we discriminated in favor of American tonnage. At that time our exports and imports were very nearly balanced; generally the balance of trade was adverse. We were an importing country in the early days of the nineteenth century, and for many years after the early days. Our industrial system was in its infancy. We had to buy almost all our manufactured goods from Europe. All that has been completely changed. To-day the balance of trade is enormously in our favor, and it has been turned permanently in our favor by the great export of American manufactures which has developed in the last ten years.

Therefore, Mr. President, if we abrogate these treaties and invite retaliation, instead of having the advantage in such a contest, as we did in the beginning of the Government, we should be at an absolute disadvantage, because we are selling a great deal more than we buy.

Moreover, Mr. President, in order to make a tariff discrimination effective it would be necessary to take a large number of articles now on the free list and put duties upon them. That, I think, in most cases would be very unwise, and I do not believe it is a method of encouraging shipping which would be or ought to be acceptable to the country.

Therefore we are thrown back inexorably upon the system which the rest of the world has pursued and is pursuing to-day—the method of direct help to the shipping interest by giving subventions or bounties or aid in the form of a mail subsidy.

There are two methods of doing this. There is what may be called the English method, which consists in giving a large mail subsidy, which is a pure gift, for the mere business cost of carrying the mails does not enter into it. It is only nominal. This scheme consists of mail subsidies offered to fast ships. The English theory is that if you build up a line of steamships by offering a mail subsidy for the fast mail carriers they will get the line established, and the English houses will go to the point in the foreign country where they have regular steam communication, and then as the business grows the slow freighter will follow in behind and the great line will gradually be developed. The English system has worked extremely well. It has worked exactly as they anticipated it would in the great majority of cases. We have adopted that system in regard to the lines specified in the bill.

But there is another system in vogue which may be called the "French system," of general subventions to all vessels engaged in commerce, and that, in view of the depression of our own merchant marine, is also embodied in this bill for the benefit of vessels, both sail and steam, which do not and can not carry mails.

We ask, as a valuable consideration for this bounty or subvention, that the crews shall contain a certain number of Americans; that the ships shall train boys for the naval service, and that a certain proportion of their crews and officers shall constitute a naval reserve. The consideration is a very real one, for we need above all things a naval reserve. Our difficulty of late years has been in filling the ranks of our seamen in the Navy of the United States. It has been very difficult to recruit enough men properly to man our ships of war, and in time of war and stress it is also very important to have a body of men from whom we can draw seamen to fight our battles. One of the prime objects of this bill is to meet that demand and gradually to build up a great body of American seamen who are attached officially and by name to the naval reserve of the Government and to whom the Government can go when it especially needs sailors. It is on this same basis that we have included the fishing industries of the United States.

To-day the ocean mail service of the United States yields in round numbers about $2,000,000, and if the change in port and light dues, which we suggest is finally incorporated in the bill, we shall get probably from $1,500,000 to $2,000,000 additional revenue from that source. In other words, we ask only that the Government give to American shipping the profit which the Government now makes in carrying the ocean mails, and that it shall arrange the light and port dues so that they will yield another two millions, which will give us sufficient money to pay all these bounties and subventions if averaged over a term of ten years.

I think, Mr. President, that is a very modest and moderate request. In raising the light and port dues we are simply raising them from the lowest point in the world. Not content

with leaving our shipping and our sailors unprotected against all the rivalry of foreign nations, we have reduced our light and port dues to the lowest point imposed by any nation, so as, apparently, to invite foreign nations to come and take the American carrying trade.

Mr. President, the bill is a very reasonable and a very moderate one. I should like it better myself if it went much further, but I believe it will suffice to turn the tide of depression which is rapidly overwhelming all that is left of the American merchant marine. It is not necessary for me to dwell upon the importance of the merchant marine to the whole country. We are now putting, it is estimated, nearly $200,000,000 into the pockets of foreigners to carry our own products. It seems to me that to a great and enterprising nation like the United States that is in the highest degree discreditable. That money ought to be paid to our own people, but it never will be if you leave them defenseless before the artificially encouraged competition of the rest of the world.

This is not a mere question of advantage and assistance to the interests which lie along our ocean coasts. It may not be as obvious to those who dwell in the interior as it is to those of us who live either on the shores of the Pacific or of the Atlantic. But it is in the interest of every man in the United States who is interested in our agriculture or our industries that we should have a great merchant marine, able to save us from such foreign combinations and syndicates as the one I have described, able to take our own freight and carry it across the ocean, and keep in American pockets the vast sums of money now paid to foreigners. We have been enabled to compete in the markets of the world by our system of railroads with which we have covered the entire face of the United States. The genius with which those railroads have been managed, the low rates of freight, the speed with which that freight has been carried, constitute the great element to-day that enables us to enter into foreign markets.

But the system is incomplete until we can cover the ocean with American steamship lines as we have covered the Continent with American railroads. Our share of the foreign markets will be ever in peril until we do. I do not think myself that there is any more deserving industry or any more deserving class of men than those who go down to the sea in ships. But I am sorry to say it is my experience in the years I have served here and in the other House that when these bills come forward they are treated by too many of the Senators and Representatives as if these seamen and shipowners were little better than highwaymen who are coming in here to extort a great gift at the expense of the American people.

Their industry, Mr. President, is just as dear to them, and just as honest and as valuable an industry as any other. The plea I make for them is the plea of simple justice. If you are going to protect the maker of sugar, the maker of cotton cloths, and the maker of all the countless products which our industries turn out from year to year, it is gross injustice to leave the man who wants to sail your ship and carry a part at least of all your great freights not only absolutely without protection, but at a hopeless disadvantage, because all the other nations of the world protect heavily and effectively their shipping and their seamen.

I hope, Mr. President, that this bill, which has been the fruit of a great deal of thought and labor and pains, will be given a favorable consideration by the Senate and by the Congress of the United States.

Mr. CULBERSON. I ask unanimous consent for the present consideration of Senate bill 339.

Mr. GALLINGER. If no other Senator is prepared to proceed with the discussion of the unfinished business, I ask that it be temporarily laid aside.

The VICE-PRESIDENT. The Senator from New Hampshire asks that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none and it is so ordered.

Mr. GALLINGER. Of course I do not propose to object to the consideration of the bill which the Senator from Texas wishes to call up, but I will make the observation that we have been in session a good many weeks and I think have only once gone to the Calendar. I hope, after the Senator's bill is passed, we may spend an hour or so on the Calendar to-day.

PUBLIC BUILDING AT FORT WORTH, TEX.

The VICE-PRESIDENT. The Senator from Texas asks unanimous consent for the present consideration of Senate bill 339, which will be read.

The Secretary read the bill (S. 339) to provide for the enlargement and improvement of the public building at Fort Worth, Tex., and by unanimous consent the Senate as in Committee of the Whole proceeded to its consideration.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, on page 2, line 6, before the word "thousand," to strike out "fifty," and insert "twenty-five;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to contract for, secure, and cause to be erected and constructed upon the site now owned by the United States in the city of Fort Worth, in the State of Texas, and upon part of which is situated the public building of the United States, suitable improvements, enlargements, and additions to said public building, or upon said public building site, together with such fireproof vaults, heating and ventilating apparatus, and all other necessary equipments and appointments, for the use and accommodation of the United States district and circuit courts, the circuit court of appeals, and the United States post-office, in said city of Fort Worth, in the State of Texas, the cost of which said improvements, enlargements, and additions shall not exceed the sum of $325,000; which sum, or so much thereof as may be necessary, is hereby appropriated for said purpose, out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

IMPURE AND UNWHOLESOME TEA.

The VICE-PRESIDENT. The Calendar is in order.

The bill (S. 1548) to amend an act entitled "An act to prevent the importation of impure and unwholesome tea," approved March 2, 1897, was announced as first in order on the Calendar.

Mr. ALDRICH. Let the bill go over, Mr. President.

The VICE-PRESIDENT. The bill will go over.

Mr. STONE. I should like to have the bill considered. It has been passed over four times now, I think. There is not any reason I know of why it should not be considered.

The VICE-PRESIDENT. The Calendar is under consideration under Rule VIII, and when objection is made the bill will go over.

PUBLIC BUILDING AT CAPE GIRARDEAU, MO.

Mr. STONE. Before taking up the Calendar I desire to ask unanimous consent to call up the bill (S. 646) to provide for the purchase of a site and the erection of a public building thereon at Cape Girardeau, in the State of Missouri. There is a Federal court held at Cape Girardeau without any accommodation for it.

Mr. GALLINGER. I will not object to the Senator's bill, but after it has been considered I shall insist upon the regular order, which will be the Calendar.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Buildings and Grounds with amendments.

The first amendment was, on page 2, line 2, before the word "thousand," to strike out "fifty" and insert "one hundred;" so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States district and circuit courts, the United States post-office, and other governmental offices in the city of Cape Girardeau and State of Missouri, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, not to exceed the sum of $100,000.

The amendment was agreed to.

The next amendment was, on page 2, to strike out, from line 18 to line 14 on page 3, the following words:

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites and such others as the Secretary of the Treasury shall designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PURE-FOOD BILL.

The bill (S. 88) for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or

deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes, was announced as next in order.

Mr. GALLINGER. Let the bill go over.

The VICE-PRESIDENT. The bill will be passed over.

PUBLIC PARK ON GEORGETOWN HEIGHTS.

The bill (S. 54) to provide a public park on Georgetown Heights, in the District of Columbia, was announced as next in order on the Calendar.

Mr. GALLINGER. Let the bill go over for the present.

The VICE-PRESIDENT. The bill will be passed over.

FORMATION OF COMPANIES IN THE DISTRICT OF COLUMBIA.

The bill (S. 1244) to amend section 605 of the Code of Law for the District of Columbia relating to corporations, was considered as in Committee of the Whole. It proposes to amend section 605 of the Code of Law for the District of Columbia by striking out the proviso contained therein, so that the section will read as follows:

SEC. 605. CERTIFICATE.—Any three or more persons who desire to form a company for the purpose of carrying on any enterprise or business which may be lawfully conducted by an individual, excepting banks of circulation or discount, railroads, and such other enterprise or business as may be otherwise specially provided for in this code, may make, sign, and acknowledge, before some officer competent to take the acknowledgment of deeds, and file in the office of the recorder of deeds a certificate in writing.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EFFICIENCY OF ARMY MEDICAL DEPARTMENT.

The bill (S. 1539) to increase the efficiency of the Medical Department of the United States Army was announced as next in order on the Calendar.

Mr. WARREN. I ask that the bill may be passed over for the present.

The VICE-PRESIDENT. The bill will be passed over for the present.

EFFICIENCY OF THE ARMY ORDNANCE DEPARTMENT.

The bill (S. 1540) to increase the efficiency of the Ordnance Department of the United States Army was considered as in Committee of the Whole. The bill was read, as follows:

Be it enacted, etc., That the Ordnance Department shall consist of 1 chief of ordnance, with the rank of brigadier-general; 6 colonels, 9 lieutenant-colonels, 19 majors, 25 captains, 25 first lieutenants, and the enlisted men, including ordnance sergeants, as now authorized by law. Vacancies in the grades of colonel and lieutenant-colonel shall hereafter be filled by promotion, according to seniority, and the chief of ordnance shall be selected from the permanent officers of the corps for a period of four years.

SEC. 2. That the vacancies occurring in the grades of captain and first lieutenant of ordnance shall be filled by detail from the Army at large, from the same grade or the grade below, for four years, after which no officer shall again be eligible for detail until he has served one year out of the department: *Provided*, That no officer shall be so detailed except upon the recommendation of a board of officers and after at least one examination, which shall be open to competition.

SEC. 3. That vacancies occurring in the grade of major of ordnance, after promotion as now prescribed by law, of all permanent officers of lower grade now in the Ordnance Department shall be filled by appointment of officers of the grade next below, who shall have served by detail in the Ordnance Department, the selection to be made as the result of the recommendation of a board of ordnance officers, approved by the Secretary of War.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AFFAIRS OF MOROCCO.

The next business on the Calendar was the resolution submitted by Mr. BACON on the 8th instant requesting the President to furnish the Senate with copies of papers relating to the holding of a conference on matters relative to Morocco, etc.

Mr. GALLINGER. Let that go over.

The VICE-PRESIDENT. The resolution will go over.

Mr. BACON. Do I understand that anyone has objected to the consideration of the resolution?

The VICE-PRESIDENT. Upon the objection of the Senator from New Hampshire the resolution went over.

Mr. BACON subsequently said: I am informed by the Senator from New Hampshire that he will withdraw his objection to the consideration of the resolution.

Mr. GALLINGER. I will. I had an impression that it had been abandoned; but if the Senator wishes to have it considered I will withdraw the objection.

Mr. BACON. Oh, it has not been at all abandoned. Of course I am not in a position to have it passed unless the Senators on the other side agree to it.

The VICE-PRESIDENT. The resolution will be read for the information of the Senate.

Mr. BACON. I do not know that it is necessary to read more than the title, and then Senators can determine whether it is to be passed or not.

The VICE-PRESIDENT. The resolution will be stated.

The SECRETARY. A resolution requesting the President to furnish the Senate with copies of papers relating to the holding of a conference on matters relative to Morocco, etc.

Mr. ALDRICH. We could hardly discuss that, I think, under the existing rule.

Mr. BACON. I did not hear the Senator.

Mr. ALDRICH. We can hardly discuss the resolution under the five-minute rule.

Mr. BACON. I do not want to discuss it; I simply want to have it passed.

Mr. ALDRICH. I shall have to object.

Mr. BACON. The Senator from Rhode Island does not object?

Mr. ALDRICH. I object.

Mr. BACON. I wish to say that it will all be put in the newspapers, and we might as well have it officially.

The VICE-PRESIDENT. Objection is made, and the resolution goes over.

FISH-CULTURAL STATION IN RHODE ISLAND.

The bill (S. 284) to establish a fish-cultural station in the State of Rhode Island was considered as in Committee of the Whole. It proposes to appropriate $25,000 for the establishment of a fish-cultural station, including purchase of site, construction of buildings and ponds, and equipment, at a point in the State of Rhode Island to be selected by the Secretary of Commerce and Labor.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FISH-CULTURAL STATION IN IDAHO.

The bill (S. 92) to establish a fish-cultural station in the State of Idaho was considered as in Committee of the Whole. It proposes to appropriate $25,000 for the establishment of a fish-cultural station in the State of Idaho, including purchase of site, construction of buildings and ponds, and equipment, at some suitable point to be selected by the Secretary of Commerce and Labor.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CERTIFIED CHECKS FOR NAVAL SUPPLIES.

The bill (S. 1804) providing for the use of certified checks to secure compliance with proposals and contracts for naval supplies was considered as in Committee of the Whole. It provides that—

The Secretary of the Navy may, in his discretion, accept, in lieu of the written guaranty required to accompany a proposal for naval supplies, and in lieu of the bond required for the faithful performance of a contract for furnishing such supplies, a certified check, payable to the order of the Secretary of the Navy, for from 25 to 50 per cent of the amount of such proposal or contract, the check to be held by the Secretary of the Navy until the requirements of the proposal or contract shall be complied with and as a guaranty for compliance with the same.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SOLDIERS' HOMES IN IDAHO AND WYOMING.

The bill (S. 577) granting to the State of Idaho 50,000 acres of land to aid in the continuation, enlargement, and maintenance of the Idaho State Soldiers and Sailors' Home was announced as next in order on the Calendar.

Mr. ALDRICH. The Senator from Montana [Mr. CARTER], I think, objected to the bill the other day, and as he is absent I will object to its consideration.

The VICE-PRESIDENT. The bill will be passed over.

The bill (S. 608) granting to the State of Wyoming 50,000 acres of land to aid in the continuation, enlargement, and maintenance of the Wyoming State Soldiers and Sailors' Home was announced as next in order on the Calendar.

Mr. ALDRICH. That is a similar bill. Let it go over.

The VICE-PRESIDENT. The bill will be passed over.

FRENCH TRANSATLANTIC CABLE COMPANY.

The bill (S. 2872) for the relief of the French Trans-Atlantic Cable Company was announced as next in order on the Calendar.

Mr. SPOONER. Was not this bill discussed at the last session?

Mr. GALLINGER. It was, slightly.

Mr. SPOONER. Let it go over, Mr. President.

The VICE-PRESIDENT. The bill will be passed over, retaining its place on the Calendar.

REORGANIZATION OF CONSULAR SERVICE.

The bill (S. 1345) to provide for the reorganization of the consular service of the United States was announced as next in order on the Calendar.

Mr. LODGE. That bill has been up and has been read, and all the committee amendments have been adopted. It is a unanimous report. I am not aware that there is any objection to it in its present form.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The VICE-PRESIDENT. The amendments of the Committee on Foreign Relations have been agreed to.

Mr. DOLLIVER. I called attention the other day to what I thought was an error in classing the consul at Monterey as a consulship, whereas in fact, as I understand, the appropriation acts described his office as a consul-generalship.

Mr. LODGE. The consul at Monterey is reported as a consul. He is placed in the bill at an increased salary over what he has now. There was no intention to change his rank. The classification follows the classification furnished by the State Department. I looked it up myself. If there is any change, I will say to the Senator from Iowa, it can be easily remedied in the House or in conference.

Mr. DOLLIVER. That will be very satisfactory.

Mr. LODGE. I assure him I will see that it is remedied if there is any mistake. There was no desire to cut down anybody's rank.

Mr. CLAY. I should like to ask the Senator from Massachusetts if the bill is a unanimous report from the Committee on Foreign Relations?

Mr. LODGE. It has the unanimous report of that committee.

Mr. BACON. I do not know that I understand the Senator from Massachusetts correctly. I understood that the classification, which, of course, both he and I know, came from the State Department, reclassified practically all of the consulates and provided for a certain number of consuls-general and a certain number of consuls, and so forth, and in countries having more than one consul-general, if I recollect correctly, the number was reduced to one. Am I correct?

Mr. LODGE. Yes. This is not one of those cases. This is the case of the consul at Monterey, Mexico.

Mr. BACON. And there is no other consul-general in Mexico?

Mr. LODGE. Yes; there is another consul-general. The Senator from Iowa was of the opinion that Monterey had been a consulate-general. The report of the State Department is that it is now a consulate, and it has not been changed by the bill. If it has been changed, I assure the Senator from Iowa that all those things shall be remedied.

Mr. BACON. I made the inquiry because I did not fully understand what the Senator had said.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REGISTRY OF REPAIRED FOREIGN WRECKS.

The bill (S. 1007) to repeal section 4136 of the Revised Statutes relating to the admission to registry of repaired foreign wrecks was considered as in Committee of the Whole. It proposes to repeal section 4136 of the Revised Statutes, reading as follows:

The Commissioner of Navigation may issue a register or enrollment for any vessel built in a foreign country whenever such vessel shall be wrecked in the United States and shall be purchased and repaired by a citizen of the United States if it shall be proved to the satisfaction of the Commissioner that the repairs put upon such vessel are equal to three-fourths of the cost of the vessel when so repaired.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REVENUE CUTTER FOR HARBOR OF SAN FRANCISCO, CAL.

The bill (S. 2280) making an appropriation and providing for the construction of a United States revenue cutter for service in the harbor of San Francisco, State of California, was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to have constructed a revenue cutter for service in the harbor of San Francisco, State of California, and the cost of construction shall not exceed $75,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title of the bill was amended so as to read: "A bill providing for the construction of a United States revenue cutter for service in the harbor of San Francisco, State of California."

REVENUE-CUTTER SERVICE AT HONOLULU, HAWAII.

The bill (S. 2281) providing for the construction of a vessel of the first class for the Revenue-Cutter Service, to be stationed with headquarters at Honolulu, Hawaii, was considered as in Committee of the Whole. It proposes to appropriate $225,000 for the construction, under the direction of the Secretary of the Treasury, of a steam vessel of the first class for the Revenue-Cutter Service, to be stationed with headquarters at Honolulu, Hawaii.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIFE-SAVING STATION AT HALF MOON BAY, CALIFORNIA.

The bill (S. 2282) to provide for the establishment of a life-saving station at Half Moon Bay, south of Point Montara and near Montara Reef, California, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TENDERS FOR TWELFTH LIGHT-HOUSE DISTRICT.

The bill (S. 2278) to construct a tender for the engineer service of the twelfth light-house district was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, on page 1, line 10, after the word "determine," to strike out "on or before the date when, the plans for such vessel being finished, proposals for building said vessel are invited by advertisement" and insert "within sixty days from its commencement;" so as to make the bill read:

Be it enacted, etc., That there be constructed a steam tender for the engineer service of the twelfth light-house district, at a cost not to exceed $135,000, and the Light-House Board is authorized to employ temporarily at Washington three draftsmen, to be paid at current rates, to prepare the plans for the said steam tender; such draftsmen to be paid from the appropriation for building said vessel; such employment to cease and determine within sixty days from its commencement.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2657) to construct a tender for the use of the light-house inspector of the twelfth light-house district; which had been reported from the Committee on Commerce with an amendment, in line 10, after the word "determine," to strike out "on or before the date when, the plans for such vessel being finished, proposals for building said vessel are invited by advertisement" and insert "within sixty days from its commencement;" so as to make the bill read:

Be it enacted, etc., That there be constructed a steam tender for the use of the light-house inspector of the twelfth light-house district, at a cost not to exceed $130,000, and the Light-House board is authorized to employ temporarily at Washington three draftsmen, to be paid at current rates, to prepare the plans for the said steam tender; such draftsmen to be paid from the appropriation for building said vessel; such employment to cease and determine within sixty days from its commencement.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STEAM REVENUE CUTTER AT NEWPORT, R. I.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 281) to provide for the construction and equipment of a revenue cutter for service in Narragansett Bay and adjacent waters; which had been reported from the Committee on Commerce with an amendment, in line 8, after the word "cutter," to strike out "for service in Narragansett Bay and adjacent waters;" so as to make the bill read:

Be it enacted, etc., That the sum of $225,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended, under the direction of the Secretary of the Treasury, in constructing and equipping a steam revenue cutter, with headquarters at Newport, R. I.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. FRYE, the title was amended so as to read: "A bill to provide for the construction and equipment of a revenue cutter, with headquarters at Newport, R. I."

ACCOUNTS RELATIVE TO PUBLIC LANDS.

The bill (S. 311) regulating the settlement of the accounts between the United States and the several States relative to the disposition of the public lands, and for other purposes, was announced as next in order.

Mr. CARTER. Let that bill be passed over for the present, Mr. President.

The VICE-PRESIDENT. The bill will be passed over, retaining its place on the Calendar.

TENNESSEE RIVER DAMS AND POWER STATIONS.

The bill (H. R. 297) to authorize the construction of dams and power stations on the Tennessee River at Muscle Shoals, Alabama, was considered as in Committee of the Whole

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SALE OF DOWN TIMBER AND HAY IN MINNESOTA.

The bill (S. 2785) to authorize the sale of down timber and hay on the ten sections of land in the former Chippewa of the Mississippi Indian Reservation, in the State of Minnesota, reserved from sale or settlement in accordance with the provisions of the act of January 14, 1889, as amended, was considered as in Committee of the Whole. The bill was reported from the Committee on Indian Affairs with an amendment, on page 1, line 4, before the word "Chippewa," to strike out "former;" so as to make the bill read:

Be it enacted, etc., That for the purpose of preserving the living and growing timber on the ten sections of land in the Chippewa of the Mississippi Indian Reservation, in the State of Minnesota, reserved from sale or settlement in accordance with the provisions of the act of January 14, 1889, as amended by the act of June 27, 1902, the Secretary of the Interior, under such rules and regulations as he shall prescribe, may sell, at not less than a minimum price to be fixed by the Secretary of the Interior, the down timber, both merchantable and unmerchantable, the latter to be sold as cord wood, on said ten sections, as well as the hay on the meadow lands therein. Prior to the sale the timber shall be suitably designated by the superintendent of logging or one of the assistant superintendents of logging, appointed under the act of June 27, 1902, for which no additional compensation shall be allowed, or by some person designated by the Secretary of the Interior. Payment for the timber and for the hay shall be made to the Indian agent at the Leech Lake Agency, and the money arising therefrom, after defraying the expenses incident to the sale, shall be placed in the Treasury of the United States to the credit of all the Chippewa Indians in the State of Minnesota, as a part of the permanent fund provided for by section 7 of the act of January 14, 1889. Notice of the proposed sale shall be given for not less than thirty days in at least two newspapers having a general circulation in the county in which the ten sections are situated. Should no bid be accepted for the timber, the Secretary of the Interior may permit, under rules and regulations to be prescribed by him, the use for firewood of the unmerchantable down timber on said ten sections, free of charge, by bona fide settlers and residents not residing on said ten sections.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. NELSON, the title was amended so as to read: "A bill to authorize the sale of down timber and hay on the ten sections of land in the Chippewa of the Mississippi Indian Reservation, in the State of Minnesota, reserved from sale or settlement in accordance with the provisions of the act of January 14, 1889, as amended."

COLLECTOR OF PORT AT PORTSMOUTH, N. H.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 37) to fix the allowances and percentages of the collector at the port of Portsmouth, N. H., which had been reported from the Committee on Commerce with an amendment, in line 6, after the word "duties," to strike out "upon imports or tonnage" and to insert "on imports, tonnage tax, and fees;" so as to make the bill read:

Be it enacted, etc., That the collector of the port of Portsmouth, N. H., shall hereafter receive the following allowances and percentages: Three per cent on all moneys by him received on account of duties on imports, tonnage tax, and fees: *Provided*, That the total compensation of said collector shall not exceed $1,500 per annum.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

KEEPER'S DWELLING AT STONINGTON BREAKWATER, CONNECTICUT.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2770) for the erection of a keeper's dwelling to be attached to the light station at the Stonington Breakwater, Connecticut. It proposes to appropriate $6,000, or so much thereof as may be necessary, for the erection of a suitable building or dwelling for the occupancy of the keeper of the light station at the Stonington Breakwater, Connecticut.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FOG SIGNAL AT BATTERY POINT, WASHINGTON.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2068) to increase the limit of cost of the fog signal at the light and fog-signal station at Battery Point, Puget Sound, State of Washington, which had been reported from the Committee on Commerce with an amendment, in line 8, after the word "and," to strike out "that said sum of $14,000 is hereby fixed as a limit of cost for the construction of said fog signal" and insert "the sum of $8,000 is hereby appropriated in addition to the sum of $6,000 heretofore appropriated for the construction of said fog signal;" so as to make the bill read:

Be it enacted, etc., That the amount heretofore fixed as a limit of cost for the establishment and construction of a fog signal at the light and fog-signal station at Battery Point, Puget Sound, State of Washington, be, and the same is hereby, increased from the sum of $6,000 to the sum of $14,000, and the sum of $8,000 is hereby appropriated in addition to the sum of $6,000 heretofore appropriated for the construction of said fog signal.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LIGHT-HOUSE AT BELLINGHAM BAY, WASHINGTON.

The bill (S. 924) to establish a light-house and fog-signal station at the entrance to Bellingham Bay, State of Washington, was considered as in Committee of the Whole.

The bill was reported from the Commerce on Commerce with an amendment, in line 3, after the word "established," to strike out "at the entrance to" and insert "on Eliza Island;" so as to make the bill read:

Be it enacted, etc., That a light-house and fog-signal station be established on Eliza Island, Bellingham Bay, State of Washington, together with a suitable building, under the direction of the Light-House Board, and that the sum of $30,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated therefor out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to establish a light-house and fog-signal station on Eliza Island, Bellingham Bay, State of Washington."

REVENUE-CUTTER SERVICE ON PUGET SOUND, WASHINGTON.

The bill (S. 926) to authorize the construction of two steam vessels for the Revenue-Cutter Service for duty on Puget Sound, Washington, was considered as in Committee of the Whole. It provides for the construction, under the direction of the Secretary of the Treasury, of two steam vessels for the Revenue-Cutter Service for duty in the waters of Puget Sound, Washington, at a cost not to exceed $50,000 for both of said vessels.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

KEEPER'S DWELLING AT ROBINSON POINT, WASHINGTON.

The bill (S. 929) to establish a dwelling for keeper of fog signal at Robinson Point, State of Washington, was considered as in Committee of the Whole. It provides for the construction of a dwelling for the keeper of the fog signal at Robinson Point, Puget Sound, State of Washington, at a cost not to exceed $5,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REVENUE CUTTER FOR SERVICE ON PUGET SOUND.

The bill (S. 925) for the construction of a steam vessel for the Revenue-Cutter Service, for duty in the district of Puget Sound, was considered as in Committee of the Whole. It proposes to appropriate $225,000 for the construction of a steam revenue cutter of the first class for service in the waters of Puget Sound, to replace the revenue cutter *Grant*, now performing service in that district.

Mr. LODGE. I desire to make an inquiry of the chairman of the Committee on Commerce. A moment ago we passed a bill providing for the construction of two steam vessels for the Revenue-Cutter Service for duty on Puget Sound, and now this bill provides for a third.

Mr. FRYE. The bill now pending provides for a regular revenue cutter, while the two vessels authorized in the bill to which

the Senator refers are little steam yachts, to be used as police vessels.

Mr. LODGE. Then I have no objection to the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIGHT-HOUSE AT CAPE ARAGO, OREGON.

The bill (S. 259) for a light-house at Cape Arago, Oregon, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, in line 4, after the word "of," to strike out "twenty-five" and insert "twenty;" and in line 6, after the word "signal," to strike out "and in connecting the same by telephone with the life-saving station;" so as to make the bill read:

Be it enacted, etc., That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $20,000, to be used in the rebuilding and equipment of a first-class light-house and fog signal at Cape Arago, in the State of Oregon.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. FRYE, the title was amended so as to read: "A bill for a light-house and fog signal at Cape Arago, Oregon."

SAVANNAH RIVER, GEORGIA.

The joint resolution (S. R. 16) directing to be made a preliminary examination and survey of Savannah River from Savannah, Ga., to Petersburg, Ga., improving the navigation of said river, was considered as in Committee of the Whole.

The joint resolution was reported from the Committee on Commerce with an amendment, in section 2, line 8, before the word "thousand," to strike out "ten" and insert "five;" so as to make the joint resolution read:

Resolved, etc., That the Secretary of War be, and he is hereby, directed to cause preliminary examination and survey to be made of the Savannah River from Savannah, Ga., to Petersburg, Ga., for the purpose of improving the navigation of said river, and for other purposes.

SEC. 2. That the sum of $5,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any funds in the Treasury of the United States not otherwise appropriated, for the purpose of defraying the cost and expense of such examination and survey.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

STEPHEN TEICHNER.

The bill (S. 952) to authorize a patent to be issued to Stephen Teichner for certain lands therein described was announced as next in order on the Calendar, and the Secretary read the bill.

Mr. TELLER. That bill proposes to do what I do not believe we can do, and I should like to have it passed over.

The VICE-PRESIDENT. The bill will be passed over, retaining its place on the Calendar.

Mr. TELLER subsequently said: A moment ago I objected to the bill (S. 952) to authorize a patent to be issued to Stephen Teichner for certain lands therein described. I wish to withdraw the objection. It is not the bill I supposed it was.

Mr. NELSON. The bill went over on objection of the Senator from Colorado. He has examined it and has found that he has no objection to it, and I ask that it may be now considered.

The VICE-PRESIDENT. The bill has heretofore been read. Is there objection to its present consideration?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HARBOR OF REFUGE, BLOCK ISLAND, R. I.

The Senate proceeded to consider the concurrent resolution reported by Mr. CRANE, from the Committee on Commerce, on January 11, 1906, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made and estimates to be submitted with a view to securing a greater navigable depth and a larger anchorage area at the harbor of refuge, Block Island, R. I.

The concurrent resolution was agreed to.

COOS BAY AND BAR, OREGON.

The Senate proceeded to consider the concurrent resolution reported by Mr. MALLORY, from the Committee on Commerce, on January 11, 1906, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of Coos Bay and bar, Oregon, with a view to widening and deepening the entrance to said bay to a depth of 40 feet at mean low tide, and to submit a plan and estimate for such improvement.

The Secretary of War is also authorized and directed to cause an investigation to be made as to the present commerce of said Coos Bay, and the commercial resources of the country tributary thereto, and report the same to Congress.

That the expense of such survey and investigation be paid out of the unexpended balance of the appropriation heretofore made for the improvement of the entrance to said Coos Bay and harbor.

Mr. ALDRICH. I suggest to the Senator from Oregon [Mr. FULTON], who originally offered the resolution, that I doubt very much whether a concurrent resolution can change an appropriation made by Congress. I think it will have to be a joint resolution.

Mr. ALLISON. It can not be done otherwise.

Mr. ALDRICH. I think that resolution ought to be a joint resolution, if the Senator expects it to become effective.

Mr. FULTON. I am not familiar with the rule in that regard. I submitted the resolution to the chairman of the Committee on Commerce, the Senator from Maine [Mr. FRYE], who advised me that it was sufficient.

Mr. FRYE. But the Senator from Maine evidently did not see that it contained an appropriation. It must be a joint resolution if it carries an appropriation of money.

Mr. ALDRICH. It changes an existing appropriation.

Mr. FRYE. The concurrent resolution can be changed in a minute to a joint resolution.

The VICE-PRESIDENT. In the absence of objection, the concurrent resolution will be changed to a joint resolution, and in that form the Chair now lays it before the Senate.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. 27) authorizing and directing the Secretary of War to cause a survey to be made of Coos Bay and bar, Oregon.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AGREEMENT WITH KLAMATH INDIANS, OREGON.

The bill (S. 1794) to ratify an agreement with the Indians of the Klamath Indian Reservation, in Oregon, and making appropriations to carry the same into effect, was announced as next in order on the Calendar.

Mr. ALDRICH. I think that bill had better go over, Mr. President.

The VICE-PRESIDENT. Objection being made, the bill will be passed over, retaining its place on the Calendar.

JOHN M. HILL.

The bill (S. 1266) for the relief of John M. Hill was considered as in Committee of the Whole. It proposes to pay to John M. Hill, late register of the United States land office at Walla Walla, Wash., $750, being the amount paid by him out of his own funds for clerk hire during his term of office as register prior to the appointment of a clerk in his office from an eligible list furnished by the Civil Service Commission of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COSTS IN CERTAIN INDIAN TRIALS.

The bill (S. 2783) to repeal section 11 of the act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1890, and for other purposes," was announced as the next business in order on the Calendar.

Mr. LODGE. Let the bill go over.

The VICE-PRESIDENT. Under objection of the Senator from Massachusetts, the bill will go over, retaining its place on the Calendar.

PURCHASERS OF PINE TIMBER ON CEDED INDIAN LANDS.

The bill (S. 2786) to authorize the Secretary of the Treasury to refund to purchasers of pine timber on ceded Indian lands sums paid in excess of the correct amounts due for timber cut, was announced as the next business in order on the Calendar.

Mr. LODGE. In the absence of the Senator who has charge of the bill, not knowing anything about it myself, I think the bill had better go over.

The VICE-PRESIDENT. The bill will go over, retaining its place on the Calendar.

ESTATE OF WILLIAM B. TODD, DECEASED.

The bill (S. 2138) for the relief of the estate of William B. Todd, was considered as in Committee of the Whole. It pro-

poses to refund to the estate the amount found to have been erroneously collected therefrom on account of an excessive special assessment levied against certain lots in 1871.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BECKER BREWING AND MALTING COMPANY.

The bill (S. 2131) to reimburse the Becker Brewing and Malting Company, of Ogden, Utah, for loss resulting from robbery of the United States mail, was considered as in Committee of the Whole. It proposes to pay to the Becker Brewing and Malting Company $92.50, for loss incurred through the transmission of the United States mails of certain revenue stamps.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC LANDS IN CALIFORNIA.

The bill (S. 1031) granting to the State of California 5 per cent of the net proceeds of the cash sales of public lands in said State was announced as the next business in order on the Calendar.

Mr. PERKINS. The bill may require some discussion, and as there are several bills on the Calendar which Senators are anxious to have considered, I ask that the bill may go over without prejudice.

The VICE-PRESIDENT. The bill will go over, retaining its place on the Calendar.

CLAIMS OF THE STATE OF MISSOURI.

The bill (S. 567) authorizing the Secretary of the Treasury to make an examination of certain claims of the State of Missouri was announced as the next business in order on the Calendar.

Mr. GALLINGER. Let the bill go over.

The VICE-PRESIDENT. The bill will go over, retaining its place on the Calendar.

LIEUT. GEORGE T. PETTENGILL, UNITED STATES NAVY.

The bill (S. 1933) for the relief of George T. Pettengill, United States Navy, was considered as in Committee of the Whole. It directs the accounting officers in settling and adjusting the accounts of George T. Pettengill, lieutenant, United States Navy, to credit him with the sum of $748, which amount of Government funds he intrusted to George Head, a mail orderly on the U. S. S. *Newark*, while that vessel was at Kure, Japan, August 7, 1900, for the purpose of sending an official telegram for Admiral Kempff, United States Navy, with which money the orderly absconded.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PAY DIRECTOR E. B. ROGERS, UNITED STATES NAVY.

The bill (S. 2262) for the relief of Pay Director E. B. Rogers, United States Navy, was considered as in Committee of the Whole. It proposes to pay to E. B. Rogers, pay director, United States Navy, $1,000 in full for all losses of personal property incurred by him by reason of the destruction by fire of the Windsor House, at Yokohama, Japan, on the morning of February 8, 1886.

Mr. MALLORY. Is there a report accompanying the bill?

The VICE-PRESIDENT. There is.

Mr. MALLORY. I should like to hear it read.

The Secretary proceeded to read the report submitted by Mr. BLACKBURN on the 16th instant. The entire report is as follows:

The Committee on Naval Affairs, to whom was referred the bill (S. 2262) for the relief of Pay Director E. B. Rogers, United States Navy, having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the Navy Department, as will appear by the following communication received in reply to a request for the views of the Department on a like bill which was favorably reported from the committee and passed the Senate in the Fifty-eighth Congress:

NAVY DEPARTMENT,
Washington, March 21, 1904.

SIR: In response to the request contained in your letter of the 8th instant for the views of the Department upon the bill (S. 4778) for the relief of Pay Inspector E. B. Rogers, United States Navy, I have the honor to state that the Department recommends that the bill in question be favorably reported by the committee.

A measure identical in terms was, on the 17th instant, favorably reported to the House of Representatives by the Committee on Claims (H. R. 13366 and House Report No. 1682) and, as embodying in convenient form the circumstances connected with the losses sustained by Pay Inspector Rogers, attention is invited to the report submitted by the committee above mentioned.

In this connection attention is further invited to the fact that an act was passed on February 5, 1903 (32 Stat. L., 1600), authorizing the payment of $4,000 to Paymaster James E. Tolfree to reimburse said officer for losses sustained in the fire in which Pay Inspector Rogers lost his personal property.

Very respectfully, W. H. MOODY, *Secretary.*

Hon. EUGENE HALE,
Chairman Committee on Naval Affairs,
United States Senate.

[House Report No. 1682, Fifty-eighth Congress, second session.]

The Committee on Claims, to whom was referred to bill (H. R. 13366) for the relief of Pay Inspector E. B. Rogers, United States Navy, having considered the same, beg leave to report that a bill of like character for the relief of Pay Inspector J. E. Tolfree, United States Navy, became a law at the last session of Congress, and that a like bill for the relief of Pay Clerk Charles Blake, United States Navy, has at this sesison passed the Senate and been favorably reported by your committee. Inasmuch as Pay Inspector Rogers suffered a like loss, your committee recommend the passage of the bill for his relief.

The committee submits the following communications as its report on said bill:

UNITED STATES NAVAL HOSPITAL,
Yokohama, Japan, February 10, 1886.

SIR: I regret to report that on the 8th instant, at about 4.30 a. m., the Windsor Hotel, in which I had established my office and was living at the time, caught fire and was burned to the ground. With the exception of such clothes as I was enabled to put on after discovering the fire, I saved no property, either personal or public, and, as it was, barely escaped with life. I had secured my cash box, pay roll, and cashbook, and some of my own and my wife's property, and carried them out on the veranda adjoining my rooms on the second floor, but was almost immediately compelled by flame and smoke to abandon everything, and it required my entire energies to save my own and wife's lives. I passed through the full length of the long building, carrying and dragging my wife, creeping most of the time on hands and knees to keep my nostrils in the cool air under the scorching smoke, falling downstairs, and finally reaching the street.

From the time I first knew of the fire until I reached the outer door was not more than ten minutes, at very liberal estimate, so terrible was the rapidity of the fire, and the whole of the large structure was in flames within a half an hour. I did my best, under the circumstances, to secure the Government property and papers, and that I was the last, or at least the last but one, to leave the burning building, and saved none of my own or my wife's property, except the clothes we had put on and my watch, which was in my vest pocket, losing absolutely my entire possessions, shows the narrowness of my escape. The Government property burned was as follows:

1. The entire supply of stationery, books, and blanks, valued at about $60.

2. Three packages of charts addressed to the commanding officers of the *Monocacy*, *Alert*, and *Palos*, which formed portion of a shipment leaving London November 8, 1885.

3. Two entire parcels or packages of charts for the ships of the Asiatic Station, shipped from London—one on December 6, 1885, and the other on December 20, 1885. (These dates furnished by agents of French Mail Line.)

4. My pay roll, cashbook, and cash box.

The balance due the United States as per account current for fourth quarter, 1885, was (omitting cents) $4,061. At present writing I have in hand $2,785.11 in cash. I can account for and furnish vouchers for $1,100.19 paid since January 1, 1886, leaving $172.69 unaccounted for, but in this sum are included several dollars in postage stamps and about $6 paid for official postage, the items of which I can not recall.

A few hours after the fire I reported to the Fourth Auditor of the Treasury that my loss in cash was about $150, and my subsequent investigation nearly bears out that statement.

My personal loss I estimate at upward of $1,000.

As soon as possible (at 7 a. m. February 8) I made a search among the ruins for my cash box, and recovered melted and disfigured remnants of coin in value about $12, which is the property of the Government.

I have the honor, therefore, to ask at your hands such action as you may deem necessary to determine my accountability.

Very respectfully, your obedient servant,

E. B. ROGERS,
Assistant Paymaster, U. S. Navy.

JOHN LEE DAVIS,
Rear-Admiral, Commanding U. S. Naval Force on
Asiatic Station, U. S. Flagship Trenton, Yokohama, Japan.

A true copy.

E. B. ROGERS,
Pay Inspector, U. S. Navy.

CLUB HOTEL,
Yokohama, Japan, February 12, 1886.

SIR: Having been appointed by Rear-Admiral John Lee Davis, United States Navy, commanding United States naval forces, Asiatic Station, as senior member of a board of investigation to inquire into the losses of Government property resulting from the burning of the Windsor House on the morning of the 8th of February, 1886, you will please hold yourself in readiness to report on board the *Trenton* on Monday, the 15th instant, or at an earlier day if it can be arranged.

Please inform me where a communication will reach you.

Very respectfully,

JAMES E. TOLFREE,
Paymaster, U. S. Navy.

Asst. Paymaster E. B. ROGERS, U. S. Navy.

A true copy.

E. B. ROGERS,
Pay Inspector, U. S. Navy.

U. S. FLAGSHIP TRENTON, 2D RATE,
Yokohama, Japan, February 15, 1886.

SIR: In obedience to your order of February 12, 1886, we have held a strict and careful investigation of the particulars relating to the loss by the destruction of the Windsor Hotel on the morning of the 8th instant of Government property in charge of Asst. Paymaster E. B. Rogers, United States Navy, and have the honor to report as follows:

Assistant Paymaster Rogers had his office and residence in the Windsor Hotel, regarded as one of the best in Yokohama.

On the morning of the 8th instant, a few minutes after 4 o'clock, the

hotel was found to be on fire, a fresh wind prevailing at the time, and the flames spread with such rapidity that all efforts to save the building were unavailing.

Assistant Paymaster Rogers was awakened by the smell of smoke, and hurriedly throwing on his clothes succeeded in getting his cash box, pay roll, and a few clothes to the side veranda immediately outside of his room as the flames were bursting through the ceiling. At this time the smoke came in such volumes—occasioned by the fall of the front veranda and a part of the roof over it—that Assistant Paymaster Rogers was obliged to abandon everything he had collected and think only of saving his life and that of his wife, which he barely succeeded in doing, crawling most the way to the staircase on his hands and knees, and being one of the very last to escape from the building.

A careful inquiry into all the circumstances connected with the fire establishes the fact that only those guests whose rooms were to windward and in close proximity to the main staircase succeeded in saving anything, and these only a few light articles.

The loss of Government property appears to be as follows:

Paymaster's stationery, books, and blanks, estimated value, $60.

Cash, $172.69.

One package of charts for each of the following-named ships, viz, *Monocacy, Alert,* and *Palos,* sent from London November 8, 1885.

Two large packages of charts for ships of squadron, sent from London December 6, 1885, and December 20, 1885, respectively.

Seven packages containing China Sea directories for distribution.

All accounts of paymaster's office and papers relating to same.

We find, therefore, that these losses of Government property occurred by the destruction by fire of the Windsor Hotel above mentioned, a newspaper account of which is respectfully inclosed. It also appears to us by careful investigation that Assistant Paymaster Rogers should be relieved from all blame, he having exercised such diligence in guarding the Government property as a prudent man would in protecting his own.

Very respectfully,

JAMES E. TOLFREE,
Paymaster, U. S. Navy.
WM. T. SWINBURNE,
Lieutenant, U. S. Navy.
W. W. GILPATRICK,
Lieutenant, U. S. Navy.

Rear-Admiral JOHN LEE DAVIS,
Commanding United States Naval Force on Asiatic Station.

I certify this to be a true copy of the original report.

A. G. BERRY,
Lieutenant and Secretary to the Commander in Chief.

A true copy.

E. B. ROGERS,
Pay Inspector, U. S. Navy.

NAVY DEPARTMENT,
Washington, May 21, 1886.

SIR: The Department is in receipt of your letter of the 22d of March last, inclosing a copy of the report of a board of officers appointed by Rear-Admiral John L. Davis, United States Navy, for the purpose of inquiring into the loss of certain Government property by the destruction of the Windsor House, at Yokohama, Japan, in February last, and requesting the Department's approval of the claim which you propose to present to Congress, amounting to $1,000, for compensation for the loss of your personal effects at that time.

In reply I have to inform you that in the event of a bill being introduced into Congress for your relief, on account of the losses sustained by you under the circumstances stated, the Department will furnish the committee having the bill in charge, if requested to do so, with such recommendation as the facts in the case may warrant.

Very respectfully,

W. C. WHITNEY,
Secretary of the Navy.

Asst. Paymaster E. B. ROGERS, U. S. Navy,
United States Naval Hospital, Yokohama, Japan.

A true copy.

E. B. ROGERS,
Pay Inspector, U. S. Navy.

List of uniform equipment, clothing, and outfit for three years' cruise belonging to E. B. Rogers, paymaster, U. S. Navy, and consumed in the burning of the Windsor Hotel, at Yokohama, Japan, on the night of February 7, 1886, at about 4 o'clock a. m.

Special full-dress coat	$68.00
Special full-dress pants	20.00
Full-dress coat	58.00
Full-dress vest	12.00
Frock coat	60.00
Two pairs uniform blue pants	34.00
Blue-cloth blouse	34.00
Blue-cloth vest (undress)	10.00
Blue-cloth pants	14.00
Blue-serge blouse suit	42.00
Eight white blouse suits	120.00
Overcoat	48.00
Two caps	17.50
Chapeau	18.00
Chapeau case	2.50
Epaulets (Starkey)	64.00
Three pairs shoulder straps	10.00
Full-dress belt and case	16.50
Undress belt	4.50
Helmet	3.50
One dress sword	19.00
One undress sword	11.00
Sword knot	4.00
Twenty pairs white gloves	3.50
Leggings	1.00
One uniform suit case	18.00
Fourteen shirts	21.00
Twenty-four collars	6.00
Fourteen pairs cuffs	6.00
Four pairs shoes, etc	25.00
Sixteen pairs socks	8.00
Twelve suits underclothes, heavy and light	40.00
Handkerchiefs	14.00
Neckties	5.00
Nightshirts and pajamas	10.00
Blankets, sheets, pillow slips, napkins, and towels (outfit for sea)	$35.00
Professional books	12.00
Trunks	27.00
Desk, bookcase, table, chairs	100.00
Civilian clothes [a]	363.50
Total	1,386.50

The above is, to the best of my recollection and belief, a correct list of articles destroyed by fire at the time of the burning of the Windsor House, at Yokohama, Japan, the same being my personal outfit for a three years' cruise on the Asiatic Station under orders Navy Department.

EUSTACE B. ROGERS,
Pay Inspector, United States Navy.

Subscribed and sworn to before me this 5th day of March, 1904.

[SEAL.] JOHN HAY GILBERT,
Notary Public.

Mr. MALLORY. If I understand the report, there was a fire in a hotel at which this gentleman lost his effects. If that is so, it seems to me it is rather an extraordinary procedure to reimburse him for his effects lost in a hotel fire.

The VICE-PRESIDENT. That the fire occurred in a hotel is obvious from the face of the report.

Mr. BACON. I hope whoever reported the bill will give us some explanation on the subject.

Mr. MALLORY. The Senator from Kentucky [Mr. BLACKBURN] reported the bill.

Mr. BACON. He is absent. Let the bill go over.

The VICE-PRESIDENT. Under objection, the bill will go over, retaining its place.

JEANIE R. BARTLETT.

The bill (S. 2073) for the relief of Jeanie R. Bartlett, widow of the late Rear-Admiral John Russell Bartlett, United States Navy, was considered as in Committee of the Whole. It proposes to pay to the beneficiary the difference of pay between captain and rear-admiral in the Navy from the date of her husband's promotion, February 10, 1903, to the date of his death.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HOFFMAN ENGINEERING AND CONTRACTING COMPANY.

The bill (S. 1648) for the relief of the Hoffman Engineering and Contracting Company was considered as in Committee of the Whole. It directs the Secretary of the Navy to adjudicate and settle the account of the company, and pay the same in an amount not exceeding $12,727.81, out of any moneys heretofore appropriated for the construction of cadet quarters and other buildings at the United States Naval Academy at Annapolis, Md.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

Mr. SPOONER subsequently said: I enter a motion to reconsider the votes by which the preamble was agreed to and Senate bill 1648 was passed. I shall not ask the Senate to act upon the motion now, but I should like to enter it.

The VICE-PRESIDENT. The motion is entered.

NAVAL AND MARINE CORPS MEDALS.

The bill (S. 697) providing for the award of medals of honor to certain officers and men of the Navy and Marine Corps was announced as the next business in order on the Calendar.

Mr. ALDRICH. Let the bill go over.

The VICE-PRESIDENT. Under objection, the bill will go over, retaining its place on the Calendar.

MODELS OF NAVAL VESSELS.

The bill (S. 90) providing for the deposit of a model of any vessel of war of the United States Navy bearing the name of a State of the United States in the capitol building of said State, was considered as in Committee of the Whole. It directs the Secretary of the Navy to cause to be constructed a fully completed model of each vessel of war of the Navy of the United States which now has or may hereafter be given the name borne by any State of the United States, the model to be deposited in the capitol building of said State. The model shall not cease to be, when so deposited, the property of the Government of the United States, but shall be at all times subject to the authority and direction of the Secretary of the Navy.

Mr. ALLISON. It seems to me there ought to be some limit of cost on these models.

Mr. LODGE. It is stated in the report.

Mr. ALLISON. But it ought to be fixed in the bill. There

[a] Reimbursement for the item "Civilian clothes," $363.50, is not covered by the bill, the amount thereof being $1,000 only.

ought to be a limit of cost on the models. Otherwise one model will cost a large sum and another a very little sum.

Mr. HEYBURN. I think the Navy Department has taken this matter up and made an estimate of the probable cost, and from a recent conversation which I have had with the largest shipbuilding concern in the country—in fact, the Cramps—I am led to believe it will add nothing at all to the future cost of the vessels; that is, the contract price will not be augmented by the fact that there will be two models instead of one. One is now deposited in the national capital.

Mr. ALLISON. I am aware of that.

Mr. HEYBURN. It has been recommended that, as an educational measure the interior States—in fact, all the States—shall have in their capitol a duplicate model of the ship bearing their name, in order that the people other than those on the seacoast may know what a battle ship looks like.

Mr. ALLISON. I know very well the purpose, as stated by the Senator from Idaho, and I have tried for several years to secure for my State a model of the ship named after Iowa——

Mr. HEYBURN. There is one model.

Mr. ALLISON. And I have been told it could not be done for less than $5,000.

Mr. LODGE. It is stated in the report at $3,500.

Mr. PERKINS. The highest estimate before the committee of a battle-ship model was $3,500.

Mr. ALLISON. Then I move that that be the limit of cost of any one of the models.

Mr. HEYBURN. I suggest that it may result, if that amendment is made, in our not receiving the benefit of free models in the future. They would take that as the minimum price.

Mr. LODGE. In the report an estimate of the total cost is given:

Type of vessel.	Cost.	Time.
		Months.
Battle ships	$3,500	8
Cruisers	3,500	8
Monitors	2,000	3
Gunboats	2,000	3
Torpedo boats, etc	900	1

The VICE-PRESIDENT. The amendment proposed by the Senator from Iowa will be stated.

Mr. ALLISON. I move to insert "at a cost of not exceeding $3,500."

Mr. LODGE. Yes; "no model to cost more than $3,500."

Mr. ALLISON. Yes. I am in entire sympathy with the bill, but I think there ought to be a limit of cost.

Mr. GALLINGER. Let the amendment be inserted after the word "view," in line 10.

The SECRETARY. After the word "view," in line 10, it is proposed to insert "no model to cost in excess of $3,500."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RETIREMENT OF PETTY OFFICERS AND ENLISTED MEN OF THE NAVY.

The bill (S. 1649) providing for the retirement of petty officers and enlisted men of the Navy was considered as in Committee of the Whole. It proposes that in computing the necessary thirty years' time for the retirement of petty officers and enlisted men of the Navy all service in the Army, Navy, or Marine Corps shall be credited.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXISTING STATUS IN SANTO DOMINGO.

Senate resolution 39, requesting the President to give information to the Senate regarding the existing status in Santa Domingo, etc., submitted by Mr. TILLMAN on the 4th instant, was announced as the next business in order on the Calendar.

Mr. ALLISON. Let the resolution go over.

The VICE-PRESIDENT. It will go over, retaining its place on the Calendar.

PUBLIC BUILDING AT BLUEFIELD, W. VA.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

Mr. SCOTT. One moment. I have stayed here all afternoon, and I have a bill which it will take but a moment to pass.

Mr. ALLISON. I am glad the Senator has been here all day.

Mr. SCOTT. I wish to ask unanimous consent for the present consideration of the bill.

Mr. ALLISON. I withdraw the motion for a moment.

Mr. SCOTT. I ask unanimous consent for the present consideration of the bill (S. 102) providing for the erection of a public building in the city of Bluefield, W. Va.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to cause to be erected upon the site already selected and purchased by him in the city of Bluefield, W. Va., a building to be used as a post-office building, as a place for holding United States courts, and for other purposes of the Federal Government, the building complete not to exceed in cost the sum of $100,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIFE-SAVING STATION AT CAPE FLATTERY, WASHINGTON.

Mr. PILES. I ask unanimous consent for the present consideration of the bill (S. 928) providing for the establishment of a life-saving station in the vicinity of Cape Flattery, or Flattery Rocks, on the coast of Washington. It is in the vicinity where the wreck of the *Valencia* occurred a few days ago, and there is very great necessity for the station.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to establish a life-saving station in the vicinity of Cape Flattery, or Flattery Rocks, on the coast of Washington, at such point as the General Superintendent of the Life-Saving Service may recommend.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Nevada?

Mr. ALLISON. For morning business only.

Mr. NEWLANDS. Will the Senator be good enough to allow me to ask unanimous consent to have Senate bill 1894 considered, which is a very short bill?

Mr. ALLISON. I have agreed to yield, if I yield at all, to the Senator from California [Mr. FLINT], and then I will yield to the Senator from Nevada. After that I shall insist on my motion to go into executive session.

PUBLIC BUILDING AT LOS ANGELES, CAL.

Mr. FLINT. I ask unanimous consent for the present consideration of the bill (S. 2544) to amend the act of Congress approved April 21, 1904, entitled "An act to amend section 17 of the act of Congress approved June 6, 1902, entitled 'An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes.'"

The Secretary read the bill, as follows:

Be it enacted, etc., That to enable the Secretary of the Treasury to make provision for a Federal building in keeping with the needs of the public service at Los Angeles, Cal., the act of Congress approved April 21, 1904, is hereby so far amended as to authorize and empower the Secretary of the Treasury to sell the old Federal building site, being lots 16, 17, 18, and 19, in block C, Rivera and Vignola tract, at the southeast corner of Main and Winston streets in said city, at such time and upon such terms as he may deem to be to the best interests of the United States, and to apply the net proceeds thereof toward the erection of the new Federal building to be erected upon the site which has been donated by the citizens of Los Angeles, and the limit of the cost of said new Federal building is hereby increased by an amount equal to the net proceeds derived from the sale of the old Federal building site herein described.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ACCOUNTS OF P. S. CORBETT.

Mr. NEWLANDS. I ask unanimous consent for the present consideration of the bill (S. 1894) for the relief of P. S. Corbett.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and insert:

That the accounts of P. S. Corbett, formerly United States marshal for the State of Nevada, be readjusted by the Secretary of the Treasury, and the said Secretary is hereby directed to allow and credit to the said Corbett, under the head of "Fees and expenses of marshal's United States courts, 1883 and 1884," the sum of $1,533.64 now charged against said Corbett on the books of the Treasury Department.

Mr. SPOONER. I should like to have the Senator from Nevada make some explanation of the bill.

Mr. NEWLANDS. I will state that it is a bill for the relief of P. S. Corbett, United States marshal for Nevada in 1882. Corbett is dead, and there is only one surviving bondsman, Peter Dalton, a man of advanced years, who has lived long in Nevada, and it would very seriously embarrass him if the suit were enforced.

In reference to the merits of the matter, I will state that these were extraordinary expenses incurred by the United States marshal under the order of Attorney-General Brewster, requiring him to make every effort to apprehend George E. Spencer, formerly a United States Senator, who was then in Nevada. Attorney-General Brewster recommended the allowances, but these particular items were disallowed by the Comptroller as not authorized by law. The Senate of the United States has passed a similar bill for his relief three or four times.

Mr. SPOONER. Was any suit ever brought by the Government on his bond?

Mr. NEWLANDS. Suit has been pending for years, and it has been put off from year to year by the Solicitor-General on the suggestion that relief would be given by Congress.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 31, 1906, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 30, 1906.

CONSULS.

Ross R. Brattain, of Washington, to be consul of the United States at Hangchow, China.

Edward B. Walker, of New York, to be consul of the United States at Burslem, England.

DISTRICT ATTORNEY.

David Patterson Dyer, of Missouri, to be United States attorney for the eastern district of Missouri.

MARSHALS.

William L. Morsey, of Missouri, to be United States marshal for the eastern district of Missouri.

William Spry, of Utah, to be United States marshal for the district of Utah.

PENSION AGENT.

Daniel Ashworth, of Pittsburg, Pa., to be pension agent at Pittsburg, Pa.

RECEIVER OF PUBLIC MONEYS.

Lucius Q. Hobbs, of Colorado, to be receiver of public moneys at Leadville, Colo.

POSTMASTERS.

ARKANSAS.

John H. Avery to be postmaster at Hot Springs, in the county of Garland and State of Arkansas.

J. H. McPherson to be postmaster at Paragould, in the county of Greene and State of Arkansas.

DELAWARE.

Henry C. Conrad to be postmaster at Wilmington, in the county of Newcastle and State of Delaware.

Thomas L. Mason to be postmaster at Clayton, in the county of Kent and State of Delaware.

J. Frank Reybold to be postmaster at Delaware City, in the county of Newcastle and State of Delaware.

FLORIDA.

Cyrus Lowrey to be postmaster at Clearwater Harbor, in the county of Hillsboro and State of Florida.

Francis B. Rainey to be postmaster at Wauchula, in the county of De Soto and State of Florida.

INDIANA.

William S. Leffew to be postmaster at Boswell, in the county of Benton and State of Indiana.

Marcus R. Sulzer to be postmaster at Madison, in the county of Jefferson and State of Indiana.

INDIAN TERRITORY.

George B. Roderick to be postmaster at Holdenville, in district 13, Indian Territory.

IOWA.

James Harvey Johnson to be postmaster at Logan, in the county of Harrison and State of Iowa.

Joe Morton to be postmaster as Sheldon, in the county of O'Brien and State of Iowa.

Charles J. Wonser to be postmaster at Tama, in the county of Tama and State of Iowa.

KENTUCKY.

Will R. Speck to be postmaster at Bowling Green, in the county of Warren and State of Kentucky.

LOUISIANA.

George E. Eisely to be postmaster at Tallulah, in the parish of Madison and State of Louisiana.

William C. Price to be postmaster at Homer, in the parish of Claiborne and State of Louisiana.

MISSISSIPPI.

Mary Cain to be postmaster at Vaiden, in the county of Carroll and State of Mississippi.

Lynn E. Crane to be postmaster at Forest, in the county of Scott and State of Mississippi.

John H. Elkins to be postmaster at Eupora, in the county of Webster and State of Mississippi.

George C. Jackson to be postmaster at Belzona, in the county of Washington and State of Mississippi.

Emma Morris to be postmaster at Ittabena, in the county of Leflore and State of Mississippi.

James C. Tyler to be postmaster at Biloxi, in the county of Harrison and State of Mississippi.

NEW YORK.

Stephen D. Boyce to be postmaster at Port Jervis, in the county of Orange and State of New York.

Herbert V. Clark to be postmaster at Dexter, in the county of Jefferson and State of New York.

OHIO.

D. S. De Garmo to be postmaster at Niles, in the county of Trumbull and State of Ohio.

OKLAHOMA.

E. E. Darrough to be postmaster at Pondcreek, in the county of Grant and Territory of Oklahoma.

PENNSYLVANIA.

Elisha S. Keeler to be postmaster at New Albany, in the county of Bradford and State of Pennsylvania.

Joseph H. McClelland to be postmaster at New Florence, in the county of Westmoreland and State of Pennsylvania.

William H. Morris to be postmaster at Rimersburg, in the county of Clarion and State of Pennsylvania.

Robert D. Peck to be postmaster at Lock Haven, in the county of Clinton and State of Pennsylvania.

Warren F. Simrell to be postmaster at Hallstead, in the county of Susquehanna and State of Pennsylvania.

TENNESSEE.

Laden F. De Ford to be postmaster at Savannah, in the county of Hardin and State of Tennessee.

Andrew B. Hearring to be postmaster at Ripley, in the county of Lauderdale and State of Tennessee.

Joseph W. Howard to be postmaster at Greeneville, in the county of Greene and State of Tennessee.

Eli A. Warren to be postmaster at Bristol, in the county of Sullivan and State of Tennessee.

Elizabeth Kirby-Smith to be postmaster at Sewanee, in the county of Franklin and State of Tennessee.

Atlas M. Lee to be postmaster at Huntingdon, in the county of Carroll and State of Tennessee.

Charles Parsons to be postmaster at Madisonville, in the county of Monroe and State of Tennessee.

VERMONT.

Barnum L. Austin to be postmaster at Johnson, in the county of Lamoille and State of Vermont.

Ora M. Carpenter to be postmaster at Island Pond, in the county of Essex and State of Vermont.

Trescott A. Chase to be postmaster at Bradford, in the county of Orange and State of Vermont.

J. B. Eldredge to be postmaster at Randolph, in the county of Orange and State of Vermont.

Elwin A. Howe to be postmaster at Ludlow, in the county of Windsor and State of Vermont.

Orrin H. Jones to be postmaster at Wilmington, in the county of Windham and State of Vermont.

Burt Merritt to be postmaster at Brandon, in the county of Rutland and State of Vermont.

Humphrey Owen to be postmaster at Fair Haven, in the county of Rutland and State of Vermont.

Paul G. Ross to be postmaster at Poultney, in the county of Rutland and State of Vermont.

John A. Sheldon to be postmaster at Rutland, in the county of Rutland and State of Vermont.

John P. Webster to be postmaster at Lyndonville, in the county of Caledonia and State of Vermont.

VIRGINIA.

T. B. Einstein to be postmaster at East Radford, in the county of Montgomery and State of Virginia.

Bentley Kern to be postmaster at Winchester, in the county of Frederick and State of Virginia.

Thomas W. Carter to be postmaster at Orange, in the county of Orange and State of Virginia.

W. S. Rose to be postmaster at Big Stone Gap, in the county of Wise and State of Virginia.

WEST VIRGINIA.

George E. Bare to be postmaster at Alderson, in the county of Monroe and State of West Virginia.

William A. Mason to be postmaster at Philippi, in the county of Barbour and State of West Virginia.

Sira W. Willey to be postmaster at Hinton, in the county of Summers and State of West Virginia.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January 30, 1906.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read, corrected, and approved.

FURTHER TIME TO PRINT REMARKS ON STATEHOOD BILL.

Mr. HENRY of Texas. Mr. Speaker, I ask unanimous consent that my colleague [Mr. BEALL of Texas] be allowed ten days' further time than the time already allowed for the purpose of printing remarks on the statehood bill. This request is made on account of the illness of my colleague.

The SPEAKER. The gentleman from Texas asks unanimous consent that his colleague be allowed ten days' further time in which to print remarks on the statehood bill. Is there objection? [After a pause.] The Chair hears none.

REGULATION OF RAILROAD RATES.

Mr. HEPBURN. Mr. Speaker, I move that the House resolve itself in Committee of the Whole House on the state of the Union to consider the bill H. R. 12987. Preliminary to that, I ask unanimous consent that debate upon this bill shall be confined to the subject-matter, and that all gentlemen speaking on the bill may have five legislative days after the conclusion of the debate in which to extend their remarks on the bill in the RECORD.

The SPEAKER. The gentleman from Iowa asks unanimous consent that debate upon this bill be confined to the subject-matter of the bill, and that five legislative days be granted to Members generally to print remarks on the bill after it has been acted upon. Is there objection?

Mr. WILLIAMS. Mr. Speaker, reserving the right to object, I would have no objection to the gentleman's request save for the limitation which he makes that remarks in the Committee of the Whole must be confined to the subject-matter of the bill.

Mr. HEPBURN. I think, Mr. Speaker, that that is a proper request. There is a great demand on the part of Members for time to discuss this bill, and I am sure that every moment that we probably would have, even if it extended a week, would be legitimately used in the discussion of subjects germane to the bill, and therefore I thought it wise to make this request, that we should not have these discursions into the entire domain of possible debate. We have appropriation bills that will immediately follow this, upon which this other class of debate may be indulged in.

Mr. WILLIAMS. The only manner in which a Member of this House frequently can get opportunity to discuss a subject which he wishes to discuss is on some other sort of a bill. I will object to the request with that limitation in it.

The SPEAKER. The gentleman from Mississippi objects.

Mr. HEPBURN. Mr. Speaker, I move that all general debate upon this bill be confined to the subject-matter of the bill.

Mr. BARTLETT. Mr. Speaker, I make the point of order that that can not be done without changing the rules of the House, except by unanimous consent.

Mr. HEPBURN. I submit, Mr. Speaker, that there is no rule of this House that allows the class of debate that the gentleman has reference to. That is simply an abuse of the rules of the House—one that has been indulged in for a long time, I admit.

Mr. WILLIAMS. That matter has been ruled on by the Speaker before.

The SPEAKER. And yet if there be no rule of the House, this would make a rule.

Mr. HEPBURN. No, sir, I submit to you that under the common law of parliamentary usage, germaneness may always be insisted upon in debate, in every other body that I know of except this one; but there has grown up a sort of custom here that allows this abuse, and therefore I think——

Mr. ADAMSON. Mr. Speaker——

The SPEAKER. The Chair is prepared to rule upon the point of order.

Mr. ADAMSON. Mr. Speaker, I would be glad to make one suggestion to the gentleman from Iowa. I have no objection to the Chair ruling on the point of order, however. With the permission of the gentleman from Iowa, I should like to make this suggestion. Generally, I think that his position is right, that when matters of legislation are up in this House debate should be confined to enlightening people thereon, but very often a gentleman who is conscientiously endeavoring to address himself to the subject before the House makes diversions and digressions which occur to him at the moment to be cognate to the subject under discussion, and it is annoying for a gentleman under those circumstances to be interrupted by Members getting up and calling him to order when he does not intend to continue in any such diversion for more than the moment.

Mr. WILLIAMS. Mr. Speaker——

The SPEAKER. The Chair is prepared to rule.

Mr. WILLIAMS. Very well, then; but, if the Speaker would indulge me, I wanted to say that if this precedent is set after a while we will become a body that can not even talk. We are a body now that can not do anything except talk if we are not wanted to.

Mr. HEPBURN. Mr. Speaker, I do not care to abridge any of the gentleman's privileges, and therefore I will withdraw the motion.

Mr. WILLIAMS. In equal kindness the gentleman ought to withdraw it upon my suggestion, as it would cut off most of his high privileges.

The SPEAKER. The gentleman withdraws the motion. As many as are in favor of the motion of the gentleman from Iowa [Mr. HEPBURN] that the House do now resolve itself into the Committee of the Whole House on the state of the Union for the consideration of House bill 12987—the railroad-rate bill—will say "aye," those opposed "no."

The question being taken, the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the railroad-rate bill (H. R. 12987), with Mr. VREELAND in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the railroad-rate bill (H. R. 12987), which the Clerk will read.

Mr. CLARK of Missouri. Mr. Chairman, a question of information. A great many Members do not understand how many days this debate is to run, and I want everybody to know.

Mr. HEPBURN. There has been no limit to the debate, but it has been suggested that probably we would try to reach a vote one week from to-day.

Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. HEPBURN. Mr. Chairman, I now yield such time as he may desire to the gentleman from Michigan [Mr. TOWNSEND].

Mr. TOWNSEND. Mr. Chairman, for the second time the Interstate Commerce Committee of the House of Representatives presents a bill to the Congress and the country intended to amend the present interstate-commerce law, in response to a demand from the people for a larger and more satisfactory regulation of interstate carriers by the Government. The bill passed by the House in the Fifty-eighth Congress sought to do two things—first, to invest the Interstate Commerce Commission with the power to fix a reasonable and just rate or regulation, after complaint and hearing, in place of one found to be unjust and unreasonable; in fact, to confer by law the power which the Commission actually exercised for the first years of its existence, and until the Supreme Court declared such power had not been conferred by the law of 1887, and, second, to speed the

orders of the Commission to a final determination. It was a simple bill, and its friends did not claim that it remedied all existing evils, but they did claim that it would bring great relief to the people, and that it was wise at that time to take one step and from that vantage ground view the situation before taking another. The advocates of that measure knew, or felt they knew, that the requirements of the people would never be less, and that delay would simply increase the demand for more radical railroad legislation.

In an argument to the House on that bill it was stated that "next year the people would demand more than this year," and the carriers were advised not to oppose the measure, for delay was but "storing up wrath against a day of judgment." This remark was printed and circulated throughout the country by some organization formed, presumably, at the instigation and expense of the carriers or favored shippers, with the statement that business interests had been threatened and that disaster was liable to follow. The bill passed the House almost unanimously and was presented to the Senate, whose committee took it in charge and proceeded to have hearings upon it. The President remained firm in his advocacy of the principles of the measure and suggested that he would call the Fifty-ninth Congress in extra session in case the Senate failed to pass a reasonable bill on the subject, but it continued its hearings until the Fifty-eighth Congress expired and then on into the summer.

A year has passed since the prophecy was uttered, and yet business has not been disturbed; railroading has extended its operations, increased its mileage, and improved its facilities and equipments in an almost unprecedented manner, thus furnishing conclusive answer to the carriers' own arguments. To-day we offer a new bill, and I present it to you now, as I did the one of last year, with the statement that it is probably the least the people will accept. It confers wider powers than its predecessor, for the reason that the demand is for a greater exercise of the Government's control over public carriers. It may not remedy every defect in existing laws to which every complainant has called the Commission's attention, but it is believed that it will be sufficient to cure every defect against which any considerable objection is made.

The committee, or at least a majority of it, believes that this bill is not only within the constitutional powers of Congress, but that it is clearly an expression of the duty of Congress to the American people.

Our Government was organized to subserve the general welfare, and no act of any branch of it can be justified on any other theory. Men may differ as to whether any particular measure will serve the best interests of the people, but there can be no difference of opinion among patriots upon any act or condition which, under the sanction or sufferance of law, has but one result, viz, that of serving private or special interests, whether those interests are great or small.

When the fathers established the Government of the United States and adopted the Constitution as its bill of rights they wisely delegated to Congress control over all commerce among the States. At that time there were but thirteen colonies from which States could be made, and they occupied the little territory east of the Alleghenies and in New England. Commerce then was limited, but the means for transportation were so crude that its movements were more difficult than those of to-day. As a legal basis of procedure in the exercise of government the common law was adopted, and that law treated common carriers as public servants and subject to governmental control, and provided that all rates and regulations charged or imposed by them should be just and reasonable.

From the time when man produced more than he consumed and desired other than what he produced, carriers became important. Settlements were made in the New World on the seashores and on the banks of rivers where transportation by water was possible, but each man at first was his own carrier, and he exchanged his for his neighbor's products. With thrift and enterprise a surplus greater than the needs of immediate neighborhood exchanges was created, and the common carrier became a necessity. At first the Government, recognizing the need, entered into the business of carrying products for the benefit of the people; highways were built, boat lines established, and canals dug. These were operated either without charge to the people or by imposing a charge upon the user of the means of transportation. In the early forties the railroad was born, and regions remote from navigable waters were opened up to settlement. Some wild dreamer of the Revolutionary times may have had a vision of the twentieth-century commerce, but such vision was never expressed, and certainly it never entered into the mind of the statesmen of early days what wonderful things were to come to pass. Then wants were simple and desire was modest. The luxuries of yesterday have become necessities of to-day. Inventive genius has revolutionized past ideals and ancient methods; ignorance, superstition, and religious fanaticism and bigotry, which once blocked the way of progress and blinded the eyes of genius, have been ruthlessly crushed to death beneath advancing civilization, which has strengthened with contest and grown wise and audacious with experience, until to-day nothing is sacred but eternal right and nothing impossible to him who wills. [Applause.]

Under such conditions the most progressive Government in the world is required at this time to deal justly and fairly with the transportation problem, justly and fairly to the people and to the carriers—to the people, because the Government exists for them; to the carriers, because, being necessary for the general welfare, they are included in it and an injury to them would be an injury to the people.

This question has been confusing to the public in many respects, due, I believe, to the false notion in the minds of certain railroad representatives and their sympathizers that the interests of the railroads could be best subserved by threats of disaster and persistent misrepresentations.

What is it that the people have asked, and what is the proposed legislation? The relation of the railroads to the public is generally known. The carrier is chartered to perform certain public service. The Federal Government gives it the right to do business among the States and Territories and with foreign nations, under the express provision that it shall not discriminate in its charges and service between individuals, between products, or between places, and that all its charges and regulations shall be just and reasonable. That is now the statutory law. It has always been the common law, and no one, I apprehend, will be bold enough to assert that it is not a good law.

When the country was new the Government encouraged railroad building by giving, in certain instances, vast areas of the public domain, by loans of public moneys, and by other means. States gave similar State aid and individuals contributed of their private funds. The people, through their representatives, recognized the fact that the pioneer railroad builder should be encouraged and that his charges must be necessarily high. When large charges were necessary the Government did not exercise to a great extent its power of regulation. When population was scattered and business small strict regulation was not so imperative. When carrier actually competed with carrier for traffic the shipper did not suffer so much, but when the country became settled and business increased to vast proportions; when individuals, trusts, and combinations grew to such power that the railroads were in a measure at their mercy; when in looking for business the traffic manager was actuated by the sole desire of obtaining every cent the traffic would stand and would prefer, and therefore favor, 1 shipper who could give 100 cars of freight rather than 100 shippers who could provide only 1 car each; when carriers combined to eliminate competition and manipulate schedules in ways past all finding out; when at a time when business commissioned every car of every carrier; when railroad facilities had become so improved that a dollar's worth of labor or coal would earn more money for the railroads than ever before [applause]; when traffic sought the railroad instead of being solicited; when under such conditions hundreds of articles of commerce were subjected to an advance in freight rates; when these public servants were demanding tolls from the people to pay dividends on fictitious capital representing nothing but graft; when the railroads were assuming to say how the country was to be developed, what men should prosper, and who should fail, which cities should grow and which should not, then the people affected by such conditions—and who were not?—insisted that the servant should not be the master and that the Congress should pass a law to enforce their rights under the contract between the carriers and the public; the right to impartial treatment and to just and reasonable rates and regulations, for "it is so nominated in the bond." [Applause.]

In response to this demand the present bill has been prepared and presented to Congress. Personally I have, since my advent into the House of Representatives, been profoundly sensible of the need of railroad-regulating legislation. I have advocated it when its friends here were few. I have contended for it when it was less popular than it is to-day. I am its loyal friend now when it is a popular measure in the House, where nearly everyone is anxious to be recorded at least as its friend, and I trust that I have done my full duty in the efforts which have been put forth to bring to realization the desires of the people.

The bill attempts to place under the supervision of the Commission every form of interstate and foreign commerce, all instrumentalities of commerce and transportation. The measure which passed the House last session was believed to cover all

the facilities of transportation, but inasmuch as some gentlemen contended that it did not, we have endeavored in the present bill to use such language as will take the matter out of the realm of doubt. To that end we have declared that cars, vehicles, and instrumentalities of shipment or carriage, irrespective of ownership or of any contract, express or implied, and all services in connection with traffic, such as elevation, ventilation, refrigeration, or icing shall be considered as being furnished by the carrier, and therefore under the supervision of the Interstate Commerce Commission. We have also stipulated that terminal, icing, and other similar charges shall be published as separate items, so that the shipper may understand just what he is paying for each particular service, and then we have said that all such charges shall be just and reasonable, that any other is unlawful.

Some of the most serious complaints have been those against these special services. Private car companies have been organized to do the people's work; the railroads have loaned their tracks to these companies, and while they have presented the charge to the shipper these private companies have really imposed them, and it is claimed that they were outside the jurisdiction of the Interstate Commerce Commission. It is not necessary for me to detail to the House or the country the gross injustice which has been done the people through these instrumentalities. We believe the bill effects a complete remedy for these evils. Hereafter any car hauled for an interstate carrier and any charge imposed upon a shipper, whether by a carrier or any direct or indirect agent of the carrier, must be just and reasonable, and in case it is not the Commission has power to make it so.

Mr. UNDERWOOD. Will the gentleman allow me to ask a question?

Mr. TOWNSEND. I will.

Mr. UNDERWOOD. I would like to know, the gentleman being a member of the committee, whether he can state to us he feels assured that the terms of this bill, if carried out, will control private cars?

Mr. TOWNSEND. I have no doubt about that at all. I will repeat to the gentleman, I had no doubt that the last bill conveyed control of these agencies upon the Commission. The question has never been squarely before the court under the present law. I have always maintained that the power which gives the Commission control over interstate carriers gives it control over every agency of those carriers and over every car hauled by the carrier, whether owned by it or not; but this bill expressly names private cars. If the gentleman from Alabama has read the bill, he has found that the subject has been placed in this bill for the purpose of removing all doubt on the matter.

The same argument applies to elevator and terminal charges. We believe it will no longer be possible for a great manufacturing corporation to build a spur or siding up to its factory and then use it as a basis for obtaining rebates prejudicial to its competitor. The bill also aims to prevent the custom so common and so detrimental to honest competitive business followed by many large shippers, viz, of notifying the carrier that such shippers are on a certain date to have a large amount of traffic for shipment and at the same time demanding that the published rate shall be reduced on that date, so as to give them the advantage over other shippers.

This evil is known as the "midnight-rate" evil, and is one of the most effective means of violating the law against rebates known in the commercial world. We have attempted to cure this by enlarging the time in which a rate can be changed. If the bill is enacted into law, any change made in the schedule of rates hereafter must be published at least thirty days. I had hoped that it might be at least sixty days, but the majority of the committee did not agree with me on this subject, and it has been made thirty. It is thought this will give all shippers sufficient notice of a change to prepare to meet it. We were not unmindful of the fact that circumstances might arise under which it would be desirable that a rate should be lowered in less time than thirty days, so we have provided that upon proper showing of the necessities of the case the Commission may in special cases allow a change under a shorter notice than thirty days.

Mr. SHERLEY. Will the gentleman yield at that point for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. TOWNSEND. I do.

Mr. SHERLEY. Would not the same remedy have been obtained by simply requiring thirty days' notice as to the raising of the rate after it has been reduced? That is, you put a restriction that may handicap the railroads of the country unjustly in not enabling them to make a reduction except upon thirty days' notice.

Mr. TOWNSEND. I will answer the gentleman that the bill itself, as I have already stated, provides all the remedy that is needed in such cases, because that condition could not arise except in an extraordinary case, and under such a case the bill provides that the Commission may upon proper showing in special cases reduce the rate or allow the railroad to reduce it in a shorter time than thirty days.

Mr. SHERLEY. In that case they have to first show cause, but could not the remedy you seek be obtained if they were permitted upon three days' notice to reduce a rate, but could not raise it again except on thirty days' notice?

Mr. TOWNSEND. Possibly it might. I think, however, there may be some question about that. The object of this, first, is to produce a stability of rates and to do away with that form of rebates which gives to the favored shipper an advantage which his competitors can not possibly have. As far as I am concerned, I would have been glad to have had the time extended to sixty or ninety days rather than thirty days. It would have suited me better.

Mr. SHERLEY. Will the gentleman explain to the committee how it will be possible for one shipper to have an advantage over another by a sudden reduction of a rate if that rate could not again be changed in thirty days?

Mr. TOWNSEND. What advantage would there be in your plan?

Mr. SHERLEY. It preserves to the railroad the one thing that has made them more progressive than any other railroads the world over, namely, the ability to meet changing conditions in the commercial world by a change in rates, when demanded, quickly.

Mr. TOWNSEND. In response to the gentleman I will say that the records will show that those stable rates, where advantages were not sought to be conferred upon some particular individual, have remained for years and years. It is only for the purpose of granting an advantage to a competitor that the carriers reduced rates in that short time.

Mr. HENRY of Texas. Will it interfere with the gentleman if I ask a question?

The CHAIRMAN. Does the gentleman from Michigan [Mr. TOWNSEND] yield to the gentleman from Texas [Mr. HENRY]?

Mr. TOWNSEND. Certainly.

Mr. HENRY of Texas. The gentleman has stated that the "midnight tariffs" can be prevented now by extending the time from three and ten days to thirty days' notice and publication. Now, if that thirty days' clause is violated by the common carrier, what specific penalty is provided in the act for a violation of the kind, and how is the penalty to be enforced?

Mr. TOWNSEND. The penalty provided in this bill is in case of a violation of an order. For instance, if an order of the Commission is made in the first place it is $5,000 for each violation, and each day of the continuance of that subjects the road to an extra penalty of $5,000. It is also subject to the law we have now for enforcing orders—the right to compel by mandamus or other summary writs the observance of this rate, and the road would have no right under the law to carry any freight or indulge in traffic unless it had complied with the provisions of the bill.

Mr. HENRY of Texas. And then, under the present law, there would only be a fine and there would be no imprisonment of any official who violated that provision of the statute?

Mr. TOWNSEND. The law makes no provision for penalties of imprisonment except in cases of making false reports or in violating the publication feature of the bill, which I will refer to later.

The main feature of the bill, the one about which the greatest controversy has been had, and the one, I believe, which lies at the foundation of the whole matter, is that which gives the Commission power, upon complaint and after full hearing, to substitute a reasonable maximum rate in place of one found to be unjust or unreasonable. To me this is a most righteous provision. Under the law, as I have stated, no interstate carrier has any right to impose anything but a just and reasonable rate, and under that same law any other is unlawful. Heretofore the Commission has had power to declare a rate unjust and unreasonable and to order its discontinuance; but it had no power, under the decision of the Supreme Court, to substitute a just rate in its place. This has resulted in making the law absolutely nugatory, so far as positive relief to the people is concerned. For myself, I have never been able to understand the wisdom of the argument which claims that a commission might be competent to determine what is unjust and unreasonable, but incompetent to advise what is just and reasonable, for I can not understand how any individual or any commission can know what is unjust until what is just is known. A thing is unreasonable because it is not reasonable. We say a thing is

wrong because we know what is right, and the very proof and reasoning necessary to establish the unjust and the unreasonable has of necessity first determined what is just and reasonable.

All who have followed the arguments of the opposition during the agitation of this great question must be profoundly impressed with their inconsistency. First it was claimed, and so published to the country, that the Commission was to be empowered with authority to make all rates de novo, and that carriers were to be denied the right to fix their own rates. Full discussion and investigation have shown the fallacy of these statements; it is only the unjust and unreasonable rate that is to be affected, and full hearing must be had before that can be done.

Mr. SHERLEY. I do not wish to interrupt the gentleman if he does not desire to be interrupted, but I want to ask him a question. Does not this bill give to the Commission the power that they contended they had under the maximum-rate case?

Mr. TOWNSEND. I think it does.

Mr. SHERLEY. Would not their action in the maximum-rate case, if it had been upheld, have changed hundreds and hundreds of rates?

Mr. TOWNSEND. Possibly. It is also known that ten or twelve railroad men can and do get together and arbitrarily, overnight, as it were, change hundreds and hundreds of rates, and the remedial power of the Commission should be as large as the evil to be remedied. [Applause.]

Mr. SHERLEY. I am not discussing the wisdom but the accuracy of the gentleman's statement, that this bill does not give to the Commission the power to change rates.

Mr. TOWNSEND. It can not take the initiative. It still leaves to the carriers the right to take the initiative and make just rates, and this bill does not attempt to divest them of that power. Nor is such power conferred upon the Commission.

Mr. LITTLEFIELD. While the gentleman is on this point in the bill, I would like to make this inquiry: Whether the gentleman's understanding of the bill as it reads confers upon the Interstate Commerce Commission the power to eliminate or correct or affect what is known as the preferential or differential rate—that is, the differential between the long haul and the relatively short haul.

Mr. TOWNSEND. I am sorry to say that it does not. I stand practically alone with one or two other gentlemen of the committee on this matter. I had hoped that we might give the Commission powers to fix the differential. Others may understand that the bill confers such power, but I think no such power is conferred by the measure.

Mr. LITTLEFIELD. May I add this? I have an apprehension that it does produce practically that result indirectly. If I understand it correctly, you have a differential or preferential consisting in a long haul as compared with a short haul, giving upon the long haul a very much less rate of freight proportionately than the short haul, and thus giving a preferential in favor of the locality situated at the end of the long haul. Am I correct in my apprehension or statement of the case?

Mr. TOWNSEND. Undoubtedly the Commission would have the right to adjust it if the long rate or the short rate is unjust.

Mr. LITTLEFIELD. I submit this: If it is true that the preferential or differential, as I understand it, involves this long haul and the short haul, with the purpose of giving a much lower rate upon the long haul than is given on the short haul—for instance, the fruit growers of California can get their fruit to the eastern seaboard only through a low preferential long-haul rate, which is very much less than the short-haul rate to near points in California. Now, I submit this inquiry. I want to get the gentleman's idea of what this bill will really do. I suppose that in order to correct that it could be done in two ways—by increasing the rate of the long haul, so as to level it in comparison with the short haul, or lower the short haul to the rate of the long haul, so as to bring it to a level with the long haul, imposing what the bill calls "the maximum to be charged" upon the short haul, so as to level it in that way with the long haul. Is not that possible under this bill? Now, does not this bill authorize the Commission to fix a maximum rate upon the short haul, and thus eliminate in that way the differential, and indirectly accomplish what they might otherwise be authorized to do directly?

Mr. TOWNSEND. I do not think it does. The Commission, in the first place, has no power to raise the rate, so that is eliminated.

Mr. LITTLEFIELD. Yes; that feature of it——

Mr. TOWNSEND. Now, it has no right to reduce a rate unless that rate in itself is unjust and unreasonable.

Mr. LITTLEFIELD. Yes; but that is the whole question before the Commission.

Mr. TOWNSEND. If it is unjust and unreasonable it should be reduced, but it does not have anything to do with the relation of rates.

Mr. LITTLEFIELD. But my point is, does not this bill indirectly confer upon the Interstate Commerce Commission the power to control or eliminate the preferential or differential? Of course the assumption is that they would act properly, and would not change any condition unless there was an undue or unjust rate, but do they not get the power?

Mr. TOWNSEND. They do not unless, in the case you assume, one of the rates is too high in itself. If there is simply a difference in rates, and the higher rate is reasonable and the lower rate is unreasonable because it is too little, the Commission can give no remedy in that case.

Mr. LITTLEFIELD. May I ask the gentleman this question? Of course, I simply want to get this for my information and that of the committee, and I hope the gentleman appreciates that I do not wish to disturb his speech. Under section 3 of the interstate-commerce law as it now stands, as I understand it, they have authority to take charge of the question of what is called "the preferential or differential." That is to say, section 3 provides that it is unlawful for a common carrier to give any undue or unreasonable preference to any locality. That is, of course, the preferential or differential proposition. Now, as the law stands they have no power to make their orders effective, but does not your bill confer upon them the power? They have the power, under section 3, to investigate that precise situation, but they have no power to make their orders effective. I should like to ask the gentleman whether under the language in this bill, where it is provided that the Commission shall inquire whether the rates are unduly preferential or prejudicial, or otherwise in violation of any of the provisions of this act, that power is given them under this bill? Section 3 is a part of the act. They have not that power now, but do you not give them that power in this bill, indirectly, through the operation of the maximum rate?

Mr. TOWNSEND. I do not think we do. I do not understand it that way at all. I understand simply that the Commission has power to fix a just and reasonable and fairly remunerative rate where complaint has been made in place of one that is found to be otherwise, and that it will never go to the question of the relation of the rates. The Commission ought to have the power to correct an unjust and unreasonable rate, and the committee has sought to give it that power.

Mr. LITTLEFIELD. Yes; but does your bill limit it so that the Commission does not have power to take into consideration the relation of rates?

Mr. TOWNSEND. I am afraid it does.

Mr. LITTLEFIELD. One of the Commission advised me otherwise, in his judgment, the other day when I was talking with him.

Mr. BARTLETT. May I ask the gentleman this question with reference to the long and short haul clause in the act of 1887? This bill does not alter the act of 1887 one particle by what it contains upon that point, does it?

Mr. TOWNSEND. I do not think it does.

Mr. BARTLETT. And so far as the relation of rates is concerned, the committee declined to have anything to say upon that subject in this bill.

Mr. TOWNSEND. The gentleman from Georgia is right on that subject, as usual.

Mr. GAINES of Tennessee. Suppose the Commission has set a maximum rate, say, of $1, and after that the railroad makes the rate 90 cents. What power has the Commission, and if so, where is the language in this bill that gives the Commission the right to change that 90-cent rate?

Mr. TOWNSEND. They have the right to change it under section 4 of the bill, which provides as follows:

> The Commission shall be authorized to suspend or modify its orders upon such notice and in such manner as it shall deem proper, and the orders of the Commission shall take effect at the end of thirty days after notice thereof to the carriers directed to obey the same, unless such orders shall have been suspended or modified by the Commission or suspended or set aside by the order or decree of a court of competent jurisdiction.

Mr. GAINES of Tennessee. The point I am making is that the 90-cent rate is not the rate fixed by the Commission, but it is the act of the railroad. That is the very thing I want my friend to discuss. I know he can do it very well.

Mr. TOWNSEND. The 90-cent rate was undoubtedly fixed by the carrier as a result of the Commission's order and any such result would be subject to change or modification as the foregoing section of the bill provides.

Mr. McCLEARY of Minnesota. That might require a new proceeding.

Mr. TOWNSEND. A new proceeding might have to be instituted, as in the first instance. It stands to reason that the Com-

mission would not fix upon a dollar as a maximum rate if 90 cents was the reasonable maximum rate. If conditions changed, so that 90 cents was an unreasonable rate, then the Commission could modify its order or possibly new proceedings might be instituted. The bill itself limits the Commission's orders fixing rates to three years.

Mr. GAINES of Tennessee. Has not the Commission lost its power to refix when it has fixed the maximum rate? The power you give is the power of a rehearing.

Mr. TOWNSEND. If the gentleman's suggestion that the 90-cent rate is not a part of the Commission's order and therefore not subject to provision before quoted, then it is a new rate and subject to complaint under the bill.

Mr. GAINES of Tennessee. The bill says "that after a decision, order, or requirement has been made by the Commission in any proceeding, any party thereto may at any time make application for rehearing of the same." In other words, an outside party can not get a rehearing, though oppressed; and if the party to the proceeding dies, the whole case goes out of existence. The Commission can rehear this decision, but the 90 cents is not its order, and yet this requirement is in its decision.

Mr. TOWNSEND. That, under the gentleman's theory, is a new rate, and complaint can be made under the changed conditions de novo.

Mr. GAINES of Tennessee. No; it is the rate made underneath the maximum rate which you permit for making the maximum rate, and yet that has become oppressive.

Mr. TOWNSEND. I think there is no apprehension from that condition.

Mr. MANN. You give power to file a new complaint at any time?

Mr. TOWNSEND. That is what I say to the gentleman from Tennessee. Now I believe, Mr. Chairman, in justice to others who wish to speak, that I should proceed, although I do not want to be understood as saying that I will not answer any questions; but I would like, in as orderly a manner as possible, to present my views of the bill, and then when I am through if there are any questions that gentlemen wish to ask me I should be pleased to answer them.

Mr. SHERLEY rose.

Mr. TOWNSEND. Does the gentleman from Kentucky wish to ask a question?

Mr. SHERLEY. Yes; if the gentleman will permit; one question in connection with the question asked by the gentleman from Maine [Mr. LITTLEFIELD]. I would like to have the gentleman explain, because the words of section 15 seem to be in conflict with the statement in the report.

Mr. TOWNSEND. Does the gentleman mean the language as amended?

Mr. SHERLEY. Yes; that section as amended states that where the Commission finds the rates to be unduly preferential or prejudicial it may fix a reasonable rate. Now, I would ask whether that does not give to the Commission power over differentials. How does the gentleman explain that plain language?

Mr. TOWNSEND. That is the language of the original law and has not been changed.

Mr. SHERLEY. If the Commission has the power on complaint to change rates that are discriminatory, will the gentleman tell the House that the Commission has not power over differentials?

Mr. TOWNSEND. The best authority I can obtain says that they have not. I will say to the gentleman that I was contending for the power over differentials, and the committee decided against it almost unanimously—only two or three of us in favor of it.

Mr. SHERLEY. And the committee considers that that language does not give this power?

Mr. TOWNSEND. It does. Now, Mr. Chairman, I desire to proceed, if I may, and answer some of the arguments, and perhaps in doing so I can answer some of the questions which naturally would arise on this subject.

This power to fix a contested rate is not a new principle, nor is the exercise of the power without precedent. For years many of the States in the Union have had commissions created by legislative authority of the States and invested with full power not only to adjust and establish rates about which complaint has been made, but in some instances to fix entire schedules for the carriers. The Interstate Commerce Commission during the first years of its existence assumed it had power to fix maximum rates in contested cases, and it exercised that power, and with most of its orders the carriers complied, and not until the decision of the Supreme Court in the maximum-rate case did it discontinue the exercise of that power, and during all of that time the railroads were uninjured and the business of the country undisturbed. It was also claimed by the opposition that Congress had no authority to confer upon the Commission the power to declare a reasonable rate in place of one found otherwise, for the reason that it was a delegation of legislative power, and this claim has been made notwithstanding the fact that the Supreme Court of the United States has held, where the question was squarely before it, that the legislature of a State—and therefore that the Congress of the United States—had power to appoint an administrative board and confer upon it full authority to fix rates as proposed in this bill.

The Stone case, in 116 United States, settled this question beyond a doubt. In that case it appeared that the legislature of Mississippi had created a commission to regulate and supervise railroad rates. It was taken to the supreme court of the State of Mississippi, and the constitutionality of the law was brought directly in question. The carriers contended that the law was unconstitutional for the reason that it conferred both legislative and judicial power upon the commission; that court held that such was not the case. An appeal was taken to the United States Supreme Court under the same condition, and it upheld the supreme court of Mississippi and said "that the function of the commission appointed to fix railroad rates was not legislative, but administrative." In the Reagan case, from Texas, the Supreme Court of the United States held the same thing. The reasoning in these decisions is this: The legislature having passed a law declaring that all rates must be just and reasonable, it has authority to create a board to execute that law, otherwise the legislature would be absolutely futile to regulate rates effectively in the State or among the States. This principle is recognized in the acts of municipal bodies everywhere. The commission for the District of Columbia fixes street-car fares, hack charges, gas and water rates, and nearly every city in the Union does the same thing. It should not be forgotten that the authority of the Commission is subject to review by the court as to its lawful exercise.

Mr. HENRY of Texas. Mr. Chairman, will the gentleman yield to an interruption?

The CHAIRMAN. Does the gentleman yield?

Mr. TOWNSEND. Certainly.

Mr. HENRY of Texas. The gentleman stated that in the Mississippi case and in the Texas case the commissions had powers similar to the powers conferred in this bill. Now, in this bill you confer the power of establishing a maximum rate. In the Mississippi case and in the Texas case a commission was created and was given power to fix and establish the whole body of rates, to initiate them and establish all rates, and in both instances the Supreme Court of the United States sustained the constitutionality of the act.

Mr. TOWNSEND. Mr. Chairman, the gentleman is right. The statutes in question give the same and greater powers than those carried by the pending measure.

But this is not the only constitutional objection which has been urged against the exercise of this power. It was insisted, more formerly than now, that if a commission fix upon a contested rate from any interior point to a seaport, that such action would be a violation of the so-called nonpreference clause of the Constitution, which provides that the ports of one State shall not be preferred to those of another. This provision of the Constitution was adopted at a time when interstate commerce, as we see it now, was unknown. The railroad had not then been born, and the fathers were imposing a restriction upon Congress against a preference as to exports and imports, but the same men who wrote that provision of the Constitution also inserted the one providing that Congress should regulate commerce among the States and with foreign nations, and few constitutional lawyers ever claimed that if while exercising the constitutional power of regulating commerce as aforesaid an incidental benefit or injury should come to any port such exercise would be unconstitutional, and in all the years of our country's history during which the National Legislature has been erecting light-houses along our coasts and improving rivers and harbors whereon are situated cities, it has not been claimed that such acts were unconstitutional, although it was recognized that every city in front of which a light-house was erected, every city whose harbor was improved was to that extent benefited and, in a manner, preferred over other cities not receiving such advantages.

But, furthermore, this question was squarely raised in the Wheeling and Belmont bridge case. That was a case where the Government had allowed the construction of a bridge across the Ohio River, and it was authorized to be constructed so low that large vessels which had been engaged in commerce with Pittsburg were unable to pass under, and thus Pittsburg had no trouble in showing that she had been injured, but the court

held that Congress had not violated the Constitution in exercising power of regulating commerce by the construction of the bridge, as it had exercised a conceded power, and the injury to Pittsburg was incidental and not a violation of the fundamental law of the land.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Michigan yield to the gentleman from New York?

Mr. TOWNSEND. I do.

Mr. ALEXANDER. Does the gentleman remember the date of the building of that bridge?

Mr. TOWNSEND. I do not. I think that case has been up twice.

Mr. ALEXANDER. No rights were reserved by the United States in its construction that it should be removed if it should ever get in the way of commerce?

Mr. TOWNSEND. I do not know that. It was not raised in the case. I do not know anything about that.

Mr. GAINES of West Virginia. Mr. Chairman, if the gentleman from Michigan will permit, I will say that that is correct in that case.

Mr. ALEXANDER. That there were no reservations?

Mr. GAINES of West Virginia. There were no reservations. I am familiar with that case.

Mr. TOWNSEND. But I shall assume that these constitutional objections have been answered and that Congress has power to enact this provision of the bill. The opponents of regulation have also urged that the enactment of this provision would result in an injury to the widows and orphans of the country and to railroad employees, and when one realizes that the gentlemen who make these statements denounce as agitators and demagogues the advocates of rate legislation he understands the real nature of the opposition. But what shall we say of the argument? How are the widows and orphans to be injured? We are told that there are vast sums of money held by insurance companies belonging to the widows and orphans; that these companies invest their surplus in railroad securities, and that legislation is going to injure these securities, hence the widows and orphans must suffer, for a reduction of rates, and therefore of railroad earnings, makes a dividend on stock impossible. This should be discussed in connection with the other argument that railroad employees are to suffer for the reason that the railroad earnings are to fall off, and therefore the loss must be borne by the employees, whose wages will be reduced. Taking the two together, we have this: Railroad earnings will be reduced, the expenses of the road keeping up the stock must stand the loss, hence the widows must suffer.

Again, earnings are to be reduced, dividends must be kept up; therefore wages must be reduced. A double-barreled argument—one used to kill stockholders, another to destroy the laborer. But what are the facts in the matter? During all the period in which rate legislation has been exercised by the States, these direful predictions have not been realized. When the Interstate Commerce Commission exercised the power, securities remained undisturbed and labor was happy. The history of railroading during the last year is interesting reading in connection with this subject. When the Esch-Townsend bill passed the last Congress almost unanimously, one holding the views of these calamity prophets would naturally believe that some disturbance would occur in the railroad world, and especially when it was known that the President of the United States was back of the measure and was insisting that it should become a law and had said on several occasions that in case it failed to pass the Senate an extraordinary session of Congress would be called, and in view of the Cuban reciprocity experience, under somewhat similar circumstances, it was more than probable that the President would be successful. I know it was claimed then that the railroads knew that the Senate would defeat the measure, but I submit that the widows and orphans and other holders of securities could not have known this, and had they believed that disaster was imminent securities would have been disturbed. But events show that instead of railroad stocks declining they continued to rise in value. Furthermore, railroad managers throughout the United States proceeded to build 7,200 miles of new railroad, and up to June, 1905, they had placed orders for more than $200,000,000 worth of new railroad equipment.

No one familiar with the circumstances believes that any harm would be done the railroads, and few honest, intelligent men advocated it. The plan was, first, to prevent private rebates—that is, granting advantages to one man which another does not enjoy; second, to prevent extortionate charges. It is simply begging the question to say that the establishment of just rates will injure the railroads. One of the most serious wrongs at present is the custom which the roads have of reducing rates to certain individuals and places below what would be a fair rate, or one that would produce a dividend, and then imposing an unjust and unreasonable charge upon other individuals and places to offset the apparent loss. The country demands that all the people shall be treated alike, and that only just and reasonable rates shall be imposed. If that is done, the carrier will not necessarily be injured or its revenues reduced; the burden will be equally distributed. Frequently the establishment of a just rate, even if it is lower than the one theretofore existing, produces more revenue. This, I believe, was clearly demonstrated in what is known as the "Michigan Central charter case." In the charter obtained by that company from the State of Michigan the road was allowed to charge 3 cents per mile for passenger traffic, but the charter provided that if at any time the State legislature saw fit to reduce the rate and thus annul the charter it could do so, but that the company should have the right to go into court if it conceived itself to have been injured, and establish by a jury just what loss it had sustained and the State was to reimburse it for the same.

A few years ago the legislature exercised its power and repealed the charter, compelling the road to reduce its passenger fare to 2 cents a mile. The carrier brought suit, alleging damages to the extent of $6,000,000. An investigation of the case disclosed that immediately after the reduction of the fare the passenger receipts increased enormously, so that it is doubtful now if the roads would go back to the 3-cent fare if they had the opportunity, and this has all been done in spite of the fact that the Michigan Central road has been paralleled throughout almost its entire length through the State of Michigan by electric roads, which have done a tremendous freight and passenger business. We should also understand, that while in some cases railroad labor has had its wage increased during the last few years, the carrier's ability to earn has also been increased by the substitution of the mogul engines for the old ones, of the large cars for the smaller ones, by the reduction of grades and the straightening of tracks. Railroad operations have been materially economized.

There is absolutely no danger to labor, and I conclude, if the gentleman who used these arguments had not so repeatedly declared that they were honest, patriotic, and high-minded citizens, the charge of demagogue and agitator would react upon them.

There is still another phase of this question which should not be overlooked. Originally railroad securities were not eagerly sought as investments; to-day such investments are most attractive, and the disposition of promoters and managers has been to increase the capital out of proportion to the real assets of the companies, and now when gentlemen are asking that dividends shall be maintained they do not simply mean dividends on bona fide capital, but upon inflated capital, and I submit it is a proper question for Congress or its duly authorized Commission, when determining the question of just and reasonable rates, to inquire into the capitalization of these carriers. I know it is claimed that these stocks have been issued in many instances and placed in innocent hands and that if anything were done—and I do not consider that it will be—to injure the value of these stocks such bona fide holders would suffer. I simply answer this argument by saying that we legislate for the whole people. It is our duty to so regulate interstate and foreign commerce as to deal justly with all of our people, and if it should be demonstrated that some few holders of fictitious capital should fail to get an exorbitant return on their holdings the law should in justice be enacted, for we have no business to "rob Peter to pay Paul." [Applause.] It has further been argued that there is no proof that rates are too high, and gentlemen take pleasure in comparing the American railroad rate with that of Germany and other European countries.

Mr. TOWNE rose.

The CHAIRMAN. Does the gentleman from Michigan yield to the gentleman from New York?

Mr. TOWNSEND. Certainly.

Mr. TOWNE. I recently read a statement made by the president of the Northern Pacific Railroad, wherein he stated that the average freight-haul charge for a ton per hundred miles is 75 cents in the United States, and that the corresponding charge is $2.35 in England. Can the gentleman explain why this difference exists, if it does exist, and does he admit the inference which the statement made by the president of the road seem to carry with it. If not, why not?

Mr. TOWNSEND. If the gentleman will be patient, I will reach that matter immediately, I was about to enter upon its discussion.

Gentlemen attempt to establish the fact that rates are not too high by making a comparison between the charges of a few years ago and those of to-day, showing that what they call the

"average ton-mile rate" has gradually been reduced and is lower than the average ton-mile rate in other countries. Again, I believe the argument unfair. They do not tell the whole truth and explain just what they mean by the average ton-mile rate. It is obtained in this way: All of the freight in the United States hauled during a given period, including high and low grade freight, is determined. The amount paid for hauling that freight is also found and the total number of miles it is hauled. From this, by division, is found how much it cost on the average to haul a ton of freight one mile. Freight is divided into various classes, such as first, second, third, fourth, fifth, sixth, A, B, C, D, E, etc. In class 1, high-grade articles, paying a high rate of freight, such as silks and hats, are placed. In the sixth grade or a lower grade, for instance, is coal, which pays a low rate of freight. You can readily understand if you were to increase the amount of freight in the sixth class, while the amount in the first class remains the same, the average ton-mile rate would be reduced. It might be materially reduced while the specific rate on silk and coal had remained the same. On the other hand, if the first class was increased out of proportion to the fifth class the average ton-mile rate would be increased and still the specific rates remain the same.

Now, what has happened in this country is that the low-grade freights have increased materially, while the higher grades have not increased in the same proportion, and at the same time it is known that since 1900, under conditions of prosperity which do not warrant such action, more than 600 articles have been changed from a lower classification to a higher, thereby imposing a higher freight rate upon those articles, and yet the increase in the lower-grade freight has been so enormous that the average ton rate has not increased in proportion to the actual increase in rates. The people have obtained no benefit from this; in fact, they have been in consequence severely taxed to satisfy the greed of a public servant.

But what shall we say of the comparison between German and American rates? Germany, as you may know, is interlined with rivers and canals over which business naturally of the low grade travels, so that it never sees a railroad; therefore it does not enter into the problem of average mile-ton rate. Furthermore, in many of the European countries the delivery charge is added to the freight rate, and besides all this, it is absolutely unjust and unfair to the people to state the problem without informing them that a long haul in a European country would seldom exceed 200 miles, while the average haul in the United States would undoubtedly be a thousand miles or more.

Mr. SHERLEY. I simply want to suggest to the gentleman that the short haul in Germany was due to the fact that the commission would not fix through rates, and so the roads were not able to make any through rates for shippers, and the people had to improve the waterways because of the extortionate charges of the railroads.

Mr. TOWNSEND. It is a condition and not a theory about which I speak.

Mr. LITTLEFIELD. May I make an inquiry? I infer from what the gentleman states in relation to the German conditions that statistics are in existence which would on analysis show the conditions which you have just stated. I am free to say that it is a very interesting statement. I can quite understand the lowest rate of freight that goes by canal as distinguished from the higher rate by rail, and I would like to inquire if the gentleman has had any analysis of the figures showing the result? I suppose that you have.

Mr. TOWNSEND. I have not made any such analysis. I speak from statements made by gentlemen in whose knowledge and integrity I have confidence.

Mr. LITTLEFIELD. I did not know but what the gentleman had it on hand and could give us the benefit of it.

Mr. TOWNSEND. I have not.

Mr. LITTLEFIELD. I can see where the suggestions you make would account for the distinction of rates.

Mr. TOWNSEND. My contention is that the rate in the United States should be the lowest in the world. Our traffic is the greatest, our hauls the longest, our facilities the best. But I am convinced that if we were to compare the American rate with the European rate under similar circumstances and conditions, eliminating all elements which are not common, we would find no cause for pride in the result. Then think of the fairness of the proposition to compare our rates with those of Russia. A great per cent of its mileage is through a desert where traffic is scarcely known and business necessarily unprofitable. But, gentlemen, we are dealing with the question as presented in the American Republic, and the people have demanded that Congress shall exercise its constitutional power to regulate interstate carriers in accordance with the law, and we shall have difficulty in explaining to our constituents, who are awake to this situation, if we fail to do our full duty in the premises.

If this bill shall become a law additional duties will be imposed upon the Interstate Commerce Commission, and it is thought the part of wisdom to increase the number, salary, and term of office of its members. I believe, however, that when this law is once established the Commission will have less work to do even than it has at present, for the reason that the roads will realize the justice of the law and fix their own rates and remedy defects, but I have no hesitancy in saying that this is a great power that we are conferring upon a commission, and only men of the highest character and ability should be placed upon it. Ten thousand dollars a year salary is not inadequate for the services of such men, and by increasing the term we give the men a tenure of office which will enable them to become experts in a measure upon the questions submitted to them. Furthermore, it will fix it so no one President during a single term can change all of the members. There will always be six men on the Commission who have had experience with the problems presented.

The bill also provides for the widest publicity of railroad affairs. This, I believe, is one of the most potent influences for good. The carrier being a public servant, its methods should be subject to scrutiny; therefore we provide the method by which its accounts shall be kept. We provide for publicity of the contracts and agreements, written or otherwise. We provide that Government experts shall have the right, not simply the permission, to inspect all railroad accounts and business methods at all times, and we impose heavy penalties for violation of any provisions of the law. False reports or a refusal to make full disclosure subjects the carrier and its agents not only to a heavy fine, but imprisonment. We also provide in the bill for the speedy determination of matters submitted to the Commission. After an order has been made that order shall go into effect within thirty days from the time the same has been served upon the affected carrier. If at any time during the thirty days the carrier is dissatisfied with the order, he can institute proceedings in the district court of the United States wherein the complaint was made, and thereupon it becomes the duty of the Attorney-General to serve notice on that court that the case is of great public importance, entitling it to consideration by the expedition court. Such notice is served upon three circuit judges of that district, if there are three; if not, upon two circuit judges, and those two shall select a district judge from the district, and the three shall proceed at once to the determination of the lawfulness of the Commission's order.

This, I believe, has the following advantages over the old law: It permits three judges to pass upon a question instead of one, and their judgment will have more weight than would the opinion of a single judge and more cases will end with a decision of the expedition court. In case, however, either party objects to the decision of that court an appeal can be taken to the Supreme Court of the United States, which under the law is obliged to consider it in preference to any other case pending before it, except criminal cases. The expedition court will simply pass upon the lawfulness of the order, and under the decision of the Supreme Court that means whether such order is confiscatory or whether it imposes a rate which does not yield a fair return upon the carrier's investment. In deciding interstate-commerce cases the Supreme Court has passed through several stages of opinions.

Originally it held that there was no relief from the Commission's order except by an appeal to the voters. Later it decided, and I believe wisely, that even the legislature could not impose a rate which was confiscatory, and still later, in the Nebraska case, it suggested that a rate which was not fairly remunerative to the carrier was unlawful.

It seems to me that a Commission of seven men familiar with railroad matters, knowing all of the complexities which enter into rate making, are better able to determine what is a fairly remunerative rate than any court which only occasionally passes upon the subject, and I would prefer to leave it with the Commission. But I bow always in proper submission to the decrees of the Supreme Court, and when it announces a decision I yield it obedience until at least it has had time to study public opinion sufficiently to reverse itself.

Mr. LITTLEFIELD. Will it disturb the gentleman too much if I make an inquiry right here?

Mr. TOWNSEND. No.

Mr. LITTLEFIELD. Do I understand the gentleman's position to be, as a matter of law, that the Supreme Court could interfere by injunction to restrain the carrying into effect of an order of the Commission whenever they were of the opinion that the rate was unreasonably low, or is it based upon the confiscatory proposition?

Mr. TOWNSEND. My judgment until I had read the Nebraska case was that it would simply be on the confiscatory proposition.

Mr. LITTLEFIELD. The Nebraska case to which the gentleman refers is the case of Smythe *v.* Ames?

Mr. TOWNSEND. Yes.

Mr. LITTLEFIELD. If it will not take too much of the gentleman's time, I will read the third proposition established by the court in that case, and I am free to say that I am not quite certain just exactly what the court means.

Mr. TOWNSEND. I think the syllabus will give us all we want on that point.

Mr. LITTLEFIELD. I am reading from the opinion, which, of course, is a little more authoritative than the syllabus.

In view of the adjudications, these principles must be regarded as settled:

Third—

After reciting two that do not concern this discussion—

While rates for the transportation of persons and property within the limits of a State are primarily for its determination, the question whether they are so unreasonably low as to deprive the carrier of its property without such compensation as the Constitution secures, and therefore without due process of law, can not be so conclusively determined by the legislature of the State or by regulations adopted under its authority that the matter may not become the subject of judicial inquiry.

I will say that the gentleman from Michigan very kindly called my attention to this case yesterday, and this is the only principle that I find laid down in the case under which the court would interfere, namely, if the rates established by the Commission are so unreasonably low as to deprive the carrier of its property without such compensation as the Constitution secures. I may have read the case hurriedly, and the gentleman from Michigan may have something more specific in his mind.

Mr. HINSHAW. The rate referred to there would be confiscatory.

Mr. LITTLEFIELD. Well, practically confiscatory, as I understand it.

Mr. TOWNSEND. Undoubtedly the court must have had that in its mind, but it has enlarged its decisions, as I stated, from the beginning.

Mr. LITTLEFIELD. Since this case?

Mr. TOWNSEND. Since the first case.

Mr. LITTLEFIELD. This is the Nebraska case that I am reading from. So that, if I understand the gentleman correctly, the rates must be practically confiscatory before the court would be authorized to interfere.

Mr. TOWNSEND. The court undoubtedly is trying to stretch the doctrine of confiscation to cover "reasonable return." It is easy to imagine a relation between the two. The court can be trusted to include in the word "lawful" all that ought to be included. I have no doubt the Nebraska case will be used as a precedent in support of the doctrine that unless the returns are sufficiently reasonable the carrier must go out of business, therefore the rate imposed will be considered confiscatory. But if the gentleman from Maine will pardon me, I will proceed with my remarks.

Mr. LITTLEFIELD. Certainly.

Mr. TOWNSEND. I do not wish to occupy any more of the attention of the committee except to conclude.

For myself, I am satisfied that the proposed legislation will not harm honest carriers engaged in lawful business; all others will be and should be in imminent danger. I readily admit that there is an honest difference of opinion as to the policy of the measure. Some believe that the carriers will solve the problem if let alone, but it seems to me that such have not taken sufficient time to read and understand the history of railroading during the last few years. Gradually, but surely, rates have been raised, and during a period when there was no possible excuse for such a course except the desire to satisfy greed. Business has increased, and the net results of operation have shown that expenses have not increased in proportion to the enlargement of traffic. Railroad consolidation has been so complete that a few men, about six, control the great bulk of the railroads, and more and more the people are being placed at the mercy of these great corporations. Complaints have come up to Congress from all over the country against the growing and insolent power of great consolidations of capital, and it is not sufficient to say, as some have said, that the complainants are demagogues and agitators, for already Members have discovered among the number their most patriotic and intelligent constituents.

From the millions of farms between the oceans, whereon the bone and sinew of the Republic produce its true and substantial wealth; from the million factories which transform beneath the magic hand of enterprise and genius those farm products into myriad forms of beauty and usefulness; from the millions of tradesmen who disseminate the output of factory and loom among the people; from the professions which minister to the wants of others; from forest and mine comes up the demand that the servant shall not be above the master.

This question is not and ought not to be a political one; but as a partisan I could hail with delight the disposition of my party to take it up, for it is everlastingly right, and the people, having recognized it as such, will not be much longer put off. They demand real, positive remedial legislation, and ill will fare the legislator who offers a serpent instead of a fish.

I have not been entirely pleased with the character displayed and means employed by some of the opposition to so-called "rate legislation." To me it has seemed that a systematic effort has been made to discredit the Administration in various matters in order to distract attention from this great question, and I have no doubt that delay will be caused wherever possible in the vain hope that something will happen yet to prevent final action. As one of the younger and most humble Republicans in the House, let me admonish my party associates in both Houses that this question will not down, nor will it much longer brook delay. The people have spoken, and every day to us their command is more imperative. The day of grace may be passed, and the unpardonable sin of trifling with duty may not be condoned even by deathbed repentance.

Do some say that this legislation is born of a prejudice against corporations, and with such an ancestor must be an instrument of oppression and wrong? I think not. The great mass of the people are fair and honest and acknowledge that the railroad honestly managed under the law is a great necessary blessing. They know it was chartered to serve them, and desiring its service, they will not knowingly weaken it or lessen its ability to serve.

That the people have become suspicious of some of these great corporations there is no doubt, but there is a great excuse for it. As a rule, these organizations have resisted every effort to regulate and control them even when it was known that such regulations would be beneficial; lobbies, rich and powerful, have been maintained at the capitals of State and nation, and many seemingly unwarranted interferences with the people's rights have been experienced. They have entered the domain of politics, and in many instances seemed to have dictated the nomination and election of legislators. They have assumed that they were too strong to obey and the people too weak to enforce the law. [Applause.]

Mr. Chairman, I owe an apology to the House for the time I have occupied in opening the discussion on the pending bill, but my excuse is that it deals with one of the greatest questions which has ever come before Congress. It is not simply a question in which carriers and shippers are interested. It reaches out and embraces every producer and every consumer in the United States. Aye, it involves the hopes and ambitions of men who, under equal and fair opportunities, will contribute to our country's material prosperity and add no little to its honor and glory, for in this day of business enterprise, into every part of which freight charges enter, success or failure depends frequently upon whether rates are impartial, fair, and reasonable, or otherwise. Such a question demands honest, intelligent, and patriotic attention. To it I have devoted much thought, yet I feel that I am all too incompetent to express the deep feeling I have of the importance of the proposition to regulate interstate carriers effectively and speedily.

Temporizing will bring nothing but disaster. Already we hear the rumbling of discontent, and socialism smiles in satisfaction with every delay. Regulation of a public servant is not a departure from the principles of popular government; but disregard of a righteous law and indifference to legal restrictions imposed to protect the people's rights are more than socialism—they are anarchy—and were I a railroad agent instead of a people's Representative I would hail the proposed legislation as a salvation to my master from the fate which an indignant people is sure to visit upon the corporations who, believing that they are above and beyond the law, seek to become a law unto themselves.

Let the bill pass, and let the railroads heed its provisions, and, instead of retarding its execution, aid in its operation, and then, instead of being the objects of suspicion and hatred, they will be recognized as the instruments of progress and prosperity. Rate legislation will enter into history, and its entry will not be marked by any business disturbance, but rather it will indicate the beginning of an era of better feeling between the railroads and the people—an era of equal rights and opportunities under a just and impartial law. [Prolonged applause.]

Mr. ADAMSON. Mr. Chairman, for one I have never seen any reason to make the subject of commerce a partisan ques-

tion, yet unfortunately matters affecting our commerce in various ways have divided the people of the country through our entire history. I think it exceedingly fortunate that in this case our committee has been able unanimously to agree regardless of partisan considerations. I hope it will be appreciated and approved by the House. Yet there are dissenters and cynics everywhere. The carriers denounce it as robbery and confiscation, while a New York paper editorially criticises and denounces it as though it were especially designed to protect the poor downtrodden corporations against the anarchistic demands of demagogues. Some would make mischief from malice; others would create discord as a joke. There are wags and cranks even among able statesmen and philosophers who would disregard stupendous interests and the gravity of momentous questions, sacrificing important legislation in order to emphasize a fad or crack a joke. A local Republican newspaper prophet, assuming the function without the spirit, recently predicted as to this railroad rate debate:

The speeches will be perfunctory in character, intended in the main for home consumption, except in so much as the effort of the minority is concerned to make clear that the legislation in question is really the fruit of Democratic initiative and exertion. There will probably be more discussion along that line than argument going directly to the merits of the bill.

Newspaper men are smart and witty, if not always prophetic. Sometimes they are right, always powerful, perhaps more powerful than any class, element, or agency in this country, not even excepting the twelve or fourteen billion dollars and several hundred thousand smart men engaged in resisting the enactment and enforcement of laws to protect the people against the exactions and discriminations of common carriers. Newspaper men can doom to success or failure any measure. They can doom to glory or to shame any man or woman. At the behest of their ubiquitous activity and power millionaires, Senators, Cabinet ministers rise or fall, and even mighty Presidents tremble or triumph according to the attitude of the press.

Verily its power, more than anything else on earth, suggests that divinity which "can kill or make alive." The writer just quoted, however, doubtless knew his article to be as perfunctory as the debate he anticipated, unless he meant to concede it to be clear that "this bill is the fruit of Democratic initiative and exertion," although others participated in the harvesting. He perhaps knew that since the court produced or exposed the weakness of the law to regulate commerce we have labored without ceasing to amend its defects. He also knew that in 1900, when the Republican platform was silent on the subject, the Democratic platform demanded "such enlargement of the scope of the interstate-commerce law as will enable the Commission to protect individuals and communities from discrimination and the people from unjust and unfair transportation rates." In pursuance of that platform demand we have been at work ever since. He doubtless knew also that in 1904 the Democratic national platform demanded "an enlargement of the powers of the Interstate Commerce Commission to the end that the traveling public and shippers of this country may have prompt and adequate relief from the abuses to which they are subjected in the matter of transportation."

Undoubtedly he also knew that in the same year the Republican party persisted in its traditional character for baseless braggadocio and hypocritical deception of the people, while truckling to their corporate campaign contributors by cajoling them with the comforting declaration that "laws enacted by Republicans which Democrats failed to enforce have been fearlessly enforced by the Republican party, and new laws enacted insuring publicity and additional remedies for discrimination in freight rates." If that meant anything, it was unquestionably intended to assure the corporations that the work of regulating them had been completed, and they need not apprehend any further legislation, and it was no doubt so understood by the corporations. Between the millions who stayed away from the polls because Cleveland's crowd procured the nomination of Parker, and the hundreds of thousands who remained at home because Bryan supported the ticket after the nomination, 4,000,000 people made the mistake of failing to vote on election day, thereby failing to ratify our platform declarations and elect our candidate.

But if the result was claimed by anybody as a victory against railroad regulation, the President-elect, undoubtedly the ablest as well as the most honest and fearless Republican President we ever had, promptly disabused their minds by taking a position perhaps as advanced in favor of our platform declaration on this subject as our own candidate could have done had he been elected, emphatically and repeatedly demanding substantially the very legislation asked for in our two platforms, and emphatically denying the hypocritical declaration that enough had been done.

Mr. GAINES of Tennessee. Will the gentleman permit an interruption?

Mr. ADAMSON. Certainly.

Mr. GAINES of Tennessee. You spoke in the very highest terms of approval of the President, who has been favoring this legislation, and about the appalling defeat of our candidate. Now, can you quote any statement Judge Parker ever made in his life, either as a judge or a private citizen, wherein he was not in favor of railroad-rate legislation?

Mr. ADAMSON. I have read a great many things he said favoring our demand for rate legislation, but I do not remember them now. I hope the gentleman did not understand me as disparaging Judge Parker's position on the subject.

Mr. GAINES of Tennessee. You did not say that he did. It was the omission to say that he did favor this legislation that prompts me to speak. He voted for Bryan in 1896 and 1900. His platforms demanded rate legislation.

Mr. ADAMSON. The slip in our cog was we did not elect him, and it was fortunate for us, in this one respect, that we had a President for whom we did not vote who took the place of Parker on this one subject and did as much, I believe, as Parker or anybody else could have done in the way of declaration. [Applause.]

Mr. GAINES of Tennessee. Do you not believe Judge Parker would have done the same thing, if he had been elected President?

Mr. ADAMSON. I have no doubt on earth of it. I am very sorry he was not elected, because we would have relied on him to do a great many good things on some other questions.

Mr. GAINES of Tennessee. Exactly.

Mr. ADAMSON. We would have been idiots and traitors had we declined President Roosevelt's powerful aid. Though not bound thereto by platform pledges, yet many Republican Members and Senators took position with the President, and in this connection I wish to acknowledge that in many personal respects there are some really good Republicans, despite the vicious doctrines of their abominable party. At least, many of them supported his message far enough to help us pass the Esch-Townsend bill through this House, but, unfortunately, through inexperience in the practice of political well-doing, they were unable to rise to the dignity and gravity of the occasion by helping us pass it through both Houses. Even while supporting so many meritorious provisions as that bill contained, they permitted it to be hampered with many objectionable and mischievous features. Nor is that all.

In the debate on this floor the leaders allayed all fears of the corporations, dispelling all possible apprehension by declaring that "the Republican party has determined to pass the bill through this House." We asked in vain, "Why don't you determine to pass it through both Houses so the President can sign it?" Our question met no response. Even the traditional echo, which never failed before that time, failed to answer "Why." But the result followed their announcement. The bill passed this House, but never passed anywhere else, except to death and oblivion in a pigeonhole in some other House unmentionable here, whose dignified members perhaps indorsed the Republican platform declaration that enough had been done. We did not believe enough had been done and very many honest Republicans agreed with us. Republicans and Democrats alike introduced numerous bills looking substantially to the same end, the relief of the people, who realized from daily exaction that enough had not been done.

After thorough study of all these bills which had been referred to us, all the members of our committee, twelve Republicans and six Democrats, ignoring party considerations, seeking the country's good alone, from mutual contribution and concession have unanimously agreed upon the pending bill. In its preparation the great statesman whose name it bears, and who would be a great and honest man in any party or country, rendered services which merit the undying gratitude of our people. The two gentlemen, respectively from Michigan and Wisconsin, who so ably and proudly furnished joint paternity to the bill passed by us last Congress, but cruelly deserted and destroyed somewhere else for want of attention, deserve great credit for their valuable contribution to this bill and can not be accorded too high praise for their generous, patriotic concessions and self-denial in surrendering not only some cherished ideas, but also the authorship of the bill itself in their laudable desire to secure, by unanimity in the committee, an advancement in the direction of much-needed remedial legislation. As for the Democrats, they began to feel happy at the first manifestation of a disposition on the part of the Republicans to make a forward movement.

The distinguished chairman of our committee, the gentleman from Iowa [Mr. HEPBURN], took such advanced position and intro-

duced such a splendid bill that it was hailed by us with delight. We could not afford to abandon our position, broad enough for joint occupancy, merely because others sought to share, defend, and improve it with us. We then offered the Davey bill, suggesting a few more good things, most of which the majority promptly accepted and gracefully appropriated. There was then nothing obnoxious in the bill. We had won that much. It also contained our main contention, provision for the correction of an unjust and unreasonable rate, whether joint or single, with ample and explicit power to enforce the order of the Commission. That met the principal demand of the country and fully complied with our platform declaration. But we had also secured the control of private car lines, with bridges, terminals, and all charges, regulations, and practices incident to interstate-commerce rates, besides improving all existing provisions for account, inventories, publicity, inspection, and all things necessary to complete fair and honest regulation.

We could not afford to hazard the advantages secured by failing to agree to a unanimous report. True, some of us desired additional provisions, but objecting to nothing in the bill we would not have been justified in filing a minority report and resisting the passage of the bill because of the omission of some other things, no matter how good, which may be made the subject of other and separate bills. We understand that a few people on both sides of the House, rehashing the same matter thrashed over by us in the committee, still object to the unanimity existing in our committee. It has been intimated in the Republican press that some Republican Members chide their brethren on our committee for bringing in a bill which the Democrats could indorse, claiming that being in the majority they ought to have carried through and labeled with a partisan stamp such action as might be had. On the other hand, it may be true that some Democratic Members would have preferred to make a fight for particular provisions, but we would have them understand that we made the same fight, and when they clearly perceived that we had to abandon the fight for them or lose many others equally valuable they will surely understand and concur in our action.

But we hear from others outside of Congress, who, through circulars and letters and the public press, condemn alike, in a perfectly nonpartisan spirit, all who would sanction any legislation to extend the arm of the law over these corporations, complimenting us with the title of demagogue, crank, etc. To all such we would answer in truth and soberness, this bill is as conservative as the circumstances will justify. It is more conservative than similar legislation to regulate other abuses and punish other crimes. They can take to themselves the comforting unction that if they are uncomfortable by the legislation aimed at them they have their own conduct to thank for it. If they had wisely pursued a moderate policy, looking to fair and honest profits upon their investments and operation, consulting the interests of the people about their schedules and practices, and treating various individuals and localities with honest fairness and moderation, Congress would never have touched the subject of interstate commerce with a view to its forcible regulation. But line upon line and precept upon precept have been ignored or "laughed to scorn." Their motto has not been "live and let live," accompanied by a practice tending alike to the prosperity of themselves and the people, but the question actuating their entire operation has been "What rate will the traffic bear?" and they have taken that rate to the last farthing.

A man who advocates a policy that charges a commodity $2 or $5 a car for crossing a bridge in one direction and nothing for crossing the same bridge in the opposite direction can not disturb me by calling vile names in a general way. A man, whether he be lawyer, president, general manager, or lobbyist, who will advocate the policy of running cars both ways through my town and charging neighboring towns much less rates of freight on similar articles in similar shape going through my town in both directions to the outlying towns, thereby enabling the other towns to come into our territory and rob us of our trade, is not in shape, morally and decently, to hurl epithets at anybody. The railroad management which touches two points in every respect equal, except that one has another railroad and does not need its help, yet charges twice as much and furnishes less facilities to the town entirely dependent upon it, thereby retarding its growth and prosperity for the benefit of the other and the carrier, is too mean to hurt me by calling me a demagogue. Yet many such instances, and worse, exist, and the answer to all importunities is that the law is not sufficient to force us to desist and you are a demagogue if you try to amend the law and make us do right.

We need railroads; they have done much to develop the country, but they could develop it more equally, fairly, and symmetrically, make more money, and be more popular with the people. I don't know a community in my section that would be willing to dispense with their railroad, even with all its exactions and discriminations. I don't know a community but wants more railroads, and those that have none want some. They all like them. A railroad train, with its power and beauty and exact and skillful operation, is not only a continuing but ever increasing source of admiration. The benefits conferred upon communities by railroads are inestimable, even after deducting the robbery; but the people know that in the corporations themselves there is nothing inimical to the public weal. Corporations for various purposes have existed from the earliest times, and the word means the cooperation of men, with the additional and all-valuable attribute of self-perpetuation through perpetual succession, the nearest imitation to immortality on earth. Through long generations corporations have handed down from age to age the blessings of one period, improved and enlarged for the benefit of mankind in after times.

There is no harm in the cross-ties nor the steel rails, nor in the engines nor cars. These are all blessings to our race. But the trouble is they are owned and operated by human beings, and they are the most intractable and ungovernable and rebellious things found on the earth. If there was any ground for the Republican contention as to good and bad trusts, it is far more true that railroads may be good or bad according as they may be manipulated by good or bad men. If the trail of the serpent has already fixed the character of the bad so that they can no longer pray, "Lead us not into temptation," the good ones may well remember their principles and guard their conduct "when kind occasion favors warm desire." I say without fear of contradiction that but for the unparalleled greed and unsconscionable rapacity of certain railroad managements to exercise their power to the utmost limit in oppressing the people, regardless of their appeals, their distress, their interests, instead of discharging their duties as common carriers with an honest view to the mutual benefit to themselves and the country, they would have been the most popular people and instrumentalities upon the face of the earth, and not one breath of demand for legislation would have reached our ears.

As early as the Fifty-fifth Congress I made a speech in this House demanding fair, reasonable, and just freight rates, and warning the roads that persistence in their conduct would arouse to wrath an outraged people. They ignored that as all other warnings, persisting in their plans to do as they pleased, charge what they please, retain all necessary lawyers to conduct all cases, visit vengeance by proscription and discrimination on all who oppose them, resist by all sorts of means proposed legislation, and denounce honest legislators who are driven by persistent outrages, yielding to no other treatment, to enact remedial and punitive legislation as the only means of checking the evil.

It should be admitted that railroad property is as sacredly entitled to the protection of the law as any other property. The law should no more confiscate railroad property than it should allow railroads to confiscate other people's property. The owners of railroad property have the same right as other citizens to participate in that government which controls and regulates their property in common with all other, and should not be abused nor proscribed for exercising such rights as all other citizens to express their views, advocate or oppose legislation, and prosecute and defend in the courts.

At the same time they are not justified in objecting to similar participation by their fellow-citizens interested in their operation. The carriers are authorized by Government to occupy and operate the highways and channels of trade and travel in a manner exclusive, practically, of all others, very much as officers are elected and charged exclusively with certain duties, while vested with other rights. The carriers are clothed with functions of public duty and prerogatives which require them to consider and conserve the interests of the people at large, as well as their own. By their very nature, their inherent character, as well as by written constitution and laws of government, they are subject to control and regulation. They should serve all men and localities with fairness and impartiality; they should make schedules and connections to promote the convenience and interests of the people, thereby securing their own interests; they should make charges fair and without discrimination; they should be reasonable and just, which relates more to equality of condition and service than to the rates charged.

A dealer would rather pay a hundred and fifty dollars for a car while his competitor pays the same than to be charged only a hundred dollars while his competitor is charged only seventy-five. It is a tried and true maxim only when properly applied, that "competition is the life of trade;" but competition may

be entirely destroyed through unjust conditions, bankrupting men and localities by discrimination. Men should not, nor should communities, be deprived of the benefit of competition by law, which is done when a railroad, chartered by Government, clothed with quasi-official powers, under the regulation of Government, is permitted to loot one shipper or locality in the interest of another. Carriers should not be denied the right to compete when they will, but when they combine and refuse to compete the law ought to give the shippers the same rights which refusal to compete denies to them. The only question material is the question of method of regulation, and that has been settled by the Government. Were it an open question I should favor the plan of clearly defining the rights of the people and the rights and duties of the carriers, not only providing ample and prompt remedies, but also making a category of crimes with speedy trial and sure punishment.

Thus railroad officials would be placed on the same basis with other citizens and officials. A crime by a railroad man would be punished just like a crime against property committed by another man. Criminal mismanagement of a railroad and robbery of the people by unconscionable exactions would be punished just as similar misconduct on the part of public officers. If a railroad man charged more for hauling the same commodity a short distance over the same line than for a long distance, he ought to be punished as a criminal; if it charges one shipper or locality more for the same service, punish him as for any other crime. If discrimination as to schedule or service was perpetrated, apply the criminal law. But this Government has been long committed to another fixed plan, cumulative in great part it is true, but yet well established and very popular. It has been so long practiced and so often construed that it is easier to follow its general lines and make such amendments and improvements as the circumstances demand.

The Railroad Commission has accomplished great good by its labors. It would have accomplished much more had its power to enforce its orders been greater. The people from ocean to ocean, from Canada to Mexico, have long and loudly demanded the increase of the Commission's power as the one avenue to higher efficiency. We have heeded their cry and sought to do what they asked by improving and perfecting as much as possible the laws already on the books, in which there is already great value and which can be rendered far more valuable by the amendments suggested. The power to make rates was so stoutly denied and resisted with such spirit that pending the struggle we sought some advantage by passing an act to expedite hearings, because the cases were congested in the courts, but it did not go far enough, for it did not apply to cases brought by the carrier, far the more numerous class, but was limited to those brought by the Government, and as to the latter and smaller class we left the discretion in the Attorney-General to certify to the necessity of expedition. In this bill we seek to remedy that defect by extending that act to cases brought by carriers and making it the duty of the Attorney-General to furnish the certificate.

Another very important remedy some of us sought to make, but failed. We have long desired to amend the long and short haul section by striking out the qualifying clause "under substantially similar circumstances and conditions," the construction of which has destroyed the value of the section. The complications of water transportation furnished a plea to resist our efforts. The conditions of water transportation exist in various and all parts of the country.

The ocean rolls almost around us; the rivers ramify our magnificent territory; the bays, inlets, and gulfs make long and wide indentations in our shores. Almost everywhere trains are running in every direction loaded with commodities going every way, coming in contact with cheap navigation, multiplying the perplexing questions as to how the rate situation should be determined and settled. Water competition presents an ever-present difficulty. It is all around us and among us; and those who possess these advantages will not consent voluntarily to surrender them.

We wished to make the amendment, however, in order to transfer from the courts to the Commission the power to determine what exceptions should be allowed and when. But though driven to yield we could do so with more grace because we have secured substantially the same remedy in the power of the Commission to correct a specific rate and enforce the correction, which power applies to any point though it may be affected by the long and short haul clause, and the power is really transferred from the courts to the Commission, as we desired.

Mr. GAINES of Tennessee. Before the gentleman concludes, it will be of great assistance to the committee, and I know it will be to me, if he will put his finger on and read or put into the RECORD that part of this bill which gives the Commission the right to unfix and refix a rate made by the railroad which is less than the maximum rate which the Commission itself made. In other words, the Commission fixes the rate at $1, the railroad makes a 90-cent rate. That rate may become obnoxious in law and fact. Now, will the gentleman put his finger on a single line in this bill, or in the law which is amended by this bill, or the law as it will be when this bill passes that gives that Commission the right to unfix that 90-cent rate?

Mr. ADAMSON. The gentleman means to fix one the second time?

Mr. GAINES of Tennessee. Yes, sir; fix the same rate the second time. I say that it is not in this bill.

Mr. ADAMSON. I will go into that section now.

We had differences about the provisions, the language, and stipulations of that provision; but, Mr. Chairman, the contention between us having been with the other end of the table, led by the distinguished chairman, insisting that they had provided for a maximum rate, the language used being the "reasonable, just, and fairly remunerative maximum rate." We said that would be construed differently from the professed intention; we said that would be construed by the courts to mean the Commission only being referred to and direction being given to its action it would be construed to mean that they are upon investigation to fix the highest rate which would be reasonable and just, and under the rules of grammar it could not be understood any other way. But with a patriotic disposition to conservative action the chairman, supported by his colleagues at that end of the table, yielded and changed the language so that unmistakably it now defines the right of the carrier and limits his highest charge to the rate fixed. No man can find any substantial difference between that and ours. Ours simply said they shall declare what shall be a reasonable and just rate.

Mr. GAINES of Tennessee. Would not that be the actual rate that the roads were charging?

Mr. ADAMSON. That is what I was proceeding to say.

Mr. GAINES of Tennessee. The maximum rate would be the utmost limit.

Mr. ADAMSON. I say there is no difference. The carriers are going to take the rate that the Commission fixes, whether they say it is highest rate they can charge or the rate they shall charge. It is with the Commission.

Mr. GAINES of Tennessee. Now, suppose the Commission is in error, the maximum rate having itself proven to be unjust and unreasonable. Suppose that. Now, where is your power for the Commission to make a new rate? That is one proposition. Just one more. I do not want to interrupt the gentleman.

Mr. ADAMSON. I love to be interrupted. I like to have anybody help me make a speech.

Mr. GAINES of Tennessee. The gentleman does not need any help. Now, as I was about to ask you: First, you file a complaint, take proof, have a hearing, and have a judgment fixing the maximum rate. Now, this lasts for three years.

Mr. ADAMSON. That is not what it says. It does not say it shall last, but if it is still alive at the end of three years, it shall then die.

Mr. GAINES of Tennessee. Now, then, that was a dollar rate, and the railroads have fixed a 90-cent rate, but that, too, has proven to be oppressive. Now, I have earnestly read your bill. Is there any language in the bill, if it becomes law, that will give the Commission the right to go along and unfix that 90-cent rate and fix a rate reasonable and just?

Mr. ADAMSON. The very fact is that we are moving all the time. The fact is that everything gets either better or worse, and that we do not stand still. If it be true, as contended by some people, that the trend of rates is to go lower, before the expiration of three years the likelihood is that the rate desired by the railroad itself will be far below the maximum fixed. I hardly believe, under the conditions in this country, that any rate at all—or, rather, it would be an exceptional thing for any rate to live for three years.

Mr. GAINES of Tennessee. I hope that will be the case. Suppose this 90-cent rate has now proven unreasonable, and I know of cases in Iowa and, I think, in Illinois, where the railroad fixed a rate at less than the maximum rate, and that new rate proved to be unreasonable. I ask, Is there no way in this bill for the Commission to take charge of that and refix it—this 90-cent rate? I refer to the language on page 18 of the bill, section 16 (a):

> That after a decision, order, or requirement has been made by the Commission in any proceeding any party thereto may at any time make application for rehearing of the same.

Now, "any party thereto" can get a rehearing,—not an oppressed outsider. An outside party can't get a rehearing. This

refers to the decision or order or requirement of the Commission.

Mr. ADAMSON. It would be an extraordinary occurrence if a party outside of the record could make an application for rehearing of a case.

Mr. GAINES of Tennessee. A may be dead, and B wants to make a complaint. The party to the suit may die, but B may live. He is still oppressed and wants to have the rate changed. Now, then, this language here does not refer to the rate made before. It says "after a decision." That is a decision by the Commission. "Order." That is an order of the Commission. After any "requirement." That is a requirement of the Commission, that the party to the record may ask for a rehearing. But a rate of 90 cents made by the railroad is not a decision of the Commission. It is not an order of the Commission; it is not a requirement of the Commission; but it is the act of the railroad. Now, I want to get at your authority to correct that act of the railroad.

Mr. ADAMSON. Do you hold that the amendment of the fifteenth section does not allow the Commission to hear a de novo case by another shipper, to correct a rate it has itself made?

Mr. GAINES of Tennessee. I am asking you now for information.

Mr. ADAMSON. I think you are making a mistake.

Mr. GAINES of Tennessee. I asked my friend from Iowa yesterday where was the refixing power of this bill?

Mr. ADAMSON. I think the refixing power is contained in the provision for the original fixing power.

Mr. GAINES of Tennessee. I do not find it in the language.

Mr. ADAMSON. I say in that language, amending the fifteenth section, you will find that whenever after any investigation, or any hearing in any case filed by anybody, on either side of the question, the Commission can hear a new case—not the same case.

Mr. GAINES of Tennessee. Suppose it is a case about the same rate—suppose it is the rate for hauling apples from Georgia?

Mr. ADAMSON. Yes.

Mr. GAINES of Tennessee. A files a suit against the railroad, and the rate is fixed at a dollar by the Commission. Now, A dies. In the meantime the railroad itself has fixed the rate at 90 cents. Now, B says that the 90-cent rate fixed by the railroad is oppressive, and he wants it changed. The Commission has already fixed a maximum rate for the hauling of apples from Georgia. Now, what I want to know is, Where is your power to refix a rate for hauling apples from Georgia, which rate the carriers made?

Mr. ADAMSON. There is no rule of law in the world that would bind B in a contention to which he was never a party. But you put the case itself in a much stronger attitude than that, as I understood your question at first, both to myself and to the gentleman from Michigan [Mr. TOWNSEND]. You supposed that some time would elapse, and conditions would be changed, and the 90-cent rate itself would grow too high.

Mr. GAINES of Tennessee. Exactly.

Mr. ADAMSON. There is no doubt on the face of the earth that under the initiative language of that amendment——

Mr. GAINES of Tennessee. Now, read that. That is what I want to get.

Mr. ADAMSON. That the Commission would have the authority to fix a new rate.

Mr. RICHARDSON of Alabama. Will the gentleman from Georgia allow me to make a suggestion?

Mr. ADAMSON. Certainly.

Mr. RICHARDSON of Alabama. The whole jurisdiction of the Interstate Commerce Commission depends upon a complaint being made.

Mr. ADAMSON. That is what I refer to.

Mr. GAINES of Tennessee. That is true, and everybody knows that, but I am trying to get at the thing that everybody does not know, and that is the authority for this power to refix a rate made by the carrier which is less than the maximum rate fixed by the Commission.

Mr. HINSHAW. The contention of the gentleman from Tennessee is that the judgment of the Commission in one case, if you may so call it, will be a bar——

Mr. GAINES of Tennessee. Exactly.

Mr. HINSHAW. A bar to any further proceedings on identically the same subject-matter.

Mr. GAINES of Tennessee. Exactly.

Mr. HINSHAW. As I understand the gentleman from Georgia, he thinks that if another party becomes the party complainant in a new proceeding that the judgment in the other case is not a bar to further action.

Mr. ADAMSON. Nobody ever claims it. Any man can go into court (in this instance before the Commission) at any time he chooses and take his chances of winning or losing. It may be that the case would be more easily determined after there had been action in a similar case.

Mr. GAINES of Tennessee. But the Commission have already spent their power in fixing the old rate.

Mr. ADAMSON. Oh, no. Here is the language——

Mr. GAINES of Tennessee. That is what I want to find.

Mr. ADAMSON. At the beginning of section 15, under amendment 4:

That the Commission is authorized and empowered——

Mr. GAINES of Tennessee. Where is that?

Mr. ADAMSON. On page 10 of the bill which the gentleman handed to me—

and it shall be its duty *whenever*, after full hearing upon a complaint made as provided in section 13 of this act, or upon complaint of *any* common carrier, it shall be of the opinion that any of the rates, or charges whatsoever, demanded, charged, or collected by any common carrier or carriers, subject to the provisions of this act, for the transportation of persons or property as defined in the first section of this act, or that any regulations or practices whatsoever of such carrier or carriers affecting such rates, are unjust or unreasonable, or unjustly discriminatory, or unduly preferential or prejudicial, or otherwise in violation of any of the provisions of this act, to determine and prescribe what will, in its judgment, be the just and reasonable and fairly remunerative rate or rates, charge or charges, to be thereafter observed in such case as the maximum to be charged.

Mr. GAINES of Tennessee. Well——

Mr. ADAMSON. If the words "whenever" and "any" are not broad enough to admit of as many investigations as the multiplicity of parties and the changing conditions may make desirable, I do not understand the definitions of the words.

Mr. ELLIS. Will the gentleman yield?

Mr. ADAMSON. With pleasure.

Mr. ELLIS. As I understand the gentleman from Tennessee [Mr. GAINES], in raising his question he goes back not only to section 15 of the bill, but to section 13 of the bill.

Mr. ADAMSON. Yes.

Mr. ELLIS. And I want to call attention to this section 13, because I am inclined to the view that there is something in the contention.

Mr. GAINES of Tennessee. There is no question that there is something in it, and you ought to make it clearer, even if I am wrong.

Mr. ELLIS. This is in section 13:

That any person, firm, corporation, or association, or any mercantile, agricultural, or manufacturing society, or any body politic or municipal organization complaining of anything done or omitted to be done by any common carrier subject to the provisions of this act in contravention of the provisions thereof, may apply to said Commission by petition, which shall briefly state the facts; whereupon a statement of the charges thus made shall be forwarded by the Commission to such common carrier, who shall be called upon to satisfy the complaint or to answer the same in writing within a reasonable time, to be specified by the Commission.

Now, in the case supposed by the gentleman from Tennessee [Mr. GAINES] there would have been nothing done in contravention of this act. They could not acquire jurisdiction, in other words, under the express language of section 13. The hearing would have been had, the Commission would have made its finding——

Mr. GAINES of Tennessee. Exactly; and it would have fixed the limit.

Mr. ELLIS. It would have fixed the maximum rate.

Mr. GAINES of Tennessee. Exactly.

Mr. ELLIS. And then the railroad would have reduced the rate 10 cents, and there would have been no infraction—none whatever. Now, where do you get the jurisdiction?

Mr. GAINES of Tennessee. You have spent your power in fixing your dollar rate—the maximum rate, the only kind of a rate the Commission can make in any case under this bill.

Mr. MANN. May I offer a suggestion?

Mr. ADAMSON. Certainly.

Mr. MANN. The law is that the rate must be just and reasonable. After the maximum rate is found by the Commission it stands until circumstances intervene which make that rate unjust or unreasonable. There is no question that the Commission has power to entertain jurisdiction over a new complaint.

Mr. ADAMSON. I fail to notice any language which the gentleman read in section 13 that contravenes that.

Mr. MANN. That is expressly what the language of section 13 says.

Mr. ELLIS. Would it be contended that under that general provision the Commission could fix a minimum rate?

Mr. MANN. The Commission can not fix a minimum rate; the Commission could select the lower rate upon a new complaint.

Mr. LITTLEFIELD. They could make that a new maximum rate.

Mr. MANN. Yes; they could make that a new maximum rate. The Commission can entertain a new complaint every time the circumstances change.

Mr. GAINES of Tennessee. I wish my friend, who is so accommodating and learned, would put his finger on that and read it to us. I have asked the question time and time again for information.

Mr. MANN. I would read it, but the distinguished gentleman from Missouri has just read it.

Mr. GAINES of Tennessee. That is when you first file a complaint. I am talking about after you have fixed the maximum rate. Here is my point: After the complaint has been filed and the maximum rate has been fixed—say at a dollar—the railroad then fixes the rate at 90 cents and that rate proves to be unreasonable and oppressive for any reason. Now, I am trying to get at the power given under this bill, when it becomes a law, to unfix that 90 cents, if it is unreasonable and unjust, and fix a reasonable and just rate. The Commission has spent its power on that rate and fixed it at a dollar, the maximum rate, and it is not allowed to fix a rate that is not a maximum rate. Where is your power to unfix and fix this 90-cent rate?

Mr. MANN. The trouble with the gentleman from Tennessee is that the gentleman is not perfectly familiar with section 13. The law is that the rate shall be just and reasonable. The gentleman assumes that the rate becomes unjust the moment anybody thinks the maximum rate or the rates put in force by the railroad are unjust and unreasonable. That person can file a new complaint under section 13 alleging that it is unjust and unreasonable.

Mr. ADAMSON. I do not wish to debate with the gentleman from Illinois as to the trouble with the gentleman from Tennessee, but I will tell you where I think his mistake is: It is in assuming, unwarranted by the language of section 4 in amending section 15, that the Commission can never hear but one complaint about one case, whereas the language is specific to the contrary.

Mr. GAINES of Tennessee. Read it.

Mr. ADAMSON. On page 10 it says:

That the Commission is authorized and empowered, and it shall be its duty, whenever, after full hearing upon a complaint made as provided in section 13 of this act, or upon complaint of any common carrier, it shall be of the opinion that any of the rates, or charges whatsoever, demanded, charged, or collected by any common carrier or carriers, subject to the provisions of this act, for the transportation of persons or property as defined in the first section of this act, or that any regulations or practices whatsoever of such carrier or carriers affecting such rates, are unjust or unreasonable, or unjustly discriminatory, or unduly preferential or prejudicial, or otherwise in violation of any of the provisions of this act, to determine and prescribe what will, in its judgment, be the just and reasonable and fairly remunerative rate or rates, charge or charges, to be thereafter observed in such case as the maximum to be charged.

Mr. GAINES of Tennessee. Now, turn to page 18 and read subsection 16 and you will see that the rehearing is on the "decision, order, or requirement" of the Commission. Now, the 90-cent rate is not the "decision, order, or requirement" of the Commission.

Mr. ADAMSON. I am not talking of the new trial between the same parties or the same case. If you lose on a case in that particular instance, that section authorizes you to move for a new trial or ask for a new hearing.

Mr. SHACKLEFORD. If the gentleman will pardon me, I can not recall the language, but it occurs to me that somewhere in that bill there is a provision that the Commission may at any time revise a rate they have formerly made.

Mr. GAINES of Tennessee. But the 90-cent rate is not a rate they made. It is one that the railroad has made, and less than the dollar rate fixed by the Commission.

Mr. ADAMSON. There is this trouble with the gentleman from Tennessee: We do not limit the power of the Commission to correcting the rate the railroads make. We will never interfere with a rate the railroad has made as long as it is reasonable and just. The railroad in the outset has the initiative to make its rates, and if it will do right and make them right, we will treat the railroads like anybody else, because the laws are made to protect the good from those who are bad, and if the railroad makes an unjust and unreasonable rate we will correct it.

Mr. GAINES of Tennessee. How can it be an unreasonable and unjust rate if it is underneath the maximum?

Mr. ADAMSON. We have not fixed a rate at all. I am speaking of the original rate. But the Commission can, on complaint and hearing, correct any rate found at the time to be unjust and unreasonable. The gentleman says he understands the bill to mean that the power stops with canceling a rate once, and the right of the citizens to redress ends, but I say in that that he is mistaken. Afterwards, if conditions change or if other shippers know new facts, or if other shippers suffer in a different way or are more familiar with the situation—if at any time under changed conditions the same party, or under the same conditions and after a time other parties who have not been heard want to file a complaint with that Commission, the Commission will hear it.

Mr. HEPBURN. If the gentleman from Georgia will permit me, I will call his attention to page 14, line 18:

The Commission shall be authorized to suspend or modify its orders upon such notice and in such manner as it shall deem proper.

Mr. ADAMSON. Of course.

Mr. HEPBURN. Again, on page 18, line 24:

That after a decision, order, or requirement has been made by the Commission in any proceeding any party thereto may at any time make application for rehearing of the same.

Mr. GAINES of Tennessee. That is exactly what I have read here, Mr. Chairman, and it refers to the "orders, decisions, and requirements" of the Commission, which is the dollar rate that I am talking about, but the 90-cent rate is not the "order," it is not the "decision," it is not the "requirement" of the Commission, but it is the act of the railroad company, and I can not find any power in this bill that gives the Commission the right to go and unfix that 90-cent rate and fix it justly and rightly. Now, I would like to get the section giving this refixing power of such a rate. I confess I am ignorant of it, and that is what I want to be enlightened upon.

Mr. LITTLEFIELD. If the dollar rate is just and reasonable, why get it changed?

Mr. GAINES of Tennessee. Because the rate, in fact, is unreasonable and oppressive.

Mr. BARTLETT. Mr. Chairman, if I may be permitted to suggest to my colleague, if the Interstate Commerce Commission, upon a complaint had, should fix a reasonable rate and should declare that to be a maximum above which the railroads should not charge, and if the railroad did not then charge the rate being fixed by the Commission, but should charge 90 cents, and it should turn out that that was an unreasonable rate, under the authority given in the sections to which the gentleman from Iowa [Mr. HEPBURN] has called attention, the Interstate Commerce Commission could then, on its own motion or upon complaint of any party to it, fix that rate again and make it 80 cents.

Mr. ADAMSON. Unquestionably. There is no doubt about that.

Mr. GAINES of Tennessee. Where is the lettering of the bill that gives that power?

Mr. BARTLETT. The part just read by the gentleman from Iowa [Mr. HEPBURN].

Mr. GAINES of Tennessee. But I take issue with the gentleman on that.

Mr. BARTLETT. That was the intention of it.

Mr. GAINES of Tennessee. I do not doubt that, but put it in plain English.

Mr. ADAMSON. I desire to call the attention of the gentleman from Iowa [Mr. HEPBURN], in response to his remarks, to this suggestion. It appears to me that the gentleman from Tennessee [Mr. GAINES] has allowed his pure and clear mind to be troubled by a fallacious idea. Now, nobody supposes that the same case will come up by different parties day after day before the same Commission, because this is a country in which we hear from one another occasionally, and it would be foolish to expect that; it would stop of its own folly. Therefore the only possible chance to exploit the idea or condition that he suggests would be some time afterwards, when conditions are changed and the rate had been tested, that somebody else would try to make a case in the event, as he suggests, that the original complainants were dead.

Now, the gentleman from Tennessee [Mr. GAINES] seems to have the idea that the language we use in section 4 amending section 15 confines the original jurisdiction of the Commission to rates which it had never before touched, but I do not see how it is susceptible of any such construction.

Mr. ELLIS. Now, Mr. Chairman, I desire information. I am after light, because light destroys this microbe that creates these fallacious ideas.

Mr. ADAMSON. I am sure I am very grateful for any interruption the gentleman may wish to make.

Mr. ELLIS. I am affected by that same microbe that is affecting the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. I do not like to be poisoned by the railroad microbe. That is what I am after in this bill.

Mr. ELLIS. The answer, I submit, of the distinguished chairman of the committee, the gentleman from Iowa [Mr. HEPBURN], does not answer the question.

Mr. ADAMSON. Can I not get the gentleman to flatter me by saying that I did answer the question? I thought I did. [Laughter.]

Mr. ELLIS. No; I do not think the gentleman quite understood the proposition. Let us look at this language suggested by the chairman. We are talking about the method by which the Commission gets into the proposition originally or subsequently.

Mr. ADAMSON. Yes; our difference is that you are afraid they never could come in on another case after having once fixed a rate.

Mr. ELLIS. Let us see about that. We are talking about a new case, because, as I understand it, the condition predicated by the gentleman from Tennessee [Mr. GAINES] would make a new situation—entirely new.

Mr. GAINES of Tennessee. Yes, and a lot of lawsuits would occur.

Mr. ELLIS. Now, the language read on page 14 pertains to a new situation. "The Commission shall be authorized to suspend or modify its orders upon such notice and in such manner." We are not talking about a situation like that. Your initiation of the consideration of a given case is under section 13 and under a clause that is not amended at all. If it was a new proposition you would have to get your jurisdiction through that part of section 13. Now, under the state of things suggested here, and not at all impossible, but very possible because of one that has already frequently happened, you will have made your order. Now, I ask you to modify the order. Without violation of the order, as will be agreed, the railroad has simply stepped below the maximum fixed under the order of the court and fixed a rate that is entirely proper, because it is below the maximum; but circumstances do change and that lower rate is found to be oppressive to some community or some individual or some association or corporation—some of these natural persons or artificial persons described in section 13. Now, how is the Commission to step into the breach in a condition like that?

Mr. ADAMSON. I do not think in that case it would step in.

Mr. ELLIS. That is exactly the effect produced upon our mind, that the Commission not only would not step in but would have no authority, so far as we are able to find, to step in.

Mr. ADAMSON. I think I would have no difficulty if a client came to me as a lawyer; I think, if I told you the investigation had not been too recent, if there was any reason to believe our new case would be treated with any hope of success, if the other investigation had not been so recent and full as to preclude the hope of our winning, I would suggest that we file an application or petition with this Commission, as provided in section 4 amending section 15. I would have no idea that petition would be dismissed because that Commission had once tried another case.

Mr. ELLIS. Who would file it?

Mr. ADAMSON. I would file it in the name of my client, if I had a client.

Mr. GAINES of Tennessee. You would want to change, in that case, your dollar rate, would you not?

Mr. ADAMSON. I would want to proceed just as though the Commission had never heard of any such rate.

Mr. GAINES of Tennessee. Say it is apples from Georgia, as I said a while ago.

Mr. ADAMSON. That would be developed, and I would have sense enough to tell my client, as a precaution, that he would have to make a strong case or abide by their ruling.

Mr. GAINES of Tennessee. Now, I said in a supposed case a while ago, which my friend has elaborated, that you want to ship your apples, say, from Atlanta to Nashville.

A MEMBER. Louder, please.

Mr. GAINES of Tennessee. My supposed case was something like this: A wants to ship apples from Atlanta, Ga., to Nashville, Tenn., and the Commission, on complaint, duly fixes a rate of $1. Subsequently the railroad charges 90 cents for hauling those apples from Atlanta to Nashville.

Mr. HEPBURN. In the first place the Commission does not fix the rate at a dollar. It fixes the maximum rate of not more than a dollar.

Mr. GAINES of Tennessee. Well, that is a dollar—that is the same thing.

Mr. HEPBURN. No, it is not the same thing.

Mr. GAINES of Tennessee. Here is my case: The Commission says the railroad shall not charge more than a dollar, so a dollar is the maximum. It is the same thing in effect. Now, the railroad charges 90 cents, and circumstances change and that rate becomes intolerable and oppressive, as it has in the great State of Iowa, and brought about a number of lawsuits on cases where they were charging a rate less than the maximum fixed by that great Commission. Now, where is the authority for the Commission to unfix that 90-cent rate and fix a new one? Now, the gentleman from Iowa alludes to this language:

> That after a decision, order, or requirement has been made by the Commission in any proceedings any party thereto may at any time make application for rehearing of the same.

It says any party to the old lawsuit, but here is a new man, who is not party to the lawsuit; so he can not have any rehearing because he was not a party to the lawsuit. Again, that paragraph alludes to a "decision, order, or requirement" made by the Commission. The 90-cent rate is not a decision, it is not an order, it is not a requirement of the Commission, but is the act of the carrier.

Mr. ADAMSON. Now, will the gentleman allow me to ask him a question?

Mr. GAINES of Tennessee. Pardon me a minute more. My friend from Iowa [Mr. HEPBURN], whom I esteem as much as anybody in this House or out of it, and I acknowledge his great influence and ability to make laws, refers to page 14 for authority, in the following language:

> The Commission shall be authorized to suspend or modify its orders upon such notice and in such manner as it shall deem proper.

Suspend or modify "its" orders? The 90-cent rate is not its "order." Now, where is your authority for it to unfix and fix this 90-cent rate?

Mr. BURKE of South Dakota. What would the gentleman have them do?

Mr. LITTLEFIELD. The gentleman's theory is that they can not do anything.

Mr. GAINES of Tennessee. I would have the language as literal as it is in Iowa, Illinois, South Dakota, and Nebraska statutes, that the Commission "shall have from time to time the right to change its schedules," or words to that effect, and that is what all of these great laws have had written in them literally, and yet this great committee has seen in its wisdom that no such language should be in this bill.

Mr. ADAMSON. If the 90-cent order is not the result of the Commission's action, why does the gentleman contend that the Commission could not take action?

Mr. GAINES of Tennessee. Because you have already fixed the maximum rate on apples between Atlanta and Nashville at $1, and the railroads charge 90 cents, which is legal because not above $1.

Mr. ADAMSON. The gentleman says that the 90-cent rate is not the result of the Commission's action?

Mr. GAINES of Tennessee. Not all.

Mr. MANN. Suppose the railroads should fix a dollar as a maximum, and they make it 80 cents; has it that power?

Mr. GAINES of Tennessee. Where has it the power to do that?

Mr. MANN. The gentleman just read the language.

Mr. ADAMSON. If "whenever" and "any" are not words of significance as wide as the universe, there are none in the dictionary.

Mr. GAINES of Tennessee. The gentleman will find, I think, I am right in this construction. In every one of these commissions, in Iowa, Illinois—the latter the oldest one in the country, and about the best one, unless it is Iowa—Nebraska, South Dakota, and in every one that I have read, it says specifically, in a great big, pregnant section, "that the commission shall have power from time to time to change its own rates." Where is that power here? If it is here, let us put it in plain English, so plain that a blind man can not fail to read and understand it. Let us, I say, put it in in haec verba, that the Commission shall have the right from time to time to change its own schedules. Let us say in plain language what we mean.

Mr. ADAMSON. I am exceedingly obliged to my distinguished friend for his assistance. I think he is utterly mistaken in trying to construe language that needs no construction, but that, with all the fullness and specific significance that the English language is susceptible or capable of, provides exactly for any and every correction of an unjust and unreasonable rate that may ever be imposed anywhere in the United States in interstate commerce.

The words "fairly remunerative" we yielded to, because it did not change the sense a particle. I do not believe that in any country where the laborer is worthy of his hire, where it is acknowledged that railroads are desired by everybody and in every community, and where the right to earn a fair return is acknowledged by everybody, that a commission in considering what is reasonable and just would fail to consider whether it was fairly remunerative upon actual, honest, unwatered investment.

There are provisions in this bill to investigate all of those

things. There are provisions which call for the most thorough and the widest publicity; there are provisions to secure correct and uniform accounting and reports. There are methods provided for ascertaining all information that is material for the fixing of the relations between the corporations and the people.

Mr. BOUTELL. Right at that point, will the gentleman yield for a moment?

Mr. ADAMSON. With pleasure.

Mr. BOUTELL. I have read recently in several of the leading southern papers very earnest editorials, written prior to the introduction of this bill, protesting against this policy of fixing railroad rates by a Commission, and expressing, what seemed to them, well-grounded fears that this Commission in fixing rates, for example, from the Mississippi Valley and the West to tide water, would inevitably discriminate against the southern Gulf ports and in favor of the Atlantic ports.

Now, if those fears were well grounded, certainly they are worthy of most earnest and serious consideration; and if it would be in the line of the gentleman's argument, I should like to have him refer to that matter as to whether those fears were well grounded; secondly, if well grounded, whether this measure as recast throws such protection around these ports as to give them the natural advantages of geographical situation; and, third, whether it is the design of the movers of this measure to do away with the natural advantages of geographical situation in acquiring the business of the country.

Mr. ADAMSON. I thank the gentleman for his interruption. I thank all my fellow-statesmen for helping me with this speech; and the gentleman, no less than any other I know of, can render me assistance.

In pursuance of some remarks made a few minutes since, I repeat that the railroads have a right to advocate or resist, in the press or before legislatures and Congress, any movement which they deem injurious to their interests. The allied railroads of this country have not been derelict in their duty to take care of themselves, for there is one law they always regard, even if they disregard all others, and that is the law of self-preservation, in pursuance of which it is said they have a bureau of information and publicity; and I admit that they have a right to have inserted, even as advertisements in newspapers, if they wish, any legitimate, decent argument which would militate against regulation, which they have resisted so steadily and stubbornly as to weary the people very much with their obstinacy.

Mr. BOUTELL. Right in that connection I would say that these editorials that I have particularly in mind were apparently inspired absolutely by local interests.

Mr. ADAMSON. I do not doubt that.

Mr. BOUTELL. And civic pride.

Mr. ADAMSON. I do not doubt that.

Mr. BOUTELL. I remember about three or four weeks ago the New Orleans papers, which I reckon among the most ably edited papers in the country, expressed the serious fear that the natural advantages of the port of New Orleans would be discriminated against in this legislation; and I trust the gentleman will appreciate that these articles that I referred to seemed to be those that were animated by the civic pride of these Gulf ports and absolutely disconnected with any corporate or railroad influence.

Mr. ADAMSON. I have no doubt in the world that the press as well as a great many of the people at New Orleans, Savannah, Mobile, Brunswick, Galveston, Charleston, and ports on the south Atlantic seaboard and the Gulf do in good faith cherish very grave doubts and fears as to the dangers that they may suffer at the hands of the Commission, if it should be a partisan or sectional Commission. Now, I have been doing my best to divest myself of the idea of sectionalism. Bearing in mind the language of my friend from Minnesota [Mr. BEDE] the other day, quoting the Kentucky girl, that Yankee would be only half a word, that it ought to be "Damnedyankee," I do not want that in my head at all. I have never said a sectional or partisan word as such since I have been in this House, and so help me God, as a patriotic American citizen, I never will. [Applause.]

But before our committee, in its hearings last year, there was some testimony going to show that it was desirable that power should be given the Commission to raise the rates from the Northwest to the southeastern ports, and it was specifically said that the routes running from the Northwest directly to the eastern seaports could not compete with them, and in that connection something was quoted to the effect that a barrel of flour could start at St. Paul and roll to New Orleans without any propulsion except the power of gravitation.

Mr. GAINES of Tennessee. J. J. Hill said that.

Mr. ADAMSON. Of course, if we did not believe that the embers of sectionalism are practically dead and buried forever, in the minds of honest men, or at least sufficiently so that we might hope for honest administration to the extent of securing honest commissioners, we would all fight your proposition to the death. But if, as intimated by two or three witnesses up there, the purpose was to force the raising of the rates which were satisfactory and profitable to the carriers, because God and nature had made the conditions favorable for a larger and cheaper haul, of course we would never consent to it.

In the debate on this floor during the last Congress I rose in my place and referred to it while the gentleman from Michigan [Mr. TOWNSEND] occupied the floor, and he assured me that in this enlightened day and generation there could be no fears of such an outrage being perpetrated on our commerce.

Mr. GAINES of Tennessee. Now, on that line I want to state——

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Tennessee?

Mr. ADAMSON. Certainly.

Mr. GAINES of Tennessee. As a matter of fact, speaking about the New Orleans paper, there were two cases decided by the Cooley Commission, on which there was a member from Alabama—Judge Bragg, I think. The New Orleans Cotton Exchange filed a complaint and brought in ten or fifteen of the large railroads going from one side of the country to the other—and Vice-President FAIRBANKS was one of the lawyers in the case—insisting that cotton rates to New Orleans were excessive and that there were eastern discriminations. The cases were heard, first one and then later the other, and the rates on unpressed cotton were reduced from $2 to $1.50, and on pressed so much, and the railroads obeyed the order; and they went still further and reduced some of their rates about which there was no complaint. Now, it did not ruin New Orleans or Memphis or Tennessee, and cotton still grew in Dixie and the railroads still survived and the people, too.

Mr. ADAMSON. I thank the gentleman from Tennessee. I remember that when one of these witnesses was on the stand in the hearings before us he complained of this situation: That the roads with which the roads to the Southeast from the Northwest competed—five or six of them—during one season of the year, when the river and the lake route was open, allowed it to make the rate a great deal lower than the southeastern roads had, and all these roads conformed to it during a few months it existed. But at another period of the year, when the lake and river route was frozen up, these roads had nothing to conform to and then they made another rate of their own, and all agreed to it, and went back to a higher rate, and that was above the one to the Southeast. I said, If that is the way you do your own folks up there, you are not entitled to protection from any law.

Now, of course, the Constitution forbids that any port should be discriminated against, but local conditions in almost every region are intolerable, the railroads have so outrageously disregarded the rights of the people in so many communities that the people have determined that their only hope of relief is to place their reliance upon extinguishment of sectional hatred and partisanship and hope for that protection under the tribunal and the flag of the Union that they have been unable to secure anywhere else.

The railroads have brought it on themselves. If they had treated the people right nobody would have wanted to legislate against them. If they had treated the rights and interests of the people in all communities as fairly as the lawyers, and doctors, and preachers, and merchants, and farmers, and artisans naturally treat them, and are required by public opinion to treat them, Congress would never have touched the subject.

But when a carrier hauls across a bridge in one direction at a high price for crossing the bridge, and charges nothing for bringing the same commodity across the bridge in the other direction, they can not blame the citizens of a town who are discriminated against for going to Congress for relief. When a carrier hauling two ways on a given line passes through a string of four or five good towns, and, no matter which way it goes, have a town on each end of the string of seven to which they haul through the other five towns and deliver at less rate—40 to 50 per cent cheaper than they would to stop at either of these towns—they have nobody to blame for this action but themselves. I do not care how much such criminals call me a demagogue. They can not hurt me. I am sorry that the legislation has to be enacted, but that is the object of all legislation—to protect those who have rights and try to do right.

The bill secures the interests of the people as to through rates and joint rates, and in all respects provides not only necessary publicity, but all needed facilities for enforcing just treatment,

with punishment and swift reparation for injustice. We did not attempt to make a perfect and universal system, but only to improve an established system by needed amendments, and having secured and agreed upon so many desirable things, including the material things desired and demanded, we ought to strive to make this bill the unanimous action of the House, without material change or amendment. The amendment as to the number and salaries of the Commissioners was like some other things—a compromise between the present provision and much larger number and salaries.

We think there is work enough for seven of the best men the country affords. If we secure men of that grade and they do the work, they will earn their salaries, and be cheap at the price. There was so much objection to conferring the power to change classification that we were compelled to yield, but with the consolation that the provision secured, conferring power to correct a specific rate, would afford substantial relief, we "mourn not as those who have no hope" at having to give it up. We likewise failed in our effort to pass the provision subjecting all carriers to common-law liability on bills of lading which the initial carrier was forced to furnish, but we abandoned that with the comforting consolation that through routes with just rates are amply provided for whether through volition or compulsion.

We have secured such a good bill that we are unwilling to hazard it in any manner. We members of the committee shall vote, and urge all our associates who sincerely desire rate legislation to vote with us, against all amendments that may be offered, regardless of character or merit. Different conduct on our part would be bad faith and our supporting them might provoke retaliation from the other side of the House, which might result in expunging from this bill every valued provision it contains. So we think good faith and good sense alike dictate that we unite in opposing all amendments. For the reason that we unanimously agreed upon this bill containing all that we could agree upon, each side securing much of value by reason of conceding other things desired by the other side, and all fearing the loss of much or all by efforts to modify our work, agreed that the bill as completed should be adhered to by all the members of the committee, and that all amendments offered should be resisted.

For that reason the majority refrained from its customary practice of bringing in a rule always obnoxious to popular notions, and I am sure that faithful conduct upon the part of members of the committee, aided by the respect and consideration of their associates in the House who favor rate legislation, will carry the bill intact and unimpaired to its final passage in this House. Let us then hope that whatever steps are necessary in any other house or place unmentionable here to carry it to the President for his signature will be promptly and honestly taken.

Let not our Republican friends justify the prediction so freely made that this semblance of interest in rate legislation on their part is a pretense and a sham designed to sidetrack and prevent tariff revision, and that, although a good bill may pass this House, in some other place either a pigeonhole will entomb its despised and lifeless remains or some milk and cider substitute will mock the hopes of the people and allow genuine regulation to fail after it is too late for this session to deal with that other infinitely meaner and greater robber, the notorious public enemy—protection. I can not allow myself to believe the prediction.

I believe that good men and true can be found in the official membership of the Republican party to cooperate with us in carrying this measure up to the President for his approval, thereby demonstrating to all men that there is some good in the Republican party, and that this bill is not partisan, but intensely patriotic, conferring upon our matchless commerce relief and benefit, which will enable it to put forth its giant strength, scatter its manifold blessings and benefits to the enrichment and happiness of the greatest, the freest, and the best people the world ever knew, enjoying prosperity under equal and honest conditions.

Mr. HEPBURN. Mr. Chairman, I yield twenty minutes to the gentleman from Nebraska [Mr. HINSHAW].

Mr. HINSHAW. Mr. Chairman, I am fully aware that it will be impossible to add anything to the voluminous, comprehensive, and very intelligent statement made on this bill by the gentleman from Michigan [Mr. TOWNSEND], who has studied the question for years and has given almost his undivided attention to its details. I could not hope to elucidate the subject more fully than he has done. However, I think it is incumbent upon me briefly to set forth what I regard as the salient features of this legislation, because, perhaps, in a peculiar way, it affects the great trans-Missouri country in which for eighteen years I have had the pleasure to live.

This bill is voluminous and complete, and is an honest effort to reach and correct the various abuses and discriminations which exist in railroad traffic. It provides:

1. That all charges for transportation of passengers or property shall be just and reasonable, and all unjust and unreasonable charges are prohibited under strong penalties.

2. Every common carrier shall print and keep open to public inspection schedules, plainly printed and posted, showing rates, fares, and charges; all classifications of freights; all terminal charges, and charges for icing refrigerator cars.

3. No change in rates shall be made except after thirty days' notice, plainly stating the changes proposed and the time when they shall go into effect. This provision seeks to avoid the so-called "midnight tariffs."

4. It shall be unlawful to charge or collect a greater or a less compensation for any service than is named in the schedules so printed and posted.

5. Every carrier must file with the Interstate Commerce Commission copies of its schedules, and notify the Commission of any proposed changes at once, and all joint tariffs between connecting lines shall likewise be filed. These schedules may be made public by the Commission. A carrier refusing to file the schedules may be compelled by mandamus and punished for contempt and enjoined from transporting property at all until compliance.

6 (and most important and far-reaching of all). The Commission must, when shown that a rate or charge, regulation or practice is unjust or unreasonable, or unjustly discriminatory, preferential, or prejudical, prescribe a just, reasonable, and fairly remunerative maximum rate, and make an order that the carrier shall cease to publish or collect any rate in excess of the maximum so prescribed. Such order shall go into effect in thirty days after notice to the carrier, and remain in force until set aside by a court of competent jurisdiction.

7. If the owner of the freight renders any service or furnishes any instrumentality used in transportation, the charge therefor shall be just and reasonable, and the Commission may, on a hearing had, fix and enforce for such service a reasonable rate. This provision controls the charges for terminal facilities, icing of cars, and private cars furnished by the shipper.

8. Any carrier or its officer neglecting or refusing to obey an order made by the Commission shall forfeit for each day's refusal $5,000, and this bill provides appropriate and effective procedure for its collection, and also to compel the carrier by injunction or mandatory process to obey.

9. Annual reports from all interstate carriers are required, showing in detail:

(1) The amount of capital stock issued, the amounts paid therefor, and the manner of payments for the same;

(2) The dividends paid, the surplus fund, if any, and the number of stockholders;

(3) The funded and floating debts, and the interest paid thereon;

(4) The cost and value of the carrier's property, franchises, and equipments;

(5) The number of employees and the salaries paid each class;

(6) The accidents to passengers, employees, and other persons, and the causes thereof;

(7) The amounts expended for improvements each year, how expended, and the character of such improvements;

(8) The earnings of and receipts from each branch of business and from all sources;

(9) The operating and other expenses;

(10) The balances of profit and loss; and

(11) A complete exhibit of the financial operations of the carrier each year, including an annual balance sheet.

Such reports shall also contain such information in relation to rates or regulations, concerning fares or freights, or agreements, arrangements, or contracts, affecting the same as the Commission may require; and the Commission may require a uniform system of accounts and prescribe the manner in which such accounts shall be kept.

The bill also provides severe penalties for failure to make such reports and for false swearing and false entries, and the Commission shall at all times have access to all records of every kind belonging to the carrier and may employ special agents to examine them.

10. The Interstate Commerce Commission is increased in number from five to seven members, not more than four to be taken from any one political party, thus insuring speedy disposition of complaint and prompt remedy of wrongs.

The provisions of this bill have been considered most carefully by the committee for two sessions of Congress. The House at the last session passed almost unanimously a bill

in substance the same as this one, but not so extensive in its details. This bill has the indorsement of every member of the Committee on Interstate and Foreign Commerce, both Republican and Democratic, and comes to us by a unanimous report of that committee. It is no secret that it has the distinct approval of the President of the United States. It follows exactly the recommendations of the President in his last annual message.

The opponents of railroad-rate legislation contend that freight rates are lower in the United States than in most foreign countries, in some of which the Government owns the railroads. Undoubtedly this is true of certain classes of through rates, but an examination of rates on noncompetitive articles shows that most foreign rates are lower than ours. There was a time in this country when there was railroad competition. By the consolidation of railroads into systems and the practical control of the various systems by men who are more or less interested in all, competition has been largely eliminated and we are confronted with the necessity of governmental control. Railroad statistics do show that rates fell from 1867 to 1900, but that since 1900 there has been a general increase of rates throughout the country. In 1867 the general average was 2 cents per ton per mile. In 1900 it was about three-fourths cent per ton per mile. This decline in rates is generally attributed to the spreading of railroads and the competition that ensued. Freight rates advanced after 1900. Railroad authorities claim that the advance was but 5 per cent. This is fallacious, because while the rate itself has not very materially advanced there have been changes in the classification of freight which have had the effect to increase materially freight rates. Especially is this true on all domestic products, constituting one-fourth or one-fifth of the entire tonnage. It may be said, with reasonable accuracy therefore, that the increase on domestic products has been as high as 20 per cent. Many classes of goods have been lifted from the third to the second class and of course thereafter pay a higher freight rate. Besides, the minimum carload has been raised from 24,000 to 30,000 pounds, which means that the man who ships a carload containing less than 30,000 pounds must pay the full rate of 30,000 pounds. An instance of substantial increase occurred within a few years on lumber shipments from the southeastern States to Ohio River points, where the rates were increased 30 to 40 per cent, notwithstanding the fact that the shipments increased from five to ten million tons, and the net earnings of the railroads would have increased enormously without the change of rates. Undoubtedly this one act alone affected substantially the price of lumber throughout the West and North. Since this increase of rates was made by a concerted action of the Southeastern Freight Association, whereby competition was eliminated, it is apparent that there is no remedy at hand except Federal supervision and control, under a statute which will invest some tribunal with effective powers and adequate machinery of enforcement of its decrees.

In making comparison with foreign countries it must be remembered that their genuine capitalization per mile is much greater than ours, due to the greater cost of roadbed and perfection of safety appliances and, while wages are lower, the aggregate of wages is much greater, about $6,000 per mile to our $2,600. Again, the mail is carried without charge on Government-owned railroads and freight is delivered to the consignee by railroad drayage without additional charge. These items, if added to our freight rates, would make them much higher. In foreign countries the average haul of freight is about 25 miles. Here 240 miles. The charge for 25 miles there is 2 cents; here 5 cents. In Nebraska local freight rates are probably four times as high as rates on similar local business in England. More than half of American shipments are of raw material, the cheapest to handle, while in England about three-fourths of all are of the finished product.

Our people do not complain so much, however, of high rates as they do of discriminations between persons and places. Thus an English shipper has been given a rate of 24 cents per hundred pounds on tin plate from Liverpool by steamer and rail through Philadelphia to Chicago, and the Philadelphia shipper was charged 26 cents from Philadelphia to Chicago alone, and the railroad part of the Liverpool man's rate was only 16 cents. Quite often this discrimination more than overbalances the tariff duties. We may not be able to control freight rates on the ocean, but we can on the land, and thus prevent these discriminations that tend to drive out of business American producers and shippers and hand over the business to the foreigner.

These are but a few instances that might be enumerated indefinitely about these unjust discriminations in order that a railroad may get business, which it may do at a much lower rate for one person than another. The result of it all has been that as between this country and foreign countries quite often the tariff rate upon cement, upon tin plate, and upon various other articles of commerce has been absolutely nullified by the discrimination in this country between ports and interior cities of the land. Perhaps one of the most important features of this bill is its publicity feature. It has well been said that publicity as to all corporations and their doings and their acts would probably lead to remedies without the intervention of law. And so, if this bill is carried into successful effect by the publication or the possible publication of the books of the railroad companies and resort is had to their archives and to their records, which may be published in the discretion of the Interstate Commerce Commission, it seems to me the question of the solution of all these difficulties has really been reached without the necessary intervention of criminal or even civil law. This bill has a multitude of provisions for publicity. Severe penalties are provided for failure to afford full publicity.

Another condition that has confronted our country has been the midnight tariff. I have in my possession a letter from a shipper in my district in which he sets forth that the real trouble with the small shipper in this land is the discrimination that results from the secret giving of information of a coming change in or a lowering of a rate, by which a favored shipper in some locality—and there always is some favored shipper there—has knowledge for days and perhaps weeks beforehand that the rate will be lowered at a certain date. He goes to work and gets the freight of that community—the grain or whatever it may be that is to be shipped—into his hands, knowing that the rate will be decreased. He can overbid his competitor, who knows nothing of the coming change.

This bill seeks to avoid it by saying that the railroads must give thirty days' public printed and posted notice of the coming change. It might have been better to have made it sixty days, but in any event it is believed that this feature of notice will avoid the evils of the so-called "midnight tariff."

Another great difficulty which was sought to be remedied by the Elkins antirate-rebate bill, and which has been evaded in many instances by charges for terminal facilities, charges for small switches, or for 4 or 5 miles of track owned by the shipper, and by the payment to him of a relatively exorbitant higher rate for a terminal facility or other instrumentality, he gets, in effect, a rebate upon his entire shipment. This bill, in my judgment, meets that difficulty, and says that these terminal facilities, these switches, as well as private cars and icing of private cars and refrigerator cars, shall be just and reasonable, and the Commission is invested with power to see that a reasonable and just charge only is made for these different facilities, taking, no doubt, into consideration the general freight rates along the whole line over which the shipment is to be made. This bill doubtless will not meet all the expectations of all the people of this country, but it is a grand step in a proper direction.

Railroad commissions have been established in many of the States of this Union, and almost without exception they have proved salutary and beneficial in meeting the object for which they were instituted. In my own State of Nebraska that is one of the agitated questions, and we will probably in the coming session of the legislature establish a railroad commission, and it is thought by virtue thereof many beneficial results will come in the adjustment of local freight rates. But this bill seeks to control those rates that affect this whole country in interstate commerce that can not be reached by any local railroad commission. There is another subject upon which much has been said, upon which many protests have been received by Members of Congress, and that is that this bill will so reduce the dividends and gross earnings of railroad companies that it will be necessary to take out of the employee of the railroad companies part of his wage in order to recoup the railroad company for the loss. Possibly some railroad employees have been led to believe that such a condition may exist. Their fears, in my judgment, are utterly groundless. I have in my district many railroad employees, in the welfare of whom I am deeply interested. They are my personal friends. I would not see them injured in any way if I could possibly help it. But I do not believe that the American people have any reason to fear that the administration of an impartial, nonpartisan tribunal of seven distinguished and able men, whom the President of the United States will have the power to select, will under any conceivable circumstances so affect the revenues of the railroad companies that the employees of the roads will suffer.

Mr. Chairman, our country is unusually and remarkably prosperous. My own State of Nebraska, by reason of fine crops and excellent prices, is sharing in this remarkable prosperity. Nevertheless, there are many evils which demand correction

by proper legislation. Our age is progressive. Comforts and conveniences which were sufficient in times past no longer satisfy this progressive age. Our people know that their condition has grown better and better, but they are not blind to the fact that along with our wonderful prosperity have grown up evils, financial and political, which require immediate and effective correction. Among these is the great and growing problem of transportation. The problem of transporting persons and property is the greatest that this country will ever be called upon to solve. Upon its ultimate equitable solution depends the weal or woe of millions of persons and countless places. By unjust discriminations railroads may exalt or cast down cities and States; may enrich or impoverish communities and individuals. It is not proposed by this measure to turn the tide of affluence into waste places, nor to impoverish the garden spots of our land, but to give to each individual a square deal and an honest opportunity to obtain the advantages which nature has legitimately and abundantly bestowed, taking away the unnatural impediments which greed and avarice have placed in the way of the humble citizen who has neither pull nor preference, and to put him on an equality in the markets of the world with his wealthier and more influential competitor.

If a note of warning were necessary, I would say that this movement is only a part of our industrial evolution, and it can be neither stayed nor hindered.

Those who seek to obstruct will find their last state worse than their first, for these movements, like running water when dammed up, but gain increased momentum from obstruction. When wisely directed, industrial movements like this add to prosperity and bring about a more equitable distribution of the products of toil and the activities of invested wealth. I, for one, am optimistic, and confidently believe that our lawmakers and our President will continue to meet and solve the vast industrial problems which confront us, and the future unveils before the eyes of my countrymen a prospect richer and grander than has ever been portrayed before the eyes of men. [Loud applause.]

Mr. RUSSELL. Mr. Chairman, in the absence of the gentleman from Georgia [Mr. ADAMSON], in charge of the time on this side, for him I yield to the gentleman from Alabama [Mr. RICHARDSON] such time as he desires.

Mr. RICHARDSON of Alabama. It appears to me, Mr. Chairman, that it ought to be a matter of some gratification to the Members on either side of this Chamber, if not to the people of the country, that this bill comes before us for consideration with the unanimous approval of the Interstate and Foreign Commerce Committee of the House of Representatives. I do ont undertake, Mr. Chairman, to say that there were not sharp and well-defined lines of difference betewen members of the committee, but I do say that with an honest and, what appeared to me to be, a patriotic desire to lift this great economic question of business, and business purely, out of the realm and the influence of politics and its environments, realizing all the time, as I believe each one of the members did, how vastly important it was that our legislation upon this subject should be equally fair and just to the interests and the welfare of all the people as well as the interest and the welfare of the railroads—the greatest instrumentalities of commerce and business that we have—we made such concessions as enabled us to agree.

Actuated by these reasons, Mr. Chairman, we were able to stand altogether in favor of this measure. I do not pretend to say for myself, and I do not believe that any other member of the committee entertains the idea, that this is a perfect bill. Why, no. No human law is perfect. There are a good many features and provisions in this bill that I would like very much to have stricken out, and there are some important features and provisions left out that I would have liked very much to have put into the bill. And I suppose that such is the condition of every member of the Committee on Interstate and Foreign Commerce. It is not an easy task, Mr. Chairman, to get eighteen men, many of whom are fixed and determined in their political differences, many of whom have been on this committee for years and years, and have differed in the past earnestly and sincerely about this great railroad problem—I say it is a difficult matter to get them to stand together for the same measure; and I sincerely hope that the same spirit which controlled the members of the Interstate and Foreign Commerce Committee will influence and guide this House when its Members come to make criticism upon our work. We have done the very best that we could under all the conditions and circumstances. [Applause.]

Mr. Chairman, I call attention at the outset to the fact that the provision is stricken out of this bill which occupied nearly three-fourths of the Esch-Townsend bill, and against which we Democrats stood earnestly and unconditionally and unqualifiedly, our expression being found in the terms and provisions of the Davey bill of the last Congress. I go a step further and say that a minority report would have been absolutely inevitable if that same provision had been in this bill. I refer, sir, to the "court of transportation." As a lawyer, wedded to my profession, believing in equal rights and equal privileges under the Constitution to all citizens and all people in this great country, I never did believe and never could have been brought to believe that it was right or a safe precedent to establish a separate court simply and alone to pass upon the interests of railroads and nothing else.

Now, Mr. Chairman, that is no longer in the bill. Anyone who wishes to do so can look at the Davey bill and look at the contention made by Democrats on that subject in the last Congress. I said just now that I hoped the minority in this House, whom I have in part the honor to represent upon the Interstate and Foreign Commerce Committee, will accept this bill just as it is intended, as the best that we can do under the surroundings, conditions, and circumstances. We ought to remember that great reforms never take place all at one time. Great evils that have gathered like carbuncles upon the body politic for years and years can not be eradicated with one stroke of the pen. It takes time and deliberation. The bill, I think, is plain and simple in its terms and provisions and will substantially give the relief we seek. It is not a sham or makeshift of a bill. It proposes real and practical remedies.

Now, Mr. Chairman, it matters but little what changes have taken place with different members of the committee in respect to their views. Concessions have been manly and honorable and frank upon both sides. Many of us have changed and modified our views, and the man who since the adjournment of the last Congress has not in some manner modified or even changed his views has certainly not given close attention and study to this great subject. I say that with the utmost respect. Many of us have at least modified our views. We have yielded on important points that we contended for in the last session of Congress. This can be easily understood and readily explained. Since the adjournment of the Fifty-eighth Congress many of the greatest intellects of this country—lawyers, preachers, men of letters, all classes and vocations of people—have expressed their views upon this question. Some said it was "commercial lynch law;" others said it was "revolution" and disaster to the business of the country for Congress to give authority to the Commission to regulate the rates of carriers. It was under these circumstances and conditions that our Interstate and Foreign Commerce Committee met on the 4th day of December, at the beginning of this Congress, and having read many of these pamphlets, books, and other expressions, together with five large volumes of Senate hearings and hearings before our own committee for five years past, we resolved that we had heard enough on the question and that there would be no more hearings, but that it was time for action.

Mr. Chairman, I think it proper for me at this time, before entering upon the discussion of the merits of the bill, to refer to the cardinal, fundamental lines of demarcation between the rights and interests of the public on one side and the rights and interests of the common carrier on the other. Every man who stops and thinks for a moment knows that these common carriers are but the creatures of public will. They are created, in their original intentions and objects, for the purpose of advancing, promoting, subserving, and carrying forward the interests of the people, the development of the country, subject always to a fairly remunerative, reasonable consideration for the service rendered. They are but the creatures of the will of the public, clothed with the extraordinary power of eminent domain in order to more efficiently serve the interests and convenience of the people. No one contends that when the public granted these charters there was not reserved the right in those charters, implied or expressed, to the States that granted them, to regulate, supervise, and control these great corporations. But some people in this latter day and time, who argue this question, seem to ignore absolutely those cardinal differences between the rights and privileges of the public and the rights of these corporations.

They seem to think that these corporations were created alone for the benefit of the companies themselves. It is, Mr. Chairman, a strange argument to hear that the powers granted by the people to common carriers can, without responsibility, be used to the injury of the people. Why, in the early history of railroads in this country the people relied upon competition. They were less rigid then in requiring rate legislation in order to encourage railroad development. They had a right to rely upon competition at that time. There was no such thing as these great consolidated, continuous through lines then. They were

all separate and distinct, and competition was inspired, instigated, and encouraged by honest struggle and rivalry in traffic. But what is the condition to-day? Why, there are great combinations and consolidations of capital, amounting to billions and billions of money, invested in these great railroads, having more than 210,000 miles of trackage, controlled by a few men.

Such consolidations of many short routes into a continuous interstate line in no manner alters or interferes with the power of Congress to see to it that these common carriers in their interstate traffic shall not be permitted to violate the spirit or the letter of the charters by the States that gave them life. By consent, expressed or implied, these consolidations of different lines of railroads have been permitted by the States that granted the charters, and the submission to and exercise of the jurisdiction of the Federal Government under the commerce clause of the Constitution can not possibly be interpreted as an interference with the rights of the States that originally granted the charters. I dare say, Mr. Chairman, that American statesmanship will never be unequal to the task of enacting such just and proper legislation as will control and regulate any and every combination of common carriers that demands of shippers an unjust and unfair price for a service rendered. [Applause.]

Competition has disappeared to a very great extent and is no longer considered a factor in this matter. Mr. Chairman, I shall not attempt to follow the history of this legisaltion in the matter of amendments and court decisions from the time the act to regulate commerce was passed on the 4th of February, 1887, to date, for they are known to all. I have believed that the Commission was right in its action and conduct for the first decade after it was created—that is, it inquired and investigated about the rate of the railroads that were complained of and it reduced an unreasonable rate and made it fair and just when they saw proper. I believe that Congress intended to give that power and authority to the Commission, but it appears from the Maximum Rate case that it failed. The Supreme Court of the United States held that the terms of the act to regulate commerce were not sufficiently plain and clear to sustain the Commission in the exercise of such authority; that while it was intimated and suggested in that line, that in order to give the Commission such a power as that the language, according to all the constructions of courts, as to the grant of powers must be plain and emphatic, so there could be no mistake about it. It was not that way.

So, since 1897, when that decision of the Maximum Rate case was made, what has been the result? The railroads have been substantially dominating the situation. Nobody denies that. No one says practically to-day that there is any law in this country to revise or supervise or regulate a rate fixed by the railroad, by which relief can be given a shipper against an unjust rate. The authority of the Commission is advisory under the present law, and that is all that it amounts to. It is useless at this time to consume time in pointing out the defects in the present law, and how and why the Commission, in its most important object, has been comparatively a failure. It needs the power to enforce its own orders.

I contend, Mr. Chairman, that the railroads themselves to a very great extent are responsible for the earnest demand that is being made throughout the country upon this Congress—which this Congress is going to respond to—that some relief be granted from the unjust conditions that we are subjected to to-day. Suppose the carriers had gone along, even under the semblance of the law as it existed after the Maximum Rate decision, and been obedient to the law, had corrected its rates in accordance with the suggestions of the Commission, had comprehended the situation and dealt justly and fairly with the people, There would have been no such agitation as we have had for a few years past; no such question as we are discussing here to-day would have been with us. They have done to the contrary. I am not abusing them.

No argument of abuse ever reaches a fair-minded, well-balanced man. But we are stating facts. The people generally are kindly disposed to our railroads. They appreciate how valuable they are to us; how they promote our comfort and convenience, and how necessary they are in the development and growth of our country. No thoughtful man, fair-minded citizen desires unnecessarily or injuriously to hamper these great avenues of trade and commerce. The public and the carriers should be mutually dependent on each other and their relations just and honorable. Even the strongest and best advocates of the railroads can not deny it. What have they done? They have, in the exercise of their unrestrained power, resorted to all manner of rebates and discriminations and manifold other devices touching their tariff rates with shippers until they have engendered distrust and dissatisfaction among the people, which accounts for the mutterings that come to us from one end of our country to the other. I would not be understood as saying that all common carriers have done this, for that would not be true. There are cases where men living together in the same town, engaged in the same business and competing with each other in their sales, the one securing secret rebates and the other paying the full published rate. What does it mean when a man's neighbor and his competitor at his next door is unable to sell a commodity as cheaply as he does? It means bankruptcy to that man. There is no escape from it. It is inevitable and will come sooner or later.

Mr. Chairman, I sincerely believe that we have reached the time when the country demands of this Congress that there should be some legislation that will actually relieve the people of the imposition of unfair and discriminating rates that carriers place upon the shippers. I believe that this bill comes as near doing that as any bill that could possibly pass this House and be accepted by the Senate.

Mr. SHEPPARD. Will the gentleman allow me an interruption?

Mr. RICHARDSON of Alabama. Yes; certainly.

Mr. SHEPPARD. Wherein does this bill change the penalties that are imposed for violations of the interstate-commerce law?

Mr. RICHARDSON of Alabama. Where any order of the Commission is disobeyed or violated, the bill provides a penalty of $5,000. Other smaller penalties are provided for, as I now recall it, relative to accounts, schedules, etc.

Mr. SHEPPARD. Is not that the same penalty which is provided in the existing act?

Mr. RICHARDSON of Alabama. Yes; the same. Does not the gentleman think that is enough?

Mr. SHEPPARD. I think the penalty of imprisonment ought to be added.

Mr. RICHARDSON of Alabama. I think that $5,000 fine for violating an order of the Commission—and that is the penalty each day that the carrier continues to violate the order—is just as far as I believe conservative people are willing to go in this matter.

Mr. SHEPPARD. Did not the original law provide the imprisonment penalty?

Mr. RICHARDSON of Alabama. The Elkins law struck that out.

Mr. SHEPPARD. But the original act of 1887 provided the imprisonment penalty, and it was not stricken out until the Elkins Act of 1903.

Mr. RICHARDSON of Alabama. Yes; the Elkins law repealed that.

Mr. SHEPPARD. Yes; and weakened the original law, and when this bill fails to restore the imprisonment penalty it ratifies the weakening of the original act by the Elkins law.

Mr. RICHARDSON of Alabama. All I can say to the gentleman from Texas [Mr. SHEPPARD] is that I am not advocating excessive fines or penalties.

Mr. HENRY of Texas. Will the gentleman allow me a question?

Mr. RICHARDSON of Alabama. Certainly.

Mr. HENRY of Texas. The gentleman has had something to say about rebates and I quite agree with him in what he has said about that. But will the gentleman from Alabama point out in the bill any new language supplementing the interstate-commerce law of 1887 as amended and the language used in the Elkins bill on the subject of rebates? In other words, is there anything in this bill on the subject of rebates supplemental to those acts?

Mr. RICHARDSON of Alabama. Specially there is not, because the Elkins bill—as all railroad men admit—did in all the hearings we had—had accomplished something in the stopping of rebates. I believe that rebates to certain classes of shippers are still being granted by some carriers. The rate-making power will cure evil of rebates.

Mr. TOWNSEND. Does not the gentleman from Alabama believe that the provision against midnight tariff, the provision against private cars, against terminal tracks, is a provision to stop the most iniquitous forms of rebate that are known?

Mr. RICHARDSON of Alabama. I think we have several provisions in this bill that will prove most efficient in suppressing rebates. I am coming to that in my remarks.

Mr. HENRY of Texas. Now, Mr. Chairman, the suggestions of both gentlemen are valuable, but while I think that would have some effect, yet there is no specific language enlarging the law on the subject of rebates, as I understand it. Now, you say that it has been stated by those who seemed to know, or ought to know, that rebates have ceased to a large extent under the Elkins law. Does the gentleman not know it to be a fact that the Interstate Commerce Commission in its last report has most emphatically said that the Elkins law has had very little effect in stopping rebates?

Mr. RICHARDSON of Alabama. No; I do not know that, because I have just read last night——

Mr. HENRY of Texas. Well, it is a fact.

Mr. RICHARDSON of Alabama. Well, I have recently read from the testimony of Judge Prouty, given in the hearings before the committee of the Senate, that he thought the question of rebates had been practically settled, and that it never was as important as some other questions.

Mr. HENRY of Texas. Let me make myself a little plainer. In the report of 1904 the Interstate Commerce Commission did say something commendatory of the Elkins Act, and that it had had some effect on rebates, but in their report of 1905 they took back what they said in 1904, and say it has had very little effect on the stopping of rebates.

Mr. RICHARDSON of Alabama. I hope the gentleman does not understand me to say that I indorse the removal or the repeal of the imprisonment feature in the Elkins Act.

Mr. HENRY of Texas. I do not understand the gentleman as saying so, and I do hope that that can be retained.

Mr. RICHARDSON of Alabama. But this is a concession bill. I think the officers of corporations ought to be put in jail when they do wrong. You can not put the corporation in jail, you can not imprison that, and when the imprisonment feature of the original commerce act was stricken out by the Elkins Act you settle the question of putting the officers in jail or punishing them by imprisonment.

Mr. GAINES of West Virginia. Mr. Chairman, will the gentleman permit an interruption?

The CHAIRMAN. Does the gentleman yield?

Mr. RICHARDSON of Alabama. Yes; with pleasure.

Mr. GAINES of West Virginia. Is it not true that the Elkins bill has very greatly remedied the evil of rebates? Is it not also true that the railroads evaded the provision of the Elkins law by such devices as special cars and one thing and another, which we have provided for in this bill, so does not that suggestion meet the suggestion made by the gentleman from Texas [Mr. HENRY] that nothing has been done in this bill toward the settlement of the evils which the Interstate Commerce Commission complains in its last report?

Mr. RICHARDSON of Alabama. Now, to the gentleman from West Virginia [Mr. GAINES] I will state that I did not like the repeal of the imprisonment feature of the Elkins Act. I admit that the Elkins law has had a good effect in stopping rebates with small shippers, but the big ones are still there and engaged in the practice of rebating. That is the view I have of it. But the gentleman from West Virginia [Mr. GAINES] is correct in his statement that the carriers by various devices evaded the provisions of the Elkins law against rebates.

Mr. Chairman, I desire to send to the Clerk's desk the following, which I ask to have read at this time as a part of my remarks.

The Clerk read as follows:

The abuses of which we have a genuine right to complain take many shapes. Rebates are not now often given openly. But they can be given just as effectively in covert form; and private cars, terminal tracks, and the like must be brought under the control of the Commission or administrative body, which is to exercise supervision by the Government. But in my judgment the most important thing to do is to give to this administrative body power to make its findings effective, and this can be done only by giving it power, when complaint is made of a given rate as being unjust or unreasonable, if it finds the complaint proper, then itself to fix a maximum rate which it regards as just and reasonable, this rate to go into effect practically at once—that is, within a reasonable time—and to stay in effect unless reversed by the courts. I earnestly hope that we shall see a law giving this power passed by Congress. Moreover, I hope that by law power will be conferred upon representatives of the Government capable of performing the duty of public accountants carefully to examine into the books of railroads, when so ordered by the Interstate Commerce Commission which should itself have power to prescribe what books, and what books only, should be kept by railroads. If there is in the minds of the Commission any suspicion that a certain railroad is in any shape or way giving rebates or behaving improperly, I wish the Commission to have power as a matter of right, not as a matter of favor, to make a full and exhaustive investigation of the receipts and expenditures of the railroad, so that any violation or evasion of the law may be detected.

This is not a revolutionary proposal on my part, for I only wish the same power given in reference to railroads that is now exercised as a matter of course by the national-bank examiners as regards national banks. My object in giving these additional powers to the administrative body representing the Government—the Interstate Commerce Commission, or whatever it may be—is primarily to secure a real and not a sham control to the Government representatives. The American people abhor a sham, and with this abhorence I cordially sympathize. Nothing is more injurious from every standpoint than a law which is merely sound and fury, merely pretense, and not capable of working out tangible results. I hope to see all the power that I think it ought to have granted to the Government; but I would far rather see only some of it granted, but really granted, than see a pretense of granting all, in some shape that really amounts to nothing.

It must be understood, as a matter of course, that if this power is granted it is to be exercised with wisdom and caution and self-restraint. The Interstate Commerce Commission or other Government official who failed to protect a railroad that was in the right against any clamor, no matter how violent, on the part of the public, would be guilty of as gross a wrong as if he corruptly rendered an improper service to the railroad at the expense of the public. When I say a square deal I mean a square deal; exactly as much a square deal for the rich man as for the poor man; but no more. Let each stand on his merits, receive what is due him, and be judged according to his deserts. To more he is not entitled, and less he shall not have.

Mr. RICHARDSON of Alabama. Now, Mr. Chairman, I very cordially insert that extract in my remarks. It powerfully and clearly presents this question of relief for the people in strong, terse, and unmistakable language. It suggests another feature looking to the benefit and help of the people against corporations that I have never seen in any bill in Congress. Of course, every one on the floor of the House understands that those are the sentiments of President Roosevelt, uttered in the remarkable speech that he made on his southern tour at Raleigh, N. C. Some people have charged that the President is drastic and radical in his views on this question. Not a sentiment expressed in the article just read can be complained of by any carrier that wants to do right and be honest. I say there is a suggestion in there that appears in this bill, that never has appeared in any other bill in this House, which ought to and will commend itself to every thoughtful gentleman on either side of this Chamber. The Interstate Commerce Commission had complained lustily that they never could understand nor unravel the books of the common carriers, that they kept their books in such a manner and in such a style that they could not tell anything about the shipment of freight nor anything else. This provision suggested by the President of the United States, and appearing in this bill, requires that the Commission shall prescribe the manner and mode of bookkeeping, and goes one step further. It says that the Commission must have the right and authority, and it is granted in this Hepburn bill, to appoint expert accountants to go and examine those books and make report back to the Commission.

And the President even goes one step further than that in his speech at Raleigh, all of which, Mr. Chairman, is a moderate and reasonable suggestion—logical and fair to all concerned. He says where the Commission has a suspicion even—that means a reasonable suspicion founded upon a judgment of a man who has looked well into the facts and surroundings—if it has a suspicion that rebates are being granted, that they have the right to appoint accountants to go and examine and see whether those rebates are being granted. That means business. That means something is to be done. Now, Mr. Chairman, in that connection, while I believe that the policy and principles of this bill of conferring a power upon the Interstate Commerce Commission to fix a rate in lieu and instead of an unreasonable rate, did originate and was advocated by the Democratic party in three consecutive national platforms, but I say, Mr. Chairman, that the great credit of this whole discussion and this whole agitation belongs to the courage of the President of the United States. I have no hesitancy in giving him the credit for it to that extent. He has brought it up, he has named it, he has pressed it, he has urged it, in my opinion, in opposition to many of the great leaders of his own party. Without the President's active aid the question of conferring this rate-making power on the Commission would have been a dead issue. Mr. Chairman, I ask that the Clerk will read another extract from a speech which I made in the last Congress on the 6th and 7th of February, 1905, daily RECORD, when I was in part representing on the committee the Democratic views on this question. I ask the Clerk to read in the lines marked.

The Clerk read as follows:

It is our duty, and it behooves us as patriotic, well-intentioned citizens and Representatives of our people, to go slowly in this matter, and not to engage in hasty or hostile legislation. Nobody wants that. It behooves Congress to be deliberate and proceed cautiously and conservatively. We can not accomplish every needed reform at once. No thoughtful man can doubt that it is an enormous power to place the rate-making power in the hands of a commission when we now have over 200,000 miles of railroad trackage. But yet legislation is needed. This is admitted. Let it be simple and plain. Give the Commission the rate-making power and await results. This would be following the plain and unobstructed and open way to the harbor of relief. No man can deny that. It would be giving us the advantage of all the experience that we have had for the last twenty years in the litigation that has taken place, in the construction of the act to regulate commerce, in the rules that have been made for governing and understanding this great question of rates as to justice and fairness. That would be the effect.

Mr. RICHARDSON of Alabama. Now, Mr. Chairman, I am simply laying my premises for the principal point of this discussion, which I am about entering upon. I now read section 4 of the bill which we are considering:

SEC. 15. That the Commission is authorized and empowered, and it shall be its duty, whenever, after full hearing upon a complaint made as provided in section 13 of this act, or upon complaint of any common carrier, it shall be of the opinion that any of the rates, or charges whatsoever, demanded, charged, or collected by any common carrier or carriers, subject to the provisions of this act, for the transportation of persons or property as defined in the first section of this act, or that

any regulations or practices whatsoever of such carrier or carriers affecting such rates, are unjust or unreasonable, or unjustly discriminatory, or unduly preferential or prejudicial, or otherwise—

I call the attention, Mr. Chairman, of the committee to the use of the word "otherwise"—

in violation of any of the provisions of this act, to determine and prescribe what will, in its judgment, be the just and reasonable and fairly remunerative rate or rates, charge or charges, to be thereafter observed in such case as the maximum to be charged; and what regulation or practice in respect to such transportation is just, fair, and reasonable to be thereafter followed; and to make an order that the carrier shall cease and desist from such violation to the extent to which the Commission find the same to exist, and shall not thereafter publish, demand, or collect any rate or charge for such transportation in excess of the maximum rate or charge so prescribed, and shall conform to the regulation or practice so prescribed. Such order shall go into effect thirty days after notice to the carrier and shall remain in force and be observed by the carrier, unless the same shall be suspended or modified or set aside by the Commission or be suspended or set aside by a court of competent jurisdiction.

Mr. Chairman, that provision, as we all understand, does not strike from the section of the old act (section 13) the authority that has been given the Commission under the law as it now stands, but instead of making it advisory it now gives them the power, after they have investigated a challenged rate, to inquire into it, and, if found to be unjust, declare what a reasonable rate is as a substitute and in lieu of the rate that was fixed by the railroads which was unjust. No man contends that the Commission ought to be clothed with a power to regulate rates generally. Studious efforts have been made throughout the country to make it appear that the Commission was to be clothed with authority to regulate rates generally and at will. For myself, I never would vote that such authority be placed in the hands of any five men or seven men, no matter how intelligent, how great, and how just and fair they are. This bill intends—and only that—to give power to the Commission to investigate the rate that is complained of, that is challenged—to investigate that rate. Bearing in mind that only the single specific rate complained of can be investigated, how is it practicable, midst thousands of other rates untouched, for one challenged rate to bring confiscation. What becomes of all of these arguments that these great railroad advocates made before our committee that confiscation is likely to result?

Mr. LAMAR. May I interrupt the gentleman to ask a question?

The CHAIRMAN. Does the gentleman from Alabama yield?

Mr. RICHARDSON of Alabama. Certainly, with pleasure.

Mr. LAMAR. Does the Alabama State commission confer upon your State railroad commission the original power of rate making without reference to making a rate only upon complaint made?

Mr. RICHARDSON of Alabama. I do not believe the Alabama law confers upon the commission power to make a rate at all, and in that I think it makes a mistake. I do not think it confers it at all. Many of the States of the Union grant the rate-making power to their commissions, but Alabama does not. That is why I like this bill. It is plain and speaks in such plain and unambiguous words that construction becomes unnecessary.

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the gentleman a question for information.

The CHAIRMAN. Does the gentleman from Alabama [Mr. RICHARDSON] yield to the gentleman from Missouri [Mr. CLARK].

Mr. RICHARDSON of Alabama. With pleasure.

Mr. CLARK of Missouri. The present number of Interstate Commerce Commissioners is five?

Mr. RICHARDSON of Alabama. Five; yes.

Mr. CLARK of Missouri. And this increases the number to seven?

Mr. RICHARDSON of Alabama. To seven.

Mr. CLARK of Missouri. Was it the opinion of the committee that they would get more expeditious action by having seven members than by having five?

Mr. RICHARDSON of Alabama. Well, I do not think that was the exact opinion about it. I will tell the gentleman how that happened, and in that way answer his question. Our bill—which would have been the minority bill—provided for the number of Commissioners to remain at five, as it is now, and with the salary that they have now. Our negotiations commenced with our Republican brethren who were asking for nine—I think this is the way it was—and they dropped down and compromised with us on seven.

Mr. CLARK of Missouri. I am not criticising the action. I was just asking for information. Now, one other question.

Mr. RICHARDSON of Alabama. Certainly.

Mr. CLARK of Missouri. In the operation of this Commission, does it divide itself up into subcommittees? Say, if it wants to investigate a matter at New Orleans, is that matter investigated by the entire Commission, or is it investigated by a subcommittee, while another subcommittee may be operating in Boston, for instance, at the same time?

Mr. RICHARDSON of Alabama.. Now, I am not prepared to give a positive answer on that question, but I do not believe they have the right to do that. I do not believe this bill provides for that division or separation.

Mr. CLARK of Missouri. Just one more suggestion. If the Commission has to act as a body, then, in my judgment, the increasing of the number of Commissioners does not do a particle of good. We tried that with the supreme court of Missouri. It got behind with the docket, and we undertook to increase the number and expedite the business. But it did not do any good at all. As a matter of fact, I think it was a little slower. Then we passed a law dividing the supreme court of Missouri, which now consists of seven judges, into two branches, and of course they get along with the business all right.

Mr. RICHARDSON of Alabama. Do they meet in different places in the State?

Mr. CLARK of Missouri. They meet in different parts of the same building, and then, finally, under certain conditions, if a party litigant is not satisfied with the judgment of one of these branches of the supreme court, they sit en banc.

Mr. RICHARDSON of Alabama. My opinion is that the Commission has no right to divide. My special attention had not before been directed to this, but I am quite sure that I am correct in the opinion expressed.

But we agreed with our Republican members of the committee about the $10,000. We thought that the salary ought to be large enough to command first-class talent and ability.

Mr. TOWNSEND. But it is not the law. The gentleman understands that it takes a majority of the Commission to render a decision.

Mr. RICHARDSON of Alabama. Yes.

Mr. TOWNSEND. Then how could it be divided up?

Mr. RICHARDSON. I said I was not accurately informed on that, because my attention had not been specifically called to it, but we did agree about the salary and we did agree about the number. I know in the State of Alabama we have increased our bench to seven supreme court judges, and they meet at the same place—the capitol—and it is an able bench and disposes of the business of the court with dispatch and to the satisfaction of the bar of our State.

Mr. Chairman, I will now proceed to discuss section 4 of the bill, amending section 15 of the act to regulate commerce. It is the crucial point of controversy between the public and the common carriers. We may legislate about the suppression of rebates, the control of differential or relative rates and classifications, terminals, switches, and private cars. All of this is well enough in its place and time; but the real remedy, the only available tangible hope of fairly and equitably regulating common carriers is to confer upon the Interstate Commerce Commission the power, after a given rate has been challenged and after investigation found to be unreasonable, to decide, according to the judgment of the Commission, subject to the judicial review the Constitution guarantees, what shall be a reasonable and fairly remunerative rate or rates, charge or charges, to take its place, to be hereafter observed in such case as the maximum to be charged; the order of the Commission to become operative within thirty days and remain in force and be observed by the carrier unless the same shall be suspended, modified, or set aside by the Commission, or be suspended or set aside by a court of competent jurisdiction. Such are the requirements of the bill we are considering, which applies also to all interstate transportation service, including all charges, regulations, and exactions in connection therewith, whether for facilities provided by common carriers themselves or through arrangement with others.

I believe, Mr. Chairman, that such power being conferred on the Commission will gradually eliminate the evils complained of in the matter of rebates, differentials, or relative rates. I have heard it said often, in the hearings before our committee by the able and distinguished representatives of the common carriers, that the evil and wrong of granting rebates, which they had been forced to participate in by reason of the acts of competing carriers, had under the provisions of the Elkins law been discontinued, and that now there was no ground or reason for such complaints. The President, in his recent Raleigh speech, an extract from which the Clerk has just read, used this apt and significant language:

Rebates are not now often given openly, but they can be given just as effectively in covert form.

And the President further says:

But, in my judgment, the most important thing to do is to give this administrative body power to make its findings effective, and this

can be done only by giving it power when complaint is made of a given rate as being unjust or unreasonable, if it finds the complaint proper, then itself to fix a maximum rate which it regards as just and reasonable; this rate to go into effect practically at once—that is, within a reasonable time and to stay in effect unless reversed by the courts. I earnestly hope that we shall see a law giving this power passed by Congress.

In connection with the probability of rebates being given "in a covert form," I refer to an extract taken from the testimony of Commissioner Prouty, given before the Senate committee at a recent hearing. He said:

Senator NEWLANDS. Then what happened?

Mr. PROUTY. I am going to tell you what we did then. We directed the Baltimore and Ohio road to file a statement showing what shipments they had made during a certain time, and the rate of freight paid them for the transportation. It was necessary to do that in order to connect up with the evidence that we had. Thereupon they filed a statement showing a great many departures from the published rate. At the same time they sent to the Interstate Commerce Commission a letter. They said in that letter—now, I repeat from memory; I may get it a little wrong—but they said, in substance, in that letter that the roads in the territory in which they operated had habitually departed from the published rate; that was after they had sworn they maintained the published rate in that territory: "Now, for us, the receivers of the Baltimore and Ohio, we have gotten through, but we can not maintain the rate unless our competitors maintain the rate. We propose from this time on to maintain the rate ourselves, and we propose to see that they maintain it; but in order that we may do that, we ask you to call a conference of the railroad presidents in trunk-line territory."

Now, the Commission did, acting on that suggestion, invite every president of the trnk-line railroads to come to Washington. They came, all of them. Mr. Calloway was there for the New York Central; Mr. Thompson was there for the Pennsylvania Railroad; Mr. Murray and Mr. Cowan came there for the Baltimore and Ohio; Mr. Harris came from the Philadelphia and Reading, and Mr. Walters was there for the Lehigh Valley. I do not remember them all, but they all came there. Those gentlemen all said: "It is true; we have departed from the published rate. We did not like to do it, but we did. But we have gotten through. We shall depart from the published rate no more. If you gentlemen will only let bygones be bygones, we assure you that in the future there will be no discrimination under this law."

Well, I expect, perhaps, that we ought to have said to them, "You are a pack of consummate liars; we do not believe anything you say, and we will prosecute you if we can." But we did not think so; we believed exactly what they said, and we told them we did, and they went home and no prosecutions were begun on the facts which we had against the Baltimore and Ohio. Then we called, at the request of certain persons in the West, the presidents of all those lines, and they all came. Mr. Marvin Hewitt came; Mr. Bird, of the Milwaukee line, came; in all, thirty or forty; and we had the same sort of an experience meeting again. They all said: "We have sinned, but we have got through. Now, gentlemen, just help us to maintain the act to regulate commerce." We said: "We will do it." And they went home.

Now, I do not wish to pass any criticism at all on these gentlemen. I have not the slightest doubt that they meant precisely what they said. I think I know something about the difficulties under which they labored; but they did not maintain those rates for a month, probably. The thing went along in that way until the fall of the year 1901, or about one year after this first meeting with the presidents. We then obtained evidence of a departure from the published rate in the transportation of packing-house products and grain. They wanted to say once more: "We will stop if you will let us go." But we said: "No, gentlemen, we have heard this story once," and went to the court and obtained injunctions against these roads, because of departure from the published tariff. We passed the evidence which we had over to the Department of Justice.

The Elkins law, approved February 23, 1903, has undoubtedly accomplished some good. It prescribed penalties for anything done or omitted to be done by a carrier which if done or omitted to be done by a director or other officer or person acting for the carrier would constitute a misdemeanor under act to regulate commerce shall also be held to be a misdemeanor by such carrier. Failure to file and publish schedules or the granting of rebates makes the carrier subject to a fine of not less than $1,000 and not more than $20,000, but unfortunately the penalty of "imprisonment" was repealed, thereby removing the only penalty that would certainly restrain the officials of the corporation—the fear of going to jail. We had an object lesson some time since as to what a fine amounts to applied to one of these powerful corporations. The seven large corporations or combines that dictated and controlled the beef market of the cities of Chicago, East St. Louis, and other places were fined by the court $5,000 each for violating the provisions of the antitrust law against unlawful combinations to control the market price of an article or product, and thereby prevent competition, upon which judgment of the court an appeal was taken, and yet it was reliably said that that night these seven beef trusts assembled at their usual headquarters and equally divided between them the sum of $140,000, the unlawful profits of their combination for that one day. It is the county jail, the penitentiary, that such men fear. The imposition of a fine on the corporation has no fear for them, for it can be so easily returned to their pockets by a slight increase in their fraudulent transactions.

I am not disposed to quote and refer to the many decisions and constructions of courts on the question of the authority of Congress to delegate the rate-making power to a commission. I think to do this would be a useless consumption of the time of this committee. It seems to me that the fact that Congress passed the "Act to regulate commerce" nearly twenty years ago is quite persuasive of what authority the Congress has on that subject. We know that the Supreme Court of the United States in a number of cases coming up from different States has held that a State legislature had a right and authority to delegate to a State commission the rate-making power. My recollection is that quite twenty States now have delegated this power to their respective State commissions, and it is a fact that railroad development has not been hindered in those States. If the Supreme Court has held that the legislature of a State can delegate to a commission such authority, then it is certainly true that under the "commerce clause" of the Constitution the Congress has the right to protect shippers from injuries and impositions imposed by common carriers, and to this end to delegate to a commission the power to protect the rights of shippers by setting aside an unjust imposition in the shape of a rate and replacing it with a fair and just rate.

So, Mr. Chairman, I shall treat these two propositions as not being open, but closed.

The serious and important question is to determine the functions of a court after the rate has been declared and put in operation as a just and reasonable rate. Mr. Jefferson uttered in the early life of our Republic warning words of disaster that would befall our theory of government if the Judiciary Department of the Government invaded or assumed the functions of the legislative department. The making of a rate is accepted as a legislative function, and 'tis just as well established that a court can not, in a case primarily before it, or by appeal, engage in the performance of nonjudicial duties, such as reviewing the discretionary work of the Commission or the policy or judgment of the Commission in determining what is a reasonable rate. The court has, beyond question, the constitutional authority to declare that the rate is unlawful or that it is so low that it will confiscate the properties of the common carrier. It is hardly necessary to cite the authorities, that we are all familiar with, to establish that proposition.

Mr. SMITH of Kentucky. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Kentucky [Mr. SMITH]?

Mr. RICHARDSON of Alabama. Certainly.

Mr. SMITH of Kentucky. Speaking of a reasonable rebate, I desire to know if the gentleman can discriminate between reasonable and confiscatory. Does he draw any distinction between what is a reasonable rate in this bill and a rate that would be confiscatory?

Mr. RICHARDSON of Alabama. I think I understand the gentleman's question, and I will answer it to the best of my ability. I was going on to say that when you have conferred the power upon the Commission to investigate a challenged rate, with that limited authority placed upon the Commission—that is, a specific rate—how will confiscation ever result from it? It is the rate on one product only that is challenged.

That one rate among a thousand; that is the one that is challenged and investigated and declared to be unjust, unreasonable, and unfair. Does that lead to confiscation? If the Commission had power to regulate all the rates all through the lines of rates and change classifications, then it might lead to confiscation. I recognize the theory of confiscation, and I believe that this is the law, but I do not comprehend, where but one rate is challenged in a great number of rates, how the reduction of that one rate can lead to confiscation, for confiscation is scarcely probable when the Commission is restricted in its investigation to a specific challenged rate. Rates are fixed according to rebated products.

I believe still further than that, that the Federal court has no control whatsoever over this rate fixed by a commission, except where it is unlawful. What I understand unlawful to mean is that it exceeds or does not comply with the provisions of the act of Congress. The court has the right to pass upon the rate and say it is fixed so low that the railroad can not make a fair profit out of the rate as fixed upon its actual capital invested. That is all the power, in my judgment, that a Federal court has. It has no right to pass upon the policy or the expediency that induced the Commission to fix what, in its judgment, is a fairly remunerative reasonable rate. Why? Because the Commission, acting in that respect, was performing a legislative act.

Mr. SMITH of Kentucky. I want to say, Mr. Chairman, to the gentleman from Alabama that I had some difficulty right at that point——

Mr. RICHARDSON of Alabama. I have had a great deal.

Mr. SMITH of Kentucky (continuing). Of determining how far the court could or would be given the power to review an order or decision of the Interstate Commerce Commission. It

occurs to me that there is a distinction between a rate that would be confiscatory and a rate that would be reasonable. It seems to me that there is a margin between the two; that while the rate might permit the railroad company to make 1, 2, or 3 per cent——

Mr. RICHARDSON of Alabama. Right there I admit that the court could prohibit the carrier from collecting an excessive rate, but it could not name a rate to be collected in the future.

Mr. SMITH of Kentucky. Now, it is cases like this one of Nebraska—the case of Smyth *v.* Ames——

Mr. RICHARDSON of Alabama. I recollect the case very well.

Mr. SMITH of Kentucky (continuing). The Nebraska rate case (169 U. S., 466, p. 527) that has given expression to this decision of the Supreme Court of the United States:

> The idea that any legislature, State or Federal, can conclusively determine for the people and for the courts that what it enacts in the form of law, or what it authorizes its agents to do, is consistent with the fundamental law, is in opposition to the theory of our institutions. The duty rests upon all courts, Federal and State, when their jurisdiction is properly invoked, to see to it that no right secured by the supreme law of the land is impaired or destroyed by legislation. This function and duty of the judiciary distinguishes the American system from all other systems of government. The perpetuity of our institutions and the liberty which is enjoyed under them depend, in no small degree, upon the power given the judiciary to declare null and void all legislation that is clearly repugnant to the supreme law of the land.

Mr. RICHARDSON of Alabama. Right there I will say to the gentleman from Kentucky [Mr. SMITH] that is the theory advanced by Judge Grosscup, to the effect that a court having declared a rate unreasonable has the authority to declare what rate is reasonable in order to exercise the highest function of a court; that is, to assert and protect the property rights of a citizen. We ought to heed the admonitions given by Mr. Jefferson to keep the Federal courts from invading the legislative domain.

Mr. SMITH of Kentucky. The gentleman from Alabama understands that I am in full sympathy with him in that purpose.

Mr. RICHARDSON of Alabama. I know that you are. Mr. Chairman, I consider this a dangerous proposition. A commission clothed with the authority to fix the rate, of course, is acting under a law already passed by Congress declaring the provisions of the common law, that the charges of common carriers for the transportation of property or persons must be reasonable, and a commission is merely clothed with the authority to find out what is a reasonable rate and fix it, and call it a maximum rate. It is well understood that to regulate is legislative. The carrier must announce its charges. Right then two questions arise. The first is, Who will see to it that the rate the carrier publishes that it is to charge is collected of all shippers alike? The second is, If the rate is wrong, how is it to be corrected? This leads us, Mr. Chairman, to take a practical view of this bill, if it becomes a law. That is what we want to know. Suppose this bill becomes a law. Understand, there is no order that this Commission can make that can not be reviewed in the proper way within the constitutional limits by a Federal court. The railroads to-day have most of the benefit and protection of the law, and the people but little, if any. And when I heard these gentlemen, distinguished men from all parts of this country, talking before our committee about the constitutional rights that belong to the railroads, it was a matter of amazement to me how much of the Constitution belonged to the railroads and how little to the people.

Taking a practical view of this question, in the event this bill becomes a law, what procedure and remedies will it provide? Why, a man sits down and he figures the amount he has paid upon a hundred pounds of freight from his home to some other place, and he says to himself: "They have charged me too much; the rate is too high for the service rendered." Is there a man on this floor who thinks that man ought not to have the unquestioned right to go to some forum somewhere to correct that charge if it is too high? If it is unreasonable, surely he ought not to pay it and surely he ought to have a forum to which he can appeal, to say whether they have been charging him too high a rate or not, and at the same time correct the unjust rate. That is what this bill does. That is all it does in that respect, and when it goes to the Commission, what is done? Why, in his petition to the Commission the shipper states his grounds for believing that the railroad company has charged him too much. No one can hardly think that the shipper ought not to have the liberty of having his complaint investigated. The Commission notifies the common carrier to appear at a certain time, wherever the Commission is sitting, saying: "We want to hear you on this question. This man is complaining that you are charging him too high a rate. We want to investigate that." It is investigated, and the Commission decides that, in its judgment, the rate charged by the railroad is excessive. Is there any man here or anywhere else who says that such a charge ought to continue in operation when the Commission has found out that the rate charged is too much; that the railroad has not rendered service sufficient to justify it in charging that much? No man certainly contends that.

Then, to go one step further, they say to the common carrier: "You have charged this man too much. You must reduce the rate to such an amount, which we consider a reasonable charge." This rate is put in operation at once. What complaint is there of that? If the rate is unjust, then it is dishonest and ought not to be charged against the shipper. That is this bill. The railroad company have the right of appeal, just like all other interests in this country over which the courts have jurisdiction. They have the same rights that all the great interests of our country have, when they complain of a thing, to take an appeal and carry it up and have it reviewed. The only thing we say is that you must not stop the operation of the new rate fixed by the Commission unless stopped by constitutional methods.

Why? As I said just now, all of the protection at present is on the side of the railroads, and I am astonished to see how few constitutional rights the people have when I hear these railroad people talking about this question. I say this respectfully. Why should they have the right to stop the new rate? Under the operation of the law in existence to-day, when the railroad is able to give a bond and stop the enforcement of the new rate the case is not settled for five or six years. But if you put the new rate in operation it hurries up the common carrier to try to get the decision of the highest court. He wants the question settled. The rate is being collected, as fixed by the Commission. The railroad company ask: Well, how are we to be recouped? Where are we to get our damages? You have fixed your rate here at an unreasonable figure. The case has gone to the Supreme Court, and the Supreme Court held that the rate fixed by the Commission was unreasonable and unjust and that the rate formerly charged by the railroad was fair.

Where are we to recoup our damages and the money that we have lost under the operation of this unjustly low rate? The same rule applies to the damages of the shipper should the court hold that the rate fixed by the carrier and continued in operation was unjust. I say in answer to that, Mr. Chairman, that in a great public question like this, relating to such vast and complicated affairs and concerning the welfare of all the people of this whole country, you never are going to get a law absolutely equitable, fair, and just to everybody. There are bound to be shades of inequality in its operation. Let us get it as near correct as we can and do as near right as equity and the sense of justice dictates.

Mr. SMITH of Kentucky. Will the gentleman allow me?

Mr. RICHARDSON of Alabama. Certainly.

Mr. SMITH of Kentucky. This bill provides that when the Commission finds any rates imposed by the railroad company are unjust or unreasonable or unjustly discriminatory or unduly preferential or prejudicial, or otherwise in violation of any of the provisions of this act, etc., that it shall be within its power to fix a rate that is just, reasonable, and fairly remunerative, to take effect in thirty days and remain in force until it shall be suspended or modified or set aside by the Commission or be suspended and set aside by a court of competent jurisdiction.

Now, coming to the practical workings of the Commission under this law, suppose a complaint is made of a rate and the Commission finds it to be unjust, discriminatory, and unreasonable, and they set it aside and establish a rate that they regard as good within the terms of the bill; can the railroad company institute an action in the proper tribunal asking for a restraining order against the Commission to prevent them from putting that rate into effect?

Mr. RICHARDSON of Alabama. The railroad can, and base it upon two grounds; one that it is unlawful, and the other that the rate established is one that the railroad can not realize a just profit from; not including fictitious capital; you don't include that.

Mr. FINLEY. I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from South Carolina?

Mr. RICHARDSON of Alabama. I do.

Mr. FINLEY. I would like the advice of the gentleman from Alabama in this respect. It is provided that if the Commission finds that if such rates are unjust or unreasonable or unjustly discriminatory or unduly preferential or prejudicial, or otherwise in violation of the provisions of this act, to determine and prescribe what will in its judgment be the just and reasonable and fairly remunerative rate or rates, charge or charges, to be thereafter observed in such case as the maximum to be charged. Now, I want to ask this question. Suppose there is a case

before the Commission in which there is a discrimination or undue preferential rates are given, and these rates are not fairly remunerative, can the Commission grant relief?

Mr. RICHARDSON of Alabama. Does the gentleman mean not fairly remunerative to the railroad?

Mr. FINLEY. Yes.

Mr. RICHARDSON of Alabama. That would, under certain conditions, fall under the power of the Commission to regulate discriminations. It is not to be supposed that a carrier would fix it so low that it would not pay, unless for the purpose of discriminating against another line, and when that other line is crushed out, then raise the rate again. That, I think, would be discrimination, which this bill provides for.

Mr. FINLEY. The gentleman does not catch my question. As I understand the language, the Commission is confined in all cases where they make a decision to fixing the rate, and the rate fixed by the Commission must be just and reasonable and fairly remunerative. Now, am I correct in that or not?

Mr. RICHARDSON of Alabama. The gentleman is correct in that. That is the cardinal principle of the whole bill.

Mr. FINLEY. I understand that. Now, in the event of a discriminatory rate or preferential rate granted by the railroad is not a fairly remunerative rate to the railroad, what jurisdiction will the Commission have?

Mr. RICHARDSON of Alabama. None in the world. The railroad fixes its iniatory rates, and we are encouraging them to lower the rates all the time.

Mr. FINLEY. And the Commission would have no jurisdiction at all?

Mr. RICHARDSON of Alabama. None at all. Now, Mr. Chairman, I want to say to my friend from Kentucky [Mr. SMITH] that he intimated a point in reference to the power of the court that I have been wedded to for years, but I failed to get the committee to agree with me about it. I would like to have seen put into this bill—but my colleagues on the committee did not agree with me and I surrendered it—I would like to have seen put into this bill a provision that the order made by that Commission, believing it to be a reasonable, just, and fair one for the road, should not be suspended by the temporary restraining order of a court unless that court had given notice that it was going to act, and after hearing. I believe in that, and I tried to get it in there, but I failed.

Mr. SMITH of Kentucky. I want to say to the gentleman from Alabama that I regret very much that he did not succeed in his effort.

Mr. RICHARDSON of Alabama. I could not. I could not have everything my way. My colleagues know that I advocated that. I think that when a man's property rights are about to be passed upon they are sacred and dear enough to him to have any court give him notice, State or Federal. But that is not in the bill, so let it go.

Mr. LAMAR. Will the gentleman allow me a question?

Mr. RICHARDSON of Alabama. Yes.

Mr. LAMAR. May I ask the gentleman from Alabama—I would not ask him the question if there is anything confidential about it—but I would like to know if these differences among his colleagues that he speaks of were without regard to party, or did his Democratic colleagues agree with him?

Mr. RICHARDSON of Alabama. Oh, no; and I am not disclosing any of the secrets of the committee, but, Mr. Chairman, first we had many meetings of the minority members, consisting of six. We talked over our views and talked with other Democrats about it. We fixed up our bill, and that provision I have just spoken of was in our bill, as the gentleman from Kentucky [Mr. SMITH] knows, and I do not recall any member of the minority dissenting from it. The minority members of the committee are in perfect harmony on this bill.

Mr. SMITH of Kentucky. Yes; I know it was, and I am sorry it did not stay there.

Mr. RICHARDSON of Alabama. We fixed up our bill, and then we got together with the gentlemen of the majority of the committee and they commenced talking to us, and one concession after another passed until finally we agreed, and we present the result to-day.

Mr. LAMAR. Mr. Chairman, I merely want to ask if the Democrats were agreed.

Mr. RICHARDSON of Alabama. Certainly. There were six of us, and we thought that we fared very well in the negotiations. At all events, we did our best.

Mr. LAMAR. And the gentleman then surrendered that point to the committee because the majority would not take it?

Mr. RICHARDSON of Alabama. Well, I think the majority agreed with me on that point. I am quite sure they did.

Mr. SMITH of Kentucky. That is, the majority of the minority?

Mr. RICHARDSON of Alabama. Yes; of course that is what the gentleman from Florida [Mr. LAMAR] is talking about.

Mr. LAMAR. My only point, of course—and that is where I differ with my friend—is this, that if highly remedial legislation is demanded by the country, then I agree upon the propriety of all persons of that committee agreeing on a bill. That certainly carries great force to that point, but I do not agree with the gentleman that highly substantial remedial legislation should be surrendered in the committee to any majority to the extent that the House and the country are not informed in an official manner of the views of that minority, whether they be a mixed minority of Democrats and Republicans or a solid minority of Democrats. Otherwise when that whole committee unites and comes here with a general concession that the bill is the best thing they can get, with responsibility fixed on no one person or set of persons, how will you ever reach remedial legislation unless you make some person responsible. That is the point I make.

Mr. RICHARDSON of Alabama. I will say to the gentleman from Florida [Mr. LAMAR] that I assume my part of the responsibility, just as my brother Democrats on the committee do, for agreeing to this bill. I believe it is the very best legislation, under all the circumstances, that we can get to give the people the relief they are demanding. I surrendered some of my views, just as other Democrats and Republicans did, to secure a bill supported by the entire committee.

Mr. LAMAR. I agree with the gentleman in one thing—that if the majority of the committee, whether Republicans or made up of Democrats and Republicans, will not take that provision, then, of course, it is proper to take every other good provision that is offered that the entire committee can unite upon. The point I make is this, that in dealing with a great question like this, where remedial legislation is demanded, somebody should have the responsibility for rejecting that legislation fixed upon them. To that extent the House and the country are entitled to know who objects and who does not. That is the point I make.

Mr. RICHARDSON of Alabama. Yes; I understand the gentleman's point. I am not trying to cast reflection on anybody in the world, and I will say further, now, since the gentleman from Florida has called my attention to it, that some of the best lawyers that I conferred with thought that there was a tinge of unconstitutionality about my provision, because the court undoubtedly has the constitutional right to issue a temporary restraining order—there is no question about that; you could not deny the Federal court the right to issue a temporary restraining order—and they thought that possibly my idea about it was throwing some obstacles in the way of the exercis of the constitutional authority of the court.

I did not agree with them, Mr. Chairman, but under the circumstances, being able men, and as we are making a compromise bill and trying to do the very best we could, I surrendered it with as much grace as I could.

Mr. ALEXANDER. Will the gentleman permit an interruption?

The CHAIRMAN. Does the gentleman yield?

Mr. RICHARDSON of Alabama. Yes.

Mr. ALEXANDER. I would ask the gentleman from Alabama if all legislation is not largely a matter of compromise?

Mr. RICHARDSON of Alabama. Why, of course; there is no question about that. We never would have any legislation if every man asserted his own views and adhered to them.

Mr. GAINES of Tennessee. Mr. Chairman, I wish the gentleman would take up the bill there and look at pages 18 and 19 and let me read a word or two, beginning at line 24.

SEC. 16A. That after a decision or requirement has been made by the Commission in any proceeding any party thereto may at any time make application for rehearing of the same.

Now, the rehearing is confined to the party thereto.

Mr. RICHARDSON of Alabama. Well, I presume their administrators would inherit their rights, if they had any.

Mr. GAINES of Tennessee. But the administrator who has gone into this business since the Commission has fixed it is complaining against the rate. Now, then, being an outsider, he is not a party to the old suit and would not be entitled to go into that suit and have that rate refixed.

Mr. RICHARDSON of Alabama. For a rehearing, you mean?

Mr. GAINES of Tennessee. Yes.

Mr. RICHARDSON of Alabama. Of course he would not have the right, because he is not a party to the proceeding.

Mr. GAINES of Tennessee. Why not amend by saying any party thereto or any persons aggrieved? That covers everybody.

Mr. RICHARDSON of Alabama. I do not think you ought to give a man a right to appeal who is not a party to a proceeding.

Mr. GAINES of Tennessee. You can give them the right——

Mr. RICHARDSON of Alabama. Let him go and start at the beginning and file a complaint.

Mr. GAINES of Tennessee. Say this man files a new complaint and charges this rate of, say, $1—to apply the rate we discussed a while ago—was unreasonable and hurt him, etc., the Commission would say that they have heard that case once and that he was not a party to that suit, so he can not reopen that suit.

Mr. SMITH of Kentucky. I would suggest to the gentleman from Tennessee this is an entirely different—a new proceeding.

Mr. GAINES of Tennessee. But it is about an identical rate.

Mr. SMITH of Kentucky. It may be just as you and I might have a lawsuit as to the title to a horse, but that would not preclude my friend Mr. JOHNSON, from South Carolina, from coming in and having a lawsuit with you about the title to the same horse—not at all. Judgment in the one case would not be a bar in another.

Mr. GAINES of Tennessee. The Commission, however, has fixed the rate for everybody, say, between Atlanta and Nashville, and this party not being a party in the old case can not get a rehearing of that rate.

Mr. SMITH of Kentucky. It does not exclude him from making an original complaint.

Mr. RICHARDSON of Alabama. How could he get a rehearing when he is not a party to the proceeding? I call the attention of the gentleman from Tennessee—I am very glad to have his suggestions—to the fact that the whole spirit of this bill, from the foundation of it, is that the Commission only takes jurisdiction and charge of a rate that is complained of. That is all it can do.

Mr. GAINES of Tennessee. I understand that.

Mr. RICHARDSON of Alabama. If your theory was right, if the Commission passed upon one rate upon one railroad it could never pass upon another.

Mr. GAINES of Tennessee. Suppose a rate applied upon a particular commodity, say from Atlanta to Nashville, and this party was not a party to the old suit which complained about the maximum rate fixed, he not being a party to that suit could not get a rehearing, and that is the only relief afforded in this bill by which the maximum rate once fixed can be unfixed or refixed.

Mr. SMITH of Kentucky. Will the gentleman from Tennessee explain what is to prevent the party from complaining about the rate the same as the other party did?

Mr. GAINES of Tennessee. I am looking to this—the Commission will say they have heard this—this is res adjudicata, that they have fixed this rate.

Mr. SMITH of Kentucky. But the rule of res adjudicata could not apply——

Mr. GAINES of Tennessee. Well, I do not know, but let us say it in plain English. I will say to my friend from Kentucky that if all were as plain spoken and as clear in writing as he is we would not have any mysteries about the law.

Mr. SMITH of Kentucky. I agree with my friend that we ought to make the law as plain as it is possible for the English language to make it.

Mr. GAINES of Tennessee. According to the practice laid down in what I have just read, that applies only to the party to that suit, and there must be a rehearing of that suit to change that rate. Now, that is my proposition——

Mr. RICHARDSON of Alabama. Well, now, Mr. Chairman——

Mr. GAINES of Tennessee. I hope I am wrong.

Mr. RICHARDSON of Alabama. I think the gentleman is entirely wrong; absolutely so.

Mr. GAINES of Tennessee. Well, I think it is worthy of your attention.

Mr. RICHARDSON of Alabama. Now, I want to call the attention further, Mr. Chairman, in the short time left, to certain specific features of this bill that I have not yet mentioned. One important change made by this bill is that it corrects the disreputable midnight tariff. Under the old law the carrier could on three days' notice change its published rates. It enabled the carrier to give notice to favorite shippers to collect and gather together and have already for shipment, that a low rate would go into effect under notice of three days. The favored shippers would get the benefit of this low rate, then the rate would be raised—no shipper getting the benefit but those notified. Under this bill thirty days' notice must be given before the rate can be changed.

In section 3 there is an important matter. I read, Mr. Chairman, as follows:

SEC. 3. That section 14 of said act as amended March 2, 1889, be amended so as to read as follows:

"SEC. 14. That whenever an investigation shall be made by said Commission, it shall be its duty to make a report in writing in respect thereto, which shall state the conclusions of the Commission, together with its decision, order, or requirement in the premises; and in case damages are awarded such report shall include the findings of fact on which the award is made."

The amendment relieves the Commission of useless and unnecessary labor by relieving the Commission of the duty of reporting "the facts" in every hearing and investigation it makes. It merely requires the Commission to report conclusions. This applies in all cases except as to damages.

I say to this committee that the change made from the old law in this paragraph, while it appears to be unimportant, is worthy of consideration and support.

Mr. GAINES of Tennessee. Wherein does it change it?

Mr. RICHARDSON of Alabama. The old law required the Commission to make a report of facts in every hearing or investigation and report the same to the court. It is certainly true that in a large number of cases it is entirely unnecessary to report the facts. The Commission states only its conclusions under the provisions of this bill. It leaves out the facts except in cases of damages. It is reported that there has been much delay and trouble in the Commission for years past on account of the requirement to report facts to the court.

Mr. GAINES of Tennessee. As I understand, the old law is this: That in suits to regulate an unreasonable rate damages are also asked for, and in an excess above the reasonable rate the Commission has always on proper proof given what one might call practically a "judgment," although it is not that. They will order the railroads to refund the excess. They have always done that. Do you change that?

Mr. RICHARDSON of Alabama. No; we do not change that. That is the law now. This refers to when the Commission has investigated a case, has obtained all the facts and the information, and the old law required the Commission to send those facts up to court. The court has nothing to do with them. The court passes upon the constitutionality of the rate—whether it is unlawful or confiscatory. The Commission is the arbiter of the facts. It draws, according to its own judgment, discernment, and discretion its conclusion from the facts. The court says whether the Commission's conclusion is unlawful or tends to confiscation.

Mr. GAINES of Tennessee. Under the law as it is, if the carrier does not make the reparation that the Commission orders, they can go to the courts and sue. How do you change that?

Mr. RICHARDSON of Alabama. My construction of the amendment made by this bill to section 16 of the old act is to strengthen and aid the procedure in the collection of damages awarded to complainants. I recall no other change in the old act.

Now, Mr. Chairman, I would like just for a few moments to refer to the question of classifications. I am quite sure that I am correct when I say that our Commerce Committee were practically agreed that at this time it was best to leave out of this bill the power and the jurisdiction of the Commission to regulate classifications. Why? We are all, or should be, governed by reason in a matter of this kind. The whole theory of the act of Congress passed in 1887 for the regulation of the charges of common carriers was based upon the idea that the Commission only have the power to investigate a challenged rate, not rates generally; but if you give the Commission the power to regulate classifications, what does that mean? There are three general classifications. One is what is called the "Official classification," and embraces, I believe, all north of the Potomac and Ohio rivers; one that is called the "Western classification," that embraces territory east of the Mississippi River; and the other the "Southern classification," that embraces all south of the Ohio River and the Potomac River. That immense power, by the scratch of a pen upon the part of the Commission, to change all the classifications, to remove an article from one class to another, thereby regulating the price, is a far greater power in their hands than the right to declare what a reasonable rate is or to pass upon rebates and kindred complaints. And it appears to me, Mr. Chairman, far best to let that for the present stand as it is.

We all agree on that question; at least that is my recollection. But think about it! There are different classifications of commodities and products in the three great divisions that I have just named. Many of the same articles or products are placed in different classifications in these three "grand divisions." Again, articles and products unrelated to each other are classified alike and subject to the same rate, and if you give the Commission the right to transfer these dissimilar products from one classification to another it would be equivalent to giving the Commission power to initiate rates generally, which we all oppose. There is no great complaint about classi-

fication, as I am informed. Indeed, the committee has heard very little of it, and I pass it, Mr. Chairman, as a fit subject for other and future investigation.

Mr. SMITH of Kentucky. Just there I would like to ask the gentleman a question. It is rather a surprise to hear the gentleman say there has been no complaint about the classification.

Mr. RICHARDSON of Alabama. There is not as much complaint about that, as I am advised, as there is about the rate.

Mr. SMITH of Kentucky. I want to ask the gentleman if, in fact, that has not been one of the favorite methods the railroad companies have resorted to to increase their freight rates on articles?

Mr. RICHARDSON of Alabama. Well, I have heard so. Now, let me tell what I think about that. Inasmuch as we are going cautiously and carefully into this matter, let us patiently "bide our time" until we have acquired a little experience, and see how it has worked after we conferred upon the Commission the power to substitute a reasonable for an unreasonable rate. That, in my opinion, is the "headlight" to guide us in settling all the demands of the public on our common carriers. Now I come, Mr. Chairman, to another question to which I shall briefly refer, and that is the relation of rates and differential rates. I said in the beginning of my remarks this afternoon that I believe that to confer the power upon the Commission to regulate a rate would tend a very great deal to relieve us of all of the embarrassment and evils in the relation of rates or of differential rates. Now, Mr. Chairman, what are differential rates? It is not an unjust or unreasonable or excessive rate, but it is the difference between the rates given to two competing localities on traffic for which they are competing. It does not concern the public. It is competition between two towns; that is what it is. And if the Commission has the power to regulate differentials, then would follow the authority to control relative rates in general between competitive localities. It is best to pause there, it seems to me.

Mr. WEISSE. May I ask the gentleman a question?

Mr. RICHARDSON of Alabama. Why, certainly.

Mr. WEISSE. Take the case of two railroads running into one city. They have a joint tariff, and there is absolutely no competition, and the shipper there can get no rates such as he would if he were in a town where there was but one road.

Mr. RICHARDSON of Alabama. You admit the relation of rates does not imply an excessive charge?

Mr. WEISSE. Certainly it does.

Mr. RICHARDSON of Alabama. It is on account of this competition between two towns. If the two roads have agreed to a joint tariff that is unreasonable, then the competition arising by relative rates is destroyed and the shipper ought to file a complaint against an unjust charge. The test of a differential or relative rate arises between competitive localities, and does not indicate that the rate is too high. It is not that the charge it too high, but that the common carrier is charging less upon certain conditions than are being charged on similar articles under different conditions. It does not concern the public as a question of excessive rates, and you certainly must be mistaken about that in your views. However, I admit it is a difficult matter and hard to solve.

Mr. STANLEY. The gentleman from Alabama does not mean to contend, as I understand him, that this power of the common carrier to differentiate or discriminate in rates between two towns is not in itself an exercise of a tremendous authority, pregnant with great evils. Do you not believe the same result is produced by the road unnecessarily discriminating between localities as if it charged an inherently exorbitant rate, so far as the effect upon the locality suffering the result of this unjust discrimination is concerned?

Mr. RICHARDSON of Alabama. All I have said and what I believe is that when you give power to the Commission to regulate the relation of rates, brought about by competition between two towns and having no connection with any complaint that the rate so charged by the carrier in either of the competing towns or localities is too high, then, in my opinion, you would authorize the Commission to prescribe rates without any regard to natural conditions and advantages possessed by one locality over another.

Mr. MURDOCK. I would like to ask the gentleman from Alabama if it will not also relate to competition between sections?

Mr. RICHARDSON of Alabama. Of course.

Mr. MURDOCK. That is exactly in the condition which gives to 1,500 commodities east of the Missouri River in the United States a "blanket postage-stamp rate" from any portion of the United States to the Pacific Coast; and no point west of the Missouri River enjoys the same privilege in shipments to the Pacific Coast. Will this bill reach that sort of discrimination?

Mr. RICHARDSON of Alabama. No, sir; except through the power that is given the Commission to fix the rate when an unreasonable rate has been charged. I may be wrong in my idea, but I think that the whole spirit, conception, and policy of the act of commerce was not along that line whatsoever, but it was to give the Commission power to regulate a rate complained of. So I understand that in the relation of rates when you give the Commission power to fix the relation of or adjust the differential rates you give a power to the Commission to fix a certain rate not because it is unjust or because it is an extreme rate, but because the Commission ought to recognize that all localities are of like conditions. Why, take, for instance, the hauling of corn from Iowa down to New Orleans, La., and taking the same quantity of corn and hauling it from Iowa to New York—to one of the Atlantic ports.

Do you say that the Commission ought to be given power to come in and disregard the physical fact that, figuratively speaking, you could roll a barrel of flour down from Iowa to New Orleans and you can haul two loaded cars to New Orleans while you can haul but one over the mountains to New York, to the Atlantic port? Do you think the Commission ought to have power to come in there and ignore this natural condition that God Almighty has created? Now, you do not think that? [Applause.]

Mr. SMITH of Kentucky. I do not think they ought to have any power to ignore this natural obstruction that may be in the way, but I do believe that the Commission ought to have power to determine upon some kind of just relation between rates from a point in Iowa to New Orleans, as well as a rate from a point in Iowa to New York.

Mr. RICHARDSON of Alabama. Then that gives the Commission power to interfere with competition, which is hostile to the very doctrine we are contending for.

Mr. SMITH of Kentucky. I believe there ought to be some power given to the Commission. Of course it ought to be well guarded.

Mr. RICHARDSON of Alabama. You admit the relation of rates as based upon competition between two competing towns does not involve an excessive charge?

Mr. SMITH of Kentucky. Yes; I think we are bound to make that admission.

Mr. RICHARDSON of Alabama. This does not refer to an extreme charge at all. No; not the extremely low charge nor the high charge, but the discrimination that is made by reducing the charge to one place to very much less than it is at the other place.

Mr. STANLEY. I am in hopes that the gentleman will interpret as much into this bill as possible and not interpret out of it. Do you not think that this very act of discrimination of which you speak, and which this bill does not take specific jurisdiction of, is, however, often and generally in itself evidence of an unreasonable charge?

For instance, the city of Henderson, a town of 15,000 people, is located about 10 miles from the city of Avon. The Ohio River, however, that potent factor in morals and commerce and ethics, runs between the city of Henderson and the city of Avon. There is a bridge charge for all freight going from the South over the Louisville and Nashville and over the Louisville, Henderson and St. Louis or any branch of the Illinois Central crossing that bridge; an excessive charge, called a "bridge charge," on all freights going north. All freights coming south pay no charge at all for crossing that same bridge.

Mr. RICHARDSON of Alabama. We have regulated that.

Mr. STANLEY. The bridge is only about a mile and a half long. Now, I think a great many of these same differentials are in themselves evidence of an unreasonable charge; and wherever a differential indicates an unreasonable charge, does not the gentleman who has given this matter such profound consideration believe that that very differential should be taken as evidence of an unreasonable charge rather than to read into this bill or to argue into this bill the idea that the Interstate Commerce Commission under this act could take no control at all over differentials or over discriminations between long and short hauls or over differences in charges between two cities? While they can not do it specifically, I think, in a great majority of cases, this very difference between localities is the evidence of iniquity on the part of the common carrier.

Mr. RICHARDSON of Alabama. As a matter of course, this bill gives the right and authority to the Commission, if a rate is put down so low as not to be fairly remunerative to the carrier to accept that low rate as the maximum rate, for the carrier to charge, and prevent the discrimination that the carrier had in view by making such a low rate. This bill, while declaring the reasonable rate fixed by the Commission is the maximum rate to be charged, yet it retains that necessary flexibility which permits and encourages the carrier to reduce its

rates, but not for the purpose of discrimination. This bill, in its operation as a law, I think, will regulate all such matters, even though no special provision is in the bill as to classification, differential, or relative rates specifically.

Mr. ADAMSON. Does not the gentleman from Alabama think that the provision for the control of bridges in this bill will cover that?

Mr. RICHARDSON of Alabama. Oh, yes; in this bill we have made bridges, side tracks, terminals, and all instrumentalities of commerce, owned or hired special cars, icing charges, etc., subject to the control of the Commission under the provisions of the "act to regulate commerce."

Now, Mr. Chairman, I see it is after 5 o'clock, and I am about through with what I had to say.

Mr. STEENERSON. Mr. Chairman, before the gentleman leaves the subject of classification, I should like to ask him if he thinks that this bill affords any remedy for a case like the one that occurred some years ago that was heard before the Interstate Commerce Commission, where the railroads put a more finished product, like ground coffee, into a lower classification than green coffee, or, for instance, put flour into a lower classification than wheat, which of course would result in a discrimination?

Mr. RICHARDSON of Alabama. This bill does not control that.

Mr. STEENERSON. This bill would afford no remedy for that?

Mr. RICHARDSON of Alabama. Not at all. It does not give the Commission the power to regulate or control classifications.

Mr. STEENERSON. The gentleman will recall the coffee case, where burnt coffee was controlled by a trust, and the fact that they put that burnt coffee into a lower classification than green coffee gave the coffee trust an absolute monopoly by reason of that classification. The gentleman says there would be no remedy for that in this case under this bill.

Mr. RICHARDSON of Alabama. None at all. They have no power over classifications, but you can reach that injustice under other provisions of this bill.

Mr. ADAMSON. I should like to suggest to both parties to that colloquy that with the specific power to correct any specific rate, I do not think there is any trouble about righting such a wrong as that.

Mr. RICHARDSON of Alabama. Not at all; and the Commission will have ample control over every character of complaint that concerns or relates to an unjust charge by a common carrier against any shipper. On that line the provisions are broad and comprehensive.

Mr. GAINES of Tennessee. Will the gentleman allow me to interrupt him?

Mr. RICHARDSON of Alabama. Yes.

Mr. GAINES of Tennessee. Speaking about the question of classification, I want to know how this bill would affect the case which I am about to state. There was the hay case—I thought the gentleman from Minnesota [Mr. STEENERSON] was going to refer to that. The gentleman is familiar with the hay case.

Mr. RICHARDSON of Alabama. Yes.

Mr. GAINES of Tennessee. They took hay out of the sixth class, where it paid the lower rate, and put it into the fifth class where it paid a higher rate, just arbitrarily, and my information is that they put about $2,000,000 into the pockets of the railroads and took that amount out of the pockets of the farmers. The Interstate Commerce Commission ordered them to put hay back into the sixth class, where it had always been, and the railroads refused to obey the order. They took it then before Judge Wing, and he held that the Commission had no power to order that, because it was an indirect making of rates.

Mr. RICHARDSON of Alabama. The bill does not give any control of classification, simply for the reason that we thought it was a great power to put into the hands of the Commission and that we had better pause a little while and have a little experience on the subject. We have a great deal now by putting into the hands of the Commission the power to regulate and control rates and to replace an unreasonable rate with a reasonable one. I think, as I said, that that is the headlight that will illuminate the whole thing, and when you give that power and it is properly exercised by the courts and the Commission and the railroads and the people you will regulate all these troubles that you are talking about that are so manifold.

Mr. GAINES of Tennessee. Does the gentleman think it requires any great amount of brain or knowledge of how to make hay or anything of that sort to enable them to order the railroads to take hay out of the fifth class and put it into the sixth class, or vice versa?

Mr RICHARDSON of Alabama. No; I do not think it requires any great amount of experience.

Mr. MURDOCK. Will the gentleman allow me to interrupt him?

Mr. RICHARDSON of Alabama. Yes.

Mr. MURDOCK. Going back to the question of differentials, the rate on cotton from Tennessee to New England is 55 cents; from Tennessee to North Carolina, 57½ cents. Now, do you contend that if the rate from Tennessee to New England is so low that it is unremunerative that it is a just rate, and do you contend that nothing should go into this bill allowing it to be corrected in case it is unjust and unremunerative?

Mr. RICHARDSON of Alabama. No; I do not contend that. If I undertook to answer the full statement of the gentleman I ought to know what conditions surround it on which the railroad has acted before I could fairly express an opinion. We are seeking here, Mr. Chairman, to do the very best we can. I said at the beginning that the bill did not meet my entire approval, and I do not suppose there is a man on the committee that indorses everything in it. I have tried to point out the advantages of the bill one way and the other. We have mutually conceded, conceded so much that the Democratic minority did not come in with a minority report. I frankly say, Mr. Chairman, and there is not a man on this floor that will take issue with me, that if we had brought in a minority report on any of these questions that have been suggested here, that when it came to offering it as a substitute most every gentleman would have voted first for the substitute, then for the Republican bill. [Laughter.]

Why not get the best we can out of it and meet it in a spirit of concession, patriotism, and proper regard for the railroads and great regard for the interests and welfare of the people who are demanding at the hands of Congress some remedial legislation?

Mr. LAMAR. Will the gentleman allow me?

Mr. RICHARDSON of Alabama. Certainly.

Mr. LAMAR. Suppose, for the sake of argument—it may not be a fact—that the political representation on that committee were divided, that the Democrats on that committee wanted more extreme, more remedial, or, if you choose to call it, more radical legislation, and the Republicans disagreed with the minority entirely. It would not affect this House on that legislation if we all finally voted for the Republican bill, even though you had made a minority report. Isn't it the power and privilege and duty of the minority to force the majority in action by parties to either accept an amendment carrying remedial legislation which they do not want, or vote them down and take the responsibility?

Mr. RICHARDSON of Alabama. No; I do not agree with the gentleman. I do not think a man ever makes anything for himself or his district or his country by advocating and pushing forward extreme ideas of his own. I never believed that.

Mr. LAMAR. I did not say extreme ideas of yourself or mine.

Mr. RICHARDSON of Alabama. You said extreme ideas.

Mr. LAMAR. I said legislation that might be considered extreme, but not extreme in your opinion or in mine, but such remedial legislation as would compel the majority to either vote for or accept it and take the responsibility—such remedial legislation as the Interstate Commerce Commission has recommended for fifteen years and which has been recommended by the President.

Mr. RICHARDSON of Alabama. What is the gentleman talking about, the private car? We think this bill presents the remedial legislation indorsed by national Democratic platforms, indorsed by the President, and I feel certain that the gentleman from Florida [Mr. LAMAR] will indorse it.

Mr. LAMAR. The general proposition. I will ask the gentleman this question: Do you believe that there is an essential relation between the taxes imposed by the way of passengers and freight rates, interstate rates, and the capitalization of these roads?

Mr. RICHARDSON of Alabama. Essential relations?

Mr. LAMAR. Essential relation between freight and passenger rates and the capitalization of these roads?

Mr. RICHARDSON of Alabama. I have no doubt that a great deal of the capitalization of railroads is fictitious, but the courts would not consider this fictitious capitalization when they determine the question of a fair remuneration or profits based upon actual capital of the common carrier.

Mr. LAMAR. Does the gentleman believe that there is an absolute essential relation between the passenger and freight rates and the capitalization of the railroads?

Mr. RICHARDSON of Alabama. Will the gentleman explain? I do not understand his question.

Mr. LAMAR. I thought my question was obvious; I must be very obscure. The point is this: The railroad is overcapitalized.

Mr. RICHARDSON of Alabama. The gentleman means fictitious capitalization.

Mr. LAMAR. Yes. Does not the gentleman believe that if the railroad proposes to earn dividends on stock so inflated and overcapitalized, interest on bonds overinflated and overcapitalized, that it must necessarily increase its rate of freight and passenger earnings over what they would do if there was no such inflation?

Mr. RICHARDSON of Alabama. Yes; I have been discussing that point. I think there is a relation between these things and overcapitalization, and I think there ought to be no consideration of such false capitalization by the courts.

Mr. LAMAR. Let me ask the gentleman if there is anything in this bill touching the question of overcapitalization?

Mr. RICHARDSON of Alabama. No. The law covers that.

Mr. LAMAR. In this bill?

Mr. RICHARDSON of Alabama. There is no need of putting it in the bill; the courts of the country have passed upon that.

Mr. LAMAR. Does not the gentleman believe that this Congress ought to make a declaration upon that point?

Mr. RICHARDSON of Alabama. No; there is no need of it. Mr. Chairman, I have tried to answer all questions that have been asked me frankly and honestly. As I have said, this bill does not express fully my views, and I do not suppose it expresses the views fully of the chairman or any other member of the committee.

It is just the aggregation of what we could get from each other by mutual concessions, and I believe that with this great question now being so agitated, there being so many men throughout the country for different and diverse purposes talking about these matters, that this bill being agreed upon by twelve Republicans and six Democrats will have a splendid effect upon all the country, temporizing, mollifying, and to a great extent relieving these passions, prejudices, and assaults sometimes indulged in on these great economic questions. I believe this harmony and unity manifested here in our agreement on this bill will check the tendency of Government ownership, and, if I may be permitted to say so, will have a fine effect upon the Senate of the United States and get the legislation that the people demand from this Congress. [Applause.]

I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Without objection, leave will be so granted.

There was no objection.

Mr. HEPBURN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. VREELAND, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12987—the railroad-rate bill—and had come to no resolution thereon.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 2395. An act granting an increase of pension to Christopher Clinton;

H. R. 3487. An act granting an increase of pension to Ferdinand Weise;

H. R. 6518. An act granting an increase of pension to James M. Long;

H. R. 3451. An act granting an increase of pension to Alpheus A. Rockwell;

H. R. 8550. An act granting an increase of pension to John Bierer;

H. R. 2718. An act granting an increase of pension to James F. Hare;

H. R. 8713. An act granting an increase of pension to Payton S. Lynn;

H. R. 1868. An act granting an increase of pension to Perry Egge;

H. R. 486. An act granting an increase of pension to John Armstrong;

H. R. 2770. An act granting an increase of pension to Ephraim Plumpton;

H. R. 1062. An act granting an increase of pension to George E. Brickett;

H. R. 3340. An act granting an increase of pension to William Moorhead;

H. R. 1766. An act granting an increase of pension to John T. Stone;

H. R. 4165. An act granting an increase of pension to Henry G. Sternberg;

H. R. 4176. An act granting an increase of pension to Michael Mohan;

H. R. 3427. An act granting an increase of pension to William B. Kimball;

H. R. 4216. An act granting an increase of pension to Robert Boon;

H. R. 4348. An act granting an increase of pension to William McCraw;

H. R. 4196. An act granting an increase of pension to James J. Winans;

H. R. 604. An act granting an increase of pension to Hiram F. Armstrong;

H. R. 3449. An act granting an increase of pension to Harvey Gaskill;

H. R. 3506. An act granting an increase of pension to George W. McCormick;

H. R. 3606. An act granting an increase of pension to John S. Hoover;

H. R. 1772. An act granting an increase of pension to James C. Plybon;

H. R. 1505. An act granting an increase of pension to William Birmingham;

H. R. 1361. An act granting an increase of pension to Camillus B. Leftwich;

H. R. 1381. An act granting an increase of pension to David H. Quigg;

H. R. 3283. An act granting an increase of pension to Bruno Tiesler;

H. R. 3405. An act granting an increase of pension to David Palmer;

H. R. 4876. An act granting an increase of pension to William L. Beeks;

H. R. 7408. An act granting an increase of pension to Joseph W. Price;

H. R. 3245. An act granting an increase of pension to Robert C. Smyth;

H. R. 1511. An act granting an increase of pension to Cornelius A. Hallenbeck;

H. R. 2594. An act granting an increase of pension to Levi Bearss;

H. R. 3368. An act granting an increase of pension to William McNair;

H. R. 2089. An act granting an increase of pension to Laura J. Forbes;

H. R. 1853. An act granting an increase of pension to William J. Johnson;

H. R. 1179. An act granting an increase of pension to Thomas Picket;

H. R. 1378. An act granting an increase of pension to Henry H. Hobart;

H. R. 1986. An act granting an increase of pension to Morris Bennett;

H. R. 3428. An act granting an increase of pension to Samuel E. Chamberlain;

H. R. 3481. An act granting an increase of pension to William H. Cranston;

H. R. 3006. An act granting an increase of pension to William H. Crites;

H. R. 1339. An act granting an increase of pension to James Kelley;

H. R. 5027. An act granting an increase of pension to Charles W. Knight;

H. R. 532. An act granting an increase of pension to James T. Berry;

H. R. 3575. An act granting an increase of pension to Silas B. Hovious;

H. R. 3758. An act granting an increase of pension to George Nulton;

H. R. 1073. An act granting an increase of pension to William J. Castlow;

H. R. 3573. An act granting an increase of pension to John V. Sanders;

H. R. 2735. An act granting an increase of pension to Samuel Foster;

H. R. 2011. An act granting an increase of pension to John Lezenby;

H. R. 5686. An act granting an increase of pension to Adelle Tobey;

H. R. 1789. An act granting an increase of pension to Jacob Shade;

H. R. 4153. An act granting an increase of pension to Henry C. Wildy;

H. R. 723. An act granting an increase of pension to George W. Raigle;

H. R. 1752. An act granting an increase of pension to Hugh Lokerson;

H. R. 1288. An act granting an increase of pension to Sterns D. Platt;

H. R. 3402. An act granting an increase of pension to Sidney S. Brigham;

H. R. 1686. An act granting an increase of pension to George S. McGregor;

H. R. 1675. An act granting an increase of pension to Melissa S. Lee;

H. R. 1653. An act granting an increase of pension to Frank W. Weeks;

H. R. 1074. An act granting an increase of pension to Benjamin F. Bean;

H. R. 3010. An act granting an increase of pension to Thomas C. Meadows;

H. R. 1908. An act granting an increase of pension to Emma Rowe;

H. R. 4701. An act granting an increase of pension to Elijah Thompson Hurst, alias Elijah Thompson;

H. R. 1199. An act granting a pension to Lydia A. Jewell;

H. R. 3716. An act granting a pension to Augustus Foss;

H. R. 7309. An act granting a pension to Louis Dieckgraefe;

H. R. 2435. An act granting a pension to Hilia Ann Connor; and

H. R. 8994. An act to provide for a land district in Yellowstone, Carbon, and Rosebud counties, in the State of Montana, to be known as the Billings land district.

ENROLLED BILL SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 5023. An act granting an increase of pension to August Westfield.

INFORMATION RELATIVE TO TRANSPORT SERVICE.

Mr. HULL. Mr. Speaker, I am directed by the Committee on Military Affairs to report back the House resolution 158, which I send to the desk, and to move that it do lie on the table. I will state, for the information of the House, that this is a resolution asking for information relative to the transport service. In answer to the resolution which was passed by Congress in February, 1905, the Quartermaster's Department has sent in a full reply. This resolution was introduced at the beginning of this Congress before that information was received, and as the information has been received it is not now necessary that this resolution should pass. The first resolution and this are the same.

Mr. JAMES. Who introduced the resolution?

Mr. HULL. Mr. HUMPHREY of Washington.

Mr. WILLIAMS. Is the committee unanimous in recommending that the resolution lie on the table?

Mr. HULL. Unanimous; and I think it meets with the approval of the gentleman from Washington [Mr. HUMPHREY].

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Whereas during the third session of the Fifty-eighth Congress a resolution was passed by this House asking that the Secretary of War furnish the information hereinafter requested, except that referring to the fiscal year 1905, and said Department having failed to comply with said resolution: Therefore

Resolved, That the Secretary of War be, and he is hereby, directed to give to the House of Representatives the following information relative to the transport service, to wit:

First. What showing is required by a civilian in order for him to be given permission to take passage upon a Government transport?

Second. Who has the authority to give him such permission?

Third. Give the names of the vessels which were used in the service during the fiscal years 1904 and 1905.

Fourth. Give the age of each of said vessels.

Fifth. Give separately the purchase price and the cost of converting each of said vessels into transports.

Sixth. How many of said vessels were used to carry soldiers?

Seventh. How many civilian passengers were carried upon Government transports during said fiscal years?

Eighth. What amount was credited to the transport service for carrying these civilian passengers during said fiscal years?

Ninth. How many of these civilian passengers carried during said fiscal years under existing law would have had their transportation paid or been reimbursed therefor by the Government had they traveled on commercial lines instead of Government transports?

Tenth. What is the total amount during each of said fiscal years that the Government under existing law would have paid or reimbursed the passenger for paying for the transportation of civilian passengers that have been carried on Government transports had such passengers been carried on commercial lines instead of upon transports?

Eleventh. How many of these civilian passengers carried during such fiscal years were women?

Twelfth. How many of these civilian passengers carried during said fiscal years were children?

Thirteenth. How many of said civilian passengers carried during said fiscal years were the wives, children, parents, or servants of Government officials?

Fourteenth. How many Government officials not traveling under orders or on business connected with the Government were carried during each of said fiscal years by said transports?

Fifteenth. How many passengers during each of said fiscal years were carried by said Government transports from San Francisco to Manila, from Manila to San Francisco, from Manila to Nagasaki, and from Nagasaki to Manila?

Sixteenth. What amount is credited to the service during each of said fiscal years for carrying each passenger between San Francisco and Manila?

Seventeenth. What amount is credited the service during each of said fiscal years for each passenger carried between Nagasaki and Manila?

Eighteenth. What amount was credited to the transport service during each of said fiscal years for each dead soldier's body carried from Manila to San Francisco?

Nineteenth. What is credited to the service per pound for carrying the United States mail?

Twentieth. In estimating the cost of the transport system to the Government, is anything charged against the system for either of the following items; and if so, what amount was charged during said fiscal years for each of said items, namely: Interest on amount invested; insurance of property; depreciation of property; tonnage taxes; for goods lost or damaged?

The SPEAKER. The question is on the motion of the gentleman from Iowa that the resolution do lie on the table.

The question was taken, and the motion was agreed to.

REPRINT OF BILL.

By unanimous consent, at the request of Mr. THOMAS of North Carolina, leave was granted to reprint the bill (H. R. 13369) to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved March 3, 1903.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. SCOTT, for one week, on account of important business.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. MCNARY to withdraw from the files of the House, without leaving copies, the papers in the case of Quincy (Mass.) public building, Fifty-seventh and Fifty-eighth Congresses, no adverse report having been made thereon.

LEAVE TO PRINT.

Mr. MOON of Tennessee. Mr. Speaker, I ask unanimous consent that the gentleman from Arizona [Mr. SMITH] be permitted five days longer within which to have his remarks on the statehood bill printed in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

ADJOURNMENT.

Then, on motion of Mr. HEPBURN (at 5 o'clock and 24 minutes p. m.), the House adjourned until to-morrow, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, submitting, with favorable recommendation, a draft of proposed legislation permitting retired noncommissioned officers to serve with State militia—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of Agriculture, transmitting a detailed statement of the expenditures of all appropriations for the Department for the fiscal year ended June 30, 1905, with supplemental accounts to September 30, 1905—to the Committee on Expenditures in the Department of Agriculture, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a copy of a memorial of the Chickasaw Nation relative to the disposal of residue lands of the Chickasaws and Choctaws—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, with a copy of a letter from the Commissioner of the General Land Office, the draft of a bill relating to mistakes in entries of land—to the Committee on the Public Lands, and ordered to be printed.

A letter from the Secretary of the Interior, submitting a memorial of the Chickasaw legislature relating to alienation of certain lands—to the Committee on Indian Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MCCLEARY of Minnesota, from the Committee on the

Library, to which was referred the bill of the House (H. R. 13538) to incorporate The Carnegie Foundation for the Advancement of Teaching, reported the same with amendment, accompanied by a report (No. 691); which said bill and report were referred to the House Calendar.

Mr. BURTON of Ohio, from the Committee on Rivers and Harbors, to which was referred the bill of the House (H. R. 8442) permitting the building of a dam across the Rock River at Grand Detour, Ill., reported the same with amendment, accompanied by a report (No. 692); which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. FLACK: A bill (H. R. 13540) for the establishment of subports of entry at Massena, Morristown, and Nyando, N. Y.—to the Committee on Ways and Means.

By Mr. CLAYTON: A bill (H. R. 13541) to revive the right of action under the captured and abandoned property acts, and for other purposes—to the Committee on War Claims.

By Mr. BURKE of South Dakota: A bill (H. R. 13542) authorizing the Secretary of the Interior to lease land in Stanley County, S. Dak., for a buffalo pasture—to the Committee on the Public Lands.

By Mr. CUSHMAN: A bill (H. R. 13543) for the protection and regulation of the fisheries of Alaska—to the Committee on the Territories.

By Mr. LITTLEFIELD: A bill (H. R. 13544) to provide for the purchase of a site and the erection of a building thereon at Camden, in the State of Maine—to the Committee on Public Buildings and Grounds.

By Mr. BURLEIGH: A bill (H. R. 13545) for a survey of the inner harbor at Blue Hill, Me.—to the Committee on Rivers and Harbors.

By Mr. HULL: A bill (H. R. 13546) to increase the efficiency of the Medical Department of the United States Army—to the Committee on Military Affairs.

Also, a bill (H. R. 13547) to increase the efficiency of the Medical Department of the United States Army—to the Committee on Military Affairs.

By Mr. WILEY of Alabama: A bill (H. R. 13548) to authorize the commissioners' court of Baldwin County, Ala., to construct a bridge across Perdido River at Waters Ferry—to the Committee on Interstate and Foreign Commerce.

By Mr. JONES of Washington: A bill (H. R. 13549) to appoint an additional judge for the third division of the district of Alaska—to the Committee on the Judiciary.

By Mr. MARTIN: A bill (H. R. 13550) to establish mining experiment stations, to aid in the development of the mineral resources of the United States, and for other purposes—to the Committee on Mines and Mining.

By Mr. MORRELL: A bill (H. R. 13551) to prohibit the wearing of the uniform of the Army, Navy, Marine Corps, or Revenue-Cutter Service of the United States, and so forth—to the Committee on Military Affairs.

By Mr. COCKRAN: A bill (H. R. 13552) relative to the ownership of real estate by corporations in the Territory of Hawaii—to the Committee on the Territories.

By Mr. KLINE: A bill (H. R. 13553) to increase the limit of cost for the purchase of a site and erection and completion of a public building at Allentown, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. McNARY: A bill (H. R. 13554) providing for the erection of a statue to the memory of Commodore John Barry, in Washington, D. C.—to the Committee on the Library.

By Mr. OLMSTED: A bill (H. R. 13555) to provide for the payment of traveling and other expenses of circuit and district judges when holding court within their respective circuits or districts away from their usual place of residence—to the Committee on the Judiciary.

By Mr. CRUMPACKER: A bill (H. R. 13556) to provide for the establishment of judicial divisions in the district of Indiana, and for other purposes in connection therewith—to the Committee on the Judiciary.

By Mr. FOSS: A bill (H. R. 13557) providing for the use by the United States of devices invented by its naval officers while engaged in its service and covered by letters patent—to the Committee on Naval Affairs.

Also, a bill (H. R. 13558) to authorize the Secretary of the Navy to certify to the Secretary of the Interior for restoration to the public domain all reservations which are not needed for naval purposes—to the Committee on Naval Affairs.

Also, a bill (H. R. 13559) for the relief of laborers, mechanics, and other employees of the Navy Department injured, and the families of those killed, without fault of their own, while in the discharge of their duties—to the Committee on Naval Affairs.

Also, a bill (H. R. 13560) authorizing the construction of an armored cruiser to bear the name of and to represent upon the Naval Register the *Constitution*—to the Committee on Naval Affairs.

Also, a bill (H. R. 13561) to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States—to the Committee on Naval Affairs.

Also, a bill (H. R. 13562) to amend section 183 of the Revised Statutes—to the Committee on Naval Affairs.

Also, a bill (H. R. 13563) to promote the administration of justice in the Navy—to the Committee on Naval Affairs.

Also, a bill (H. R. 13564) authorizing the payment to the superintendent of the Government Hospital for the Insane of pay due to persons in the Navy or Marine Corps under treatment at that institution—to the Committee on Naval Affairs.

By Mr. SMITH of Pennsylvania (by request): A bill (H. R. 13565) relating to rates of life insurance—to the Committee on the District of Columbia.

By Mr. FOWLER: A bill (H. R. 13566) to amend section 6 of the currency act, approved March 14, 1900—to the Committee on Banking and Currency.

By Mr. MACON: A bill (H. R. 13567) to authorize the Campbell Lumber Company to construct a bridge across the St. Francis River in Clay County, Ark., at or near the point where the section line between sections 21 and 28, township 19 north, range 9 east, touches said river—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 13568) to authorize the Campbell Lumber Company to construct a bridge across the St. Francis River in Clay County, Ark., at or near the point where the section line between sections 23 and 26, in township 20 north, range 9 east, touches said river—to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIAMS: A bill (H. R. 13569) to reduce the duty on linotype and composing machines—to the Committee on Ways and Means.

By Mr. ALLEN of Maine: A bill (H. R. 13570) authorizing the registration of the names of horticultural products and to protect the same—to the Committee on Patents.

By Mr. ROBERTS: A bill (H. R. 13654) authorizing the appointment of dental surgeons in the Navy—to the Committee on Naval Affairs.

By Mr. STEPHENS of Texas: A resolution (H. Res. 201) directing the President of the United States to transmit to the House certain information concerning railroad freight rates—to the Committee on Interstate and Foreign Commerce.

Also, a resolution (H. Res. 202) requesting the Secretary of the Interior to furnish to the House certain information concerning the United States land office at Kingfisher, Okla.—to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bill and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMS of Pennsylvania: A bill (H. R. 13571) granting an increase of pension to Charles H. Frank—to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 13572) granting an increase of pension to Saturnino Baca—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13573) granting an increase of pension to Francis M. Ballew—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13574) granting an increase of pension to Mathias Custers—to the Committee on Invalid Pensions.

By Mr. ANDRUS: A bill (H. R. 13575) granting a pension to Frances Bell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13576) granting a pension to Emma W. Menzer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13577) granting an increase of pension to Mrs. George B. Van Brunt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13578) to grant an extension of certain letters patent to Ellen A. Osborn—to the Committee on Patents.

By Mr. BABCOCK: A bill (H. R. 13579) granting an increase of pension to Amon Miller—to the Committee on Pensions.

By Mr. BELL of Georgia: A bill (H. R. 13580) for the relief of the estate of William Fenn, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13581) to correct the relative rank of Lieut. Frederick S. L. Price, Fourteenth Regiment of Infantry, United States Army—to the Committee on Military Affairs.

By Mr. BENNETT of Kentucky: A bill (H. R. 13582) granting an increase of pension to James Sutherland—to the Committee on Pensions.

Also, a bill (H. R. 13583) for the relief of Sophia Howell—to the Committee on Military Affairs.

By Mr. BURTON of Delaware: A bill (H. R. 13584) granting an increase of pension to Anna M. Jefferis—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 13585) granting a pension to Bessie M. Doughty—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13586) granting an increase of pension to Archibald Caldwell—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 13587) granting an increase of pension to August Frahm—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13588) granting a pension to Mary Jane Davis—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 13589) for the relief of Joseph P. Tyler—to the Committee on Military Affairs.

Also, a bill (H. R. 13590) for the relief of John B. Hannah—to the Committee on War Claims.

Also, a bill (H. R. 13591) for the relief of John B. Hannah—to the Committee on War Claims.

Also, a bill (H. R. 13592) granting an increase of pension to Corena Stewart—to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 13593) for the relief of Joseph Swisher—to the Committee on War Claims.

By Mr. CRUMPACKER: A bill (H. R. 13594) granting an increase of pension to Jonathan Snook—to the Committee on Invalid Pensions.

By Mr. DARRAGH: A bill (H. R. 13595) granting an increase of pension to William Herwin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13596) for the relief of J. W. Cromwell, surviving partner of the firm of J. W. Cromwell & Co.—to the Committee on War Claims.

By Mr. DE ARMOND (by request): A bill (H. R. 13597) granting an increase of pension to Abram J. Bozarth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13598) granting an increase of pension to Thomas M. Parkison—to the Committee on Invalid Pensions.

By Mr. FOSTER of Indiana: A bill (H. R. 13599) granting an increase of pension to James M. Royer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13600) granting an increase of pension to Stephen Risse—to the Committee on Invalid Pensions.

By Mr. FULKERSON: A bill (H. R. 13601) for the relief of the curators of the University of the State of Missouri—to the Committee on War Claims.

Also, a bill (H. R. 13602) granting a pension to James Hanners—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13603) granting a pension to James Hanners—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13604) granting an increase of pension to Henry C. Martin—to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 13605) to satisfy certain claims against the Government arising under the Navy Department—to the Committee on Claims.

By Mr. GAINES of West Virginia: A bill (H. R. 13606) granting an increase of pension to James P. King—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13607) granting an increase of pension to John Guthrie—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13608) granting an increase of pension to Arthur W. Darnel—to the Committee on Invalid Pensions.

By Mr. GRANGER: A bill (H. R. 13609) granting an increase of pension to Charles H. Guile—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13610) granting an increase of pension to James Hann—to the Committee on Invalid Pensions.

By Mr. GREGG: A bill (H. R. 13611) granting an increase of pension to William Clough—to the Committee on Pensions.

By Mr. HALE: A bill (H. R. 13612) for the relief of the legal representatives of Jacob S. Fritts, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13613) granting an increase of pension to John B. Cox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13614) granting an increase of pension to Sylvester Cooper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13615) granting an increase of pension to Henry Hill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13616) granting an increase of pension to James W. Taylor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13617) granting a pension to Sarah Brimer—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 13618) granting a pension to Roena Tubb—to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: A bill (H. R. 13619) granting an increase of pension to George W. Muncy—to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 13620) granting an increase of pension to William F. Palmer—to the Committee on Invalid Pensions.

By Mr. KLINE: A bill (H. R. 13621) granting an increase of pension to Anthony Erne—to the Committee on Invalid Pensions.

By Mr. FREDERICK LANDIS: A bill (H. R. 13622) granting a pension to Mary Cochran—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13623) for the relief of the Miami Indians of Indiana—to the Committee on Indian Affairs.

By Mr. LEE: A bill (H. R. 13624) for the relief of L. J. Williams and L. R. Williams, executors of the estate of Thomas H. Williams, deceased—to the Committee on War Claims.

By Mr. LORIMER: A bill (H. R. 13625) granting a pension to Eveline Dunn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13628) granting a pension to Elizabeth Fitzner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13627) granting an increase of pension to Homer F. Herriman—to the Committee on Invalid Pensions.

By Mr. McCREARY of Pennsylvania: A bill (H. R. 13628) granting a pension to F. Max Gress—to the Committee on Invalid Pensions.

By Mr. McKINNEY: A bill (H. R. 13629) granting an increase of pension to John T. Williamson—to the Committee on Invalid Pensions.

By Mr. MOUSER: A bill (H. R. 13630) granting an increase of pension to George W. Robinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13631) granting an increase of pension to James H. Morrill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13632) to remove the charge of desertion and grant an honorable discharge to James Burroes—to the Committee on Military Affairs.

Also, a bill (H. R. 13633) to remove the charge of desertion and grant an honorable discharge to John Walsh—to the Committee on Military Affairs.

By Mr. REEDER: A bill (H. R. 13634) granting an increase of pension to Nicholas Koppes—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Arkansas: A bill (H. R. 13635) to authorize C. N. Barnes to purchase lot 8, block 194, Hot Springs, Ark.—to the Committee on the Public Lands.

By Mr. SCROGGY: A bill (H. R. 13636) granting a pension to Rosa Drumm Berry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13637) to pay to Charles L. Gallaher the sum of $215—to the Committee on War Claims.

Also, a bill (H. R. 13638) granting an increase of pension to John Hartley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13639) granting an increase of pension to Samuel Y. Hamilton—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 13640) granting an increase of pension to William H. Holmes—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 13641) granting an increase of pension to William Brown—to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 13642) granting an increase of pension to Roger K. Brooking—to the Committee on Pensions.

Also, a bill (H. R. 13643) granting an increase of pension to Davis W. Hatch—to the Committee on Pensions.

Also, a bill (H. R. 13644) granting an increase of pension to James T. McCristian—to the Committee on Pensions.

Also, a bill (H. R. 13645) granting an increase of pension to James Glass—to the Committee on Pensions.

Also, a bill (H. R. 13646) granting an increase of pension to Martin Boatwright—to the Committee on Pensions.

By Mr. SOUTHARD: A bill (H. R. 13647) granting a pension to Annie Godfrey—to the Committee on Invalid Pensions.

By Mr. WADSWORTH: A bill (H. R. 13648) for the relief of the State of New York—to the Committee on War Claims.

By Mr. WEBB: A bill (H. R. 13649) granting a pension to Amos Hensley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13650) granting a pension to Hiram R. Rhea—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13651) granting a pension to Hiram J. Anders—to the Committee on Invalid Pensions.

By Mr. WILSON: A bill (H. R. 13652) granting an increase of pension to William O. Tobey—to the Committee on Invalid Pensions.

By Mr. WOODYARD: A bill (H. R. 13653) granting an increase of pension to Frederick Fouce—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred, as follows:

A bill (H. R. 8245) granting a pension to Frank R. Boyer—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13164) granting a pension to Sallie A. Graves—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13165) granting a pension to Martin Noland—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11078) granting a pension to Rosa Zurrin—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of employees of the Chicago and Eastern Illinois Railway Company, protesting against railway-rate legislation—to the Committee on Interstate and Foreign Commerce.

Also, petition of Spiro Radulovich, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of 20 citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of Tailor, Master Grange No. 354, of Pennsylvania, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Corena Stewart—to the Committee on Invalid Pensions.

Also, petition of the National Fireman's Association, against the Dryden bill—to the Committee on Interstate and Foreign Commerce.

Also, paper to accompany bill for relief of Joseph P. Tyler—to the Committee on Military Affairs.

By Mr. ACHESON: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of members of Pittsburg Harbor, No. 25, for a marine hospital at Pittsburg, Pa.—to the Committee on Public Buildings and Grounds.

Also, petition of J. H. Douglas Lodge, No. 222, of Newcastle, Pa., Brotherhood of Railway Trainmen, for the Bates-Penrose bill—to the Committee on the Judiciary.

Also, petition of Strong Vincent Post, Grand Army of the Republic, of Erie, Pa., for bill H. R. 8989—to the Committee on Military Affairs.

Also, petition of Smith Curtis, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. ADAMS of Pennsylvania: Petition of Newnan Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Japanese and Korean Exclusion League, for enforcement of the Chinese-exclusion act—to the Committee on Immigration and Naturalization.

Also, petition of Strong Vincent Post, No. 67, Grand Army of the Republic, for bill H. R. 8989—to the Committee on Military Affairs.

By Mr. ADAMS of Wisconsin: Paper to accompany bill for relief of Mrs. Alice Bosworth—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Elizabeth Griddle—to the Committee on Invalid Pensions.

Also, petition of 24 citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. ALLEN of New Jersey: Petition of the National Piano Manufacturing Company of America, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of 20 citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. BABCOCK: Paper to accompany bill for relief of Josiah F. Allen—to the Committee on Invalid Pensions.

By Mr. BARCHFELD: Petition of the Japanese and Korean Exclusion League, against Chinese immigration—to the Committee on Immigration and Naturalization.

Also, petition of McKees Rock Lodge, No. 321, Brotherhood of Railway Trainmen, favoring bill H. R. 9328—to the Committee on the Judiciary.

By Mr. BARTHOLDT: Petition of 25 citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. BATES: Petition of Division No. 64, Order of Railway Conductors, of Erie, Pa., favoring bill H. R. 239—to the Committee on the Judiciary.

Also, petition of Strong Vincent Post, No. 67, Grand Army of the Republic, of Erie, Pa., for bill H. R. 8989—to the Committee on Military Affairs.

By Mr. BONYNGE: Petitions of Edward H. Madison and E. H. Snyder, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BOUTELL: Petition of 30 citizens of New York and vicinity for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of the Monumental News, the Tomorrow Magazine, and the Successful Poultry Journal Publishing Company, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BROOKS of Colorado: Petition of 10 citizens of New York and vicinity for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of the Victor Daily Record, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BURKE of Pennsylvania: Petition of J. J. King, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Merchants' Insurance Company, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of McKees Rock Lodge, No. 321, Brotherhood of Railway Trainmen, favoring bill H. R. 9328—to the Committee on the Judiciary.

Also, petition of Joseph Tilford, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BURNETT: Petition of citizens of Sardis, Ky., and Buffalo Tribe, No. 100, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BURTON of Delaware: Petition of George E. Megee, for an appropriation for a safe harbor at Delaware Breakwater—to the Committee on Rivers and Harbors.

Also, petitions of R. V. Hoffeker and the Republican, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BURTON of Ohio: Petition of the Cleveland Chamber of Commerce, for more liberal river and harbor appropriations—to the Committee on Rivers and Harbors.

Also, petition of Cleveland Division, No. 14, Order of Railway Conductors, favoring bills H. R. 239 and 9328—to the Committee on the Judiciary.

By Mr. BUTLER of Tennessee: Paper to accompany bill for relief of Henry T. Dawson—to the Committee on Pensions.

By Mr. CASSEL: Petition of Waterford Council, No. 72, Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of W. Yocum, of Columbia, Pa.; W. E. Crist, and David B. Lefever, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Matthew S. Campbell—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of John W. Bookman—to the Committee on Invalid Pensions.

Also, petition of the State Farmers' Institute, favoring bill H. R. 345—to the Committee on Appropriations.

By Mr. COCKRAN: Petition of the Board of Underwriters of New York, relative to navigation in New York Harbor—to the Committee on Rivers and Harbors.

By Mr. DALZELL: Petition of Walurba Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. DAVIS of West Virginia: Petition of H. L. Snyder,

Robert C. Ressler, George W. Haines, the Morgantown Post Company, T. P. Weaver, Herbert Montgomery, Frederick Moore, Frederick M. Lesser, C. W. Beyer, and J. S. Brown, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DAWSON: Petitions of J. J. Richardson and F. L. Sunderlin, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Western Fruit Jobbers' Association, for Interstate Commerce Commission to fix railway rates—to the Committee on Interstate and Foreign Commerce.

By Mr. DE ARMOND: Paper to accompany bill for relief of Thomas M. Parkinson—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Abram J. Bozarth—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of John B. Craig—to the Committee on Invalid Pensions.

By Mr. DEEMER: Petition of Grange No. 600 and the Oswayo Chemical Company, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petitions of the Democrat Publishing Company, Thomas E. Grady, W. S. Darrah, the Sun, of Williamsport, Pa., and C. H. Bressler, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DIXON of Indiana: Petitions of H. C. Galbraith, J. N. Marsh, Isaac T. Brown, G. L. Humphrey, and Raily & Switzer, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DRAPER: Petition of M. F. Allins, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of numerous citizens of New York and vicinity for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. DRESSER: Petition of T. M. McClellan, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DRISCOLL: Petition of the Hamilton Republican, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Onondaga Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of 13 citizens of New York and vicinity, for relief of heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. DWIGHT: Petition of Newfield Grange, No. 242, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Anna C. Gregg et al., for preservation of the frigate *Constitution*—to the Committee on Naval Affairs.

By Mr. ESCH: Petition of Der Herold, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. FLACK: Paper to accompany bill to establish ports of entry at Massena, Morristown, and Nyando—to the Committee on Ways and Means.

By Mr. FLETCHER: Petition for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petitions of C. S. Bartram, E. E. Stevens, and W. C. Edgar, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Art Workers' Guild of St. Paul, for removal of the tariff on art works—to the Committee on Ways and Means.

By Mr. FLOOD: Petition of the Midland Publishing Company et al., against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. FOSTER of Indiana: Petitions of F. W. Lowenstein, T. E. Chrisney, and Henry C. Murphy, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. FULLER: Petition of citizens of Peru, Ill., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. GOEBEL: Petition of Washington Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. GRAHAM: Paper to accompany bill for relief of Annie Mc. McGeary—to the Committee on Invalid Pensions.

Also, petition of the Clearing House Association, favoring amendment of the national banking law—to the Committee on Banking and Currency.

Also, petition of A. E. Yoell, for strict maintenance of the Chinese-exclusion act—to the Committee on Immigration and Naturalization.

By Mr. GREEN: Resolution of the general court of Massachusetts, relative to the National Government regulating hours of labor—to the Committee on Labor.

By Mr. HAUGEN: Petitions of B. Anderson and McCook & Howard, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HAYES: Paper to accompany bill for relief of Lillian P. Beaudin—to the Committee on Claims.

Also, petition of the Daily Palo Alto, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HENRY of Connecticut: Petition of Plainville Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. HENRY of Texas: Petition of J. D. Crew, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HINSHAW: Petition of Joseph H. Dodds and C. F. Waite, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Frederick D. Carpenter—to the Committee on Invalid Pensions.

By Mr. HITT: Petition of the Chicago Medical Society, for a pure-food bill—to the Committee on Agriculture.

By Mr. HOGG: Petition of Royal Gorge Lodge, No. 59, Brotherhood of Locomotive Trainmen, of Pueblo, Colo., favoring bills H. R. 239 and 9328—to the Committee on the Judiciary.

Also, petition of Lincoln Council, No. 9, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolution of the general assembly of Colorado, relative to storage reservoirs of water—to the Committee on Irrigation of Arid Lands.

Also, petition of the State Teachers' Association, for preservation of the Mesa Verde country—to the Committee on Public Buildings and Grounds.

By Mr. HOWARD: Paper to accompany bill for relief of Larkin Clark—to the Committee on War Claims.

By Mr. HOWELL: Petitions of Christian Anderson, J. C. Daley, and H. J. Robinson, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. JAMES: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. KENNEDY: Petition of the Stock Yards Company et al., for an amendment to the twenty-eight-hour law for live stock in transit—to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIAM W. KITCHIN: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of Order of Railway Conductors, Division No. 431, of Greensboro, N. C., for bills H. R. 239 and 9328—to the Committee on the Judiciary.

By Mr. LACEY: Petition of Jord R. Norman, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LAMB: Petition of the Weekly, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. LEE: Paper to accompany bill for relief of estate of Enoch Humphreys—to the Committee on War Claims.

Also, paper to accompany bill for relief of David H. Neely and Jane R. Neely—to the Committee on War Claims.

Also, paper to accompany bill for relief of President Walraven—to the Committee on War Claims.

Also, paper to accompany bill for relief of estate of William Lewis—to the Committee on War Claims.

By Mr. LEWIS: Petition of citizens of the Third Congressional district of Georgia, favoring private car lines being under the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of peach growers of Fort Valley, Ga., for placing car lines under the jurisdiction of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of fruit growers of Georgia, favoring the Interstate Commerce Commission fixing railway freight rates—to the Committee on Interstate and Foreign Commerce.

Also, petitions of R. W. Atkins and the Cordele Daily News, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HEPBURN: Petition of Henry S. Pritchett et al., favoring the bill to incorporate the Carnegie Foundation for the Advancement of Teaching—to the Committee on the Library.

By Mr. LINDSAY: Petition of the Brooklyn Reform Association, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of numerous citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. LITTAUER: Petition of the Sun Printing Company of New York, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LOUDENSLAGER: Petitions of the East Side Press, the Farmers' Publishing Company, the Moore Brothers Company, and the Gloucester County Democrat, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LORIMER: Paper to accompany bill for relief of Homer F. Herriman—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Eveline Dunn—to the Committee on Invalid Pensions.

By Mr. McCALL: Petition of the Bates & Gould Company, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. McCARTHY: Petition of the Commercial Club of Blair, Nebr., relative to postal rates—to the Committee on the Post-Office and Post-Roads.

By Mr. McKINNEY: Petitions of A. G. Peterson, W. J. Prugh, and W. D. Hall, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. MAYNARD: Petitions of James M. Thompson, R. E. Turner, and Edwin Walker, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. MINOR: Petition of the Enterprise, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of Daniel L. Herald—to the Committee on War Claims.

Also, petition of Rock City Division, No. 35, Order Railway Conductors, against the Interstate Commerce Commission fixing railway rates—to the Committee on Interstate and Foreign Commerce.

By Mr. MARTIN: Petition of citizens of Hutchinson County, S. Dak., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. MURDOCK: Petition of D. M. Dickson et al., for passage of bill H. R. 4495, Fifty-eighth Congress—to the Committee on Invalid Pensions.

By Mr. OTJEN: Petition of many citizens of New York and vicinity for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. PALMER: Petitions of Pennsylvania Lodge, No. 511; De Bois Lodge, No. 593, and Energetic Lodge, No. 378, Brotherhood of Railway Trainmen, relative to bill H. R. 9328—to the Committee on the Judiciary.

By Mr. PERKINS: Petition of T. A. Perry et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. POU: Paper to accompany bill for relief of Mrs. Quentin Busbee—to the Committee on Pensions.

By Mr. PRINCE: Petitions of Will Curtis, the Enterprise Publishing Company, S. P. Wood, Bonham & Hunter, W. A. Bolles, W. W. Vose, and the Quincy Whig, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. PUJO: Paper to accompany bill for relief of Katherine K. Mitchell, previously referred to Committee on Invalid Pensions—to the Committee on Pensions.

By Mr. RAINEY: Petition of 15 citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. REID: Paper to accompany bill for erection of a United States land office and post-office building at Dardanelle, Ark.—to the Committee on Public Buildings and Grounds.

By Mr. REYNOLDS: Papers to accompany bill H. R. 8706, relating to James H. Sparks—to the Committee on Invalid Pensions.

By Mr. RHINOCK: Petition of W. S. Mead, Kenton Division, No. 397, of the Order of Railway Conductors of America, for bills H. R. 239 and S. 1657—to the Committee on the Judiciary.

By Mr. RUPPERT: Petition of the Japanese and Korean Exclusion League, favoring strict enforcement of the Chinese-exclusion law—to the Committee on Immigration and Naturalization.

Also, petition of the New York State Agricultural Society, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Manufacturers' Association of New York, against the metric system—to the Committee on Coinage, Weights, and Measures.

Also, petition of the National Piano Manufacturers' Association of America, for repeal of the revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Ellis Parker Butler and the New Yorker Medicinische, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. RUSSELL: Petitions of R. M. Smith and Harvey S. Williams, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SAMUEL: Petition of Charles S. Wing, against the tax on linotype machines—to the Committee on Ways and Means.

Also, petition of Grange Council, No. 31, of Pennsylvania, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of 20 citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. SCHNEEBELI: Petition of Bangor (Pa.) Council, No. 206, Junior Order United American Mechanics, favoring restriction of Immigration—to the Committee on Immigration and Naturalization.

By Mr. SCROGGY: Petitions of D. L. Fitzpatrick, W. H. Blair, and A. C. McCling, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Hiland Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SHEPPARD: Paper to accompany bill for relief of John N. Buchanan—to the Committee on Invalid Pensions.

Also, petitions of J. O. McMinn, C. C. Phillips, and F. A. Lockhardt & Son, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Joseph A. Martin—to the Committee on Pensions.

By Mr. SHERMAN: Petition of A. F. Thumerfelt, of Herkimer, N. Y., against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SLAYDEN: Paper to accompany bill for relief of James L. McCuistion—to the Committee on Pensions.

Also, paper to accompany bill for relief of Martin Boatwright—to the Committee on Pensions.

Also, paper to accompany bill for relief of James Glass—to the Committee on Pensions.

Also, paper to accompany bill for relief of David W. Hatch—to the Committee on Pensions.

Also, paper to accompany bill for relief of Roger K. Brooking—to the Committee on Pensions.

Also, petition of 15 citizens of New York and vicinity, for relief of heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. SMITH of Maryland: Paper to accompany bill for relief of George T. Hill—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Elizabeth E. Atkinson—to the Committee on Invalid Pensions.

Also, petitions of W. B. Usilton's Sons, S. E. Whitman, Lindsay C. Marshall, George R. Ash, L. C. Quinn, and J. M. Post, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SMITH of Texas: Petition of E. B. Barnes, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of 20 citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. SOUTHARD: Petition of R. P. Taft et al., for repeal of the duty on hides—to the Committee on Ways and Means.

Also, petition of the Consolidated Manufacturers' Company, of Toledo, Ohio, for two classes of mail matter only—to the Committee on the Post-Office and Post-Roads.

Also, petition of A. G. Winnie, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of 35 citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. SPERRY: Petition of the adjutant-general of Connecticut, favoring bill H. R. 7136—to the Committee on Militia.

By Mr. STEENERSON: Petition of Conrad Nauman, for

repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. STERLING: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. SULLOWAY: Petition of J. E. Bernier, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of E. W. Townsend et al.—to the Committee on Ways and Means.

By Mr. VREELAND: Petitions of the Shearman Brothers Company, the Empire Furniture Company, and the Star Furniture Company, for repeal of the revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. WANGER: Petition of A. K. Thomas, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Irvin H. Bardman, of Schwenkville, Pa., against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WEBB: Petition of G. S. Escott, Hugh Long, and W. C. Dowd, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WEISSE: Petition of 20 citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. WILEY of Alabama: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. WADSWORTH: Petition of W. B. Sanders, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WOODYARD: Petition of Broomstick Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petitions of R. E. Harvor, C. W. Marsh, J. A. Wooddell, and L. P. Smith, against the tariff on linotype machines—to the Committee on Ways and Means.

SENATE.

WEDNESDAY, *January 31, 1906.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings; when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

EXPOSITION AT LIEGE, BELGIUM.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting a report of Commissioners to the Liege Exposition, appointed in pursuance of the act approved April 28, 1904, authorizing the Government of the United States to take official part in the international exposition at Liege, Belgium, during the year 1905; which, with the accompanying paper, was referred to the Committee on Foreign Relations, and ordered to be printed.

CHICKASAW AND CHOCTAW INDIAN LANDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a memorial from the legislature of the Chickasaw Nation relative to the disposition of the "residue" lands of the Chickasaw and Choctaw nations; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

CHOCTAW AND CHICKASAW LANDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a memorial from the legislature of the Chickasaw Nation relative to the removal of the restrictions upon the alienation of the surplus land of adult members of the Choctaw and Chickasaw nations; which, with the accompanying paper, was referred to the Committee on Indian Affairs, and ordered to be printed.

SALE AND DISPOSAL OF PUBLIC LANDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of the General Land Office, together with the draft of a bill to amend section 2372 of the Revised Statutes of the United States, relative to the error in entry by mistake of numbers by entrymen in homestead and other entries of public lands; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

LIST OF AWARDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a list of awards made by the Spanish Treaty Claims Commission under the provisions of the act of March 2, 1901, in the claims of Louis M. Glean and William A. Glean, $20,000; which was referred to the Committee on Appropriations, and ordered to be printed.

REPORT OF THE CAPITAL TRACTION COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Capital Traction Company, of Washington, D. C., for the year ending December 31, 1906; which was referred to the Committee on the District of Columbia, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 7048) changing names of Pierce place, Blake street, Swann street, Cedar street or place, and Oregon avenue to Wheeler street; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

H. R. 2012. An act granting an increase of pension to William Wilson; and

H. R. 5023. An act granting an increase of pension to August Westfield.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Takoma Park Citizens' Association, of Takoma Park, D. C., praying for the enactment of legislation to authorize the Baltimore and Washington Transit Company of Maryland to extend its street railway into the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. NELSON presented a petition of the Art Workers' Guild of St. Paul, Minn., praying for the enactment of legislation to repeal the duty on works of art; which was referred to the Committee on Finance.

He also presented a memorial of the Sailors' Union of the Pacific, of San Francisco, Cal., remonstrating against the enactment of legislation relative to the complement of crews of vessels; which was referred to the Committee on Commerce.

Mr. BURNHAM presented a memorial of Local Union No. 192, Cigar Makers' International Union, of Manchester, N. H., remonstrating against any reduction of the duty on cigars and tobacco imported from the Philippine Islands; which was referred to the Committee on the Philippines.

Mr. ANKENY presented a petition of the Board of Trade of Douglas County, Wash., praying that an appropriation of $60,000 be made for the maintenance of the Farm Management Bureau of the Department of Agriculture; which was referred to the Committee on Agriculture and Forestry.

Mr. GALLINGER. I present a memorial from more than 100 members of the Cigar Makers' International Union of Manchester, N. H., respectfully protesting against the reduction of tariff rates between the mainland and the Philippine Islands on cigars. The memorialists say:

> We are not manufacturers, simply the hired men, with no ax to grind—the organized workers, seeking to protect the best interests of our only means of making a livelihood.

The memorial is entitled to very respectful consideration, which I have no doubt it will receive, at the hands of the committee. I move that it be referred to the Committee on the Philippines.

The motion was agreed to.

Mr. GALLINGER presented a memorial of the Keene Humane Society, of Keene, N. H., remonstrating against the enactment of legislation to permit the transportation of live stock without food, water, or rest for a period of thirty-three to forty hours; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Sailors' Union of the Pacific, of San Francisco, Cal., remonstrating against the enactment of legislation relating to the complement of crews of vessels; which was referred to the Committee on Commerce.

He also presented petitions of sundry citizens of Woodward, Waukomis, and Hobart, all of Oklahoma Territory, and of sundry citizens of Dewey, Ind. T., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Indian and Oklahoma Territories when admitted to statehood; which were ordered to lie on the table.

Mr. DILLINGHAM presented a petition of the congregation of the Congregational Church of Swanton, Vt., and a petition

of the Literary Association of Swanton, Vt., praying for an investigation of the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

He also presented a petition of Diamond Council, No. 39, Junior Order United American Mechanics, of Sheffield, Vt., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

Mr. KNOX presented petitions of Coal Valley Council, Junior Order United American Mechanics, of Coal Valley; Bowmans Council, Junior Order United American Mechanics, of Bowmanstown; Spring Garden Council, Junior Order United American Mechanics, of Philadelphia; Montgomery Council, Junior Order United American Mechanics, of Lansdale; Dunmore Council, Junior Order United American Mechanics, of Dunmore; East Tyrone Council, Junior Order United American Mechanics, of Tyrone; Banner Council, Junior Order United American Mechanics, of Cokeville; James A. Garfield Council, Junior Order United American Mechanics, of Johnstown; Colonel H. B. Wright Council, Junior Order United American Mechanics, of Slocum; Bainbridge Council, Junior Order United American Mechanics, of Pittsburg; Aspinwall Council, Junior Order United American Mechanics, of Aspinwall; Dawson Council, Junior Order United American Mechanics, of Dawson; Ashley Council, Junior Order United American Mechanics, of Ashley; Meridian Sun Council, Junior Order United American Mechanics, of Tidal; Colonel David F. Houston Council, Junior Order United American Mechanics, of South Chester; Vine Cliff Council, Junior Order United American Mechanics, of Pittsburg; Decatur Council, Junior Order United American Mechanics, of Tarentum; Ivy Council, Junior Order United American Mechanics, of Philadelphia; Friendship Council, Junior Order United American Mechanics, of Washington; Hilldale Council, Junior Order United American Mechanics, of Allegheny, and of Integrity Council, Junior Order United American Mechanics, of Philadelphia, all in the State of Pennsylvania, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented petitions of Section K, Christian Endeavor Society, of the Grace Baptist Temple, of Philadelphia; of sundry citizens of Mount Carmel; of the Advisory Board, Delaware Branch, Christian Endeavor Union, of Philadelphia; of the Christian Endeavor Society of the Gaston Presbyterian Church, of Philadelphia; the Woman's Foreign Missionary Society, Christ Methodist Episcopal Church, of Pittsburg; the Young Woman's Home Missionary Society of the North Avenue Methodist Episcopal Church, of Allegheny; the East End Woman's Christian Temperance Union, of Pittsburg; the Woman's Home Missionary Society, Christ Church, of Pittsburg; Section A, Christian Endeavor Society, of the Grace Baptist Church, of Philadelphia; Christian Endeavor Society of the Bethlehem Presbyterian Church, of Philadelphia; Section L, Christian Endeavor Society, of the Grace Baptist Temple, of Philadelphia, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings, grounds, and ships; which were referred to the Committee on Public Buildings and Grounds.

He also presented petitions of the Christian Endeavor Society of the Grace Baptist Temple, of Philadelphia; the Christian Endeavor Society of the Gaston Presbyterian Church, of Philadelphia; the Christian Endeavor Society of the Bethlehem Presbyterian Church, of Philadelphia; the Oxford Christian Endeavor Society, of Philadelphia; the Woman's Home Missionary Society, North Avenue Methodist Episcopal Church, of Allegheny; the Woman's Foreign Missionary Society of Christ Methodist Episcopal Church, of Pittsburg; the East End Woman's Christian Temperance Union, of Pittsburg; the Woman's Home Missionary Society of Christ Church, of Pittsburg; the Woman's Christian Temperance Union of Allegheny County; of O. C. Castle, of Pittsburg, and of sundry citizens of the borough of Mount Carmel, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Indian Territory when admitted to statehood; which were ordered to lie on the table.

He also presented memorials of Cigar Makers' Local Union No. 466, of Easton; of Otto Eisenlohr & Bro., of Philadelphia; of Local No. 165, Cigar Makers' Union of America, of Philadelphia; of A. Schreck, of Erie; of A. M. Jenkinson, of Pittsburg; of J. Gust Zook & Sons, of Lancaster, and of the R. W. Jenkinson Company, of Pittsburg, all in the State of Pennsylvania, remonstrating against a reduction of the duty on cigars imported from the Philippine Islands; which were referred to the Committee on the Philippines.

He also presented memorials of Emily Clark Scott, of East Liberty; the East End Woman's Christian Temperance Union, of Pittsburg; the Woman's Home Missionary Society of Christ Church, of Pittsburg, and of the Woman's Christian Temperance Union of Waynesburg, all in the State of Pennsylvania, remonstrating against the repeal of the present anticanteen law; which were referred to the Committee on Military Affairs.

He also presented petitions of Columbia Grange, No. 83, Patrons of Husbandry, of Columbia; the Mehoopany Grange, No. 1139, Patrons of Husbandry, of Mehoopany, and of the Friendsville Grange, No. 1217, Patrons of Husbandry, of Friendsville, all in the State of Pennsylvania, praying for the enactment of legislation to amend the present oleomargarine law by striking out the word "knowingly;" which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of the Holly Club, of Monessen; Isabelle N. Binney, of Philadelphia; L. S. Curtin, of Philadelphia; the Wednesday Club, of Bloomsburg; F. B. McKinley, of Washington; the Waynesburg Woman's Club, of Waynesburg; K. R. Curtin, of Philadelphia; Sarah W. Houston, of Philadelphia, and Dr. George Woodward, of Philadelphia, all in the State of Pennsylvania, and of sundry citizens of the States of Pennsylvania, New York, New Jersey, Ohio, Iowa, California, Delaware, and the District of Columbia, praying for the enactment of legislation to prevent the destruction of Niagara Falls, on the American side, by the diversion of the waters for manufacturing purposes; which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented petitions of the Woman's Christian Temperance Union of Dilworthtown; the East End Woman's Christian Temperance Union, of Pittsburg; the Woman's Home Missionary Society of the Christ Methodist Episcopal Church, of Pittsburg; the Woman's Presbyterian Missionary Society of Athens; of Mrs. E. C. Armstrong, and of sundry other citizens of Williamsport, and of C. H. Coal, of Pittston, all in the State of Pennsylvania, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented petitions of the advisory board, Delaware Branch, of the Christian Endeavor Union of Philadelphia; the Germantown Branch, Christian Endeavor Union of Philadelphia, and the Young Men's Christian Association of Easton, all in the State of Pennsylvania, praying for the passage of the so-called "Hepburn-Dolliver bill" to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

He also presented memorials of E. M. Kelly, of Philadelphia; the Western Pennsylvania Humane Society, of Pittsburg; of William C. Lilly, of Pittsburg; of J. Walter Hay, of Allegheny, and the Northwestern Pennsylvania Humane Society, of Erie, all in the State of Pennsylvania, remonstrating against any extension of the time limit in the interstate transportation of live stock; which were referred to the Committee on Interstate Commerce.

He also presented petitions of Quaker City Division, No. 204, Order of Railway Conductors, of Philadelphia; Sam Sloan Division, No. 276, Brotherhood of Locomotive Engineers, of Scranton; Iron City Lodge, No. 179, Brotherhood of Railroad Trainmen, of Pittsburg; Pennsylvania Lodge, No. 511, Brotherhood of Railroad Trainmen, of Philadelphia; Lodge No. 593, Brotherhood of Railroad Trainmen, of Dubois; Lackawanna Division, No. 12, Order of Railway Conductors, of Scranton; Division No. 163, Order Railway Conductors, of Oil City; McKees Rocks Lodge, No. 321, Brotherhood of Railroad Trainmen, of McKees Rocks; Norris City Lodge, No. 610, Brotherhood of Railroad Trainmen, of Norristown; and Ringing Rocks Lodge, No. 665, Brotherhood of Railroad Trainmen, of Pottstown, all in the State of Pennsylvania, praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

Mr. FRYE presented a memorial of the Sailors' Union of the Pacific, remonstrating against the enactment of legislation relating to the complement of crews of vessels; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. ALLEE, from the Committee on Claims, to whom was referred the bill (S. 504) for the relief of the Corn Exchange National Bank, of Philadelphia, Pa., submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. McENERY, from the Committee on Corporations Organized in the District of Columbia, to whom was referred the bill (S. 3045) to incorporate the American Cross of Honor within the District of Columbia, reported it without amendment, and submitted a report thereon.

Mr. NIXON, from the Select Committee on National Banks, to whom was referred the bill (S. 2582) to authorize the American

National Bank, of Graham, Va., to change its location and name, reported it with amendments, and submitted a report thereon.

Mr. HOPKINS, from the Committee on Fisheries, to whom was referred the bill (S. 609) to establish a fish-hatching and fish station in the State of Wyoming, reported it with an amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was referred the bill (S. 2452) creating an additional land office in the State of North Dakota, reported it with an amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. HEYBURN introduced a bill (S. 3928) for the relief of Frank B. Crosthwaite; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. DILLINGHAM introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3929) granting an increase of pension to Ellen L. Stoughton;

A bill (S. 3930) granting a pension to Mary A. Sands; and

A bill (S. 3931) granting an increase of pension to Fanny A. Pearsons (with accompanying papers).

Mr. SCOTT introduced a bill (S. 3932) granting an increase of pension to David Rankin; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ANKENY introduced a bill (S. 3933) granting an increase of pension to Sidney R. Smith; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SUTHERLAND introduced a bill (S. 3934) to reimburse the University of Utah for money paid as duties on importations which should have been admitted free; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3935) to authorize Indians on former Uintah reservation to cut and sell cedar and pine timber for posts and fuel; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CARMACK introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3936) for the relief of William G. Tidwell;

A bill (S. 3937) for the relief of Richard Workman;

A bill (S. 3938) for the relief of the heirs of Michael Holoran;

A bill (S. 3939) to pay the heirs of James Ramsy, deceased, the sum of $250, the value of property taken from him and used by the troops of the United States Army;

A bill (S. 3940) to pay Thomas S. Truett the sum of $340, the value of property taken from him by the troops of the United States Army;

A bill (S. 3941) to pay Josephine O. Anderson the sum of $175, the value of property taken from her and used by the troops of the United States Army;

A bill (S. 3942) to pay to the heirs of Nathan Curry, deceased, the sum of $1,503, for property taken and used by the United States Army;

A bill (S. 3943) to pay to the heirs of Pleasant Hines, deceased, the sum of $1,000, the value of property taken from him by the troops of the United States Army;

A bill (S. 3944) for the relief of the estate of Benjamin Bolton;

A bill (S. 3945) for the relief of J. S. Woody;

A bill (S. 3946) for the relief of the estate of John H. Grimes, deceased;

A bill (S. 3947) for the relief of the estate of Washington W. Miller, deceased;

A bill (S. 3948) for the relief of James P. Sprott;

A bill (S. 3949) for the relief of the estate of Robert Thompson Williams, deceased;

A bill (S. 3950) for the relief of the estate of Nancy P. Garrison, deceased;

A bill (S. 3951) for the relief of the estate of Nathan Perry, deceased;

A bill (S. 3952) for the relief of the estate of J. A. Milhous, deceased;

A bill (S. 3953) for the relief of Jonathan Amis;

A bill (S. 3954) for the relief of the estate of Edwin Grant, deceased;

A bill (S. 3955) for the relief of Mrs. Jane Henry;

A bill (S. 3956) for the relief of P. H. Nelson;

A bill (S. 3957) for the relief of the estate of S. J. Stockard, deceased;

A bill (S. 3958) for the relief of the estate of N. E. Perkins, deceased;

A bill (S. 3959) for the relief of the estate of Lemuel Long, deceased;

A bill (S. 3960) for the relief of W. S. Reid, administrator of Mrs. F. M. Harris, deceased;

A bill (S. 3961) for the relief of the estate of J. J. Brison, deceased;

A bill (S. 3962) for the relief of the Cumberland Presbyterian Church, at Waverly, Tenn.;

A bill (S. 3963) for the relief of the trustees of the Methodist Episcopal Church South, of Triune, Williamson County, Tenn.;

A bill (S. 3964) for the relief of the vestry of St. Peters Protestant Episcopal Church, of Columbia, Tenn.;

A bill (S. 3965) for the relief of the trustees of the Cumberland Presbyterian Church, of Pulaski, Tenn.;

A bill (S. 3966) for the relief of the estate of John D. Riley, deceased;

A bill (S. 3967) for the relief of the estate of Benjamin D. Gates, deceased;

A bill (S. 3968) for the relief of the estate of Zeno T. Harris, deceased; and

A bill (S. 3969) for the relief of Washington Campbell.

Mr. PETTUS introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 3970) for the relief of the estate of Wade Smith, deceased;

A bill (S. 3971) for the relief of the estate of Solomon Kean, deceased;

A bill (S. 3972) for the relief of the estate of Lawrence Smith, deceased;

A bill (S. 3973) for the relief of the estate of Andrew Reece, deceased;

A bil (S. 3974) for the relief of the estate of William Keith; and

A bill (S. 3975) for the relief of the estate of Jonathan H. Ellison, deceased.

Mr. CLAY introduced a bill (S. 3976) for the relief of the vestry of the Church of the Messiah Protestant Episcopal Church, of St. Marys, Ga.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3977) granting an increase of pension to Sallie H. Murphy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WARREN introduced a bill (S. 3978) to provide for the purchase of a site and the erection of a public building thereon at Hilo, island of Hawaii, Territory of Hawaii; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 3979) to provide for the purchase of a site and the erection of a public building thereon at Honolulu, Territory of Hawaii; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 3980) granting a pension to Agnes E. Atkinson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. OVERMAN introduced a bill (S. 3981) for the relief of the heirs of Dr. J. B. Owen; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3982) granting an increase of pension to Jane L. Fagg; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HOPKINS introduced a bill (S. 3983) to amend an act entitled "An act authorizing the Kensington and Eastern Railroad Company to construct a bridge across the Calumet River," approved February 7, 1905; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 3984) granting an increase of pension to Sarah E. Yockey; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3985) granting an increase of pension to Matilda E. Nattinger; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CLAPP introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3986) granting a pension to Mattie J. Clifford;

A bill (S. 3987) granting an increase of pension to Samuel H. Hancock; and

A bill (S. 3988) granting an increase of pension to John Zimmer.

Mr. CLAPP (by request) introduced a bill (S. 3989) to authorize the sale of timber on certain of the lands reserved for

the use of the Menominee tribe of Indians, in the State of Wisconsin; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. PETTUS. I desire to introduce sundry bills on behalf of my colleague [Mr. MORGAN], who is necessarily detained from the Senate. I ask that they may be referred to the Committee on Claims.

The bills were severally read twice by their titles, and referred to the Committee on Claims, as follows:

A bill (S. 3990) for the relief of the heirs of T. L. Scott, deceased;

A bill (S. 3991) for the relief of Mary F. Casey Tucker;

A bill (S. 3992) for the relief of the representatives of the estate of Reuben Dawkins, deceased; and

A bill (S. 3993) for the relief of A. J. Smith.

Mr. STONE introduced a bill (S. 3994) to authorize the Court of Claims to consider the claims of Charles F. Winton, deceased, and others, against the Mississippi Choctaws, for services rendered and expenses incurred; which was read twice by its title, and referred to the Committee on Indian Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. NELSON submitted an amendment proposing to appropriate $150,000 for the construction and maintenance of wagon roads, bridges, and trails in the district of Alaska, intended to be proposed by him to the army appropriation bill; which was referred to the Committee on Territories, and ordered to be printed.

Mr. WARREN submitted an amendment proposing to appropriate $115,000 for inspection and work of the Bureau of Animal Industry, intended to be proposed by him to the urgent deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DILLINGHAM submitted an amendment proposing to refer to the Court of Claims the claim made by holders of Kaw or Kansas interest-bearing scrip certificates, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. NIXON submitted an amendment proposing to appropriate $5,000 for unusual expenditures for clerk hire, rent, fuel, light, and miscellaneous items in excess of the authorized allowances during the current fiscal year for the post-offices at Goldfield and Tonopah, Nev., intended to be proposed by him to the urgent deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

ALFRED J. SELLERS.

On motion of Mr. MCCUMBER, it was

Ordered, That there be returned to the Senate Committee on Pensions all papers accompanying Senate bill No. 5103, introduced in the Fifty-eighth Congress, there having been no adverse report made thereon.

REORGANIZATION OF CONSULAR SERVICE.

On motion of Mr. LODGE, it was

Ordered, That the bill (S. 1345) to provide for the reorganization of the consular service of the United States be reprinted as it passed the Senate.

MODELS OF NAVAL VESSELS.

Mr. GALLINGER. Mr. President, I wish to enter a motion to reconsider the votes whereby the bill (S. 90) providing for the deposit of a model of any vessel of war of the United States Navy, bearing the name of a State of the United States, in the capitol building of said State was ordered to a third reading and passed by the Senate yesterday. I understand that the bill has not been forwarded to the House of Representatives, so the usual motion to request the House to return it will not be necessary. I simply desire to enter the motion to reconsider.

The VICE-PRESIDENT. The motion of the Senator from New Hampshire to reconsider the votes by which Senate bill No. 90 was ordered to a third reading and passed will be entered.

Mr. HEYBURN. I do not know that at this particular time the reasons for asking to reconsider the bill may be called for, but I should be very glad to have some suggestion from the Senator as to the reason for reconsidering it.

Mr. GALLINGER. Of course it is not necessary that I should give any reason, but I will give a very good reason. It is that the chairman of the Committee on Naval Affairs reports to me he had requested that the bill should not be acted on in his absence, as he has some amendments to offer to the bill. That is the reason.

Mr. HEYBURN. I perhaps owe it to the chairman and the Senate to say that, referring to a suggestion as to whether I should ask to call it up by unanimous consent, the Senator desired that I would not do it; but when it was reached regularly on the Calendar, of course, I regarded it as occupying a different position and allowed it to go through in its regular course. I understand that the Senator finds no fault about it. I do not know the nature of the amendments the Senator desires to present, and I regret very much that action upon the bill should be delayed by a reconsideration of it. Of course the amendments might be entirely acceptable. I introduced the bill and naturally feel the interest in it one does for measures he proposes.

Mr. GALLINGER. Notwithstanding the Senator introduced the bill, I think the committee that had charge of the bill is the responsible party in this case, and of course we must defer to the wishes of the chairman of the committee, who gave notice, I understand, to the Senator himself that he proposed to offer some amendments to the bill.

DIPLOMATIC CORRESPONDENCE WITH SANTO DOMINGO.

Mr. TILLMAN. I send to the desk a resolution for which I ask immediate consideration.

The resolution was read, as follows:

Resolved, That the President be requested to send to the Senate, if, in his judgment, it is not incompatible with the public welfare, all the correspondence and dispatches sent to or received at the State Department from our minister or other representative at Santo Domingo during the year 1904.

The VICE-PRESIDENT. The Senator from South Carolina asks unanimous consent for the present consideration of the resolution just read.

Mr. ALLISON. Mr. President, allow the resolution to lie over until to-morrow.

The VICE-PRESIDENT. Under objection, the resolution will lie over.

HARBOR SURVEY IN INDIANA.

Mr. HEMENWAY submitted the following concurrent resolution; which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made with a view to providing a harbor suitable for the largest boats at a point opposite or near the following-described land: Sections Nos. 33 and 34, township 37, range 8 west, Lake County, Ind.

PAPERS ACCOMPANYING CLAIMS BILLS.

Mr. PATTERSON obtained the floor.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon rise to morning business?

Mr. FULTON. Yes; concerning a matter which occurred during the presentation of morning business yesterday. I wish to refer to it briefly, if the Senator from Colorado will allow me. It will take only a moment.

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Oregon?

Mr. PATTERSON. I do, if it is simply a brief matter.

Mr. FULTON. In the RECORD of this morning appears a statement made by the Senator from Massachusetts [Mr. LODGE] yesterday, as follows:

> Some days since I introduced a bill for the relief of A. W. Tedcastle, guardian of Frances L. Snell, which was referred to the Committee on Claims in due course. With it I filed certain papers, which is customary. An additional paper came in, which I sent up to the Committee on Claims to be filed with the bill. I was there informed that under the rule—a rule of which I had no knowledge whatever—it was necessary to present such papers in the Senate. It seems to me to be a useless regulation, but if that is the rule I now present the paper to be referred to the Committee on Claims, to be filed with Senate bill 3421.
>
> Mr. KEAN. I wish to say in reply to the Senator from Massachusetts that I have been a member of the Committee on Claims for some years, and I never knew such a rule to be made.
>
> Mr. LODGE. I will say to the Senator from New Jersey that I sent the paper up yesterday, and was informed at the committee room that by an order of the Secretary of the Senate, acting under a rule, as I suppose, it had to be presented in the Senate. It was something entirely new to me, etc.

I was not in the Chamber at the time the statement was made or I should have taken advantage of the opportunity then to explain why the clerk of the committee had made that request.

The practice has been, when papers have not been referred with the bill but are afterwards tendered to the committee, to request that they be referred through the Senate. That practice arose not out of any rule, as I am informed, but from the request of the file clerk of the Senate, who stated, and it seems to me quite reasonable, that he could not keep track of papers or the fact that papers had been referred with a bill unless they should be referred through the Senate. The practice does not obtain where papers have been referred with the bill and additional papers are desired to be sent in to accompany the bill. In that case the reason for offering them through the Senate does not seem to apply.

I wish to say, however, that as far as I was concerned—and one reason why I bring up the matter is because I am chairman of that committee—I was simply seeking to follow the practice of the committee which had obtained, as I was informed, for some years prior to my accession to the chairmanship. If, of

course, it is not desired, and Senators think it is a useless and unnecessary rule, I have no wish to enforce it; but it does seem to me when simply a bill has been referred to a committee and afterwards papers are desired to be sent in through the committee to be considered in connection with the bill it is proper that they should go through the Senate in order that the record may show that papers accompany the bill in case a question should ever arise thereafter.

Mr. WARREN. Mr. President, just a word on this subject.

Some years ago the Secretary's office, through its file clerk, made a request upon the Committee on Claims, which seemed to be a very reasonable one, that instead of receiving ad libitum in the committee room from everybody, attorneys and others, papers of which they knew nothing, where a bill had been presented and where it was sought to add papers that they should be passed across the desk of the Senate so as to get into the Journal. It seemed to me to be a reasonable request, and my instruction as chairman of the committee to the clerk having the matter in charge was that when a Senator presented such papers to ask him if he would as soon present them in the Senate; and if he had objection, or if they were presented by an attorney, that then the chairman would take charge of them and pass them across the desk, so as to get them where there would not be undue responsibility resting upon either the file clerk or the clerk having charge of the papers in the committee.

Now, in that committee there are thousands of bills and thousands of papers. At the end of a term of Congress perhaps 1 or 2 tons of papers are turned back into the office of the Secretary of the Senate. Attorneys come in the committee room, sometimes three or four or more at the same time, and ask to see papers. It is not a practice to allow them to take papers away from the committee room, but they are permitted to examine them there on the committee table. The opportunity for the loss of papers or for the abstraction of papers is very great, and I think any practice that shall guard the papers and relieve the responsibility of the clerk of the committee and the clerk of the Senate is a good one. I considered it proper that it should be the rule to make that request.

I am not surprised that a member of the committee should have stated on the floor yesterday that he did not know of the rule, because it is a matter which is largely with the clerk and the chairman.

Mr. TELLER. Mr. President, I wish to say that I am in the same position with the Senator from Massachusetts. I was not aware of any such rule or any such custom, and I have been a member of that committee for a great many years until lately. I was chairman of it for some years. I do not object to the rule if Senators understand it, but the first time I heard of it was on yesterday. I do not myself think it is a very necessary rule. I think when the clerk of the committee receives papers, if he does his duty, he makes a record of them, and there is a record then of all that have been filed, and they become from that time a part of the files of the Senate. Still, I am not informed as to the custom.

Mr. WARREN. Mr. President, just one word further on this matter. I should be as willing to see the practice done away with as anybody else if the Senate sees fit. However, it was largely a matter between the committee and the Secretary's office. If the clerk failed to record a paper, the Secretary's office had no way of knowing that that paper had been presented, and when an inquiry came—and sometimes in a way rather not very deliberate—for papers that were filed and the Secretary could not find them they were charged over to the clerk of the committee. It was merely a matter of making a check for the file clerk in the Secretary's office.

Mr. TELLER. I should like to suggest to the Senator from Wyoming that the Secretary of the Senate has nothing to do with the papers until they are turned over when the Senate reaches the end of a session. The clerk of the committee is the custodian of the papers until such time as the Senate adjourns.

Mr. FULTON. Mr. President, I brought the matter up simply to explain that I was not seeking to invoke any new rule or innovation. I had simply instructed the clerk to follow what we understood had been the practice in that regard.

COMMITTEE SERVICE.

Mr. CLARKE of Arkansas was, on his own motion, excused from further service upon the Committee on Privileges and Elections.

On motion of Mr. BLACKBURN, and by unanimous consent, Mr. PATTERSON was assigned to the vacancy upon the Committee on Privileges and Elections.

MOROCCAN CONFERENCE AND RELATIONS WITH SANTO DOMINGO.

Mr. PATTERSON. Mr. President, as I stated yesterday, I do not find myself in entire harmony with my colleagues on this side of the Chamber upon the matters involved and cognate to the resolution of the Senator from South Carolina [Mr. TILLMAN], which has been made the basis of speeches to the Senate on the subject of the Moroccan conference, the Santo Domingo treaty, and the temporary arrangement pending the ratification or rejection of the treaty between the United States and Santo Domingo. I know the matters involved are considered of prime importance by my colleagues, and for that reason I have given everything that I think is reasonably connected with the subject the most serious consideration, and I have reached my conclusions after such consideration, and what I shall say is said from a sense of duty.

I do not see how the Monroe doctrine, Mr. President, can be made a party question, and the discussion that has occurred shows that the Monroe doctrine is the very basis of the alignment of Senators upon these questions. There never has been party division on the Monroe doctrine. The Monroe doctrine has divided parties, but it has never yet been made a distinctive party feature by the existing parties at whatever period of our country's history. From the time it was enunciated by President Monroe, in 1823, until the present time leading Democrats have taken opposite views as questions have arisen in which the doctrine was involved, and leading Whigs and leading Republicans have also taken opposite views upon every such occasion. I can see no reason now why, in so far as the Monroe doctrine is connected with a controversy in which Santo Domingo is the central figure, the extent of the Monroe doctrine or the question as to whether under precedents it is applicable or not should be made a party question.

I am very frank to say, Mr. President, that I approach the discussion of it in a very friendly spirit to the President of the United States. The honor was conferred upon me of being selected, at a banquet given in honor of the President at Denver on his emergence from the mountains after the celebrated bear hunt early last spring, to respond to the toast "The President of the United States." In that response I said a great many nice things about the President, and I did not say them simply from a desire to be complimentary to the guest of honor of the occasion, but because I felt the truth of every word I said, and that what I said was due to Mr. Roosevelt, in view of the record he had made as President. I have no knowledge of anything transpiring since to cause me to abate one jot or tittle of the esteem in which I held him then as a statesman, as a citizen, and the first magistrate of this country.

It is not, Mr. President, that I do not differ with him in many things. I can not agree with him in his Philippine policy. I can not agree with him in his attitude upon the statehood question. I believe that his influence is used in that controversy for the purpose of inflicting a great injustice upon the people of one of the Territories that is involved. There are many questions between the President and the Congress, and between the President and the Senate perhaps, in which I differ with him. But I have no hesitation in saying that, whatever the difference may be, I have implicit faith in the integrity and the patriotic spirit that moves the President on all public questions.

Mr. President, I believe that Democrats should feel distinctively friendly and cordial to the President of the United States. If the Democratic party had elected its candidate at the last election, I doubt whether we would find him now as earnestly and zealously and fearlessly engaged in maintaining the rights of all of the people as against certain wealthy classes who consolidate their wealth to yet further increase it and their political power. Nor can I forget, Mr. President, that only last spring and summer the President in a trip throughout the South met the men who had worn the gray, and taking them by the hand addressed them as comrades and praised them for their patriotism. I feel that upon that occasion and upon other occasions he accomplished more than any other man before him in annihilating sectionalism and producing a feeling of oneness and of unity between the people of the United States of all sections that had never existed before.

I recall also, Mr. President, the merger suits that the President caused to be instituted, and the results. I am not unmindful of the fact that to-day in the city of Chicago, through his representative, he is waging battle in behalf of the rights of the masses against a coterie of the wealthiest and the most powerful men of the United States. Nor am I unmindful of the fact that he stands forward as the champion of railroad legislation, which the people, irrespective of party, have been demanding from every section of the country.

Our Democratic friends are free to assert that he is but giving life to a Democratic principle and a Democratic measure; and I was gratified when but the other day I read that the committee of the House of Representatives having in charge

that great railroad measure had unanimously agreed upon a bill embracing the material provisions which the President had advocated.

Mr. President, the President of the United States within the past three or four years has been carrying on a struggle the like of which has not been known since the contest of Andrew Jackson with the moneyed power of the land, and he has shown as bold a front and as high an order of courage and as sincere a determination as did Jackson to wage that war to a triumphant success, if it is within the power of any human being, through the agency of his office or otherwise, to win success against such powerful odds.

Under those circumstances, Mr. President, I feel that, unless there is some overwhelming reason to the contrary, every Democrat in the land should whenever he can, when it does not force him to violate a conscientious duty, stand by the President and uphold him and lead him to feel that the people are behind him in his every effort in their behalf.

So far as I am concerned, Mr. President, I have no favors to ask from the White House. I have received none, nor do I want any. I do feel, however, that in my attitude I am giving voice to the feelings and the convictions of the Democratic masses of the West, and if we could reach the innermost thoughts and feelings of the people of the South I believe it would be found that I am but echoing their sentiments and feelings in behalf of the President.

Mr. President, I want to refer briefly to the Morocco conference, and to tell why, so far as that conference is concerned, I can find no rational objection to the presence there of American commissioners. This country was a signatory to the treaty of 1880 or 1882. This country was invited to send commissioners to that conference. The claim is made that we have no business in European controversies except where the commerce of the country is involved or the rights of American citizens are to be maintained. As I read the history and meaning of that conference, there is hardly anything but commerce involved in it. It is a struggle between Germany and France for the commerce of Morocco, a country of 10,000,000 people, rich in possibilities of commerce, and which, as other influence may penetrate that country and other methods of living may find their way into its midst, will become a greater customer year by year for the civilized nations of the world.

As I understand the controversy between France and Germany, it is this: France insists that Morocco shall be within its zone of influence, and that it shall have the right to police that country by reason of frontier contiguity. Germany stands for the open door; and as I understand the "open door" it means that the commercial possibilities of that country shall be open to the exploitation of the commercial interests of every other country, each country upon a perfect equality, and that no nation shall have any recognized superior advantages in a commercial sense by reason of treaty or international preferences.

Mr. President, under such circumstances, if what I have said is true—and I believe my position can not be disputed—I can not understand how it is that the United States has not an interest, a commercial interest, in the Moroccan situation; for if the claims of France shall win, it means that France shall be the dominating factor; that its commerce shall have preference, and that it will have a more or less controlling influence in the markets of that country; while, if the open-door policy shall prevail, the United States, as every other country, will be upon an equal footing, its extent of commerce being determined by the claims to preference that are inherent in quality, in cheapness, and in the commercial enterprises of its commercial representatives.

Nor can I see, Mr. President, how, whatever the outcome may be, the United States shall be in any wise embroiled. If there is no agreement and war should result, the only outcome as to the United States can be that the United States will stand aside and let the European war go on. It is there looking after its own interests and can have no interest in peculiarly European subjects.

We interfered in behalf of the open door in China, we interfered in behalf of the open door in Manchuria, and if there is any reason why the influences of the United States, exerted through American commissioners, when the United States has been invited to participate, should not be used for the open door in Morocco I have failed to discover it.

For that reason, Mr. President, I am glad that this debate has occurred. It has been an instructive and interesting controversy. It set Senators to thinking, and the Senator from Georgia [Mr BACON] did a great good to the country and to the Senate in the persistency with which he urged his right to discuss these questions upon the floor of the Senate. Having heard the controversy and thought out the matters for myself, I have no question, so far as my ability will permit me to see the right, but that there is no room for criticism because the President sent commissioners to Algeciras.

Mr. President, with reference to the Monroe doctrine, I have said that parties have divided in themselves upon that subject ever since it was announced in 1823. We know that Jefferson urgently insisted upon Mr. Monroe declaring it as it was announced in his celebrated message. We know that President Polk was an ardent supporter of the Monroe doctrine in its extremest claims. We know that Calhoun and Clayton and other Whigs and Democrats, if not opponents of the Monroe doctrine, at least were in favor of the narrow limitation of its extent and power. Reading the political history of the country, you will find that the scope of the Monroe doctrine has been a prolific source of controversy from 1823 to the present time. Even the eloquent Senator from Maryland [Mr. RAYNER] announced in his strong and powerful speech that he differed with President Cleveland in the view he took of the Monroe doctrine as he applied it to the boundary controversy between Venezuela and Great Britain.

Mr. President, in 1825, when the question of sending commissioners to the Panama Congress was up in the Congress of the United States, men of both parties divided upon the extent to which the Monroe doctrine should be carried. In 1825, again, over efforts to transfer Cuba either to France or England, the matter was discussed and the same division was found to exist. Again, in 1835, over the occupation of Honduras by Great Britain, and in 1848 when Yucatan asked the United States to protect it against falling into the hands of European powers, the division continued, and John C. Calhoun, then one of the most powerful factors in Democratic councils, insisted that the Monroe doctrine ceased to have efficacy with the dissolution of the Holy Alliance, the cause that brought it into existence. Again, in 1850, in the negotiation and ratification of the Clayton-Bulwer treaty, with President Taylor in the White House and Mr. Clayton Secretary of State, the Monroe doctrine was almost abandoned by the adoption of that treaty. By it the distinctive American policy that had been in force from 1823 was set at naught and Great Britain was permitted to have a potent influence in the affairs of the American hemisphere. True to the nature of that nation, the treaty had hardly been ratified when in the seizure of the Bay Islands she showed her contempt for everything that had been before uttered in favor of the dominance of the United States in the affairs of this hemisphere.

Again, Mr. President, in 1862, Spain reoccupied Santo Domingo over the protest of the United States. Spain, like France, took advantage of the great war that was then engaging all the powers and wealth and men of this nation to attempt to reestablish itself in some of its earlier possessions on this hemisphere; but in 1865, at the close of the war, Spain abandoned Santo Domingo, knowing full well, with the hands of the United States disengaged and from the attitude of the United States toward the possession of Mexico by French troops, that its tenure of power would be brought to an end by force if necessary. Then, again, it was asserted with great vigor in 1895, by President Cleveland in the boundary dispute between Venezuela and Great Britain, and again in 1902 and 1903 when the good offices of the United States were tendered to bring about arbitration in the serious controversy between Venezuela upon the one side and Great Britain, Germany, and Italy on the other.

The Monroe doctrine has always been a fruitful source of controversy, for it is almost impossible for controversies to arise between any nation of the Western Hemisphere and a European country without the Monroe doctrine being most intimately connected with it.

Mr. President, in the statements of the Monroe doctrine from either side upon the floor of the Senate I do not believe that its full scope and meaning, as found in the message of Mr. Monroe himself, have been made clear, although unquestionably it has been fully comprehended. That doctrine embraces far more than the declaration that the institutions of European governments shall not be extended into any part of the American continent. President Monroe must clearly, from the scope and language of the message, have had in mind other nations than those composing the Holy Alliance. It was a declaration that was intended for all time, to meet every emergency that should exist by reason of any improper interference by any nation in the Eastern Hemisphere with any country or nation upon the Western Hemisphere.

That such is the case is very plainly manifest from the language of President Monroe, and I desire to call the attention of the Senate to it from the message itself. At the time the message was sent there were controversies between Russia,

the United States, and Great Britain over boundaries in the north Pacific Ocean. Russia claimed the entire coast line from Bering Straits down to latitude 51°, and the United States claimed a large portion of the same line by virtue of the discovery of the Columbia River in 1802 by Captain Gray, in the sbip *Columbia*, from Boston, and also by virtue of a previous treaty between this country and Spain. Great Britain laid claim to a large portion of the territory. An effort just at that time had been made by the Emperor of Russia to secure a convention composed of commissioners of the three powers to, if possible, settle that boundary dispute. In the message of 1823, President Monroe, discussing this controversy, announced the doctrine of noncolonization, which is as much a part of the Monroe doctrine as is the declaration that is so frequently quoted and relied upon.

He said:

In the discussions to which this interest has given rise and in the arrangements by which they may terminate the occasion has been judged proper for asserting, as a principle in which the rights and interests of the United States are involved, that the American continents—

The American continents—

by the free and independent condition which they have assumed and maintained, are henceforth not to be considered as subjects for future colonization by any European powers.

That part of the Monroe doctrine, Mr. President, has been lost sight of time and time again by many Senators and Representatives, judging from the speeches which have been made in both branches of Congress. But turning to the part of the message that has been considered the authoritative statement of the Monroe, or American, doctrine, we find that even that has not, as a rule, been accepted in its full scope and meaning. President Monroe said:

We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers—

Referring by the words "those powers" to the Holy Alliance, which consisted of every European nation except Great Britain and Rome. Repeating, I read:

We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety.

But the declaration does not end there, Mr. President. After addressing himself to the Holy Alliance, in the sentence that immediately follows he addresses himself to the nations of the world without reference to any alliance, and he lays down a proposition that is ample authority for almost any step that may be taken to prevent the oppression in any way of any nation upon the two American continents. This is his language:

With the existing colonies or dependencies of any European power we have not interfered and shall not interfere. But with the governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged—

Now, mark the language—

we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power in any other light than as the manifestation of an unfriendly disposition toward the United States.

I have little doubt, Mr. President, but that this latter declaration, so much broader than the one before it and usually quoted, has influenced Presidents from time to time in the stand they have taken in their dealings with European countries.

The message of President Monroe in 1823 was the most momentous declaration that had been made by any nation since the Declaration of Independence. The Declaration of Independence announced the independence of thirteen colonies and their forcible manumission from the control of a single Government; the message of Mr. Monroe announced the independence of the entire Western Hemisphere from any and every European nation that sought to possess or colonize any part of the hemisphere or who should undertake to oppress any of the nations upon it.

It is wonderfully gratifying, Mr. President, to find how the father of Democracy stood in that trying moment. But a very short time before the message was sent to Congress we find Mr. Jefferson is writing a letter to President Monroe. In November, the message having been promulgated the following month, Mr. Jefferson, writing to President Monroe, said:

Our first and fundamental maxim should be never to entangle ourselves in the broils of Europe.

Our second, never to suffer Europe to intermeddle with cisatlantic affairs.

A pretty broad and comprehensive statement.

Never to suffer Europe to intermeddle with cisatlantic affairs. America, North and South, has certain interests distinct from Europe and peculiarly its own. She should, therefore, have a system of her own, separate and apart from that of Europe. While the last is laboring to become the domicile of despotism, our endeavor should surely be to make our hemisphere that of freedom.

Mr. President, with reference to the Monroe doctrine, I stand for its robust, manly, and unqualified support, in its broadest sense. I stand for preventing any European nation from oppressing any of the nations of this continent. Not only do I stand opposed to colonization or to the introduction of European institutions into the Western Hemisphere, but I believe it is the duty of this Government to prevent the oppression by any European power of any of these nations; for oppression tolerated will ultimately lead to subjugation and to possession, and this country can not afford to permit to any further extent than now exists any European nation to hold a foothold on this hemisphere. In case of war we do not desire them to hold any part of the American continent as a base for supplies, a base for organizations, or a base for aggression.

If the purpose of the Holy Alliance had not been arrested, a tremendous war between the consolidated nations of Europe and the United States had become inevitable. Mr. Monroe's message averted it. Had it not been for the announced attitude of the United States at that time, the Holy Alliance would not have been so soon disrupted, and doubtless both Spain, France, and Great Britain would have attempted to possess themselves of different parts of the South American continent.

The Monroe doctrine is not due so much to Great Britain as the Senator from Massachusetts suggested. I find on reading the history of those times that although Mr. Canning, the foreign minister for England, did urge a joint declaration on the part of the United States and Great Britain against the intrusion of European institutions into the American continent, for several months before Mr. Monroe's message Mr. Canning had retired from the field and the message then and there announced a wholly American doctrine.

Mr. Canning's theory was that there should be a joint announcement. The American minister said to Mr. Canning, "Will you recognize the independence of the South American republics?" To that Mr. Canning demurred. The American minister insisted that Mr. Canning should give a categorical answer to that proposition before he would concur in his views, and urge his Government to unite with Great Britain. This Mr. Canning refused to do.

It is perfectly evident that even then Great Britain had her eyes upon the vast and unoccupied areas of the South American continent, and that it hoped, with the defeat of the aims of the Holy Alliance, it would have an opportunity to possess for itself a considerable part of the South American country. To prove that I am right about the abandonment of the proposition by Mr. Canning, I have only to read a short extract from a letter written by Mr. Rush, the American minister, to the American Secretary of State, John Quincy Adams. Referring in this letter to Mr. Canning, he said:

I saw him again at the foreign office yesterday, and he said not one single word relative to South America, although the occasion was altogether favorable for resuming the topic had he been disposed to resume it. I therefore consider that all further discussion between us in relation to it is now at an end.

I only read enough to show that by the word of Mr. Rush, the American minister, Mr. Canning had become silent upon the question, and when I turn to what Mr. Monroe himself said you will find that Canning had altogether retired.

Mr. Adams, in a letter to Mr. Rush, uses this language:

It has been observed that through the whole course of the correspondence and of the conferences, between Mr. Canning and you, he did not disclose the specific information upon which he apprehended so immediate an interposition of the European allies in the affairs of South America as would have warranted or required the measure which he proposed to be taken in concert with you before this Government could be advised of it. And this remark has drawn the more attention upon observing the apparent coolness and apparent indifference with which he treated the subject at your last conferences after the peculiar earnestness and solemnity of his first advances. It would have been more satisfactory here, and would have afforded more distinct light for deliberation, if the confidence in which his proposals originated had at once been entire. This suggestion is now made with a view to the future, and to manifest the disposition on our part to meet and return confidence without reserve.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Colorado yield to the Senator from Indiana?

Mr. PATTERSON. Certainly.

Mr. BEVERIDGE. I think the Senator from Colorado is entirely right in saying that this doctrine is immediately at least of American origin exclusively without any intermixture of English, but is not the most that was suggested this, that Canning first originated the idea. I do not think anybody ever went any further than that.

Mr. PATTERSON. What Mr. Canning suggested was——

Mr. BEVERIDGE. A joint declaration.

Mr. PATTERSON. Yes. It was not that the United States

should take an attitude of hostility to European encroachments upon this continent, but that Great Britain and the United States should unite in a joint declaration to that effect.

I can have no doubt but time and time again, as the existence and the aims of the Holy Alliance were discussed, the necessity of some such attitude upon the part of the United States was discussed. Many things were said and done doubtless that are not found in the public archives of the country. But no one can read the correspondence, so far as published, between leading American statesmen and between Mr. Rush and Mr. Canning without realizing that the idea involved in the Monroe doctrine was not a new one; that the necessity of preventing the Holy Alliance from reconquering for Spain and France the South American republics had been in mind and discussed; and in view of the fact that after Canning had practically abandoned the field, as the result of communications between Mr. Monroe and Mr. Adams and Mr. Jefferson and other leading lights of his own party, Mr. Monroe determined that the step should be taken, and the message was but the fruition of thoughts and purposes that for a long time had been in the minds of those great statesmen.

I am not disposed for a moment to detract anything from whatever merit Great Britain and Mr. Canning may be entitled to in this matter. There is one thing we are certain of—that the compelling motive in the mind of Mr. Canning was to preserve to Great Britain the tremendous commerce it had secured in the South American country as a result of war between France and Spain and Spain's revolting American colonies.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Idaho?

Mr. PATTERSON. Certainly.

Mr. HEYBURN. Is it not true that under the proposition by Mr. Canning England was to share in the determination of what powers might gain a foothold, and that England was not included within those excluded?

Mr. PATTERSON. None of the correspondence that I have read has suggested anything of that sort.

Mr. HEYBURN. I ask the Senator if he understands that England retained, under Canning's proposition, the right to obtain or to retain any foothold in those countries?

Mr. PATTERSON. I have no question about it. I have no question but that Great Britain and her distinguished minister had in mind that at some time in the future those vast and practically unoccupied areas of country on the Western Hemisphere might be seized for England's glory and the enhancement of its wealth and power.

Mr. HEYBURN. And is not that the distinguishing feature between Mr. Canning's proposition and the Monroe doctrine? The Monroe doctrine excluded even England, and Mr. Canning's proposition did not.

Mr. PATTERSON. I think that is so, Mr. President, and I thought I had made that pretty clear, that had Mr. Monroe in his message had in mind the proposition of Canning he would have simply inveighed against the Holy Alliance. But he proclaimed against every nation of Europe. He proclaimed against the colonization of any portion of the Western Hemisphere whether by Great Britain or Spain or France or any other country, and in that the Monroe doctrine was made the American doctrine. It is that doctrine which should be maintained in its full strength and vigor, and the governing parties of this country should not hesitate, as necessity may require, to from time to time advance it, so as to make certain that the aims the fathers had when this doctrine was announced shall be secured.

Mr. President, without dwelling any longer upon that, I desire to refer briefly to the concrete question that has brought up this controversy. Of course that includes the Santo Domingo treaty and it includes the present existing arrangement. To my mind the case of Santo Domingo is an exceptional one. There is no other independent nation in the Western Hemisphere situated as is Santo Domingo, and the peculiar thing about it is that all parties agree upon the conditions in the island. The President tells us that it is socially and financially and industrially in a state of chaos. The Senator from South Carolina [Mr. TILLMAN] denounced in the most scathing and unbounded terms the conditions there. The Senator from Mississippi [Mr. MONEY], quoting some other person, suggested—and if I have not the exact words I have the sentiment—that the quickly succeeding governments of the island was "a tyranny tempered by assassination."

Then, again, Mr. President, Santo Domingo has appealed to the United States for succor in its dilemma. That is not denied. Some insinuations have been made that force of some kind, moral or otherwise, has been used to bring about that appeal. But there are no evidences whatever of it. As I listened to the speeches that were made, as I have read such literature as is obtainable, I have no doubt but that some wise and prudent men of power and influence in Santo Domingo, though their skins may be black or yellow, have appealed to this country to lend Santo Domingo a helping hand in the hour of its peril.

With a relatively small population, the figures placing it from a half million to 750,000; living in a country in which 10,000,000 people could be supported in comfort, if not in luxury; revolution succeeding revolution, by reason of the ambitious and abandoned characters who have temporary power and influence within its limits; the necessities of the succeeding leaders of revolutions leading them to negotiate loans with citizens of different countries, vast in amount, and from which in many instances Santo Domingo received but little of the money that its bonds nominate; with two or three nations, perhaps more, demanding that the claims of their citizens shall be paid; with her custom-houses already in possession of American officials by reason of the award in the case of the Santo Domingo Improvement Company, and other nations clamoring for admission into its custom-houses, the President has seen fit to listen to the appeal and to attempt, by means of a treaty, to give to that almost abandoned country such help as he may legitimately and constitutionally give.

This, Mr. President, is the way I understand the facts as they exist, without calling upon the imagination or fancy. So far as I have stated the facts, there is no dispute, and the only question is whether an exceptional case has been made out in which the United States may of right and should morally respond.

I listened with great interest, indeed, to the splendid speech of the Senator from Mississippi [Mr. MONEY], rich in historical allusions, rich in illustration, profound in its political philosophy, and I heard him describe the condition of Santo Domingo and maintain that the duty of the United States was to let Santo Domingo alone, to remain in silence, in inactivity throughout it all, and then I wondered what was to be the outcome.

The real condition of Santo Domingo is not denied. The necessity for some helping hand is not denied. If the United States shall abandon Santo Domingo, then one of two things must inevitably happen: Either some European power will take possession of its custom-houses, and, by reason of the paucity of its revenues, hold them for an indefinite time until possession, in their mind, will seem to give them title, or else the people of Santo Domingo are to be abandoned to a fate that would be worse than that of the infernal regions.

We hear no stories of efforts upon the part of the governing classes of Santo Domingo to uplift the people, to educate them to better ideas of government, to turn their faces sternly against revolution and the leaders of revolutions. We do not learn of the betterment of the condition of the people. On the contrary, we have a continuing descent into the depths of misery and degradation and the horrors of internecine war. Under those circumstances is there to be no relief? Shall no appeal be heard? Is there no duty devolving upon the United States to such a country when we rigidly insist that no European power shall interfere to perform the duties we are asked to perform?

If an appeal had been made to Great Britain and France to take possession of the custom-houses of Santo Domingo, to mold its financial policy, its tariff and internal taxation, to guide and help and succor Santo Domingo, and they had listened approvingly to the appeal, is it possible that with the Monroe doctrine and what the great men of the country have said and done and what Congress has done upon the strength of it, we would have stood idly by and permitted possession of Santo Domingo to be taken for such a purpose?

Mr. President, I do not doubt that those who are inveighing against the help that is to be extended by the United States to Santo Domingo would be denouncing an Administration which would stand idly by while that process which I have suggested was going on. It is either the surrender of this island to the control of nations whose citizens are its heavy creditors, to shape its fiscal policy, to manage its revenues, to execute its laws, and to guide, control, and uplift it, or else it is help from the United States along the lines of the treaty or an abandonment of that island. To permit the continuance of present conditions within it and their accentuation when relief is asked for and it can be given would be almost a crime. I am frank to say, therefore, Mr. President, that I look with some degree of favor upon the proposition that the United States shall extend its helping hand, its advice, its aid and counsel to this island in its present desperate situation.

One thing I noticed, Mr. President. The President in all communications upon the subject has declared time and again, oftener than it seemed to me necessary, that under no cir-

cumstances, under no provocation would our presence in the island under this treaty be used for the purpose of territorial aggrandizement; that when the purpose of the treaty is completed the United States would withdraw, leaving the island, it is to be hoped, in such a condition that if wise and patriotic and able men are there to guide it its subsequent history will be better and brighter than has been its past history.

I have no question about the sincerity of the President in his declaration that he has acted upon those appeals merely for the purpose of helping a weak and a suffering people in the day of deep extremity, and that when the help has been given and the good has been accomplished the United States will entirely withdraw and leave the country to work out its own future destiny.

Mr. President, as to the pending arrangement, if I thought it was the carrying out of the treaty when there is no treaty, I would oppose it as earnestly and as zealously as anybody could. Let us see what the situation is. I recollect the Senator from Indiana [Mr. BEVERIDGE] suggested that for a year before the treaty by which the state of armament upon the Lakes was determined, the United States and Great Britain had observed the provisions of the treaty subsequently ratified. But that is hardly akin to this. I do not admit the parallel, because one was merely a negative course—one of omission, one of letting things alone pending the determination by the treaty-making powers as to whether the treaty would exist or not.

Mr. BEVERIDGE. Will the Senator from Colorado permit me to interrupt him?

Mr. PATTERSON. Certainly.

Mr. BEVERIDGE. No. The citation which I made of the treaty between this country and Great Britain was in response to a request of the Senator from Mississippi [Mr. MONEY] for any Senator to cite him an example of a treaty whose provisions were carried out before its ratification. I at once remembered this instance and cited it for that purpose, not as a parallel, though since the Senator mentions it, I call his attention to the fact that it was not a passive, not an inactive acceptance of the treaty, but the powers—the United States and Great Britain—actually did proceed to the active disarmament provided for in the treaty during the whole year, and that that had to do with the determination of a very great and permanent policy which affected the destinies of both powers.

Mr. PATTERSON. The Senator from Indiana is right, and I am right. Great Britain proceeded along its lines in dealing with its own. The United States proceeded along its lines in dealing with its own. It was not the intermeddling in any way of one nation with the affairs of the other. The procedure was upon the theory, doubtless, that the treaty would be ratified.

Mr. BEVERIDGE. Yes.

Mr. PATTERSON. There was no question about it; and the powers were simply engaged in making preparations for it. But this is somewhat different, and the only question is whether it is of such a character that the President may be charged with usurpation of authority and of going outside of the Constitution in doing what he has undertaken to do.

Mr. President, there is no warrant in the Constitution for the Monroe doctrine. If you will read it line by line, seeking for authority, there is no authority there. The Monroe doctrine is but the exercise of what may be called "the national police power," which rises in states and nations above constitutions and above written law. It was declared, not because it was in the Constitution, but because the great statesman who announced it became convinced that the very life of the nation depended upon its exercise. It was a question of policy after all, under the unwritten authority of the Constitution.

Mr. DANIEL. Will the Senator let me ask him, Is it not the law of self-defense?

Mr. PATTERSON. It is the law of self-defense. The police power in state and nation is always the law of self-defense. It may be to protect the state or the nation from epidemics, from outlawry, from invasion, from destruction, in whatever form it may come and from whatever source, and when the executive of a state or nation realizes that the life of the country is in danger or may be endangered in the exercise of state or national police power it is his duty—his bounden duty under his oath of office and under the constitution—to take the necessary steps, whatever the necessary steps may be, to defend the life and maintain the existence of his country.

Mr. BEVERIDGE. It is a power inherent in government.

Mr. PATTERSON. Necessarily so.

So it is not a conclusive argument that authority for the existing temporary arrangement is not found in the Constitution.

Now, let us see what has been done, as I understand it. Here, Mr. President, is the initial letter from Mr. Dawson to the Acting Secretary of State, which led to the present arrangement, and I read this from a paper that was made a part of the speech of the Senator from South Carolina [Mr. TILLMAN] at his request. Being a dispatch, unnecessary prepositions and conjunctions are omitted, and I will read it literally:

SECRETARY OF STATE, *Washington:*

Under pressure foreign creditors and domestic peril Dominican Government offers to nominate a citizen of the United States receiver southern ports pending ratification protocol, four northern ports to be administered under the award. Forty-five per cent total shall go to the Dominican Government, 55 to be deposited in New York for distribution after ratification. Creditors to agree to take no further steps in the meantime and receiver to have full authority to suspend importers' preferential contracts. Italian, Spanish, German, and American creditors, except the Improvement (company), accept unconditionally. Belgian, French representatives will recommend acceptance. Some modus vivendi absolutely necessary. I am ready, if desired, to start for Washington, D. C., 28th, to explain details and modifications of plan obtainable; the whole matter can be held open during my absence.

DAWSON.

I have not heard this statement of conditions denied: That the creditors of all nations assented; that only the Santo Domingo Improvement Company, whose claim had been settled and was in process of liquidation by possession of the custom-houses, objected, and that company believed, as a matter of course, its claims should be preferred. The proposition was, if the treaty shall be ratified, the revenues of the country shall be maintained for the payment of the claims of our own citizens as well as of the citizens of other countries, 55 per cent of the revenues to be used for the payment of expenses of collection, the residue to go into a New York bank to be distributed subsequently among the creditors.

Is that the enforcement of a treaty? I do not believe it is, Mr. President. It is an arrangement to maintain the funds so that they may be accessible to be used for the purposes contemplated in the treaty, if the treaty shall be ratified. We could not be there except at the request of Santo Domingo. The President makes it clear that were it not for the extraordinary conditions he would not pretend to any necessity or right to go there. It is in the cause of good government, for the benefit of the people of Santo Domingo to maintain its affairs in such a state that if the treaty shall be ratified the end it seeks shall be secured, that the efforts are being made.

Mr. President, the Senate must soon settle this whole controversy. The Senate can soon settle it. Bring the treaty before the Senate; and it should be brought before the Senate at an early day. It should not be hanging fire as it is. Bring the treaty before the Senate; and if the Senate shall reject it and the President shall continue the arrangement, then he is open to the criticisms that have been made. But if the treaty shall be ratified, it seems to me there is no one who has given attention to the question but will admit it was a wise provision, for by the saving of the revenues trouble with the creditors will be the earlier disposed of, and Santo Domingo will be the earlier at liberty to proceed in the working out of its destiny.

I will not, Mr. President, enlarge further upon these matters. I am no man's keeper and nobody is my keeper. Every Senator has a right to his views and his convictions. I have no question whatever about the good faith and the patriotism of every Senator upon this floor, whatever his attitude may be upon this question. I have no question, Mr. President, about my motives; and I want to say it was with some regret, knowing the feeling that some of the Democratic Senators have upon this question, that I took the stand I feel myself impelled to take, and that if I did otherwise I would be untrue to myself and untrue to my country as I understand my duty to my country to be.

I have no fear of the President. I have not the slightest idea that he has any purpose of usurping powers that belong to some other Department of the Government. I have no idea either that he is a perfect man. I think that he has some of the weaknesses that pertain to almost all of us—emotional at times, hasty at times—but withal, Mr. President, I can not doubt his patriotism. I have no suspicion that he is attempting to pave his way for a renomination. It would be so utterly inconsistent with his character, in view of his declaration, and were such a thought harbored in his mind no man who entertains the high opinion of him that I do could entertain it for a moment longer.

I just want to read the statement that he made, admittedly his statement, no equivocation or qualification attempted. And when was it made, Mr. President? I recall that when Mr. Bryan was nominated for the Presidency he said he would not be a candidate for a second term and would not accept a renomination. There were those who said it was the declaration of a demagogue; that he sought thereby to elevate himself in virtue above other candidates for the Presidency and other Presidents; that he was not sincere. I have no question what-

ever about the sincerity of Mr. Bryan when he made that statement, for I talked to him in person about it long before he made it, and he said it was his determination to make it, because he believed that whatever might have been properly done in the early days of the Republic the power now centered in the hands of an Executive was so tremendous that the temptation to use it for the future aggrandizement of the President should not exist.

But Mr. Roosevelt made this declaration after the election. He remained silent during the election. He was charged with all sorts of ambitions and improper purposes. But after the election, with that unprecedented popular majority, in the calmness following the excitement of the campaign, realizing the tremendous popular indorsement the people of the country had given to him, he gave utterance to the pledge:

I am deeply sensible of the honor done me by the American people in thus expressing their confidence in what I have done and what I have tried to do. I appreciate to the full the solemn responsibility this confidence imposes on me, and I shall do all that in my power lies not to forfeit it.

On the 4th of March next I shall have served three and a half years, and this three and a half years constitute my first term. The wise custom which limits the President to two terms regards the substance and not the form, and under no circumstances will I be a candidate for or accept another nomination.

Mr. President, if this declaration had been made upon the ground of his personal convenience or his desire for the pleasures and ease of private life, there would not be the same binding obligation upon him to observe it; but when he placed it upon the broad and patriotic ground that he desired to emphasize the necessity for the rule of but two terms inaugurated by Washington and observed by all the great Presidents since, he would be worse than base should he, under any circumstances, accept another nomination.

Under the circumstances, Mr. President, it was a brave and a patriotic declaration. He had served but three and a half years. He had not been elected to his first term. His accession to the Presidency followed the bullet of an assassin. More ambitious men could have tortured the conditions under which he reached his first term and the fact that he had served but three and a half years of it, into no interference of any kind or character with the rule established by Washington. He has added additional force and power, and given additional virtue to the rule of Washington. Having attempted to understand his character, and comprehending it in some degree, at least, I regard it as an utter moral and physical impossibility that he should be a candidate for another term or should accept the nomination, however parties might attempt to force it upon him.

Under those circumstances, Mr. President, we may consider him patriotic. We should look with friendly eyes upon him. He may be ambitious. Why should he not be ambitious? I do not believe that it is his ambition to overturn the institutions of our country or any single important or material one of our institutions. I do not believe that he is ambitious to be conspicuous in badness or in lack of patriotism. If he has ambition (and who will say it is too high for any man to aim at achieving), it is an ambition to earn and to deserve a niche in the country's Pantheon by the side of Washington and Jefferson and Jackson and Lincoln. Whether he will reach——

The PRESIDING OFFICER (Mr. KEAN in the chair). The hour of 2 o'clock having arrived——

Mr. GALLINGER. I ask the Senator from Colorado how much time he desires to occupy?

Mr. PATTERSON. A very few moments.

Mr. GALLINGER. I ask unanimous consent that the unfinished business be laid aside temporarily until the Senator from Colorado finishes his remarks.

The PRESIDING OFFICER. Is there objection? There is none; and the Senator from Colorado will proceed.

Mr. PATTERSON. Whether we shall ever reach that ambition remains for history to tell. In the meantime, Mr. President and Senators, I feel it my duty to give to the President such humble support as I can, where I believe in my heart he is right, responsible to my own conscience and sense of duty, and to oppose him wherever I believe he is wrong; and I believe the country will approve the political party that moves along those lines.

The PRESIDING OFFICER. The unfinished business is before the Senate.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Idaho?

Mr. GALLINGER. I will ask the Senator what his purpose is?

Mr. HEYBURN. I wish to make a request.

Mr. GALLINGER. I yield for that purpose.

PURE-FOOD BILL.

Mr. HEYBURN. Mr. President, I ask unanimous consent at this time that Senate bill No. 88 may be taken up on Wednesday, February 7—which is a week from to-day—for consideration, and that its consideration may be continued until the bill and the amendments are disposed of and a final vote taken.

The PRESIDING OFFICER. On that day?

Mr. HEYBURN. I ask that a final vote be taken on that day on the bill and amendments.

The PRESIDING OFFICER. The Senator from Idaho asks unanimous consent that Senate bill No. 88, known as "the pure-food bill," be taken up on Wednesday, February 7, and voted on before adjournment on that day.

Mr. ALLISON. That it be disposed of on that day?

Mr. HEYBURN. Yes.

The PRESIDING OFFICER. Is there objection to the request?

Mr. GALLINGER. I assume the request does not mean its consideration may not be proceeded with prior to that time.

Mr. HEYBURN. Oh, no.

Mr. GALLINGER. I think the Senator ought to put that in.

Mr. ALLISON. I ask that the request may be again stated.

The PRESIDING OFFICER. The Senator from Idaho asks unanimous consent that Senate bill No. 88, known as "the pure-food bill," may be voted on February 7 before adjournment. Is there objection to the request?

Mr. TELLER. I do not mean by an objection to it that I am opposed to the pure-food bill, but I am going to object because I do not believe that is a proper way to do business. I do not know that the discussion is over. I do not know but that the bill might be passed or defeated long before the date fixed; but there are other matters before the Senate, and this practically takes all other business out unless by unanimous consent it is displaced. If we make an order of that kind it displaces anything that may be before the Senate on that day, unless an arrangement is made beforehand or upon that occasion to the contrary.

Mr. HEYBURN. I think, if the Senator will withhold his objection, we can arrange it so that anyone wanting to speak will have the opportunity to do so. I have taken some pains to ascertain what Senators want to speak on the bill, and I think if the Senator will not interpose an objection, when it comes up at that time we will be able to make an amicable arrangement.

Mr. TELLER. When it comes up at that time, so far as I am concerned, I will be ready to vote on it. I am ready to vote on it now; but I do not like that system of business, and I do not intend that it shall prevail here if I can avoid it, and therefore I object.

The PRESIDING OFFICER. The Senator from Colorado objects.

Mr. GALLINGER. I yield to the Senator from Washington [Mr. PILES], for a matter that I understand will take but a few moments.

BRIDGE AT SHREVEPORT, LA.

Mr. PILES. I report back from the Committee on Commerce without amendment the bill (H. R. 12314) to amend an act approved February 3, 1905, authorizing the construction of a bridge across Red River at Shreveport, La. I ask unanimous consent for the present consideration of the bill.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield for that purpose?

Mr. GALLINGER. I yield for that purpose. I understand there is special reason why this bill should be passed at once. The Senator from Washington will state the reason.

Mr. PILES. The reason is that the time within which the work should have been completed expires to-morrow or the next day, as I understand from the Senators from Louisiana, and the bill merely extends the time.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

The Secretary read the bill, as follows:

Be it enacted, etc., That section 5 of the act of Congress approved February 3, 1905, entitled "An act to authorize the construction of a bridge across Red River at Shreveport, La.," be, and is hereby, amended to read as follows:

"SEC. 5. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from February 3, 1906."

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered by the Senate as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM WILSON.

Mr. KEAN. Will the Senator from New Hampshire yield to me for a moment, so that I may have a little pension bill passed? The beneficiary of the bill is ill, and probably will not live long.

Mr. GALLINGER. I yield to the Senator from New Jersey for that purpose.

Mr. KEAN. I ask unanimous consent for the present consideration of the bill (H. R. 2012) granting an increase of pension to William Wilson.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of William Wilson, late of Company B, Thirty-first Regiment New Jersey Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. KEAN. I should not have made the request unless it had been a very urgent case.

Mr. GALLINGER. I yielded with pleasure. I understand the Senator from California [Mr. PERKINS] has a matter of some urgency that will probably occupy only a moment. I will yield to him.

PORTS OF CALIFORNIA.

Mr. PERKINS. I thank the Senator from New Hampshire for his kindness. I ask unanimous consent for the present consideration of the bill (S. 3318) to allow the entry and clearance of vessels at Port Harford and Monterey, Cal.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Commerce with an amendment, in line 5, after the words "proceed to," to insert "San Luis Obispo;" so as to make the bill read:

Be it enacted, etc., That the collector of customs at San Francisco is hereby authorized to depute an officer of the customs from his collection district to proceed to San Luis Obispo, Port Harford, or Monterey in his district for the purpose of receiving at those places the entries of vessels arriving there in ballast and of clearing them with cargoes of petroleum only in the same manner as if they had proceeded to San Francisco before entry. The actual necessary expenses of the officer shall be paid by the private persons concerned.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading; and it was read the third time, and passed.

The title was amended so as to read: "A bill to allow the entry and clearance of vessels at San Luis Obispo, Port Harford, and Monterey, Cal."

CHARLES T. RADER.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Montana?

Mr. GALLINGER. I yield to the Senator from Montana provided the bill he is interested in does not lead to any discussion.

Mr. CARTER. I am obliged to the Senator.

I ask unanimous consent for the present consideration of the bill (S. 538) for the relief of Charles T. Rader.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Lands with an amendment, in line 4, after the word "by," to insert "contiguous;" so as to make the bill read:

Be it enacted, etc., That Charles T. Rader, of Fort Logan, Mont., be, and is hereby, authorized and empowered to select by contiguous legal subdivisions, at such place or places as he may desire in the State of Montana, 480 acres of unoccupied and unappropriated nonmineral public lands subject to entry under desert-land laws, and when such selection shall be by him certified to the Secretary of the Interior patent shall be issued to said Rader for the same.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HOUSE BILL REFERRED.

H. R. 7048. An act changing names of Pierce place, Blake street, Swann street, Cedar street or place, and Oregon avenue to Wheeler street, was read twice by its title, and referred to the Committee on the District of Columbia.

CERTAIN OFFICERS OF THE CIVIL WAR.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Military Affairs, and ordered to be printed:

To the Senate of the United States:

In response to Senate resolution, dated January 16th instant, requesting the President "to furnish the Senate, if not incompatible with the best interests of the service, the petition and accompanying papers of certain officers of the Army, veterans of the civil war, retired from active service for disability contracted in the line of duty and who have not yet received the benefits of the act of April 23, 1904," I transmit herewith the petition referred to, with a printed brief of the case, together with a report of the Military Secretary, United States Army, and accompanying copies of War Department records enumerated by him bearing upon the subject, including an opinion of the Attorney-General and his letter of August 18, 1905; also copy of a report of the Judge-Advocate-General of the Army, dated November 23, 1905, approved by the Secretary of War, giving a detailed résumé of the case and its present status and expressing the opinion that the case being one which is not susceptible of an executive remedy relief can only be afforded by the exercise of legislative power.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 31, 1906.*

THE MERCHANT MARINE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 529) to promote the national defense, to create a force of naval volunteers, to establish American ocean mail lines to foreign markets, to promote commerce, and to provide revenue from tonnage.

Mr. GALLINGER. Mr. President, I will inquire of the Senator from Florida [Mr. MALLORY] if he can inform me as to whether or not any Senator on that side desires to discuss the pending measure to-day?

Mr. MALLORY. I do not know of anyone, Mr. President.

Mr. GALLINGER. Mr. President, there does not seem to be an overwhelming interest on either side of the Chamber in the discussion of the bill. I will ask the Senator if he thinks we might not come to a vote on it at this time?

Mr. MALLORY. I can only speak for myself, Mr. President. I am ready to vote on it now.

Mr. GALLINGER. Mr. President, I ask that the bill be put on its passage.

The VICE-PRESIDENT. The bill is before the Senate as in Committee of the Whole, and open to amendment. If no further amendment be proposed, the bill will be reported to the Senate.

Mr. PETTUS. Mr. President, before that question is put to the Senate, I suggest the want of a quorum.

The VICE-PRESIDENT. The Senator from Alabama suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll; and the following Senators answered to their names:

Alger	Dick	Kean	Pettus
Allee	Dillingham	Kittredge	Piles
Allison	Dryden	La Follette	Proctor
Ankeny	Elkins	Latimer	Scott
Bailey	Flint	Long	Smoot
Brandegee	Foraker	McCumber	Spooner
Bulkeley	Frazier	Mallory	Stone
Burkett	Frye	Martin	Sutherland
Burnham	Fulton	Newlands	Teller
Burrows	Gallinger	Nixon	Tillman
Carter	Gamble	Overman	Warner
Clark, Wyo.	Gearin	Patterson	
Clarke, Ark.	Hansbrough	Penrose	
Clay	Heyburn	Perkins	

The VICE-PRESIDENT. Fifty-three Senators have answered to their names. A quorum of the Senate is present. The bill is before the Senate as in Committee of the Whole.

Mr. CLAY. Mr. President, I trust the Senator from New Hampshire will not insist on a vote being taken to-day on this bill. It is true that this subject and kindred subjects have been discussed by the Senate during the last three or four sessions of Congress, and probably a vote ought to be taken at an early day, but it occurs to me that some future day, several days ahead, should be selected for voting upon a bill of this importance. We ought not to attempt to take a vote on it to-day. I presume the Senator from New Hampshire hardly intends that a vote shall be taken on the bill to-day.

Mr. GALLINGER. The Senator from New Hampshire was not rash enough to expect the final vote to be taken to-day, but no one seemed to be ready to speak and there did not seem to be anything else to do just at that moment. I will, however, take the liberty at this time to ask unanimous consent that this bill, together with the amendments pending and amendments to be offered, be voted on before adjournment three weeks from to-day.

Mr. TELLER. So far as I am concerned, Mr. President, I should be willing to vote on this bill this afternoon if the Sena-

tor insists upon it, but for the reason I before stated I am going to object. I do not by that mean to say that I am going to keep the bill before the Senate until the time the Senator has indicated, for I think we might be able to vote on it probably before that time.

Mr. GALLINGER. I should like to fix a time before then, if the Senator wishes.

Mr. TELLER. I think the Senator might give notice that on a certain day he is going to press the matter upon the Senate. I think that would be proper, but I do not believe in fixing a day which might displace matters of more importance.

Mr. GALLINGER. During my service here I have noticed that the general practice has been to get consent to vote on a bill and not to give notice that it would be unduly pressed at any given time.

Mr. BACON. I should like to make a suggestion to the Senator from New Hampshire.

Mr. GALLINGER. Certainly.

Mr. BACON. This bill has not been fully debated, and so far as it has been debated it has been by set speeches, which have not received the general attention of the Senate to the extent that they merited. I should take the liberty of suggesting to the Senator that, if possible, instead of asking for a day upon which a vote shall be taken, he would first set a day on which the bill should be taken up by sections for amendment, with a view thereafter to fixing a time for a vote. Such debate would possibly disclose differences of opinion and result in an agreement upon amendments, which might bring the Senate to a condition where it would be prepared to say that it was ready to vote.

I confess that while I have some decided views upon the general subject of a ship subsidy, so far as the details of the bill are concerned, I have not heard such debate on it as I should like to hear. I am not on the committee which reported this bill, and consequently I am dependent on the information which I get in general debate as to certain features of the bill. I do not know whether that is a practicable suggestion or not; but I simply for myself wish to say that I should like to hear a somewhat informal debate between Senators, rather than set speeches now and then, to which possibly very few Senators give any attention.

Mr. GALLINGER. The bill is in precisely the attitude which the Senator desires it to be in, and it is optional now; and not only that, but I invited any Senator on either side to proceed now to discuss it section by section, or in any other way that he should see proper. I made the observation a moment ago, as there did not seem to be an overwhelming desire to discuss the bill on either side of the Chamber and there did not appear to be anyone who cared to discuss it, that we might have a vote on it.

Mr. BACON. If the Senator will pardon me, I suggest that, unless the Senate desires to transact some other business, I should like to ask a question for my information. I say "for my information," because I do not present it in the way of argument, unless the fact should be as I understand it. Is it, or not, true that there is any other civilized nation which gives a general subsidy to every steamship or sailing vessel, as the case may be, engaged in foreign trade, regardless of the question as to where it goes, or the distance traversed by it—in other words, where the tonnage and the length of time consumed in the voyages are the considerations?

Mr. GALLINGER. I think I can safely say to the Senator that it is true.

Mr. BACON. In what case?

Mr. GALLINGER. France does it.

Mr. BACON. Gives a general subsidy to all ships?

Mr. GALLINGER. I think so.

Mr. BACON. Not devoted to particular voyages, but extending to all ships?

Mr. GALLINGER. To ships carrying cargoes.

Mr. BACON. Would the Senator be prepared, when this subject is again up, to give us definite information upon that?

Mr. GALLINGER. I shall be delighted to do so.

Mr. BACON. Not only to France, but as to any other nation also. I think the Senator would instruct us very much and enable us to come to some conclusion on this matter if we could have a succinct statement from him as to what is done in this regard by the different nations.

The object of my suggestion is this: The question of aiding in the development of navigation on certain lines, for the purpose of improving trade with certain countries, is not altogether a new one, even to us. We have, in the way of mail subsidies, etc., made some efforts in that line. It has occurred to me that if anything on this line is done, it ought to be—I mean on the line of ship subsidy—it ought to be in the nature of an effort to encourage trade between this country and particular countries with which we wish to develop trade, and that it ought not to be of a general character, which would give these subsidies to vessels in the main engaged in foreign trade with countries with which we have already great trade.

I am not prepared to say that the bill could be so framed as to entirely meet with my support or approval on those lines, but, if it is possible to bring me to the support of a bill of that kind, it would be with a view to the development of trade between this country and other countries with which we have now little or no trade and between which countries and ours there are now no direct lines of communication.

The Senator from New Hampshire [Mr. GALLINGER], I recollect, put some inquiry to the Senator from Florida [Mr. MALLORY]. I think it was as to whether or not he favored certain subsidies, as the Senator from New Hampshire termed it, to certain lines of railway for the purpose of developing increased mail facilities. I am very frank to say that I have myself voted for such increased mail facilities; and it is possible that a bill might be framed which would be very much less objectionable to my mind than one which proposes simply to give a subsidy to every ship which is engaged in foreign commerce, according to tonnage, as I understand this bill to be, regardless of the question as to the country to which it goes and regardless of the question of the speed at which it goes or the number of trips it makes or its mileage, but based solely, as I understand that part of the bill, upon the tonnage of a vessel and the length of time it is engaged, whether it goes rapidly or slowly, or whether it carries much freight or little freight.

Mr. MALLORY. I will say to the Senator from Georgia that under this bill a vessel could go from the United States and take a cargo to Cuba, then be gone a year trading in foreign countries, and then come back to the United States and get a subsidy.

Mr. BACON. That is the impression I have had.

Mr. MALLORY. They are to be paid $5 a ton for that service, for carring the freight of foreign countries.

Mr. GALLINGER. Now, Mr. President, that is not likely to happen, and the Senator knows it is not likely to happen. It might happen possibly, but just there the Senator, having been a member of the Merchant Marine Commission—I am addressing myself to the Senator from Florida, Mr. President——

Mr. MALLORY. I beg the Senator's pardon. Will he kindly repeat the observation?

Mr. GALLINGER. I made the observation that that is not likely to happen, and I think the Senator will agree to that.

Mr. MALLORY. I do not know about that. I think it might happen.

Mr. GALLINGER. The Senator thinks it will happen?

Mr. MALLORY. If the class of vessels which the Senator contemplates are built—I do not think, however, there will be any such class of vessels built—the subsidy will go to tramps in this country.

Mr. GALLINGER. If they are not built, then it can not happen.

Mr. MALLORY. If you give this subsidy to ships, irrespective of the country with which they trade, the tramp ships will get it.

Mr. GALLINGER. Well, Mr. President, I am not surprised that objection is raised to this bill. Objection will be raised in this body to any shipping bill. The Senators on the other side know that I have not been impatient when amendments have been offered to this bill.

Mr. BACON. If the Senator will pardon me a moment——

Mr. GALLINGER. Certainly.

Mr. BACON. I desire to say to him in all frankness that if a bill is framed and presented to the Senate under which there will be a reasonable mail subsidy for the encouragement of the opening of navigation and the establishment of steamship lines between this country and other countries where we now have little or no trade and with which we wish to develop trade, I am inclined to think I would give it my support; but I am not willing to give my support to a bill which proposes to give compensation or a subsidy based upon tonnage and the length of time in which it is engaged in navigation, regardless of where the ship goes and all other considerations.

I state that simply that the Senator may consider whether or not the suggestion contained in his last remark, that any bill will have objectionable features about it, is distinctly or properly replying to the suggestion which I made. I had not made the statement in a definite shape, but I now make it that while I am opposed generally to ship subsidies I am impressed with the importance of the opening of trade with nations and between this country and other countries where we now have little or no trade upon the basis of proper and reasonable and

liberal compensation for the carrying of the mails. I am willing to aid in the establishment of such lines.

Mr. GALLINGER. Mr. President, two different objections have been raised to this provision. A few days ago, in a very elaborate and able argument, the Senator from Florida [Mr. MALLORY], who was a member of the Merchant Marine Commission and is a member of the Committee on Commerce, informed the Senate and the country that this subvention would not operate to secure any ships. On the other hand, the Senator from Georgia [Mr. BACON] is afraid that it will, and in that way it is objectionable.

This subject, by a mandate of the Congress—not because anybody that I know of wanted to perform the service—was placed in the hands of a commission composed of five Senators and five Members of the House of Representatives. That Commission devoted nearly two years to considering the subject, depriving themselves of leisure that they would have been glad to have enjoyed. They have framed a bill which, in the judgment of the majority of the Commission and in the judgment of the majority of the Committee on Commerce, is a wise measure. As I said before, it is not such a bill as I would have preferred, because I would have gone much further; but we did what we thought was best, all things considered, and it is now before the Senate; and I repeat my suggestion that it is open to amendment, if the Senate wishes to amend it.

I am not going to unduly press this bill. I know how foolish that would be and how absolutely impossible it would be to press it to a vote if Senators object, but I hope it may be considered in precisely the way the Senator from Georgia suggests, and that we may have a debate on all the debatable features of the bill.

I recall, Mr. President, very clearly the fact that when the bill which the distinguished chairman of the Committee on Commerce [Mr. FRYE]—a man who has given more thought and more time to this subject than perhaps any man has ever done in the history of the country—was before the Senate a few years ago, the chief objection urged to it was that it gave subsidies or subventions to the fast steamships and neglected the cargo carriers of the country, and now the objection is made that the pending bill gives subventions to cargo carriers.

The Merchant Marine Commission felt that we ought to encourage that class of vessels. We felt that we ought to have some vessels of our own to carry such products as the cotton from Georgia, Alabama, and South Carolina, and the Commission were of the opinion that if we had such vessels they would get better freight rates than they are getting to-day from foreign steamship companies, which are carrying the products of the farms and factories of this country to foreign markets. I do not think the Commission or the Committee on Commerce made a mistake in that regard. I believe it is entirely a wise provision. I believe it will result in the building of a great many American steamships; that it will restore the American flag to the oceans of the world, and that, as a result, we will have not only a merchant marine, but a naval reserve that will be of incalculable benefit to the United States. That is all I care to say on that point.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Colorado?

Mr. GALLINGER. Certainly.

Mr. TELLER. I desire to submit a few remarks, but I want to first ask a question of the Senator. I ask the Senator why the tenth section of the bill was stricken out yesterday by amendment?

Mr. GALLINGER. For the reason that it repealed certain laws relating to tonnage.

Mr. TELLER. I understand that, but why do you want to repeal those laws?

Mr. GALLINGER. It was necessary in the bill as it originally stood, inasmuch as a change was made in the rates of postal-aid law of 1891. The two sections went together, I will say to the Senator, and if one went out the other necessarily had to go out.

Mr. TELLER. Mr. President, I do not think anybody will accuse the Senator from New Hampshire of unduly pressing this bill. I think those who are opposed to the bill have been rather negligent in debating it. I had prepared myself to debate the eighth section to some extent, but the Senator took that out of the bill yesterday, and consequently I do not desire to be heard upon that question. That is possibly the only thing which I desired to discuss. The bill, of course, is not subject in that respect to the objections that I and others made to it some days since. I did not know much about the tenth section and did not quite understand what it meant.

Though I objected to this bill, I want to say to the Senator and to the Senate that I will not attempt, so far as I am concerned, to delay a proper consideration of it at any time, and, so far as I am concerned, I do not intend to debate it at any length.

It is a policy, Mr. President, to which I have not been for many years able to give my support. I have not felt, perhaps, the importance of doing the business of the country in American ships that some of our citizens do who live on the Atlantic coast. I live a long way, and the people whom I in part represent live a long way, from the ocean, but if this bill is of value to the people of the United States, or to any section of the country that is so situated that they have a right to expect some special benefits because of their location, I am not against the bill because the section of the country from which I have come has not any interest in it. If it is of interest to the people of New England, the Middle States, or the Atlantic States as a whole, or to the Pacific States, it is of interest to us.

We are exporting pretty large quantities of goods to various parts of the world, and importing, on the other hand, considerable quantities of goods. I think, if I recollect without going into the statistics, that in our export trade we carry about 14 per cent of the whole trade. I may have got the figures reversed.

Mr. GALLINGER. The Senator has got it too high. Does he refer to goods carried in American ships?

Mr. TELLER. Yes.

Mr. GALLINGER. In American ships we carry about 9½ per cent of our imports and exports at the present time.

Mr. TELLER. My recollection was that we carried about 14 per cent of our exports and about 7 per cent of our imports.

Mr. GALLINGER. That makes it pretty nearly correct.

Mr. TELLER. But as the exports are greater, of course we carry a little more than an equal division would be.

I suppose the reason American ships do not carry our products is that the foreign ships are willing to carry them for less. Is that not a fact?

Mr. GALLINGER. Will the Senator permit me to answer?

Mr. TELLER. Yes; that is what I want—an answer.

Mr. GALLINGER. The reason is that we have not American ships.

Mr. TELLER. We have not American ships?

Mr. GALLINGER. We have not American ships.

Mr. TELLER. I will ask the Senator why we have not American ships?

Mr. GALLINGER. The reason is that it costs about 35 per cent more to build an American ship than it does to build a foreign ship, and it costs about 25 per cent more to operate it. If the Senator knows any way by which, without aid, Americans can build ships and operate them in competition with Great Britain and Germany, which build their ships cheaper, operate them cheaper, and have subsidies, then I should like to have him explain it.

Mr. TELLER. I believe that is a correct statement. I do not know the exact difference in cost, but I know it is very material, and probably that is a fair statement of the difference in the cost of the building of ships.

Mr. GALLINGER. I think the statement I made is too low.

Mr. TELLER. The inquiry I made was, Why can not we build ships as cheaply in this country as they can be built elsewhere?

Mr. GALLINGER. Will the Senator permit me to interrupt him there?

Mr. TELLER. Yes.

Mr. GALLINGER. Does the Senator think we can build anything as cheaply in this country as they can in England or Germany or Japan?

Mr. TELLER. Yes; we used to do that.

Mr. GALLINGER. Well, then, why do we put a tariff duty on foreign products?

Mr. TELLER. On some products I am at a loss to know why we do.

Mr. GALLINGER. Yes; but as a whole—as a principle—is it not, I will ask the Senator, because American labor is much better paid than the labor of any other country on earth?

Mr. TELLER. I hope that is true, Mr. President. I believe it is, and I myself believe a tariff properly levied to protect American labor is legitimate. I recollect, years ago when I came into this body—nearly thirty years ago—we wanted not only to protect American labor, but we wanted to protect American capital, which was a good deal scarcer in this country then than it is now, and our rate of interest was much higher than it is at present. I believe that to-day ships could be built here very much cheaper and very much more rapidly if there was a prospect of compensation.

I do not believe the greatest trouble comes from the fact that the ships cost too much, but it comes from the fact that we can not man them so cheaply as other countries do, and because of some burdens that we have put upon the building of ships that are, I think, unnecessary.

Mr. MALLORY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Florida?

Mr. TELLER. Certainly.

Mr. MALLORY. Mr. Orcutt, the president of the Newport News Ship Building Company, which is one of the largest, if not the largest, employers of men in the shipbuilding industry of this country, testified before the subcommittee of the Merchant Marine Commission that, in his judgment, the difference between the cost of building ships in Great Britain and in the United States was 75 per cent.

Mr. TELLER. The difference in the cost of building?

Mr. MALLORY. The difference in the cost of building was 75 per cent. That was startling to me, because it was largely in excess of what I thought it was. It was in New York that he gave the testimony.

Mr. GALLINGER. But, if the Senator from Florida will permit me, I will ask him, did not Mr. Orcutt qualify that statement afterwards?

Mr. MALLORY. Not that I know of. Other witnesses put it at considerably less; but I do not think anybody put it as low as 35 per cent.

Mr. GALLINGER. I put it low purposely, but I think that some witnesses did put it at 35 per cent, and from that to a much higher degree. Mr. Orcutt at first said it was 75 per cent; but I am very sure, if the Senator will refer to the testimony, he will find that Mr. Orcutt qualified that statement, and said he would not put it at that figure.

Mr. MALLORY. Possibly he did; but that was my recollection. At any rate, I think that from an examination of the testimony on that point, the Senator will come to the conclusion that there is certainly a difference of 50 per cent in the cost, which includes both material and labor.

Mr. TELLER. I can understand why the labor will cost more on a ship built in the United States than it will on a ship built in Europe, but I can not understand, and I do not believe anybody can establish the fact, that the material out of which it is built can not be procured here as cheaply as it can in Europe. We are now sending steel and iron to Europe. Of course, we are selling it at a rate at which the iron and steel manufacturers do not sell it to our people, but if they will put it into ships at a rate as low as they send it to Europe, so far as the material—the iron and steel which enter largely into the building of every ship—is concerned, it can certainly be applied as cheaply. Now, when you come to the lumber that is put in the ships, we can beat them.

It will be remembered that we once carried in American ships eighty-odd per cent of the whole trade of the United States, and it is not so very long ago but that I can remember something about it myself. We could then build wooden ships much cheaper than they could be built in Europe. But a system has grown up of manning foreign ships which perhaps we can not adopt. I do not know that I want to see it adopted. An English ship comes into our harbor, perhaps at San Francisco, with a few Englishmen in it and the rest Asiatics, hired at a price way below that for which any Americal would ship.

There may be some obstacles in the way of building ships here. If we conclude there is, then the only thing for us to do is to determine, first, whether we can build ships without giving a bounty. If we can not, then is it so desirable that our goods shall be carried in American ships that we can afford to pay a bounty for the building of the ships and a bounty for conveying the goods in American ships? That is all there is in this controversy.

I have not reached the point where I believe it would be of sufficient benefit to us to put our wheat and cotton and corn which go abroad in American ships and send them to Europe at an expense to the Government of the United States. We have no assurance whatever that American ships will carry for the producer at any less than the foreign ships. I doubt very much whether, when we have complied with all the provisions of this bill and when we have paid a bounty and when we have secured ships, which we may secure in part, the American producer or the American consumer will be any better off. I doubt whether goods will be carried in American ships as cheaply then as in foreign ships. The tramp ship will outbid us both going and coming, and unless we can change the system of labor upon the European ships that come here, or conclude to change our system by letting Asiatics take the place of American sailors, I do not believe we can compete with Europe in the shipping business.

Mr. GALLINGER. I will say to the Senator that one great difference is that our statutes require that the officers on American ships shall all be Americans, and they are paid salaries, in many cases, more than twice the salaries of officers on foreign ships. That, of course, can only be cured by the repeal of the law, which I do not believe anybody will advocate.

Mr. TELLER. If I were going to pay a bounty to American ships, I would want them officered by Americans. I do not think there would be any great advantage if the ships were simply owned by American citizens. I suppose one of the great benefits to be derived from a commercial fleet is that in time of war we may call upon a trained class of seamen for naval purposes beyond what we would want to keep up in time of peace.

There is another method which I will suggest to the Senator from Massachusetts. We might buy a few ships in Europe and bring them over here. Could we not do that? If they can build ships over there cheaper, why can we not go over there and buy ships and have them owned by Americans?

Mr. GALLINGER. Certainly; and we could buy our woolens there and close our woolen mills, just as we are closing our shipyards. They are pretty nearly closed now. The Senator wants to close them entirely.

Mr. TELLER. I have not suggested the closing of any.

Mr. GALLINGER. That would be the result.

Mr. TELLER. I would as lief vote money to keep a mill running as a ship running. There is not very much difference in principle.

It seems to me this question is fairly presented: Would a sufficient benefit accrue to the American people from granting a bounty to these ships? What guaranty have we that they will carry the goods any cheaper than their competitors are now carrying them or than their competitors will then carry them? Will we get any better service than the foreign ships are now giving us?

Mr. GALLINGER. Mr. President——

Mr. TELLER. I will say to the Senator, if he wants to interrupt me, that I am not going to make a speech. I rose to make an inquiry.

Mr. GALLINGER. I understand this is the best form of debate on a bill of this kind. I will ask the Senator if he listened to the Senator from Massachusetts [Mr. LODGE] yesterday when he explained the present combination on the part of foreign shipowners?

Mr. TELLER. I listened to the Senator from Massachusetts from beginning to close, and I shall before this debate closes take the RECORD and read it carefully, as I can not always get the idea that is intended to be conveyed, with the confusion in this Chamber and the distance I sit from the speaker. But I was interested enough to listen to the entire speech, and I shall try to read it. I have had no opportunity to do it this morning.

Mr. GALLINGER. Then I will ask the Senator if he does not think that competition would be very likely to reduce freight rates? If we are entirely in the hands of foreigners, does the Senator think we are as likely to get cheap freight rates as we would if we had some American competition?

On that point I desire to say to the Senator that the reduction of freight rates on the Great Lakes, where we have competition among our own ships, has been enormous. Probably there is the cheapest carriage on the Lakes that there is in the world; and it has been brought about simply by competition between ships owned by Americans.

Mr. TELLER. In my earlier days I did suppose that additional means of transportation would bring about competition. I am not so entirely sure of that in these days of combinations and trusts. It is possible there might be the same condition in connection with transportation by sea that we have in connection with transportation by land. I know there has been a tremendous reduction in transportation by railroads, and in some instances these combinations have been necessary to the existence of the corporations. They have perhaps been beneficial to some communities. I remember that forty years or more ago the fares on the railroads were very high. They opened the railroads in my country in the seventies, somewhere along there—1872 or 1873—and we paid 10 cents a mile from Omaha to Cheyenne, a distance of 500-odd miles. We paid $50 apiece. I suppose one can ride now that distance for $10. I think that is the fare; I do not remember.

If conditions are normal, more ships probably ought to bring lower freights, although I am told by those who pretend to know that the rates now are so low that really there is not any encouragement to hope to get any lower rates. Whether that

is true or not I do not know. There are some advantages which would probably grow out of this bill, if it passed; that is to say, if the ships were built. If no ships were built, I suppose no harm would come; but if the ships were built, they would be built by American mechanics.

Mr. GALLINGER. I trust the Senate may be in order. I know that other Senators, as well as I, would like to hear the Senator from Colorado.

The VICE-PRESIDENT. The Senate will be in order.

Mr. TELLER. I suppose the ships will be built in Atlantic shipyards mostly. Some might be built on the Pacific coast, but they will be built mostly in the Atlantic shipyards, and largely in what are called the New England and Middle States. But the question is, Will the whole country get the advantage and benefit of this bounty?

I do not know but that the United States Government might under certain circumstances be justified in encouraging shipping by a bounty, but I do not know just the best way to do it. I have thought for a good many years that the idea often presented here would be the best—that is, to give to the men who brought the goods in American ships a reduction of the duty on the goods.

I confess I was somewhat startled when I read this bill, which I understood was for the purpose of encouraging American shipping, to see the eighth section in it, and I intended to express my opinion on it. I do not quite understand how a commission organized for the purpose of securing the building of American ships should add any incumbrance, I may say. The bill is more logical and to me is more agreeable when it does not put a duty upon American ships according to tonnage or anything else. I would give by law, if I could, to American ships all the encouragement possible without giving what I think is an undesirable thing—a bounty.

Of course, we have gone into the bounty business to such an extent that nobody need stand here and object to a bill on the ground that it provides a bounty, because I have found myself that if the bounty is acceptable and is to be received by a certain section of the country, that section is for it and it ceases to be a question of policy and becomes one of interest immediately. I remember when we were paying a bounty to a foreign people. It was only a very short time ago. We were supposed to be making a present of about nine or ten million dollars a year to the sugar growers of Cuba. I remember that a question arose as to our right to do that. Legally I do not suppose there was any question. We had a right to reduce the duty on sugar coming from Cuba. It was to my mind simply a question of policy. But that is the only case I remember where we paid a bounty to foreign competitors. In that case, as it turned out, I believe an American concern succeeded in securing the bounty, and the sugar growers in Cuba were left to do the best they could. As they were doing very well at that time, they did not need our assistance, and they have been growing and increasing the quantity of their product ever since.

Mr. President, I did not get up to make a speech. I wanted to get some idea from the advocates of this bill as to these questions; and I should like to say to the Senator who has this bill in charge that if he wants to assist the passage of the bill I think the best way will be to convince us that some good will come to the community at large, not only to the men who want to own ships, but to the people who use ships, and that the people in the great West, who are to-day furnishing the bulk of American exports, will get a cheaper rate on their exports than they are now getting. Some day later I propose to take up this question and show that the great bulk of the exports of the United States come from what you call the "West."

This is a matter that especially interests New England, as I understand, and I want to disclaim any hostility to New England, whether it be the great big State of Massachusetts or the smaller States. They have the same interest to me that any other section of the country has, and I am not going to vote against this bill because the people of Colorado will not own any ships. But if I do vote for it at all, I shall be very much better pleased if I feel that the shippers of products in my State will derive some immediate benefit—not the benefit they would derive from the prosperity of one section and which ought to reach all sections to some extent, but some special benefit—for I have found by my experience here that about the highest order of statesmanship we have had of late years is that each section of the country must look out for itself, and the others take care of themselves as best they may.

We have had a little bit of unpleasant history and unpleasant relation in the West with that idea which has prevailed, I think, to a very alarming extent of late. If the Senator will convince me that the whole country—not one section alone, but the whole country—will be benefited—not the men who build the ships, but the men, as I repeat, who use the ships—and they are the people I am interested in; they are the people in whom we all ought to be interested—I think, perhaps, I shall be able to find some constitutional right to vote this money out of the Treasury. But until that is done, I am not disposed to.

Mr. MALLORY. Mr. President, I should like to advert to a feature presented by the bill as it now stands which, in my judgment, is an anomaly in the way of legislation. Provision is made here for the payment of sums of money amounting to several million dollars, more than $2,000,000 per annum, I think, and there is no provision that I have been able to find since the elimination of section 8 for the payment of that money out of the Treasury or in any other way.

I should like to ask the Senator from New Hampshire if there is anywhere in the bill a provision for the payment of these bounties to ships and the bounty to the naval volunteers since the eighth section has been stricken out?

Mr. GALLINGER. I think there is just as much provision in the bill for the payment of it as there ever was in a shipping bill. It is true that by eliminating that section a certain amount will be kept from entering the Treasury unless the section be restored in another place, but I suppose there will be no difficulty about getting the money out of the Treasury of the United States if the bill should pass.

Mr. MALLORY. Suppose the bill passes the Senate and goes to the House of Representatives and the House passes it in the shape in which it is. Does the Senator mean that a dollar could be collected and paid to the shipowners or the naval reserve men as the bill is now?

Mr. GALLINGER. I have not any doubt of it.

Mr. MALLORY. Where is there any appropriation made in the bill? The Treasury can not pay out money unless it is appropriated by Congress. I do not see any appropriating clause here at all to take the place of section 8.

Mr. GALLINGER. Section 8 did not appropriate any money.

Mr. TELLER. I understand it was to earn the money——

Mr. FRYE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Florida yield to the Senator from Maine?

Mr. MALLORY. Certainly.

Mr. FRYE. If this bill should pass both Houses, it would be a law, and the Appropriations Committee undoubtedly would make the necessary appropriations to carry out the provisions of the law.

Mr. MALLORY. It would depend upon the subsequent action of the Appropriations Committee.

Mr. FRYE. Undoubtedly. I do not think in any shipping bill which has passed the Senate heretofore there has been an express provision appropriating the money from the Treasury for the payment of subsidies and bounties.

Mr. MALLORY. I do not remember whether there has been or not.

Mr. FRYE. I do not think there has been. I do not remember any.

Mr. MALLORY. I merely wanted to call attention to it.

Mr. GALLINGER. Was there a direct appropriation in the act of 1891, known as the "postal-subsidy act?"

Mr. MALLORY. I do not remember whether there was or not.

Mr. FRYE. There was not.

Mr. GALLINGER. Yet the money has been paid out.

Mr. MALLORY. It struck me if the bill should pass there would be no provision for paying this money.

Mr. TELLER. I understood the eighth section was supposed to raise the money to be used; but, of course, it was to go into the Treasury, and there would have to be an appropriation made under any circumstances, even if the eighth section had remained in.

Mr. MALLORY. Yes.

Mr. TELLER. There was no provision for paying out the money; and it must go into the Treasury.

Mr. GALLINGER. The additional tonnage tax would not have met some of the obligations of the bill.

Mr. TELLER. Not the whole obligation.

Mr. GALLINGER. Only in part.

Mr. TELLER. It would depend upon how many ships were put afloat.

Mr. GALLINGER. Exactly. I mean if the lines had been established it would not have met all the obligations of the bill.

Mr. TELLER. That is the reason why I said the bill was more logical with the amendment than without it, because I thought it was rather a remarkable proposition that in order to secure more ships we should tax the ships more than we had been taxing them.

Mr. GALLINGER. We tax foreign ships under that provision much more than we tax American ships. If the Senator will refer to another section of the bill, he will discover that there is a rebate of 80 per cent to American ships if they will carry boys, following the precedent adopted by Great Britain, which is a very wise nation in this matter. So the burden to American ships has not been increased.

Mr. TELLER. I will say frankly that my attention has not been called to that provision of the bill.

Mr. GALLINGER. There is such a provision.

Mr. President, I was somewhat surprised that the Senator from Colorado should raise, even by suggestion, the sectional question in reference to this bill. Commencing a great many years ago in another body, I voted for every proposition that came before that body which was intended to benefit the great West, and I have continued consistently to do that during my public life. I took occasion to make some observations on the irrigation bill, in favor of it, and I voted for it, although my people had no interest, and New England had no interest in it; Pennsylvania or New York, so far as I know, had no interest in it, and yet it was a pleasure for me to vote for that bill, and I would vote for any similar bill that might come before this body.

The Senator says New England is going to benefit largely and almost exclusively by this legislation.

Mr. TELLER. I said it would benefit directly from the building of ships.

Mr. GALLINGER. I think the Senator is mistaken on that point. If the Senator had gone to the record, he would have found that New England to-day has only two or three shipbuilding concerns, and they are not in a very prosperous condition. I think they are on the verge of bankruptcy, if one or more of them have not gone into bankruptcy in recent years. If the Senator will go to New York, he will find at least two great shipbuilding concerns there. They have had a bad time of it in recent years. They have had to reorganize, and do all sorts of things to live. Then, if he will go to Philadelphia, he will find two shipbuilding establishments. If he will go to Virginia, he will find one. If he will go to Florida, I think he will find that they are building some ships there. I do not know that there is a shipyard of much consequence, but they are building some ships in Florida. If he will go to Puget Sound, he will find a great shipbuilding concern. He will find another in San Francisco.

So the Senator's suggestion that this is intended to benefit New England, so far as shipbuilding is concerned, is not correct. I, as a member of the Merchant Marine Commission, certainly eliminated from my mind every possible thought that the proposed legislation was going to benefit my section of the country; and I think if the Senator will go through the testimony he will find that we tried to keep that out of view. And so I think the Senator, upon a review of the situation, will see that we are not advocating this measure because we chance to come from New England or because it is in the interest of our own people.

Mr. TELLER. Mr. President——

Mr. GALLINGER. I yield to the Senator with pleasure.

Mr. TELLER. If I made a statement that could be tortured into that, I was unfortunate in my language. I said I could not see any immediate benefit to the producers of the country, although it might be beneficial to New England, and I even included the Atlantic shipyards.

If the Senator will allow me, I want to say that I realize what the Senator said about his treatment of the West. I wish to bear testimony that of all the Senators from New England nobody has been more kind to the West than the Senator from New Hampshire, and I appreciate it. I wish to add that I do not believe any New England Senator can ever show a vote of mine in the Senate or a word spoken that would indicate that I had less interest in New England than I have in the great West. I am myself at least a half New Englander. My mother was a Vermont woman. My grandfather was a Massachusetts man. I was born in New York. I was brought up in the East. I have none of the prejudices some people have against the East. I have sometimes lamented that the East did not understand the West, and I have sometimes felt that injustice was being done us, not because it was intended to do injustice, but because the people did not understand.

Mr. GALLINGER. That indictment will not lie against the Senator from New Hampshire.

Mr. TELLER. No; it will not lie against the Senator from New Hampshire, and it will not lie, I am free to say, against very many Senators from any section. But some years ago I used to feel frequently that the West was entirely misunderstood.

Colorado is in the center of the continent. I do not know how many New England people we have there, but I know we have thousands and thousands of them. I know that we have been sending to this body and to the East as our representatives men who were born in the East and not born in the West. We have manned our colleges and our schools with New England teachers and Middle-State teachers. We have put eastern men in high places in the State, and it would be remarkable if I should attempt to cast my imputation upon the New England people, for whom I have the greatest respect. I only meant to say that I could see some benefit to some section, and I wanted to see a benefit to all sections. That is all I meant to say, and I hope the Senator will understand that I meant no imputation upon him or any other New England Senator.

Mr. GALLINGER. I did not misunderstand the Senator, I think. On that point, however, let me make a further suggestion. I may be old fashioned and I may be wrong in my notions about this thing, but I have held to the view all through my public life that whatever benefited one section of this country benefited the whole country.

Mr. TELLER. I agree to that.

Mr. GALLINGER. I said to my people when I was somewhat criticised for supporting the irrigation bill, with the ardor with which I supported it, that if we redeemed the arid and semiarid land of the great West and by that means it became populated, if families went on the land and established homes, every factory in New England would derive a benefit from it, and it would help New England just as much as it would Colorado or any other section of the country.

That is my view in regard to this matter. I believe if we reestablish the great industry of shipbuilding it will be a benefit to the entire country. It will give employment to skilled American mechanics. It will give employment to sailors. It will open our shipyards to some extent, and I have no doubt that Colorado and every other western State will feel the influence of that revival of a great American industry and will benefit by it. I can not of course say to the Senator precisely what benefit Colorado or any other State in the great West will receive, but I believe there will be a reflex action that all the great States of the West and Northwest will feel and will benefit by it.

I do not attribute to the Senator from Colorado the intention of raising a sectional question at all in this regard, but at the same time I wanted to correct the impression the Senator seemed to have that New England is dotted with shipyards. The fact is, we have a languishing industry in Bath, in the State that the chairman of the Committee on Commerce so ably represents. We have a shipyard in Quincy, Mass., although it has not much work, and I think there is a shed of some description in New London, Conn., where those two great steamships which Mr. Hill had built were constructed. But it is not an established shipyard. I can not recall any other shipyard in New England. There may be one, but I do not recall it.

Mr. TELLER. Mr. President, I am surprised that the Senator thought I was making an attack upon any section. I certainly did not intend to do so. It is true we have now what is called the "reclamation system." The Government has appropriated about $30,000,000 of public money, every dollar of which came from the settlers of the West. Not a dollar has been paid by New England or any other portion of the country. I might call attention now, and I will not do so by way of complaint, to the fact that in 1837 the Government of the United States divided among the States a sum nearly equal to the sum that has now been appropriated for reclamation purposes. Twenty-eight million dollars was divided. There were about six or seven hundred thousand dollars which at that time went west of the Mississippi River to Louisiana, Arkansas, and Missouri. Not a dollar of that money has ever been paid back. I suppose it never will be paid back. I confess now if there was a proposition to compel the States to pay it back I would not be in favor of doing it. It has passed and gone.

Mr. SPOONER. It was a surplus.

Mr. TELLER. There was a surplus in the Treasury amounting to about thirty-three or thirty-four million dollars. This was a surplus derived from the sale of public lands in the public-land States, and the Government divided it with the States according to their population. Massachusetts, having the largest population in New England, got the largest amount of money in New England. New York being the largest in population got the largest amount, and Pennsylvania came next. They gave a certificate payable whenever the Government called for the money, and the matter has rested from that time, and it will rest, as far as I am concerned, for all time.

Now, Mr. President, this is the first time I ever mentioned the subject in the Senate. I only mention it now to say that,

knowing that fact, I have sometimes felt that when there was complaint made, especially when it was made about the reclamation business, we had the right to some of this money as well as the East, and it was hardly fair. I am sorry to hear that the shipping business has been in such bad shape in New England——

Mr. GALLINGER. It is in very bad shape.

Mr. TELLER. And that the industry has languished as it has done. I am very much afraid, Mr. President, that this bill will not revive it.

Mr. GALLINGER. It is not any worse in New England, I will say to the Senator, than in all other parts of the country.

Mr. TELLER. Well, I do not know that that is so; probably not.

Mr. GALLINGER. That is true.

Now, Mr. President, I am interested in what the Senator has said about the surplus money that was distributed to the States. I have a historical knowledge of the fact, but I do not care to go into the discussion of it. The Senator says that $30,000,000 have been thus far put into the reclamation fund. Of course the Senator knows it will be $60,000,000 or, possibly, $100,000,000 before we get through with it.

Mr. TELLER. I hope so.

Mr. GALLINGER. But that does not make any difference. I do not care if it is $200,000,000. If it will open up those great States to settlement, it will be an investment that no patriotic American ought to regret. I certainly never shall regret it, whatever it is.

Mr. President, I had not intended to occupy any time to-day, but perhaps I might as well now as at any time. There are a few Senators present and probably there will be fewer before I get through, but I have some observations to make in answer to the very elaborate speech of the Senator from Florida [Mr. MALLORY], and I might as well occupy the floor now as at any other time.

First, Mr. President, in reference to the striking out of the section relating to the American Line, the Senator from Maine [Mr. FRYE] yesterday suggested that that would put those four great American ships under the British flag, in his judgment, and I assented to it. I hope it will not come immediately, but unless we give some assistance to that line I am satisfied that is going to be the outcome, and we will not have a merchant steamship on the North Atlantic in the near future. But there were overwhelming reasons why we thought it best to strike that provision from the bill, which I will not now stop to explain. It is possible that the Senator from Maine will speak of this further. He is always diligent, and he knows much more about these questions than I will ever pretend to know, and he himself ought to have been at the head of the Merchant Marine Commission to have conducted this inquiry; but I was drafted into the service and I did the best I could, with a very inadequate equipment.

The Merchant Marine Commission did not forget to take note of the North Atlantic situation. We were confronted by a great problem, the problem that the British Government were not only subsidizing their ships, but were actually putting up the money to construct the ships, and that if we went into competition with Great Britain on the North Atlantic it would take an immense amount of money out of the public Treasury to make it a success. The Commission in their report said this:

> Moreover, the enormous new Cunard subvention of $1,000,000 for twenty years, combined with the extraordinary liberality of the British Government in loaning to the company at a nominal rate the $13,000,000 required to build the new ships, introduces another factor that forbids an immediate recommendation to Congress. It is estimated that with the other generous terms of the contract this subvention is worth to the Cunard Line the equivalent of $2,000,000 or $2,500,000 a year, which would have to be more than offset in amount to produce a corresponding American ocean mail service, covering the higher range of American ship wages and cost of construction. Manifestly the American people, whatever their final decision may be, would hesitate to embark on such a scale of expenditure as this while the imperative technical question of whether the turbine is to supplant reciprocating engines as the screw propeller supplanted the side wheel is still undetermined.
>
> Therefore, the Commission, though fully realizing the commercial and political importance of the fast North Atlantic mail service and the value of these great "merchant cruisers" to the national defense, is unwilling at this time to recommend any specific legislation to Congress. But the Commission does insist with the utmost earnestness that the United States can not afford to disregard the mighty transition that seems to be impending in the North Atlantic; a change which, if ignored by our Government, may result in the complete loss of even our present inadequate share of the noblest field of ocean navigation.
>
> Congress owes it to the commercial welfare and the naval security of the country to make provision at once for an especial, vigilant study of the North Atlantic steamship service, as affected not only by the extraordinary new British subventions, but by the approaching introduction of the turbine high-speed engines on the all-important mail and passenger routes between America and Europe.

Mr. President, that is a mere recommendation; it carries no weight unless Congress takes cognizance of it; but it shows that the Commission in its investigation did not entirely lose sight of the fact that we are soon to be absolutely wiped off the North Atlantic Ocean. Having only one line now, with four great ships, which are being operated at a loss, the probability is after their present contract is concluded with the Government, or very likely before it is concluded by the surrender of the amount of money that they were bonded to pay in the event of terminating it, we will have no American steamship on the North Atlantic route.

I wish it were otherwise. I wish that we could here and now feel—I wish I could personally feel—like asking the Congress of the United States, this great rich nation of ours, to do something to put the American flag on that great highway of travel. But the Commission did not feel that they were justified to do it, and they have undertaken to do smaller things than that, which I hope will not entirely fail.

Mr. FRYE. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Maine?

Mr. GALLINGER. I yield to the Senator.

Mr. FRYE. I should like to ask the Senator from New Hampshire if Admiral Dewey in very earnest words has not declared that fast ships like the four liners which now carry the American flag are an absolute necessity to this Government in case of war?

Mr. GALLINGER. Not only Admiral Dewey, but the Army Board as well.

Mr. FRYE. No ship in case of war is worth anything as a scout that will not make 20 knots an hour.

Mr. GALLINGER. That is right.

Mr. FRYE. Those four ships are the only ships we have that will make that speed, and while the Commission talks nicely about the North Atlantic and swift ships and all that sort of thing it gives us for our food nothing but persimmons.

Mr. GALLINGER. Mr. President, that may be so; but as the Senator from Maine is chairman of the great Committee on Commerce of this body he has the benefit of the investigations, whether they were for good or bad, that the Commission made; and the Senator can to-morrow introduce a bill for a subvention to steamships on the North Atlantic, if he sees proper to do so. I will support it. I do not know whether the Senator from Florida would or not.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Colorado?

Mr. GALLINGER. Certainly.

Mr. TELLER. If that is so deserving, why not put it in this bill?

Mr. GALLINGER. There was a small provision in the bill giving a little additional subvention to these ships, and the most earnest protestations came from the other side of the Chamber against it, and it was taken out.

Mr. SPOONER. Was it taken out because it was so small? Is that the reason?

Mr. GALLINGER. I do not know about that.

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Nevada?

Mr. GALLINGER. I think I must yield to the Senator from Nevada. He is always entertaining.

Mr. NEWLANDS. Did I understand the Senator to say that England was not only granting subsidies to the steamship companies, but was also aiding in the construction of ships?

Mr. GALLINGER. The Senator did understand me aright. England has put up $13,000,000 to build two new steamships for the Cunard Line at a rate of interest at 2¾ per cent, and has given a subvention of $1,100,000 a year to them, it being understood that they will pay for the cost of the ships through that subvention.

Mr. NEWLANDS. Are we to understand that England builds those ships and then turns them over to a private company, or does England retain the ownership of the ships?

Mr. GALLINGER. England does not retain any ownership. She pays the money into the Cunard Steamship Company's coffers. That is what we are, as the boys would say, "up against" on the North Atlantic, and we are "up against" some serious propositions elsewhere in this country.

Mr. MALLORY. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Florida?

Mr. GALLINGER. Certainly.

Mr. MALLORY. Would the Senator advocate any such action on the part of the Congress of the United States in regard to any line on the North Atlantic that the British Government is pursuing toward the Cunarders?

Mr. GALLINGER. It is useless to ask that question. The Senator from New Hampshire has not suggested it in the report he made to Congress.

Mr. MALLORY. The Senator from New Hampshire, I know, does not suggest it. The Senator from New Hampshire has, I think, desired to accomplish many more things than are set forth in the bill. I should like to know whether the Senator would approve of such a donation as that to any line.

Mr. GALLINGER. Well, Mr. President, we will cross the bridge when we come to it.

Mr. NEWLANDS. Will the Senator permit another question?

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Nevada?

Mr. GALLINGER. Always.

Mr. NEWLANDS. I understand it is the purpose of the subsidy to enable the shipbuilders to construct a number of vessels that will be useful to our Navy in case of war, not as scouts, but in other capacities.

Mr. GALLINGER. The Senator is correct.

Mr. NEWLANDS. Now, would it not be possible, if those ships are ultimately to be used by the Navy, for the Government to construct such ships, letting them out temporarily upon a remunerative basis to the shipowners?

Mr. GALLINGER. Now, Mr. President, the Senator is enlarging his vision. He is going to have the Government incorporate, and, I believe, run all the railroads of the country. Now he is going to take in the ships. Where is the Senator going to stop?

Mr. NEWLANDS. I do not know where we will stop in this matter of subsidies. All I can say, generally speaking, is, if the Government is to advance anything toward private enterprise, I should prefer that the Government should own the things constructed, rather than let somebody else own them, if it pays the money. I was simply inquiring of the Senator in entire good faith whether we could not in enlarging our Navy provide vessels which could be used in case of emergency, in case of war, and which could be temporarily used in the commerce of the country, and thus advance the end which the Senator has in view.

Mr. GALLINGER. Well, Mr. President, this is, as Kipling would say, another story. The Senator can introduce a bill of that kind. If it comes to the Committee on Naval Affairs or the Committee on Commerce, of which I chance to be a member, I will look at it. I do not think it is feasible.

Now, Mr. President, in reference to certain points made by the Senator from Florida [Mr. MALLORY], I wish to make a reply as briefly as possible.

The Senator from Florida contended that the proposed subvention of $5 per gross ton per year was insufficient to secure any ships for the cargo-carrying trade of the country, and the Senator read a letter from a citizen of his State showing that he owned a schooner by the name of *John Francis*, of 330 tons, and a Norwegian steamer of 1,200 tons, which the Senator said he could not put in the American trade under this subvention at a profit. The Senator from Florida, who is very much better versed in maritime matters than I am, knows that those are two extreme examples. The Senator knows there are very few such schooners and such ships to-day—I mean as small as those are—in the foreign trade at all, and I do not think that we are bidding exactly for that class of ships.

But, Mr. President, the men who build ships, or who will build them if we give them a chance in this country, say that they will construct ships under the provisions of this bill, if we give them an opportunity. Schooner owners of large experience, among them Mr. Fields S. Pendleton, whom the Senator from Florida knows well, president of the Atlantic Carriers' Association, managing a great many vessels, says that this subvention, with close economy—and that is always emphasized by the shipowners—will enable them to do what we hope it will do, and that the $5 per ton rate will be sufficient to equalize conditions as between American and foreign vessels.

I have here, Mr. President, a comparison between two ships, a very accurate comparison, the American steamship *Pleiades* and the Norwegian steamship *Olaff Kyrie*. They are of the same tonnage. It appears from statistics, which have been very carefully compiled, that the American ship will pay in wages $1,215, while the Norwegian ship will pay $712 a month.

Mr. MALLORY. Will the Senator state what coast of the United States that trade is on?

Mr. GALLINGER. They are in the Pacific trade.

Mr. MALLORY. Is not the Norwegian vessel carrying Chinese sailors?

Mr. GALLINGER. I think very likely it is, but that does not change the point I am now going to make.

Mr. PERKINS. The *Pleiades* is running in the Pacific coast trade.

Mr. GALLINGER. Yes; on the Pacific. The wages on the American ship is $1,215 a month, or $14,580 a year; on the Norwegian ship $712 a month, or $8,544 a year, the annual difference in favor of the foreigner being $6,036 a year. This comparison is made, I will say, with white crews on both ships.

Now, we will make a comparison of the charges based on the cost of construction. The first cost of the American ship was $275,000; of the Norwegian ship $214,000. The interest at 5 per cent and the depreciation at 5 per cent and insurance at 6 per cent makes the total cost of the American ship $44,000, and of the Norwegian $34,240. The annual difference in these items is thus $9,760.

The cost of food is $4,745 on the American and $2,847 on the Norwegian, making a difference of $1,898.

Now, adding together the difference in annual wages, the difference in charges based on cost of construction, and the difference in the cost of food, there is a total of $17,649, as between an American steamer like the *Pleiades*, of the tramp type, and a similar Norwegian steamer.

The *Pleiades*, of 3,753 gross tons, would receive in subventions annually, on the basis of $5 per ton, the sum of $18,765, thus amply equalizing conditions between this typical American freighter and a Norwegian freighter of like class.

But, Mr. President, I go somewhat further than that. I addressed some letters to distinguished shipbuilders and shipowners, asking whether they would construct ships under the terms of this bill. The Boston Tow-Boat Company, of which the Senator from Florida well knows, replies as follows:

BOSTON TOW-BOAT COMPANY,
Boston, January 19, 1906.

Hon. J. H. GALLINGER,
Chairman Merchant Marine Commission,
United States Senate, Washington, D. C.

DEAR SIR: In reply to your inquiry of the 18th, as to whether the subvention of $5 per ton to cargo vessels in general foreign trade and $6.50 per ton in Philippine trade is sufficient to cover the difference in cost of operation between American and foreign vessels, I would say that I regard this as sufficient, provided the American ships are managed economically and proper efforts are made to secure full cargoes.

The Boston Tow Boat Company has three American-built steel steamships of the general-cargo type—the *Lyra*, *Hyades*, and *Pleiades*—running out of Puget Sound to China, Japan, and the Philippines. These vessels, of about 5,000 tons capacity, have Americans as the officers and leading men and Asiatics as the remainder of their crews. I believe that your proposed subvention of $5 per ton for general and oriental and $6.50 for Philippine trade will enable our company to operate these ships successfully against the competition of similar foreign vessels, though the bill compels us to increase the proportion of Americans, and, therefore, the rate of wages and cost of maintenance in our crews. This statement applies to the Pacific trade, in which these vessels are now engaged, with two 12,000-ton ships belonging to the Boston Steamship Company.

These subventions to general cargo vessels are in general sufficient to encourage the building and operation of American steamships with large capacity for grain, flour, lumber, cotton, provisions, and general merchandise.

I will pause just there to say that the Commission, I think, exercising some degree of wisdom, has constructed this bill largely along those lines, so that the ships will carry the heavier cargoes or the grosser cargoes, such as Mr. Winsor alludes to here:

But in my judgment the subventions are not enough to encourage the building of fast passenger steamships for the trade from North Atlantic ports to Europe. However, as I understand the bill and report of the Commission, it is your purpose to build up American shipping in the trade with Asia, South America, etc. Here the subventions you suggest will unquestionably be sufficient.

Very truly, yours,

ALFRED WINSOR, *President.*

Mr. MALLORY. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Florida?

Mr. GALLINGER. Certainly.

Mr. MALLORY. The closing sentence of that letter relates entirely to the operating expenses—believed to be sufficient to meet the difference in operating expenses.

Mr. GALLINGER. I think not.

Mr. MALLORY. Mr. Winsor has not figured on the difference in the original cost of the ship.

Mr. GALLINGER. Oh, I think so. He says he will build ships.

Mr. MALLORY. I think the Senator will find in reading the letter over again that he contemplated whether this $5 a ton was sufficient to pay the difference between the operating expenses of the two.

Mr. GALLINGER. I think not. Mr. Winsor has assured me personally that if this bill ever becomes a law he will build additional ships for his trade.

Mr. MALLORY. I doubt it.

Mr. GALLINGER. Arthur Sewall & Co., of Bath, Me., who build largely sailing vessels, have written a long letter saying that if this bill becomes a law they will build more ships and do

something for the American merchant marine. I will not stop to read the letter, which is a long one.

BATH, ME., *January 20, 1906.*

Hon. J. H. GALLINGER,
United States Senate, Washington, D. C.

DEAR SIR: Replying to your valued favor of 19th instant, I beg to state that my firm is operating a fleet of large steel square-rigged sail ships, which we built in our own shipyard in this city. For some years, in fact since the subsidized French sailing ships have appeared on the ocean in numbers, we have been unable to operate our ships in the foreign trade and have only managed to exist by engaging in the transportation of sugars from Hawaii, a trade protected by our coastwise laws, sending our ships out to the Pacific with coal, and, failing to get that, with oil to a foreign port at best rate obtainable, but frequently a rate insufficient to pay the actual operating expenses of the ship—in fact, getting out as best we could in order to get a freight home on Hawaiian sugar. The profits for such a round voyage, owing to the low outward rates in competition with foreign vessels, have been so meager that we have been forced to suspend the building of such vessels, and our shipbuilding plant, which for many years gave employment to hundreds of skilled mechanics, has laid idle during the past three years. It produces now only a flourishing crop of weeds.

After January, 1907, we shall lose the Hawaiian sugar transportation, owing to a contract which has been made for a series of years for the transportation of the crop by the American-Hawaiian Steamship line, operating in conjunction with the Tehuantepec Railroad Company, of Mexico, the sugar being taken from Hawaii by steamer to the Pacific terminus of the railroad, shipped across Mexico by this Mexican railroad, which has been developed and is owned by British capital, and then, again, at the Atlantic terminus turned over to the American-Hawaiian Steamship Company and by the steamers carried to Philadelphia and New York. Thus a transportation company, one link of which is a railroad on foreign soil, is enabled to drive out of our protected (?) coastwise trade the vessels which the coastwise laws were intended to protect.

When this trade is lost to us we know of no other in which it is possible to operate our ships without absolute loss, and, unless Congress concludes to give the shipbuilding and shipowning industry a moderate share of the protection, which has been extended to all other American industries, and which has been the declared policy of the dominant party for years, our ships will be unable to sail the ocean, and will doubtless become in the near future coal barges or coal hulks at a ruinous sacrifice to their owners and, I believe also, at some considerable loss to our merchant marine and Navy, and consequently to the nation.

The one ray of hope we have is in the passage by Congress of the bill formulated by the Merchant Marine Commission and now under your most able charge in the Senate, and the provisions of that bill will both enable us to operate our present ships and, in conjunction with the act of April, 1904, governing the transportation of supplies for the Army and Navy, encourage us to reopen our shipyard. It will mean just the difference between a living and growing industry and hopeless decay.

Very respectfully, yours, SAML. S. SEWALL.

The Atlantic Carriers' Association writes a similar letter, which I will put in the RECORD.

ATLANTIC CARRIERS' ASSOCIATION,
New York, January 21, 1906.

Hon. J. H. GALLINGER,
Chairman Merchant Marine Commission,
Washington, D. C.

DEAR SIR: Replying to the inquiry contained in your letter of the 19th, as to whether or not the provision of $5 per gross ton per year, or $6.50 per ton in the Philippine trade for cargo vessels, in the shipping bill prepared by your Commission, is sufficient to encourage American shipowners to engage in the foreign trade and increase their tonnage of this useful description, permit me to say: The amount provided will not entirely meet the difference against American sail vessels of the medium size, as in competition with Nova Scotia vessels in the West Indian, Central and South American, and African trade, but it will come so nearly to meeting it as to justify the belief that, with the strictest economy enforced in the operation of our vessels, we shall be able to eventually entirely supersede such vessels in a trade from which they have well-nigh driven American sailing vessels. This is a trade that my vessels are largely engaged in, and if the bill passes as drawn I expect, myself, to build eight or ten vessels in the next five years.

I hear other members of our association saying that they too will build, if the bill passes as drawn, and I have no doubt that its passage will lead to a general revival of wooden shipbuilding, not alone in the New England, but in the South Atlantic and Gulf ports of the United States, where proximity of materials, salubrity of climate, and labor conditions make it attractive as a section in which to establish wooden shipbuilding plants.

Should there be any reduction in the amount to be paid to cargo vessels from that provided in the bill as drawn originally, I am sure the difference against American vessels would make it unattractive for present owners to increase their tonnage. Again, if the bill should discriminate against any class of American vessels engaging in the foreign trade because of their tonnage it would lead to widespread dissatisfaction with, and possibly indifference regarding, the fate of the bill.

Permit me to utilize the occasion to compliment you, and through you the other distinguished members of your honorable Commission, upon the very excellent, although extremely moderate, measure that you have drafted. If it should be passed by Congress as drawn, myself and associates in the Atlantic Carriers' Association are convinced that it will inaugurate an American maritime policy that will eventually give us a great American mercantile marine, alike creditable to the nation and helpful to it in the extension of its commerce and as an auxiliary aid to the Navy.

I have the honor to remain, with best wishes for the success of the bill.

Yours, very truly, FIELDS S. PENDLETON.

The Lewis Luckenbach Transportation, Coast Towing, and Wrecking Steamship Company writes a similar letter, as follows:

NEW YORK, *January 19, 1906.*

Hon. JACOB H. GALLINGER,
Chairman Merchant Marine Commission, Washington, D. C.

DEAR SIR: Replying to your favor of the 18th relative to proposed subvention, beg to state that I think we can compete with foreigners at $5 per gross ton per year and $6.50 per ton to the Philippines.

I certainly hope the bill will go through and become a law. A practical demonstration will prove whether or not we can compete with the foreigners at these figures.

Thanking you for your efforts on behalf of the American shipping, I am,

Yours, truly, LEWIS LUCKENBACH.

The Red "D" Line of Steamships, Boulton, Bliss & Dallett, general managers, 82 Wall street, New York, December 5, 1904, say:

Hon. J. H. GALLINGER,
Chairman the Merchant Marine Commission,
Washington, D. C.

DEAR SIR: I am in receipt of your communication asking my opinion regarding the proposed rates of compensation for the lines of steamers to South America, and in reply beg to say that, while I am not very familiar with the trade of Brazil and the Argentine, it seems to me that the proposed rates are liberal enough to induce responsible bidders to submit proposals.

Very respectfully, yours, ERNEST C. BLISS.

I will say that Mr. Bliss is one of the managers of the American Red "D" Line from New York to Venezuela—the only American steam line to South America beyond the Isthmus of Panama. Venezuela is one of the two South American countries in whose import trade the United States stands first—the other country being Colombia, which is connected at Colon and Panama, now in the Panama Republic, with this country by direct lines of American steamers. The only two South American countries where we have very much trade are those two countries where we have existing lines.

The New York and Cuba Mail Steamship Company say that they will, under the terms of this bill, be able to operate their ships. Their letter is as follows:

NEW YORK AND CUBA MAIL STEAMSHIP COMPANY,
New York, December 5, 1904.

Hon. J. H. GALLINGER,
Chairman Merchant Marine Commission, Washington, D. C.

MY DEAR SIR: In the absence of Mr. Alfred G. Smith, who is at present in Cuba, and to whom your letter of December 1 was addressed, would say that I have perused same very carefully and am of the opinion that the amounts of compensation as therein submitted are adequate to assure proposals from responsible bidders.

Yours, very truly,

HENRY P. BOOTH, *President.*

Mr. Booth is the head of the Ward Line of United States mail steamers to Cuba and Mexico. The New York and Cuba Mail Steamship Company has the largest number of American steamships in foreign trade of all the companies on the Atlantic seaboard and has the greatest interests in West India and Mexican commerce.

The United Fruit Company give similar testimony:

UNITED FRUIT COMPANY, NEW ORLEANS DIVISION,
New Orleans, La., December 3, 1904.

Hon. JACOB H. GALLINGER,
Chairman Merchant Marine Commission,
Washington, D. C.

DEAR SIR: In reply to your communication of the 1st instant, respecting the schedule of new ocean mail service proposed for four new lines from Gulf ports, based on an advance in the rates of the present postal subsidy law, would say that, assuming that the vessels engaged in the service mentioned would only have to touch at one port in each of the countries named, I consider the figures given in your letter sufficiently attractive to secure proposals from responsible bidders. I should be glad to hear from you further on the subject as it progresses.

Sincerely, yours,

C. H. ELLIS, *Manager.*

Mr. Ellis is the representative at New Orleans of the United Fruit Company, operating many foreign vessels, chiefly chartered, in trade with the West Indies and Central America.

A. H. Bull & Co., ship brokers and steamship agents, have written a letter showing that they regard the subvention as sufficient for the contemplated purposes. It is as follows:

NEW YORK, *January 30, 1906.*

Hon. JACOB H. GALLINGER,
Chairman the Merchant Marine Commission,
Washington, D. C.

SIR: Your favor of January 18 received. We beg to apologize for not answering it more promptly.

Our steamers carry from 2,700 to 3,100 tons of cargo, which is about the average size of vessels carrying coal to West India ports. Take, for example, our steamship *Mac.* During the past year rates to Habana have averaged about $1.45, and at this rate we have, of course, been unable to compete. If we were to receive the subvention of $2.50 per ton for six months in the foreign trade, this would enable us to take coal, say, to Habana and bring back cargoes from the Gulf ports to ports north of Hatteras. Allowing eleven trips a year on cargoes of 2,700 tons each, would give us 20 cents a ton on our down cargoes. This would hardly be sufficient for us to compete successfully with this sized steamer, as under present conditions we have figured we could not take coal to Habana at less than $1.75. If we were able to secure back cargoes of sugar for part of the time, so as she could come under the $4 subvention, we could possibly make it pay, provided the rates on sugar were not lower than 8½ cents a hundred,

which has been a fair average the last two years. We hardly think that it would pay for the $5 subvention to keep steamers of this size in the foreign trade all the time.

From our study of your bill we think it very questionable whether it would give much encouragement to steamers of from 2,000 to 3,500 tons adapted to coastwise business to enter the foreign trade. However, it surely would build vessels of from 4,000 to 5,000 tons, as they, with the subvention, would be nearer an equal footing with foreign boats. Steamers carrying 2,000 to 3,500 tons dead weight require within a man or two the same number of crew as a steamer of 4,000 or 5,000 tons. The operating expenses, too, are very much less per ton on the larger boat. We think if steamers of 2,000 to 3,500 tons were given a little higher subvention, it would encourage the building of more vessels of that size, for the bill as it stands will hardly put them on parity with other foreign competitors. Unquestionably a boat of 2,000 to 3,500 tons is the most useful pioneer to open a new trade, and it is only when three or four of these smaller boats have shown the ability to get cargoes that a 5,000 to 6,000 ton steamer can be employed.

Then, too, from a naval standpoint, two vessels of 2,000 to 3,500 tons capacity will require fully 30 to 40 per cent more men than one steamer of five to six thousand tons. Both classes are needed to make up a useful and adequate merchant marine, and both require Federal assistance to enter the foreign trade. While we think your bill, as it stands, is about sufficient for a vessel of 5,000 tons or larger, it is not quite sufficient to encourage the building of smaller steamers. However, we appreciate that the freight rates in the foreign trade have averaged lower in the last three years than was really profitable to foreign owners, so that perhaps it is not fair to take this average as an equitable rate for future years.

Another point which should be guarded against is in case a steamer can not procure boys. Upon the indorsement of this fact by some proper authority it would excuse the vessel from taking them on that particular voyage; otherwise we think any owner would be subject to being held up at the last moment for lack of apprentices.

We are anxious to see your bill become a law, as we consider it by far the fairest and most equitable legislation that has been proposed. While we doubt whether we would put the steamers we have at present in the foreign trade, we would unquestionably build tonnage of from five to six thousand tons should your proposed bill become a law.

Yours, very respectfully,

A. H. BULL & CO.

Mr. President, it seems to me that this is testimony which we can not very well wink out of sight, and that it shows that the Commission has not been recommending legislation which will be inoperative should it be enacted into law.

If I remember correctly, the Senator from Florida objected that the tramp steamers receiving a subvention could not get cargoes. I think I am correct in that. To this it may be said that our present American ships convey only about 10 per cent of our foreign commerce. A reasonable proportion of the 90 per cent now conveyed by foreign ships would furnish cargoes for a fleet many times larger than our present one.

The Senator from Georgia has also asked why under the terms of section 2 slow vessels receive the same rate of subvention of $5 per gross ton per year as fast steamers.

This subvention of $5 per gross ton is intended to apply to cargo vessels, steam and sail. No cargo steamers for ocean work are now built in the United States of a speed of less than 10 knots an hour, and except for one or two small special trades, no cargo steamers are built here or elsewhere of a speed of more than 12 or, at the most, 13 knots an hour.

Nearly all steamers of 14 knots or upward built anywhere in the world are constructed for mail subsidized companies or for some special short-distance passenger service.

It may be said that virtually the whole rough-cargo-carrying fleet of the entire world is composed of vessels of a speed of from 8 knots to 13 knots an hour, and in the United States of a speed of from 10 knots to 13 knots. Thus these vessels form a fairly homogeneous class, and there is really no need of grading the subventions to these vessels according to the rate of speed they make per hour. Their main purpose is to carry cargo at economical rates rather than to get to their destination quickly.

Previous shipping bills have had subventions elaborately graded according to the knots of speed, and this feature has been objected to, especially by Senators from agricultural States as, in effect, a discrimination against our agricultural exports in favor of fast passenger steamers carrying express freight. This is the chief reason why in the present bill no effort was made to offer speed premiums and why only moderate requirements as to speed were made of the proposed new mail lines to South America, Asia, etc.

If the flat rate of $5 per gross ton to all cargo vessels regardless of speed discriminates in its effect in favor of any interest, it is in favor of the interests of the cotton planters of the South, the lumbermen of the South and Northwest, and the farmers producing wheat, grain, and provisions in the interior. The greater part in value, as well as in bulk, of the exports of this country consists of agricultural products, and it was thought by the Commission that the American merchant marine should be especially adapted to the transportation of these agricultural products to distant markets. That other nations, like Great Britain and Germany, subsidize mail lines alone and not these useful "tramp" steamers, fit for carrying grain, cotton, lumber, provisions, etc., is no reason why the United States should blindly follow their example. After a few years the expenditures under this bill to an increased fleet of "tramp" or cargo vessels will be greater than to all the new mail lines proposed. As a member of the late Merchant Marine Commission I have no apology to offer for this, though it is admitted to be contrary to the practice of Great Britain and Germany. The bulky cotton bales, the lumber, the grain, and the provisions which our country exports so largely can be carried economically only in vessels of slow or moderate speed. To grade up the cargo subventions according to speed would be in effect to discriminate against the lumber and cotton exports out of southern ports in favor of swifter vessels carrying express freight or compact manufactured goods. The very point which the Senator from Georgia criticises is one which is of most direct and immediate advantage to the producers of the Southern States and the commerce of the southern seaports.

It is objected, Mr. President, that the cargo steamers will not give us "the regular and efficient service repeatedly mentioned in the report of the Commission." By regular and efficient service in this connection is meant not the fixed schedule of mail lines, whose ships go out on the stroke of 12 and arrive on a certain day and perhaps a certain hour at Manila or Rio Janeiro, but the regular and efficient service performed by the cargo vessel, which sails whenever its holds are full and arrives after a reasonable time, but not at any set hour, at its foreign destination. One value of a cargo fleet such as is provided for in section 2 is its flexibility. Such a fleet is regular and efficient in that it trades out of the ports of the United States to any port in the world where American goods are needed.

To have a fleet of regular mail steamers, even steamers of moderate speed, with large cargo capacity, such as are provided for in this bill, is not enough. Many of the commodities which we import heavily, like sugar, hemp, etc., are goods to be shipped at certain seasons when demand for tonnage very greatly increases but to fall away again after the crop is shipped. This kind of commerce can not be handled by mail liners exclusively. There must be also a certain amount of cargo tonnage which can be readily shifted as is required from one country to another. And in connection with mail lines all over the world, a great and increasing quantity of cargo tonnage, pure and simple, is being operated. For the subsidized mail companies of Europe all maintain cargo nonpassenger ships in addition to their passenger mail liners.

There is no nation in the world which needs a fleet of rough cargo vessels of its own more than the United States. And there need be no fear that such vessels, built for this cargo subvention of $5 per gross ton, will be wandering over the world most of the time carrying cargoes for other nations. Though this bill does not require, in set terms, that these cargo vessels shall carry no cargoes except those from or to the United States, yet in practical experience, it will be found that these American vessels will seldom carry any but our own export or import cargoes. Such cargo vessels, steam and sail, as we now have, are employed almost exclusively in American foreign commerce. American ships in any other than American export or import trade are seldom heard of. It will be the same for ships built for this subvention. In the first place, the subvention, unlike the enormous French subsidies, does not begin to be large enough to enable any vessel to run in ballast anywhere. And, in the second place, the owners of these vessels will prefer to have their ships return as directly as possible to the United States, where their repairs must be made, and where their business can be best adjusted.

But an absolute requirement that American vessels to receive this cargo subvention should go out from the United States and return immediately to the United States from the foreign port where they discharged their cargo would be to embarrass shipowners and destroy much of the benefit of this subvention. An American vessel going out, for instance, to Buenos Ayres with a cargo of American goods might not find a return cargo available at that port, but might have a chance to get a return cargo at Rio Janeiro and to carry a freight of Argentine goods to Rio in place of ballast. To say that this American ship should not take this cargo, but should proceed in ballast, leaving the cargo to be carried by a competing foreign ship, would be in effect a discrimination by American law against the American vessel. So would be a requirement that if she could find no return cargo at Buenos Ayres she must come direct, empty and unprofitable, to the United States. That would mean that the ship on her next outward voyage would have to charge freight rates high enough to cover the cost of her unprofitable inward voyage from Buenos Ayres.

As a general rule, however, an American ship going out to

Buenos Ayres or Shanghai would make every endeavor to secure a return cargo from the same port, and would not go to another port unless absolutely compelled to do so.

Not until our merchant marine has grown so large that it can carry all our American commerce will American ships make a practice of carrying for other nations and seeking cargoes all over the world. When that time comes no subvention will be needed and none will be given.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER (Mr. CARTER in the chair). Does the Senator from New Hampshire yield to the Senator from Nevada?

Mr. GALLINGER. Certainly.

Mr. NEWLANDS. I wish to ask the Senator whether these cargo ships would serve the purpose covered by the auxiliaries to which Admiral Dewey refers as ammunition ships, colliers, supply ships, etc.?

Mr. GALLINGER. Certainly; they will serve for everything except for fast scouts.

Mr. NEWLANDS. For everything except the fast scouts?

Mr. GALLINGER. Absolutely so. The intention is to impress them into service if they should be needed for that purpose.

Mr. NEWLANDS. Has the Senator any information as to what number of such ships would be required now to meet the demands of our Navy and what their cost would be?

Mr. GALLINGER. Well, does the Senator mean if we are at war with Mexico or with Great Britain or with Russia?

Mr. NEWLANDS. Of course I understand that there would be a different demand in each case; but I simply wish to know whether the Navy Department has made any estimates at all covering this class of auxiliaries, just as they make estimates regarding the vessels that are used in actual war.

Mr. GALLINGER. They could not do so unless they should assume that we were at war with some particular power and that it was to continue a certain length of time, which, of course, it would be impossible for them to do.

Mr. NEWLANDS. Right on that line, will the Senator permit me to make an inquiry only for information?

Mr. GALLINGER. Certainly.

Mr. NEWLANDS. My inquiry does not express my own views, because I can not say that I have any views on this subject, but, as I understand it, the disadvantages under which American ships labor are these: First, the cost of construction in this country is greater than abroad——

Mr. GALLINGER. Very much greater.

Mr. NEWLANDS. Second, that the cost of administration is greater in this country than it is abroad——

Mr. GALLINGER. The Senator is correct.

Mr. NEWLANDS. And, as American ships come in competition with their foreign rivals, it is impossible for them to make money so long as the construction of ships in this country costs more and their administration costs more.

Now, then, would it not be possible, following out the suggestion of this bill, to organize our aid upon these lines: To have the Navy construct not only ships that are to be used in actual war, but also the ships which are necessary as auxiliaries, or, at all events, a portion of them, and then have those ships used in time of peace as cargo ships? Would it not be possible also, in addition, to enlarge the idea of this bill regarding the volunteer reserve?

Mr. GALLINGER. That we have done.

Mr. NEWLANDS. We have that now.

Mr. GALLINGER. I fear the Senator has not read the bill.

Mr. NEWLANDS. I wish to enlarge the idea that you have in the bill.

Mr. GALLINGER. Oh!

Mr. NEWLANDS. And enlarge its operations. As I understand it, this bill calls ultimately for about 10,000 men, who are to be employed on these merchant ships, and they are to be in the actual service of the Government, subject to call at any time when needed. We all realize, of course, the importance, inasmuch as we are building a large navy, of having men to man the ships, to be called upon in case of war to meet an emergency.

It strikes me that the extra pay that you give these men will not cover the difference between the wages paid to American sailors in our commerce and the wages paid to foreign sailors. It will be necessary, therefore, to enlarge the amount paid annually to each one of these men who enlists in the American Navy and yet serves in the commercial marine. As I understand it, we allow only an annual retainer of $35 for an ordinary seaman; and I believe that the ordinary wages of our seamen in this country are more than 50 per cent in excess of the wages paid upon foreign ships. Now, if you can not in that extra compensation equalize the difference, I do not see how it is going to encourage and enlarge this naval reserve for which you provide.

Right in that connection, I ask whether we can not, by enlarging the other features of this bill, provide for the actual construction of these auxiliaries by the United States Government. They can be made the property of the Government, to be used in time of peace in commerce. I inquire also, whether we can not enlarge this reserve, giving them larger wages, subject, of course, to be called at any time in case of war—whether that would not be a more efficient way of giving this aid?

Mr. GALLINGER. Would the Senator think it desirable for the Government to take possession of the great manufacturing establishments, where they build guns and make powder and all those things that would be needed in case of war, and then contract it out to private parties to run them?

Mr. NEWLANDS. No.

Mr. GALLINGER. It could be done, no doubt. The Government could do almost anything.

Mr. NEWLANDS. No; I do not mean that. But here is a case where the Government admittedly must give aid of some kind in order to promote the merchant marine. It is utterly impossible to enlarge the merchant marine under existing conditions.

Mr. GALLINGER. Mr. President——

Mr. NEWLANDS. I prefer that the Senator should wait until I close my sentence.

Mr. GALLINGER. Certainly.

Mr. NEWLANDS. What I propose is that if the Government does put out any money it shall own the thing upon which the money is put out, and own it for all time, and that if the Government is to organize this great naval reserve, to be called upon in case of war, we should make the compensation adequate, so that we may accomplish the purpose the Senator has in view.

Mr. GALLINGER. Undoubtedly that could be done, but it is not going to be done. So we may as well dismiss it. The Senator would find that if he should introduce a bill for that purpose it would not get very far, not even as far as this bill has, in consideration.

Mr. NEWLANDS. The suggestion may be entirely impracticable, because it is largely dependent upon the cost of these vessels; but it strikes me we are now spending a very large amount of money upon a navy, and that we might as well spend a little less upon war ships in the future and a little more upon these auxiliaries, and thus accomplish the development not only of our Navy, but also of our merchant marine.

Mr. GALLINGER. I am inclined to sympathize with that suggestion of the Senator that to spend a little less money on the Navy—although I think we are going to spend less on the Navy in the future—and more on the merchant marine would be a good investment for the United States. I think the Senator is right in that.

Mr. PETTUS. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Alabama?

Mr. GALLINGER. I do.

Mr. PETTUS. I wish to ask a question, simply for information; and that is, has there been any estimate of the probable expenditure under this bill for the first year?

Mr. GALLINGER. Yes; I will say to the Senator that if the provision relating to increased tonnage had remained in the bill, it would have put into the Treasury about $700,000 the first year. That having gone out of the bill, if it is not restored, there will be a small amount required, but very little the first year, because, of course, ships will not be built in the first year, and this subvention will not be paid.

Mr. CLAY. I desire to ask the Senator about how much does he think would be taken from the Treasury at the end of the tenth year?

Mr. GALLINGER. If the Senator will refer to the report, he will find it stated there; but of course the estimate is approximate at best, for no man can tell whether all these mail lines will be established or not. If they should be and the bill should become operative in its entirety, the best estimate we could make was that at the end of ten years the entire amount paid out will be a little over $40,000,000.

Mr. CLAY. The Senator has said it would take about $40,000,000 at the end of ten years. Now, the Senator says that our merchants, our farmers, and our producers may ship their manufactured products and their farm products abroad in foreign ships owned by Frenchmen, Germans, and Englishmen, and ship them in foreign bottoms instead of in American bottoms, because they can ship them more cheaply.

Mr. GALLINGER. I never admitted that.

Mr. CLAY. But they do ship them cheaper.

Mr. GALLINGER. No; they do not ship them cheaper. There are very few American ships in which to ship anything.

Mr. CLAY. I understand that the Senator contends that the owner of an English ship or a German ship or a French ship can operate it cheaper than an American can operate an American ship?

Mr. GALLINGER. Unquestionably.

Mr. CLAY. Consequently the farmer, the cotton producer, the wheat grower, and the manufacturer now ship entirely in foreign bottoms.

Mr. GALLINGER. That is because there are none others in which they can ship.

Mr. CLAY. The Senator says that Americans can not afford to put their money into American ships——

Mr. GALLINGER. Precisely.

Mr. CLAY. Because the freight rates are so low——

Mr. GALLINGER. Not the freight rates.

Mr. CLAY. Well, I mean that the American shipowner can not operate his ship as cheaply as can the foreigner, and consequently the American producers and the American manufacturers seek foreign ships to send their merchandise and farm products abroad.

Mr. GALLINGER. They can not find any others.

Mr. CLAY. I ask the Senator this question: Suppose this bill passes and the merchant marine is increased, does the Senator think that the owner of farm products and of manufactured products would be able to get any cheaper freight rates in exporting their products than they do at the present time?

Mr. GALLINGER. I should hope so, but I am not going into the realm of prophecy. I know that if the product of an American factory or an American farm were sent to a foreign market in an American ship it would get better attention than if it should go there in a foreign ship in competition with foreign products. I feel sure on that point.

Mr. CLAY. I will ask the Senator has there been any complaint in regard to our exports in foreign ships?

Mr. GALLINGER. If the Senator will read the testimony——

Mr. CLAY. I believe our exports are greater now than at any other period in our history.

Mr. GALLINGER. Certainly.

Mr. CLAY. They have grown very rapidly and, I think, very satisfactorily.

Mr. GALLINGER. If the Senator will read the testimony taken, for instance, in the city of Cleveland, he will see that very serious complaint has been found by American producers. They complain that their goods were damaged and they got no redress, and that when the goods were landed in a foreign country no attention was paid to them, they being landed there by foreign ships. They felt sure that it was very desirable, so far as their interests were concerned, to have American ships in which to transport American goods. These three volumes are full of that sort of testimony.

Mr. SPOONER. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Wisconsin?

Mr. GALLINGER. Certainly.

Mr. SPOONER. I understand the obstacle to the development without governmental aid to our merchant marine is considered to be twofold.

Mr. GALLINGER. Threefold.

Mr. SPOONER. As I recall, twofold.

Mr. GALLINGER. Perhaps the Senator has overlooked the subsidies given by foreign governments.

Mr. SPOONER. First, the contention that it costs at least, as I recollect, 25 per cent more to build ships in this country.

Mr. GALLINGER. From 35 to 40 per cent.

Mr. SPOONER. Then it has increased very much since the debate on the Hanna-Frye subsidy bill. At that time it was 25 per cent.

Mr. GALLINGER. It is barely possible it has increased. A great many things have increased.

Mr. SPOONER. Call it 30 per cent. We will say it costs 30 per cent more to construct a ship in the United States than it does to construct the same ship abroad. My recollection is that the next obstacle was that it cost about 33 per cent more to operate a ship under the American flag.

Mr. GALLINGER. More probably, it should be at 25 per cent.

Mr. SPOONER. Well, 25 per cent. It was over 30; but say it costs 25 per cent more to operate a ship under our flag than it does under a foreign flag. The scheme of this bill is limited to ten years.

Mr. GALLINGER. The subsidy to a given ship is for ten years.

Mr. SPOONER. Does the Senator anticipate that when the ten years shall have expired and $40,000,000 shall have been paid, it will then cost any less to build American ships, as compared with the same kind of foreign ships?

Mr. GALLINGER. Possibly not.

Mr. SPOONER. Or any less to operate the ships?

Mr. GALLINGER. Possibly not.

Mr. SPOONER. Then does it, or does it not, follow that this is the beginning only of a policy which is to be more or less perpetual?

Mr. LODGE. England has a regular scheme of subsidies.

Mr. SPOONER. I know England has. That is what I am trying to get at—whether we are not starting on a plan of subsidy which is to be permanent, just as is the subsidy plan of England.

Mr. GALLINGER. England has had some experience to the contrary. I recollect one great steamship line of England which for quite a number of years received a subvention of a million and a half dollars, but it has established such a trade with the countries to which its steamers sail that during the past year the subvention has been reduced to $400,000.

Mr. SPOONER. Of course it is not expected, nor, I suppose, is it to be desired that the labor cost of ship construction in this country shall grow less——

Mr. GALLINGER. It is not to be expected.

Mr. SPOONER. And there is no good reason to suppose that the cost of operating ships will grow less?

Mr. GALLINGER. There is this to be said on that point, if the Senator will permit me, that if we commence building the ships and we build enough to standardize them, we will build ships very much cheaper than we can to-day.

Mr. LODGE. That point was repeatedly brought out in the testimony.

Mr. GALLINGER. Yes. I went into a shipyard in New York some time ago, and I found on the stocks, what? I found a war ship, a ship for the coastwise trade, a ferryboat, and another small vessel of some kind or other, a yacht, I believe. If that shipyard were building twenty steamships of a certain type for this cargo-carrying trade, for instance, they would standardize them, and build them, I do not know how much cheaper, but very much cheaper, just as we are building locomotives and bridges in this country very much cheaper because we have them standardized. I do not know what the difference would be, but it would be very considerable.

Mr. FRYE. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Maine?

Mr. GALLINGER. Certainly.

Mr. FRYE. Will the Senator from Wisconsin allow me to give him some information?

Mr. SPOONER. I am only asking for information.

Mr. FRYE. I know something about ships.

Mr. SPOONER. I know very little about them, and that is why I prefer to have the Senator from Maine give me information.

Mr. FRYE. If either the shipping bill which passed the Senate in 1901 or the bill which passed the Senate in 1900 and was mutilated in the House had become a law I have no doubt that in less than ten years we should have built ships in American yards as cheaply as they build them on the Clyde. When you build ships by the wholesale you can do the work for very much less than when you now and then build one ship. For instance, I visited Cramp's shipyard, and Mr. Cramp told me that he could build two ships of the same tonnage for 10 per cent less than he could build one ship. The reason they build ships more cheaply on the Clyde is because there will be a dozen ships being constructed at the same time, and the carpenters and blacksmiths and other workmen—the crews—move from one ship to the other ship, doing precisely the same work on each. But if you are building one ship and next to it a yacht, the yacht being built in parlor fashion and magnificently fitted in every direction, you must have a crew alone for that single yacht, and your man who is working on the merchant ship is not fit at all to work on the yacht. I have not a shadow of doubt that if either of the bills to which I have referred had become a law we would have been constructing ships as cheaply as they build them on the Clyde, and would still have been paying the higher wages. Why? Because our carpenters, our ship blacksmiths, and the workmen generally on our ships are worth every day at least 33⅓ per cent more than the workmen on the Clyde.

I was out on the Clyde one day. It was on a Friday, and I was very anxious to see the leading shipbuilder on the Clyde and obtain some information from him. I went to our American consul there and asked him to telephone to Mr. Thompson and ask when I could interview him; that I wanted to do it

when his yards were in operation, and whether or not they were then in operation. He telephoned back: "No; they are not in operation on Friday." Then I inquired whether or not they would be operating on Saturday. "No; they will not be operating Saturday." Then I inquired whether they would be operating on Monday. The answer was, "No; they will not be operating on Monday." That struck me as a most curious condition of things in shipbuilding, because in this country we work every day and only rest on Sunday. So I made further inquiry, and finally found Mr. Thompson. He said to me: "Did you know that there was to be a fair in Glasgow on Saturday?" I said, "Yes; I have seen it mentioned in the press that there is to be a fair on Saturday." "Well," said he, "the men that work for me very largely save all the money they can for that fair. They leave off work on Friday; they get drunk on Saturday; they keep drunk on Sunday, and they are not fit to work on Monday." You do not find anything of that kind in an American shipyard, and, while the wages here are at least 33⅓ per cent higher than they are on the Clyde, I have not the shadow of a doubt, if we could build ships here by the wholesale as they build them on the Clyde, in every shipyard we would be constructing ships as cheaply as they are being constructed on the Clyde.

Mr. BAILEY. Mr. President, will the Senator permit me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Texas?

Mr. FRYE. With pleasure.

Mr. BAILEY. Does the Senator from Maine not believe that American workmen who remain sober can easily and successfully compete against foreign workmen who practice that kind of intemperance?

Mr. FRYE. I have not a doubt about it.

Mr. BAILEY. Surely we do not need to help with subsidies from the Public Treasury sober, industrious, and intelligent American mechanics to compete with foreign workmen who indulge in protracted debauches.

Mr. FRYE. But you do need help from the American Treasury to employ American workmen in building ships. We are building no ships for the foreign trade. The only ships we are building are for the coastwise trade. I do not believe there are two ships in the United States of America to-day being built for the foreign trade.

Mr. GALLINGER. If the Senator will permit me, no order has been given for five years.

Mr. FRYE. Not an order for five years.

Mr. BAILEY. My own opinion is that a sober, industrious American is worth 33⅓ per cent more, measured by the results of his work, than any drunken foreigner.

Mr. FRYE. Right at that point let me say I do not care much about this difference in the cost of building a ship. Suppose it costs 30 per cent more to-day to build a ship in our country than it does abroad, that 30 per cent is spread over twenty years—the life of a ship. It is a bagatelle. I am not worrying about that. Our trouble is that after the ship is built you can not sail it; that is the trouble. If to-day you could buy for 50 per cent less than it is worth a British ship and sell it to an American citizen, he could not afford to operate it against a German ship or an Italian ship, and I doubt if he could against a British ship.

Mr. GALLINGER. If the Senator will permit me to interrupt him, the Commission called, among other witnesses, a member of the firm of Kidder, Peabody & Co., of Boston, the great bankers. The question was asked by the chairman whether, if we could have absolutely free ships from anywhere in the world, they would put any money into the business. The answer came at once "No; not a dollar; not unless you equalize other conditions."

Mr. FRYE. Of course; and the condition to be equalized is not the difference in the cost of the ship. The difference to be equalized is the cost of operating the ship after you have it.

Mr. GALLINGER. Of course there is a great difference in the cost, the Senator will admit, as our shipyards are constituted now, building one ship of one type and another of another.

Mr. FRYE. I think about 35 per cent.

Mr. GALLINGER. I think just about.

Mr. LODGE. That would be overcome.

Mr. GALLINGER. It would be overcome.

Mr. FRYE. That is what I am undertaking to show—that it can be overcome if our shipbuilders can build by wholesale instead of retail.

Mr. SPOONER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Wisconsin?

Mr. FRYE. I should like to say one word more, if the Senator will allow me.

It is said that ordinary steamships are not subsidized by foreign countries; that only the fast steamships are subsidized. Trading ships are not subsidized by Great Britain, but other countries subsidize them. France subsidizes every freight ship. The *William P. Frye*, one of the finest ships in the world, was laid up in San Francisco four months, utterly unable to get freight, because French ships were there taking on cargoes.

Mr. MALLORY. Was not that because the French ships could take cargoes at much lower rates than American ships or ships of other nationalities?

Mr. FRYE. They were taking freight for less than any American ship could take it under present conditions. There is no doubt about that.

Mr. MALLORY. Yes.

Mr. GALLINGER. While Germany does not subsidize her cargo ships, Germany gives all sorts of advantages to her shipbuilding concerns by transporting material of which ships are constructed at a very much lower rate of freight all over the Empire than she does for private parties, and in various other ways she aids the shipbuilding industry.

Mr. FRYE. I thank the Senator for the suggestion.

Have I the floor, or has some one else?

The VICE-PRESIDENT. The Senator from New Hampshire has the floor.

Mr. FRYE. I did not expect to get into the discussion at this time——

Mr. GALLINGER. I am very glad the Senator did.

Mr. FRYE. I was waiting to hear somebody on the other side speak, to whom I might reply. I do not like to debate a question where it is entirely on one side. But I was going to remark that 80 per cent of all the steamships of 14 knots and up in the world are to-day subsidized, and every steamship in the world of 16 knots and up is subsidized, except six.

Mr. BAILEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Texas?

Mr. GALLINGER. I yield.

Mr. BAILEY. I venture to ask the Senator from Maine whether he does not think we are fortunate if foreign governments will pay their ships to haul our freight cheaper than ours will, and leave us to use our revenues and resources in some better way?

Mr. FRYE. No; I do not.

Mr. BAILEY. If every foreign government will pay its shipowners to haul our cotton and wheat and merchandise of every kind cheaper than we can haul them ourselves, it seems to me they do us a great service.

Mr. GALLINGER. And get $200,000,000 of American money thereby to distribute in foreign countries?

Mr. BAILEY. While they are being paid that sum to conduct a business which to us would be a losing business, our brawn and muscle and intelligence and capital can be employed in a profitable business.

Mr. GALLINGER. But $200,000,000 of our money goes to foreign nations.

Mr. BAILEY. Very well. If some man will do a service for me for less than I can perform it for myself, I will pay him the smaller amount to perform it, and I will engage in some business that will leave me a profit after I have paid him.

Mr. GALLINGER. But if the $200,000,000 were distributed here it might give employment to a great many American mechanics and workingmen who are possibly seeking employment now.

Mr. BAILEY. We have heard that there are no unemployed American workingmen since the Dingley bill became operative.

Mr. GALLINGER. Very few since the Gorman-Wilson bill went out of operation—very few.

Mr. BAILEY. I remember that more of them were idle under the McKinley bill than there were under what the Senator is pleased to call the "Gorman-Wilson bill."

Mr. GALLINGER. The Senator——

Mr. BAILEY. I remember that one of the most severe industrial crises in the history of the country occurred under the McKinley bill. I have never been shallow enough——

Mr. GALLINGER. After a Democrat was elected President.

Mr. BAILEY. No; we elected him during the crisis.

Mr. GALLINGER and others. No.

Mr. BAILEY. Mr. Harrison was defeated because of the Homestead strike, which occurred during his Administration.

Mr. GALLINGER. And the Homestead strike occurred when men were getting as high as seventeen to twenty dollars a day. I chance to have made an investigation of the Homestead strike.

Mr. BAILEY. That only illustrates that when an American is prosperous he wants to be more prosperous.

Mr. GALLINGER. Yes; but he never can expect it under free trade.

Mr. BAILEY. And he can never realize it under protection. It is the difference between expectation and realization.

Mr. GALLINGER. It seems as though he is doing it now, except in the one unprotected industry, which is that of shipping. It has no protection, and it is not profitable.

Mr. BAILEY. All I rose to say, and it seemed to me pertinent at this point, was that if the nations of the world will take money from their treasury and employ their people to perform for us a given service for less than we can perform it for ourselves, they are doing us a great service, because they leave us to employ our capital and labor in more profitable enterprises.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Rhode Island?

Mr. GALLINGER. I yield to the Senator from Rhode Island if the Senator from Maine [Mr. FRYE] does not desire to be heard further.

Mr. ALDRICH. I suppose the Senator from Texas would apply the same reasoning to every industry in the United States.

Mr. BAILEY. The Senator from Rhode Island knows I would.

Mr. ALDRICH. Yes.

Mr. BAILEY. The Senator from Rhode Island knows that I believe that American intelligence and American skill and American capital, when left to their own devices, produce the best results.

Mr. ALDRICH. And you would have all the people of the United States engaged in raising cotton and corn.

Mr. BAILEY. Oh, no; I would not, because they could not all profitably engage in it.

Mr. ALDRICH. No.

Mr. BAILEY. But I would never tax the man who does not raise cotton or corn or wheat in order to hire somebody else to engage in a losing business, and the Senator from Rhode Island——

Mr. ALDRICH. That is a logical free-trade argument, and it is one which very few members of the Senator's party have the courage to make.

Mr. BAILEY. I trust that I have always the courage to express my candid opinion. I am not sometimes called a "protectionist" because I can not follow my Republican friends when they come to take the tariff off of the only article grown by the farmer of the United States which is susceptible of advantage under the tariff. When they come to remit or reduce the duty on sugar for the benefit of the American Sugar Refining Company, I am unable to follow them, and now and then somebody suggests that I am a protectionist.

When I insist that the man who imports wool shall pay a duty on it just like the man who imports woolen goods, some gentleman ventures to assert that I am influenced by the fact that some of my constituents have sheep. But those suggestions never disturb me. If we had a Constitution under which we could apportion the taxes of the United States according to wealth instead of according to numbers, then I would be ready to take down every custom-house in the United States. But I have sense enough to know how utterly impossible that is. I know that as long as you can not apportion taxes according to wealth instead of population, we must continue to collect an enormous sum through the custom-houses, and I perfectly understand that every time you levy a duty, though you levy it purely for revenue, you afford an incidental protection. But with me that is a regrettable incident rather than an argument.

Mr. FRYE. Mr. President——

Mr. GALLINGER. I will yield to the Senator from Maine in a moment.

When the Senator from Texas suggested that he was sometimes charged with being a protectionist, I did not know but that it was because he, by his eloquence, inveigled the Congress into paying out of the public Treasury a half million dollars to destroy the boll weevil in his State——

Mr. BAILEY. No.

Mr. GALLINGER. One of the worst subsidies ever heard of in any government.

Mr. BAILEY. No more than that I voted for an appropriation of a half million dollars to destroy the foot-and-mouth disease in New England.

Mr. GALLINGER. That is in the same line. That was a subsidy.

Mr. BAILEY. But the Senator from New Hampshire, of course, will recognize the difference between voting a pure appropriation, uncoupled with any exercise of power, and a vote which is generally accompanied with some exercise of governmental power.

Mr. GALLINGER. The Senator from New Hampshire can not differentiate to that extent, so far as the result is concerned.

Mr. BAILEY. The Senator from New Hampshire can, but it does not suit his convenience to do so.

Mr. GALLINGER. I now yield to the Senator from Maine.

Mr. FRYE. I did not know I was going to get up a tariff discussion here.

Mr. BAILEY. One always does that when the Senator from Rhode Island is around.

Mr. FRYE. I will retire from the debate.

Mr. SPOONER. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Wisconsin?

Mr. GALLINGER. I yield.

Mr. SPOONER. I think I brought on this engagement, although I have rather been lost in the shuffle. I am glad I put the question to the Senator from New Hampshire which I did, and I know every Senator will join me in that, because it has given us the pleasure of hearing the voice of the Senator from Maine in debate again after a long time.

Mr. FRYE. Thanks to the Senator from Wisconsin.

Mr. SPOONER. I infer from what the Senator from Maine says that he anticipates that, under the operation of this subsidy during the ten years, it may come about that ships may be constructed in the United States at about the cost of similar ships constructed abroad. I have not heard anyone say—I do not know what the Senator from New Hampshire or the Senator from Maine may say about it—that there is any reason to anticipate that at the expiration of the subsidy period the relative disadvantage in the cost of operating will have appreciably diminished; nor, of course, do I suppose there is any reason to think that the disadvantage arising from foreign subventions will have much, if any, diminished. So really this is a permanent policy upon which the country is invited to enter, and no Senator who advocates the bill expects that at the expiration of the ten years, during which $40,000,000 will have been paid, the system will be at an end, but we are to go on with it indefinitely.

That is no argument to me against embarking upon it, but I think the people ought to know fairly and frankly what is expected in that regard from the operation of this bill among those who have devised it and are advocating its passage. I rose for information on those two points.

Mr. PERKINS. My friend the Senator from New Hampshire will permit me?

Mr. GALLINGER. Certainly.

Mr. PERKINS. I wish to say to the Senator from Wisconsin that I think the answer to the question he has asked is in the line of evolution and development. It is illustrated by the way we have developed the operation of our steamships at this time. Formerly, when the *Great Eastern* was built, it took five times the quantity of coal to develop a horsepower that it now does.

Then, again, first there was the single-expansion engine; then the double-expansion; then the triple-expansion engine; then the quadruple-expansion, and to-day the Senator has referred to the Cunarder being built which will have a turbine engine. Those engaged in building vessels are improving and are developing, and I believe that in ten years from this time, judged by the development that has been going on in the building and operation of ships and the economy of their machinery, we will be masters of the situation.

Mr. GALLINGER. If the Senator will permit me—it probably escaped his attention—but the Merchant Marine Commission took some very interesting testimony on the turbine question, which I know the Senator will read with interest.

Mr. PERKINS. I hope the Senator will develop that thought. We have been making wonderful progress in the fuel question.

Mr. SPOONER. Does not the Senator from California expect that our competitors will also avail themselves of the turbine engine?

Mr. PERKINS. In greater or less degree.

Mr. SPOONER. Possibly greater.

Mr. PERKINS. A few years since geologists declared there was no petroleum in California. We now produce more crude petroleum than any other State in the Union, and only to-day the Senate passed a bill making two ports—Monterey and San Luis Obispo—ports of entry, for the very purpose of exporting the crude petroleum of our State.

Electricity to-day is in its infancy. Yet we are running elevators and street cars and machinery in many of our principal cities of the West by water coming from the melting of the snows in the mountains. It runs motors which generate elec-

tricity and electricity is transmitted 150 miles, where it performs its function. We must also consider the question of storing electricity to be used as motive power in propelling ships.

So, I say, give us a subsidy. I do not own a dollar in any steamship. I have had my experience. I speak only for the public interest. I would rather have a railroad, and have a railroad commission to regulate its rates, than to own any steamship in the world, so far as an investment is concerned. But I believe we are moving in the right direction to foster and build up this industry by giving a subvention and pay for transporting the mail, and let the Stars and Stripes fly as they did once when you and I—no, you were not a sailor boy, but you might have been if you had been born on the coast of Maine, where the Senator from Maine and I first saw the light of day. At that time one could visit the ports of Liverpool and Havre and Bremen and other European ports and there see ten ships flying the Stars and Stripes to one flying the flag of any other nation.

But we had a little bit of internecine strife, and our Yankees put their vessels under foreign flags, and there was so much better inducement to develop the mines and agricultural interests of our country that we did not go to building ships again. We want to turn the attention of the people to it now. I believe the Commission has done a splendid work.

One of the best features in the bill is that which compels foreign shipowners to pay a tonnage due to our country the same as they compel us to pay dues in visiting their ports. We are improving our harbors; improving our rivers; we are improving our ports; we are building light-houses and buoying our rivers and harbors; and we are building life-saving stations. Who for? Not for the benefit of American commerce, but for the benefit of the ships of foreign countries. Therefore let us do something for our own people, for our own country, and for our own ships.

Mr. CLAY. Will the Senator allow me to ask him a question?

Mr. PERKINS. With pleasure.

Mr. CLAY. I understood the Senator from Maine to say that within a few years, if this subsidy measure is passed, we will be able to construct ships as cheaply as any country in the world. I understood the Senator from California to say that we are making rapid progress in the operation of ships; that we operate them now much more cheaply than we did a few years ago; and I understood the Senator to say that within a period of eight or ten years we will be able to compete with any country in the world in the operation of ships.

The Senator says all we want is a subsidy for about ten years, and then we will operate ships as cheaply as the people of any other country. Did I understand my friend correctly?

Mr. PERKINS. I think the Senator from Georgia, who is usually very correct—I have had the honor of serving with him for many years upon committees—who is generally public spirited and willing to take hold of every question that is a live issue and discuss it fairly, has not quoted the Senator from Maine or the Senator from California correctly on this proposition. But I do say we are mining the iron ore, we are putting it into pig iron, we are running the pig iron into ingots of steel, and we are taking the ingots of steel and making them into sheets of steel which are used in the building of our ships, for 50 per cent less than we did twenty years ago. That is in the construction of the vessel; and in the machinery department we use less men. Down in the coal hold we use now a liquid fuel which requires only a man to stand by the valve and turn it on and turn it off.

Mr. CLAY. We are operating ships now much more cheaply than we did a few years ago?

Mr. PERKINS. We are improving. We are making progress.

Mr. GALLINGER. Now, I think I must be given a chance to conclude.

The VICE-PRESIDENT. The Senator from New Hampshire declines to yield further.

Mr. GALLINGER. It is necessary to have a short executive session.

Mr. PERKINS. I am sorry to have interrupted the Senator.

Mr. GALLINGER. Not at all.

I do not quite agree with the Senator from Maine that we will be able to build ships in the near future as cheaply as foreign countries, but we will approximate to it.

Mr. FRYE. As cheaply as Great Britain, I said.

Mr. GALLINGER. Possibly so. But there are other obstacles which we have to encounter.

Mr. ALDRICH. Will the Senator from New Hampshire allow me?

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Rhode Island?

Mr. GALLINGER. I want, further, in reply to the Senator from Wisconsin, to say that I do not know whether the subvention, if we give it for ten years, will have to be continued beyond that period. It will depend upon circumstances. If we have ships to go to South America and Africa and the Orient, we will establish great American mercantile houses. They will be presided over by Americans. They will establish trade with those countries; at least we expect to do that. Those ships will have cargoes during the ten years, and my judgment is that it will result in giving them a continuing business, after the ten years expire, without regard to the subventions. But we may have to continue them. I am not going to enter, as I said a moment ago, into the realm of prophecy, because we do not know what will happen in ten years from now. I will not be here. I hope the Senator from Wisconsin will be here. He is yet a young man. But the people, ten years from now, if we give this subvention and we live through it, can decide the question of its continuance. It amounts to only $4,000,000 a year. We appropriate $140,000,000 a year for pensions, and we do not mind it; $100,000,000 to our Navy, and we do not complain about it; and this pittance of $4,000,000 is not going to bankrupt this great Government of ours or do very great detriment to any interest. I am not going to worry about what may happen ten years from now, when I will be gathered to my fathers, and a good many of my associates will be in the same condition.

I now yield to the Senator from Rhode Island, and then I will continue for a very few minutes, and stop.

Mr. ALDRICH. Mr. President, my troubles about this bill are not along the lines suggested by the Senator from Wisconsin [Mr. SPOONER]. I am afraid there is not enough in this bill in the way of subsidy, subvention, or whatever you please to call it to develop the American mercantile marine. I do not expect that within the ten years all of these inequalities will be disposed of; and I think so long as the level of wages in this country is so much higher than that of a great many other countries abroad these inequalities will exist. I have no idea that in ten years from now we shall be in a position to contest on equal terms for the supremacy of or for equal status upon the sea.

I shall be very glad to vote, if I happen to be here, as I shall not, and I hope my successor will be equally glad to vote, even a much larger sum than that for the purpose of securing a result which seems to me extremely desirable and patriotic, and that is, to build up American shipping; and the greater the inequality the more necessity there will be for making appropriations for this purpose. I hope the policy which will be inaugurated by the passage of the pending bill will be continued, and that the amount to be appropriated will be increased until we shall have a creditable representation upon the seas of the world.

Mr. SPOONER. Mr. President, I wish to say a word in reply, if I may. If the Senator from Rhode Island supposes that he is antagonizing my position at all, he is mistaken. I am as anxious to see a merchant marine built up in the United States as is the Senator, and I am as willing as he is that the sum requisite shall be expended to that end if it can be expended without favoritism and with reasonable prospect of efficiency. But we have hitherto had measures carefully prepared which we were asked to support, designed to build up the merchant marine of the United States. They were thoroughly debated. One was a bill calculated, in my judgment, not only to fail in accomplishing the purpose that was intended, but distinctly and inevitably a bill of favoritism, excluding almost every possible public interest.

It is not enough to say of a bill that it is a measure to build up our merchant marine, in order to command support for it among men who think rather than who sentimentalize. I suppose every man in this body is anxious to see the merchant marine upbuilded. Every man is anxious to see the flag of the United States float over the masts of American ships in every harbor under every sky.

We are dealing here with legislation. It is perfectly legitimate and friendly, moreover, to ascertain, if it be possible, whether a given measure is so drawn as to accomplish the purpose in view. I have not been able to study this bill. It is supported upon the two or three grounds which I mentioned: First, the disparity in cost in the construction of a ship in this country and other countries; second, in the cost of operation; third, in the matter of foreign subventions.

The people of the United States, I take it, are perfectly willing to spend $40,000,000 or $80,000,000 to build up a merchant marine if the result of it will be cheaper transportation by American ships or transportation as cheap by American ships of the products of the farm and the factory and the productive industries of the United States. Will this bill do it?

Mr. GALLINGER. If it will not do it, then we will not have any ships to which to give subventions.

Mr. SPOONER. It may do so, but I indicated no opposition to the experiment——

Mr. GALLINGER. I understand the Senator.

Mr. SPOONER. By asking the Senator who has the bill in charge whether its friends deemed it a mere experiment, and whether it was intended to expend $40,000,000 under the scheme of a ten years' contract, leaving the owner of every ship constructed or encouraged by this subsidy to say at the expiration of the ten years it was bad faith on the part of the Government of the United States to have tolled us into the construction of these ships, placing them upon the sea, and then cutting off our subsidy when still in competition with foreign subsidies, still sailing ships at a higher cost than the cost of sailing ships under other flags. The Senator from Rhode Island, the Senator from Massachusetts, the Senator from New Hampshire, and Senators who have studied this subject who live on the tide water, whose people are intensely interested directly in this subject——

Mr. GALLINGER. Not my people.

Mr. SPOONER. Well, you have a port.

Mr. ALDRICH. Nor mine.

Mr. SPOONER. I think the whole Atlantic coast is directly interested in it. But no matter about that. It is a large subject. We are all interested in it.

Mr. GALLINGER. That is right.

Mr. SPOONER. And in supporting any bill which will accomplish the purpose, if at the end of ten years it is reasonably certain that we will be where we are to-day, with the same difference in the cost of constructing ships, with the same difference in the cost of operating ships, with the same impediment or obstruction in the way of foreign subventions or enlarged subventions, it is debatable, Mr. President, whether it is not a waste of the people's money, and whether we should engage in what is admitted to be an experiment, and very possibly, if not probably, foredoomed to be a wasteful and a futile experiment.

Now, I hope this bill does not mean that. The questions which I put to the Senator were not, as my friend from Rhode Island seemed to think, indicative of opposition to a sane, well-settled, and carefully guarded subsidy bill. If this is that, I shall certainly favor it.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Minnesota?

Mr. GALLINGER. I very much want to conclude, but I will yield to my good friend from Minnesota——

Mr. NELSON. Mr. President——

Mr. GALLINGER. For a question. I will say to the Senator this bill will be up to-morrow.

Mr. NELSON. I should like to say a few words, partly in response to what the Senator from Rhode Island has said and partly in response to what the Senator from Wisconsin has said, upon a little subject that has not been brought into this discussion, and I shall be very brief. I shall take not more than five, or, at the outside, not more than ten minutes.

Mr. GALLINGER. We shall want to have some orators to-morrow. Could not the Senator desist?

Mr. NELSON. Then you had better let me in to-day.

Mr. GALLINGER. I will yield to the Senator.

The VICE-PRESIDENT. The Senator from Minnesota will proceed.

Mr. NELSON. Mr. President, I want to vote for this bill, and I hope it will accomplish what its friends aim to accomplish by it. In one respect the Senator from Rhode Island is correct. It does not go far enough. There is one subsidy which every maritime nation grants that we do not grant. We are the only maritime country in the world that has not free ships. In any other country under the sun that has a merchant marine that I know of, those who sail the ships can buy their ships wherever they have a mind to. Our shipbuilding industry in this country is the only statutory monopoly that I know of on the statute books of the United States. We have monopolies in various industries, but we have them outside of the law. However, in the industry of shipbuilding we have an absolute statutory monopoly.

Every vessel in the coastwise trade must be built in an American yard, and no vessel engaged in the foreign trade can ever sail under the American flag unless it is built in this country, giving the shipbuilders of this country what no other industry in the country has—an absolute monopoly.

I can import a coat from abroad; I can buy a yard of woolen goods, or I can buy almost any other commodity abroad, if I pay the tariff duty on it; but I can not get anything in the shape of a ship——

Mr. GALLINGER. Will the Senator allow me right there?

Mr. NELSON. I want to finish. It is my opinion, and it is my honest opinion, that you can grant subsidies as much as you please, but you will never put our shipping on a par with other countries until you grant them that one subsidy which every other maritime country has on the face of the earth, and that is free ships.

Mr. GALLINGER. Will the Senator permit me right there?

Mr. NELSON. If you have got to protect your shipbuilding industry, protect it like you do every other industry—put a tariff on it, but do not give it an absolute monopoly.

Mr. GALLINGER. I want to say right there, if the Senator will allow me to interrupt him for a moment——

Mr. NELSON. I want to say to the friends of this bill I am upon the Committee on Commerce and I acquiesced in reporting the bill, and I shall vote for it as an experiment, but my honest conviction is that you can pass this bill or any other subsidy measure and you will never rehabilitate American shipping until you put it on a footing of equality with the other maritime nations of the world and give them free ships. If you have got to protect your shipbuilding industry, give them a bonus, but put the American ships on a par with the ships of other countries.

Mr. GALLINGER. Mr. President, the Senator did not practice reciprocity. I yielded to him and he would not yield to me. I will now make in my own time the suggestion I desired to make. The Senator advocates free ships. The Merchant Marine Commission took a great deal of testimony on that point, and I do not know any member of that Commission, Republican or Democrat, who thinks we will get any relief from free ships.

The Senator says we can import foreign goods of other kinds and pay the tariff duty on them and bring them into this country. We can import every dollar's worth of material that goes into an American ship for the foreign trade without paying any duty on it under existing law—absolutely so, under the provisions of the Dingley tariff law. In that respect we have the advantage in shipbuilding over the importation of goods for any other purpose. So we have practically free ships, if Americans want to invest their money in building ships for the foreign trade. That is my answer to that.

Now, Mr. President, I will close——

Mr. SPOONER. Will the Senator allow me?

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Wisconsin?

Mr. GALLINGER. I think I will have to yield, although I do want to finish.

Mr. SPOONER. I only wish to ask a question.

Mr. GALLINGER. I will yield with pleasure.

Mr. SPOONER. Section 4 provides, in the early part—

That the contracts provided for in section 3 shall be for a period of one year, and shall be renewed from time to time; but no vessel—

That is, no one vessel—

shall receive a subvention under the provisions of section 2 of this act for a longer period than ten years.

That is the only limitation?

Mr. GALLINGER. That is the only limitation.

Mr. SPOONER. So a new vessel constructed would have a ten years' contract.

Mr. GALLINGER. It would have a ten years' contract.

Mr. SPOONER. So this is without limit of time, with that exception?

Mr. GALLINGER. It is indeed, unless Congress chooses to change it.

The Senator from Florida raises the objection that the conditions we have imposed in the bill were makeweights and did not amount to anything. I want to touch briefly on those points. Now, let me see. The first condition is:

That said vessel may be taken and used by the United States, for the national defense or for any public purpose, at any time, upon payment to the owner or owners of the fair actual value of the same at the time of the taking, or a fair rate of hire to be agreed upon. And if there shall be a disagreement as to such fair actual value or fair rate of hire between the United States and the owner or owners of such vessel, then the same shall be determined by two impartial appraisers, one to be appointed by each of said parties, they to select a third, who shall act in such appraisement in case the two shall fail to agree.

It is objected that this is only a makeweight and means nothing. But while the Government under existing law might impress or confiscate ships in an emergency, there is no specific provision for this.

The statement of the War Department as to the Army's need of merchant steamers as transports in war (and I refer to Document No. 141, p. 8), speaking of the Santiago expedition, says that—

The Quartermaster's Department chartered every American vessel that could be obtained in the Atlantic ports during the twenty days following the declaration of war.

This is the opinion of the board, the technical board of the War Department, transmitted through General Chaffee to the Secretary of War and by the Secretary of War in a communication to the chairman of the late Merchant Marine Commission. He adds:

It has already been shown that this fleet was practically all that could be secured in Atlantic waters except by impressment of American or purchase of foreign ships. Conscription of property as a feature of military policy is only less obnoxious than conscription of men.

Those are the words of the Secretary of War. And the report says further:

This condition can not improve until the American steam seagoing merchant marine has increased in tonnage to approximately two and one-half times its present volume by the addition of ships adapted in size and design to quick conversion into suitable transports and built under conditions which make their voluntary surrender to the United States on demand a foregone conclusion.

Mr. President, that is exactly what this bill provides. This provision above quoted, holding these vessels specifically at the disposal of the Government in war as a condition of the contract, makes "their voluntary surrender to the United States on demand a foregone conclusion."

Shipowners receiving this subvention must bind themselves in their contract to sell or charter their vessels when required.

This is, therefore, a new and real requirement, so far as cargo vessels are concerned. The same requirement is to be found as to contract mail steamers in the postal-aid law of 1891.

In the Spanish war both the Army and Navy required a great many steamers outside of these contract mail liners.

Mr. President, it is in the testimony somewhere, or perhaps in an interview, that Admiral Sampson said if we had met with a single reverse on the ocean during the Spanish-American war we could not possibly have recruited our forces; it would have been an impossible thing, for we had all our available seamen and ships engaged in that little war of a few days.

Mr. TELLER. I wish to ask the Senator if he is quite sure that this provision accomplishes what the paper he has just read supposes it does?

Mr. GALLINGER. If it does not, I will gladly welcome an amendment written by the Senator from Colorado that does accomplish it.

Mr. TELLER. I would not like to interfere with the bill.

Mr. GALLINGER. We meant to do it. I think the Senator ought to help perfect it.

Mr. TELLER. It seems to me that this provision on page 8 leaves the question open:

First. That said vessel may be taken and used by the United States, for the national defense or for any public purpose, at any time, upon payment to the owner or owners of the fair actual value of the same at the time of the taking, or a fair rate of hire to be agreed upon.

No matter what the emergency is, the Government can not take this until it is paid for. Now, if they can not agree, there is a provision here that you may go into arbitration. It seems to me that when these people accept the subsidy from the Government, they ought to contract with the Government that the Government may take the vessel at any time and adjust the ownership later, because the Government might need it to-morrow, and an arbitration that might take three or four months would render the use of it entirely valueless to the Government.

Mr. GALLINGER. Considering what the Government paid for foreign vessels during the late emergent condition we were in, I do not think the Government would haggle with American owners so as to compel them to go to an arbitration.

Mr. TELLER. The Government ought not to be in the position that when they go to buy a ship they need to-morrow or next day the owner can say, "Now, you need this so badly I will hold you up." I think the Government ought, under the circumstances, to have the right to take the ship and subsequently settle, either by agreement or by arbitration. Unless that is done, you will find that the Government will experience great embarrassment in dealing with this subject.

Mr. GALLINGER. I have more confidence in the American people than the Senator from Colorado. I do not believe there will be a bit of difficulty. I think it would be the most extraordinary thing for the Government to confiscate private property.

Mr. TELLER. No; you would not confiscate it.

Mr. GALLINGER. You would come pretty near it.

Mr. ALDRICH. You can not do that.

Mr. TELLER. You can not do that; I understand that; but when these people submit themselves for this subsidy the Government can say to them, as a condition precedent, "You must enter into an agreement that whenever we think the vessel ought to go into our service it shall go into our service; and we guarantee either to pay for it or we shall agree to submit it to arbitration."

Mr. ALDRICH. That is a fair proposition.

Mr. TELLER. That is a fair proposition, which it can not be in this case, of course.

Mr. GALLINGER. If the bill can be amended in that particular——

Mr. TELLER. I suggest that the chairman ought to amend it.

Mr. GALLINGER. The chairman will give it consideration. The second condition is:

That said vessel shall carry, free of charge, the mails of the United States, when the Postmaster-General shall so require, for the whole or any part of a voyage for which subvention shall be claimed.

The Senator from Florida [Mr. MALLORY] said that did not amount to anything, but I think it does, because cargo vessels would never be called on to carry mails. That might not happen on the regular mail lines. But the United States is constantly shipping mails now by tramp steamers to distant places where no mail liners run. If all the mail lines proposed in this bill are established, there will still be out of the way ports to which mail must go by tramp or occasional steamers. Such tramp steamers, if American, would receive under existing law for noncontract service $1.60 per pound for letters and 8 cents per pound for other articles. This provision would require these vessels to carry such mails free. For this noncontract mail service the nation paid in 1905 in the Pacific $141,000 to American and $31,000 to foreign vessels, and in the trade with Canada, Mexico, the West Indies, Central and South America, etc., $95,000 to American and $79,000 to foreign vessels. Much of this mail would be taken by new contract lines established under this bill, but not all of it. A considerable quantity of mail now costing some thousands of dollars would go by these cargo steamers free of charge to ports to which no mail liners run.

The third provision is:

That upon each departure of said vessel from the United States at least one-sixth of the crew shall be citizens of the United States, or men who have declared their intention to become citizens, and of the deck force, excluding licensed officers, at least one-half shall be able seamen, who are hereby defined to be men who have had two years or more experience at sea on deck.

The Senator, I recall, thought that that was simply a meaningless provision. Now, Mr. President, the existing law requires that, except as to mail steamers operating under the law of 1891, only the captain, licensed deck officers, and engineers in charge of a watch shall be American citizens. Barring these officers, the entire crew may be foreigners—Chinese, Lascars, or any other nationality. This requirement that one-sixth of the crew of such vessels shall be citizens of the United States is new and real. It is a provision that does impose upon the vessel owner that hardship as compared with existing law.

If all our present American seamen could be distributed mathematically at all ports of the United States it might be possible to require more than one-sixth American. But it may easily happen that in some ports at some time even one-sixth may be very difficult to obtain, inasmuch as the majority of our deep-water crews are foreigners.

One purpose of this bill is to increase the number of American seamen by increasing the demand for them. After some years it may be possible to require by law a larger American portion. But it is believed that, all things considered, this is as large as it is safe to start with. To require immediately a larger proportion of American seamen than could reasonably be found at any given port would be to embarrass shipowners and check the growth of the merchant marine.

The postal-aid law of 1891 requires that during the first two years of a mail contract one-fourth of the crew of mail steamers shall be American citizens, during the next three years one-third, and thereafter one-half. This, with other requirements of the postal-aid law, is applied to the mail steamers of the present bill in section 5 of this bill, from line 25, on page 10, to line 5, on page 11.

The provision of this bill that "of the deck force, excluding licensed officers, at least one-half shall be able seamen, who are hereby defined to be men who have had two years or more experience at sea on deck" is an entirely new requirement. There is nothing in existing law to prevent a cargo vessel from going to sea with a complete deck crew of greenhorns. That the requirement is for no more than one-half is because the seamen of our future merchant marine should be American boys as far as possible. American boys born and brought up on the coast readily become able seamen in two years, though it doubtless takes many foreigners longer. There are many instances in which American boys from the coast have become, not only able seamen, but second mates of sail craft after two years actual sea experience—having been accustomed to the sea since boyhood. This provision in its practical effect will give American boys from our seacoast population a certain preference in American ships over foreigners.

Fourth. That a vessel employed in the foreign trade shall maintain, during the period so employed, at least class A1 if a steam vessel and

at least class A1½ if a sail vessel, as such classes are now established by either the Record of American and Foreign Shipping or the United States Standard Owners, Builders, and Underwriters' Association, or equivalent classification in any other register of shipping of at least equal merit.

A new steam, iron, or steel vessel is generally rated A1 for twenty years, while a wooden sail vessel originally rates A1 usually for twelve years. On reaching an age of twenty-one years the sail vessel, however thoroughly kept up, is dropped arbitrarily into class A1½, a lower rating, though if well maintained, she may be as sound and serviceable as ever, and even, as a matter of fact, is accepted by insurance companies for almost any kind of cargo. Though not of the highest rating, good American-built wooden vessels at twenty years are thoroughly seaworthy and efficient. To require that all sail vessels should be of class A1 would exclude from the benefit of this law a considerable good tonnage. However, there are vessels afloat in home and foreign trade that do not rate even A1½, and such old and uncertain craft as these are excluded from the subvention by the terms of this provision. It is believed that the requirement of A1 for steam vessels and at least A1½ for sail vessels draws the line as fairly as can be drawn between the vessels fit for the subvention and those unfit for it by reason of great age or neglectful treatment. Many sail vessels, very old, but still actively engaged in trade, will be barred out by this A1½ limitation. This provision, therefore, like the others, is a real and positive requirement.

The fifth condition is—

That all ordinary repair or overhauling of said vessel shall be made in the United States, except in cases where dry docking is necessary and no dry dock of sufficient capacity shall be within a distance of 500 miles of the location of the ship when the repairs shall be desired.

There is no requirement in present law that American vessels, even the steamers of contract mail lines, shall make their ordinary repairs and overhauling in the United States. As a matter of fact, they sometimes repair abroad. Even contract mail steamers of recent years have, in a few instances, done this, employing foreign materials and labor. The purpose of this fifth requirement is to give increased employment to American shipyards, it being considered just that vessels receiving a subvention from the public Treasury should make all ordinary repairs in the United States. All materials required for the repair of American vessels in foreign trade may be imported free of duty.

This provision requiring all ordinary repairs to be made in the United States is again a real requirement, adding somewhat, doubtless, to the cost of operation of American vessels. A steamer has to be thoroughly overhauled at least once a year, often requiring two or four weeks for this purpose, at an expenditure of thousands of dollars. Steamers have to be docked for painting and cleaning at least once a year. It is the practice to dock naval vessels of the United States twice a year, if possible.

The sixth requirement is that—

A vessel shall not be entitled to the subvention above provided for unless during the period of employment in the foreign trade or deep-sea fisheries the following proportions of the crew of the vessel after the dates specified shall have been enrolled in the naval volunteers: After July 1, 1908, one-eighth; after July 1, 1912, one-sixth; after July 1, 1917, one-fourth: *Provided*, That if the foregoing stated proportions of naval volunteers can not be obtained at a foreign port with reasonable effort, as certified by the consul, other persons may be substituted until the first return of said vessel to the United States, without forfeiture of the subvention.

This requirement as to a naval reserve of officers and men has been criticised by the Senator from Florida as having no proper or necessary place in a bill for the development of the American merchant marine and American commerce.

The President of the United States, in his annual message to Congress of December 17, 1903, recommending the creation of the Merchant Marine Commission, defined the purpose of such a commission to be:

For the purpose of investigating and reporting to the Congress at its next session what legislation is desirable or necessary for the development of the American merchant marine and American commerce, and incidentally of a national ocean mail service of adequate auxiliary naval cruisers and naval reserves.

In his message to the present Congress of December 5, 1905, the President declares that:

To the spread of our trade in peace and the defense of our flag in war a great and prosperous merchant marine is indispensable. We should have ships of our own and seamen of our own to convey our goods to neutral markets, and in case of need to reenforce our battle line.

In these recommendations of the President of the United States, frankly recognizing the close connection between the merchant marine and the Navy, and our need of a trained sea militia, is ample justification for the naval-reserve section of this bill.

Moreover, the Navy Department itself at the last session of Congress caused a bill to be introduced creating a naval reserve of officers and men of the merchant marine. The General Board of the Navy Department, of which Admiral Dewey is president, has approved the naval-reserve section of this bill, most of which, indeed, was drafted in so many words by the General Board, which very much desires the enactment of this measure. More complete sanction by the naval authorities of the naval-reserve provision of this bill could not be asked. It is well known that the naval militia of the several States now existing is composed chiefly of men who do not follow and never have followed the sea as a profession, and that while valuable for harbor defense, these State militia organizations are not fit for immediate ocean service.

The continental nations of Europe have their merchant officers and seamen undergo compulsory service on men-of-war, and the British Government grants retainer bounties to a naval reserve of 33,500 merchant officers and seamen and fishermen.

Mr. BAILEY. Will the Senator permit me to ask one question?

Mr. GALLINGER. Certainly.

Mr. BAILEY. I wish to ask the Senator his own opinion and the opinion of the Commission on the question whether the foreign governments who are now giving these special advantages to their ships in order to enable them to get the carrying trade would respond to the legislation of this country intended to give our ships an advantage by giving their ships another advantage. It seems to me that if they gave their ships an advantage to begin with, in order to take the carrying trade from us, and we should now pass a subsidy law intended to take the carrying trade from them, foreign nations would respond to that by increasing their subsidies or advantages.

Mr. GALLINGER. Why should they do it, I will ask the Senator, any more than they should go on increasing duties as against the rates in this country?

Mr. BAILEY. They are increasing duties by way of retaliation, now; and the Senator must know that within the next thirty days it will be practically impossible to export any of our meat products to Germany.

Mr. GALLINGER. Does not the Senator think the United States will be able to take care of itself as against Germany in that regard?

Mr. BAILEY. I am not myself anxious to invite retaliation of that kind, and I asked the question because I was sure the Commission had considered that phase of it, and I desired the benefit of the Commission's conclusion. If bounty is to be met by bounty, the result of it all would be that the shipowners of the world would get more than any reasonable man thinks they are entitled to, and the taxpayers of all countries would be compelled to pay it.

Mr. GALLINGER. Mr. President, that, of course, is in the realm of conjecture. I do not know what foreign nations will do. I know that foreign nations are considerably disturbed over this bill. The London Times is disturbed, and Sir John Herron is disturbed, and a good many other British statesmen are disturbed, because they think we are going to build up a merchant marine under this bill. I do not know what they will do by way of retaliation, and I will not venture to prophesy.

Now, Mr. President, I have held the floor longer than I intended to do, and I will close by a single observation. It is proper that Senators on both sides of the Chamber should criticise the bill. Nobody is going to be sensitive about that.

The Commission over which I had the honor to preside did the best it could and gave its best thought, whether that thought was good or bad, to this question, and they reached certain conclusions. They were all men in the public service. They will be gratified if their labors shall result in something to the benefit of the great subject that was committed without their wish to their charge. It may be sentiment—that word has been used to-day—it may be undue patriotism, but some of us are very much exercised over the present condition of our merchant marine. When three gentlemen testified before the Commission, and their testimony will be found in the printed proceedings, that they had traveled, each of them, three times around the world and never saw the American flag at the masthead of a steamship, saying if they did see it it was on a man-of-war or on a yacht owned by some millionaire of the country, it impressed me that this great nation, which is ahead of all the nations of the world in wealth, in manufacturing, in mining, and in agriculture, ought to do something to reestablish its power and its prestige on the ocean.

And I want to say that, in my opinion, after we have spent two hundred, or three hundred, or four hundred million dollars in building the Panama Canal, it will be a reproach to this great Government if the American flag is not seen on that great waterway; and it will not be seen over American merchant

ships unless Congress does something to rehabilitate this great industry.

Mr. President, I am through.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 1, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate, January 31, 1906.

CONSUL-GENERAL.

Amos P. Wilder, of Wisconsin, to be consul-general of the United States at Hongkong, China, vice Edward S. Bragg, resigned.

CONSULS.

George M. Hotschick, of Wisconsin, to be consul of the United States at Trieste, Austria, vice Frederick W. Hossfeld, retired.

Maxwell Blake, of Missouri, to be consul of the United States at Funchal, Madeira, vice Thomas C. Jones, retired.

SECRETARY OF LEGATION.

U. Grant Smith, of Pennslyvania, now second secretary of the legation to Turkey, to be third secretary of the embassy of the United States to Great Britain, vice Lewis Einstein, retired.

DISTRICT ATTORNEY.

George G. Covell, of Michigan, to be United States attorney for the western district of Michigan. A reappointment, his term expiring February 14, 1906.

COLLECTOR OF CUSTOMS.

Francis L. Lee, of Texas, to be collector of customs for the district of Galveston, in the State of Texas. (Reappointment.)

PROMOTIONS IN THE NAVY.

Capt. Charles H. Stockton to be a rear-admiral in the Navy from the 7th day of January, 1906, vice Rear-Admiral Henry Glass, retired.

Lieut. Jay H. Sypher to be a lieutenant-commander in the Navy from the 22d day of January, 1906, vice Lieutenant-Commander Roy C. Smith, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 31, 1906.

COLLECTOR OF CUSTOMS.

Frank W. Barnes, of California, to be collector of customs for the district of San Diego, in the State of California.

ASSAYER.

Calvin E. Vilas, of Washington, to be assayer in charge of the United States assay office at Seattle, Wash.

PROMOTIONS IN THE NAVY.

Lieut. Henry H. Hough to be a lieutenant-commander in the Navy from the 1st day of January, 1906.

Surg. John M. Steele to be a medical inspector in the Navy from the 16th day of December, 1905.

APPOINTMENTS IN THE NAVY.

To be assistant paymasters in the Navy from the 25th day of January, 1906.

Ellsworth H. Van Patten, a citizen of Virginia.
Joseph E. McDonald, a citizen of New York.
Everett G. Morsell, a citizen of the District of Columbia.
Lawrence G. Haughey, a citizen of Indiana.
Thomas P. Ballenger, a citizen of the District of Columbia.
Frank T. Foxwell, a citizen of Maryland.
Richard H. Johnston, a citizen of New York.

POSTMASTERS.

ARKANSAS.

James W. Grubbs to be postmaster at Newport, in the county of Jackson and State of Arkansas.

Winfield S. Holt to be postmaster at Little Rock, in the county of Pulaski and State of Arkansas.

Jacob Shaul to be postmaster at Marianna, in the county of Lee and State of Arkansas.

CALIFORNIA.

Marcus J. Isaacs to be postmaster at Etna Mills, in the county of Siskiyou and State of California.

COLORADO.

Edwin Price to be postmaster at Grand Junction, in the county of Mesa and State of Colorado.

GEORGIA.

Charles R. Jones to be postmaster at Rossville, in the county of Walker and State of Georgia.

INDIAN TERRITORY.

Elijah E. Norvell to be postmaster at Wynne Wood, in District 17, Indian Territory.

IOWA.

Lyman Beers to be postmaster at Gilmore City, in the county of Pocahontas and State of Iowa.

D. O. Blake to be postmaster at Pocahontas, in the county of Pocahontas and State of Iowa.

L. W. Chandler to be postmaster at Fonda, in the county of Pocahontas and State of Iowa.

John J. Clark to be postmaster at Bedford, in the county of Taylor and State of Iowa.

W. S. Freeman to be postmaster at Le Mars, in the county of Plymouth and State of Iowa.

Frank A. Large to be postmaster at Rock Valley, in the county of Sioux and State of Iowa.

W. R. Prewitt to be postmaster at Onawa, in the county of Monona and State of Iowa.

Lucy B. Smith to be postmaster at Sioux Rapids, in the county of Buena Vista and State of Iowa.

KANSAS.

Joseph E. Humphrey to be postmaster at Nickerson, in the county of Reno and State of Kansas.

Robert J. Smith to be postmaster at Wellington, in the county of Sumner and State of Kansas.

MAINE.

Walter E. Clark to be postmaster at Waldoboro, in the county of Lincoln and State of Maine.

MASSACHUSETTS.

Peter P. Smith to be postmaster at Adams, in the county of Berkshire and State of Massachusetts.

MICHIGAN.

Erwin Eveleth to be postmaster at Corunna, in the county of Shiawassee and State of Michigan.

Calvin E. Houk to be postmaster at Ironwood, in the county of Gogebic and State of Michigan.

George A. Newett to be postmaster at Ishpeming, in the county of Marquette and State of Michigan.

Richard M. Sampson, jr., to be postmaster at Norway, in the county of Dickinson and State of Michigan.

Charles J. Wickstrom to be postmaster at Calumet, in the county of Houghton and State of Michigan.

MINNESOTA.

Hamilton H. Judson to be postmaster at Farmington, in the county of Dakota and State of Minnesota.

NEBRASKA.

Robert D. Thomson to be postmaster at North Platte, in the county of Lincoln and State of Nebraska.

NEW HAMPSHIRE.

Herbert P. Thompson to be postmaster at Troy, in the county of Cheshire and State of New Hampshire.

NEW JERSEY.

Roger M. Bridgman to be postmaster at Ridgewood, in the county of Bergen and State of New Jersey.

Peter C. Brown to be postmaster at Spring Lake Beach, in the county of Monmouth and State of New Jersey.

John T. Lovett to be postmaster at Little Silver, in the county of Monmouth and State of New Jersey.

NEW YORK.

John J. Mahoney to be postmaster at Willard, in the county of Seneca and State of New York.

Frank C. Wilcox to be postmaster at Painted Post, in the county of Steuben and State of New York.

NORTH CAROLINA.

Alvin S. Willis to be postmaster at Morehead City, in the county of Carteret and State of North Carolina.

OHIO.

J. F. Outcalt to be postmaster at Wauseon, in the county of Fulton and State of Ohio.

RHODE ISLAND.

Almon K. Goodwin to be postmaster at Pawtucket, in the county of Providence and State of Rhode Island.

SOUTH CAROLINA.

James B. Odom to be postmaster at Johnston, in the county of Edgefield and State of South Carolina.

TENNESSEE.

John C. Campbell to be postmaster at Johnson City, in the county of Washington and State of Tennessee.

Abe L. Davidson to be postmaster at Tullahoma, in the county of Coffee and State of Tennessee.

Joseph Marks to be postmaster at Covington, in the county of Tipton and State of Tennessee.

TEXAS.

William L. Boyd to be postmaster at Kemp, in the county of Kaufman and State of Texas.

Joshua C. Brown to be postmaster at Madisonville, in the county of Madison and State of Texas.

James J. Dickerson to be postmaster at Paris, in the county of Lamar and State of Texas.

Mattie Lamon to be postmaster at Burnet, in the county of Burnet and State of Texas.

Robert C. May to be postmaster at Leonard, in the county of Fannin and State of Texas.

Moritz Riedel to be postmaster at Yorktown, in the county of Dewitt and State of Texas.

J. Mark Westmoreland to be postmaster at Lott, in the county of Falls and State of Texas.

VIRGINIA.

Herbert B. Woodfin to be postmaster at National Soldiers Home, in the county of Elizabeth City and State of Virginia.

WASHINGTON.

Wiliam F. Case to be postmaster at Northport, in the county of Stevens and State of Washington.

Oliver Hinman to be postmaster at Ellensburg, in the county of Kittitas and State of Washington.

WEST VIRGINIA.

B. Randolph Bias to be postmaster at Williamson, in the county of Mingo and State of West Virginia.

William L. Erwin to be postmaster at Harpers Ferry, in the county of Jefferson and State of West Virginia.

WISCONSIN.

Emilus S. Goodell to be postmaster at Viroqua, in the county of Vernon and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January 31, 1906.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

DAM ACROSS ROCK RIVER, ILLINOIS.

Mr. MANN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill which I send to the Clerk's desk.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of a bill which the Clerk will report.

Mr. SULZER. Mr. Speaker, I reserve the right to object.

The Clerk read as follows:

A bill (H. R. 8442) permitting the building of a dam across the Rock River at Grand Detour, Ill.

Be it enacted, etc., That the consent of Congress is hereby granted to Spencer B. Newberry and George A. Blackford, both of the city of Sandusky, Erie County, Ohio, and Charles H. Hughes, of Dixon, Lee County, Ill., their heirs, administrators, successors, and assigns, to build, operate, and maintain a dam across Rock River near Grand Detour, Ill., at any point within 1 mile distant from the center of section 13, township 22 north, range 9 east of the fourth principal meridian, in the State of Illinois, for the development of water power and such works and structures in connection therewith as may be necessary or convenient in the development of said power and in the utilization of the power thereby developed; and the said Spencer B. Newberry, George A. Blackford, and Charles H. Hughes, their heirs, administrators, successors, and assigns, are hereby authorized and empowered to draw and divert by canal, flume, or race from the pool formed by the construction of the above dam and works incident thereto, such supply of water as may be required for the full development and utilization of said water power and to conduct said water through the canal reservation in Grand Detour and discharge the same into said Rock River at or near the westerly end of said canal reservation, and also for that purpose to construct, operate, and maintain such structures and improvements as may be required: *Provided*, That the plans for the construction of the said dam, canal, and appurtenant works shall be submitted to and approved by the Chief of Engineers and the Secretary of War before the commencement of the construction of the same: *And provided further*, That the said Spencer B. Newberry, George A. Blackford, and Charles H. Hughes, their heirs, administrators, successors, and assigns, shall not deviate from such plans after such approval either before or after the completion of the structures therein described, unless the modification of said plans shall have been previously submitted to and received the approval of the Chief of Engineers and Secretary of War: *And provided further*, That suitable fishways shall be constructed and maintained by the grantees under the act at their own expense, as may be required from time to time by the United States Fish Commission: *And provided further*, That the said dam shall be so constructed that the Government of the United States may at any time construct in connection therewith a suitable lock for navigation purposes, and may at any time control the said dam so far as shall be necessary for the purposes of navigation, but shall not destroy or impair the water power developed by said dam, canal, and appurtenant structures to a greater extent than shall be necessary to provide proper facilities for navigation.

SEC. 2. That in case any litigation arises from the building, operation, and maintenance of said dam, canal, and appurtenant works, or from the obstruction of the river by the same, or any damages resulting to private property by overflow or otherwise, proceedings to adjust, determine, and to recover compensation for such damages shall be instituted either in the State or Federal courts.

SEC. 3. That this act shall be null and void unless the dam, canal, and appurtenant works herein authorized be commenced within three years and completed within six years from the time of the passage of this act.

SEC. 4. That the right to amend or repeal this act is hereby expressly reserved.

The amendment recommended by the committee was read, as follows:

Insert after the word "navigation," on page 3, line 11, the following words: "and other purposes of public interest."

Mr. MANN. Mr. Speaker, this is a bill that was introduced by my colleague from Illinois [Mr. HITT], and the report of the engineers states that it would be a great saving to the Government to have the bill passed. It is the ordinary dam bill, reported from the Committee on Rivers and Harbors unanimously.

Mr. SULZER. Mr. Speaker, I understand this bill has been reported unanimously by the committee; that it was introduced by Mr. HITT, who is ill. I have no objection to it.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was read the third time, and passed.

On motion of Mr. MANN, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of it clerks, announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House of Representatives was requested:

S. 259. An act for a light-house and fog signal at Cape Arago, Oregon;

S. 102. An act providing for the erection of a public building in the city of Bluefield, W. Va.;

S. 92. An act to establish a fish-cultural station in the State of Idaho;

S. 37. An act to fix the allowances and percentages of the collector at the port of Portsmouth, N. H.;

S. 1345. An act to provide for the reorganization of the consular service of the United States;

S. R. 27. Joint resolution authorizing and directing the Secretary of War to cause a survey to be made of Coos Bay and Bar, Oregon;

S. R. 16. Joint resolution directing to be made a preliminary examination and survey of Savannah River from Savannah, Ga., to Petersburg, Ga., improving the navigation of said river;

S. 2785. An act to authorize the sale of down timber and hay on the ten sections of land in the Chippewa of the Mississippi Indian Reservation, in the State of Minnesota, reserved from sale or settlement in accordance with the provisions of the act of January 14, 1889, as amended;

S. 2770. An act for the erection of a keeper's dwelling to be attached to the light station at the Stonington Breakwater, Connecticut;

S. 2657. An act to construct a tender for the use of the light-house inspector of the twelfth light-house district;

S. 2544. An act to amend the act of Congress approved April 21, 1904, entitled "An act to amend section 17 of the act of Congress approved June 6, 1902, entitled 'An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes;'";

S. 2282. An act to provide for the establishment of a life-saving station at Half Moon Bay, south of Point Montara and near Montara Reef, California;

S. 339. An act to provide for the enlargement and improvement of the public building at Fort Worth, Tex.

S. 2281. An act providing for the construction of a vessel of the first class for the Revenue-Cutter Service, to be stationed with headquarters at Honolulu, Hawaii;

S. 2280. An act providing for the construction of a United States revenue cutter for service in the harbor of San Francisco, State of California;

S. 2278. An act to construct a tender for the engineer service of the twelfth light-house district;

S. 2138. An act for the relief of the estate of William B. Todd, deceased;

S. 2073. An act for the relief of Jeanie R. Bartlett, widow of the late Rear-Admiral John Russell Bartlett, United States Navy;

S. 2068. An act to increase the limit of cost of the fog signal at the light and fog-signal station at Battery Point, Puget Sound, State of Washington;

S. 1933. An act for the relief of George T. Pettengill, lieutenant, United States Navy;

S. 1894. An act for the relief of P. S. Corbett;

S. 1804. An act providing for the use of certified checks to secure compliance with proposals and contracts for naval supplies;

S. 1649. An act providing for the retirement of petty officers and enlisted men of the Navy;

S. 1540. An act to increase the efficiency of the Ordnance Department of the United States Army;

S. 1266. An act for the relief of John M. Hill;

S. 1244. An act to amend section 605 of the Code of Law for the District of Columbia, relating to corporations;

S. 1231. An act to reimburse the Becker Brewing and Malting Company, of Odgen, Utah, for loss resulting from robbery of the United States mails;

S. 1007. An act to repeal section 4136 of the Revised Statutes relating to the admission to registry of repaired foreign wrecks;

S. 952. An act to authorize a patent to be issued to Stephen Teichner for certain lands therein described;

S. 929. An act to establish a dwelling for keeper of fog signal at Robinson Point, State of Washington;

S. 928. An act providing for the establishment of a life-saving station in the vicinity of Cape Flattery, or Flattery Rocks, on the coast of Washington;

S. 926. An act to authorize the construction of two steam vessels for the Revenue-Cutter Service for duty on Puget Sound, Washington;

S. 925. An act for the construction of a steam vessel for the Revenue-Cutter Service for duty in the district of Puget Sound;

S. 924. An act to establish a light-house and fog-signal station on Eliza Island, Bellingham Bay, State of Washington;

S. 646. An act to provide for the purchase of a site and the erection of a public building thereon at Cape Girardeau, in the State of Missouri;

S. 369. An act to authorize the appointment of Acting Asst. Surg. Reuben A. Campbell, United States Navy, as an assistant surgeon in the United States Navy;

S. 284. An act to establish a fish-cultural station in the State of Rhode Island; and

S. 281. An act to provide for the construction and equipment of a revenue cutter, with headquarters at Newport, R. I.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 1747) to authorize the Mobile Railway and Dock Company to construct and maintain a bridge or viaduct across the water between the end of Cedar Point and Dauphin Island.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 2.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made and estimates to be submitted with a view to securing a greater navigable depth and a larger anchorage area at the harbor of refuge, Block Island, Rhode Island.

The message also announced that the Senate had passed without amendment the bill (H. R. 297) to authorize the construction of dams and power stations on the Tennessee River at Muscle Shoals, Alabama.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. R. 27. Joint resolution authorizing and directing the Secretary of War to cause a survey to be made of Coos Bay and bar, Oregon—to the Committee on Rivers and Harbors.

S. R. 16. Joint resolution directing to be made a preliminary examination and survey of Savannah River from Savannah, Ga., to Petersburg, Ga., improving the navigation of said river—to the Committee on Rivers and Harbors.

S. 1345. An act to provide for the reorganization of the consular service of the United States—to the Committee on Foreign Affairs.

S. 2785. An act to authorize the sale of down timber and hay on the ten sections of land in the Chippewa of the Mississippi Indian Reservation, in the State of Minnesota, reserved from sale or settlement in accordance with the provisions of the act of January 14, 1889, as amended—to the Committee on Indian Affairs.

S. 2770. An act for the erection of a keeper's dwelling to be attached to the light station at the Stonington Breakwater, Connecticut—to the Committee on Interstate and Foreign Commerce.

S. 2657. An act to construct a tender for the use of the light-house inspector of the Twelfth light-house district—to the Committee on Interstate and Foreign Commerce.

S. 2544. An act to amend the act of Congress approved April 21, 1904, entitled "An act to amend section 17 of the act of Congress approved June 6, 1902, entitled 'An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes'"—to the Committee on Public Buildings and Grounds.

S. 2282. An act to provide for the establishment of a life-saving station at Half Moon Bay, south of Point Montara and near Montara Reef, California—to the Committee on Interstate and Foreign Commerce.

S. 2281. An act providing for the construction of a vessel of the first class for the Revenue-Cutter Service, to be stationed with headquarters at Honolulu, Hawaii—to the Committee on Interstate and Foreign Commerce.

S. 2278. An act to construct a tender for the engineer service of the twelfth light-house district—to the Committee on Interstate and Foreign Commerce.

S. 2138. An act for the relief of the estate of William B. Todd, deceased—to the Committee on the District of Columbia.

S. 102. An act providing for the erection of a public building in the city of Bluefield, W. Va.—to the Committee on Public Buildings and Grounds.

S. 1649. An act providing for the retirement of petty officers and enlisted men of the Navy—to the Committee on Naval Affairs.

S. 1804. An act providing for the use of certified checks to secure compliance with proposals and contracts for naval supplies—to the Committee on Naval Affairs.

S. 1894. An act for the relief of P. S. Corbett—to the Committee on Claims.

S. 1933. An act for the relief of George T. Pettengill, lieutenant, United States Navy—to the Committee on Claims.

S. 2068. An act to increase the limit of cost of the fog signal at the light and fog-signal station at Battery Point, Puget Sound, State of Washington—to the Committee on the Merchant Marine and Fisheries.

S. 2073. An act for the relief of Jeanie R. Bartlett, widow of the late Rear-Admiral John Russell Bartlett, United States Navy—to the Committee on Claims.

S. 92. An act to establish a fish-cultural station in the State of Idaho—to the Committee on the Merchant Marine and Fisheries.

S. 37. An act to fix the allowances and percentages of the collector of the port of Portsmouth, N. H.—to the Committee on Ways and Means.

S. 259. An act for a light-house and fog signal at Cape Arago, Oregon—to the Committee on Interstate and Foreign Commerce.

S. 1540. An act to increase the efficiency of the Ordnance Department of the United States Army—to the Committee on Military Affairs.

S. 1266. An act for the relief of John M. Hill—to the Committee on Claims.

S. 1244. An act to amend section 605 of the Code of Law for the District of Columbia, relating to corporations—to the Committee on the District of Columbia.

S. 1231. An act to reimburse the Becker Brewing and Malting Company, of Ogden, Utah, for loss resulting from robbery of the United States mails—to the Committee on Claims.

S. 1007. An act to repeal section 4136 of the Revised Statutes relating to the admission to registry of repaired foreign wrecks—to the Committee on Merchant Marine and Fisheries.

S. 952. An act to authorize a patent to be issued to Stephens Teichner for certain lands therein described—to the Committee on Private Land Claims.

S. 2280. An act providing for the construction of a United States revenue cutter for service in the harbor of San Francisco, State of California—to the Committee on Interstate and Foreign Commerce.

S. 929. An act to establish a dwelling for keeper of fog signal at Robinson Point, State of Washington—to the Committee on Interstate and Foreign Commerce.

S. 928. An act providing for the establishment of a life-saving

station in the vicinity of Cape Flattery, or Flattery Rocks, on the coast of Washington—to the Committee on Interstate and Foreign Commerce.

S. 926. An act to authorize the construction of two steam vessels for the Revenue-Cutter Service for duty on Puget Sound, Washington—to the Committee on Interstate and Foreign Commerce.

S. 925. An act for the construction of a steam vessel for the Revenue-Cutter Service for duty in the district of Puget Sound—to the Committee on Interstate and Foreign Commerce.

S. 924. An act to establish a light-house and fog-signal station on Eliza Island, Bellingham Bay, State of Washington—to the Committee on Interstate and Foreign Commerce.

S. 646. An act to provide for the purchase of a site and the erection of a public building thereon at Cape Girardeau, in the State of Missouri—to the Committee on Public Buildings and Grounds.

S. 369. An act to authorize the appointment of Acting Asst. Surg. Reuben A. Campbell, United States Navy, as an assistant surgeon in the United States Navy—to the Committee on Naval Affairs.

S. 339. An act to provide for the enlargement and improvement of the public building at Fort Worth, Tex.—to the Committee on Public Buildings and Grounds.

S. 284. An act to establish a fish-cultural station in the State of Rhode Island—to the Committee on the Merchant Marine and Fisheries.

S. 281. An act to provide for the construction and equipment of a revenue cutter, with headquarters at Newport, R. I.—to the Committee on Interstate Commerce.

Senate concurrent resolution 2:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made and estimates to be submitted with a view to securing a greater navigable depth and a larger anchorage area at the harbor of refuge, Block Island, Rhode Island—

To the Committee on Rivers and Harbors.

REGULATION OF RAILROAD RATES.

On motion of Mr. HEPBURN, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12987—the railroad rate bill—Mr. VREELAND in the chair.

Mr. HEPBURN. Mr. Chairman, I yield one hour to the gentleman from Kansas [Mr. CAMPBELL.]

Mr. CAMPBELL of Kansas. Mr. Chairman, I send to the Clerk's desk an amendment that I ask to have read, which I would have follow the period in line 17 on page 4 of the pending bill.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Provided, That all ventilator cars, refrigerator cars, oil or tank cars, including express company and express cars, and any and all cars which have heretofore been termed "private cars," used in the transportation of any article or commodity of interstate or foreign commerce, are hereby declared to be and are common carriers and subject to all laws, rules, and regulations regulating or affecting common carriers in the transportation of articles or commodities of interstate and foreign commerce.

Provided further, That from and after the passage of this act it shall be unlawful for any railroad company engaged in the business of a common carrier to contract with any person, firm, or corporation, being the producers or shippers of any article or commodity entering into interstate or foreign commerce, for the shipment or transportation of such article or commodity when such article or commodity is offered for shipment or transportation in ventilator cars, refrigerators cars, tank cars, or private cars of any character whatsoever, owned or controlled, directly or indirectly, by such producers or shippers. To be a stockholder in, or director or officer of, any company owning or controlling such ventilator cars, refrigerator cars, tank cars, or private cars of whatever character shall be considered as having such an interest as is prohibted by this act.

Mr. CAMPBELL of Kansas. It is not intended, Mr. Chairman, by the proviso just read to deny the use of the cars named to the freight traffic of the country. My contention is the carriers should furnish them—not the shipper.

The purpose of the amendment is to guarantee to the small shipper equal rates and like facilities with the large shipper on common carriers.

The purpose is to strike the crux of inequality in rates and facilities, and at the same time to protect the little shipper and the railroads, and thereby the public, from the power and rapacity of the big shipper.

It is not possible to secure equal opportunities for all shippers on common carriers while some are permitted to use their own cars, or cars that are controlled by them, in the place of those furnished by the roads and that are common to all.

I am not unmindful of the claim made by the large shippers that they are entitled to lower rates on common carriers because they are large and provide their own cars, than small shippers who use the cars and facilities provided by the railroad companies; but to concede the justice of such a claim, in the first place, would evidence a shameless disregard of the rights of competitors, and, in the second place, concede the right to create and maintain monopoly in products of industry.

Why, sir, a common carrier is not a common carrier when the facilities upon it are not common to all at equal rates.

In England, at the time of the origin of railways, the road was regarded as a turnpike, and shippers and others using it furnished their own equipment, paying tolls. This plan soon proved impractical, and the railways furnished and controlled all the facilities. In this country it was early recognized as the duty of the road to furnish suitable equipment, including cars in which to do the business of a common carrier, serving the whole public alike.

Indeed, the railways of this country are chartered as common carriers to undertake to provide a way—a common way, if you please—and facilities that are common to all, for the transportation of the traffic offered by the public.

I doubt, sir, the legal right of a common carrier, under its charter, to permit the use of a private facility in the transportation of any commodity, in this country.

The shipper who uses his own cars, or cars that are controlled by him, has an unlawful and unfair advantage over his less fortunate competitor who uses the cars or facilities provided by the carrier. The use of private cars by large shippers has enabled them to crowd out their smaller competitors. The right of fair competition, the necessity to prevent the creation and maintenance of monopoly, make it necessary that common carriers shall offer no advantages, either by facilities or by rates, to one shipper over another. [Applause.]

A due regard for the public welfare demands the maintenance in the United States of the law of competition unmodified, unobstructed, and inviolate. The irresistible result and the logical effect of conceding to large shippers the right to use their own facilities is the creation of monopoly, which is always dangerous to the public welfare. The rights of the public to a competitive market in which to sell and in which to buy are of first and last importance, and these rights are not secure where one producer has an advantage over another on the way to market.

Is there a doubt about this? Does the use of private facilities by shippers give such shippers advantage over competitors in reaching the markets of the country? Does their use result in the creation of monopoly? The mere mention of two industries shows that the use of private facilities, or private cars on common carriers, has resulted in the creation of monopolies which control the business to-day in which these concerns are engaged. I refer to the beef combine and the Standard Oil monopoly.

These enterprises started like many others of the same kind engaged in a similar business. They were not content, however, with the growth of their business in a fair competitive field, embracing the opportunities and sharing the profits that were common to all and open to all. They first demanded and secretly received lower freight rates than their competitors. This enabled them to make larger profits and to grow faster than those with whom they were competing. They got big. They acquired power not over their competitors alone, but over the railroads, and through them over the public. They did not hesitate to exercise their acquired power in securing other advantages over their rivals and over the railroads they had so artfully used in the creation of their greatness and their power. They became large enough and strong enough to provide themselves with their own facilities—their own cars. They offered their products for shipment in these cars to the railroads, not at the rates fixed by the roads for all shippers of like products, but at rates fixed by themselves, which they demanded and which the railroads had to consent to. This exercise of a power unlawfully acquired has made them masters to-day of the railroads of the country and has enabled them to fix the price of the raw materials they buy and of the finished product they sell, and thus to hold the public in their grasp. Why, sir, it has enabled them to fix the price of transportation, of raw material and finished products, and to take in at their own price or crush out at their own will those who would compete with them for the business in which they are engaged.

I would not go beyond the limits of a proper discussion of the pending question, but I have thought, Mr. Chairman, that a discussion of this measure would be incomplete without reference to these concerns.

The beef combine and the Standard Oil monopoly are so related to the common carriers of the country and the welfare of the public that I lay stress upon the fact that these concerns have had much to do with fixing the prices of the necessities of

life by disturbing the equality and uniformity of freight rates to the destruction of competition and the creation of powerful and dangerous monopolies.

I send to the Clerk's desk and ask to have read a portion of the report of the Interstate Commerce Commission relating to private cars, for the year 1903, beginning at the second paragraph on page 23 of that report.

The Clerk read as follows:

Under conditions which have long prevailed, and for reasons that need not be more particularly stated, the owners of these private cars have had special advantages through their control of an immense tonnage of competitive freight and the vehicles in which it was carried.

Not only could they select the line or lines to be favored, but they were able to, and did, in great measure, dictate the rates to be paid for the carriage of their commodities.

Mr. CAMPBELL of Kansas. I now send to the Clerk's desk the Annual Report of the Interstate Commerce Commission for 1904, and ask to have read the second paragraph on page 12.

The Clerk read as follows:

Some of the evils attending the use of private cars are as follows:

(1) Concessions are made to particular shippers in refrigeration charges which amount to the payment of a rebate.

(2) A practical monopoly has been created in the use of private cars for the movement of certain commodities, which has enormously increased to the public the cost of transportation.

(3) When the owner of the car becomes a dealer in the commodity transported, the fact of ownership gives him an important advantage over his competitor.

(4) When the owner of the car is also the owner of the commodity transported, an excessive rental for the car may amount to a preference in the freight rate as against the shipper who does not own his car.

Mr. CAMPBELL of Kansas. Mr. Chairman, I have stated that these two great monopolies exercise an influence and power over the transportation companies of the country. I now say, without fear of successful disputation, that the power they exercise is greater and vastly more oppressive than the power the Government seeks to exercise over them. A power, sir, which has been exercised, I repeat again, to the demoralization of the freight schedules not only of the commodities which these concerns produce, but of many that enter into the daily use of the people.

These monopolies are as merciless to the railroads as they are to their competitors, and their injustice in this is at last visited upon the public. Mr. J. W. Midgely, a freight commissioner of many railroads, gave evidence of the control that these gigantic concerns have over the transportation lines of the country. Testifying before the Interstate Commerce Commission in Chicago in 1904, he said:

The packers are probably the largest shippers in the world, having the shipments and also the vehicles in which they insist their freight shall be shipped. They compel quick performance and the return promptly of the empty cars. They are not permitted to be detained for the purpose of loading them back, because they get the same mileage whether the car is loaded or empty. There is no inducement for them to let the car be held to be loaded back.

Again, he says:

If any road dares to disobey their orders when they impose a requirement, they will not get any more of their traffic. The boycott can not be visited more effectively upon the railways. That is the secret of the whole situation. They are the largest shippers, the most arbitrary, the most remorseless that have ever been known.

Testifying further, he says:

The rate was reduced to half a cent per car per mile on all freight equipment, including refrigerator cars and tank cars, at a meeting over which I presided. I think there were some sixty railroads represented in St. Louis in 1892 or 1894. The private car owners demanded a hearing. We gave them a hearing, but paid no further attention to them. We stated that we wanted to drive their cars out. At that time the Standard Oil people came to me and said we were going a little too fast. They thought we better not undertake to reduce the rate on their tank cars without a conference. I consented, and a conference was held in the Standard Oil Company's office in New York with those people.

Mr. W. H. Tilford made this remark to me at the time of the meeting. He said: "I never saw a combine but what there was a weak sister among the number. I will single out the weakest company that can be found and put all our shipments to the twin cities and to the Missouri River on that line, provided they will give us three-fourths of a cent per mile for our tank cars, loaded or empty." Mr. Midgely says we thought we could do something, and one of our party, who recently died, Mr. Chappell, said the railroads are large purchasers of oil and we can buy our oil elsewhere. Mr. Tilford said: "You will, will you? Do it; we have all the oil in the country," and he said: "Good day, gentlemen." I went out on the street and met Mr. A. B. Stickney, president of the Chicago Great Western road, and told him of the interview. He was a party to our agreement. His line had never carried a car of oil before that time for the Standard Oil Company. He went right up there and made a contract allowing them three-quarters of a cent for their tank cars, and then gave me notice. The other lines didn't get one carload to St. Paul, Minneapolis, or the Missouri River. It made a great hole in their earnings and they called for another meeting. They said we must make peace with the Standard Oil people.

Mr. Midgely called another meeting so the railroads could make terms with the Standard Oil Company and the beef combine, over which he presided, and says:

We met the Standard Oil Company with the trunk line representatives in New York. I was chairman of that conference, and there we compromised on the rate of 6 mills per car per mile, including stock cars and railroad cars, but excepted refrigerator cars and excepted the Standard Oil cars, because the trunk lines said: "We have never been able to stand up against it."

Mr. Chairman, the railroads were able to fix rates for the use of all equipment except those of the Standard Oil monopoly and the beef combine, and admitted their inability to control rates on their roads against the will of these concerns.

Now, the rate-making power in contested cases ought to be as safe to the railroads in the hands of the Government, that is impartial, as in the hands of these powerful monopolies that have an interest to serve.

Why, Mr. Chairman, the Government does not seek to exercise such power over the transportation companies of the country as has been exercised over them by these giant monopolies.

The Government, I think, would not assume a management or control over railroad companies to the extent of exercising the right and the power of discharging employees, changing time schedules, and giving orders for the prompt return of cars, and yet, sir, these large shippers, according to the testimony of Mr. Midgely, arrogate to themselves the exercise of that authority and of that power in addition to the rate-making power.

Mr. Midgely, in answer to a question as to his knowledge of the facts related in his testimony, said:

Yes, sir; nobody else knows them since the death of Mr. Fink to the extent I do. I am not giving away any railroad or compromising any railroad, and nobody can hit me, since I am a joint representative. They can hit anyone identified with a single railroad; therefore a man that has a distinct identification can not speak. He would lose his position, I do not care what his rank.

Now, Mr. Chairman, I unhesitatingly say that if the individual representatives or managers of railroad companies dared to speak their sentiments and exercise their authority, they would rid themselves of the power that has so insidiously crept upon them and that masters them to-day to the injury of the whole public.

Mr. A. B. Stickney, president of the Great Western Railroad Company, is credited with saying:

In fixing the rate on dressed meat we don't have very much to say. The packer generally makes the rate. He comes to you and always makes you feel that he is your friend. Then he asks how much you charge for a certain shipment of dressed meats. The published tariff may be 23 cents a hundred, but he will not pay that. You say to him: "I'll carry your meat for 18 cents." He says, "Oh, no; you won't. I won't pay that." Then you say, "Well, what will you pay for it?" He then replies, "I can get it hauled for 16 cents." So you haul it for 16 cents a hundred.

There is no small shipper in the land who could be so independent or who could command and receive so much.

Mr. E. P. Ripley, president of the Sante Fe Railway Company, is credited also with saying what I now read:

The packing-house business to-day is concentrated in so few hands that this fact, together with the keen competition between the railroads, practically makes it possible for the latter to dictate rates for dressed beef and packing-house products.

Mr. Midgely, who in all probability knows as much of this subject as he claims to know, says:

The railroad companies want reform. Yes; they want it to-day. And they seem to think the private car lines stand in their way.

The power exercised by these large shippers over the railroads of the country is not confined to the products shipped by these concerns, but extends to many other products over which they exercise control through the use of their cars. Shipments in the fruit business, the poultry business, the dairy business, the brewing business, are all largely under the control of these concerns through the influence they exercise by forcing their private cars on the common carriers of the country in the shipment of these products. No railroad can declare its independence of them. None even dares to try such a thing, though many millions of dollars' worth of cars owned by the railroad companies are side tracked while the roads are forced to pay exorbitant mileage charges for the use of the private cars of these shippers, which, of course, in the end, becomes a charge upon the public.

The profit of these great concerns from mileage on their private cars used largely in the shipment of their own products, at freight rates named by themselves and often upon time schedules fixed by themselves, to which the railroads have had to conform, is enormous, and is a tax upon the freight traffic of the country.

The Interstate Commerce Commission, referring to this, says:

The practice is one which yearly saps the revenue of the railroad companies, while forcing their own equipment to stand idle, burdens such companies with the maintenance of the private cars while on their lines. Some idea of the magnitude of the amounts paid by railroad companies for the use of private cars may be gathered from the figures as shown by the report of the seventeenth annual convention of car accountants in 1892, wherein it is stated that at the rate of three-quarters of a cent per mile they earned during the year 1890 over $30,666,000 in mileage, while the total cost of the 70,000 private cars in use was about $91,000,000. At this ratio the cars would pay for themselves in about three years.

Now, Mr. Chairman, this rate of earnings applied to the 162,687 private cars now in use would aggregate $71,250,000 for last year on an estimated investment of $150,000,000.

Mr. Chairman, the railroads must pay the wages of their employees, keep up their equipment, their roadbed, pay their taxes and dividends to their stockholders, and the freight traffic of the small shipper is the only class of freight over which they exercise control out of which to raise these necessary expenses.

Why, sir, the railroads of the country are not powerful enough, unaided by the Government, to make rates for the beef combine and the Standard Oil Company, and while they are permitted to use their own cars there will be demoralization and inequality in freight rates.

But that is not all. They hesitate at nothing, sir. The press dispatches this morning contain the following:

WORK STOPPED IN MISSOURI.

KANSAS CITY, MO., *January 30.*

Several oil producers from Indian Territory and Kansas met here to-day to discuss the question of a market for their product.

H. L. Woods, of the Oil City Derrick, who is in the city, said:

"I understand that as the Standard Oil Company has ordered work stopped in Missouri on its Whiting pipe line the producers see their chance of a market slipping away from them. The agitation against the Standard in Missouri is hurting the oil business in the Territory and Kansas. I think the producers will send a committee to Governor Folk and Attorney-General Hadley to ascertain, if possible, what are the prospects of a cessation of hostilities."

Ye gods! Has it come to this, that the power of monopoly can be used to stop the prosecution of suits pending in the courts by threatening innocent producers of a great commodity entering into the commerce of the country with destruction? They ask the protection of their property, yet they would destroy millions of dollars worth belonging to an innocent public to stop a suit pending in the courts against them.

But that is not all, Mr. Chairman. The Armour and the Rockefeller interests are imposing themselves further upon the railroads by becoming officers and directors in many of them, so that to-day, when these great concerns go to a railroad company to make a contract for the transportation of their products they contract with themselves.

The effect of this upon the country is injurious beyond conjecture. During the time of a long struggle between the Pennsylvania Railroad Company and the Standard Oil Company, over the question as to which should exercise the rate-making power on the Pennsylvania system—a struggle in which the Standard Oil Company was finally successful—the railroad company undertook the refining business as a war measure. John D. Rockefeller said to the railroad officers that it was not a fair fight; that if a transportation company went into the refining business it could not be expected to deal fairly with its rivals. Mr. Flagler, of the Standard company, testifying before a committee of Congress, said that the Standard company could not get into the markets with its products over the Pennsylvania Railroad, because that company was favoring its own refinery to the injury of the Standard. Rockefeller and his agent, Mr. Flagler, were right then, and what they said at that time is as true now. The Standard monopoly controls and fixes the rates on oil to-day on the railroads of the country as fully as if it owned them, through the exercise of every power it possesses, including its private tank-car lines, and its rivals have no chance. What is true of Armour on meat rates is true of Rockefeller on oil rates.

Does the Standard monopoly control the rates on oil? Let the rates answer. Under a maximum rate law passed by the State of Kansas, the fairness of which has not been contested, oil is now shipped from Chanute, Kans., to Kansas City, Kans., a distance of 123 miles, for 7 cents per hundred. The rate from Chanute to Kansas City, Mo., 126 miles—3 miles farther, on the same roads, without change—is 17 cents per hundred.

The Standard oil monopoly has a refinery on Sugar Creek, at Kansas City, Mo., and, by reason of this difference in freight rates, is able to control the refined oil trade in Kansas City, Mo., and its suburbs on the Missouri side of the line.

The freight rate from Chanute, Kans., to Weber, Kans., a distance of 254 miles, is 10½ cents per hundred pounds. The freight rate from Chanute, Kans., to Superior, Nebr., on the same line of railroad as Weber, and 7 miles farther, is 30 cents per hundred pounds. The increase of 7 miles in the distance increases the freight rate almost three times.

The rate on oil and its by-products from Chanute, Kans., to Coolidge, Kans., a distance of 485 miles, is 15 cents per hundred pounds. The rate to Holly, Colo., 491 miles from Chanute, is 50 cents per hundred pounds. In this instance an increase in the distance of 6 miles nearly quadruples the freight rate, and both rates are over the same line of railway.

These comparisons could be continued indefinitely, and they tell their own story.

Mr. COOPER of Wisconsin. On what roads are these rates made?

Mr. CAMPBELL of Kansas. The rates are the same on all the railroads to the points I have named. There are four railroads from the oil fields into Kansas City, Mo., and I understand the rates are uniform on all four.

Mr. COOPER of Wisconsin. Do you claim, then, that on each of these railroads there is a direct, open discrimination against the Kansas shipper?

Mr. CAMPBELL of Kansas. Absolutely to the extent that he can not at reasonable rates send his oil outside of the State of Kansas, and it is either done voluntarily by the railways or they are forced to do it. One of the two propositions is true, and I would have difficulty in convincing myself that the management of any railroad company would fix prohibitive rates upon any commodity in general use upon its lines if it had control of fixing the rate in that commodity.

Mr. ALEXANDER. Will the gentleman permit an interruption?

Mr. CAMPBELL of Kansas. I should be very glad to yield to the gentleman from New York.

Mr. ALEXANDER. How have you obtained this information which you are giving to the House in regard to rates?

Mr. CAMPBELL of Kansas. From shippers who have applied for rates.

Mr. ALEXANDER. Have these shippers come out in the open and made these statements or have they made them to you privately?

Mr. CAMPBELL of Kansas. I will say to the gentleman from New York that complaint has been made to the Interstate Commerce Commission, and that the matter is now pending there.

Mr. ALEXANDER. Then, what you are saying is a matter of common knowledge in your district?

Mr. CAMPBELL of Kansas. Why, certainly; at least to those who are interested in shipping oil out of the State.

I repeat, either the roads were forced to put the rates up by the Standard, or they volunteered to do so to avoid carrying oil beyond the borders of Kansas, a wholly impossible supposition.

And yet this great monopoly proclaims its innocence of obtaining by any method an unfair advantage over either its competitors, the producers of crude oil, or the consumers of the finished product.

But that is not all, Mr. Chairman, I quote, on page 47 and following pages, from testimony in the investigation of the secretary of internal affairs of the State of Pennsylvania, and from pages 160 and 204 and 207 and the following pages, in the case of Pennsylvania *v.* The Pennsylvania Railroad. In an interview of an independent oil producer with the third vice-president and traffic manager of the Pennsylvania Railroad, the producer said: "If we should ship as much [referring to the Standard] will you give us as low freight rates?" The traffic manager: "No." The producer: "We have been shipping over the Pennsylvania Railroad, and why can we not continue?" The traffic manager: "It would make them [the Standard] mad. I think you ought to fix it up with them."

Being unable to get a satisfactory rate from the traffic manager, the independent producers applied to the president of the road, and his reply was: "You had better go and arrange with the Standard Oil Company. I do not want to get into any trouble with them. I will do all in my power to bring it about." The producers: "If we ship the same amount of oil, can we have the same rate?" The president: "No." The producer: "If you have not cars enough, will you, if we build cars, haul them?" The president: "No. You will not have any peace or prosperity until you make terms with the company." The president of the Pennsylvania Railroad then offered his services to the independent producers to intercede with the Standard Oil Company to get transportation over his own road for his own customers.

In Pennsylvania *v.* The Pennsylvania Railroad, pages 725 and 726, the third vice-president and traffic manager of that road testified:

I stated to the outside refiners that we would make lower rates to the Standard Oil Company than to anyone else. We declined to let them have cars of their own on the road.

His evidence covers 76 pages, and in that he verifies, in toto, the interview with himself and with the president of the road that I have just quoted, and yet the officers of the Standard Oil Company declare that they have never had rates or privileges that have not been open and equal to all their competitors.

The Hepburn report to the New York assembly shows in one case where the rate to the independent refiners was $1.15 and

the rate to the Standard Oil Company was 38 cents, and in another instance where the rate to independents was $1.40 per barrel on crude oil and to the Standard Oil Company the rate was 88½ cents.

An officer of the Standard Oil Company, in the case of Pennsylvania *v.* The Pennsylvania Railroad, testified:

Q. Were you allowed a rebate amounting to 64½ cents per barrel?—A. No, sir.

Being compelled to produce the books of the company, he was compelled to read from the books that there was a rebate of 64½ cents per barrel.

But the business ability of the Standard Oil Company has not been confined to such trifling matters as forcing favorable freight rates. The testimony of the Hepburn report to the New York assembly, and in the case of Pennsylvania *v.* The Pennsylvania Railroad, shows that the Standard Oil Company in one year, through the device of a mistletoe company, demanded and received from three trunk lines of railway over $3,000,000. The money was forcibly taken from the railroads by collecting 22½ cents per barrel on all oil received and transported over the roads referred to. The traffic manager of the Pennsylvania Railroad testified, on page 691, Pennsylvania *v.* The Pennsylvania Railroad, as follows:

Q. This 22½ cents per barrel paid to the American Transfer Company—

The tool of the Standard Oil—

is not restricted to oil passed through their lines?—A. No, sir; it is paid on all oil received and transported by the roads.

A license to steal could add nothing to such sagacity and business ability. They would not play false, and yet would wrongly win.

Homer declares Autolycus was excellent above all men in theft and perjury. Homer returned altogether too early to the skies. [Laughter and applause.]

Now, Mr. Chairman, does it not seem natural that the people of the country should protest against practices and policies that lead to such inequalities as I have detailed? The limited time that I have to occupy the attention of the House this morning has made it impossible for me but to refer briefly to a few of the many conditions of injustice that have been practiced by these powerful concerns against their weaker competitors and against the public welfare.

No, Mr. Chairman; it is not strange that upon every hand, throughout every section of the country, a prosperous people, who believe in equal and exact justice, are everywhere engaged in an effort to give every man and every dollar an equal chance with every other man and every other dollar in the race of life. The country's demand is a fair show, whether a man has small capital or large. It is not hoped, even with an equal chance, that limited capital will enjoy the advantages of unlimited capital, or that a man with little business capacity may succeed as well as a man with great business capacity, but it is hoped that we may be able to make the big fellow stop taking unwarranted and unlawful advantage of the little fellow. This is the fair play and the square deal that the American people demand.

Why, Mr. Chairman, there is no fight on wealth or corporate capital. On the contrary, the demand is for a square deal for all men and all capital, great and small. The fight is centered against the indefensible methods in business practiced by the large concerns, such as the Standard Oil Company and the beef combine, and is a protest against every method and every practice of common carriers that would deprive anyone of his constitutional rights to a fair chance and an equal opportunity in the pursuit of happiness.

The whole country insists that the highways shall be open to all on equal terms, and that these highways shall be protected against the spoliation of the bandit and the highwayman of trade and commerce for the common good of all.

Now, Mr. Chairman, the answer made by those who are charged with these abuses is that they who complain are Populists or dangerous agitators, and if one seeks a remedy for wrongs already done, or a preventive against further injustice to the public, he is denounced as an ambitious demagogue.

Neither is true. The great body of the American people make intelligent protest against a disregard of their rights by those whose duty it is, under public franchises, to deal impartially and fairly with all the people. It is arrogantly charged that the poor envy the rich and covet the power of wealth.

It is not true.

The people have proper regard for those who have wealth and possess its power without ostentation or arrogance, and use it without wanton disregard of the rights of others, and there are many who have wealth and manage its power so that they do unto others as they would that others should do unto them; but there are those who use their power as the highwayman uses his, and it is against the methods of these few that the people seek to protect themselves, and it is for these they have a just contempt.

Why, sir, the captain of industry who so uses his skill and manages the capital under his control as to bring honest returns to honest investors is sought for on every hand and in every field of enterprise. The protest is against the Captain Kidd of industry who would reap where he has not sown; who would gather in where he has not scattered abroad.

We must have wealth and large accumulations of capital to meet the conditions under which we live to-day. An evolution of economic conditions that has been at work for more than half a century has made necessary the creation and incorporation of great enterprises with large capital.

Within the memory of many Members upon this floor, the candle mold, the cobbler's kit, the smokehouse, the loom, the freight wagon, and the stagecoach were the means of production and distribution that ministered to the necessities of the people. These crude implements cost but little, and property in them was within the reach of all. Few were dependent upon others for the little they had of the necessities of life. In three score years the increasing desire of a great people for better things has brought about an evolution in these means until to-day the candle molds, the cobbler's kit, the loom, the smokehouse, the freight wagon, and the stagecoach are almost forgotten. The refinery, the great factory, the large mill, the larger packing house, the fast freight, and the transcontinental limited have taken their place. The people have brought on this change, and it is here to stay.

Now, it took but little capital to start a set of candle molds, a cobbler's kit, a loom, a smokehouse, a freight wagon, or a stagecoach, but it takes large accumulations of capital to start a refinery, a factory, a mill, a packing house, the fast freight, and the limited train.

We must have wealth and large accumulations of capital to maintain these necessities of the life we are living to-day, and there is no fear of such wealth or such capital or the power they wield in the hands of honest men. The fear that justly alarms the people is of the dishonest management of large concerns that make or distribute the necessities of life.

Have the fears of the people been justly alarmed? Are they unthinking Populists? Have the platform, the pulpit, and the press all gone mad? No, no, Mr. Chairman, the people are dependent upon these large concerns to make and bring to them the necessities of life—the light they use, the shoes and clothes they wear, the food they eat, and the fuel they burn. There is, therefore, just cause for complaint when refiners, mills, factories, and packers combine to create monopolies that keep down the price of raw materials to the producers and raise the price of the finished products to the consumers, and to drive the man of small means who would do an independent competitive business to the wall.

Why, on yesterday, in the conservative East, in the staid old State of New Jersey, a Senator offered a resolution. When I read it this morning I said certainly this is a "bronco statesman" from the West. He does not belong to the conservative East; he is from Kansas, Nebraska, Missouri, South Dakota, or Arkansas, or Texas; he does not live in New Jersey. But he offered the resolution which I send to the Clerk's desk and ask to have read. The resolution is worth listening to.

The Clerk read as follows:

Whereas it appears from testimony of witnesses produced in New York City, in the case of The State of Missouri *v.* The Standard Oil Company, that the iniquities and evils incident to this greatest of all trusts are due to the laxity of the corporation laws of this State, under the provisions of which the Standard Oil Company of New Jersey was organized, and that the laws of the different States and the United States are habitually violated by its agents and subsidiary corporations to the subversion of popular rights and the lasting disgrace of our State: Therefore,

Resolved by the senate of the State of New Jersey (the house of assembly concurring), That the attorney-general be, and is hereby, directed to institute legal proceedings in the name of the State against the Standard Oil Company of New Jersey and its subsidiary corporations in the State for the purpose of annulling and forfeiting the charter of such company, upon the ground of the violation of the common law relating to monopolies and of the Elkins law and laws relative to interstate commerce.

Mr. CAMPBELL of Kansas. Now, Mr. Chairman, we could not do more than that out in Kansas. That is quite as radical as the amendment that I have offered here this morning as a preventive against the further growth and power of the very monopoly referred to in that resolution, and it is only radical in that it is effective. There must have been sadness down in Florida this morning while Rockefeller was taking his walk thinking of what he saw in the morning papers. It is easy to see him extend an imploring hand toward old New Jersey and to hear him say "Et tu, Brute," [laughter] and to-morrow as An-

tony Rodgers leans over the prostrate form and picks out that particular wound he will say, "And this was the most unkindest cut of all." [Laughter.] I extend greetings and congratulations to New Jersey.

Now, certain captains of industry complain because of their arraignment by the people. If any have been made the subject of philippics from the platform and denunciation through the press, it is because of their abuse of power and their failure to comprehend their responsibilities to the public.

Those who smart under public criticism and censure have been so long accustomed to the exercise of power without restraint that they have assumed for themselves a greatness that the ancients hardly conceded to their gods. They have had a contempt for the public, for the law, and for the courts. They have sneered at the complaint of the people, ignored the mandates of the law, and despised the orders of the courts. When the courts would serve them with process, they hide like fugitives from justice. When the officers reach them with subpœnas, they contemptuously answer that it is immaterial to them what the courts expect of them.

They have regard only for money, for wealth, and for its power. Manhood, virtue, honor, love of country, respect for the opinions of the people, regard for the dignity of law and the authority of courts are all to them inferior to the power of the wealth they possess and manage.

It has been said of them that they have made their accumulations by class legislation. The charge is not true, and has never been true. They have filched from the public, producers and consumers, not by sanction of the law, but in spite of it. Indictments and prosecutions of these individuals under old laws in the courts of every part of the land for the methods they have pursued in accumulating their wealth briefly tell the story of the crimes they have committed against the public, the commerce of the country, and the laws of the land, and their defense that the statute of limitations has run or that they committed the acts before the laws were passed, or that they admitted their guilt under implied promises of immunity from prosecution, as they are doing to-day in Chicago, make them neither honest nor innocent men, nor acquits them before the bar of a just public. They despise the crowd, but ask its confidence; they have contempt for the courts, but seek their protection; they ignore the law, but come to it for redress. They might well soliloquize with Macbeth:

> In these cases we shall have judgment here; that we but teach bloody instructions, which being taught, return to plague the inventor. This even-handed justice commends the ingredients of our poisoned chalice to our own lips.

Mr. Chairman, the great problem of to-day is the protection of individual rights and opportunities with every possible safeguard against monopoly. The preservation of the man is the important duty of the time. The socialism that would make atoms of us all is to be resisted whether it be the socialism of the theorist or the monopolist.

It is a great problem; but the solution of great problems has been an important duty in every generation of our country's history. The declaration and maintenance of independence, the formation and adoption of a Constitution, the acquisition and annexation of contiguous territory, the preservation of the Union and the abolition of slavery, provision for sufficient revenue and the establishment of sound finance are among the great problems that we have solved in the past.

Our ancestors left to us institutions made noble by a patriotism that extends to all the blessings of freedom, equality before the law, and a guaranty of like opportunities in the pursuit of happiness.

Secured by these blessings and embracing those opportunities, we have become a happy, prosperous, powerful people, even beyond the dreams of the fathers.

It now remains for us to perform a like duty for our posterity, and leave to them the heritage that was left to us, with freedom secure, equality before the law maintained, and opportunities for the pursuit of happiness guaranteed to all. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CAMPBELL of Kansas having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 2012. An act granting an increase of pension to William Wilson; and

H. R. 12314. An act to amend an act approved February 7, 1905, authorizing the construction of a bridge across Red River at Shreveport, La.

REGULATION OF RAILROAD RATES.

The committee resumed its session.

Mr. ADAMSON. Mr. Chairman, I yield such time as he may desire to consume to the gentleman from Georgia [Mr. BARTLETT], a member of the committee.

Mr. BARTLETT. Mr. Chairman, coming to the discussion of this minority-majority measure, or which might properly be called this "Democratic-Republican bill," proposed in answer to the demands made by the people of the United States for a number of years, I shall not make any apology to the House nor any apology to my constituents because I have seen fit to advocate its passage. It is unanimously reported from the Committee on Interstate and Foreign Commerce, and I congratulate the House that it is the result of the joint and unanimous action of both the minority and the majority Members upon that committee.

For uniting with the majority in reporting and advocating this bill I offer no explanation other than it is my duty as a Representative to represent the people as well as my party. I believe that that man serves his party best who serves the people and his country best [applause]; and therefore, though I am a partisan Democrat, though after the strictest sect of my party I have lived a Democrat, I can and do welcome the opportunity that is afforded in this great House of Representatives by the report made upon this bill for the country, and everyone who shall deal with it hereafter when it shall have passed through this House, to understand that for once the American House of Representatives is almost unanimous in answering the demand of the people of the United States for relief from unjust and unreasonable exactions at the hands of the railroads.

Therefore, though the bill is not in all respects such as I and my party colleagues upon the committee would have had it, though there might be some additions made to it which we thought would improve the situation of interstate transportation, yet when the majority of the committee accepted the proposition contained in the minority bill, introduced by the gentleman from Louisiana [Mr. DAVEY], to give to the Interstate Commerce Commission the power to fix reasonable and just rates as the maximum to be charged beyond which the railroads could not go, instead of as proposed first in the bill offered by the chairman of this committee and by others, and recommended by the President, to authorize and direct that the Commission should fix "a maximum" reasonable rate. Having conceded that, the central figure of this great legislation around which all the others, in my judgment, revolve, and by which they are controlled, we thought it to be our duty to meet halfway the gentlemen on the other side, the Republican members of that committee, and to undertake to give to the people substantial relief by this legislation. We have done so, in my judgment, if this bill shall become a law. What has been the trouble? The trouble has been that since the decisions of the Supreme Court of the United States in the case of the one hundred and sixty-seventh, followed on down by the case in the one hundred and sixty-eighth, the first know as the "Maximum Rate cases" and the other as the "Alabama Midland case," the railroad commission has been stripped of the power with which it was thought to be clothed.

I do not undertake to say or to intimate that in the discussion which resulted in the adoption of the Interstate Commerce Commission in 1887 that the legislative mind had in its intent to clothe the Commission with this power, but I do say this, that in construing that power up to 1897 the Commission itself exercised the power to make a rate for the future and the railroads obeyed them for ten years. I do say further that the Supreme Court of the United States in the one hundred and sixty-eighth finally declared that no such power was supposed to have been conferred upon the Interstate Commission, from which there was dissent by one of its most learned, most able judges, a man who, in my opinion, stands preeminent in the judicial history of that great court as a man who has ever stood firm for the rights of the people under the Constitution as the fathers intended it to be—I refer to Justice Harlan. [Applause.] Take his decisions on all these great questions which have arisen. The rights of the State, the denial of the right of this Government to hold colonies, the denial of the rights of all persons beneath the flag of our country to the rights of American citizens, the right of the Government to impose and collect an income tax—on all these great questions which have entered into the judicial history of the country there has presided upon that bench one judge, at least, who at all times has endeavored to enforce legislation enacted for the benefit of the people, and who has been guided alone by the great principles of government in the Constitution of the United States, and he has followed and upheld them. [Applause.]

In dissenting from the opinion of the court in the case of The Commission *v.* The Alabama Midland Railroad, 168 United States Reports, 144, he said:

> Taken in connection with the other decisions defining the powers of the Interstate Commerce Commission the present decision goes far to make that Commission a useless body, for all practical purposes, and to defeat many of the important objects designed to be accomplished by the various enactments of Congress relating to interstate commerce. The Commission was established to protect the public against the improper practices of transportation companies engaged in commerce among the several States. It has been left, it is true, with power to make reports and issue protests, but it has been shorn by judicial interpretation of authority to do anything of an effective character. It is denied many of the powers which, in my judgment, were intended to be conferred upon it.

So that it may be safely asserted that the right of the Interstate Commerce Commission to fix charges and compel the railroads to observe them was not drawn into question until the case of the Cincinnati, New Orleans and Texas Pacific Railroad Company, first in 162 United States and next in 167 United States, and finally these two cases were affirmed in 168 United States Reports, 144, in the case of The Commission *v.* The Alabama Midland Railroad, which held:

> Congress has not conferred upon the Interstate Commerce Commission the legislative power of prescribing rates, either maximum, minimum, or absolute, and it did not intend to secure the same result indirectly by empowering that tribunal, after having determined what, in reference to the past, were reasonable and just rates, to obtain from the courts a peremptory order that in the future the railroad companies should follow the rates thus determined to have been in the past reasonable and just.

Thus, by this last decision in 168 United States Reports, not only was it decided that the Commission had no right, after investigation, to say what a reasonable rate was, and to fix it, but that they could not resort to the courts for the purpose of compelling the railroads to observe what was found to be a reasonable rate. So that now, under the law, the Interstate Commerce Commission can neither fix a reasonable rate themselves nor apply to the courts to compel the railroads to charge a reasonable rate or desist from charging an unreasonable rate. The only remedy left to the shipper or person injured is to sue in the courts for damages or for the excessive charge.

I do not mean to disparage any other judge or that court in the least. I do not mean to disparage the decisions of the highest court in the world, for it is the greatest and highest court in the world because it is the highest and greatest court of the greatest people in the world. Therefore I say that I bow to that decision as being the law of the land, not cheerfully sometimes, but willingly. Now, this decision to which I am referring says that the legislative body, whether they did intend to do so or not, by the act of 1887 have not conferred upon the Interstate Commerce Commission the power to substitute a reasonable rate in place of one found by them to be unreasonable. And I will insert that statement in my remarks. However, Judge Harlan was but one judge out of nine. Stripped, as he said, by the Supreme Court of this power, the Commission became as nothing. After that it had no power. It could recommend, it could appeal to the court; and after varying and various vicissitudes, after wearying of flesh and patience and loss of money in the pursuit of the railroads to the railroad commission, after all that, nothing has been accomplished. So the people all over the country, the shippers and the consumers, those who shipped freight and those who received it, but at last the consumer, received no actual benefit.

The consumer, Mr. Chairman, is the man who pays the freight. In the selling of produce that has been transported either to the consumer at home or abroad, the man who uses it pays the freight, and the man that raises the produce, the cotton, and the corn and the wheat, and all of these great agricultural and manufactured products of this great nation also pays the freight, and not the man who sells them.

In all parts of the country we have seen the question agitated in the various States, and have seen the demand to have enacted State legislation with reference to interstate rates. Long and stubborn have been some of these battles fought by the champions of the people's cause. We know what it has accomplished in many States—fully twenty now regulate freight rates by commissions. We know that whenever the issue has been made before the people the people have triumphed, and the State legislatures have responded to this great demand of the people of the States. In my own State there is being conducted this year a political campaign in order to relieve the people there from excessive rates, although we have our railroad commission, and one which I will refer to in a few moments—one which has been upheld by the Supreme Court of the United States; one which has its powers delegated to it by the statute.

We are suffering in Georgia, as the country elsewhere is or has been suffering, with extravagant railroad rates, and the people in that State, as they have in other parts of the country, answering these demands made by the people everywhere, will, in my judgment, in this auspicious year rise up and take charge of their business and control and regulate the transportation within its own borders by electing its railroad commissioners by the people. [Applause.]

Why, my State demanded this as far back as 1869, and in 1902 the present governor was elected upon a platform which demanded that this Congress should regulate interstate rates upon interstate shipments. The Democratic convention of Georgia, held on the 2d day of July, 1902, voiced the demands of the assembled Democracy of that State, and recommended "such national legislation as will confer upon the Interstate Commission power to make just and reasonable railroad rates and charges on interstate shipments."

Now, when stripped of its power by the Supreme Court, the Interstate Commerce Commission can no longer protect the people. Sheltered and protected by the interstate-commerce clause of the Constitution the railroad magnates and corporations fly to it for protection against the laws of the State, and when the people demand that the Congress shall control and regulate interstate rates we are met by the assertion that Congress has no authority to enact legislation that will control these great interstate railroad lines, because it is an interference with private property and an invasion of States rights. We are told that this Congress has no power under the Constitution to lay its unhallowed hands upon the sacred right of a corporation engaged in the transportation business to rob and plunder the people. For myself, I am not ready to accept that conclusion, a conclusion chiefly advocated and asserted by many of the great metropolitan papers of the country, and chiefly by the lawyers of these great corporations, with the fees of the railroads in their pockets; some of them are gentlemen who stand high in the estimation, and justly so, of the people of the United States; I dissent even though some of them may have been at some time connected with the administration of this Government as Cabinet officers.

So that we come down to the proposition whether Congress, in the exercise of the great sovereign power, of itself has the power and the right to control interstate commerce to the extent of fixing and regulating freight rates and charges of carriage both of passengers and freight. Now it will not do for any man, I care not whether he occupies the highest office in the gift of this people, or what his station is, to lay claim that he is the great political Columbus that discovered the proposition that we are now considering. Why, Congress as early as 1868 in this House appointed a committee, or at least referred a resolution to a committee, for the purpose of investigating the question of the power of Congress to regulate freight rates in interstate shipments, and a report was made to the House.

The Senate, in 1874, did the same thing, which resulted in the Windom report, which I have at hand. Later on, led by that great patriot and statesman, Judge Reagan, from Texas, in 1886, this House enacted a law which, amended, became known when on the statute books as the "Interstate Commerce Commission law." In 1868 this House received a report from the Committee on Roads and Canals in which they laid down the proposition, and sustained it, to my satisfaction at least, and I think to the satisfaction of anyone who will read it, of the right of Congress in the exercise of the interstate powers given to it under the interstate-commerce clause of the Constitution, and the other provision, to make all rules necessary and proper for carrying out the powers therein granted the Congress of the United States by the Constitution—did have the right under that power to regulate rates of railroads engaged in interstate commerce.

I hope to be able to show, before I get through with this argument, the law and the decisions of the Supreme Court of the United States and other courts which demonstrate that right now existing in Congress.

Can it be said, Mr. Chairman, that the right to regulate commerce only applied to the right to regulate the kind of commerce then in existence when the Constitution was adopted—by steamboat, by stagecoach, and other means of conveyance? Shall it be said that the fathers did not intend that whatever may have been the advancement in civilization, in science, in wealth, and in all those other things that have been discovered by the ingenuity of man in the advancement of civilization and commerce, that because they could not look beyond the hour into the future, to the year of 1905, when, speeding across upon iron bands that bind the Union together in commerce and transportation, great interstate trains traverse the country—that they were not able to say, did not intend to say, that Congress should have the power to regulate these modern means of interstate transportation; that when Congress regulated navigation trans-

portation in ships between the States, the stagecoach upon the public highway and across the bridges, and means of transportation like these; that when this power was exercised over these means of transportation then known and used it ceased; that modern civilization and science has destroyed it? Ah, that could not be true.

The men who organized and established this great Government of ours, the men who wrote the Declaration of Independence, the men who framed the Constitution of the United States, seem to me to have been inspired from above and to have written it as if they had written it to answer the demands of the coming ages and to meeting all the changing vicissitudes of time and progress. We need not go beyond the provision of the Constitution as it has been construed—as I believe properly—by the courts, both by judges who were Federalists and judges who were Democratic, in order to show that the power of Congress, exercised as it must be and will be under the interstate-commerce clause of the Constitution, is not an invasion of the rights of the State, but is simply an assertion and use of that power granted to the Congress of the United States by the people of the States themselves. Why, Judge Marshall, in the first case in which he deals with this subject, that of McCulloch against Maryland, uses this language:

It was contended that the powers of the General Government are delegated by the States, who alone are truly sovereign, and must be exercised in subordination to the States, who alone possess supreme dominion.

Chief Justice Marshall, in reply to the contention, said: "It would be difficult to sustain this proposition. The Convention which framed the Constitution was indeed elected by the State legislatures, but the instrument when it came from their hands was a mere proposal, without obligation or pretensions to it."

The Constitution was reported to the then existing Congress and was by them submitted to a convention of delegates chosen in each State by the people thereof, under the recommendation of its legislatures for their assent and ratification. Under this mode of proceeding, adopted by the Convention, by Congress, and by the States, the instrument was submitted to the people. From these conventions the Constitution derived its whole authority. The Government proceeds directly from the people, etc. When the Constitution was thus adopted it was a complete obligation and bound the State sovereignties. "The Government of the Union then is emphatically and truly a government of the people. In form and substance it emanates from them. Its powers are granted by them and are to be exercised directly on them and for their benefit." * * * "If any one proposition could command universal assent of mankind we might expect it would be this: That the Government of the Union, though limited in its powers, is supreme within its sphere of action." (McCulloch *v.* Maryland, 4 Wheat., 405.)

Now, that was decided, it is true, in a case which denied the right of the State to tax the United States Bank. I know that, following that decision, criticisms have been made that that decision and others made by the eminent justice changed the intention of the founders of the Government and of the Constitution makers from a Republic of independent States to a great National Government. I do not believe that to be the fact now or then. It is true that the powers of Congress have been extended, in my judgment, much further than they ought to have been in many instances under the interstate-commerce clause, but it has been invoked by the people, who would shelter themselves from the assertion of the right of the State to protect them from unjust and improper exactions at the hands of the people and corporations that would plunder them. Therefore if the people of the United States can not by their State laws protect themselves in the way of regulating railroad charges beyond their borders, and if Congress has not the power to regulate those charges, then, indeed, has come the day and the hour when the people are owned by the wealth and power of the corporations. So far as I am concerned, Mr. Chairman, I am ready at all times to uphold the rights of the State with reference to the enforcement of law within its borders and within its own sphere; yet I shall always be ready to concede to the General Government the powers that the people of the United States have granted to it within that instrument; and if it becomes necessary to protect my people and the people of this great country from exactions, from extortions, from robberies under the forms of law, then I am willing to extend the interpretation of the Constitution in order to relieve the people. [Applause.] But I do not have to do it. I am glad of that, Mr. Chairman.

Now, if there ever was a man whom we as Democrats could rely upon—we who revere the name of a great statesman and a great Democrat—it is the great Senator from South Carolina, Mr. John C. Calhoun. We can always find words of wisdom that instruct those Democrats who have come after him, and we may safely follow in the path where his footsteps have trod. He ever sought to maintain the rights of the States, but also yielded and maintained the legitimate and granted rights of the Federal Government. If we can get authority from this great Democrat to exercise the power under the Constitution we seek here in this bill to use, we are fortunate indeed. His devotion to the rights of the States and their power can not be questioned when we recall that he denied the power of the General Government to collect a tariff tax at the ports of his own State without its consent.

In a report made on the 26th day of June, 1846, to the Senate, speaking of the power conferred upon Congress by the Constitution to regulate commerce, he said:

They—

The committee—

are of the opinion, after due reflection, that they conferred upon Congress all the powers which by a fair interpretation belong to the States as fully as the States themselves possess it, except such, if there be any, as may be prohibited by the Constitution from being exercised either expressly or by implication. That they confer on Congress all the power to regulate commerce with each other, with that exception, would seem to be so clear as hardly to admit of doubt, as the words by which it is delegated are used without qualification or condition. But if there should be room for doubt it would be removed by adverting to the reasons for delegating the power. It was not to limit it or prohibit it as a power of a dangerous character, and which on that account ought to be restricted or prohibited. On the contrary, it was regarded as one of the utmost utility and on the proper control of which the prosperity of the States essentially depended, and it was accordingly for the purpose of obtaining such control, as well as preventing collisions among the States, and not to restrict or prohibit it, that it was delegated to the Federal Government as their common representative and organ in their external relations with each other and with foreign nations.

Now, Mr. Chairman, there we have the judgment of this illustrious Democrat as authority for my statement that I do not violate the Constitution of the United States in voting for this bill. I am sustained in that idea by the opinion left to us by that distinguished statesman and loyal Democrat, and that being so, I think I can stand before my people and before the country, before lawyers, and before my fellow-Democrats as not advocating a violation of the Constitution or any extension of power to the Congress of the United States. [Applause.]

Now, let us see. I have been taking pains with this because I am going to lead up to something else. If I can establish the legal proposition that Congress has the power under this interstate-commerce clause to regulate railroad rates, then I have established the proposition that the people will be relieved, because we all understand that, driven at last from every other field of encounter, the railroads have entrenched themselves in the belief, first, that such a measure can not pass both branches of Congress, and, finally, if it should, that they will endeavor to defeat the will of the people by asserting that the right to regulate the charges that they make upon the people does not exist under the Constitution of the United States.

Before discussing here further the power of Congress to regulate interstate railways, I will first discuss the power of the various States to regulate the charges of those interstate railways, which are public highways by reason of the fact that they are chartered by the States, are in the nature of monopolies, and are engaged in the performance of a quasi public or governmental function. If the States have both the right to regulate these railways and their charges and to delegate to commissions that power, then the Congress, if it exercise it, must assert that power and use it under section 8, Article I, of the Constitution of the United States, which is called the "commerce clause" of the Constitution, and that other authority given in the same section to make all laws which shall be necessary and proper for carrying into execution such powers. First, then, have the States this power to regulate rates of transportation on interstate lines, and if they have can such power be delegated to a commission or other administrative body to carry out the legislative will? This power, though always resisted by the railroads when sought to be exercised by the States, has never been denied by the courts.

The power to regulate the charges for railroad transportation rests upon the following grounds:

1. Public necessity.
2. That these concerns often exercise a monopoly.
3. The fact that they have been specially franchised or chartered and so assumed obligations to the public.

Said Judge Bradley, in the Sinking Fund cases (99 U. S., 700, 747):

When an employment or business becomes a matter of such public interest and importance as to create a common charge or burden upon the citizen; in other words, when it becomes a practical monopoly, to which the citizen is obliged to resort and by means of which a tribute can be exacted from the community, it is subject to regulation by the legislative power.

An investigation of the common law and the decisions of the State courts will show many occupations whose charges have been regulated, and the rule seems to be settled that once the occupation is classed a public calling, or is engaged in serving the public by reason of some power or franchise granted to it by the State, the legislature has the right to fix the price that may be charged. (People *v.* Budd, 117 N. Y., 1; S. C. 115 Am.

St. Rep., 460; affirmed by the Supreme Court of the United States, in 143 U. S., 517.)

Said the supreme court of Illinois, in the case of Rouggles *v.* People (91 Ill., 262):

If then the legislature may fix the rate of charges by individuals as common carriers, warehousemen, or others exercising a calling or business public in its character, or in which the public has an interest to be protected against extortion or oppression, that body may do the same thing and fix the maximum charges of corporations exercising the same business. Of this there can, we apprehend, be no doubt. (S. C. 108 U. S., 525.)

It is the assertion of no new legal principle that the legislative body has the right to regulate charges for the use of property, even though it be private property, when for a particular purpose the public have a right to use it. Within boundary every government has the right to prescribe regulations demanded by the general welfare for the common protection of all. This power of government was said by Justice Taney, in 5 Howard, 583 (License Cases), to be "inherent in every sovereignty—the power to govern men and things. This is, however, not an uncontrollable, despotic power, subject to no limitations, exercisable without reason at the whim or caprice of the legislative body, but within its legitimate domain, the power is original, absolute, and indefeasible."

Lord Ellenborough, in the case of Allnut *v.* Inglis (12 East, 527), said:

There is no doubt that the general principle is favored, both in law and justice, that every man may fix what price he pleases upon his own property or the use of it; but if, for a particular purpose, the public have a right to resort to his premises and make use of them and he have a monopoly in them for that purpose, if he will take the benefit of that monopoly he must, as an equivalent, perform the duty attached to it on reasonable terms.

Lord Hale, in the treatises De Portibus Maris and De Jure Maris, so largely quoted from in the opinions in the Munn case, used the language that when private property is "affected with a public interest it ceases to be juris privati only," in assigning the reason why ferries and public wharves should be under public regulation, and only reasonable tolls charged. The right to establish a ferry was a franchise, and no man could set up a ferry, although he owned the soil and landing places on both sides of the stream, without a charter from the King or a prescription, time out of mind. The franchise to establish ferries was a royal prerogative, and the grant of the King was necessary to authorize a subject to establish a public ferry, even on his own premises. When we recur to the origin and purpose of this prerogative it will be seen that it was vested in the King as a means by which a business in which the whole community was interested could be regulated. In other words, it was simply one mode of exercising a prerogative of government—that is to say, through the Sovereign instead of through Parliament—in a matter of public concern. This and similar prerogatives were vested in the King for public purposes, and not for his private advantage or emolument.

Lord Kenyon, in Rorke *v.* Dayrell (4 Term Rep., 410), said:

The prerogatives of the Crown are not given for the personal advantage of the King, but they are allowed to exist because they are beneficial to the subject.

And it is said in Chitty on Prerogatives, 4:

The splendor, rights, and power of the crown were attached to it for the benefit of the people, and not for the private gratification of the subject.

And Lord Hale, in one of the passages referred to, in stating the reason why a man may not set up a ferry without a charter from the King, says:

Because it doth in consequence tend to a common charge, and is become a thing of public interest and use, and every man for his passage pays a toll which is a common charge, and every ferry ought to be under a public regulation.

The right to take tolls for wharfage in a public port was also a franchise, and tolls, as Lord Hale says, could not be taken without lawful title by charter or prescription (De Portibus Maris, 77). *But the King*, if he maintained a public wharf, was under the *same obligation as a subject* to exact only *reasonable tolls;* nor could the King authorize unreasonable tolls to be taken by a subject. The language of Lord Hale is explicit upon both these points:

If the King or subject have a public wharf into which all persons that come to that port must come to unload their goods, as for the purpose, because they are the wharves only licensed by the Queen, according to the statute of 1 Elizabeth, chapter 11, or because there is no other wharf in that port, as it may fall out when a port is newly erected, in that case there can not be taken arbitrary and excessive duties for cranage, wharfage, passage, etc. Neither can they be enhanced to an immoderate degree; but the duties must be reasonable and moderate, though settled by the King's license or charter.

These modern American "railway kings" and "captains of finance" assert and demand more power than our English ancestors would permit the kings of England to exercise. In the name of and in behalf of the American people I would stay by law the rapacity of these modern railway kings and protect the public from their unjust exactions by this law. I would teach them that they, too, like the English kings, can exact "*only reasonable tolls from the people.*" [Applause.]

The Georgia railroad commission case aptly illustrates the contention here now made that Congress has the right to delegate to the Interstate Commerce Commission the power to fix what shall be reasonable and just rates upon the interstate railroad lines. If the legislature of Georgia could, as it did, delegate to a commission the power to regulate freight and passenger traffic over the roads in that State, and this was constitutional under the constitution of Georgia, and if it were a proper delegation of power by the legislature, then I see no reason why Congress can not, when these same railroads engage in interstate commerce, and thus become subject to the powers of Congress to regulate interstate commerce, delegate to the Interstate Commerce Commission a like power to fix rates on interstate shipments. The constitution of Georgia requires that the various departments of the government, being the legislative, the judicial, and executive, shall remain separate and distinct, and no person discharging the duties of one shall at the same time exercise the functions of the other. The constitution of Georgia of 1877 confers upon the legislature the power and authority of regulating railroad freight and passenger traffic, preventing unjust discriminations and requiring reasonable and just rates of freight and passenger tariffs. It also makes it the duty of the legislature to pass laws to carry into effect this constitutional provision and to enforce the same by suitable penalty.

In pursuance of that power the legislature in 1879 created a railroad commission and provided that fair and reasonable rates only shall be charged by the railroads of the State; and further provided for the appointment of three railroad commissioners, whose duty it shall be to make reasonable and just rates of freight and passenger tariffs to be observed by all the railroad companies doing business in the State. This act was attacked in two cases—first, in the case of Tilley *v.* The S. F. and W. R. R. Co. (5 Fed. Rep., 641), which was decided by Judge Wood, circuit court judge, and afterwards a justice of the Supreme Court of the United States. In that case the complainant insisted that the constitution of Georgia required the general assembly itself to regulate railroad freight and passenger tariffs, and that the delegation of this duty to these railroad commissioners was contrary to the constitution of Georgia, and therefore sought an injunction to enjoin the enforcement of the rates prescribed by the commission. Judge Wood, in a very able and exhaustive opinion, held that the legislature of Georgia had the right to delegate to a commission power to fix rates over the railroads in Georgia, and said, on page 656:

The fixing of just and reasonable maximum rates for all the railroads in the State is clearly a duty which can not be performed by the legislature unless it remains in perpetual session and devotes a large portion of its time to its performance. The question, What are just and reasonable rates? is one which presents different phases from month to month upon every road in the State, and in reference to all the innumerable articles and products that are the subjects of transportation. This question can only be satisfactorily solved by a board which is in perpetual session, and whose time is exclusively given to the consideration of the subject. It is obvious that to require the duty of prescribing rates for the railroads of the State to be performed by the general assembly, which meets in regular session only once in two years, and then only for a period of forty days, would result in the most ill-advised and haphazard schedules, and be productive of the greatest inconvenience and injustice, in some cases to the railroad companies and in others to the people of the State. It is impracticable for such a body to prescribe just and reasonable rates. To insist that this duty must be performed by the general assembly itself is to defeat the purpose of that clause of the constitution under consideration.

And again he said:

The Constitution of the United States gives to Congress the power to levy and collect taxes; but this does not require Congress itself to assess the property of the taxpayer and collect the tax. The constitution of Georgia clothes the general assembly with the power of taxation over the whole State, and requires taxes to be assessed upon all property ad valorem; but this does not require the legislature to investigate through its committees or otherwise and declare by an act the value of every piece of property in the State subject to taxation.

And after citing a number of authorities, one of which is the case of Cincinnati, etc., Railroad Company *v.* Clinton County (1 Ohio St., 77), in which case he declares that the rule applicable to the delegation of power by the legislature is laid down with great clearness, he concludes as follows:

My conclusion upon this point is, therefore, that the act creating the Georgia railroad commission is not unconstitutional by reason of the delegation to the railroad commissioners of legislative power.

Again, in the case of the Georgia Railroad *v.* Smith (70 Ga., 694), the validity of the law establishing the Georgia railroad commission, and giving it power to fix rates, was attacked, mainly upon two grounds: First, because under the constitution of Georgia the duty was imposed upon the general assembly to

regulate freight and passenger tariffs, and, second, because the act establishing the commission was unconstitutional and void, as being an attempt to delegate legislative powers to said railroad commission. These questions are taken up, and in a very able and exhaustive opinion by Justice Crawford the court rendered a judgment refusing to declare the law unconstitutional for the reasons assigned, and decided that under the constitution of Georgia the power was conferred upon the legislature to regulate railroad freight and passenger tariffs, but that it was not expected that the legislature should do more than pass laws to accomplish the end in view, nor were they required to enter into the details of settling freights and tariffs over all the roads in the State; that they had constitutional power to delegate to the railroad commissioners authority to carry into effect the laws passed by the legislature, and that such commissioners are constitutional officers.

From the decision of the supreme court of Georgia the case came to the Supreme Court of the United States, and is reported in 128 United States Reports, page 174, in which the decision of the supreme court of Georgia was affirmed. In that case the Supreme Court of the United States, in an opinion rendered by Justice Field, after stating that the supreme court of Georgia held—

> That this delegation of authority by the legislature to the commission to prescribe what shall be reasonable and just rates for the carriage and transportation of persons and property over the railroads within its limits was a proper exercise of its power to provide protection for its citizens against unjust rates for such transportation and to prevent unjust discriminations, and that it was expected, not that the legislature would itself make specific regulations as to what should in each case be a proper charge, but that it would simply provide the means by which such rates should be ascertained and enforced—

Said, in reviewing that decision—

> it has been adjudged by this court in numerous instances that the legislature of a State has the power to prescribe the charges of a railroad company for the carriage of persons and merchandise within its limits. (Citing in support Stone *v.* Farmers' Loan and Trust Co., 116 U. S. 307; Dow *v.* Beidelman, 125 U. S., 680.)

He further declares in this opinion:

> The incorporation of the company, by which numerous parties are permitted to act as a single party for the purpose of its creation, or, as Chief Justice Marshall expresses it, by which "the character and properties of individuality" are bestowed "on a collective and changing body of men" (Providence Bank *v.* Billings, 4 Pet., 514, 562); the grant to it of special privileges to carry out the object of its incorporation, particularly the authority to exercise the State's right of eminent domain that it may appropriate needed property—a right which can be exercised only for a public purpose—and the obligation assumed by the acceptance of its charter to transport all persons and merchandise, upon like conditions and upon reasonable rates, affect the property and employment with a public use; and where property is thus affected the business in which it is used is subject to legislative control. So long as the use continues the power of regulation remains, and the regulation may extend not merely to provisions for the security of passengers and freight against accidents and for the convenience of the public, but also to prevent extortion by unreasonable charges and favoritism by unjust discriminations.

Thus we trace the decision of the question from the State court into the United States circuit court, and afterwards to the Supreme Court of the United States, all of which upheld and sustained the power of the legislature of Georgia to create the railroad commission and authorize it to fix reasonable and just charges for freight and passenger tariffs on the railroads in Georgia, and none of these courts questioned the power of the legislature of Georgia so to regulate the charges of these railroads or to delegate that power to a commission.

To repeat the language of Justice Field in the case in 128 United States, 179:

> This is not a new doctrine, but old doctrine, always asserted whenever property or business is, by reason of special privileges, received from the Government, the better to secure the purposes to which the property is dedicated or devoted, affected with a public use. There have been differences of opinion among the judges of this court in some cases as to the circumstances or conditions under which some kinds of property or business may be properly held to be thus affected, as in Munn *v.* Illinois (94 U. S., 113, 126, 139, 146), but none as to the doctrine that when such use exists the business becomes subject to legislative control in all respects necessary to protect the public against danger, injustice, and oppression.

The State which grants charters to railroad companies invested with corporate life and power to build and operate and charge tolls upon their roads, has the right, because of the nature of the privileges conferred upon such railroad companies and the character of the obligations assumed by them, to regulate the rates and charges of such corporations as the business of such roads becomes affected with a public use and is subject to legislative regulation. Railroads that engage in interstate commerce, although they derive their charters not from the Congress of the United States, become subject to the laws of Congress and the right of Congress to regulate the business of such transportation companies. That States may regulate, within their own borders, the business of railroads seems to be admitted, and in a number of casses (referred to in other brief) this right has been sustained. (19 Fed. Rep., 679; 32 Fed. Rep., 849; 52 Am. Rep., 193.)

Railroads are public highways. (Rwy. Co. *v.* U. S., 93 U. S. R., 442; R. R. Co. *v.* Chicago, 163 U. S. R., 585.)

The right of the States to regulate railroad charges by a commission and through the aid of commissioners has been held to extend to all measures deemed essential not merely to secure the safety of passengers and freight, but to promote the convenience of the public in the transaction of business with them and to prevent abuses by extortionate rates and unjust discriminations. (Charlotte Rwy. Co. *v.* Gibbs, 142 U. S., 386; State *v.* Asylum Bridge Commission, 63 Conn., 91; Railroad Co. *v.* Boston, etc., 102 Mass., 386.)

In New York it was held not to be unconstitutional to confer power upon a State board of railroad commissioners to determine whether the public interests did not require a railroad corporation to extend its railroad, etc. (65 N. Y. Sup. Ct. Rep., 266; 135 Mass., 175.)

In the case of Martin *v.* Witherspoon (135 Mass., 175) it was held that where the legislature provided that the Commissioners of Pilots of Boston Harbor might recommend to the governor and council a change or modification of the pilotage regulations of the ports, etc., which, when approved and proclaimed, were to have force and effect of law. The law was attacked as being an improper delegation of authority, and that it was a surrender of the power of legislation to the governor and council, and the right of the legislature to confer this power upon the pilotage commissioners was upheld by the supreme court of Massachusetts. Says the court:

> Such regulations are in the nature of police regulations, the making of which within defined limits may be intrusted to other bodies than the legislature.

Generally speaking, a railroad commission is merely an administrative body, created by the State for carrying into effect the will of the State as expressed by its legislature. They are purely creatures of statute, and possess no powers except what the statute expressly confers upon them, and in every case their authority must affirmatively appear. (Reagan *v.* Loan Co., 154 U. S., 367.)

The principal purpose of most of the statutes which have created such railroad commissions is the regulation of freight and passenger rates. They have, however, been invested with comprehensive powers of regulation over all matters relating to the safety of passengers and freight and the convenience of the public in its business relations with the railroads. These powers can be granted to them. (See Pac. R. R. *v.* Commission, 12 Sawyers, 559; Sou. Pac. Co. *v.* R. R. Commissioners, 78 Fed. Rep., 236.)

A legislative body does not transcend its constitutional powers in delegating to a railroad commission the authority to fix reasonable transportation rates for railroad companies, to prevent unjust discriminations and preferences, and to regulate other matters pertaining to transportation within the State in which the public is interested, since no legislative power is delegated to the commission. (Decided by North Carolina supreme court, 55 Am. and Eng. Ry. Cases, 498.)

The court there seemed to take it for granted—and they were right in so doing—that the legislature has the authority to provide reasonable rules and regulations in respect to freight and passenger tariffs to be charged by railroads, and they speak of it as too well settled to admit of discussion, and cite as upholding this doctrine the following cases: Railroad Company *v.* Richmond, 104 North Carolina, 673; Railroad Company *v.* Iowa, 94 United States, 155; Railroad Company *v.* Richmond, 19 Wallace, 584.

The court further states in the opinion that it is equally well settled that in delegating such authority to a commission the legislature does not transcend its constitutional powers. (116 U. S., 307.)

The authorities seemed to sum up the following as the rule on the subject:

> The difference between the power to pass a law and the power to adopt rules and regulations in respect to a law already passed is apparent and great, and this we maintain to be a distinction recognized strikingly by the courts as the true rule in determining whether or not in such cases the legislative power is granted. The former would be unconstitutional, while the latter is not. (Railroad Co. *v.* Smith, 9 Am. and Eng. Rwy. Cases, 385.)

In the case discussed by the North Carolina court, the act invested the commission with authority to make such just and reasonable rules and regulations as might be necessary for preventing excessive charges and unjust discriminations and preferences, which the act had declared to be unlawful.

I desire to call attention to the case of Railroad Co. *v.* Jones (149 Ill., 361; S. C., 41 Am. St. Rep., 278), which construes a statute declaring that railroads should not charge and collect

more than a fair and reasonable rate, toll, or compensation. The supreme court of Illinois held this to be a constitutional grant of power to a commission, and could be enforced through a commission, and that the courts had power under the act to determine what is reasonable. In that same case the court held that the statute which created the commission and which omitted to fix the maximum rates or charges for the carriers, but created a commission with authority to make schedules, which should be prima facie evidence of the reasonableness of rates to be charged, was a valid statute.

They also held that authorizing a board of commissioners to make a schedule of rates instead of the legislature fixing the freight and fares to be charged by railroad companies is not a delegation to the board of commissioners of the legislative power to establish such rates, and, therefore, is not invalid. This case deals fully with the entire subject and upholds the power of the State to confer power upon a commission, so long as it does not undertake to make the decision of the commission final, or prevent a judicial inquiry as to the reasonableness of such rates.

On this subject I call attention to the case of Railroad Company *v.* Minnesota (134 U. S., 418), and the case of Budd *v.* New York (143 U. S., 517).

To sum up the doctrine, it is this: Statutes which create boards of commissioners and authorize them to make schedules of rates for railroad companies, are not invalid as being a delegation of legislative power. The doctrine of the cases is that the functions of such boards are administrative rather than legislative; that the authority conferred upon them relates merely to the execution of a law; that the grant of legislative power to do a certain thing carries with it the power to use all proper and necessary means to accomplish the end, and that as the reasonableness of rates changes with circumstances, and legislatures can not be continuously in session, the requirement that the statute itself shall fix the charge might preclude the legislature from the use of the agencies necessary to perform the duty imposed upon it by the constitution; in short, that the legislature may authorize others to do things which it might properly, but can not conveniently or advantageously, do itself.

In the case of Chicago Railroad Company *v.* Minnesota (134 U. S., 418) and Minneapolis Railroad Company *v.* Minnesota (134 U. S., 467) the power of the States to regulate the charges of common carriers and to delegate these powers to a commission was considered and reaffirmed by the Supreme Court of the United States.

Where a State delegates power to a railroad commission to fix just and reasonable rates for freight and passenger tariff to be observed by the railroad companies, such statute is not void as being a delegation of legislative power. (McWhorter *v.* R. R. Co., 24 Fla., 417; 32 Am. St. Rep., 814; 12 Am. St. Rep., 220.)

DELEGATION OF POWERS.

There is no constitutional reason why legislative functions which are merely administrative or executive should not be delegated by that branch of the Government to other departments, or to bodies created by it for that purpose. A distinction is drawn between the delegation of powers to make a law, involving necessarily a discretion as to what it shall be, and a grant of authority relative to its execution, though the latter involves the exercise of discretion under and in pursuance of the law. (6th vol. 2d Ed. Am. and Eng. Enc. of Law, 1029, 1030; Cincinnati, etc., R. R. *v.* Clinton County, 1 Ohio St. R., 88; Moers *v.* Reading, 21 Pa. St., 202.)

A statute which gave the power to the governor and his council to make or change pilotage regulations upon the recommendation of the pilotage commissioners was held to be a proper delegation of power. (135 Mass., 175.)

It is not an unauthorized delegation of power for the legislature to authorize a board of highway commissioners to provide reasonable rules and regulations in respect to fixing transportation tariffs. (6th vol. Am. and Eng. Enc. of Law, 1030; 32 Am. St. Rep., 805; 55 Am. and Eng. Rwy. Cases, 498; 12 Am. St. Reps., 220; Woodruff *v.* New York R. R. Co., 59 Conn., 63.)

This last case referred to gave the commission power to change railroads from grade crossings. (Chicago R. R. Co. *v.* Jones, 149 Ill., 361; S. C. 41 Am. St. Rep., 278.)

This case goes very fully into the question, and discusses the power of the State to confer upon a railroad commission the right to fix reasonable rates. (See also the case of the brig *Aurora v.* The United States, 7 Cranch; Dow *v.* Beidleman, 125 U. S., 680, and the several cases to be found in the 94 U. S. R.)

From these cases we conclude that undoubtedly the legislature has the authority to declare what is a reasonable rate or compensation for the railroad to charge, or to fix reasonable charges, or, in the absence of statutory regulations upon the subject, the courts must determine what is reasonable.

Under the common law the carrier must accept and transport the goods for a reasonable charge. This would be true without any statute. But the legislature has the right to fix a reasonable charge and to delegate that authority to a commission. The purpose of the act of 1887, known as the "interstate-commerce act," is fully set out in the opinion of Justice Brown, in the case of The Interstate Commission *v.* Baltimore Railroad (145 U. S., 263), wherein the purpose and object sought to be accomplished by the passage of the act is reviewed. (See Snyder on Interstate-Commerce Act, pages 34 and 35, citing Atchison *v.* Denver R. R., 110 U. S. R., 667.)

As to the power of the Government to prescribe rates, see Snyder, pages 43, 44.

The Interstate Commerce Commission, in one of the earliest cases before it, viz, Thatcher *v.* Hudson Canal Company (1 I. C. C. Rep., 152), speaking through Judge Cooley, decided:

> Its power in respect to rates is to determine whether those imposed by the railroad are for any reason in conflict with the statute, and later on the Commission decided that the Commission is not primarily a rate-making body. The carrier is left free to arrange its own tariffs in the first instance. We sit for the correction of what is unreasonable and unjust in these tariffs, and the Commission up to the date of these decisions and up to now has never assumed in the first instance to make a rate.

Yet they acted upon the idea that it was their duty to determine whether the rate complained of was just and reasonable, and if found to be unjust and unreasonable, to correct that violation of the statute, and in so doing it was but reasonable to assume that the only way to do so was to prohibit the charging of an unreasonable rate and to compel the charging of one that was reasonable.

This power was exercised by the Commission until the Supreme Court of the United States decided no such power had been granted.

In 1896 and 1897 three decisions were rendered virtually emasculating the Commission of any power. Up to that time, of the 135 orders made 68 were cases where a change of rate for the future was prescribed, and most of them were observed by the railroads. It is, therefore, to enable the Commission to carry out the first section of this act to regulate commerce, which declares that all interstate rates shall be reasonable and just, and which prohibits the exaction of rates that are not reasonable and just, that this legislation is intended.

The authority of Congress to regulate railroad rates was stated by the Supreme Court of the United States to exist under the following circumstances:

> When goods shipped under a through bill of lading, or in any other way indicating a common control, management, or arrangement, from a point in one State to a point in another State are received in transit by a State common carrier, if a railroad company, must be deemed to have subjected its road to an arrangement for a continuous carriage or shipment within the meaning of the act to regulate commerce. (Cincinnati, New Orleans and Texas Pacific Railway Company *v.* Interstate Commerce Commission, 162 U. S. R., 184.)
>
> The Commission is an administrative board, and the courts are only to be resorted to when the Commission prefers to enforce the provisions of the statute by a direct proceeding in the court or when the orders of the Commission have been disregarded. (Id., p. 196.)

It was in this case also that the court for the first time intimated that the Congress did not intend to confer upon the Interstate Commerce Commission the power to itself fix rates, for the court said that that question was mooted in the court below, and was discussed in the briefs of counsel in that case; and they said:

> We do not find any provision of the act that expressly or by necessary implication confers such a power.

This case was decided March 30, 1896. Realizing the effect that this decision had on the powers of the Interstate Commerce Commission, the national Democratic convention at Chicago, in July, 1896, in its platform demanded "the enlargement of the powers of the Interstate Commerce Commission, and such restrictions and guaranties in the control of railroads as will protect the people from robbery and oppression."

This case, it is true, was followed by the decisions in 167 United States, known as the "Maximum Rate cases," and again in the case of The Interstate Commerce Commission *v.* The Alabama Midland Railroad (168, p. 144). But as early as March, 1896, it was known that the court would hold that the act of 1887 had not conferred upon the Commission power to fix rates.

I will now discuss the power of Congress to regulate railroad charges, of those railways engaged in interstate commerce, under section 8, article 1 of the Constitution.

In Gibbons against Ogden (9 Wheaton, 189 and 194) Chief Justice Marshall defines what commerce is and construes its meaning under the provision of the Constitution to regulate commerce, and to make laws which shall be necessary and

proper for carrying into execution the powers delegated in the Constitution to Congress, and shows that it comprehended "navigation." In the same case Mr. Justice Johnson concurred.

We know who Justice Johnson was. He was one who did not undertake to strain the Constitution in order to maintain Federal power. We know he was a great lawyer and an honest and learned judge.

He said:

> Commerce in its simplest signification means an exchange of goods; but in the advancement of society, labor, transportation, intelligent care, and the various mediums of exchange become commodities and enter into commerce.

Mr. Chairman, nearly a hundred years ago this judge decided what commerce meant, as though with prophetic eye he saw into the future, when the greater part of the commerce would be interstate, and clearly indicates that the framers of the Constitution did not intend to confine and limit the word "commerce," as was contended for in that case, viz, to traffic—to the mere buying and selling or the interchange of commodities; for he says:

> The subject, the vehicle, the agent, and their various operations become the objects of commercial regulation. Shipbuilding and the carrying trade and the propagation of seamen are such vital agents of commercial prosperity that the nation which could not legislate over these subjects would not possess power to regulate commerce.

Let the House understand, the purpose of this argument is to demonstrate and show from a legal standpoint that when you establish the fact that railroads when they engage in interstate commerce and traffic become themselves the objects of commerce, and, therefore, subject to be regulated by the Congress of the United States, you destroy the last argument and batter down the strongholds behind which the railroads now intrench themselves. I think a careful consideration of some of these decisions to which I will refer will demonstrate to the House that there can be no doubt of the right of Congress to so exercise this power constitutionally.

In the passenger cases (7 Howard, 416) the Supreme Court of the United States said:

> Commerce consists, amongst other things, in buying from one nation and selling to another, or in transporting the merchandise from the seller to gain the freight.

In the case of the Philadelphia and Reading Railroad Company *v.* Pennsylvania (82 U. S. R. (15 Wall.), 232, 284) the court said:

> Beyond all question the transportation of freight or of the subjects of commerce for the purposes of exchange or sale is a constituent of commerce itself.

If transportation is a constituent of commerce, and Congress can regulate and control and has the supreme power exclusively to control such transportation when it becomes interstate, upon what can be based the argument that it can control in every particular except to regulate the price of the transportation?

Now—

Said this court, in the case just referred to—

> this has never been doubted, and probably the transportation of articles of trade from one State to another was the prominent idea in the minds of the framers of the Constitution when to Congress was committed the power to regulate commerce among the several States. It would be absurd to suppose that the transmission of the subjects of trade from the seller to the buyer or from the place of production to the market was not contemplated, for without that there could be no consummated trade with foreign nations or amongst the States.

That is the great argument now; the fathers could not see that these great transportation companies, combined into six powerful monopolies, as they now are, would carry three-fourths of all the traffic of this great country. They could not foresee that in a short while after the Supreme Court by its decision removed the restraining hand of the Interstate Commerce Commission from them these great railway monopolies would plunder the people of the United States to the amount of $155,000,000 by a simple change of classification of freight and an advance in rates. These six systems, with a few independent lines, controlling 214,000 miles, received from its business $2,073,177,325 during the last year as its gross earnings. Can you comprehend it? Can the people of the country realize how great are these amounts that are taken from them in the transportation of freight and passengers—$2,073,000,000? How much does the Government take from the pockets of the people to run the Government? In 1905, excluding the postal receipts, it took $544,000,274. The expenses for the post-office were $152,000,000; so, adding that to the other, it amounts to not quite $700,000,000 as the receipts of the Government from every source; and yet these railroad corporations have received nearly three times as much in revenues as has the Government of the United States. The Government taxes its people about $7 per capita to carry on the business of the Government, while the railroads tax the people nearly $27 per capita to carry the freight and passengers over the public highways of the nation.

Why, Mr. Chairman, an increase of one-half a mill a mile per ton—mark it—the increase of one-half of a mill a ton per mile on the amount of tonnage carried by the railroad for 1904 would at once have added to the receipts of these railroad corporations over $88,000,000. One-twentieth of a cent per ton per mile would increase it to nearly $100,000,000; and yet this great business, concentrated in the hands of a few, controlling the shipment, both interstate and foreign, the very lifeblood of the people, because these public highways are but the arteries through which the commercial life of the people flow, controlling all this immense property, defy the State; and the Supreme Court of the United States in its power and proper construction of the Constitution protect them from the State laws; they have defeated the right of the State to enact laws that protect the people on interstate freights; they defy Congress, and hope to escape it by undertaking to say that it was not within the knowledge or intention of the fathers that a railroad would be built or operated to transport freight between the States; but they never dreamed that the railroad corporations of the country would become so powerful that they would become greater than the law and greater than the Constitution. [Applause.]

For myself, Mr. Chairman, I have no desire to injure the property of any man. I have no desire to diminish the dividend of any proper, legitimate, honest investment, but I am unwilling to continue this state of affairs in the United States if by my voice or by my vote I can correct it; and I shall be able by this legislation, if it shall pass, to take from the throats of the American producer and the American consumer the grasping, choking fingers of these railroad corporations. [Applause.] And I shall do it under the law of my country, under the law which I revere, under the Constitution which is the sheet anchor of every man who lives beneath the flag that represents the sovereignty of his country. I am amenable to the law, and so is every citizen, from the humblest to the greatest, in this great country. There are only a few people in the country who snap their fingers in the face of the law. One of them, a railroad magnate, gave much evidence of it in the examination in New York a few days ago, when he snapped his fingers and said, "What do I care for the law?" I desire that they shall learn the law, and that the constitutionally enacted law shall relieve the people of the burdens under which they groan, and that everyone shall be made to respect the law, even though he counts his fortunes by the hundreds of millions. They should be made to obey the laws, though we shall have to put some of them where they deserve to go—in the penitentiaries of the country. [Applause.]

Now, you hear a great deal on this subject about the innocent stockholders. Who owns the stock of these great railroads? A few of them are owned by some citizens. Go to my own State, for example. The railroads were built by its own people, subscribed by the money that they have made at their avocations on their plantations, in their stores, and they built and operated them until the railroads became wealth-producing property, when they fell beneath the greedy eye of the Wall street manipulators of railroad stock. Soon every Georgia railroad, except the one that runs from Atlanta to Augusta, is found destroyed, wrecked, bankrupted, proceedings instigated by the people that should have protected the railroads from all assault of any kind. Soon they fell within the capacious and insatiate maw of Wall street, and now they have become a part of the Morgan system. Who in Georgia is a stockholder in the Morgan syndicate of the Georgia roads? A few most excellent men hold stock enough to become directors, but they obey and carry out the policy dictated by those who control in Wall street. I have nothing to say with reference to the gentlemen who own these properties and who run them. They are not to answer to me or to my people for the plunder of the stockholder and the wrecking of his property, but I would have them answer to the law, and I would have them restrained by the law when they continue, in order to further enrich their greed and power, to exact from my people or from the people of the United States unjust discrimination, unfair, unreasonable, and exorbitant charges. So there is but one way to do it, Mr. Chairman, and that is to exercise the power of Congress under this bill.

Now, have we got it? I desire to call attention to a decision rendered in the United States circuit court of Iowa by Mr. Justice Miller, of the Supreme Court of the United States, presiding, in the case of Gray *v.* Clinton Bridge Company, in 1868, nearly thirty-eight years ago. This great judge seemed to see into the future, in fact did see, and pointed out in clear and lucid language the right to exercise the power we are here contending for. In the case of In re Clinton Bridge, at the Octo-

ber term, 1867, the circuit court for the district of Iowa rendered a decision to be found in 1 Woolworth's Circuit Court Reports, page 150. (Same case to be found in 5 Federal Cases, case No. 2900, p. 1060.) Justice Miller decided:

Any means by which passengers and merchandise are transported is an element of commerce. This has been repeatedly held in respect to navigation, and Congress has repeatedly legislated on the subject accordingly. The railroad as much as the steamboat is a means of interchange of persons and property, which interchange is commerce itself. When railroads become portions of the great highways of our Union, acting an important part in commerce, which embraces many States, to regulate them is to regulate commerce.

And it may not be amiss to read the opinion of this distinguished judge, for I am sure it is sound both in law and logic. Said he:

Navigation, however, is only one of the elements of commerce. It is an element of commerce, because it affords the means of transporting passengers and merchandise, the interchange of which is commerce itself. Any other mode of effecting this would be as much an element of commerce as navigation. When this transportation or interchange of commodities is carried on by land, it is commerce as well as when carried on by water, and the power of Congress to regulate it is as ample in the one case as in the other. The "commerce among the States" spoken of in the Constitution must, at the time that that instrument was adopted, have been mainly of this character, for the steamboat, which has created our great internal commerce on the rivers, was then unknown.

Another means of transportation, equal in importance to the steamboat, has also come into existence since the Constitution was adopted, a means by which merchandise is transported across States and kingdoms in the same vehicle in which it started. The railroad now shares with the steamboat the monopoly of the carrying trade. The one has, with great benefit, been subject to the control of salutary Congressional legislation, because it is an instrument of commerce. Is there any reason why the other should not? However this question may be answered in regard to that commerce which is conducted wholly within the limits of a State, and is, therefore, neither foreign commerce nor commerce among the States, it seems to me that where these roads become parts of great highways of our Union, transporting a commerce which embraces many States, and destined, as some of these roads are, to become the channels through which the nations of Europe and Asia shall interchange their commodities, there can be no reason to doubt that to regulate them is to regulate commerce, both with foreign nations and among the States, and that to refuse to do this is a refusal to discharge one of the most important duties of the Federal Government.

As already intimated, the shackles with which the different States fettered commerce in their selfish efforts to benefit themselves at the expense of their confederates was one of the main causes which led to the formation of our present Constitution. The wonderful growth of that commerce, since it has been placed exclusively under the control of the Federal Government, has justified the wisdom of our fathers. But are we to remit the most valuable part of that commerce again to the control of the States and to the consequent vexations and burdens which the States may impose through whose territories it must be carried on? And must all this be permitted because the carrying is done by a method not thought of when the Constitution was framed?

For myself I must say *that I have no doubt of the right of Congress to prescribe all needful and proper regulations for the conduct of this immense traffic over any railroad which has voluntarily become part of one of those lines of interstate communication*, or to authorize the creation of such roads, when the purposes of interstate transportation of persons and property justify or require it.

This case was appealed to the Supreme Court of the United States, and the decision rendered by Judge Miller in the circuit court was upheld and the judgment affirmed. See Gray *v.* R. R. Co., 10 Wallace, 454–463 (77 U. S.).

Justice Field, an able Democratic judge, in his opinion in the case of Union Pacific Railroad *v.* Peniston (18 Wallace; 85 U. S., 47), cites the case of the Clinton Bridge and approves it.

This same great judge, Justice Miller, in the case of Minnesota *v.* The Railroad Company (134 U. S. R., 467), had occasion to again discuss the question of regulation of railroad rates by the States, and in an opinion delivered in that case clearly pointed out the powers of the State in that regard, the authority to delegate to a commission this power to fix the rates, the remedies that either the shipper or the railroad could resort to in order to resist the rates thus fixed by a commission, and the rules by which the court should be guided in passing upon the question. It is so full and complete that I read it:

1. In regard to the business of common carriers limited to points within a single State, that State has the legislative power to establish the rates of compensation for such carriage.

2. The power which the legislature has to do this can be exercised through a commission which it may authorize to act in the matter, such as the one appointed by the legislature of Minnesota by the act now under consideration.

3. Neither the legislature nor such commission, acting under the authority of the legislature, can establish arbitrarily, and without regard to justice and right, a tariff of rates for such transportation which is so unreasonable as to practically destroy the value of property of persons engaged in the carrying business on the one hand nor so exorbitant as to be in utter disregard of the rights of the public for the use of such transportation on the other.

4. In either of these classes of cases there is an ultimate remedy by the parties aggrieved in the courts for relief against such oppressive legislation, and especially in the courts of the United States, where the tariff of rates established by the legislature or by the commission is such as to deprive a party of his property without due process of law.

5. But until the judiciary had been appealed to to declare the regulation made, whether by the legislature or by the commission, voidable for the reasons mentioned, the tariff of rates so fixed is the law of the land, and must be submitted to, both by the carrier and by the parties with whom he deals.

6. That the proper, if not the only, mode of judicial relief against the tariff of rates established by the legislature or by its commission is by a bill in chancery, asserting its unreasonable character and its conflict with the Constitution of the United States, and asking a decree of the court forbidding the corporation from exacting such fare as excessive or establishing its right to collect the rates as being within the limits of a just compensation for the service rendered.

7. That until this is done it is not competent for such individual having dealings with the carrying corporation, or for the corporation with regard to each individual who demands its services, to raise a contest in the courts over the question which ought to be settled in this general and conclusive method.

8. But in the present case, where an application is made to the supreme court of the State to compel the common carriers, namely, the railroad companies, to perform the services which their duty requires them to do for the general public, which is equivalent to establishing, by judicial proceeding, the reasonableness of the charges fixed by the commission, I think the court has the same duty to inquire into the reasonableness of the tariff of rates established by the commission before granting such relief that it would have if called upon to so do by a bill in chancery.

9. I do not agree that it was necessary to the validity of the action of the Commission that previous notice should have been given to all common carriers interested in the rates to be established, nor to any particular one of them, any more than it would have been necessary, which I think it is not, for the legislature to have given such notice if it had established such rates by legislative enactment.

10. But when the question becomes a judicial one, the validity and justice of these rates are not to be established or rejected by the judgment of a court, it is necessary that the railroad corporations interested in the fare to be considered should have notice and have a right to be heard on the question relating to such fare, which I have pointed out as judicial questions.

Now, I might as well right here read a decision which I have—a later one. The Supreme Court, in one of the cases in which they declared that the Commission had no power to fix rates, at the same time rendered this decision, which is found in 162 United States, page 184, the case of Cincinnati, etc., Railroad Company *v.* Interstate Commerce Commission:

When goods, shipped under through bill of lading, or any other way indicating a common control, management, or arrangement, from a point in one State to a point in another State, are received in transit by a State common carrier, such carrier, if a railroad company, must be deemed as subjecting its road to an arrangement for a continuous carriage or shipment within the meaning of the act to regulate commerce.

Now, you understand that all these questions have been before the Supreme Court. The right of the Commission itself to exist, the right to have its orders enforced, and, finally, the right has been decided whether the Commission had the right to fix a rate in place of one found to be unreasonable, and it has been reserved to these astute railroad lawyers, some of them "ex's" and some of them in office now, to present a proposition to the country that, although all these questions have been before the country and the Supreme Court of the United States, they yet, neither lawyer nor judge, have never seen the great question, which ought to stand out most prominently if there was any reason for unconstitutionality, that Congress had no power to regulate freight rates on interstate railroad lines. [Applause.] This power of Congress over interstate commerce was sustained by a decision made by Justice Storey. I have collected these from Chief Justices Mashall and Taney, Justices Johnson and Storey, because they are the great lights amongst our national judiciary that illumine the judicial history of our country. One a Federalist, a great Chief Justice; the other a great Democrat, equally as distinguished. Marshall extending, as has been claimed, by implication the powers of the Government; Taney standing by the rights of the State, denying the right of Congress to legislate in some respects in reference to the rights of the citizens of a State to do what they pleased with its property, rendered a decision which finally resulted in civil war, and which could only be settled on the battlefield.

Those two Chief Justices, one a great Federalist, another a great Democrat, both dealt with the proposition as to the power of Congress over interstate commerce, and both upheld it. I have read Judge Marshall's views. I now call attention to one of Judge Taney's opinions. In the case of The Genesee Chief *v.* Fitzhugh (12 How., U. S., 244), referring to the commerce power, Judge Taney says:

This power [the commercial power] is as extensive upon land as upon water. The Constitution makes no distinction in that respect. And if the admiralty jurisdiction in matters of contract and tort which the courts of the United States may lawfully exercise on the high seas can be extended to the Lakes, under the power to regulate commerce, it can with the same propriety, and on the same construction, be extended to contracts and torts on land where the commerce is between different States, *and it may also embrace the vehicles and persons engaged in carrying it on.*

He says further:

In further illustration of the unreasonableness of holding the admiralty jurisdiction to be coextensive with the power of Congress over commerce, the learned judge says: "It would (in that case) be in the power of Congress to confer admiralty jurisdiction upon its courts over the cars engaged in transporting passengers or merchandise from one State to another and over the persons engaged in conducting them."

Against the opinions of paid lawyers of the railway systems, against the opinions of people who would resist this great movement in the interest of the people, I put the decisions and the judgment of these great American Chief Justices of the Supreme Court. [Applause.] I will not detain the committee, Mr. Chairman, with undertaking to go over the old assertion of the right of the sovereign to regulate public highways, nor will I detain the committee, two-thirds of which are lawyers, with accepted, undisputed—except by railroad officials and railroad lawyers—right of the State as sovereign, and the power and the right of the National Government in the exercise of its sovereign power, when granting a franchise and a right to a corporation to exercise part of the sovereign power, that that corporation is under the control of the sovereign.

Now, I know they have been driven from the proposition that the States could not regulate and fix freights within its borders. We have fought that out with the railroads in my State through the superior court of the first control up to the Supreme Court of the United States. In 1877 there met a constitutional convention in my State, composed of its brainiest members and truest men, led by that immortal statesman who illustrated that State both in this House and in the Senate, who attracted the attention of the United States and of the world by the power of his intellect and greatness of his ability—Robert Toombs. [Applause.] He enacted into the constitution of our State the direction to the legislature that they should pass laws to regulate freight rates. That was left to the legislature. The legislature met and appointed a commission in 1879. That commission originated rates. They took up the railroad rates of the State from A to Z and prescribed and fixed them. There was hurrying and scurrying in hot haste to find shelter, first, behind the circuit court of the United States. We find it in the Fifth Federal Reporter in the case of Tilley *v.* the Railroad Commission. They asserted that Georgia, through its legislature, had no right to delegate the power to a commission to fix a rate. A learned judge, who afterwards graced the Supreme Court of the United States—Judge Wood—rendered an able opinion on that subject, part of which I will put into my remarks, saying among other things:

> How a delegation of power to declare what is just and reasonable could be more plain and explicit is difficult to see. It is not conferred on the courts. The railroad companies have no part or lot in the decision of the question, but the constitution declares it is "hereby conferred on the general assembly." Even where there is no constitutional provision as that which exists in this State, it has been held that where property has been clothed with a public interest legislature may fix a limit to that which in law shall be reasonable for its use. This limit binds the courts as well as the people. If it has been improperly fixed, the legislature, not the court, must be appealed to to change it.

And discussing it further on:

> The true distinction, therefore, is between the delegation of power to make the law which necessarily involves a discretion as to what it shall be and conferring authority or discretion as to its execution to be exercised under and in pursuance of the law.

The supreme court of Georgia in the case which I hold in my hand upheld the power of the State to delegate this authority to a railroad commission.

Mr. RUSSELL. I would like to inquire if in the judgment of the gentleman there would be any distinction between the exercise of the power like that conferred upon the Georgia commission, in reference to the intrastate traffic and the exercise of power conferred upon a similar body in reference to interstate traffic?

Mr. BARTLETT. I do not think there is any difference, I will state to my friend, and for this reason: The right to regulate highways is a sovereign right, because the State gives life and being to the corporation. When they grant to a railroad the right of way upon the property of the citizens of the State, and the right to charge toll, the State has a right to exercise its sovereign powers to fix these tolls at a reasonable rate.

Now, you say to me that the United States Government does not grant charters to railroads, or to most of them, engaged in interstate business. The Government chartered the railroads known as the Pacific railroads, which span the country and connect the great East with the great West and Pacific slope. I apprehend that with reference to those there can be no doubt of the right of Congress to regulate the freight upon them—those great highways that have been given life, being, and existence by the power of Congress.

But I undertook to make myself understood when I said that Congress received the power from the people, not from the State, and I undertook to maintain by the authorities which I have cited and will undertake to maintain by the authorities which I will cite that whenever a railroad company or any company comes within the purview of the interstate commerce clause, whenever it engages in interstate business it becomes liable to that greatest sovereign, the United States Congress, to regulate and control it. It gets its power to regulate interstate commerce by the Constitution of the United States, which deprives the State of a right to regulate it, but lodges the power in the Congress of the United States.

Mr. CLAYTON. May I interrupt the gentleman to ask a question?

Mr. BARTLETT. Yes, sir.

Mr. CLAYTON. In view of the question just asked the gentleman by the gentleman from Texas [Mr. RUSSELL] I want to ask the gentleman from Georgia in that connection if the Supreme Court, in the Maximum Rate Case, cited in 167 United States, did not decide that Congress had a right to create a commission and to give power contemplated in this bill to that commission?

Mr. BARTLETT. Yes, sir; but that it has not done.

Mr. CLAYTON. It is held in the Reagen case and in the Stone case that the State legislatures had the power to confer this rate, fixing the power upon the commission where the legislature had declared that the freight rates should be reasonable and just; that it could leave the administration of that law to a commission.

Mr. GAINES of Tennessee. Mr. Chairman——

Mr. BARTLETT. One moment. I have just undertaken to make myself clear, and I am sorry I did not to my friend from Alabama.

Mr. CLAYTON. You did make yourself clear; but right in connection with what the gentleman from Texas had asked you I desired to ask you this question.

Mr. BARTLETT. I will answer this way. I have all these decisions and I am endeavoring to read them. I have consumed a great deal of time to get them in brief and consecutive form, and I will undertake to give the House the benefit of it in the RECORD, if it is of any benefit to anybody. But I undertook to see this.

I got one case from my own State and traced it from the superior court there to the Supreme Court of the United States, thinking if I could find one case which would answer the demands made by the people upon its legislature that they should regulate the rates in the State of Georgia, and that that rate had been taken up both in the Federal and State court and had found itself finally through the regular channels at last in the greatest court—the Supreme Court of the United States—and that court had given sanction and approval to that rate, I was happy, indeed, in finding a decision that settled the case. That is what I have done. Mark you, do not be misled by the assertion that the States have this power in their legislature because the constitution of the State granted the power to create a commission. The constitution of Georgia did not give the legislature such power. It simply says, "Shall have the power to regulate and fix reasonable rates and freight charges."

Mr. HENRY of Texas. Right there I would suggest to the gentleman, in reference to the Texas case, the Supreme Court of the United States in its decision sustained the commission law and never once referred to the constitution of the State of Texas, but put it upon the broad ground that the legislature of Texas had the inherent right to establish a railroad commission, not only to fix one rate, but to fix the great body of rates on all railroads in the State.

Mr. BARTLETT. I understand that to be the decision, and I have them referred to in this brief.

Mr. HENRY of Texas. Now, in reference to the question the gentleman from Alabama asked you a while ago, I will ask you if it is not the fact that, in what is known as the Alabama Midland case, the Supreme Court did not reaffirm emphatically that Congress had the power to endow the Commission with authority to establish rates?

Mr. BARTLETT. They certainly did. I call attention to that case and give the views in Judge Harlan's dissenting opinion. I have already called attention to this case. Now, I yield to the gentleman from Tennessee.

Mr. GAINES of Tennessee. I know the gentleman to be about as industrious as any man in this House when he undertakes to study a subject, and therefore I will ask him this question, Have you found a State or Federal decision that holds that railroad rates can not be regulated by a commission?

Mr. BARTLETT. I have not.

Mr. GAINES of Tennessee. Have you read any author who has ever written a law book who has written to the contrary?

Mr. BARTLETT. Law books are so numerous and some of them so worthless that I have not undertaken to read all of them.

Mr. GAINES of Tennessee. The Attorney-General of the United States agrees a commission can fix rates.

Now, then, another proposition. What is the difference in a railroad rate and a tax on real estate or personal property? Are they not both burdens and both taxes?

Mr. BARTLETT. One of them was received by the Government primarily itself, and the other by the road, as the agent of the Government, transacting its quasi public business.

Mr. GAINES of Tennessee. Are they not both in effect taxes?

Mr. BARTLETT. They certainly tax the people very much.

Mr. GAINES of Tennessee. Now, then, when they levy a tax on the real or personal property in your State, as they do in mine, they give the taxpayer a chance to go before the tax assessor before he finally taxes his property that the taxpayer may see the tax justly fixed. Now, is it not but just and fair to establish a tribunal of the people before which they can go to have railroad rates fixed before they have to pay them?

Mr. BARTLETT. The gentleman must know that I answer that question in the affirmative.

Mr. GAINES of Tennessee. I would like to hear you discuss it if you have views in the matter.

Mr. BARTLETT. I do not think a railroad charge, Mr. Chairman, is exactly like a tax; because the State authorities, the county authorities, and the municipal authorities, through the power and sovereignty, directly for the purpose of transacting the public business, are supposed to collect no more than the budget for the year, that the needs of the people require; but the railroad company is authorized by law, by the sovereign, the people, which is the railroad primarily, says Judge Harlan, in a case that I might call attention to, primarily for the benefit of the people and for public service; secondly, with a view to permitting a remuneration to itself and the stockholders and those who invest their money in it. Judge Woods likens, in 5 Federal Reporter, which I have read, the delegation of power to State assessors to assess and collect taxes to the delegation of power to a commission to fix railroad rates. But all its service is a public service and not a private service, and in the exactions made upon the people who ship freight or travel over the railroad, the railroad company exacts its charge, not for the purpose simply of transacting its business so as to make expenditures and receipts meet but in order to tax the business as much generally as the traffic will bear.

Now, Mr. Chairman, in answer to my friend from Alabama [Mr. CLAYTON], I want to say that I have a number of authorities upon the subject that he has inquired of me about. I have numbers of cases here with reference to the power of the State to delegate its authority. I have here a decision in the One hundred and twenty-fifth Massachusetts and quite a number of others, which would take more time than I should like to undertake to consume, because I have already consumed more than I ought to.

Now, I undertake to say that it can not be successfully disputed from a legal standpoint that Congress has the power to regulate commerce, and in such regulation to reach those transportation companies which, though they may derive their charter from the State legislature, yet when they cross the border line and engage in interstate commerce, at once have attached to them the power of Congress under the interstate-commerce clause of the Constitution; and that power once attaching for any purpose, can be exercised to the limit of the power, whether it be to regulate or whether it be to fix charges.

So, Mr. Chairman, I desire to say I have received quite a number of petitions from railroad employees in my town and district protesting against the enactment of this law. The resolutions seem to be machine made, but they have signed them. I have a number of them in my hand and I have filed them before the House and referred them to the proper committee. Their protest against the enactment of this law seems to be based upon the idea that Congress was undertaking to take out of the hands of railroads the right to make rates and confer it upon the Commission, and that if that was done the railroads would be compelled to reduce the wages of employees to a point which would be unjust to those employees. I have prepared certain tables upon the subjects of rates and tonnage, which I will print in full. But I want to make this statement: I do not desire to injure anybody; most of all would I be careful not to advocate any legislation that would injure the railroad employees, who, in my part of the country, at least, deserve to be ranked and classed amongst our best and truest citizens. They are the men who engage in carrying the great commerce and passenger traffic upon these great railroads. They devote their lives, their time, and their energy to that work. Their petitions deserve careful consideration at the hands of the lawmaker, and I shall always listen to their petitions.

But these men in Wall street who accumulate great wealth by the manipulation of railroad bonds, by the wrecking of railroad companies, and the squeezing out of the bona fide stockholders; who engage in the questionable, if not the nefarious, business of aiding the trustees of the great insurance companies to rob and plunder the policy holders, these men excite no sympathy in my breast when they appeal to me not to pass this legislation because, they say, it may affect their returns. But so far as the machinist, the carpenter, the engineer, the fireman, the conductor, the trainman, the man who keeps the switch are concerned—the men who by their labor make the transportation of these great railroads effective—they appeal to me in reference to matters which affect them they shall always have a careful hearing. I do not believe that the railroads will reduce the wages of their employees. I do not intend nor does this House expect to vote for a bill that gives to the Interstate Commerce Commission the power to originate rates or to prescribe rates, except in cases where complaint is made and rates are found to be excessive, unjust, and unreasonable.

I know that when these railroad employees are informed and understand that these demands for railroad regulation are against the exactions of railroad corporations, against the oppression by them of their neighbors, they will not be driven from approving of that regulation because they are now threatened by the railroad corporations with a reduction of their wages. If the railroads are so careful to reduce the wages of employees when they shall be prohibited from charging exorbitant rates and are required to charge reasonable and just ones, why have not those same philanthropic employers advanced the wages of their employees when they increased the charges paid by the shippers and producers of this country since the year 1900 to such an extent that their receipts for freights and passengers have increased over 50 per cent, and their receipts from freights alone over 52 per cent? If the employees are to share in the reduction of freight rates, surely evenhanded justice would demand that they should also share in the increase of income to the railroads.

Now, they have increased their employees' wages, it is true, a small percentage. Let me call your attention to what they have done. I want the citizens who make these appeals to me at the suggestion of the railroad corporations who employ them—appeals to Members of Congress not to pass this legislation because it reduced their wages—to understand that their wages have not been increased, although the employers have prospered to the extent of adding to their receipts from freight more than 52 per cent in excess of that received five years ago.

Let us see. In 1895 the general officers—that is, the president, vice-president, and general manager, etc.—got $9.01 a day. In 1904 the general officers got $11.61 a day, an increase of 28.86 per cent. These men that ride in private cars and have all the luxuries of modern travel, increase their own pay from $9.01 a day to $11.61 a day, 28.86 per cent, when they had received an increase of 52 per cent over the freight and passenger receipts of 1885. But the employee—the engineer, the man who stands with his hand on the lever and his eye on the danger as he guides the great passenger and freight trains over these roads—what did he get? He got $3.65 in 1895, and under the great era of prosperity to the railroad he got $4.10, an increase of 45 cents, or 12.33 per cent.

The president, vice-president, superintendent—the general officers—got an increase of 28.86 per cent; the man who held his own life and the lives and property of the people who traveled behind him, depending upon his bravery, courage, and endurance, was not entitled to as much consideration as the general officers.

And, Mr. Chairman, how did these employees get it? I want them to understand how they got it. They know how they got it. Does not every man know—nobody knows better than the railroad people—the engineman, conductor, and fireman, and the machinist got their increase, not by the consent of the railroad, but by the demand of organized labor. They made the railroads consent to the increase, they forced them to the concession. It was not a great desire to let them share in the prosperity of the road as was the case of the general officers, it was because these same men organized this association and stood shoulder to shoulder and made the demand on the railroad, and in many instances were sanctioned in that demand by justice and right and by the approval of the people.

Let us take the poor switch tender, the crossing tenders, the switchman, the section foremen, and how did they fare? Why they got an increase of 2 cents per day, or 1.14 per cent. The

poor office clerk who bent over his desk nearly twelve hours a day, got an increase of 1.37 per cent—3 cents a day.

So this is the great bogeyman that they have injected into this House through the means of these tried and true citizens who are employed by the railroad to undertake to frighten the representatives of the people from voting for the just demands of the people. It is in pursuance of such efforts as that that they have undertaken to declare that the South could not afford to vote for the railroad regulation because of the regulation of the Southern States in the transportation of passengers requiring a separation of the races; that that law will be thereby destroyed. How will it repeal the laws of a State which compel them to make separation of the races in the car? They resisted that law, but the States compelled them to observe it. Gentlemen who are familiar with the decisions of the Supreme Court know that the railroads have undertaken and did undertake to defeat that law by saying that it was an interference of interstate commerce, and the Supreme Court of the United States decided that it was not as interference of interstate commerce. I refer to the case of Louisville and Nashville Railroad Company *v.* Mississippi (133 U. S. R., 587).

Mr. JAMES. That could not become effective because the traffic is wholly within the State.

Mr. BARTLETT. Wherever it is regulated it is regulated by law. Besides, it is but the exercise of the police power of the State, and so decided by the Supreme Court of the United States. It is not a practice prescribed by the railroad. No one will undertake to say that a regulation made by law inside of a State would be regarded as a rate made by a railroad.

Mr. JAMES. The gentleman will recollect that the railroads, after the Fifty-eighth Congress had passed a bill through the House, raised that question for the purpose of affecting Southern opinion.

Mr. BARTLETT. I have the case here of the Louisville and Nashville Railroad against Mississippi, and the three decisions made by the Interstate Commerce Commission, the only three cases that have arisen before them on the subject, and no change has been made in any State regulation on that subject.

Mr. JAMES. Will the gentleman put those in the RECORD?

Mr. BARTLETT. I will. Now I will yield to the gentleman from Texas for a question.

Mr. HENRY of Texas. Mr. Chairman, I will state that the gentleman covered the very point that I wished him to elucidate, every phase of it. In reference to the last proposition that he has announced in regard to the separate coaches, I will ask him if the Supreme Court has not often decided that such proposition is a matter purely within the jurisdiction of the State?

Mr. BARTLETT. Oh, yes.

Mr. HENRY of Texas. In regard to the police powers.

Mr. BARTLETT. Yes.

Mr. HENRY of Texas. And that the States had unlimited authority along that line in respect to their police powers.

Mr. BARTLETT. Yes; and I will refer the gentleman to the case of the Louisville Railroad Company against Mississippi (133 U. S., pp. 85–87).

Mr. JAMES. I would like to state that a case similar to that was decided by the court of appeals of Kentucky, Judge Guffy, a Republican, rendering the opinion of the court, and that case was appealed to the Supreme Court of the United States and the Kentucky court was affirmed.

Mr. BARTLETT. Yes; and that the Supreme Court of the United States have knocked into smithereens all the efforts made by Congress to enact, after the civil war, what was known as a "civil-rights law." It has never departed from that position, and our Republicans, wherever they go down into the South where that rule is in force, I apprehend are glad of it.

Now, Mr. Chairman, I have here a brief much fuller than I can undertake to deliver on the floor, and therefore I shall content myself with putting what I desire to say on the law question in the RECORD. I desire to say that, in my judgment, this bill, amended as it was originally—I do not mean this bill was amended, but the one originally introduced by the gentleman from Iowa [Mr. HEPBURN]—by suggestions contained in a bill prepared by the minority and introduced by Mr. DAVEY of Louisiana, contains such substantial relief for the people upon this great question that I am unwilling to risk the chances of its becoming a law by endeavoring to write in certain provisions which I favor but which might endanger its final passage—make it more difficult for it to become a law. Now, in the minority bill we had this which was not contained in the majority bill, and which we put into this bill by the consent of the majority. We added these words:

> And shall also include all switches, spurs, tracks, and terminal facilities of every kind used or necessary in the transportation of the persons or property designated herein, and also all freight depots, yards, and grounds used or necessary.

The majority bill contained this provision, which we never would have agreed to and could not have agreed to, that the railroad commission should have authority to fix "a maximum reasonable rate." We took the position that that meant a delegation of authority to the Interstate Commerce Commission to fix the highest rate that would be reasonable and to fix no other, and in that I think we were correct, and when we demonstrated, as I think we did, to the gentlemen of the majority that at least that might leave a doubtful question as to what construction would be placed upon it, they accepted our suggestion upon that point. This bill contains these words, which do not suit me, but which I consented to for the reasons already stated, that the railroad commission shall fix a just and reasonable and "fairly remunerative rate" as the maximum to be charged. I do not believe the bill should have contained the words "fairly remunerative," because that might be construed to mean, when it was attacked in the courts, that if the railroad commission did not take into consideration various investments of the railroad, the watered stock and bonds and these sort of things, it would not "be fairly remunerative."

In the decision of the Supreme Court of the United States in the two cases of Smythe *v.* Ames (169 U. S., 466) and of Sanford *v.* Interstate Commerce Commission (164 U. S., 578), Justice Harlan used this language in the first case:

> The railroad is organized primarily for the benefit of the public, and it must discharge its public function whether it receives a remunerative return for its investment or not.

And in the last case the same judge said:

> The public can not properly be subjected to unreasonable rates in order simply that the stockholders may earn dividends.

Mr. SHERLEY. Mr. Chairman, if the gentleman will permit an interruption at this time, I would like to ask him if he has not already stated it—for I have not heard all of his speech—what power in his judgment a court would have upon an appeal from the decision of the Commission fixing a rate? Could it set aside that rate unless it believed it to be confiscatory?

Mr. BARTLETT. I hope it can not.

Mr. SHERLEY. I am not asking the gentleman for his hope, but for his opinion.

Mr. BARTLETT. I hope it can not, and if I could write it into this bill I would write it now and here and make it a part of the bill that the court could not set aside a decision of the Commission appointed by this Government unless that decision was unlawful—that is, confiscatory.

Mr. SHERLEY. What is the gentleman's opinion, not his hope?

Mr. BARTLETT. My opinion is that the authority in this bill properly construed by the court will not permit it to set aside a rate unless it is unreasonably low, so low as not to permit a fair and reasonable return on the investment.

Mr. SHERLEY. In other words, unless it is confiscatory.

Mr. BARTLETT. I say if I was on the court I would so construe this bill. That is my attitude in writing it as it is, and if the minority bill had been passed we had it in so many words that there could be no doubt about. I take the position, as the Supreme Court has decided in 194 United States, page 106—Bates *v.* Payne—that when Congress delegates the power to an executive department to carry out its legislative will upon a question of fact that judgment ought to be conclusive on questions of fact.

Mr. SHERLEY. I will say to the gentleman I am inclined to think that his judgment is right, though I differ entirely as to the wisdom of such a law.

Mr. BARTLETT. I hope it is right, and when that is done and a decision shall ever be reached, as in my judgment it will be, that a railroad can not appeal from this judgment or a decision of this railroad commission which has exercised a function granted to them by us, that they shall decide that an appeal can not be had to set aside a rate unless it is so low as to be unreasonable, in that it takes property without just compensation, then this railroad situation will be very properly settled. They have taken the property of the citizen many times when it amounted almost to confiscation, and there has not been any power to stay their rapacity, and for one I believe it is time that our citizens should have the power to stay them from taking their property longer. [Applause.]

Mr. SHERLEY. Do I understand the gentleman thinks that because they have taken property from the citizen wrongfully, therefore the Commission should have the power to take from them?

Mr. BARTLETT. Not at all. The gentleman knows I did not mean any such thing, and the gentleman knows that he can not put me in any such position as that. He knows I do not thing we ought to rob the railroads because they have been permitted and licensed to rob the people. I do mean to say that if we, as a legislative body, should take this whole rate system up and enact rates to-day and pass them and promulgate them, that the railroads would be obliged to obey them unless we took away property without just compensation, or which would be confiscatory.

Mr. SHERLEY. I think it is true they would be compelled to obey them, but I do not think it follows that we ought to make such a law.

Mr. BARTLETT. I do not want to confiscate anybody's property, and I made the remark I did because I am unwilling in determining the question of rates as to their reasonableness or unreasonableness, that the Commission shall be expected or required to take into consideration all the watered stocks and bonds, and these railroad corporations shall be permitted to make a return. In other words, with thirteen and one-quarter billions of property ostensibly invested there is not more than seven billions really invested.

Mr. HARDWICK. May I ask my colleague a question?

The CHAIRMAN. Does the gentleman from Georgia yield?

Mr. BARTLETT. Certainly.

Mr. HARDWICK. As I understand the Constitution of the United States, authority is delegated to Congress to regulate interstate commerce.

Mr. BARTLETT. Yes, sir.

Mr. HARDWICK. Now, it being true that the authority is delegated to Congress, why is it not also true that Congress itself, or its duly appointed agent—the Commission—should have the final power to pass on the question of facts instead of the Supreme Court, which is not given that power under the Constitution?

Mr. BARTLETT. I do not see why they should not have, and they should have the power; I would give it to them.

Mr. HARDWICK. And you understand this bill does give it to them?

Mr. BARTLETT. I hope it does, and I believe it does. I voted for it believing it does.

Mr. HARDWICK. Just one other question now. Is it not in accordance with the theory of our Government laid down in the Constitution that the final passing upon these questions of facts suggested by my friend from Kentucky should be vested in the Congress of the United States and not in the courts of the United States?

Mr. BARTLETT. Of course it is understood to be a legislative and not a judicial question, and can not be delegated to a judicial body, and therefore all this talk in the newspapers about the Grosscup plan, the Foraker plan, and all these plans to have commerce courts to which these questions are to be delegated, are nothing but red fire to hide the farce. That is all.

Mr. SHERLEY. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman from Georgia yield?

Mr. BARTLETT. Yes, sir; I yield with pleasure.

Mr. SHERLEY. Is it not historically true that the provision in the Constitution giving Congress power to regulate commerce among the States was put into the Constitution for the purpose at that time of preventing the States, by discriminatory laws, interfering with the commerce of sister States?

Mr. BARTLETT. I undertook to read something of that sort from Judge Marshall, Judge Story, and Judge Johnson this morning, and also read the case in 83 United States, the Philadelphia case, and I have a number of cases where that fact as stated is true. But when the power exists now and was delegated, and should have been delegated, to this great body to regulate commerce amongst the States, or its vehicles or its transportation through their own borders when it came from another State, sad, indeed, for the liberties and rights of the people if it shall be held and determined to be true that it lodges nowhere, and that the greatest sovereign on the face of the earth, the people of the United States and its Congress, are powerless and must stand and see its citizens stripped, robbed, and plundered by soulless combinations, of soulless corporations, and railroad monopolies because the fathers were not wise enough to see how exorbitant, grasping, and heedless of both the laws of the State and the moral laws they would grow to be.

Mr. SHERLEY. Of course, nobody doubts the power of Congress to regulate commerce between the States, even to the extent of prohibiting it.

Mr. BARTLETT. I have those decisions.

Mr. SHERLEY. But I object to the inference which was drawn by the gentleman's colleague [Mr. HARDWICK], that because that clause was put in there it was contemplated we would use the power in interfering with the freedom of commerce between the States.

Mr. BARTLETT. Mr. Chairman, I have the decisions here and have read them. If we can prohibit commerce and destroy it as we did under the Administration of Mr. Madison, in the embargo and in the alien laws—if we can prohibit, if we can destroy it—in God's name can not we exercise the pitiful power to regulate it? [Applause.]

Mr. SHERLEY. The fact of having the right to exercise it has really nothing to do with the wisdom of exercising it. That is the question.

Mr. BARTLETT. I am afraid I have spent all of this time in vain if I have not succeeded in showing that to my distinguished friend from Kentucky [Mr. SHERLEY], whom no man admires more than I do for his legal ability and information. But inasmuch as my distinguished friend at last admits that, inasmuch as we have the power of a giant and ought to use it, it is something accomplished, to say the least. We have the power, but I would not use it to destroy property or interstate commerce. I would not use it to injure the property of even these men in Wall street; but I would use it so that they should not injure and destroy the property of my people in Georgia. [Applause.]

Mr. SHERLEY. Everybody will agree with that expression of ethics. The question is whether any given act works that way or not.

Mr. BARTLETT. Whether the given act works that way or not, we are simply to be taught by experience. Take up the petitions that have come from over the country, from the various meetings of the people, of the merchants and of boards of trade, addressed to Congress and to the President himself, and do not tell me that it amounts to nothing; that it is merely as sounding brass and tinkling cymbal. There is something in it. The people are slow, but when they have made up their minds, as they have, that they should not submit to wrong, they have voiced that determination and its thunders have been heard in every State in political campaigns in the last few years, and it will be heard again in the campaign of this year, and it will be heard two years from now. In my judgment, the men who stand in the way of this reform should either get out of the way or they will be swept into political oblivion.

Mr. JAMES. I would like to ask the gentleman if it is not true that two-thirds of the States of this Union have passed laws regulating railroads so far as they can within the borders of their respective States?

Mr. BARTLETT. They have, and they have been upheld by the Supreme Court. Take the Minnesota case, the Ohio case, the Texas case, the Mississippi case, and the Georgia case.

Mr. JAMES. And the Kentucky case. Do not leave that out.

Mr. BARTLETT. I will not.

Mr. STANLEY. Will the gentleman permit one interruption?

Mr. BARTLETT. Yes, if the gentleman will be short about it.

Mr. STANLEY. In speaking of the wisdom of this legislation I would like to ask the gentleman if it is not a fact that the necessity for it, the absolute ruin that is being brought to commerce for the lack of it, is not the principal cause why we have not obtained it at all, and that the necessity for it rises above political barriers and everything else?

Mr. BARTLETT. The necessity for it is that the people have awakened to the realization that Congress has not done something that everybody thought was done. The point was made simply to reclothe—and if you object to that word, to "clothe"—and renew to the Commission the power that we thought we bestowed upon it—a power that it ought to have, namely, the right to change an unreasonable rate and substitute in its place a reasonable one.

This bill will place the private car lines under the supervision and regulation of the Interstate Commerce Commission, just as it does the railroads upon which they are operated. This power is included in the bill by the definition which is given to the term "transportation," that word being so defined as to include these agencies engaged in interstate commerce. While I am aware of the fact that these private car lines have been of great benefit in the matter of the shipment of fruit from my section, I am also aware that many complaints have come from the fruit growers in reference to the excessive charges that have been made. I would not injure this business, nor am I at all fearful that this legislation will prevent the fruit growers, and those who ship their produce by the private car lines, from having proper facilities. This bill makes it compulsory upon the

railroads to furnish the necessary cars and facilities, but it does not, of course, prevent the railroads from contracting with private car lines for the necessary equipment by which to transport such products. It simply places the charges exacted from the shipper by both the railroad and the private car lines under the supervision of the Interstate Commerce Commission, so that when complaint is made an investigation can be had as to the reasonableness of such charges.

As early as 1874 a report was made to Congress in which attention was called to the practices of the private car lines, and in 1902 the Industrial Commission, in its report to Congress, called attention to the abuses of the private car lines, stating that "these private car line combinations have been able to dictate to the railroads and to the people their own terms."

The Fruit Growers' Association of Georgia met in the city of Macon on January 26th, instant, and passed a resolution unanimously requesting the Members of Congress to pass a bill enlarging the power of the Interstate Commerce Commission so as to include all private car lines, and also recommending the passage of the bill now under consideration. In that convention a fruit shipper stated that two years ago he had shipped eighty-five carloads of peaches and had been compelled to pay $25,000 for transportation and charges, and that Georgia in the same year had paid one and a third million dollars for shipping peaches. Surely, when such great sums are collected from the people, the power should be lodged somewhere to inquire into the reasonableness of the charges.

In that same convention a representative of the Armour interests, that control the private car systems which operate in Georgia, said that he did not particularly oppose the Hepburn bill, or a mere regulation bill, but opposed other bills before Congress which called for the prohibition of the use of the private car systems.

So that representatives of these great private car lines themselves have virtually admitted before the fruit growers of my section that these car lines ought to be regulated, or at least they offered no opposition to it in that convention.

As to the duty of a common carrier to provide suitable cars for transportation, there has been many decisions of the courts which hold and sustain the right of the shipper to recover damages from the railroads when they fail to transport freight in proper cars. (See Mathis *v.* Sou. Rwy. Co., 30 Am. and Eng. Rwy. Cases, 825; Railroad Co. *v.* Pratt, 22 Wallace, 123.)

The power of Congress to regulate private car lines and their business and all the agencies used by them in transporting, refrigerating, or icing, in my judgment, is complete under the interstate-commerce clause of the Constitution, and although some of these agents, instrumentalities, or businesses connected with this transportation may be in private hands, yet, under the decision on the case reported in 175 United States, page 211, and known as the "Addyston Pipe Case," Congress has the power to regulate these, because they engage in interstate commerce when they aid or assist in the transportation of freight being carried on interstate-commerce lines.

There can be no doubt that if the private car lines should by reason of this act decline to continue in the business, the railroads will gladly undertake it, and under this bill they will be compelled to furnish the necessary cars for transportation. The Chicago and Rock Island Railroad Company in January, 1905, discontinued its contracts with the private car lines, at which time it had only 259 special ventilated cars, including fruit cars, and on January 1, 1906, it had 1,754, and is transporting, to the satisfaction of its patrons, the fruits and other freight requiring special cars and facilities; and there is no doubt that the other railroads in the country will do likewise. So no injury can come to the shipper who has been accustomed heretofore to use these private car lines from the passage of this bill.

Mr. Chairman, I want to say this and then I am through. I do not agree that the legislation now proposed is entitled to be credited to any particular man or official of the United States. On many occasions I have seen it asked by the public press whether the Democrats are going to stand by the President in his fight on this proposition? I am not following the President; I am following the dictates of my own conscience; I am following where I see the right lead, and I am following the demands of the great party to which I belong as made in its platforms in 1896, 1900, and 1904. [Loud applause on the Democratic side.] Why, sir, Congress took up this question in 1868, again in 1874, again in 1886, and in 1900 Congress appointed the Industrial Commission, and for two years it labored and heard all the evidence on this question, and it reported recommending the enactment of a law of this sort before the President of the United States had awakened up to a realization that it was a popular question to answer so great a demand of the people of the United States.

This investigation began in 1868, when there was made to the House a report, from one of its committees, Committee on Railways and Canals, a report declaring that Congress had the power and should regulate interstate railroad traffic and provide for uniform and equitable rates of transportation. This was in the Fortieth Congress. Again in the Forty-third Congress we had a report made to the Senate on the subject by Senator Windom, which asserted the right of Congress to regulate interstate railroad rates. And in 1886 we have the report made by Mr. Reagan, reporting a bill for this purpose which finally resulted in the enactment of the law providing for the Interstate Commerce Commission, with the powers contained in the act of February 4, 1887.

Since the decision of the Supreme Court of the United States declaring the absence of power in the Commission, the question has been constantly agitated. In February, 1902, the Industrial Commission, a body of gentlemen appointed in 1900 by authority of Congress, made a report, after being in session two years, and recommended "a definite grant of power to the Interstate Commerce Commission to pass upon the reasonableness of interstate-railroad charges, and also a definite grant of power to declare a given rate unreasonable, together with the power to prescribe reasonable rates in substitution."

Following the recommendation of the Industrial Commission, bills were introduced in the House having for their object the giving of power to the Interstate Commerce Commission to fix a reasonable rate to be substituted in the place of one found to be unreasonable.

Mr. COOPER of Wisconsin introduced such a bill on the 8th of December, 1903, and the Senator from Wisconsin [Mr. Quarles] introduced a similar bill in the Senate on the 12th of December, 1903. My colleague [Mr. ADAMSON] also introduced a bill to give the Commission the power to fix rates in the second session of the Fifty-seventh Congress, and other bills of like character had been pending in Congress, and hearings had been had before the Interstate and Foreign Commerce Committee nearly two years before the President made it so prominent in his message in December, 1904, and in 1905.

Even now some of the railroad presidents claim that the President has receded from his original position on this subject, so that I am not following the President. I am following the dictates of my own conscience, the demands of my own people, and the demands of my own party platforms. Why, it is charged by some of the newspapers that we have joined ourselves to the socialists and the anarchists; that we have abandoned the doctrine of State rights in advocating this proposition. The governor of Georgia was elected upon a platform that I have read here to-day. Strange, three railroad lawyers and one railroad director were upon that committee.

Mr. ADAMSON. Upon the subcommittee.

Mr. BARTLETT. I think I have got it right. I will give the names: Evan Howell; John D. Little, ex-speaker of the house; Judge Hamilton McWhirter, Morris Brandon——

Mr. ADAMSON. Two of them on the subcommittee.

Mr. BARTLETT. These gentlemen constituted part of the committee on platforms and aided in drafting and reporting these resolutions. John D. Little was the ex-speaker of the house of representatives, attorney at law for one of the great systems of railroads, a lawyer, and a good man. Judge Hamilton McWhirter, chief advisory counsel of the Southern Railroad, was upon that committee and upon the subcommittee that reported that platform.

Mr. ADAMSON. If my colleague will permit me right now to say, that in answer to that demand the Georgia delegation, through myself, immediately drafted and introduced a bill to give the Interstate Commerce Commission power to fix rates. [Loud applause.]

Mr. BARTLETT. I know you did—in December, 1902. Now, when the representatives of the sovereign people of the State of Georgia, answering the demands of the people of the districts, answering the demands of our party, made known through its convention and endorsed by these railroad lawyers and directors; when we undertake to aid the people with our votes for this great reform, it has been charged that we have forgotten the teachings of the fathers and are undertaking to destroy private property, violate State rights, and that we have joined the anarchists. Why, if a railroad lawyer and the chief advisory counsel of the Southern Railway, Mr. Hamilton McWhirter, could report to the State convention and vote for a resolution that demanded this legislation, why can not a humble man like the Representatives of Georgia—myself and my colleague—do so likewise without subjecting ourselves to criticisms

at the hands of railroad lawyers and railroad newspapers? [Loud applause.] For myself, I am indifferent to their criticism, because I obey the dictates of my conscience, the demands of my people, and the demands of my party. [Loud applause.]

So, Mr. Chairman, we have stated what we stood for. We had it stated in the Democratic convention in 1896. We had a real sure-enough knock-down and drag-out fight in 1896. Those of us who took part in it know what it meant. A platform that read like a second declaration of independence was the platform adopted by the Democratic party in 1896. [Applause.] Upon it we placed our nominee, a leader who, though he was defeated then and again in 1900, stands before this country to-day, before the world, as the most prominent and preeminent citizen of America. [Loud applause on the Democratic side.] And we made this declaration in that platform:

We demand the enlargement of the powers of the Interstate Commerce Commission and such restriction and guarantees for the control of railroads as will protect the people from robbery and oppression.

And again, in 1900:

We favor an enlargement of the scope of the interstate-commerce law as will enable the Interstate Commerce Commission to protect individuals and communities from discriminations and the public from unjust and unfair transportation rates.

Again, in 1904:

We demand the enlargement of the powers of the Interstate Commerce Commission, to the end that the traveling public and shippers of this country may have prompt and adequate relief from the abuses to which they are subjected in the matter of transportation.

How strangely turns the wheel of time. We stand to-day hardly ten years, six years, and two years since these great principles of the Democratic party were proclaimed by its national conventions, advocated by the people and supported by the followers of that party. True, they went down like the others to temporary defeat, but above the smoke and dust of the political battle they rise triumphant, until to-day we have them about to be incorporated into law, voted for by both the Republican and the Democratic Members of the House. They may not have been successful in the election of Democratic officials, but the Republican party have been forced by the people's demand to give their votes for the relief that we demanded in those platforms.

Mr. JAMES. I should like to ask the gentleman if it is not further true that the Republican platform of 1896 and the Republican national platforms of 1900 and 1904 were all silent upon this great question of the regulation of railroads?

Mr. BARTLETT. They were as silent as the body of Cæsar now is, and as idle and useless "as a painted ship upon a painted ocean."

Mr. ADAMSON. One suggestion there.

Mr. BARTLETT. Certainly.

Mr. ADAMSON. In 1904 they were not silent, but the Republican platform indulged in an expression allaying the apprehensions of the corporations by boasting that they had done enough and fixed everything up.

Mr. JAMES. That was the "stand-pat" idea.

Mr. BARTLETT. Now, Mr. Chairman, I have agreed to the bill now before the House being presented by the Committee on Interstate and Foreign Commerce because it grants substantial relief which the people have sought and demanded, and which the Democratic party in its platforms has called for—that is, giving the power to the Interstate Commerce Commission to investigate a rate upon complaint, and, when found to be unreasonable, to fix a reasonable one in its stead, and while there are other matters which, in my judgment, required correction and legislation, I was not willing to lose the substance of this relief by grasping at a shadow. In other words, I was not willing to be put in the position of refusing to support and join in reporting a bill which gave the people substantial relief, simply because it was advocated by a Republican President or introduced by a Republican Congressman, believing that when I served my country and its people best I served my party best.

To paraphrase the language of a great Georgian, who by his eloquence and ability honored the great State which he represented upon this floor and in the Senate:

He who saves his country saves his party, and all things saved do bless him. He who lets his country die lets his party die, and all things dying curse him.

[Applause.]

It is true that the fate of this bill in the other branch of Congress, when it has passed the House, is uncertain. A leading banker and broker of Wall street, on the 13th of this month, in a published statement, said:

The railroad situation continues eminently satisfactory, and there is little, if any, prospect of railroad legislation during the present session of Congress, chiefly owing to the conflict of opinion between the numerous advocates of reform. So far as can be seen, Wall street is not likely to receive any serious shock via Washington during the current session.

Whether the railroad magnates and railroad stock manipulators will have their expectations and hopes gratified by the failure of this legislation, I do not know; whether this bill, when it shall have been passed by an almost unanimous House, shall go to the Senate, there to "lie in cold abstraction and to rot," I know not.

I fear that it may meet the fate that many bills of this House for the relief of the people have met—to be buried in the tomb of the Senate committee or the Senate Chamber. But this I do believe, that there will some day be an end to this defeat of the will of the people. I believe that the "Waters of truth will rise gradually and slowly, but surely, and then look out for the overflowing scourge."

Balked in its just demands for remedial legislation and to be relieved from oppression and injustice, this mighty and puissant nation will yet rouse itself up, like a strong man after sleep, and shake her invincible locks in a fashion you little think of now.

Retribution will come in due time. While justice travels with a leaden heel, it is sure to strike with an iron hand. While the mills of the gods grind slowly, they grind exceedingly fine.

The wrath of the people will yet lift the flood gates, and a full head of waters will come rushing on. If we wait until that time we will see fine grinding then.

Defeat this legislation and the people will rise in their might and be triumphant. The man or party that stands in its way will be swept out of their path. Wall street may not this year or during this Congress receive any shock by reason of the passage of this bill, or one like it, which carries relief to the people. If so, if it should fail, let all the railroad rings and magnates and financiers rejoice, for this is their day; the people's day is to come. At least, let this House do its duty to the people, do its part toward enacting this bill into law, and the people will say, "Amen!" [Prolonged applause.]

APPENDIX.

[Tables taken from reports made by the railroads to the Interstate Commerce Commission.]

Statement relating to average daily compensation of railway employees for the years ending June 30, 1904 and 1905.

Class.	1904.	1905.	Increase, 1904 over 1905.	
			Amount.	Per cent.
General officers	$11.61	$9.01	$2.60	28.86
Other officers	6.07	5.85	.22	3.76
General office clerks	2.22	2.19	.03	1.37
Station agents	1.93	1.74	.19	10.92
Other station men	1.69	1.62	.07	4.32
Enginemen	4.10	3.65	.45	12.33
Firemen	2.35	2.05	.30	14.63
Conductors	3.50	3.04	.46	15.13
Other trainmen	2.27	1.90	.37	19.47
Machinists	2.61	2.22	.39	17.57
Carpenters	2.26	2.03	.23	11.33
Other shopmen	1.91	1.70	.21	12.35
Section foremen	1.78	1.70	.08	4.71
Other trackmen	1.33	1.17	.16	13.67
Switch tenders, crossing tenders, and watchmen	1.77	1.75	.02	1.14
Telegraph operators and dispatchers	2.15	1.98	.17	8.59
Employees, account floating equipment	2.17	1.91	.26	13.61
All other employees and laborers	1.82	1.65	.17	10.30

Statement showing for the period of five years ending on June 30, 1904 and 1899, the aggregate amounts of the gross earnings, operating expenses, and net earnings of the railways in the United States.

Item.	Aggregates for five years ending June 30, 1904.	Aggregates for five years ending June 30, 1899.	Increase.	
			Amount.	Per cent.
Gross earnings from operation	$8,677,972,116	$5,908,586,350	$2,769,405,766	31.91
Operating expenses	5,704,509,633	3,926,176,498	1,778,333,135	31.17
Net earnings	2,973,462,483	1,982,389,852	991,072,631	33.33

Mileage operated on June 30, 1904	212,243.20
Mileage operated on June 30, 1899	187,534.68
Increase	24,708.52
Per cent of increase	11.64

Statement relating to average daily compensation of railway employees for years ending June 30, 1904, 1900, and 1895.

Class.	1904.	1900.	Increase, 1904 over 1900. Amount.	Increase, 1904 over 1900. Per cent.	1900.	1895.	Increase, 1900 over 1895. Amount.	Increase, 1900 over 1895. Per cent.
General officers	$11.61	$10.45	$1.16	11.10	$10.45	$9.01	$1.44	15.98
Other officers	6.07	5.22	.85	16.28	5.22	5.85	a.63	a10.77
General office, clerks	2.22	2.19	.03	1.37	2.19	2.19	.....	.....
Station agents	1.93	1.75	.18	10.28	1.75	1.74	.01	.57
Other station men	1.69	1.60	.09	5.62	1.60	1.62	a.02	a1.23
Enginemen	4.10	3.75	.35	9.33	3.75	3.65	.10	2.74
Firemen	2.35	2.14	.21	10.33	2.14	2.05	.09	4.39
Conductors	3.50	3.17	.33	10.41	3.17	3.04	.13	4.28
Other train men	2.27	1.96	.31	15.82	1.96	1.90	.06	3.16
Machinists	2.61	2.30	.31	13.48	2.30	2.22	.08	3.60
Carpenters	2.26	2.04	.22	10.78	2.04	2.03	.01	.49
Other shopmen	1.91	1.73	.18	10.40	1.73	1.70	.03	1.76
Section foremen	1.78	1.68	.10	5.95	1.68	1.70	a.02	a1.18
Other trackmen	1.33	1.22	.11	9.02	1.22	1.17	.05	4.27
Switch tenders, crossing tenders, and watchmen	1.77	1.80	a.03	a1.67	1.80	1.75	.05	2.86
Telegraph operators and dispatchers	1.15	1.96	.19	9.69	1.96	1.98	a.02	a1.01
Employees, account floating equipment	2.17	1.92	.25	13.02	1.92	1.91	.01	.52
All other employees and laborers	1.82	1.71	.11	6.43	1.71	1.65	.06	3.64

a Decrease.

Statement showing number of employees on June 30, and compensation by classes for the years 1904, 1900, and 1895.

Class.	Number on June 30, 1904.	Total compensation reported for class, year 1904.a	Number on June 30, 1900.	Total compensation reported for class, year 1900.a	Number on June 30, 1895.	Total compensation reported for class, year 1895.a
General officers	5,165	$14,475,126	4,916	$13,157,420	5,407	$12,234,686
Other officers	5,375	10,816,880	4,669	8,141,500	2,534	4,854,824
General office clerks	46,037	34,735,708	32,265	23,127,228	26,583	18,820,959
Station agents	34,918	22,584,269	31,610	18,553,252	29,014	16,681,380
Other station men	120,002	66,318,729	89,851	45,627,016	73,569	38,460,716
Enginemen	52,451	68,946,543	42,837	50,713,401	34,718	39,490,901
Firemen	55,004	40,463,040	44,130	29,203,596	35,516	22,571,130
Conductors	39,645	44,150,760	29,957	30,089,322	24,776	23,708,480
Other trainmen	106,734	75,521,384	74,274	44,844,475	62,721	36,504,135
Machinists	46,272	37,344,571	32,831	22,924,702	27,740	17,724,171
Carpenters	53,646	36,654,270	46,666	28,144,452	35,564	20,961,980
Other shopmen	159,472	94,463,049	114,773	59,470,846	88,661	44,738,582
Section foremen	37,609	22,555,363	33,085	18,481,594	29,809	16,735,703
Other track men	289,044	104,600,785	226,799	71,664,298	155,146	50,513,897
Switch tenders, crossing tenders, and watchmen	46,262	26,920,495	50,789	29,599,258	43,158	24,254,269
Telegraph operators and dispatchers	30,425	21,770,296	25,218	16,176,401	20,984	13,615,311
Employees—account floating equipment	7,495	4,884,713	7,597	4,247,915	5,779	3,260,020
All other employees and laborers	160,565	90,392,829	125,386	63,098,165	83,355	40,377,117
Total	1,296,121	817,598,810	1,017,653	577,264,841	785,084	455,508,261

a Covers over 99 per cent of number of employees on June 30.

Statement showing gross earnings, operating expenses, net earnings, etc., of railways in the United States for the years ending June 30, 1904, 1900, and 1895.

	1904.	1900.	Increase, 1904 over 1900.	Per cent of increase.
Gross earnings from operation	$1,975,174,091	$1,487,044,814	$488,129,277	32.82
Operating expenses	$1,338,896,253	$961,428,511	$377,467,742	39.26
Net earnings	$636,277,838	$525,616,303	$110,661,535	21.06
Miles operated on June 30	212,243.20	192,556.03	19,687.17	10.22

	1900.	1895.	Increase, 1900 over 1895.	Per cent of increase.
Gross earnings from operation	$1,487,044,814	$1,075,371,462	$411,673,352	38.28
Operating expenses	$961,428,511	$725,720,415	$235,708,096	32.48
Net earnings	$525,616,303	$349,651,047	$175,965,256	50.32
Miles operated on June 30	192,556.03	177,746.25	14,809.78	8.33

	1904.	1895.	Increase, 1904 over 1895.	Per cent of increase.
Gross earnings from operation	$1,975,174,091	$1,075,371,462	$899,802,629	83.68
Operating expenses	$1,338,896,253	$725,720,415	$613,175,838	84.49
Net earnings	$636,277,838	$349,651,047	$286,626,791	81.98
Miles operated on June 30	212,243.20	177,746.25	34,496.95	19.41

Preliminary report on the income account of railways in the United States for the year ending June 30, 1905.a

Mileage operated	214,477.82
Earnings:	
Passenger	$572,109,366
Freight	1,449,182,702
Total	2,073,177,325
Operating expenses	1,383,584,404
Net earnings	689,592,921
Income from other sources	51,885,257
Total income	804,229,563
Total deductions from income	b713,994,800
Dividends	196,080,237
Surplus from operations of year	90,234,763

Year ending June 30—	Tons carried.	Tons carried 1 mile.	Average receipts per ton per mile.
			Cent.
1904	1,309,899,165	174,522,089,577	0.780
1903	1,304,394,323	173,221,278,993	.763
1902	1,200,315,787	157,289,370,053	.757
1901	1,089,226,440	147,077,136,040	.750
1900	1,101,680,238	141,599,157,270	.729
1899	959,763,583	123,667,257,153	.724
1898	879,006,307	114,077,576,305	.753
1897	741,705,946	95,139,022,225	.798
1896	765,891,385	95,328,360,278	.806
1895	696,761,171	85,227,515,891	.839
1894	638,186,553	80,335,104,702	.860

a The foregoing advance statement, which is confined to operating roads, covers presumably about 99 per cent of the mileage that will be included in the final report for the year.
b Includes $58,533,381 taxes.

ENROLLED BILL SIGNED.

The committee informally rose; and the Speaker having resumed the chair, Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 2012. An act granting an increase of pension to William Wilson.

REGULATION OF RAILROAD RATES.

The committee resumed its session.

Mr. HEPBURN. Mr. Chairman, I now yield sixty minutes to the gentleman from South Dakota [Mr. MARTIN].

Mr. MARTIN. Mr. Chairman, it is unusual in the history of legislation that any public measure has behind it so strong and united a public sentiment as that which is supporting this bill. It is doubtful, I think, whether this united sentiment could exist in any country except our own. It is certain that it could not exist in any time other than the time in which we are living. These facilities of transportation and communication with which we are now so familiar are all of comparatively recent origin. For thousands of years, until within a very recent time, there were absolutely no changes in the methods and modes of transportation or communication. When George Washington desired to send a quick message into the interior, he employed precisely the same methods that were employed by the Pharaohs of Egypt—a footman or a man on horseback. To-day all that is changed. The happenings of every day are known instantly all over the world. The daily paper reaches the farmer and the man in the workshop. To-day almost everybody is informed upon great public questions.

And so it is that great reforms under these conditions may be brought about in a few years which, under the old methods, would require decades, and perhaps centuries, to realize. I believe that the united public sentiment back of this legislation is due in a large measure to the strong and trusted personality of the President of the United States. The people of this time, regardless of political affiliation, have learned to trust the judgment and believe in the policies of Theodore Roosevelt. And while the committee is to be congratulated that they have agreed upon the measure that they are here reporting without a dissenting voice, that is, in fact, but an epitome or illustration of the united sentiment of the people of the whole country upon this class of legislation.

While the question of rate regulation of the great transcontinental railways is a complicated and difficult question to comprehend in all of its parts, nevertheless our people, as a rule, understand full well the simple principle involved, and they believe in that principle. That principle is that the great instrumentalities of commerce, whether a common carrier or a great corporation engaging in the interstate commerce of the country, shall be brought under Federal regulation and control.

For my own part, I believe that the particular provision of this bill giving to the Interstate Commerce Commission the power to fix maximum rates when a given rate is challenged

as unjust or unreasonable, while it is an important provision, is not the most important provision in the bill; and, speaking from the standpoint of one representing the transcontinental West, that part of our country west of the Mississippi River, I very much doubt, if this were the only provision in the bill, whether it would in its workings operate to the advantage and betterment of that particular part of our country. I believe I should still support the measure because of the principle of supervisory control in the Federal Government that is involved.

But, to my mind, much greater and more important are the provisions providing for a quick and ready means of relief against rebates, discriminations, private-car abuses, excessive icing charges, unreasonable terminal charges, and elevator abuses. These are really the far greater class under which the people of the entire country, the small shippers, are complaining; and if this bill—which I hope it will—can afford a means of relief, will minimize the injuries that are coming to the common shipping public by reason of these abuses, it will be a move in the right direction.

I do not regard this measure in any sense as legislation adverse to the railroads of the country.

In a broad sense I believe what is for the benefit of the people at large is for the benefit of the railroads. Some of the railroads of the country are endeavoring to obey the law. The purpose of this bill is to require that all must obey the law. The Administration policy for the regulation of great corporations as instrumentalities of interstate commerce is only the gospel of the square deal as applied to commerce. The square deal injures nobody that is deserving of consideration. The square deal benefits all honest and well-disposed citizens or corporations alike. The square deal is like Shakespeare's quality of mercy, which—

> Droppeth like the gentle rain from heaven
> Upon the place beneath; it is twice bless'd,
> It blesseth him that gives, and him that takes.

By far the greater offender against our present salutary laws for the regulation of commerce, in my opinion, is not commonly the railroad corporation or the small shipper. The great offender is the large shipper, the organized, gigantic trust that stands between the railroad company on the one hand and the common public on the other, acting the part of the commercial highwayman, holding up the common carrier for special privileges, rebates, and advantages over the small shipper, by means of which it grows monopolistic, while on the other hand it exacts exorbitant prices for its commodities from the general public because it has the power to do so.

I believe that in the very near future the Congress of the United States must pass beyond the step we are taking to-day for the affirmative regulation of the common carrier and take at least one step further and provide for the proper regulation by affirmative legislation of those great corporations engaging in interstate commerce which are not themselves common carriers. The President of the United States from the time of his first message to the Fifty-seventh Congress has uniformly embodied in his communications to Congress some recommendations along the line of the regulation of all corporations engaged in interstate and foreign commerce. I will attach to my remarks extracts from the various messages of the President upon this subject. For the purposes of this discussion at this time I will simply read a short extract from the speech of the President, delivered at Chatauqua, N. Y., in August, 1905, as embodying what, to my mind, is the strongest and most direct statement of the relief that we may be expected to ask against the evils growing out of the trust and its operations in interstate commerce. He says:

> The enormous increase in interstate trade resulting from the industrial development of the last quarter of a century makes it proper that the Federal Government should, so far as may be necessary to carry into effect its national policy, assume a degree of administrative control over these great corporations. It may well be that we shall find that the only effective way of exercising this supervision is to require all corporations engaged in interstate commerce to produce proof satisfactory, say, to the Department of Commerce, that they are not parties to any contract or combination or engaged in any monopoly in interstate trade in violation of the antitrust law, and that their conduct on certain other specific points is proper; and, moreover, that these corporations shall agree, with a penalty of forfeiture of their right to engage in such commerce, to furnish any evidence of any kind as to their trade between the States whenever so required by the Department of Commerce.

The Commissioner of Corporations, in his last report, which was made public only two or three weeks ago, upon this precise subject has this to say:

> The power of Congress to regulate interstate commerce being plenary, that body may determine to what extent it will first exercise its power. The transportation companies most clearly should come within the terms of such a measure; and with them should be joined the greater corporations engaged in the production, manufacture, and distribution of those staples which affect the lives of the people of this country and the monopolization of which will necessarily result in hardship and injustice to the individual.

Now, consistent with this idea, but upon my own initiative primarily, I prepared and introduced into this House upon the first day of this present session a bill for the regulation of corporations engaged in interstate commerce in food and fuel supplies, and as germane to this present discussion, if not directly involved in it, it is my purpose to devote the balance of the time allotted to me in this present debate to a consideration of the provisions and the principles involved in such proposed legislation. The bill to which I refer, right in line with the President's suggestion as to the supervision by the Department of this class of corporations, provides, first, that after January 1, 1907, all corporations engaging in interstate commerce in food and fuel supplies shall first obtain from the Secretary of Commerce and Labor a franchise or license authorizing the corporation to engage in such interstate business. It is provided that as a condition precedent to obtaining the license or franchise of that kind the corporation shall show to the satisfaction of the Secretary of Commerce and Labor that it is not overcapitalized; that it has not entered into any contract or combination in restraint of interstate trade; that it is not operating, and that it is not its purpose to operate in violation of the antimonopoly laws of our statutes.

It is provided further that the Secretary of Commerce and Labor shall receive from corporations engaged in business of this kind annually and at such other times as he may require a detailed statement of the condition of such corporations and their methods of doing business. It is also provided that special examiners may be from time to time appointed to examine into the business methods and the general condition of such corporations, being in the nature of the examinations already had by the General Government in relation to national banks.

I begin with food and fuel corporations because we must begin somewhere. It is appropriate also to regulate first those great corporations that are handling the universal necessities of life, free commerce in which has always been considered a question of public policy.

Mr. GILBERT of Kentucky. Mr. Chairman, may I interrupt the gentleman to ask a question?

The CHAIRMAN. Does the gentleman yield?

Mr. MARTIN. Certainly.

Mr. GILBERT of Kentucky. Is it your idea that because the product of the manufacturing establishment becomes an article of interstate commerce therefore the manufacturing establishment is engaged in interstate commerce?

Mr. MARTIN. Not necessarily, by any means. The manufacturing establishment within the boundaries of a State—and every establishment must have a situs somewhere—may be manufacturing for the purpose of State commerce, or commerce within the State, and also for the purpose of commerce without the State. At just what particular instant articles manufactured within a given State become articles of interstate commerce, is not entirely clear under the authorities, each case being determined, to some extent, upon the particular facts involved in it. I may say, further, in answer to the question of the gentleman from Kentucky, that the suggestion raised by the question of the gentleman brings what, to my mind, is an important reason why it is better to adopt a plan something like the one I am suggesting for the regulation of corporations by a franchise or license system, rather than to require national incorporation.

Mr. GILBERT of Kentucky. Does not the gentleman know, in substance, all the corporations and all the private individuals who are engaged in the manufacture of any kind of commodity—for example, here is a sugar refinery establishment, and a tobacco factory in Louisville, or any other establishment of that sort, and these articles and products of the establishment or institution will become articles of interstate commerce—now, does it follow, therefore, that that corporation or that local institution is engaged in interstate commerce, in your judgment?

Mr. MARTIN. It does not follow that it is. If, as a matter of fact, it is engaged in interstate commerce it will come within the provisions of this bill if passed.

Mr. GILBERT of Kentucky. If that is true, will not your bill embrace all manufacturing establishments in the country?

Mr. MARTIN. My bill does not embrace all the manufacturing establishments in the country, but a bill might be drawn along the same lines that would so provide if they are engaged in interstate commerce. My bill provides only for the regulation of corporations engaged in interstate commerce in particular lines of industry.

Mr. GILBERT of Kentucky. But the engagement in interstate commerce consists in the transportation of those articles from one State to the other. Is that right?

Mr. MARTIN. In a large part.

Mr. GILBERT of Kentucky. Well, therefore, if any article of a manufacturing establishment becomes a subject of interstate commerce, then that establishment would become engaged in interstate commerce?

Mr. MARTIN. Most certainly; I think that is logical and inevitable.

Mr. GILBERT of Kentucky. I just wanted to catch the gentleman's idea.

Mr. PALMER. Will the gentleman yield to me for a question?

Mr. MARTIN. Certainly.

Mr. PALMER. Your bill provides that corporations engaged in interstate commerce should take out license or cease to do business?

Mr. MARTIN. Yes, sir; after January 1, 1907, provided they are engaged in interstate commerce in these particular lines of industry—food and fuel supplies.

Mr. PALMER. What advantage would the corporations obtain by taking out a license?

Mr. MARTIN. They would have the advantage of continuing business in interstate commerce, which is certainly a great advantage. The interstate commerce of this country is by far the largest commerce in the world. It is a privilege granted simply by acquiescence. These corporations organize and exist under the laws of the various States.

Mr. PALMER. Would the license enable the corporation to do business in any State of the Union irrespective of State laws?

Mr. MARTIN. It would enable it to do business and authorize it to do business in interstate commerce no matter what State it went into, but it would not authorize it to do business within the boundaries of a State unless that business pertained to interstate commerce.

Mr. PALMER. It would not undertake to regulate interstate business?

Mr. MARTIN. It only undertakes to regulate corporations engaged in interstate-commerce business.

Mr. PALMER. Suppose the case of a manufacturing company located in the State and chartered under the laws of the State, doing a domestic business and also a foreign business. What advantage would such a corporation as that gain by taking out a license?

Mr. MARTIN. Simply this: If this bill were to become a law, it could continue its State business without a license. It would be barred from interstate business unless it took out a license.

Mr. PALMER. Then the gentleman's bill provides that no company engaged in business in the United States can do an interstate business unless it takes out this Federal license?

Mr. MARTIN. Yes, sir; if it is engaged in these particular lines of industry, supplying the people with food and fuel.

Mr. PALMER. Why would it not be better to require the corporation doing the interstate business to take out a charter under some Federal corporation act?

Mr. MARTIN. There are difficulties along that line that do not apply to regulating corporations organized under the various States.

Mr. PALMER. What are they?

Mr. MARTIN. One of them is this: Of course if we were to require from the corporation doing an interstate business that instead of obtaining its charter from the State it should obtain it from the General Government, the question arises as a serious one of law, I think, as to the authority of the Government to authorize a corporation to carry on the business of producing within the boundaries of a State. A corporation can not produce simply theoretically and out in the atmosphere. And if it locates its establishment in the boundaries of a State, for all purposes, except that of interstate commerce, it is subject to the laws and the taxing powers of that State. I think difficulties arise along that line that do not arise as applied to the license——

Mr. PALMER. Does the gentleman think that Congress has the right to regulate commerce and could extend the right?

Mr. MARTIN. Most certainly. But will the gentleman bear in mind that the authority given in the commerce clause of the Constitution is not to create commerce, but to regulate it? And where the production of a commodity is the first exercise of authority to be given to a corporation, the question might properly arise as to whether the creation of the corporation is, in fact, the regulation of commerce or the creation of commerce itself by making instrumentalities by which the commodities of commerce could be produced.

Now, I must ask the gentlemen if they will forbear at present, as my time is limited. I would like to discuss this further.

Mr. GILBERT of Kentucky. There is just one question I would like to ask. Did not the Supreme Court of the United States, in the sugar-refining case and in a number of other cases, expressly hold in the plainest possible language that the fact that the corporation manufactured products to be used in interstate commerce did not make that corporation engage in interstate commerce?

Mr. MARTIN. Yes, sir. In the Knight case it was so held by the Supreme Court of the United States, which is quite in line with my argument.

Mr. GILBERT of Kentucky. In the pipe-line case the territory was divided up and one part assigned to one territory and another to another territory.

Mr. MARTIN. Unless a corporation has authority to produce or manufacture within a State, or wherever the place of its habitation or its plant may be, it has no basis of engaging in commerce anywhere.

Now, without declining to answer questions, let me request of the gentleman that for a time I be permitted to proceed.

I was citing further the provisions of this bill. I am in hopes that this subject-matter may be up in the near future for consideration by the Committee on Interstate and Foreign Commerce, where the bill is referred, and that later on it may be before this House for its deliberate action. My purpose at the present time is rather to begin a discussion along this line and to attract public attention to this necessary legislation rather than to exhaust the discussion to-day. Now, it is provided in this bill that the Secretary of Commerce and Labor, if a corporation engaged in interstate business in these particular lines of industry shall fail to make its annual report or shall decline to make such other special report that may be exacted of it by the Secretary from time to time, he will have the authority to suspend temporarily the license of such corporation until it shall comply with the statute upon that subject.

It is further provided that after obtaining the license or franchise to engage in interstate commerce of this kind a subsequent violation of our antitrust laws shall subject such corporation to a forfeiture of its license and right to carry on interstate business. The act is to be enforced by the Attorney-General and district attorneys of the United States under his direction in the courts, and in such proceeding a decree may be rendered dissolving the right of such corporation to continue in the transaction of such interstate business. Severe penalties are provided for transacting business in these commodities without obtaining license. Beyond all that, by a principle similar to the remedy that we invoke for smuggling or the unlawful importing of goods into the United States from a foreign country, it is provided that if the outlaw corporations shall persist in transacting interstate commerce in food or fuel supplies without license or franchise to that effect, they shall forfeit the goods so unlawfully engaged in that commerce.

Now, I think it must appear from the mere statement of the provisions of this proposed legislation that its chief purpose is to enforce a compliance with our laws as they now exist upon the statute books. To the corporation that complies with the laws there is no peril or danger. To the corporation that does not the penalties are so severe as to make the law effective. Our internal commerce is by far the greatest commerce in the world. The foreign commerce of all the nations of the world is insignificant in comparison with the interstate commerce that these corporations are engaged in at home. To deny to the great corporations the privilege or right to engage in this commerce would be a most severe penalty. They would have left upon their hands great plants that could not be operated profitably within the boundaries of a single State alone. These great concerns are organized for a profit. Make it unprofitable to violate our wholesome antimonopoly laws and they will cease to do so.

Mr. PALMER. Suppose that a corporation seeking a license under your law, the Bureau of Commerce and Labor, or whatever it is, should find that it was a monopoly and the license should be refused, what would become of the company and its property?

Mr. MARTIN. It would be able to go to a court under a proceeding of mandamus or something of the kind, to compel the issuance of a license, and if it could establish conclusively the facts making it a lawful corporation of course the license would follow.

Mr. PALMER. But suppose that they were overcapitalized, they would have to go out of business because they could not get a license.

Mr. MARTIN. That would be the logical conclusion.

Mr. PALMER. It would be a bankrupt act, so far as they are concerned.

Mr. MARTIN. Now, in this connection I desire to discuss, in the time remaining to me, briefly some of the propositions involved in this legislation and the conditions in the country that, to my mind, make legislation of this character necessary. The rise and domination of the trusts present one of the most striking facts in modern commerce; and it is really the gigantic trust—the outlaw corporations—that it is the purpose of this bill to reach. Personally I have no quarrel with corporations in general. I recognize that corporations are necessary instrumentalities of our commerce.

We are living in this twentieth century, in the age of industry, and the strongest and deepest industrial currents in the world are to be found right here in the United States. The growth of the United States in wealth since the close of the civil war presents the most marvelous picture of prosperity and material progress of all the world. There is nothing in fiction or history that compares with it. In the development of our industries it is neither strange nor alarming that old methods and old implements have, in a large measure, been crowded out, making way for the new. The big corporations and little corporations have sprung into existence in this marvelous march of material progress as naturally as the steam engine or the cotton gin, which are material factors in our progress.

The trust problem is a much more modern problem than we sometimes stop to think. Epitomized in few words, the trust is a combination of corporations. In the United States we have advanced to a place where we do not fear anything simply because it is large; but here has come within the past ten years the adaptation of a principle by which competitors by consolidation can, over night, if you please, absolutely change and control conditions in commerce in any particular industry. It is this principle of combination, of sudden amalgamaton, that is, to my mind, the chief vice of this system. To-day there may be ten corporations that have developed along the line of natural, healthful corporate growth in any particular industry. Take the meat industry for an illustration. These corporations may be wholesome and sharp competitors in that business, and their competition insures to the general public the probability of a fair, and only a fair, price on that commodity. But by this principle of sudden consolidation these ten competing concerns may amalgamate their interests, and as a result all competition in that line of industry disappears at once, and to-morrow, as a result, these ten independent companies become one, with no consideration before them except their own profit and forgetful of the interests of the general public. It is this principle of sudden consolidation which is the genius and peculiarity of the trust which I am criticising, and which, in my judgment, as legislators sooner or later we must check.

I have said that the rise of this class of great corporations is new. A period of seven or eight years would reach back over the coming of almost all of them. The American Sugar Refining Company—the sugar trust—and the first Standard Oil Company were organized a little earlier than that, but the first Standard Oil Company was dissolved by the Supreme Court of the State of Ohio, and it reorganized under a new system in 1899. During that year a perfect spasm of consolidation and reorganization swept over the country and effected a consolidation of almost all the important lines of our commerce. Mr. John Moody, of New York, has during the past year published a work entitled "The Truth About the Trusts." In that work he gives the names of 318 industrial trusts with a combined capital of $7,000,000,000. These 318 industrial trusts represent what were before the consolidation 5,288 independent concerns. The largest of these consolidated concerns is what is known as the "steel trust"—the United States Steel Corporation. It has a nominal capitalization of $1,370,000,000. Notwithstanding this immense capitalization, it is probably true that the Standard Oil trust is, after all, the chief of the trusts. The nominal capital of the Standard Oil Company is only $97,500,000, but its shares have ranged in the market all the way from $580 to $830 per share in the past three years, representing an actual value of something like $650,000,000. It is stated on good authority that the net profits per year of the Standard Oil Company are about $60,000,000, or in the neighborhood of 61 per cent on the actual capitalization of that company.

Now, this spasm of consolidation was considerably overworked in the first instance. Serious depreciations in values followed. Out of the 100 greatest of the industrial trusts, there was a general decline and slumping in values during the stock panic year of 1903 of something like 43 per cent on the average.

Now, the evils of this new principle in both State and interstate commerce are very numerous, but the most serious and the ones deserving of our most immediate attention are, first, overcapitalization; second, the tendency to monopoly, and, third, the destruction of individual enterprise and success.

By overcapitalization, of course, we do not mean simply a large capitalization. I have already said that we have little to fear, no matter how large the capital of a company is, provided there is free competition or opportunity for other bright men and other capitalists to develop successfully along the same line of industry. But by overcapitalization we mean fictitious capitalization, the issuance of large blocks of stock beyond the value or the cost of the plants consolidated. It is this tendency to make large fortunes by the stroke of a pen, simply in the act and method of consolidation, that is a great temptation and a crying evil. This is the Wall street method of doubling your money over night without putting in any.

I think there has never been a more effective method devised of getting rich quick, of amassing a large fortune without labor, than the organization of a trust. Out in the West we are still pursuing the simple life.

Mr. DWIGHT. Will the gentleman allow a question?

Mr. MARTIN. Certainly.

Mr. DWIGHT. I would like to ask the gentleman if they have ever indulged in overcapitalization in the Black Hills country in South Dakota?

Mr. MARTIN. Oh, yes; there have been fictitious capitalizations in mining operations everywhere, but generally by eastern men. [Laughter.] Corporations of that character have never deceived the prospector or the miner. I was saying, Mr. Chairman, that out in the West we are still pursuing the simple life, and while the wealth of the West has increased marvelously in the last decade, our wealth still consists of houses and lands and visible personal property, and not vain commercial imaginations. [Laughter.] We refuse to become excited over financial panics in Wall street. Wall street is the only financial center in America that has no balances anywhere to draw upon. We commend the stand taken by Secretary Shaw in refusing to shape the financial policies of the Treasury Department to accommodate the necessities of stock speculators.

But in the trust process what happens? After creating a large fictitious capitalization in the process of consolidation the promoters proceed to cash in their holdings as far as possible by entering the market, attracting the attention of investors, small and large, to the advantages of this consolidated stock, and generally names of men prominent in the great financial circles are connected with the flotation of this class of securities. The Standard Oil magnates were the promoters of Amalgamated Copper. The Amalgamated Copper enterprise was located, so far as its values were concerned, in the State of Montana, but really the Napoleons of finance who made Amalgamated Copper possible had their business in Wall street, in the city of New York. With such names prominent in the financial world connected with this enterprise, the investing public fairly crowded over one another to acquire the shares. A change came, and the pathway of this great corporation was fairly strewn with the wrecked fortunes of unsuccessful investors.

The United States Steel Corporation, as legitimate an industry as you can find in any overcapitalization, has depreciated in value of stock about 50 per cent since its organization. The reputation of so great a man in financial circles as Pierpont Morgan was severely shattered by his efforts to promote the stupendous shipping trust, which fell to pieces of its own weight as soon as it was set afloat.

Now, having issued a large amount of fictitious stock in the process of consolidation, the next step of course is, if possible, to so increase the profits of the reorganized company that it can pay dividends not only upon the actual capital, but upon the fictitious capital. There are only two ways known to industry of increasing dividends under these circumstances. One is to advance the prices upon the commodity which the people must pay, and the other is to reduce the cost of production, and often this is accomplished by a reduction of the wages of the workmen. Overcapitalization therefore becomes an enemy not only of the honest investor attracted to the stock, but it becomes also an enemy of the honest laborer engaged in the manufacture of that product, as well as an enemy of the consuming public called upon to pay the increased price. Statistics of this sort of consolidation will show that the increased advantages coming from such consolidation are not such as to compensate for the disadvantages of the system.

Now, the next evil and tendency in this system is a tendency to monopoly by these consolidations. The chief purpose of effecting a consolidation of competing companies in any line of industry is to remove competition, and if it is successful in whole or in part, some measure of monopoly is enjoyed as a result of the consolidation.

I think as a people our time-honored and time-tested ideas upon this common subject of monopoly are undergoing a severe

strain at the present time. It has been found much more easy to make large profits in any line of industry if you can enjoy some measure of monopoly in the manipulation of that industry. It is so much more satisfactory to be able to fix your own prices on your own commodities without fear of molestation from some enterprising competitor.

Mr. SIBLEY. Mr. Chairman, will the gentleman yield?

Mr. MARTIN. Certainly.

Mr. SIBLEY. I will ask the gentleman if, in the various consolidations to which he has referred, he will name one where the effect has not absolutely been to cheapen the cost of production and distribution to the consumer. I want some specific answer, naming some combination where the effect has not been to cheapen the cost of production.

Mr. MARTIN. Oh, there are plenty of them.

Mr. SIBLEY. I trust the gentleman will not be general about it.

Mr. MARTIN. Certainly. I will mention the American Tobacco Company, the American Sugar Refining Company, and the harvester trust. I will name those three that come to me now.

Mr. SIBLEY. Does not the gentleman recognize the fact that in, say, the case of the sugar company there is a scale which shows from year to year the decrease in the price to the consumer? Surely the gentleman is familiar with that.

Mr. MARTIN. I am familiar with the history of that subject, and the gentleman will find, if he consults the reports of the Industrial Commission, that the price of sugar advanced materially as a result of the various consolidations that were effected in that industry. [Applause.]

Mr. GAINES of Tennessee. Mr. Chairman, I will suggest that the American Tobacco Company has not decreased the cost of the production of tobacco. It has decreased the cost of the things that it makes by monopolizing and making its own price and making everybody pay that price or do without.

Mr. MARTIN. I am speaking solely of the prices to the consumer. I do not think that the advantages coming from the larger operations of manufacture by reason of consolidation is the controlling inducement to the organization of a trust; but undoubtedly this organization, by reason of fewer employees and the consolidation of enterprises, may result in a slight depreciation in the actual cost of production. What I say, in answer to the question of the gentleman from Pennsylvania [Mr. SIBLEY], is simply this: That in many instances, in most instances, the result of consolidation does not materially or permanently reduce the cost to the consumer.

Mr. ALEXANDER. Mr. Chairman, I have not had the pleasure of hearing all that the gentleman from South Dakota has said, but he speaks of consolidation since 1899 which has been going on. Now, has that consolidation increased the freight rates from what they were prior to 1899?

Mr. MARTIN. The gentleman from Michigan [Mr. TOWNSEND], who sits at my left here, is better posted upon that subject than I am; but the statement he now makes to me corroborates my understanding of that subject entirely, and he tells me that the result has been, or at least the fact has been, that the cost of freights has increased in the neighborhood of 5 per cent during that period.

Mr. TOWNSEND. Admitted so by the railroads.

Mr. MARTIN. And that it was admitted to be so by the railroads at the hearings.

Mr. SIBLEY. Is it not true that labor has increased from 15 to 20 per cent, and that the cost of material entering into the economy and operation of railways has increased upward of 30 per cent?

Mr. MARTIN. I will not be able to answer precisely as to the figures the gentleman gives. There has been an appreciation in the wages of labor in the last five years. There has been a general appreciation, indeed, incident to the coming of good times. Good times are always times of high prices. Hard times are always, and logically so, periods of low prices, and these circumstances must be considered in endeavoring to arrive at the cause of conditions under which we are living at the present time.

Mr. STANLEY. Mr. Chairman, I would like to suggest to the gentleman if it is not true that even in the case of railroads the increase in the price of labor has not been commensurate with the increase in the cost of living during the period mentioned by him?

Mr. MARTIN. That suggests a subject that I do not like to embark upon at the present time.

Mr. GROSVENOR. Will the gentleman permit me a remark at this time?

Mr. MARTIN. Yes.

Mr. GROSVENOR. The most exhausting and far-reaching investigation that has been made upon that topic shows that the gentleman's proposition is entirely erroneous, and that wages have advanced out of proportion to the advance in the cost of living.

Mr. MARTIN. That is an interesting subject and one that comes very close to the people, and I would commend the gentleman from Kentucky [Mr. STANLEY] to the report of the Bureau under the Secretary of Commerce and Labor on that subject.

Mr. STANLEY. I hope that is not Mr. Garfield's report.

Mr. MARTIN. No; that is not Mr. Garfield's report. It comes, I think, from Mr. Austin, or some one else in that Department.

Mr. STANLEY. May I interrupt the gentleman to ask another question? In speaking of the fact that the trusts have increased both the cost of the finished product and lowered the cost of the raw material, I would suggest that the best example of that is the very trust which the gentleman discussed so intelligently at the last session of Congress—the beef trust.

Mr. MARTIN. Yes; it is a subject with which I am somewhat familiar. We do not need to go very far into statistics to satisfy our minds what are the facts along this line. Here is the gentleman from Pennsylvania [Mr. SIBLEY], able along all lines of industrial development, and if he and I were to organize a trust to-day it would be for no philanthropic purpose, but for further profit to ourselves. That is the purpose of such organization, and history and statistics will show it is the result of such organization, and my position upon that subject is this: Herein is coming a peril to the consumer, a peril to the wage-earner, a peril to the small investor that we, as representatives of the people, are called upon to consider and to control and obviate as far as legislation can correct these conditions.

Mr. ALEXANDER rose.

Mr. MARTIN. After the question of the gentleman from New York, as my time is passing and so much has been taken up by this discussion, I will ask that no further questions be allowed until I have some further time given.

Mr. ALEXANDER. Mr. Chairman, I am sorry to interrupt the gentleman. I am going to ask the gentleman from South Dakota if he has made a tabulation of railroad rates prior, say, to 1899, and the rates that now obtain showing on what roads there have been increases in the last seven years?

Mr. MARTIN. I have not such a tabulation, but I understand in a general way the facts to be about like this: For many years prior to 1898 or 1899 there was general decline in the railroad freight rates, gradual, but quite general. In the beginning of the year 1898 or 1899 there was a gradual though not large advance in freight rates. Now, I am not considering the proposition of railroad rates at present, and my bill does not consider them. I am discussing, Mr. Chairman, a topic germane to this bill, but I am quite willing to believe, so far as the advance in freight rates is concerned, that the advance since 1898 is incident to the general advance of prices under prosperity—which has a tendency to advance all prices—under which we have been passing during the last seven or eight years.

Mr. ALEXANDER. You speak for your section, the great State of South Dakota. That is true, is it?

Mr. MARTIN. I beg your pardon.

Mr. ALEXANDER. That statement you made is true of the great section of the country which you represent, South Dakota?

Mr. MARTIN. I have not examined it as applied to my own State very recently, but I understand that to be the general result throughout the United States. Now, I will ask not to be interrupted for a short time until I see what time I have left for debate.

The CHAIRMAN. The gentleman declines to yield further.

Mr. MARTIN. Now, I am informed that the consolidated corporation holding the electric light and gas franchises for the city of New York is capitalized for $75,000,000. I am informed that in that consolidation $50,000,000 represents the value of the numerous franchises held by that corporation and something like $25,000,000 the cost of the construction of those various plants, and I am informed further, and it is a good illustration of the proposition that I am endeavoring to present, that annually that corporation pays a respectable dividend upon the entire $75,000,000 of capitalization.

It is true that a great corporation might enjoy some measure of monopolistic power without having within its organization this principle of a trust or consolidation, but that is very unusual. Monopoly, indeed, in this day of clashing intelligence and competition can scarcely be created by any other means than sudden consolidation of competitors. The superiority of one

man or set of men, intellectually or financially, over a hundred or a thousand other men is not sufficiently great as to give them a controlling advantage over their fellows provided we can maintain a fair field and no favor, and that administration of our national affairs and our State affairs comes nearest to being an ideal administration that maintains a square deal in all lines of industry and gives to the large corporation and the small corporation and to the individual equal advantages in the race for prosperity and success.

Even a greater peril from this movement is the discouragement of individual enterprise and success. The American people are to-day great among the peoples of this earth not because of the colossal intellect of a few men or the great accomplishments of a few men, but the American people are great in the history of the world because of the superior intelligence and character of the average American citizen. [Applause.] And whatever discourages the individual initiative to that extent is against the best advancement of our people intellectually, socially, and morally.

A great trust has already an extended monopoly in a particular line. It desires greater monopolistic power in that line of business. Its plan is, therefore, to crush out, annihilate, the small competitor. How does it accomplish it? It accomplishes it by reducing the price of that particular commodity in the particular locality where the small competitor is seeking to maintain his life, away below the actual cost of production, and it supplies itself with the munitions for this unholy warfare by advancing the prices of the same commodity in other portions of the country where its operations are not disputed.

I am here to say that no amount of individual initiative, no amount of individual acumen and courage, can live in the face of that sort of predatory, destructive competition. Personally I am against this whole modern fad and idea of trusts, so far as it embodies this monopolistic principle. Private monopoly, whether in the hands of a few or in the hands of many, is against the best interests of the individual. It is against the best interests of the country. It is wholly and purely selfish, unpatriotic, and un-American. [Applause.]

When private monopoly has to do with an article of prime necessity as food or fuel, it is simply intolerable. Monarchical governments have not long endured a monopoly of any of the food staples of their people, and certainly a free republic will not.

Now, if I am at all correct in my diagnosis of the industrial conditions under which we are laboring, as connected with this particular class of corporations, what is the remedy? What are the conditions? There are forty-five States in the Union. Every corporation engaged in commerce obtains its charter from some one of these States.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. MARTIN. Mr. Chairman, I ask for fifteen minutes more in consideration of the interruptions I have had.

Mr. HEPBURN. Mr. Chairman, I yield to the gentleman fifteen minutes of additional time.

Mr. MARTIN. All corporations owe their existence to the charter of some one of the States. But in this day of quick transportation and instantaneous communication no great corporation is engaged simply in business in one State. They enter into all of the States in interstate commerce. It is apparent, therefore, that a remedy that will contain within it any hope of a successful solution of these questions must be national in its character, because the problem is national. The various States have struggled with the problem as best they can; at least, some of them have done so. Up to date fifteen of the States have absolutely no legislation against trusts and monopolies. Among them is New Jersey, and other States where charters are most commonly taken by these large concerns. In thirty of the States there are antimonopoly laws, laws against trusts and combinations in restraint of trade. Public sentiment upon this subject has been developing rapidly in recent years.

The legislatures of last winter, 1905, of seven States passed stringent laws along this line. And I want to say that in my opinion the State of Missouri, of all of these States, pivotal as it was, the battle ground as it was in the great controversy between the North and the South at the time of the civil war, has shown as much courage and as much determination as any one of the States in its effort to eradicate this evil. But I say the problem is national, and the remedy therefor must be national.

Now, in my opinion any remedy that will be successful, any legislation that will be successful, must combine two or three principles at least. First, publicity; secondly, free competition; thirdly, close Federal supervision or regulation. We have sought to give publicity to these corporations to some extent by the act creating the Department of Commerce and Labor and the Bureau of Corporations. But the powers of the Bureau along that line are quite limited. They apply rather to special investigations. The purpose of my bill upon that particular branch of this subject—publicity—is to throw the initiative upon the corporation, say to the corporation, "You can not engage in interstate commerce unless you show that you are a corporation for lawful purposes and have been lawfully organized."

The Sherman antitrust law is a strong law. It is only a question of its enforcement. The bill we are considering would throw the burden of proof of good character upon the corporation instead of leaving to the Government, through its detective agencies and courts, the difficult task of prosecuting violators of the law by civil or criminal procedure, as they are endeavoring to do to-day in the celebrated beef-trust cases.

Publicity is not simply a theory; it is a remedy, actual, practical, and important; and if applied in time it will certainly be a check upon overcapitalization. The evil deed is done in the dark. Men will not buy watered stocks if they know they are watered. If books may at any time be disclosed to the inspection of an examiner from the Department of Commerce and Labor, books will be honestly kept. How long do you suppose the president of the New York Life or the Mutual Life Insurance company would have been drawing a salary of $150,000 a year if the stockholders of those companies had known he was drawing a salary of that fabulous amount?

Mr. MADDEN. If the gentleman will allow me a question right along the line that he has taken, I want to give him an opportunity to state if he does not think it a fact that the formation of a trust by the consolidation of several companies, instead of giving the consumer the benefit of the saving to be made by the consolidation—their claim being that the object of the capitalization is that a saving may be made by the consolidation—they force the payment of dividends on the water thus injected, and thereby deprive the consumer of the saving secured in the formation of this corporation and prevents the giving of lower price to the consumer.

Mr. MARTIN. These consolidations are not effected for the purpose of benefiting the consumer, but the companies consolidated.

Mr. JAMES. If the gentleman will permit me, you have argued very ably that there ought to be some way by which the character should be shown of these corporations. Do you not think it would be a wise policy to provide, say, in this bill by amendment, that all persons dealing in interstate commerce should be required to make oath, and file the same before the Interstate Commerce Commission, that they are not engaged in the sale of any trust or monopolized article, and in that way could we not prevent the trusts from engaging in interstate commerce?

Mr. MARTIN. That might be a wise provision, but I do not think there would be so much obtained from that as the gentleman seems to think.

I was saying publicity is an antidote for overcapitalization. After publicity (and my bill in terms provides for that in all of its parts) competition is an important factor. I think we have but little to fear from monopolies, provided we can maintain a competitive field, because with the great wealth now massed in this country there is money to be invested in all lines of profitable industry. Competition is not only the life of trade, but competition is the death of monopoly; and our Government is rendering to its people a service of high order when it takes the initiative in legislation that will insure a free and open market to the farmers and manufacturers of this country wherever it can be found.

The next necessity, I think, in any legislation seeking to furnish relief against abuses in interstate commerce is close regulation by the Federal Government. The great corporations ought not to resist reasonable regulation and control by either the State or Federal Government. They exist by favor of the law. Their franchises are immensely valuable; their properties and accumulations are immensely valuable. They are protected by the laws of the State and of the Federal Government. They ought to make no complaint against investigation, control, or regulation of their operations in so far that they may be kept within the reasonable bounds of law.

Great power is attended with great dangers. Shall we therefore decline to use great power? The use of the locomotive engine is attended with tremendous danger to life and property. Shall we therefore cease to use it, or shall we use it with courage, with care, and with perfect control? Fortunately, these great aggregations of capital owe, as I have said, their very existence to the operation of law. They are the creations of law, and they can be controlled by law. If the public good should demand it, we could legislate that no corporation should

be organized with a capital beyond a certain amount. We can certainly, under the commerce clause of the Constitution, provide that corporations shall be permitted to engage in interstate commerce only by complying with certain conditions. Indeed, we could legislate every corporation engaged in interstate commerce out of business entirely and have the authority of the Constitution for such action, provided the public good should demand it, which it does not.

Now, these problems will be solved. I think they are more than half solved already. In this period of quick understanding of public questions, public sentiment, public information, and public judgment will mature rapidly. The American people are to-day complete masters of the situation in the exercise of the powers of the Constitution and under the law.

These problems will be solved without destroying any important industry, because by the dissolution of a trust you destroy nothing of value, even in instances where they must be dissolved. You simply destroy the unlawful combination, leaving the properties and franchises just as they existed before the unlawful consolidation. These great aggregations of capital and labor, with their monopolistic tendencies and powers eliminated, with their objectionable features laid aside, will, I believe, under proper national regulation and control, continue to be a part of that mighty industrial machinery at home and abroad by means of which the United States will continue to maintain throughout all time her proud position as the chief commercial nation of the world. [Applause.]

PRESIDENT ROOSEVELT ON REGULATION OF INTERSTATE CORPORATIONS.

There is a widespread conviction in the minds of the American people that the great corporations known as trusts are in certain of their features and tendencies hurtful to the general welfare. This springs from no spirit of envy or uncharitableness, nor lack of pride in the great industrial achievements that have placed this country at the head of the nations struggling for commercial supremacy.

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The first essential in determining how to deal with the great industrial combinations is knowledge of the facts—publicity. In the interest of the public the Government should have the right to inspect and examine the workings of the great corporations engaged in interstate business. Publicity is the only sure remedy which we can now invoke. What further remedies are needed in the way of governmental regulation or taxation can only be determined after publicity has been obtained by process of law and in the course of administration. The first requisite is knowledge, full and complete—knowledge which may be made public to the world.

Artificial bodies, such as corporations and joint stock or other associations depending upon any statutory law for their existence or privileges, should be subject to proper governmental supervision, and full and accurate information as to their operations should be made public regularly at reasonable intervals.

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The large corporations, commonly called "trusts," though organized in one State, always do business in many States, often doing very little business in the State where they are incorporated. There is utter lack of uniformity in the State laws about them; and as no State has any exclusive interest in or power over their acts, it has in practice proved impossible to get adequate regulation through State action. Therefore, in the interest of the whole people, the nation should, without interfering with the power of the States in the matter itself, also assume power of supervision and regulation over all corporations doing an interstate business. This is especially true where the corporation derives a portion of its wealth from the existence of some monopolistic element or tendency in its business. There would be no hardship in such supervision; banks are subject to it, and in their case it is now accepted as a simple matter of course. Indeed, it is probable that supervision of corporations by the National Government need not go so far as is now the case with the supervision exercised over them by so conservative a State as Massachusetts in order to produce excellent results. (Message to first session Fifty-seventh Congress, December 3, 1901.)

Corporations, and especially combinations of corporations, should be managed under public regulation. Experience has shown that under our system of government the necessary supervision can not be obtained by State action. It must, therefore, be achieved by national action.

No more important subject can come before the Congress than this of the regulation of interstate business. This country can not afford to sit supine on the plea that under our peculiar system of government we are helpless in the presence of the new conditions, and unable to grapple with them or to cut out whatever of evil has arisen in connection with them. The power of the Congress to regulate interstate commerce is an absolute and unqualified grant, and without limitations other than those prescribed by the Constitution. The Congress has constitutional authority to make all laws necessary and proper for executing this power, and I am satisfied that this power has not been exhausted by any legislation now on the statute books. It is evident, therefore, that evils restrictive of commercial freedom and entailing restraint upon national commerce fall within the regulative power of the Congress, and that a wise and reasonable law would be a necessary and proper exercise of Congressional authority to the end that such evils should be eradicated.

I believe that monopolies, unjust discriminations, which prevent or cripple competition, fraudulent overcapitalization, and other evils in trust organizations and practices which injuriously affect interstate trade can be prevented under the power of the Congress to "regulate commerce with foreign nations and among the several States" through regulations and requirements operating directly upon such commerce, the instrumentalities thereof, and those engaged therein. (Message to second session Fifty-seventh Congress, December 2, 1902.)

With a nation as with a man the most important things are those of the household, and therefore the country is especially to be congratulated on what has been accomplished in the direction of providing for the exercise of supervision over the great corporations and combinations of corporations engaged in interstate commerce. The Congress has created the Department of Commerce and Labor, including the Bureau of Corporations, with for the first time authority to secure proper publicity of such proceedings of these great corporations as the public has the right to know. It has provided for the expediting of suits for the enforcement of the Federal antitrust law; and by another law it has secured equal treatment to all producers in the transportation of their goods, thus taking a long stride forward in making effective the work of the Interstate Commerce Commission.

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In enacting the laws above enumerated the Congress proceeded on sane and conservative lines. Nothing revolutionary was attempted; but a common-sense and successful effort was made in the direction of seeing that corporations are so handled as to subserve the public good. The legislation was moderate. It was characterized throughout by the idea that we were not attacking corporations, but endeavoring to provide for doing away with any evil in them; that we drew the line against misconduct, not against wealth; gladly recognizing the great good done by the capitalist who alone, or in conjunction with his fellows, does his work along proper and legitimate lines. The purpose of the legislation, which purpose will undoubtedly be fulfilled, was to favor such a man when he does well, and to supervise his action only to prevent him from doing ill. Publicity can do no harm to the honest corporation. The only corporation that has cause to dread it is the corporation which shrinks from the light, and about the welfare of such corporations we need not be oversensitive. The work of the Department of Commerce and Labor has been conditioned upon this theory, of securing fair treatment alike for labor and for capital. (Message to second session Fifty-eighth Congress, December 7, 1903.)

When we come to deal with great corporations the need for the Government to act directly is far greater than in the case of labor, because great corporations can become such only by engaging in interstate commerce, and interstate commerce is peculiarly the field of the General Government. It is an absurdity to expect to eliminate the abuses in great corporations by State action. It is difficult to be patient with an argument that such matters should be left to the States, because more than one State pursues the policy of creating on easy terms corporations which are never operated within that State at all, but in other States whose laws they ignore. The National Government alone can deal adequately with these great corporations. To try to deal with them in an intemperate, destructive, or demagogic spirit would, in all probability, mean that nothing whatever would be accomplished, and, with absolute certainty, that if anything were accomplished it would be of a harmful nature. The American people need to continue to show the very qualities that they have shown—that is, moderation, good sense, the earnest desire to avoid doing any damage, and yet the quiet determination to proceed, step by step, without halt and without hurry, in eliminating or at least in minimizing whatever of mischief or of evil there is to interstate commerce in the conduct of great corporations. They are acting in no spirit of hostility to wealth, either individual or corporate. They are not against the rich man any more than against the poor man. On the contrary, they are friendly alike toward rich man and toward poor man, provided only that each acts in a spirit of justice and decency toward his fellows. Great corporations are necessary, and only men of great and singular mental power can manage such corporations successfully, and such men must have great rewards. But these corporations should be managed with due regard to the interest of the public as a whole. Where this can be done under the present laws it must be done. Where these laws come short others should be enacted to supplement them. (Message to 3d sess. 58th Cong., December 6, 1904.)

UNWISE ANTIMONOPOLY LAWS.

So much for one feature of our foreign policy. Now for one feature of our domestic policiy. One of the main features of our national governmental policy should be the effort to secure adequate and effective supervisory and regulatory control over all great corporations doing an interstate business. Much of the legislation aimed to prevent the evils connected with the enormous development of these great corporations has been ineffective, partly because it aimed at doing too much and partly because it did not confer on the Government a really efficient method of holding any guilty corporation to account. The effort to prevent all restraint of competition, whether harmful or beneficial, has been ill judged; what is needed is not so much the effort to prevent combination as a vigilant and effective control of the combinations formed, so as to secure just and equitable dealing on their part alike toward the public generally, toward their smaller competitors, and toward the wageworkers in their employ.

Under the present laws we have in the last four years accomplished much that is of substantial value, but the difficulties in the way have been so great as to prove that further legislation is advisable. Many corporations show themselves honorably desirous to obey the law, but, unfortunately, some corporations, and very wealthy ones at that, exhaust every effort which can be suggested by the highest ability, or secured by the most lavish expenditure of money, to defeat the purposes of the laws on the statute books.

DRASTIC LAW, MAYBE, FOR PACKERS.

The Government has very properly exercised moderation in attempting to enforce the criminal provisions of the statute, but it has become our conviction that in some cases, such as that of at least certain of the beef packers recently indicted in Chicago, it is impossible longer to show leniency. Moreover, if the existing law proves to be inadequate, so that under established rules of evidence clear violations may not be readily proved, defiance of the law must inevitably lead to further legislation. This legislation may be more drastic than I would prefer. If so, it must be distinctly understood that it will be because of the stubborn determination of some of the great combinations in striving to prevent the enforcement of the law as it stands by every device, legal and illegal. Very many of these men seem to think that the alternative is simply between submitting to the mild kind of governmental control we advocate and the absolute freedom to do whatever they think best. They are greatly in error. Either they will have to submit to reasonable supervision and regulation by the national authorities or else they will ultimately have to submit to governmental action of a far more drastic type. Personally, I think our people would be most unwise if they let any exasperation due to the acts of certain great corporations drive them into drastic action, and I should oppose such action. But the great corporations are themselves to blame if by their opposition to what is legal and just they foster the popular feeling which tells for such drastic action.

Some great corporations resort to every technical expedient to render

enforcement of the law impossible, and their obstructive tactics and refusal to acquiesce in the policy of the law have taxed to the utmost the machinery of the Department of Justice. In my judgment Congress may well inquire whether it should not seek other means for carrying into effect the law.

SHOULD REGULATE ALL TRUSTS.

I believe that all corporations engaged in interstate commerce should be under the supervision of the National Government. I do not believe in taking steps hastily or rashly, and it may be that all that is necessary in the immediate future is to pass an interstate-commerce bill conferring upon some branch of the Executive Government the power of effective action to remedy the abuses in connection with railway transportation. But in the end, and in my judgment at a time not very far off, we shall have to, or at least we shall find that we ought to, take further action as regards all corporations doing interstate business. The enormous increase in interstate trade, resulting from the industrial development of the last quarter of a century, makes it proper that the Federal Government should, so far as may be necessary to carry into effect its national policy, assume a degree of administrative control of these great corporations.

It may well be that we shall find that the only effective way of exercising this supervision is to require all corporations engaged in interstate commerce to produce proof satisfactory, say, to the Department of Commerce, that they are not parties to any contract or combination or engaged in any monopoly in interstate trade in violation of the anti-trust law, and that their conduct on certain other specified points is proper; and, moreover, that these corporations shall agree, with a penalty of forfeiture of their right to engage in such commerce, to furnish any evidence of any kind as to their trade between the States whenever so required by the Department of Commerce.

It is the almost universal policy of the several States, provided by statute, that foreign corporations may lawfully conduct business within their boundaries, only when they produce certificates that they have complied with the requirements of their respective States; in other words, that corporations shall not enjoy the privileges and immunities afforded by the State governments without first complying with the policy of their laws. Now the benefits which corporations engaged in interstate trade enjoy under the United States Government are incalculable; and in respect of such trade the jurisdiction of the Federal Government is supreme when it chooses to exercise it. (Chautauqua address, August 11, 1905.)

So long as the finances of the nation are kept upon an honest basis no other question of internal economy with which the Congress has the power to deal begins to approach in importance the matter of endeavoring to secure proper industrial conditions under which the individuals, and especially the great corporations, doing an interstate business are to act. The makers of our National Constitution provided especially that the regulation of interstate commerce should come within the sphere of the General Government. The arguments in favor of their taking this stand were even then overwhelming. But they are far stronger to-day, in view of the enormous development of great business agencies, usually corporate in form. Experience has shown conclusively that it is useless to try to get any adequate regulation and supervision of these great corporations by State action. Such regulation and supervision can only be effectively exercised by a sovereign whose jurisdiction is coextensive with the field of work of the corporations—that is by the National Government. I believe that this regulation and supervision can be obtained by the enactment of law by the Congress.

It has been a misfortune that the national laws on this subject have hitherto been of a negative or prohibitive rather than an affirmative kind, and still more that they have in part sought to prohibit what could not be effectively prohibited, and have in part in their prohibitions confounded what should be allowed and what should not be allowed. It is generally useless to try to prohibit all restraint on competition, whether this restraint be reasonable or unreasonable; and where it is not useless it is generally hurtful. Events have shown that it is not possible adequately to secure the enforcement of any law of this kind by incessant appeal to the courts. The Department of Justice has for the last four years devoted more attention to the enforcement of the antitrust legislation than to anything else. Much has been accomplished; particularly marked has been the moral effect of the prosecutions; but it is increasingly evident that there will be a very insufficient beneficial result in the way of economic change. The successful prosecution of one device to evade the law immediately develops another device to accomplish the same purpose. What is needed is not sweeping prohibition of every arrangement, good or bad, which may tend to restrict competition, but such adequate supervision and regulation as will prevent any restriction of competition from being to the detriment of the public—as well as such supervision and regulation as will prevent other abuses in no way connected with restriction of competition.

Of these abuses, perhaps the chief, although by no means the only one, is overcapitalization—generally itself the result of dishonest promotion—because of the myriad evils it brings in its train; for such overcapitalization often means an inflation that invites business panic; it always conceals the true relation of the profit earned to the capital actually invested, and it creates a burden of interest payments which is a fertile cause of improper reduction in or limitation of wages; it damages the small investor, discourages thrift, and encourages gambling and speculation, while perhaps worst of all is the trickiness and dishonesty which it implies—for harm to morals is worse than any possible harm to material interests—and the debauchery of politics and business by great dishonest corporations is far worse than any actual material evil they do the public. Until the National Government obtains, in some manner which the wisdom of the Congress may suggest, proper control over the big corporations engaged in interstate commerce—that is, over the great majority of the big corporations—it will be impossible to deal adequately with these evils. (Message to first session Fifty-ninth Congress, December 5, 1905.)

A bill (H. R. 13095) to regulate corporations, joint stock companies, and other associations engaging in interstate and foreign commerce in food and fuel supplies.

Be it enacted, etc., That every corporation, joint stock company, and other association, except corporations doing exclusively the business of common carriers, engaging after January 1, 1907, in interstate or foreign trade or commerce, or trade or commerce between Territories, or between any Territory and the District of Columbia, or between any Territory or the District of Columbia and any State, in cattle, sheep, swine, dressed meats, meat products, poultry, poultry products, dairy products, grain, cereals, breadstuffs, coal, oil, lumber, or other food or fuel supplies, shall first obtain from the Secretary of Commerce and Labor a license or franchise permitting it to engage in such trade or commerce.

SEC. 2. That before such license or franchise shall be issued such corporation, joint stock company, or association shall show to the satisfaction of the Secretary of Commerce and Labor that the said corporation, company, or association is not overcapitalized, but that its alleged capital represents only a fair valuation of the rights and property actually owned and possessed by it; that it is not an unlawful trust or combination, or operated in violation of the laws of the United States, and that it is not its purpose to conduct a business in violation of the present or future laws of the United States; that it has not entered into any contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States or Territories, or with the District of Columbia, or with foreign nations, and that it is not its purpose to enter into such contract, combination, or conspiracy; and that it is not monopolizing or attempting to monopolize, or combining or conspiring with any other person, corporation, company, or association to monopolize any part of the trade or commerce herein mentioned, and that it is not its purpose to monopolize, or to combine or conspire to monopolize, any part of such trade or commerce.

SEC. 3. That the Secretary of Commerce and Labor is authorized to issue licenses and franchises to corporations, joint stock companies, and other associations to engage in such trade and commerce, upon proper application and satisfactory showing, as herein provided, and such licenses or franchises shall continue in force during the legal life of such corporations, companies, or associations, respectively, unless sooner forfeited or suspended, as hereinafter provided. The Secretary of Commerce and Labor is authorized to establish a schedule of reasonable fees for the examination of such corporations, companies, and associations, and for the issuance of such licenses or franchises, and to charge and collect the same. The amounts collected for such charges shall constitute a fund to be expended for the promotion of the work of the Bureau of Corporations of the Department of Commerce and Labor.

SEC. 4. That between the 1st and 10th days of July in each year, and at such other times as the Secretary of Commerce and Labor may require, every corporation, joint stock company, or other association engaging in trade or commerce, as herein provided, shall file a report in the office of the Secretary of Commerce and Labor, signed and sworn to by its president, its treasurer, its general manager, and a majority of its directors, or by the persons exercising the powers usually exercised by such officers and directors, setting forth such information concerning its organization, capitalization, properties, earnings, profits, dividends, and business methods as may be required by the Secretary of Commerce and Labor. A failure on the part of the said corporation, company, or other association to make and file the annual report within the time herein provided, or to make and file any additional report within thirty days after written demand therefor by the Secretary of Commerce and Labor, shall cause a suspension of the franchise or license of such corporation, company, or association, and all the rights thereunder, until the requirements of this section are fully complied with.

SEC. 5. That the Commissioner of Corporations, with the approval of the Secretary of Commerce and Labor, shall, as often as shall be deemed necessary or proper, appoint a suitable person or persons to make an examination of the affairs of every corporation, joint stock company, or other association herein referred to, who shall have power to make a thorough examination into the books, records, and all the affairs of such corporation, company, or association, and in doing so to examine any of the officers and agents thereof on oath; and shall make a full and detailed report of the condition of such corporation, company, or association to the Commissioner of Corporations. All persons appointed to be examiners of corporations, joint stock companies, or other associations shall receive the same compensation for such examinations as is now, or may hereafter be, allowed by law to examiners of national banks, which amounts shall be assessed by the Commissioner of Corporations upon and paid by the respective corporation, company, or association so examined.

SEC. 6. That if any corporation, joint stock company, or other association having obtained from the Secretary of Commerce and Labor a license or franchise to engage in interstate or foreign commerce or other commerce within the territorial boundaries of the United States as herein provided, shall thereafter violate any of the provisions of the statutes of the United States against unlawful restraints and monopolies in the trade and commerce of the United States, or the provisions of acts amendatory thereof or supplemental thereto, such offense shall work a forfeiture of the license or franchise of the said corporation, company, or other association and of all its right to engage in the trade or commerce aforesaid. It shall thereupon become the duty of the Attorney-General to maintain an action in the proper circuit court of the United States to forfeit such license or franchise and to oust such corporation, company, or association of all rights and privileges thereunder, and the several circuit courts of the United States are hereby given original jurisdiction of such actions and of all proceedings thereunder. The Secretary of Commerce and Labor, upon a new application and further showing on behalf of such corporation, company, or association, may in his discretion, if satisfied that the unlawful features of such corporation, company, or association have been eliminated and that other violations of the laws against unlawful restraints or monopolies are not likely to be made by such corporation, company, or association, grant a second license or franchise to such corporation, company, or association. But if such corporation, company, or association shall be finally adjudged guilty of a further or second offense no other license or franchise shall be issued to it, and it shall be forever barred and prohibited from engaging in the trade and commerce aforesaid.

SEC. 7. That is shall be unlawful for any corporation, joint stock company, or other association to engage in the trade or commerce in food or fuel supplies herein referred to without the license or franchise herein provided or during its suspension. Any corporation, joint stock company, or other association, and any director, officer, or agent in its behalf which shall, after January 1, 1907, engage in such trade or commerce in violation of this act shall be deemed guilty of a misdemeanor and shall for each offense, in addition to such penalty for contempt as the court in case of disobedience to its lawful order may impose, be punished by a fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

SEC. 8. That the several circuit courts of the United States are hereby invested with jurisdiction to prevent and restrain violations of this act, and it shall be the duty of the several district attorneys of the United States, in their respective districts, under the direction of

the Attorney-General, to institute proceedings in equity to prevent and restrain such violations. Such proceedings may be by way of petitions setting forth the case and praying that such violation shall be enjoined or otherwise prohibited. When the parties complained of shall have been duly notified of such petition the court shall proceed, as soon as may be, to the hearing and determination of the case; and pending such petition and before final decree the court may at any time make such temporary restraining order or prohibition as shall be deemed just in the premises.

SEC. 9. That any cattle, sheep, swine, dressed meats, meat products, poultry, poultry products, grain, cereals, breadstuffs, coal, oil, lumber, or other food or fuel supplies owned by or under the control of any corporation, joint stock company, or other association engaging in the trade or commerce herein referred to and without the license or franchise herein provided or during its suspension, and being in the course of transportation from one State to another, or to or from a foreign country, a Territory, or the District of Columbia, shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law.

Mr. ADAMSON. Mr. Chairman, I yield to the gentleman from New York [Mr. PERKINS] thirty minutes.

The CHAIRMAN. The gentleman from New York [Mr. PERKINS] is recognized for thirty minutes.

Mr. ADAMSON. I will say, Mr. Chairman, that it is understood between the gentleman from Iowa [Mr. HEPBURN] and myself, as there are three or four gentlemen who wish to oppose the bill, that we shall yield to them jointly.

Mr. PERKINS. Mr. Chairman, it is painful not to share the sweet and child-like confidence that has been expressed by so many gentlemen that with the passage of this bill the era of railroad millennium will come. It is disagreeable in a chorus of universal harmony to strike the one solitary discordant note. I do not rise here to say that I think there are no railroad evils. I rise to express my fear that, as often happens in attempting to work cures of business conditions by governmental regulations, we shall go out of the frying pan only to find ourselves in the fire.

Mr. Chairman, although the fear was expressed by the gentleman from Massachusetts a year or two ago, I do not believe that this legislation is going to do any serious harm to railroad interests. I am not lying awake nights from any fear that the value of railroad stocks or railroad bonds will be materially diminished by its passage. If that were the case, certainly it would be most serious, because the railroad property of this land belongs not to a half dozen men, but it is safe to say that there are (I think I am below the mark in saying it) 1,000,000 persons, and I dare say many more, representing 5,000,000 people whom they support, who are interested in the railroad corporations of the United States. Therefore if any legislation that we pass should prove largely injurious or partially injurious to those great interests held by a great proportion of our population that would be most serious. But, Mr. Chairman, I do not fear that. We are a very practical people. We pass a good many bad laws, but when they do not work well in execution we cease to attempt to execute them. The number of laws passed in response to a supposed popular demand which now sleep the legislative sleep, where alike just and unjust laws are found, is certainly exceedingly large. But any apprehension I have as to the possible evil results of this legislation are not as to the results to the railroads, but to the men who use the railroads. Now, we must consider this question from a broad standpoint. No one, of course, would stand up and say that in the railroad system of this country there are not mistakes, acts of injustice, acts of unfairness; but it must be considered, as any great question is considered, from a broad standpoint; we must consider whether by this measure of governmental regulation we shall, in endeavoring to cure those ills, create the possibility of greater ills.

Now, this much must be said, that the railroad system of this country, whatever its faults, is a better system, judged by its results, than any other. No other one industrial force has had so much to do with the rapidity with which this country has been built up as our railroad system. The district represented by my friend from South Dakota [Mr. MARTIN], who made so admirable a speech a moment ago, would this day, if it had not been for our railroad system, be governed by some Pawnee chief. Instead of politicians quarreling, Sioux Indians would be scalping each other [laughter] had it not been for the rapidity with which the railroads of this country have pushed out there. That does not show that there are no faults in the system, but it does show that its general results have been very extraordinary.

Now, it is proposed, in order to meet certain evils—we concede that they are evils—to have a system of Government supervision; and surely, Mr. Chairman, the greatest power that can be exercised over any business—the greatest power that can be exercised over the railroad system—is the power to regulate rates. The essence, the foundation, the lifeblood of every business depends upon how much money it gets for the work it does or the goods it has to sell. Let us first consider, in their general results, the differences between different systems of management. Government management—Government ownership of railroads—is not a new thing. A considerable proportion of the railroads in Europe, for example, are owned by the government. Over all the railroads of Europe, not excepting England, the government has exercised a larger degree of control than it ever has in the United States. More than in any other land, the railroad system of the United States has grown up by its own action and with less Government supervision than has been exercised in any other country. So, in a general way, it is fair to consider what have been the results of a system subject to government interference, as in Europe, and the system, up to this time certainly with very little Government interference, in this country. Has the Government, in its wisdom and by its action, brought better results for those who dealt with the railroads than our railroads, whatever may be their faults, have produced, actuated by and acting with the impulse of intelligent self-interest, in this country?

I do not think I overstate it when I say the average price of freight rates in this country does not very much exceed one-third of the average price of similar freight rates in Europe. It may be fairly said that there are other things to be considered—that we have a vast amount of freight to pull, we have a long haul, we have advantages for the railroad, but, most of all, Mr. Chairman, we have the most intelligent system of development of railroads and the best and cheapest methods by which freight can be hauled. At all events, the result is that the man who lives in the United States, however much he may have suffered, however great may be the need of the passage of this bill, has his freight carried for him at one-half or one-third of the amount paid by the man who is so fortunate or unfortunate as to live where the railroads are wholly or largely controlled by government action.

So, as an object lesson, it would seem that in some governments the inherent evil that belongs to government control, to government supervision, have worked more harm than the evils undoubtedly found in individual enterprise.

Now, Mr. Chairman, a word further. Railroads make mistakes. They not only make mistakes, but try to get unfair advantages often. But this thing is sure—the railroad enterprises, like all the great business enterprises in this country, have become the greatest in the world, because they have had the most intelligent and enterprising men to manage them. No railroad can succeed, no railroad ever has succeeded, or ever will succeed, except by building up the interests of the people with whom it is to deal. There is no railroad paying dividends whose only patrons are bankrupts. There is no railroad gaining wealth by bringing goods from any people in a country, or any portion of the land, that does not make it possible for the people in that portion of the land to send their goods by freight at a livable rate. If it does not do that, as I say, instead of great interests growing up along its line it has no cities along its line; instead of a country filling in as the western country has filled in, it would run to region of barren acres and alkali plains. So the railroads have necessarily to govern their action by the motive of an intelligent self-interest.

The question is whether for the people at large an intelligent self-interest brings them the best results or the control of Government officials brings the best results. As I said, I wish I could share the confidence which seems to be almost infantile in the certainty of advantageous results being worked out by the provisions of this bill with reference to rates, for otherwise I have nothing to say about it. There is not, there can not be a more complicated question than the fixing of railroad rates in a great country like this. There are hundreds of thousands, there are millions of different rates from every city and town to every other city and town. The fixing of those has to be regulated by a multiplicity of considerations—the rate that the goods will bear, the rate that can be paid and the shipper live and prosper, the rate charged by a competing road, the possible rates furnished by water communication. All those problems of infinite delicacy, of infinite difficulty, are settled by thousands and tens of thousands of men in this land who give to it their lives, who have the benefit of the knowledge of the situation by lifelong service. It is said that grave errors result, great evils result. Well, we are asked to believe that seven respectable gentlemen who have many other things to do besides, will have the capacity to pass upon this infinitely difficult question with greater wisdom than those to whom it is intrusted. It is inferred by everyone that the gentlemen who are selected by the President of the United States and placed in these responsible positions will be gifted with what they will certainly need, infinite wisdom, infinite equity, to reach these results. Now, Mr. Chairman, I think one may be allowed to doubt. If this bill is actually to be enforced to any large extent, with millions of

rates, with a vast number of people who are willing to get their freight rates for less than they pay, because few are the men who are not willing to get anything at less than they pay, instead of having a court of seven judges, you ought to have a court of 7,000 judges to pass upon these questions.

Mr. HENRY of Texas. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. PERKINS. Certainly.

Mr. HENRY of Texas. I do not want to break into the argument of the gentleman, but the gentleman's whole argument is directed against a commission having a general rate-making power. Now, as he understands, I suppose, this bill is not giving the Commission the power to fix all rates, millions and millions, as he says, for which there ought to be 7,000 judges to fix them, but it is only to give the Commission power to fix a reasonable rate, etc., according to the language of the bill, where an unreasonable rate is found to obtain and complaint is made. I would like to hear the gentleman on the subject, about giving them permission to fix that one rate where the rate has been unreasonable.

Mr. PERKINS. If the gentleman had done me the kindness to listen with some clearness to what I said——

Mr. HENRY of Texas. I was listening.

Mr. PERKINS. Then my expression was doubtless obscure. I said there existed in this country millions of rates. The gentleman does not deny that. I said this law says that where the rate is unjust or unfair from a multiplicity of reasons, a man may make complaint and that may be passed upon by the court. Now, it seems to me that I can say to the gentleman from Texas [Mr. HENRY] one of the two things results. There are millions of rates. Any man can complain of an unfair rate. Every man is ready to complain of an unfair rate. Either the number of unfair rates in this country of which men will complain is infinitesimally small or else there will be a number of complaints, enough to keep these judges and 7,000 more busy. If there are no complaints, if we are passing this bill, demanded by all the people of the land, to meet this great evil, and yet it turns out that out of millions and millions of rates the only ones that are unfair and unjust can be disposed by seven gentlemen in the Interstate Commerce Commission, besides attending to their other business, then certainly we are doing a great deal of talking over a very small evil. If, on the other hand, as has been suggested constantly, all over the land there are unfair practices which must be regulated, then surely complaints will come in of unfair rates, not a half dozen, not a dozen that could be easily disposed of by the seven judges, but by the hundreds and thousands in which they exist. Which is the fact I shall leave the gentleman to decide for himself.

Now, I want to say a word or two more about a further branch of this bill, and I wish to say right here that I do not think, as I have said before, that this bill is going to do any great amount of harm. First, as I said before, when we pass foolish bills, we do not enforce them, and that is well. Further than that I think this bill may answer a useful purpose as has been suggested here.

Mr. BARTLETT. May I be permitted to interrupt the gentleman to ask one question?

The CHAIRMAN. Does the gentleman from New York yield?

Mr. PERKINS. Certainly; I yield to anyone.

Mr. BARTLETT. The gentleman says that this bill will not do any harm—of course that it will not do any harm to the railroads.

Mr. PERKINS. I suggested that probably no harm would result to them from it.

Mr. BARTLETT. No possible harm. Then, if that be true, why should the railroads threaten to reduce the wages of their employees if it is passed?

Mr. PERKINS. I do not know that they have threatened to do so, and I do not believe they would. If they have threatened I do not think that amounts to anything. I am not here to speak in behalf of the railroads. My only objection to this bill is a strong, deeply rooted aversion to giving Government control—Government management based upon the knowledge we all have of the unsatisfactory result of Government management in any branch in which it is exercised. Now, as I say, it has been stated here, and said with much force, that this bill will answer a useful purpose, because vesting these men with the power to control, to regulate, to overset unjust rates, will deter the railroads, will operate as a thing of fear upon the railroads. There is much force in that suggestion. If we say that this legislation is to be useful as a scarecrow, there is force in that. A scarecrow is——

Mr. GILBERT of Kentucky rose.

Mr. PERKINS. I will yield in a moment. A scarecrow is by no means to be disregarded among agricultural implements. Still, after all, it is not one of the largest importance. Now I will yield to the gentleman.

Mr. GILBERT of Kentucky. May I interrupt you just for a moment?

Mr. PERKINS. Certainly.

Mr. GILBERT of Kentucky. Out in the Republican part of my State of Kentucky there is a mountainous region where they get out a great many ties. The Louisville and Nashville Railroad runs through that mountainous region, and these mountain people get out ties and pile them up along that railroad, and the railroad has positively refused, as I am informed, to transport those ties into another State, except at prices that amount to a confiscation of the ties, giving as a reason that they will need those ties in a year or two along their own road. Now, those people have no redress at all. They can not ship those ties except at a price dictated by the railroad company. Ought there to be any remedy for that condition in this country?

Mr. PERKINS. Very possibly. The question which I wish to suggest is this: If this Commission did nothing but frighten railroads, all might be well, but when Government officials are vested with power they sometimes seek to exercise, we are granting to Government supervision a most important function in a most important industry. All will agree in that. Now, Mr. Chairman, have the results of Government operation, the wisdom of Government control, been such that we can, without some degree of hesitation certainly, turn over so great a power as this? Have the management of public utilities in the cities of this land, so far as they are owned by the cities, been satisfactory? Can I, without crime, say we have had under discussion in this House within a few days the Government control over the Panama Canal? Has it been so satisfactory, has it shown such results that we will necessarily acknowledge its superiority to individual management?

Now, coming to one other thing I wish to discuss, and a thing in which it seems to me the greatest possible danger of this bill is to be found, so far as the question of individual rates—of complaints of individual shippers—I am quite inclined to believe that the seven judges will be amply sufficient to the demands that will be made upon them; but the gentleman from Michigan said that he had hoped this bill would deal with differentials, but he thought it did not. It is hard to say for what other purpose the gentleman from Iowa, exceedingly skillful and exceedingly apt in the drafting of legislation, in which no man of this House is his superior and no man has had greater experience, inserted what we find in section 15, page 10, where it appears—

That where any regulations or practices whatsoever of such carrier or carriers affecting such rates are unjust—

That is one thing—

or unreasonable—

And that is another thing—

or unjustly discriminatory or unduly preferential or prejudicial,

Then the court has the power to fix a new rate. Now, if I live in Buffalo and I come before that court and say you charge me for taking a carload of wheat from Buffalo to New York the same price that you charge a man for bringing a carload of wheat from Chicago, and that is unduly preferential, why has not that court jurisdiction to pass upon it, why can not it say under the wording of this, "It is unjust that you, living within 600 miles of New York, should pay what is charged to another man whose freight is hauled 2,000 miles from New York," and therefore fix a new rate for me?

Well, if they have the power, Mr. Chairman, there I certainly should fear possibly great evils. The question of the rate for one shipper may be regulated without much trouble; but when you come to a conflict between localities, how will they be decided? As I said before, the railroad that runs its road to South Dakota, to Nebraska, to Kansas City has got to do one thing, namely, to furnish a rate by which the business of Nebraska or South Dakota or Kansas City can be built up and sustained. But let us suppose that this bill had been passed forty years ago. The farmers of western New York then were much greater wheat farmers than they are now. They were only four or five hundred miles from the New York market. A new road pushing out into Indiana or Ohio, or a few years later into Kansas or Nebraska, brought wheat into New York City at rates that crippled that industry in western New York. In those days when the Representatives from New York were far more numerous in proportion to the West than they are now, does anyone believe they would not have gone before the Commission with their complaints? They could not go to a railroad, because the railroad would say, "We are going to bring that freight in at prices that will build up the business, for otherwise we will have no business to do," and, therefore, to appeal to them was use-

less. Now there is a railroad commission. They may be fair men; doubtless they are. They may be just men, but they are politicians like all of the rest of us, and they are subject to influences like all the rest of us. The Interstate Commerce Commission time and time again has intimated at least its willingness to consider the natural advantages to which people were entitled as bearing on the question of rates. There is no greater natural advantage, for instance, than for the person who has to send his goods to the seaboard to be near the seaboard. Does anyone believe—does my acute and distinguished friend from Iowa [Mr. HEPBURN] believe—that if this law had been enforced forty years ago the Representatives from western New York would have gone before the Commission and said it was unjust, because it was unduly preferential that wheat or any other stuff should be hauled five times the distance for perhaps only 5 per cent more in cost and in some cases none at all? They would have said that we were entitled to the legitimate advantages of our situation; that the rate should be fixed with just regard to the length of the haul. Contests between different localities—the contest between rival localities—in those matters have been little found in this country, because there was no court before which they could be presented. In France and in Germany, under government management, subject to the influences of government control—unless we have been told wrongly by all those who have made it a study—the building up of new interests, the development of new localities, certainly has not been carried on with any such rapidity as forms a part of the extraordinary commercial history and the extraordinarily rapid development of the business interests in our new territories of the United States of America.

Mr. Chairman, as I said in opening, it is unpleasant when everybody predicts great advantages from this bill to even suggest doubt as to its operation. But this thing is sure, for such questions as arise as to differentials, for the questions that arise in any new business development, what is most required is infinite flexibility, the ability to change, the ability to modify, the ability to meet the situation. Is there anybody who does not know that in every Government department, in every branch of the Government, fixity, fixed rules, the inability to change is found from the smallest clerk up to the highest official? This is sure to be in Government action controlled by Government laws. Red tape winds around every governmental action, just as sure as the Fates are weaving their threads around all of us every day. It is inevitably so. It seems to me to some extent that in questions which require great flexibility of action we are seeking to substitute the inflexibility of Government control, and whether that will bring more good than it brings harm only the future can say. [Applause.]

Mr. HEPBURN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. VREELAND, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12987—the railroad rate bill—and had come to no resolution thereon.

CARNEGIE FOUNDATION FOR THE ADVANCEMENT OF TEACHING.

Mr. McCLEARY of Minnesota. Mr. Speaker, I ask unanimous consent for the present consideration of the bill I send to the Clerk's desk.

The Clerk read as follows:

A bill (H. R. 13538) to incorporate The Carnegie Foundation for the Advancement of Teaching.

Be it enacted, etc., That the persons following, being the persons who are now trustees of the Carnegie Foundation, a corporation incorporated under the laws of the State of New York, namely, Arthur T. Hadley, Charles William Eliot, Nicholas Murray Butler, Jacob G. Schurman, Woodrow Wilson, L. Clark Seelye, Charles C. Harrison, Alexander C. Humphreys, S. B. McCormick, Edwin B. Craighead, Henry C. King, Charles F. Thwing, Thomas McClelland, Edwin H. Hughes, H. McClelland Bell, George H. Denny, William Peterson, Samuel Plantz, David S. Jordan, William H. Crawford, Henry S. Pritchett, Frank A. Vanderlip, T. Morris Carnegie, Robert A. Franks, their associates and successors duly chosen, are hereby incorporated and declared to be a body corporate by the name of The Carnegie Foundation for the Advancement of Teaching, and by that name shall be known and have perpetual succession, with the powers, limitations, and restrictions herein contained.

SEC. 2. That the objects for which said corporation is incorporated shall be—

(a) To receive and maintain a fund or funds and apply the income thereof as follows:

To provide retiring pensions, without regard to race, sex, creed, or color, for the teachers of universities, colleges, and technical schools in the United States, the Dominion of Canada, and Newfoundland, who, by reason of long and meritorious service, or by reason of old age, disability, or other sufficient reason shall be deemed entitled to the assistance and aid of this corporation, on such terms and conditions, however, as such corporation may from time to time approve and adopt: *Provided, however,* That the said retiring pensions shall be paid to such teachers only as are or have been connected with institutions not under control of a sect or which do not require their trustees, their officers, faculties, or students (or a majority thereof) to belong to any specified sect, and which do not impose any theological test as a condition of entrance therein or of connection therewith.

(b) In general, to do and perform all things necessary to encourage, uphold, and dignify the profession of the teacher and the cause of higher education within the United States, the Dominion of Canada, and Newfoundland aforesaid, and to promote the objects of the foundation, with full power, however, to the trustees hereinafter appointed and their successors from time to time to modify the conditions and regulations under which the work shall be carried on, so as to secure the application of the funds in the manner best adapted to the conditions of the time: *And provided,* That such corporation may by a vote of two-thirds of the entire number of trustees enlarge or vary the purposes herein set forth, provided that the objects of the corporation shall at all times be among the foregoing or kindred thereto.

(c) To receive and hold by gift, bequest, devise, grant, or purchase, any real or personal property, and to use and dispose of the same for the purposes of the corporation.

SEC. 3. That the direction and management of the affairs of the corporation, and the control and disposition of its property and funds, shall be vested in a board of trustees, twenty-five in number, to be composed of the following individuals: Arthur T. Hadley, Charles William Eliot, William R. Harper, Nicholas Murray Butler, Jacob G. Schurman, Woodrow Wilson, L. Clark Seelye, Charles C. Harrison, Alexander C. Humphreys, S. B. McCormick, Edwin B. Craighead, Henry C. King, Charles F. Thwing, Thomas McClelland, Edwin H. Hughes, H. McClelland Bell, George H. Denny, William Peterson, Samuel Plantz, David S. Jordan, William H. Crawford, Henry S. Pritchett, Frank A. Vanderlip, T. Morris Carnegie, and Robert A. Franks, being twenty-four in number with power to said board to increase the same to twenty-five in all, who shall constitute the first board of trustees and constitute the members of the corporation. Vacancies occurring by death, resignation, or otherwise shall be filled by the remaining trustees in such manner as the by-laws shall prescribe, and the persons so elected shall thereupon become trustees and also members of the corporation.

SEC. 4. That the principal office of the corporation shall be located in the Borough of Manhattan, city of New York and State of New York, or in such other place as shall be fixed from time to time by the by-laws of the corporation.

SEC. 5. That Andrew Carnegie, of the city of New York, for the purposes hereinbefore indicated, having given and transferred to the trustees of The Carnegie Foundation, a corporation incorporated under the laws of the State of New York, being the same persons as are named as trustees herein, the sum of $10,000,000 in securities, and having confided to the same persons so named and their successors the execution of the purposes of his gift; and, owing to certain limitations in the law under which such incorporation was made, and it having been found desirable to obtain an incorporation from the Congress of the United States, the said corporation hereby incorporated, acting by its board of trustees, shall be entitled to take, hold, and administer the securities, funds, and property so transferred by said Andrew Carnegie to the trustees of The Carnegie Foundation, and such other funds or property as may at any time be given, devised, or bequeathed to them, or to such corporation, for the purposes of the trust; with full power from time to time to adopt a common seal, to appoint officers, whether members of the board of trustees or otherwise, and such employees as may be deemed necessary in carrying on the business of the corporation and at such salaries or with such remuneration as they may think proper; and full power to adopt by-laws and such rules or regulations as may be necessary to secure the safe and convenient transaction of the business of the corporation; and full power and discretion to invest any principal and deal with and expend the income of the corporation in such manner as, in their judgment, will best promote the objects hereinbefore set forth; and in general to have and use all the powers and authority necessary to promote such objects and carry out the purposes of the donor.

The said trustees shall have further power from time to time to hold as investments any securities transferred by Andrew Carnegie to the said The Carnegie Foundation, and any property which has been or may be transferred to them or to such corporation by any person, persons, or corporation, and to invest the same or any part thereof from time to time in such securities and in such form and manner as is or may be permitted to trustees or to savings banks or to charitable or literary corporations for investment, according to the laws of the States of New York, Pennsylvania, Massachusetts, Virginia, or Ohio, or any one of them, or in such securities as may be transferred to them or authorized for investment by any deed of trust or gift or by and deed of gift or last will and testament to be hereafter made or executed.

SEC. 6. That the said corporation may take and hold any additional donations, grants, devises, or bequests which may be made in the further support of the purposes of the said corporation.

SEC. 7. That the services of the trustees of the said corporation, acting as such trustees, shall be gratuitous; but such corporation may provide for the reasonable expenses incurred by trustees in the performance of their duties.

SEC. 8. That as soon as may be possible after the passage of this act a meeting of the trustees hereinbefore named shall be called by Henry S. Pritchett, Charles William Eliot, Arthur T. Hadley, Nicholas Murray Butler, Woodrow Wilson, Jacob G. Schurman, Charles C. Harrison, Alexander C. Humphreys, and George H. Denny, or any six of them, at the borough of Manhattan, in the city and State of New York, by notice served in person or by mail addressed to each trustee at his place of residence, and the said trustees named herein, or a majority thereof, being assembled, shall organize and proceed to adopt by-laws, to elect officers, fix their compensation, and generally to organize the said corporation.

The said trustees herein named, on behalf of the corporation hereby incorporated, may thereupon consolidate with the said corporation known as The Carnegie Foundation, notwithstanding the fact that both such corporations may have common trustees, upon such terms as shall be fixed by resolution of the said respective corporations, so that the corporation hereby formed may accept a consolidation with the said The Carnegie Foundation upon the terms and for the purposes herein provided, or the corporation hereby incorporated may accept a transfer of all the real and personal property of which the corporation known as The Carnegie Foundation may be seized or possessed upon such terms as may be agreed upon: *Provided, however,* That such property shall be applied to the purposes of the corporation hereby incorporated, as hereinbefore set forth, and to carry out the gift so made by Andrew Carnegie, and may receive, take over, and enter into possession, custody, and management of all property, real or personal, of the corporation heretofore known as The Carnegie Foundation, incorporated as herein-

before set forth, pursuant to and in conformity with the act of the legislature of the State of New York relating to membership corporations, and to all its rights, contracts, claims, and property of any kind or nature, and the trustees of the corporation hereby incorporated may receive the securities, funds, books, or property, real or personal, thereof and hold the same, and take such other steps as shall be necessary to carry out the purposes of this act and such gift as aforesaid.

SEC. 9. That the rights of the creditors of the existing corporation known as The Carnegie Foundation shall not in any manner be impaired by the passage of this act or the transfer of the property hereinbefore mentioned, nor shall any liability or obligation for the payment of any sums due or to become due by, or any claim or demand existing against, the said existing corporation be released or impaired; but such corporation hereby incorporated is declared on such consolidation or amalgamation to succeed to the obligations and liabilities, and to be held liable to pay and discharge all the debts, liabilities, and contracts of the said corporation so existing, to the same effect as if such corporation hereby incorporated had itself incurred the obligation or liability to pay such debt or damages, and no action or proceeding before any court or tribunal shall be deemed to have abated or been discontinued by reason of the passage of this act.

SEC. 10. That Congress may from time to time alter, repeal, or modify this act of incorporation, but no contract or individual right made or acquired shall thereby be divested or impaired.

SEC. 11. That this act shall take effect immediately on its passage.

Mr. McCLEARY of Minnesota. Mr. Speaker, to this bill I offer the following amendments.

The SPEAKER. The gentleman offers the following proposed amendments.

Mr. WILLIAMS. The request for unanimous consent is held in abeyance until after the amendments are read.

The SPEAKER. Until after the whole matter is reported.

The Clerk read as follows:

Amend section 3 by omitting the name of William R. Harper, deceased.

Amend section 4 so as to read:

"The principal office of the corporation shall be located in the District of Columbia, but offices may be maintained in other places such as the by-laws may from time to time fix."

Amend section 5, page 6, lines 7 and 8, by omitting the words "the States of New York, Pennsylvania, Massachusetts, Virginia, or Ohio, or any of them," and substituting therefor the words "the District of Columbia."

Mr. WILLIAMS. Mr. Speaker, reserving the right to object, I will state that this bill as it came from the committee was not a District of Columbia charter, and as it did not affect subject-matter over which the Federal Government had any jurisdiction, I would have objected to it; but the amendment offered by the gentleman from Minnesota cures that evil and makes it a District of Columbia charter. There are no objections to the bill itself upon its merits, and I shall make no objection to the request.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. McCLEARY of Minnesota, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE TO EXTEND REMARKS.

Mr. BARTLETT. Mr. Speaker, I ask permission of the House to incorporate in the remarks that I made to-day certain tables and statements that I did not read.

The SPEAKER. Is there objection?

Mr. PAYNE. What is the request?

The SPEAKER. The gentleman from Georgia asks permission to extend his remarks and incorporate certain tables and similar matters in his speech of to-day. Is there objection? [After a pause.] The Chair hears none.

PRINTING FOR COMMITTEE ON PRIVATE LAND CLAIMS.

Mr. SMITH of Illinois. Mr. Speaker, I offer the following resolution, and ask unanimous consent for its present consideration.

The SPEAKER. The gentleman offers the following resolution, which the Clerk will report.

Mr. WILLIAMS. Mr. Speaker, reserving the right to object, it is a quarter after 5 o'clock, and I think that unanimous consents ought not to be asked for after the hour at which Members go home, and after to-day I shall object to all requests for unanimous consent after 5 o'clock.

The Clerk read as follows:

Resolved, That the Committee on Private Land Claims be authorized to have such printing and binding done as may be required in the transaction of its business during the present Congress.

The SPEAKER. Is there objection?

Mr. PAYNE. I would like to ask the gentleman if it is usual for that committee to have that privilege?

Mr. SMITH of Illinois. It is; we have had it heretofore.

Mr. PAYNE. Have you had some hearings?

Mr. SMITH of Illinois. Why, we have had many hearings, and there are several bills before the committee, on some of which we would want to have the hearings printed. But the committee never has hearings printed unless we have felt it would be of benefit to gentlemen on the floor who might not be present at the hearings.

Mr. PAYNE. I have no objection.

The SPEAKER. The Chair hears no objection.

The resolution was agreed to.

LEAVE TO EXTEND REMARKS.

Mr. ADAMSON. Mr. Speaker, the request of the gentleman from Georgia [Mr. BARTLETT] reminded me to suggest to the gentleman from Iowa, in order that gentlemen may extend their remarks and save time, that the provision be agreed to providing for general leave to print in the RECORD on this bill.

Mr. PAYNE. I understood there was such a leave granted.

Mr. ADAMSON. It was withdrawn.

Mr. HEPBURN. That was objected to. I made the request, objection was made, and I withdrew it. I would like to renew the request now, that all gentlemen speaking on the bill may have five days after the expiration of this order in which to print their remarks.

Mr. PAYNE. Remarks upon the subject of the bill?

Mr. HEPBURN. Yes, sir.

Mr. BARTLETT. No, no.

Mr. ADAMSON. I suggest, Mr. Speaker, that the permission be extended to all who speak to extend their remarks in the RECORD, and that they have a little more time than five days. A great many of them are busy on other matters of legislation.

Mr. HEPBURN. I will withdraw my request and let the gentleman's request stand.

Mr. PAYNE. I suppose, still, that the extension of remarks shall be directly on the bill.

Mr. BARTLETT. This debate is not limited to the bill, and the gentleman who makes a speech on some other subject would want to extend his remarks in the same line as the speech.

Mr. WILLIAMS. They did not limit it to this bill.

Mr. PAYNE. My understanding was that the debate was to be upon the subject-matter of the bill.

Mr. WILLIAMS. Oh, no; general debate in Committee of the Whole House on the state of the Union.

The SPEAKER. The Chair will submit the request of the gentleman from Georgia if he will frame it.

Mr. ADAMSON. I ask unanimous consent that gentlemen who speak during this debate shall have ten days in which to extend their remarks in the RECORD.

The SPEAKER. Is there objection?

Mr. PAYNE. I think I will not object, as it will save the time of the House in the future.

The SPEAKER. The Chair hears no objection.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 559. An act granting an increase of pension to Seth M. Tucker;

S. 988. An act granting a pension to Russell A. McKinley;

S. 1444. An act granting a pension to Dora H. Kuhns;

S. 205. An act granting an increase of pension to Frances Gee;

S. 528. An act granting a pension to Robert M. McCormick;

S. 336. An act granting a pension to Abraham M. Cory;

S. 82. An act granting an increase of pension to Curtis A. Carpenter;

S. 23. An act granting an increase of pension to Charles A. Bradbury;

S. 21. An act granting a pension to Mary G. Bright;

S. 849. An act granting an increase of pension to Horatio Carter;

S. 844. An act granting an increase of pension to James W. Regan;

S. 786. An act granting an increase of pension to Patrick Garney;

S. 783. An act granting an increase of pension to Moses H. Sawyer;

S. 777. An act granting an increase of pension to Byron Lent;

S. 713. An act granting an increase of pension to Ephriam A. Gordon;

S. 708. An act granting an increase of pension to Maurice Downey;

S. 150. An act granting an increase of pension to Lucius A. Lincoln;

S. 627. An act granting an increase of pension to Joseph Hiler;

S. 626. An act granting an increase of pension to Allen J. Nash;

S. 574. An act granting an increase of pension to Lee H. Buckland;
S. 571. An act granting an increase of pension to Charles H. Knight;
S. 560. An act granting an increase of pension to Andrew C. Reed;
S. 532. An act granting an increase of pension to Hiram B. Doty;
S. 530. An act granting an increase of pension to Sophie A. Knapp;
S. 489. An act granting an increase of pension to Nelson B. Tool;
S. 471. An act granting an increase of pension to Thomas McLaughlin;
S. 386. An act granting an increase of pension to Orange G. Jones;
S. 327. An act granting an increase of pension to Walter Barney;
S. 217. An act granting an increase of pension to William C. Breckenridge;
S. 204. An act granting an increase of pension to John F. Walter;
S. 195. An act granting an increase of pension to John Pieper;
S. 202. An act granting an increase of pension to Allen Amburn;
S. 194. An act granting an increase of pension to James L. Cowell;
S. 184. An act granting an increase of pension to Lyman Marsh;
S. 182. An act granting an increase of pension to Oliver P. Smith;
S. 157. An act granting an increase of pension to Lizzie G. Reynolds;
S. 149. An act granting an increase of pension to Cassius Lisk;
S. 147. An act granting an increase of pension to Patrick McCue;
S. 144. An act granting an increase of pension to Minerva Briggs;
S. 137. An act granting an increase of pension to Robert Wiper;
S. 135. An act granting an increase of pension to Peter P. Chacey;
S. 525. An act granting an increase of pension to Michael Brady;
S. 113. An act granting an increase of pension to John D. McFadden;
S. 168. An act granting an increase of pension to Elizabeth Davis;
S. 99. An act granting an increase of pension to Eugene P. Kingsley; and
S. 15. An act granting an increase of pension to Lizzie E. Shehan.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 2012. An act granting an increase of pension to William Wilson.

JACOB B. RUSSELL.

By unanimous consent, at the request of Mr. UNDERWOOD, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Jacob B. Russell, no adverse report having been made thereon.

LEAVE TO EXTEND REMARKS.

By unanimous consent, leave was granted to Mr. CALDERHEAD, for five days, to extend his remarks in the RECORD on the statehood bill.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 18 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of State, transmitting a report of the commissioners to the Liege Exposition—to the Select Committee on Industrial Arts and Expositions, and ordered to be printed.

A letter from the president of the Capital Traction Company, transmitting the report of the company for the year ended December 31, 1905—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a memorial of the Chickasaw legislature relative to the enrollment of children of Chickasaw and Choctaw parents; also papers relating to newborn children of citizens of the Five Civilized Tribes—to the Committee on Indian Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. KLEPPER, from the Committee on the Territories, to which was referred the House joint resolution (H. J. Res. 79) authorizing assignment of pay of teachers and other employees of the Bureau of Education in Alaska, reported the same without amendment, accompanied by a report (No. 694); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURTON of Ohio, from the Committee on Rivers and Harbos, to which was referred the House joint resolution (H. J. Res. 83) for a report, and so forth, upon the preservation of Niagara Falls, reported the same without amendment, accompanied by a report (No. 695); which said joint resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1975) granting an increase of pension to William House, reported the same with amendment, accompanied by a report (No. 693); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. LITTLEFIELD: A bill (H. R. 13655) to limit the effect of the regulations of commerce between the several States and Territories in certain cases—to the Committee on the Judiciary.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 13656) to provide for a survey of the Coldwater River, Mississippi, from Yazoo Pass to Crenshaw—to the Committee on Rivers and Harbors.

By Mr. VREELAND: A bill (H. R. 13657) forbidding the importation and carriage in interstate commerce of falsely or spuriously stamped articles of merchandise made of gold or silver or their alloys, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. BROWNLOW: A bill (H. R. 13658) to prevent superannuation in the classified civil service and to create a retirement fund for employees—to the Committee on Reform in the Civil Service.

By Mr. HAUGEN: A bill (H. R. 13659) providing for the erection of a public building in the city of Mason City, Iowa—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13660) providing for the erection of a public building in the city of Decorah, Iowa—to the Committee on Public Buildings and Grounds.

By Mr. TAWNEY: A bill (H. R. 13661) to amend an act entitled "An act to amend an act entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' approved January 14, 1889," by defining the boundaries of the "forestry lands" and providing for change of allotments, and for other purposes—to the Committee on Indian Affairs.

By Mr. BURLEIGH: A bill (H. R. 13662) authorizing a survey of Sullivan Harbor, Maine—to the Committee on Rivers and Harbors.

By Mr. CHANEY: A bill (H. R. 13663) to enable the President to accord redress for certain court-martial errors, and thereby to increase the personnel of the Navy—to the Committee on Naval Affairs.

By Mr. WILLIAM W. KITCHIN: A bill (H. R. 13664) to provide for the erection of a statue of Gen. Nathanael Greene on the battlefield of Guilford Court House—to the Committee on the Library.

By Mr. HAMILTON: A bill (H. R. 13665) regulating the travel pay for officers and enlisted men mustered into the service of the United States under the act of March 2, 1899—to the Committee on Military Affairs.

By Mr. STEPHENS of Texas: A bill (H. R. 13666) for the regulation of private banks and trust companies doing business in the Indian Territory and extending the Oklahoma banking laws over said Territory—to the Committee on Indian Affairs.

By Mr. STEENERSON: A bill (H. R. 13667) providing for a drainage survey of certain ceded Chippewa Indian lands in the State of Minnesota—to the Committee on Indian Affairs.

By Mr. McNARY: A bill (H. R. 13668) to erect a statue to the memory of Commodore John Barry—to the Committee on the Library.

By Mr. BATES: A bill (H. R. 13669) to provide for raising of Commodore Perry's flagship *Niagara*—to the Committee on Naval Affairs.

By Mr. FULKERSON: A bill (H. R. 13670) for the relief of certain State militia—to the Committee on Invalid Pensions.

By Mr. BURLESON: A bill (H. R. 13671) to provide for the taking of a census of agricultural statistics in the year 1906 and every tenth year after the year 1905—to the Committee on the Census.

By Mr. BROOKS of Colorado: A bill (H. R. 13672) to provide souvenir medallions for The Zebulon Montgomery Pike Monument Association—to the Committee on Coinage, Weights, and Measures.

By Mr. MONDELL: A bill (H. R. 13673) to extend the provisions of the homestead laws to certain lands in the Yellowstone Forest Reserve—to the Committee on the Public Lands.

By Mr. McGUIRE: A bill (H. R. 13674) to amend an act entitled "An act to amend an act entitled 'An act to supplement existing laws relating to the disposition of lands, and so forth, approved March 3, 1901,' approved June 30, 1902"—to the Committee on the Territories.

Also, a bill (H. R. 13675) to ratify and confirm the acts of the legislative assembly of the Territory of Oklahoma, passed in the year 1905, relating to an insane asylum for the Territory of Oklahoma, and providing for the establishment and maintenance of an insane asylum for the Territory of Oklahoma at Fort Supply, in Woodward County, Oklahoma Territory, and making appropriations therefor—to the Committee on the Territories.

By Mr. HULL: A bill (H. R. 13676) to increase the efficiency of the Ordnance Department of the United States Army—to the Committee on Military Affairs.

Mr. ALLEN of Maine: A bill (H. R. 13677) to amend section 653 of the Code of Law for the District of Columbia, relating to assessment life insurance companies and associations—to the Committee on the District of Columbia.

By Mr. LAMB: A joint resolution (H. J. Res. 92) authorizing the Secretary of War to deliver to the Southern Historical Society certain unidentified battle flags—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BARTLETT: A bill (H. R. 13678) for the relief of the estate of Gabriel Parks, deceased—to the Committee on War Claims.

By Mr. BURNETT: A bill (H. R. 13679) granting an increase of pension to Joseph Nobinger—to the Committee on Invalid Pensions.

By Mr. BUTLER of Tennessee: A bill (H. R. 13680) granting a pension to A. C. Stagord—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13681) granting a pension to Amos Vaughan—to the Committee on Invalid Pensions.

By Mr. CAPRON (by request): A bill (H. R. 13682) to authorize the President to appoint James F. Curley, Harry T. Herring, and Carroll H. Gardner on the retired list of the Army with the rank of second lieutenant—to the Committee on Military Affairs.

By Mr. CHANEY: A bill (H. R. 13683) for the relief of John Smith—to the Committee on Naval Affairs.

Also, a bill (H. R. 13684) granting an increase of pension to Odom Butler—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 13685) granting a pension to John Hutchison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13686) granting an increase of pension to Daniel M. Banks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13687) granting an increase of pension to Martin B. Hutchison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13688) granting an increase of pension to George Fowler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13689) granting an increase of pension to William S. Newman—to the Committee on Invalid Pensions.

By Mr. DARRAGH: A bill (H. R. 13690) granting an increase of pension to Loami M. Foot—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 13691) to correct the military record of William J. McGhee—to the Committee on Military Affairs.

By Mr. DICKSON of Illinois: A bill (H. R. 13692) granting an increase of pension to Elisha Strang—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 13693) granting an increase of pension to Dwight C. Scott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13694) granting an increase of pension to Warren Paterson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13695) granting an increase of pension to Mary A. Aldrich—to the Committee on Invalid Pensions.

By Mr. FULKERSON: A bill (H. R. 13696) granting a pension to William H. Boyd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13697) granting an increase of pension to William Shoemaker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13698) granting an increase of pension to Samuel Kelly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13699) granting an increase of pension to Valentine Gunselman—to the Committee on Invalid Pensions.

By Mr. GAINES of West Virginia: A bill (H. R. 13700) for the relief of Capt. Samuel L. Richmond's company, West Virginia Volunteer Militia—to the Committee on Invalid Pensions.

By Mr. GARDNER of Massachusetts: A bill (H. R. 13701) granting a pension to Benjamin C. Welch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13702) granting an increase of pension to Edwin T. Pike—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13703) to correct the military record of Benjamin C. Welch—to the Committee on Military Affairs.

By Mr. GRAFF: A bill (H. R. 13704) granting a pension to Ann Dewier—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 13705) granting an increase of pension to William E. Lefavor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13706) granting an increase of pension to Albert C. Roach—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 13707) granting a pension to Olivia E. Caswell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13708) granting an increase of pension to Adam Shultz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13709) for the relief of Timothy Ellsworth—to the Committee on Military Affairs.

By Mr. HEDGE: A bill (H. R. 13710) granting an increase of pension to Anna M. Wilson—to the Committee on Invalid Pensions.

By Mr. HIGGINS: A bill (H. R. 13711) to refund legacy taxes illegally collected from the estate of Daniel B. Potter, deceased—to the Committee on Claims.

By Mr. HOUSTON: A bill (H. R. 13712) granting an increase of pension to Caroline D. Scudder—to the Committee on Pensions.

By Mr. JAMES: A bill (H. R. 13713) granting a pension to Allison W. Pollard—to the Committee on Invalid Pensions.

By Mr. KELIHER: A bill (H. R. 13714) granting a pension to John H. Irwin—to the Committee on Invalid Pensions.

By Mr. KLEPPER: A bill (H. R. 13715) granting a pension to David A. Creason—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13716) granting a pension to Archibald Groom—to the Committee on Invalid Pensions.

By Mr. KNOWLAND: A bill (H. R. 13717) to place the surviving members of the crew of the United States steamer *Rodgers*, of the Jeannette relief expedition, on the retired list of enlisted men of the Navy—to the Committee on Naval Affairs.

By Mr. LAMB: A bill (H. R. 13718) for the relief of the Richmond Locomotive Works, spccessor of the Richmond Locomotive and Machine Works—to the Committee on Claims.

By Mr. McCALL: A bill (H. R. 13719) to correct the naval record of James J. Mahegan—to the Committee on Naval Affairs.

By Mr. MARTIN: A bill (H. R. 13720) removing the charge

of desertion against the name of James M. Daniel—to the Committee on Military Affairs.

Also, a bill (H. R. 13721) removing the charge of desertion against the name of John Mulvaney—to the Committee on Military Affairs.

Also, a bill (H. R. 13722) removing the charge of desertion against the name of William Gamber—to the Committee on Military Affairs.

By Mr. MONDELL: A bill (H. R. 13723) granting an increase of pension to John Underwood—to the Committee on Invalid Pensions.

By Mr. MORRELL: A bill (H. R. 13724) granting a pension to Robert Pattison—to the Committee on Invalid Pensions.

By Mr. OLCOTT: A bill (H. R. 13725) granting an increase of pension to Luciano Conterno—to the Committee on Pensions.

Also, a bill (H. R. 13726) granting a pension to Sarah J. Manson—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 13727) for the relief of Worthington Goldsborough—to the Committee on Naval Affairs.

Also, a bill (H. R. 13728) for the relief of George W. Dant—to the Committee on Claims.

By Mr. REYNOLDS: A bill (H. R. 13729) granting a pension to Noah Burkett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13730) granting a pension to Joseph Shroyer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13731) granting a pension to Samuel Wilhelm—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13732) granting a pension to Franklin Lear—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13733) for the relief of B. F. Jamison—to the Committee on Claims.

Also, a bill (H. R. 13734) for the relief of Harriet Kyler—to the Committee on Claims.

By Mr. RIVES: A bill (H. R. 13735) for the relief of John Purkafile—to the Committee on Military Affairs.

By Mr. SMITH of Iowa: A bill (H. R. 13736) granting an increase of pension to James T. McIntosh—to the Committee on Invalid Pensions.

By Mr. SMITH of Pennsylvania: A bill (H. R. 13737) granting an honorable discharge to Samuel M. Crosby—to the Committee on Military Affairs.

By Mr. SOUTHARD: A bill (H. R. 13738) granting an increase of pension to Henry Hahn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13739) granting an increase of pension to Francis M. Work—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13740) granting an increase of pension to Jeremiah Bard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13741) granting an increase of pension to George R. Scott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13742) granting an increase of pension to William B. Henning—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13743) granting a pension to Ellen Severance—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13744) granting a pension to Margaret B. Newton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13745) to correct the record of Wilson W. Brown—to the Committee on Military Affairs.

By Mr. TALBOTT: A bill (H. R. 13746) for the relief of William W. Kurz—to the Committee on Claims.

By Mr. TAWNEY: A bill (H. R. 13747) granting a pension to Sarah E. Goodell—to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 13748) granting a pension to Jennie L. Liebhardt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13749) granting a pension to Thomas McClain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13750) granting a pension to Sarah J. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13751) granting an increase of pension to Rachel Wildman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13752) granting a pension to Elizabeth A. Champ—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13753) granting an increase of pension to Daniel Bennett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13754) granting an increase of pension to Edward E. Furgason—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13755) granting an increase of pension to James M. Adams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13756) granting an increase of pension to George W. Riggs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13757) granting an increase of pension to William Wright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13758) granting an increase of pension to Edward Price—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13759) granting an increase of pension to Alfred R. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13760) granting an increase of pension to Lewis Lewallen—to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 13761) granting an increase of pension to John Cook—to the Committee on Pensions.

Also, a bill (H. R. 13762) granting an increase of pension to Stephen M. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13763) to complete the military record of Wyatt F. Runion and grant him a pension—to the Committee on Miliatry Affairs.

By Mr. COOPER of Wisconsin: A bill (H. R. 13764) granting a pension to Della S. Bond—to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 13765) granting a pension to Mariam T. Taggert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13766) granting a pension to Nancy McKenna—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13767) granting a pension to Ida S. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13768) granting an increase of pension to John W. Chapman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13769) granting an increase of pension to David Angle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13770) granting an increase of pension to James F. Dean—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13771) granting an increase of pension to Adam Herald—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13772) granting an increase of pension to John Henderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13773) granting an increase of pension to W. N. Shibley—to the Committee on Pensions.

Also, a bill (H. R. 13774) granting an increase of pension to Mary Bringhurst Christopher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13775) granting an increase of pension to John Hayden—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred, as follows:

A bill (H. R. 13457) granting an increase of pension to William M. McCay—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7739) granting a pension to Carlotta E. Hooper—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 4277) to correct the military record of James J. Mahegan—Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

A bill (H. R. 3478) for the relief of the personal representative of the estate of Alexander Myers, deceased—Committee on Claims discharged, and referred to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Merton H. Ayers and Murray D. Stall, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. ACHESON: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of the Charleroi Merchants' Association, for a public building—to the Committee on Public Buildings and Grounds.

Also, petition of J. T. S. Cowen, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. ADAMS of Pennsylvania: Petition of the Charleroi Merchants' Association, for bill H. R. 8106—to the Committee on Public Buildings and Grounds.

Also, petition of Brotherhood of Locomotive Firemen, Lodge No. 75, of West Philadelphia, Pa., favoring the Bates-Penrose bill—to the Committee on the Judiciary.

Also, resolution of a mass meeting at Belasco Theater, Washington, D. C., condemning the treatment of the Jews in Russia—to the Committee on Foreign Affairs.

By Mr. ALEXANDER: Petitions of Lodge No. 463, Brotherhood of Locomotive Engineers, of Elmira, and Lodge No. 315, Brotherhood of Locomotive Firemen, favoring the employers' liability bill—to the Committee on the Judiciary.

Also, petition of Division No. 444, Order of Railway Conductors, of Olean, N. Y., for bill H. R. 239—to the Committee on the Judiciary.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petitions of Elbert T. Hubbard, W. J. Conners, and the American Blacksmith Company, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. ANDREWS: Petition of 11 citizens of New York and vicinity for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. BABCOCK: Paper to accompany bill for relief of Amos Miller—to the Committee on Pensions.

By Mr. BARCHFELD: Papers to accompany bill H. R. 11280—to the Committee on Invalid Pensions.

Also, petition of 15 citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of Strong Vincent Post, No. 67, Grand Army of the Republic, favoring a volunteer retired list—to the Committee on Military Affairs.

Also, petition of George E. Briggs, against all free-alcohol bills—to the Committee on Ways and Means.

Also, petition of the Charleroi Merchants' Association, favoring bill H. R. 8106—to the Committee on Public Buildings and Grounds.

Also, petition of the National German-American Alliance, relative to literature on the beer business—to the Committee on Alcoholic Liquor Traffic.

By Mr. BATES: Petition of A. D. Colegrove, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Humane Society of Erie, Pa., against amendment of the bill relative to transit of live stock—to the Committee on Interstate and Foreign Commerce.

Mr. BELL of Georgia: Papers to accompany bill for relief of Frederick S. L. Price—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of James R. Bracewell—to the Committee on War Claims.

Also, paper to accompany bill for relief of J. M. Fountain, heir of Artamissa Fountain—to the Committee on War Claims.

By Mr. BISHOP: Petition of the Detroit Board of Trade, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petitions of H. W. Morley, H. C. Flaten, E. O. Shaw, H. M. Royal, and R. D. Frederick, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of citizens of Newaygo County, Mich., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. BOWERSOCK: Petitions of J. E. Scruggs, jr., B. R. Lane, and the Lawrence Journal Company, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BOWIE: Petition of citizens of Alabama, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also petition of E. L. C. Ward, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BRADLEY: Petition for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petitions of G. F. Ketcham and William Lieb, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BROOKS of Colorado: Petition of Carl Anderson, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BROWN: Petitions of W. S. Wishers and L. Williamson, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. BURKE of Pennsylvania: Petition of the Holley Club, of Monessen, N. Y., for the preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of Strong Vincent Post, No. 67, Grand Army of the Republic, of Erie, Pa., favoring a volunteer retired list—to the Committee on Military Affairs.

Also, petition of George E. Briggs, against all free-alcohol bills—to the Committee on Ways and Means.

Also, petition of the National German-American Alliance, relative to literature bearing on the beer industry—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the Charleroi Merchants' Association, favoring bill H. R. 8106—to the Committee on Public Buildings and Grounds.

Also, petition of 14 citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of Labor World and Charles E. Federwan, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Isaac Carney, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Victor C. Anderson, favoring an appropriation for schools of mines—to the Committee on Ways and Means.

By Mr. BUTLER of Tennessee: Paper to accompany bill for relief of A. C. Stafford—to the Committee on Invalid Pensions.

By Mr. BURLESON: Petition of G. A. M. Naughton, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. CASTOR: Petition of the Commercial Law League, for the enactment of the Lodge bill—to the Committee on Foreign Affairs.

Also, petition of Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. CHAPMAN: Petition of 20 citizens of New York and vicinity, for relief for heirs of the victims of the *Slocum* disaster—to the Committee on Claims.

Also, petitions of A. C. Clippinger and George Hanlon, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. COOPER of Pennsylvania: Petition of the Japanese and Korean Exclusion League, for enforcement of the Chinese exclusion law—to the Committee on Foreign Affairs.

Also, petition of George E. Briggs, against all free alcohol—to the Committee on Ways and Means.

Also, petition of Strong Vincent Post, No. 67, Grand Army of the Republic, of Erie, Pa., for bill H. R. 8989—to the Committee on Military Affairs.

Also, petition of Council No. 343, Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of 25 citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. COOPER of Wisconsin: Petition of 10 citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. DAVEY of Louisiana: Petition of George A. Cox, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DAVIS of Minnesota: Petition of L. L. Romo, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of William W. Payne, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DAVIS of West Virginia: Petition of Resolute Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. DAWSON: Petition of R. R. Englehart et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. DE ARMOND: Petitions of Single & Single, J. E. Dowell, C. A. Crumbaugh, C. H. Lucas, W. R. Cochran, C. C. Arnold, and A. L. Webber, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of citizens of Missouri, against tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. DICKSON of Illinois: Petition of the Woman's Christian Temperance Union of Olney, Ill., against the Army canteen—to the Committee on Military Affairs.

Also, petitions of Yount & McCaully, C. A. Wooman, H. B. Andrews, H. Gravenhust & Son, W. E. Isley & Co., N. Richmond, Homer Clark, C. F. Burridge & Co., A. F. Alblinger, and S. W. Kelly, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. FLACK: Petition of Frank P. De Vinne, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. FOSTER: Petition of Chas. L. Reed, the Essex Publishing Company, the Argus and Patriot Company, W. B. Howe, T. M. Sheldon, Carl C. Fletcher, and Frank E. Hall, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. FULLER: Petition of O. E. Wanzig, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of the Humane Society of Boone County, Ill., against amendment of the live-stock transportation law—to the Committee on Interstate and Foreign Commerce.

By Mr. GILBERT of Indiana: Petitions of W. W. Williamson, L. H. Higley, the Fort Wayne Medical Journal Magazine, and William E. Bowers, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. GILLETT of Massachusetts: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of W. H. Brock & Co., the Enterprise, and the Phelps Publishing Company, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. GRAHAM: Petition of Strong Vincent Post, No. 67, Grand Army of the Republic, of Erie, Pa., favoring a volunteer retired list—to the Committee on Military Affairs.

Also, petition of F. A. Campbell, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of George E. Briggs, against free-alcohol bills—to the Committee on Ways and Means.

Also, petition of the National German-American Alliance, relative to literature bearing on the beer industry—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the Charleroi Merchants' Association, favoring bill H. R. 8106—to the Committee on Public Buildings and Grounds.

Also, petition of 15 citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. GRANGER: Petition of Peter Larivee and James E. F. Miskella, of Arctic, R. I., for removal of the duty on hides—to the Committee on Ways and Means.

Also, petition of the First Baptist Church and the Woman's Christian Temperance Union (50 members) of New Shoreham, R. I., and the Woman's Christian Temperance Union of Centerville, R. I., favoring passage of the Hepburn-Dolliver bill—to the Committee on Alcoholic Liquor Traffic.

Also, petitions of the Cumberland Woman's Christian Temperance Union, the Newport Woman's Christian Temperance Union, the Kingston Congregational Church, St. Matthew's Church, the Church of the Ascension, and the Phillipe Memorial Church, of Auburn, R. I.; the Washington Park Woman's Christian Temperance Union, of Providence, R. I.; the Swedish Congregational Church, the People's Free Baptist Church, of Auburn, R. I.; the Unrula Union; the Oaklawn Baptist Church, of Oaklawn, R. I.; the Free Baptist Church, of Greenwich, R. I., and the Willard (R. I.) Woman's Christian Temperance Union, for prohibition of liquor traffic in Oklahoma and Indian Territory as States—to the Committee on the Territories.

Also, petition of the Artesian Well and Supply Company of Providence, R. I., for two classes of mail only—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Lumber Dealers' Association of Providence, R. I., for a national forest reservation in New Hampshire—to the Committee on Agriculture.

Also, petition of the Cranston Street Methodist Episcopal Church, of Providence, and the Second Richmond Baptist Church, of Charlestown, R. I., for prohibition of liquor in the Indian Territory and Oklahoma as States—to the Committee on the Territories.

Also, petitions of the Woman's Christian Temperance Union of Providence, R. I.; the Second Richmond Baptist Church, and the Woman's Christian Temperance Union of Charlestown, R. I., for passage of the Hepburn-Dolliver bill—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the Woman's Christian Temperance Union of Clarks Mills, for prohibition of the liquor traffic in Indian Territory and Oklahoma as States—to the Committee on the Territories.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petitions of the Woman's Christian Temperance Union and the Baptist Church of Exeter, R. I., for prohibition in Indian Territory and Oklahoma—to the Committee on the Territories.

By Mr. GRONNA: Petitions of P. G. Ware and P. O. Thorson, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of W. F. Bacon et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. GUDGER: Petition of W. A. Curtis, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HAMILTON: Petition of Benson Brothers, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HAUGEN: Petitions of W. N. Crawford and F. E. Howard, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HAYES: Petitions of M. M. Gilchrist and the Town and Country Journal, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of many citizens of New York and vicinity, asking relief for heirs of victims of the *General Slocum* disaster—to the Committee on Claims.

By Mr. HENRY of Connecticut: Petition of the Connecticut State Grange, Patrons of Husbandry, for free ethyl alcohol—to the Committee on Ways and Means.

By Mr. HEPBURN: Petition of 18 citizens of New York and vicinity for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of T. W. Killion, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HINSHAW: Petitions of George A. Byrne and W. F. Crumb, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HOWELL of New Jersey: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of Hiawatha Council, of East Millstone, N. J., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Monmouth Council, Order United American Mechanics, and Ashland Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of George Kempson, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HUFF: Petition of Strong Vincent Post, No. 67, Grand Army of the Republic, of Erie, Pa., favoring a volunteer retired list—to the Committee on Military Affairs.

Also, petitions of Corwan P. Hepler, A. Grand Helman, and the Eagle Printing Company, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. KENNEDY: Petitions of Ira W. Porter, M. D., V. Buresh, Peter C. Gameon, and R. C. Dozier, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. KLINE: Petition of the Daily City Item, of Allentown, Pa., for removal of the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of many citizens of Allentown, Pa., for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. LACEY: Petition of many citizens of New York and vicinity for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. LAFEAN: Paper to accompany bill for relief of Mrs. Rosanna Wavell—to the Committee on Invalid Pensions.

Also, petition of Dillsburg Council, No. 324, Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. LEE: Paper to accompany bill for relief of Eada Lowry—to the Committee on Pensions.

By Mr. LINDSAY: Petition of the People's Institute, New York, relative to a national post-graduate institute at Washington—to the Committee on Education.

Also, petition of Northern Star Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. LITTAUER: Paper to accompany bill for relief of Sarah J. Smith—to the Committee on Invalid Pensions.

By Mr. McKINNEY: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petitions of the Industry News Company and Bemmer

Brothers, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. MARSHALL: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of W. J. Adams et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. MOORE: Petition of J. L. Morgan et al., against freight-rate legislation—to the Committee on Interstate and Foreign Commerce.

By Mr. MORRELL: Petition of Captain Philip R. Schuyler Post, No. 51, Grand Army of the Republic, and George Bancroft Council, No. 571, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petitions of Benjamin Hepworth, Paul W. Beattenburger, and Martin I. J. Griffin, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Charles Mount et al., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. NEEDHAM: Petition of the Chamber of Commerce of Santa Barbara County, Cal., for improvement of Yosemite Valley—to the Committee on Agriculture.

Also, petition of George E. Wright, for an appropriation to check the pear blight—to the Committee on Agriculture.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. OLCOTT: Paper to accompany bill for relief of Luciano Conterno—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Sarah J. Manson—to the Committee on Invalid Pensions.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. OLMSTED: Petition of Keystone Lodge, No. 42, Brotherhood Railway Trainmen, for passage of bills H. R. 239 and 1657—to the Committee on the Judiciary.

Also, petition of America Council, No. 30, Order United American Mechanics, of Harrisburg, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petitions of the Publishing House of United Evangelical Church and W. A. Laverty, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petitions of the Barnes and Battles Publishing Company and Theodore A. Randall, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of 20 citizens of New York and vicinity, for relief for the *Slocum* victims—to the Committee on Claims.

By Mr. PADGETT: Papers to accompany bill for relief of S. P. Watson—to the Committee on War Claims.

Also, papers to accompany bill for relief of James B. Dardis—to the Committee on War Claims.

Also, papers to accompany bill for relief of heirs of A. B. Rozell—to the Committee on War Claims.

Also, papers to accompany bill for relief of heirs of Jane C. Hodge—to the Committee on War Claims.

Also, papers to accompany bill for relief of John B. Wells—to the Committee on War Claims.

By Mr. PAYNE: Petitions of Herbert Huntington, B. N. Marriott; the Citizen, of Phelps, N. Y.; Rollo D. Curtis, and Du Boise Brothers, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petitions of Sodus Grange and Walcott Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of W. G. Phippur and C. A. Ames, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. PERKINS: Petition of Penfield Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. RIVES: Petitions of E. P. Kimball, C. W. and C. P. Bliss, J. W. Potts, A. S. Roberts, R. P. Boulton, J. N. Abrams, and the Grand Gazette, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. RYAN: Petition of the New York State Agricultural Society, for removal of the tax from denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Manufacturers' Association of New York, against the metric system—to the Committee on Coinage, Weights, and Measures.

Also, petition of 12 citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of the American Bar Association, against repeal of the bankruptcy law—to the Committee on the Judiciary.

By Mr. SAMUEL: Petition of Local Union No. 689, Brotherhood of Painters, Decorators, and Paper Hangers of America, of Shamokin, Pa., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. SCHNEEBELI: Petitions of the Easton Argus and M. D. L. Shrope, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SHEPPARD: Paper to accompany bill for relief of R. S. Crown—to the Committee on Pensions.

Also, paper to accompany bill for relief of James T. Butler—to the Committee on Pensions.

By Mr. SMITH of Maryland: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. SMITH of Pennsylvania: Petition of Meridian Sun Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of 16 citizens of New York and vicinity, for relief for heirs of victims of the *Slocum* disaster—to the Committee on Claims.

Also, petition of Strong Vincent Post, No. 67, Grand Army of the Republic, of Erie, Pa., for a volunteer retired list—to the Committee on Military Affairs.

By Mr. SOUTHARD: Petition of the Woman's Christian Temperance Union of Bowling Green, Ohio, against sale of liquor in any Government building—to the Committee on Alcoholic Liquor Traffic.

By Mr. SOUTHWICK: Petitions of William B. Kirkpatrick, Ernest L. Haight, Warren S. Gardner, and Enterprise Company, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. STEENERSON: Petition of John Christensen, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. STEPHENS of Texas: Petition of many citizens of New York and vicinity, for relief for heirs of the *Slocum* disaster—to the Committee on Claims.

By Mr. STEVENS of Minnesota: Petitions of A. P. J. Colberg, the Courant, David Ramaley, E. A. Haines, Jacob R. Steiner, and J. R. Steiner, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. SULLOWAY: Petitions of Liberty Council, of Tilton, N. H.; Burnside Council, of Chester, N. H., and John P. Hale Council, of Barrington, N. H., Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SULZER: Petition of 100 citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. THOMAS of North Carolina: Petition of Wallace L. Beach, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. TOWNSEND: Petition of Raisinville Grange, No. 410, for removal of the tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petitions of Randolph N. Worth, Myron W. Tarbox, F. W. Stephenson, T. L. Milburn, Eugene J. Hillier, F. W. Samson, Brooklyn Exponent, the Argus-Democrat, and the Sentinel-Commercial, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. VAN WINKLE: Paper to accompany bill for relief of Lewis P. Post—to the Committee on Invalid Pensions.

Also, petition of 25 citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. VREELAND: Petitions of W. T. Benjamin, A. L. Loonus, M. D. Johnson, H. F. Dornow, Hark & Smith, the W. T. Falconer Manufacturing Company, C. S. Stales, Joseph Mutschlechner, J. H. Backus, Daniel F. Tooney, and W. F. Arthurs, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WADSWORTH: Petition of George E. Marcellus, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WANGER: Petitions of the Democrat Publishing Company, the Daily Register Publishing Company, Henry H.

Frick, J. W. Harvey, the Robinson Publishing Company, and the Times Publishing Company, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WEISSE: Petitions of Carl Tehlandt, the Reporter, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WILLIAMS: Petition of F. B. Birdsall, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of prominent business firms of Mississippi, for passage of bill H. R. 5281—to the Committee on the Merchant Marine and Fisheries.

By Mr. WILSON: Petitions of Hughes, Nichols & Co., the Telephony, of Chicago, and the Chicago Eye, against the tariff on linotype machines—to the Committee on Ways and Means.

SENATE.

THURSDAY, *February 1, 1906.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Journal of yesterday's proceedings was read and approved.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the Baptist Church at Bolivar, Hardeman County, Tenn., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

ENROLLMENT OF INDIAN CHILDREN.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs, together with a copy of a memorial of the Chickasaw legislature relative to the enrollment of children born to duly recognized citizens of the Choctaw and Chickasaw nations since March 4, 1905; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

UNITED STATES DEPOSITORIES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of December 18, 1905, a statement prepared in the office of the Treasurer of the United States of each and every national bank designated as a depository of the United States, its location, and the total amount of money deposited in each of these banks by the United States during the fiscal years ended June 30, 1901, 1902, 1903, 1904, and 1905; which, with the accompanying paper, was referred to the Select Committee on National Banks, and ordered to be printed.

ANACOSTIA AND POTOMAC RIVER RAILROAD COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Anacostia and Potomac River Railroad Company for the year ended December 31, 1905; which was referred to the Committee on the District of Columbia, and ordered to be printed.

GEORGETOWN AND TENNALLYTOWN RAILWAY COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Georgetown and Tennallytown Railway Company for the year ended December 31, 1905; which was referred to the Committee on the District of Columbia, and ordered to be printed.

CITY AND SUBURBAN RAILWAY.

The VICE-PRESIDENT laid before the Senate the annual report of the City and Suburban Railway, of Washington, D. C., for the year ended December 31, 1905; which was referred to the Committee on the District of Columbia, and ordered to be printed.

BRIGHTWOOD RAILWAY COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Brightwood Railway Company for the year ended December 31, 1905; which was referred to the Committee on the District of Columbia, and ordered to be printed.

WASHINGTON RAILWAY AND ELECTRIC COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Washington Railway and Electric Company for the year ended December 31, 1905; which was referred to the Committee on the District of Columbia, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 8442. An act permitting the building of a dam across the Rock River at Grand Detour, Ill.; and

H. R. 13538. An act to incorporate The Carnegie Foundation for the Advancement of Teaching.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

S. 15. An act granting an increase of pension to Lizzie E. Shehan;

S. 21. An act granting a pension to Mary G. Bright;

S. 23. An act granting an increase of pension to Charles A. Bradbury;

S. 82. An act granting an increase of pension to Curtis A. Carpenter;

S. 99. An act granting an increase of pension to Eugene P. Kingsley;

S. 113. An act granting an increase of pension to John D. McFadden;

S. 135. An act granting an increase of pension to Peter P. Chacey;

S. 137. An act granting an increase of pension to Robert Wiper;

S. 144. An act granting an increase of pension to Minerva Briggs;

S. 147. An act granting an increase of pension to Patrick McCue;

S. 149. An act granting an increase of pension to Cassius Lisk;

S. 150. An act granting an increase of pension to Lucius A. Lincoln;

S. 157. An act granting an increase of pension to Lizzie G. Reynolds;

S. 168. An act granting an increase of pension to Elizabeth Davis;

S. 182. An act granting an increase of pension to Oliver P. Smith;

S. 184. An act granting an increase of pension to Lyman Marsh;

S. 194. An act granting an increase of pension to James L. Cowell;

S. 195. An act granting an increase of pension to John Pieper;

S. 202. An act granting an increase of pension to Allen Amburn;

S. 204. An act granting an increase of pension to John F. Walter;

S. 205. An act granting an increase of pension to Frances Gee;

S. 217. An act granting an increase of pension to William C. Breckenridge;

S. 327. An act granting an increase of pension to Walter Barney;

S. 336. An act granting a pension to Abraham M. Cory;

S. 386. An act granting an increase of pension to Orange G. Jones;

S. 471. An act granting an increase of pension to Thomas McLaughlin;

S. 489. An act granting an increase of pension to Nelson B. Tool;

S. 525. An act granting an increase of pension to Michael Brady;

S. 528. An act granting a pension to Robert M. McCormick;

S. 530. An act granting an increase of pension to Sophie A. Knapp;

S. 532. An act granting an increase of pension to Hiram B. Doty;

S. 559. An act granting an increase of pension to Seth M. Tucker;

S. 560. An act granting an increase of pension to Andrew C. Reed;

S. 571. An act granting an increase of pension to Charles H. Knight;

S. 574. An act granting an increase of pension to Lee H. Buckland;

S. 626. An act granting an increase of pension to Allen J. Nash;

S. 627. An act granting an increase of pension to Joseph Hiler;

S. 708. An act granting an increase of pension to Maurice Downey;

S. 713. An act granting an increase of pension to Ephriam A. Gordon;

S. 777. An act granting an increase of pension to Byron Lent;

S. 783. An act granting an increase of pension to Moses H. Sawyer;

S. 786. An act granting an increase of pension to Patrick Garvey;

S. 844. An act granting an increase of pension to James W. Regan;

S. 849. An act granting an increase of pension to Horatio Carter;

S. 988. An act granting a pension to Russell A. McKinley; and

S. 1444. An act granting a pension to Dora H. Kuhns.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of Local Union No. 228, Cigar Makers' International Union, of San Francisco, Cal., remonstrating against the enactment of legislation providing for a reduction of the tariff on all cigars and tobacco manufactured in the Philippine Islands to 25 per cent of the rate stipulated in the so-called "Dingley tariff bill;" which was referred to the Committee on the Philippines.

Mr. PENROSE presented petitions of Local Lodge No. 593, Brotherhood of Railroad Trainmen, of Dubois; of Sam Sloan Division, No. 276, Brotherhood of Locomotive Engineers, of Scranton, and of Local Lodge No. 511, Brotherhood of Railroad Trainmen, of Philadelphia, all in the State of Pennsylvania, praying for the passage of the so-called "anti-injunction bill;" which were referred to the Committee on the Judiciary.

He also presented a petition of Johnstown Council, No. 303, United Commercial Travelers of America, of Johnstown, Pa., praying for the adoption of an amendment to the present bankruptcy law making commercial salesmen preferred creditors; which was referred to the Committee on the Judiciary.

He also presented a petition of the Young Men's Christian Association of Easton, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings, ships, and grounds; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Oakland Board of Trade, of Pittsburg, Pa., praying that an appropriation of $3,000,000 be made for the purchase of a site and the erection of a post-office building in that city; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of Pineville Grange, Patrons of Husbandry, of Buckmanville, Pa., and a petition of Friendsville Grange, Patrons of Husbandry, of Friendsville, Pa., praying for the adoption of an amendment to the present oleomargarine law by striking out the word "knowingly" in the sixth section thereof; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Board of Trade of Pittsburg, Pa., praying for the enactment of legislation to incorporate the Lake Erie and the Ohio River Ship Canal and defining the powers thereof; which was referred to the Committee on Commerce.

He also presented a memorial of Local Union No. 301, Cigar Makers' International Union of America, of Akron, Pa., remonstrating against any reduction of the duty on cigars and tobacco imported from the Philippine Islands; which was referred to the Committee on the Philippines.

He also presented a petition of the Young Men's Christian Association of Easton, Pa., praying for the passage of the so-called "Hepburn-Dolliver bill" to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Young Men's Christian Association of Easton, Pa., and a petition of the Woman's Home Missionary Society of the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Indian Territory when admitted to statehood; which were ordered to lie on the table.

He also presented petitions of Local Lodge No. 511, Brotherhood of Railroad Trainmen, of Philadelphia; of Quaker City Division, No. 204, Order of Railway Conductors, of Philadelphia; of Sam Sloan Division, No. 276, Brotherhood of Locomotive Engineers, of Scranton; of Local Lodge No. 174, Brotherhood of Locomotive Firemen, of Harrisburg, and of Local Division No. 163, Order of Railway Conductors, of Oil City, all in the State of Pennsylvania, praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

He also presented sundry papers to accompany the bill (S. 3752) for the relief of the widow of Everett Wroe; which were referred to the Committee on Claims.

Mr. BURKETT presented the affidavit of Dr. H. P. Sheldon, of Scottsbluff, Nebr., to accompany the bill (S. 3643) granting an increase of pension to Seth Raymond; which was referred to the Committee on Pensions.

He also presented a petition of the Commercial Club of Blair, and a petition of the Commercial Club of Omaha, in the State of Nebraska, praying for a reduction of the postage on first-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Corn Improvers' Association and the Association of Agricultural Students, of the State of Nebraska, praying that increased appropriations be made for the maintenance of agricultural experiment stations; which were referred to the Committee on Agriculture and Forestry.

He also presented a paper to accompany the bill (S. 1344) for the relief of John M. Burks; which was referred to the Committee on Claims.

He also presented the petition of Charles Weiss, of Hartington, Nebr., praying for the removal of the tariff on linotype and composing machines; which was referred to the Committee on Finance.

He also presented a petition of Claud Champion Division, No. 217, Order of Railway Conductors, of Lincoln, Nebr., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

Mr. GALLINGER presented a petition of sundry citizens of New Hampshire, praying that an appropriation be made to compile and publish the names and data connected therewith of the census of 1790; which was referred to the Committee on the Census.

He also presented a petition of the Woman's Christian Temperance Union of Henniker, N. H., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of Alonzo Palmer Post, No. 170, Department of Wisconsin, Grand Army of the Republic, of Superior, Wis., praying for the enactment of legislation to establish a temporary Soldiers' Home in the District of Columbia for soldiers and sailors of the late wars; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Anacostia Citizens' Association, of Anacostia, D. C., praying for the passage of the bill proposed by the Commissioners of the District of Columbia relative to the changes in the public schools and on the board of education in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of Philadelphia and Germantown, Pa., praying for the enactment of legislation providing separate statehood for the Indian Territory; which were ordered to lie on the table.

He also presented petitions of sundry citizens of North Weare, N. H., and of Newkirk, Okla., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Indian and Oklahoma Territories when admitted to Statehood; which were ordered to lie on the table.

Mr. LODGE presented a petition of the Boston Museum of Fine Arts, of Massachusetts, praying for the repeal of the present duty on works of art; which was referred to the Committee on Finance.

Mr. HEMENWAY presented a petition of Post Q, Indiana Division, Travelers' Association, of New Albany, Ind., praying for the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Good Will Lodge, No. 52, Brotherhood of Locomotive Firemen, of Logansport, Ind., praying for the passage of the so-called "anti-injunction bill;" which was referred to the Committee on the Judiciary.

He also presented a petition of the Manufacturers' Club of Fort Wayne, Ind., and a petition of sundry citizens of Indianapolis, Ind., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

He also presented a petition of Vigo Lodge, No. 16, Brotherhood of Locomotive Firemen, of Terre Haute; of Tecumseh Lodge, No. 402, Brotherhood of Railroad Trainmen, of Lafayette, and Good Will Lodge, No. 52, Brotherhood of Locomotive Firemen, of Logansport, all in the State of Indiana, praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

Mr. ALLISON presented a petition of the Japanese and Korean Executive League, of San Francisco, Cal., praying for the strict enforcement of the present Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Dubuque,

Iowa, praying for the enactment of legislation to prevent the destruction of Niagara Falls, on the American side, by the diversion of the waters for manufacturing purposes; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of Local Union No. 1, American Society of Equity, of Panora, Iowa, praying for the passage of the so-called "railroad-rate bill;" which was referred to the Committee on Interstate Commerce.

Mr. MARTIN presented petitions of Oak Grove Council; Hague Council, No. 193, of Hague; Bell Haven Council, No. 61, of Alexandria; John Forbes Council, No. 144, of Danville; Stonewall Council; Industry Council, No. 22, of Norfolk; Cornet Council, No. 29, of Quicksburg; Alexandria Council; Waterford Council, No. 75, of Waterford; William McKinley Council, No. 182, of Richmond; Eagle Rock Council, No. 91, of Eagle Rock; Round Hill Council, No. 203, of Round Hill; Thomas Jefferson Council, No. 109, of Berkley, and Lovettsville Council, No. 101, of Lovettsville, all of the Junior Order United American Mechanics; of the United Brotherhood of Carpenters and Joiners of America, of Fredericksburg, and of Poquoson Tribe, No. 124, Independent Order of Royal Masons, of Danville, all in the State of Virginia, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. BACON presented a memorial of sundry property owners and residents on Oregon avenue, Washington, D. C., remonstrating against the proposed change of name of that avenue; which was referred to the Committee on the District of Columbia.

Mr. STONE presented petitions of Terminal Lodge, No. 472, Brotherhood of Railroad Trainmen, of St. Louis, Mo.; of Local Division No. 55, Order of Railway Conductors, of Kansas City; of Anchor Lodge, No. 54, Brotherhood of Locomotive Firemen, of Moberly, and of Easter Lodge, No. 481, Brotherhood of Locomotive Firemen, of St. Louis, all in the State of Missouri, praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

Mr. CLARK of Montana presented a petition of Butte Lodge No. 580, Brotherhood of Railroad Trainmen, of Butte, Mont., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

Mr. PATTERSON presented a petition of W. E. McGraw Lodge, No. 680, Brotherhood of Railroad Trainmen, of Denver, Colo., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

Mr. PLATT presented a petition of Ontario Lodge, No. 69, Brotherhood of Railroad Trainmen, of Oswego, N. Y., and a petition of Local Lodge No. 315, Brotherhood of Locomotive Firemen, of Albany, N. Y., praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

Mr. NELSON presented a petition of Local Division No. 360, Order of Railway Conductors, of Two Harbors, Minn., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

Mr. KNOX presented a petition of Local Lodge No. 174, Brotherhood of Locomotive Firemen, of Harrisburg, Pa., and a petition of Van Bergen Lodge, No. 62, Brotherhood of Locomotive Firemen, of Carbondale, Pa., praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

PAPERS ACCOMPANYING CLAIMS BILLS.

Mr. LODGE. Mr. President, I was out of the Senate yesterday when some remarks were made in regard to the introduction of a paper to which I called attention the previous day. I wish simply to say in regard to it what I should have said yesterday if I had been here.

Whatever rules the Senate makes, of course, we all must conform to. I have no doubt that is a good rule, but I think rules should be made by the Senate and not by the Secretary of the Senate or by the clerks of committees. I think if there is a necessity for a rule in regard to the introduction of papers it should be settled by Senate rules. I have no objection to the rule or the practice, but I do think rules ought to be made by the proper authority.

Mr. FULTON. Mr. President, in order that the Senator from Massachusetts may understand my position, I wish to state that I called the matter up yesterday morning simply that I might explain that the present Committee on Claims has entered upon no different practice from that which obtained before. We have not made any innovation.

The matter arose from a misunderstanding, I will state to the Senator from Massachusetts. One of the clerks thought he could not receive papers at all until they came through the Senate. There was no disposition whatever to impose any regulations that were not proper or anything that was not in conformity with the rules of the Senate, nor is there any disposition on the part of the committee to presume to make rules. It is not a rule. It was simply a request on the part of the file clerk of the Senate that that order might be observed. At least I discovered when the matter was brought to my attention that it arose in that way. The clerks hereafter in the Committee on Claims will receive papers Senators send to them and file them with the papers in the custody of the committee.

I am very sorry that any Senator should have been put to any annoyance or inconvenience by reason of the misunderstanding.

Mr. LODGE. It is no annoyance to me, Mr. President. It is not that. It is only a matter of practice. We have been in the habit of filing additional papers to accompany bills with the clerks of committees to which the bills and previous papers had been referred. If there is to be a rule as to the filing of additional papers, that rule should be made through the Committee on Rules and adopted by the Senate. All I desire to say is that I do not think rules should be made except through the proper channel.

REPORTS OF COMMITTEES.

Mr. PETTUS, from the Committee on Military Affairs, to whom was referred the bill (S. 2355) to reorganize the corps of dental surgeons attached to the Medical Department of the Army, reported it without amendment, and submitted a report thereon.

Mr. ALGER, from the Committee on Commerce, to whom was referred the concurrent resolution submitted by Mr. HEMENWAY on January 31, 1906, providing for a survey for a harbor in Lake County, Ind., reported it without amendment.

He also, from the Committee on Military Affairs, to whom was referred the bill (S. 1942) to correct the military record of George A. Winslow, reported it without amendment.

Mr. SCOTT, from the Committee on Military Affairs, to whom was referred the bill (S. 733) granting an honorable discharge to Jacob Niebels, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 1862) for the relief of Joshua T. Reynolds, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 3804) for the relief of Joshua T. Reynolds, moved that the bill be postponed indefinitely; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 3157) restoring the name of Henry L. Beck to the Army rolls as captain and providing that he then be placed on the retired list, reported adversely thereon; and the bill was postponed indefinitely.

Mr. FOSTER, from the Committee on Military Affairs, to whom was referred the bill (S. 2325) for the relief of James D. Vernay, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2051) for the relief of James D. Vernay, moved that the bill be postponed indefinitely; which was agreed to.

Mr. MONEY. I am instructed by the Committee on Foreign Relations to report with a favorable recommendation two statements of award, one a report by the Secretary of State showing the obligation to pay, under the convention of November 7, 1899, the sum of $760 in the settlement of Danish claims, and the other a report by the Secretary of State concerning this Government's obligation to pay that of Germany $20,000 for the settlement of certain Samoan claims. The matters have been adjusted, and I suppose the proper course would be to refer the items to the Committee on Appropriations, to be inserted in the general deficiency appropriation bill. The awards ought to be paid at once. They have remained for a good while unpaid. I ask that that reference be made.

The VICE-PRESIDENT. The reports will be referred to the Committee on Appropriations.

Mr. WARNER, from the Committee on Military Affairs, to whom was referred the bill (S. 832) to correct the military record of Asa Niles, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1951) to correct the military record of Talton T. Davis, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3277) to remove the charge of desertion from the record of William W. Kerby, submitted an adverse report thereon; which was agreed to, and the bill postponed indefinitely.

Mr. BULKELEY, from the Committee on Military Affairs, to whom was referred the bill (S. 497) to authorize the President

to revoke the order dismissing William T. Godwin, late first lieutenant, Tenth Infantry, United States Army, and to place the said William T. Godwin on the retired list with the rank of first lieutenant, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3338) for the relief of John L. O'Mara, reported it without amendment, and submitted a report thereon.

Mr. GAMBLE, from the Committee on Indian Affairs, to whom was referred the bill (S. 2787) to amend the act of Congress approved February 11, 1901, entitled "An act providing for allotments of lands in severalty to the Indians of the La Pointe, or Bad River, Reservation, in the State of Wisconsin," reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2788) to enable the Indians on the La Pointe, or Bad River, Reservation to obtain title to the lots occupied by them in the village of Odanah, Wis., and to have said village surveyed, and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Indian Affairs, to whom was referred the bill (S. 134) establishing an additional recording district in Indian Territory, reported it without amendment, and submitted a report thereon.

Mr. PERKINS, from the Committee on Commerce, to whom was referred the bill (S. 2273) to establish at Cape Mendocino, California, quarters for the light keeper, reported it without amendment, and submitted a report thereon.

Mr. LONG, from the Committee on Indian Affairs, to whom was referred the bill (S. 1669) for the establishment of an additional recording district in the Indian Territory, and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (S. 26) to promote the efficiency of the Life-Saving Service, reported it with amendments, and submitted a report thereon.

BILLS INTRODUCED.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3995) granting an increase of pension to Edward Gillespie (with an accompanying paper);

A bill (S. 3996) granting an increase of pension to David Morehart;

A bill (S. 3997) granting an increase of pension to Jacob Berry;

A bill (S. 3998) granting an increase of pension to Thomas Warner;

A bill (S. 3999) to amend an act entitled "An act amending section 4708 of the Revised Statutes of the United States, in relation to pensions to remarried widows," approved March 3, 1901, as amended by act of February 28, 1903; and

A bill (S. 4000) granting an increase of pension to Pyle Woodward (with accompanying papers).

Mr. PENROSE introduced a bill (S. 4001) to regulate process and proceedings in the courts of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 4002) to correct the military record of William H. Everson; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4003) to provide a suitable memorial to the memory of Christopher Columbus; which was read twice by its title, and referred to the Committee on the Library.

He also introduced a bill (S. 4004) to pay The Insurance Company of North America and The Insurance Company of the State of Pennsylvania certain amounts found due them under act of January 20, 1885; which was read twice by its title, and referred to the Committee on Claims.

Mr. BEVERIDGE introduced a bill (S. 4005) granting an increase of pension to Michael Quill; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4006) granting an increase of pension to Charles S. Parrish; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 4007) granting an increase of pension to George W. North; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCUMBER introduced a bill (S. 4008) granting an increase of pension to Charles B. Saunders; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 4009) granting a pension to William Neithamer; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. GAMBLE introduced a bill (S. 4010) granting an increase of pension to Bridget Egan; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SCOTT introduced a bill (S. 4011) for the relief of the estate of Anne McCauley, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. ALGER introduced a bill (S. 4012) granting a pension to Josephine V. Van Voorhees; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4013) granting an increase of pension to George M. Horton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CRANE introduced a bill (S. 4014) to construct and place a light-ship near the eastern end of Hedge Fence Shoal, at the entrance to Vineyard Sound, Massachusetts; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 4015) to construct and place a new light-ship at the entrance to Buzzards Bay, Massachusetts, to replace the one now known as the Hen and Chickens light-ship; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 4016) for establishing a light vessel off Nantucket Shoals, Massachusetts; which was read twice by its title, and referred to the Committee on Commerce.

Mr. PILES (for Mr. ANKENY) introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4017) granting an increase of pension to Charles E. Truax; and

A bill (S. 4018) granting an increase of pension to Ebenezer Lusk.

Mr. BURNHAM introduced a bill (S. 4019) granting an increase of pension to Imogene B. Tappan; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HEMENWAY introduced a bill (S. 4020) granting an increase of pension to Henry C. Johnson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MARTIN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4021) for the relief of Joseph C. Boggs (with an accompanying paper);

A bill (S. 4022) for the relief of the trustees of the Methodist Episcopal Church South, of Mount Crawford, Va. (with accompanying papers);

A bill (S. 4023) for the relief of the trustees of the Downing Methodist Episcopal Church South, of Oak Hall, Accomac County, Va. (with accompanying papers);

A bill (S. 4024) for the relief of the trustees of Court Street Baptist Church, of Portsmouth, Va.;

A bill (S. 4025) for the relief of the trustees of the Union Church of Toms Brook, Va. (with accompanying paper); and

A bill (S. 4026) for the relief of Joseph H. Shafer (with an accompanying paper).

Mr. MARTIN introduced the following bills, which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 4027) granting a pension to Elizabeth B. Preston;

A bill (S. 4028) granting an increase of pension to Ann H. Barnes; and

A bill (S. 4029) granting an increase of pension to Martha G. Archer.

Mr. MARTIN introduced a bill (S. 4030) providing for the promotion of Chief Boatswain Patrick Deery, United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. OVERMAN (by request) introduced a bill (S. 4031) to amend and reenact an act entitled "An act to provide a permanent form of government for the District of Columbia," approved June 11, 1878, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. ALLISON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4032) granting an increase of pension to Solomon Creighton;

A bill (S. 4033) granting an increase of pension to William Kirkwood;

A bill (S. 4034) granting a pension to Anson O. Doolittle;

A bill (S. 4035) granting an increase of pension to Abraham H. Needles; and

A bill (S. 4036) granting an increase of pension to Edwin D. Patterson.

Mr. BACON introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 4037) for the relief of the heirs of Clark Gorham, deceased;

A bill (S. 4038) for the relief of Mrs. S. A. Dunn;

A bill (S. 4039) for the relief of the heirs of Matthew Higginbotham, deceased;

A bill (S. 4040) for the relief of the heirs of Elisha Mashburn, deceased;

A bill (S. 4041) for the relief of the heirs of Mrs. Hannah Pruett, deceased; and

A bill (S. 4042) for the relief of the heirs of Simeon Stephens, deceased.

Mr. FORAKER introduced a bill (S. 4043) to create a new Federal judicial district in Ohio, to be called the central district; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 4044) granting a pension to Phebe Bailey; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4045) granting an increase of pension to William C. Baker; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BAILEY introduced a bill (S. 4046) to incorporate The Edes Home; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. LODGE introduced a joint resolution (S. R. 28) to fill a vacancy in the Board of Regents of the Smithsonian Institution; which was read twice by its title, and referred to the Committee on the Library.

AMENDMENTS TO BILLS.

Mr. GAMBLE submitted an amendment proposing to appropriate $3,200 for clerical work and stationery in the office of the United States Surveyor-General required on surveys within the Pine Ridge Indian Reservation, S. Dak., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. RAYNER submitted an amendment proposing to appropriate $3,000 for grading and constructing a retaining wall and for miscellaneous work at the post-office at Annapolis, Md., intended to be proposed by him to the urgent deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. FULTON submitted an amendment authorizing the Secretary of the Interior to permit owners of sheep to cross the Umatilla Indian Reservation, in the State of Oregon, with their flocks in going to and returning from summer ranges, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. BRANDEGEE submitted an amendment proposing to appropriate $450 to pay Charles G. Phelps for extra services as clerk of the select committee appointed to consider the message of the House of Representatives relating to the impeachment of Charles Swayne, intended to be proposed by him to the urgent deficiency appropriation bill; which was referred to the Committee on the Judiciary, and ordered to be printed.

Mr. MONEY submitted an amendment intended to be proposed by him to the bill (H. R. 88) for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes; which was referred to the Committee on Manufactures, and ordered to be printed.

Mr. FORAKER submitted an amendment intended to be proposed by him to the bill (S. 285) to further regulate commerce with foreign nations and among the States, and to amend the laws on that subject now in force; which was referred to the Committee on Interstate Commerce, and ordered to be printed.

EMPLOYERS' LIABILITY BILLS.

Mr. TILLMAN. Mr. President, I rise to make a parliamentary inquiry.

A couple of days ago—I think it was on Tuesday—the Senator from West Virginia [Mr. ELKINS] called up a motion or request which he had entered on Monday, in relation to the bills in regard to the liability of railway employers. The matter was discussed until the expiration of the morning hour, and the Senator from Virginia [Mr. DANIEL], who was urgent for some action by some committee, and had been criticising somewhat severely a couple of committees, charging them with engaging in the game of shuttlecock and battledoor, was desirous to get a vote; but I wanted to make a brief statement, when the morning hour expired and something else came up. We have had nothing about it since, and my statement is in the limbo of nowhere. I should like to know where that request has gone.

The VICE-PRESIDENT. The morning hour has not expired.

Mr. TILLMAN. I am speaking about the morning hour on Tuesday, when this matter was up and the request of the Senator from West Virginia was pending. It was something in the nature of a resolution, I suppose, although it was not a resolution, either, and I want to know what has become of the matter.

The VICE-PRESIDENT. The Senator from West Virginia made a motion to refer the bills to the Committee on the Judiciary, but afterwards stated that when the Senator from South Carolina had an opportunity to be heard he would withdraw his motion to refer and ask that the bills be retained in the Committee on Interstate Commerce.

Mr. TILLMAN. But the Senator from South Carolina has not been heard, and I want to know what has gone with the business.

The VICE-PRESIDENT. The business will come properly before the Senate after the morning business has been closed.

Mr. TILLMAN. To-day?

The VICE-PRESIDENT. To-day.

Mr. TILLMAN. All right; I just wanted to know. Nothing was done with it yesterday, and I wanted to get in my little statement sometime or other. I wanted to know when I would have a chance.

The VICE-PRESIDENT. Are there concurrent or other resolutions? If not, the Chair lays before the Senate bills from the House of Representatives for reference.

HOUSE BILLS REFERRED.

H. R. 8442. An act permitting the building of a dam across the Rock River at Grand Detour, Ill., was read twice by its title, and referred to the Committee on Commerce.

H. R. 13538. An act to incorporate The Carnegie Foundation for the Advancement of Teaching was read twice by its title, and referred to the Committee on the Judiciary.

DIPLOMATIC CORRESPONDENCE WITH SANTO DOMINGO.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over from yesterday, which will be read.

The Secretary read the resolution submitted yesterday by Mr. TILLMAN, as follows:

Resolved, That the President be requested to send to the Senate, if, in his judgment, it is not incompatible with the public welfare, all the correspondence and dispatches sent to or received at the State Department from our minister or other representative at Santo Domingo during the year 1904.

The VICE-PRESIDENT. The question is upon agreeing to the resolution.

Mr. NELSON. I think the resolution ought to go to the Committee on Foreign Relations. I make that motion.

Mr. TILLMAN. I have no objection to its going to the Committee on Foreign Relations, though, as it is a simple matter of inquiry or a request for information of the President about some transactions in regard to Santo Domingo that occurred two years ago, I thought that probably it was not necessary to have any committee consider it.

Mr. SPOONER. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Wisconsin?

Mr. TILLMAN. With pleasure.

Mr. SPOONER. I should like to remark, if permitted, that additional correspondence on this subject was laid before the committee on yesterday, and perhaps it embraces what the Senator has in mind.

Mr. TILLMAN. I was just looking through the papers published for the years 1904–5, and I see nothing here since August, 1904.

Mr. SPOONER. Perhaps the Senator had better let it go to the committee and find whether we already have it.

Mr. McCREARY. I ask that the resolution be read again.

The Secretary again read the resolution.

Mr. TILLMAN. Mr. President, it was asserted in the Senate yesterday that it is generally understood and not denied anywhere that the President is doing what he is doing in Santo Domingo at the earnest request of that Government, if there be one there. It has also been said in the newspapers that that is not true; that the plea for help did not come from Santo Domingo, but that Santo Domingo was, in effect, coerced or has been compelled or urged to solicit the assistance of this Government.

It is in regard to that simple statement of facts that I want

light, and I am perfectly willing to have the matter go to the Committee on Foreign Relations, hoping that we will get this correspondence at an early date.

The VICE-PRESIDENT. Without objection, the resolution is referred to the Committee on Foreign Relations. The morning business is closed, and the Calendar is in order.

EMPLOYERS' LIABILITY BILLS.

Mr. TILLMAN. What has become of the railroad liability bills, Mr. President, or the motion of the Senator from West Virginia [Mr. ELKINS]?

The VICE-PRESIDENT. They are waiting to hear from the Senator from South Carolina.

Mr. TILLMAN. But they have not come up yet. The Senator has no right to speak unless they come up.

The VICE-PRESIDENT. The bills will be laid before the Senate upon motion or by unanimous consent.

Mr. TILLMAN. If that be the case, I should like to have them taken up now and disposed of. I have only a brief statement to make.

The VICE-PRESIDENT. Without objection, the bills will be stated by the Secretary.

The SECRETARY. Order of Business 505—Senate bill 156 and Senate bill 1657, relating to the liability of common carriers.

Mr. TILLMAN. As I said a moment ago, Mr. President, the Senator from Virginia, in his remarks on Tuesday, criticised the Committee on Interstate Commerce and the Committee on the Judiciary for their action in regard to these bills, they having been sent backward and forth between the two committees for two or three years, it seems, neither committee being willing, apparently, to consider them and report them either favorably or unfavorably.

As I was instrumental in suggesting that the bills be sent back to the Judiciary Committee from the Committee on Interstate Commerce, of which I am an humble member, I will simply state the reason why. Having been absent last year from illness, and a large part of the preceding session, also from illness, I was not aware that the bills had been pending and had traveled back and forth between the two committees. But I am aware that the Committee on Interstate Commerce has been engaged, more or less zealously, in considering laboriously the question of rate making—in fact, to the exclusion of any and all other subjects. We have had debates there almost interminable among ourselves, and apparently, to my mind, along the line of how not to do it. I do not want to criticise anybody on that committee, but we have been ingloriously doing nothing in a substantive fashion; accomplishing nothing in the way of an agreement. We may agree later, but I doubt it very seriously.

So, finding ourselves burdened with this other far more important measure of rate making, and no one seeming willing to even think of these little bills under discussion, and feeling myself that it was largely a question involving nice points of law, I suggested that we might as well get rid of them by sending them to the Judiciary Committee. No one suggested that they had come to us from the Judiciary Committee.

Therefore I for one have not engaged in any shuttlecock and battledoor business. I am willing to consider the bills, and unless I can get additional light on them I am not willing to report them. That is neither here nor there; but I am ready now to take up the bills if they are sent back to the Interstate Commerce Committee, and we will do something with them.

That is all I want to say.

Mr. ELKINS. Mr. President, after the statement of the Senator from South Carolina, for which I waited, he being a member of the Interstate Commerce Committee, I, speaking for the committee, am willing to withdraw the motion, or request, I made that the committee be discharged from the further consideration of the bills and that they be referred to the Judiciary Committee, and will let the bills remain with the Interstate Commerce Committee.

The VICE-PRESIDENT. Without objection, it is so ordered. The Calendar is in order.

ABRAM JOHNSON.

The bill (S. 319) to reimburse Abram Johnson, formerly postmaster at Mount Pleasant, Utah, was announced as the first bill in order on the Calendar, and it was considered as in Committee of the Whole. It proposes to appropriate, for the reimbursement of Abram Johnson, formerly postmaster at Mount Pleasant, in the State of Utah, for amount expended by him for rent, light, and fuel, from January 1 to July 1, 1901, $73.50.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NEW LONDON HARBOR, CONNECTICUT.

The bill (S. 2771) to establish a light and fog-signal station on Southwest Ledge, entrance to New London Harbor, Connecticut, was considered as in Committee of the Whole. It provides that the sum of $60,000, appropriated by the act approved on April 28, 1904, for establishing a light and fog-signal station at or near Black Ledge, entrance to New London Harbor, Connecticut, may be used toward the construction of a light and fog-signal station at or near Southwest Ledge, entrance to New London Harbor, Connecticut, and appropriate the further sum of $55,000 to establish and construct the light and fog-signal station at or near Southwest Ledge.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to establish a light and fog-signal station at or near Southwest Ledge, entrance to New London Harbor, Connecticut."

BREAKWATER AT NANTUCKET, MASS.

The Senate proceeded to consider the resolution submitted by Mr. LODGE January 16, 1906, and reported by Mr. CRANE, from the Committee on Commerce, January 18, 1906, without amendment, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to inquire into the advisability of establishing a harbor of refuge by the construction of a breakwater on the island of Nantucket, Massachusetts, at or near the westerly side of Great Point, for the purpose of providing better protection for commerce and the lessening of the perils of navigation to coastwise traffic in the adjacent waters.

The concurrent resolution was agreed to.

FOG SIGNAL AT EDIZ HOOK, WASHINGTON.

The bill (S. 927) establishing a fog signal at Ediz Hook light station, State of Washington, and for other purposes, was considered as in Committee of the Whole. It proposes to construct at Ediz Hook light station, Puget Sound, State of Washington, a fog signal and a double dwelling house suitable for two keepers, and cement walks around the building, at a cost not to exceed, in all, $10,110.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIGHT-HOUSE ON RED ROCK, SAN FRANCISCO BAY, CALIFORNIA.

The bill (S. 2277) to establish a light-house and fog signal on Red Rock, upper part of San Francisco Bay, California, was considered as in Committee of the Whole. It proposes to establish a light-house and fog-signal station on Red Rock, upper part of San Francisco Bay, California, at a cost not to exceed $30,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIGHT AND FOG SIGNAL ON KARQUINES STRAIT, CALIFORNIA.

The bill (S. 2655) to establish a light and fog signal on Karquines Strait, California, was considered as in Committee of the Whole. It provides that there be established a light and fog signal on a point on Karquines Strait, California, opposite that now occupied by the the Selby Smelting Works, at a cost not to exceed $50,000, and authorizes the Light-House Board to expend so much of this amount as may be needed from the $63,000 appropriated for the construction of a light and fog signal at Point Dume, California, by the act of March 3, 1901, for the establishment of said light and fog signal and quarters.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS OF STATE OF MISSOURI.

Mr. GALLINGER. Mr. President, I call the attention of the Senator from Missouri [Mr. WARNER] to what I am about to say. A day or two ago, when the Calendar was under consideration, I asked that Order of Business 211, being the bill (S. 567) authorizing the Secretary of the Treasury to make an examination of certain claims of the State of Missouri, should be passed over. I had not then examined the bill, but after examining it I have no objection to it, and hope it may be now taken up.

The VICE-PRESIDENT. The Senator from New Hampshire withdraws his objection to the consideration of the bill named by him, and the bill will be considered as before the Senate as in Committee of the Whole, if there be no objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 567) authorizing the Secretary of the Treasury to make an examination of certain claims of the State of Missouri, which had been reported from the Committee on Claims with an amendment, in section 2, page 2, line 3, before

the word "all," to strike out "audit" and insert "report;" so as to make the section read:

SEC. 2. That he shall examine and report all the items of expenditures made by the State for the purposes herein named, allowing only for disbursements made and amounts assumed by the State for enrolling, equipping, supplying, subsisting, transporting, and paying such troops as were called into service by the governor at the request of the United States department commanders commanding the district in which Missouri may at that time have been included, or by the express order, consent, or concurrence of such commanders, or which may have been employed or used in suppressing the rebellion in said State.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ALDRICH subsequently said: A few moments ago the Senate passed a bill in regard to certain claims of the State of Missouri, to which I objected on a previous day. My attention was not attracted to the bill this morning, and I now desire to enter a motion to reconsider the vote by which the bill was passed.

The VICE-PRESIDENT. The motion to reconsider is entered.

LAND FOR LIGHT-HOUSE AT PIGEON POINT, CALIFORNIA.

The bill (S. 2656) to purchase an additional strip of land to the eastward of the light-house at Pigeon Point, California, was considered as in Committee of the Whole. It provides for the purchase of an additional strip of land to the eastward of the light-house at Pigeon Point, California, to be added to the light-house reservation, at a cost not to exceed $5,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PURCHASE OF TIMBER ON CEDED INDIAN LANDS.

Mr. CLAPP. Mr. President, I was out of the Chamber, engaged in committee work, the other day when Order of Business 207, being the bill (S. 2786) to authorize the Secretary of the Treasury to refund to purchasers of pine timber on ceded Indian lands sums paid in excess of the correct amounts due for timber cut, was passed over. I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIGHT-HOUSE TENDER IN HAWAIIAN AND PACIFIC WATERS.

The bill (S. 2658) to construct a tender for the Light-House Service in Hawaiian and Pacific islands waters was considered as in Committee of the Whole. It provides for the construction of a steam tender for the Light-House Service in Hawaiian and Pacific islands waters, at a cost not to exceed $150,000, and authorizes the Light-House Board to employ temporarily at Washington three draftsmen, to be paid at current rates, to prepare the plans for the steam tender.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIGHT AT POINT CABRILLO, CALIFORNIA.

The bill (S. 2279) to establish a light and fog-signal station near Point Cabrillo, California, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, to strike out all after the enacting clause and insert:

That there be established at or near Point Cabrillo, California, a light and fog-signal station, at a cost not to exceed $50,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

KEEPER'S DWELLING AT BONITA POINT, CALIFORNIA.

The bill (S. 2275) to provide for the erection of a keeper's double dwelling at Point Bonita, California, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, in line 3, before the name "Bonita," to strike out the word "Point" and insert the word "Point" after "Bonita;" so as to make the bill read:

Be it enacted, etc., That there be constructed at Bonita Point, California, a keeper's double dwelling, at a cost not to exceed $15,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading; and it was read the third time, and passed.

The title was amended so as to read: "A bill to provide for the erection of a keeper's double dwelling at Bonita Point, California."

REVENUE-CUTTER SERVICE AT SAVANNAH, GA.

The bill (S. 2777) for the construction of a suitable vessel for the Revenue-Cutter Service for duty at Savannah, Ga., was considered as in Committee of the Whole. It proposes to appropriate $200,000 for the construction of a suitable steam revenue cutter for duty at Savannah, Ga.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT NEWPORT, R. I.

The bill (S. 2700) to improve the public building at Newport, R. I., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in line 9, before the word "thousand," to strike out "fifteen" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected an addition to the public building at Newport, R. I., upon the site now owned by the Government, to afford additional accommodation for the mailing division of the post-office, including any necessary alterations in the present building, at a cost not to exceed the sum of $20,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading; and it was read the third time, and passed.

AGREEMENT WITH LOWER BRULE BAND OF INDIANS.

The bill (S. 980) to ratify an agreement with the Lower Brule band of the Sioux tribe of Indians in South Dakota, and making appropriation to carry the same into effect, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

SOLDIERS' ADDITIONAL HOMESTEAD RIGHT.

The bill (S. 983) to validate certain certificates of soldiers' additional homestead right, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with an amendment, in line 10, after the name "Betterton," to strike out "Dio C. W. Brashears;" so as to make the bill read:

Be it enacted, etc., That the certificates of soldiers' additional homestead right, under section 2306, Revised Statutes of the United States, issued by the Commissioner of the General Land Office in May, 1896, under authority of the act of Congress of August 18, 1894, to M. J. Wine, assignee of Thomas O. George, Moses Roley, Andrew A. Harrison, William Bohanan, Leland L. Betterton, James R. Blades, John Pendleton, Charles M. Blair, Elbert S. Wittenberg, William D. Reynolds, John M. Walker, and Caleb Sill, be, and the same are hereby, made valid.

Mr. SPOONER. Is there a report in that case, Mr. President?

The VICE-PRESIDENT. There is a report, which will be read, if the Senator so desires.

Mr. SPOONER. I will inquire if the bill is recommended by the Department. I do not care about having the entire report read.

Mr. GAMBLE. Mr. President, I would state that this bill was favorably reported by the Committee on Public Lands in the last Congress and then passed the Senate. It has also been favorably reported at the present session. The bill is made necessary by reason of the construction of the law by the Interior Department, which favors the passage of the bill with the amendment proposed by the Committee on Public Lands.

Mr. SPOONER. Then I do not ask for the reading of the report.

The VICE-PRESIDENT. The question is on the amendment reported by the Committee on Public Lands, which has been read.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading; and it was read the third time, and passed.

HOFFMAN ENGINEERING AND CONTRACTING COMPANY.

Mr. SPOONER. On the 30th of January the Senate passed the bill (S. 1648) for the relief of the Hoffman Engineering and Contracting Company. I entered a motion to reconsider the vote by which the bill was passed, in order that I might

examine the report and verify the impression I had as to the matter. I have looked into it, and now ask leave to withdraw the motion to reconsider. I see no objection to the bill.

The VICE-PRESIDENT. The Senator from Wisconsin withdraws the motion to reconsider the vote by which the bill referred to by him was passed. The bill therefore stands passed.

PUBLIC LAND SALES IN CALIFORNIA.

Mr. PERKINS. Mr. President, the day before yesterday, when we had under consideration the general Calendar under Rule VIII, at my request the bill (S. 1031) granting to the State of California 5 per cent of the net proceeds of the cash sales of public lands in said State was passed over. I understand that there is no objection to the passage of the bill, and I ask that it may now be considered and acted upon.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1031) granting to the State of California 5 per cent of the net proceeds of the cash sales of public lands in said State. It proposes to grant to the State of California 5 per cent of the net proceeds of the cash sales of the public lands which have been heretofore made by the United States since the admission of said State, or may hereafter be made in that State, to aid in the support of the public or common schools of said State.

Mr. SPOONER. Why has there been this long delay in settling the claim of California?

Mr. PERKINS. I will state that California was peculiarly situated. It was never a Territory of the Union, but it organized its own government and came into the Union as a State without the special proviso being made in its behalf that was made in the case of the other States.

Mr. TELLER. Mr. President, that is a bill, as I understand, which simply deals with the State of California, is it not?

Mr. PERKINS. I call the attention of the Senator to the report of the committee——

Mr. TELLER. I do not care about that. I want to know about the bill.

Mr. PERKINS. It only deals with California.

Mr. TELLER. The Senator is mistaken. There are several other States that have claims of the same kind.

Mr. PERKINS. My authority is the General Land Office.

Mr. TELLER. Well, the General Land Office is mistaken.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS FOR ADDITIONAL BOUNTIES.

The bill (S. 613) repealing an act entitled "An act to extend the time for presenting claims for additional bounties," and its amendments and extensions, so far as they limit the time for presenting claims for additional bounties granted to soldiers by the twelfth and thirteenth sections of the act of July 28, 1866, was considered as in Committee of the Whole. It proposes to repeal the provisions of an act of Congress approved July 13, 1870, entitled "An act to extend the time for presenting claims for additional bounties," and its amendments and extensions, so far as they limit the time for presenting claims for additional bounties granted to soldiers by the twelfth and thirteenth sections of the act of July 28, 1866, and that such claims shall be considered by the proper accounting officers of the Treasury in the same manner as other claims for arrears of pay and bounty are considered; but this act shall not be construed to reopen any settlement already made by the accounting officers, except to allow additional bounties under the twelfth and thirteenth sections of the act of July 28, 1866, which have been denied upon the ground that payment thereof was barred by limitation of the statute.

Mr. ALLISON. I should be glad to have this bill explained somewhat in detail.

Mr. WARREN. The bill is one recommended by the Auditor for the War Department and covers a certain class of extra bounties. The law of 1866 provided that soldiers who had served three years should receive an additional $100 bounty, and those who had served two years an additional $50 bounty. But it has been provided by legislation that claims presented after 1880 should not be paid. The acts provide that these claims can only be paid to the soldier himself, or in case the soldier is dead, then to his wife, minor children, or parents. All the proofs are in the Department. These claims stand exactly like other bounties due soldiers, except for the limitation I have stated. All the other bounty acts were unlimited. They are paid from time to time from the money we annually appropriate for arrearages of pay allowances and bounties. But under this particular act, because of this extra limitation, although nearly all of the claims have been paid, there yet remain certain claims, amounting to something less than a hundred thousand dollars, as stated by the Auditor. The Congress has had its attention called to this matter several times. In the last Congress a bill identical with this passed the Senate. I think this is a good bill and ought to pass.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STATUE OF COMMODORE JOHN BARRY.

The bill (S. 86) for the erection of a monument to the memory of Commodore John Barry was considered as in Committee of the Whole. It provides that there shall be erected in the city of Washington, D. C., a statue to the memory of Commodore John Barry, and appropriates therefor $50,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HOMESTEAD RIGHTS OF CERTAIN MONTANA CITIZENS.

The bill (S. 541) for the relief of certain citizens of Montana claiming the benefit of the homestead laws was considered as in Committee of the Whole. It provides that no purchaser of land under the terms of the act to provide for the sale of lands patented to certain members of the Flathead band of Indians in the Territory of Montana, and for other purposes, approved March 2, 1889, shall, on account of such purchase, be held to have exhausted his or her right to enter land under the homestead laws, but every such person shall, if otherwise qualified, be, notwithstanding such purchase, entitled to the benefit of the homestead laws.

Mr. BEVERIDGE. Mr. President——

Mr. KEAN. Let the report be read.

Mr. BEVERIDGE. I was about to ask the Senator from Montana [Mr. CARTER] to explain the bill.

Mr. CARTER. The bill applies to very few persons and is intended to remove a disability inadvertently imposed by the terms of the law. Under the terms of the act referred to certain lands were to be sold at public auction, and it was provided that no one should be qualified to bid unless he possessed the qualifications of a homestead entryman. This provision was made in lieu of the statement that the bidder must be a citizen of the United States.

The Land Department subsequently held that the purchasers of such land at public auction, by virtue of the terms of the law, forfeited their homestead rights. It was manifestly not so intended. In 1900 an act was passed curing the disabilities referred to, but that act applied only to sales made prior to 1900. A number of sales at public auction have been made since 1900, and this bill is intended to relieve the persons at such sales from the disabilities imposed. The Department approves the bill.

Mr. BEVERIDGE. I understand it now.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

L. S. WATSON MANUFACTURING COMPANY.

The bill (S. 2964) for the relief of the L. S. Watson Manufacturing Company, of Leicester, Mass., was considered as in Committee of the Whole. The bill proposes to pay to the L. S. Watson Manufacturing Company, of Leicester, Mass., $423.17, being the amount of the fines paid by them by reason of an undervaluation of certain heddles imported by them, the undervaluation being due to mistake for which they were not in fault.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FISH-CULTURAL STATION IN UTAH.

The bill (S. 1374) to establish a fish-cultural station in the State of Utah was considered as in Committee of the Whole. It proposes to appropriate $25,000 for the establishment of a fish-cultural station in the State of Utah, including purchase of site, construction of buildings and ponds, and equipment, at some suitable point to be selected by the Secretary of Commerce and Labor.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DELEGATE FROM ALASKA.

The bill (S. 956) providing for the election of a Delegate to the House of Representatives from the district of Alaska was considered as in Committee of the Whole.

Mr. BACON. Mr. President, I assume that the bill comes from the Committee on Territories?

The VICE-PRESIDENT. It was reported from the Committee on Territories.

Mr. BACON. I desire to ask the Senator from Minnesota [Mr. NELSON], who is in charge of the bill, whether or not the particular provision in the bill which gives to the Delegate only his actual expenses from his place of residence to Seattle, which is a proper provision I think, has any corresponding provision in the case of the Delegate from Hawaii?

Mr. NELSON. I am not familiar with that case. I am not sure, but it seems to me there was something of the kind in the bill. The Delegate from Alaska will get his mileage from Seattle—from the Pacific coast—and then his actual expenses when he travels outside of the mainland and in his own Territory. The distance is so immense that if a Delegate were elected from a remote corner of Alaska, the mileage would be enormous, and so we put in that precautionary measure.

Mr. BACON. I think the provision is an eminently proper one, and in listening to the reading of the bill, it occurred to me that there ought to be a similar provision with reference to the Delegate from Hawaii.

Mr. KEAN. We are not now legislating for Hawaii.

Mr. BACON. He should get his actual traveling expenses, say, from Hawaii to San Francisco. I did not know what might be the case. I believe that that matter, however, is within the jurisdiction of a different committee. That fact did not occur to me at the time I made the inquiry.

Mr. NELSON. I am not familiar with that matter, but I will say that this provision was in a similar delegate bill, which passed the House of Representatives at the last session, in respect to Alaska.

Mr. BACON. This is a Senate bill, is it not?

Mr. NELSON. This is a Senate bill, but a House bill substantially the same came over from that body last session.

Mr. BACON. I wish to ask the Senator another question; and that is whether or not the committee has considered the question of the propriety of the organization of a Territorial legislature in Alaska?

Mr. NELSON. We have not.

Mr. BACON. Of course, I recognize that the conditions there are peculiar, and there may be good reasons why there should not be such an organization.

Mr. NELSON. We have not considered that question, I will say to the Senator from Georgia. The committee would probably be divided on it. But as to the matter of a Delegate from Alaska, we are all in accord. We all feel that that great big country ought to have a representative in the Congress to advise Congress as to the needs of the Territory.

Mr. BACON. I quite agree with the committee in that regard, and unless there are peculiar reasons, on account of the immense territory and the separate localities in which the different communities are located, it seems to me there are there population and interests enough of a local character to justify the organization of a Territorial government, which is enjoyed by every other Territory, certainly on the mainland of the United States, and even by the Territory of Hawaii.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONTRACTS WITH THE DISTRICT OF COLUMBIA.

The bill (S. 69) regulating the retent on contracts with the District of Columbia, was announced as the next business in order on the Calendar.

Mr. GAMBLE. I suggest that the bill go over, retaining its place on the Calendar, without prejudice. A similar bill, or one identical in its provisions, passed the House on Monday, and is now pending before the Committee on the District of Columbia.

The VICE-PRESIDENT. The bill will go over, retaining its place on the Calendar.

SCHOOL OF FORESTRY IN NORTH DAKOTA.

The bill (S. 2451) granting to the State of North Dakota 30,000 acres of land to aid in the maintenance of a school of forestry, was considered as in Committee of the Whole.

Mr. KEAN. Let the report be read.

The VICE-PRESIDENT. At the request of the Senator from New Jersey, the report will be read.

Mr. HANSBROUGH. I suggest to the Senator from New Jersey that it will be unnecessary to read all of the report.

Mr. KEAN. Then let the Senator make a statement.

Mr. BEVERIDGE. I was going to suggest that.

Mr. KEAN. Yes; let the Senator from North Dakota explain it.

Mr. HANSBROUGH. I suggest that the first paragraph at the top of page 2 of the report be read, as it contains the information the Senator probably desires to have.

Mr. BEVERIDGE. I suggest that brevity will be secured if the Senator will simply explain it.

Mr. HANSBROUGH. I think it would be impossible to make a better explanation in as short a space than is made in the paragraph I have indicated.

Mr. BEVERIDGE. Very well.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read the following extract from the report submitted by Mr. HANSBROUGH January 24, 1906:

By the act to provide for the division of Dakota into two States and to enable the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and State governments and to be admitted into the Union on an equal footing with the original States, and to make donations of public lands to such States (chap. 180, 25 Stat. L.), there were granted to the State of North Dakota, in addition to other lands, 170,000 acres for apportionment for such other educational and charitable purposes other than those therein named. These lands, by a provision in the constitution of North Dakota, were divided as follows: Twenty thousand acres to the hospital for the insane, 40,000 acres for the Soldiers' Home, 30,000 acres for a blind asylum, 40,000 acres for industrial and school of manual training, and 40,000 acres for a scientific school. This exhausted the grant of 170,000 acres and left nothing for the school of forestry, which, by the same constitutional provision, was to be located at some point in McHenry, Ward, Bottineau, or Rolette counties, as might be determined upon by an election to be held for that purpose. At the election held Bottineau, Bottineau County, was selected.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROTECTION OF RANGE LIGHTS.

The bill (S. 3416) to prohibit any vessel from anchoring in such manner as to obstruct or interfere with the range lights established in any navigable waters of the United States by the United States Light-House Board was considered as in Committee of the Whole. It provides that it shall be unlawful for any vessel to anchor on the range line of any range lights established by the United States Light-House Board in any navigable waters of the United States, and the master of any vessel so anchoring shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed $50.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REVENUE-CUTTER SERVICE AT NEW BEDFORD, MASS.

The bill (S. 3409) for the construction of an able seagoing tug for the Revenue-Cutter Service for New Bedford, Mass., was considered as in Committee of the Whole. It directs the Secretary of the Treasury to cause to be constructed an able seagoing tug for the Revenue-Cutter Service, to be stationed at New Bedford, Mass., and appropriates $175,000 for this purpose.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MONONGAHELA RIVER (PA.) BRIDGE.

The bill (H. R. 11045) to amend an act entitled "An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania," approved February 21, 1903, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ST. ANDREWS BAY (FLA.) BRIDGE.

The bill (H. R. 11263) to authorize the construction of a bridge across the navigable waters of St. Andrews Bay was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FISH-CULTURAL STATIONS ON PUGET SOUND.

The bill (S. 1462) to establish one or more fish-cultural stations on Puget Sound, State of Washington, was considered as in Committee of the Whole. It proposes to appropriate $50,000 for the establishment of one or more fish-cultural stations on Puget Sound, State of Washington, for the propagation of salmon and other food fishes, including purchase of sites, construction of buildings and ponds, purchase and hire of boats and equipment, and such temporary help as may be required for the construction and operation of the fish-cultural stations, at a suitable point or points to be selected by the Secretary of Commerce and Labor, the number of fish-cultural stations to be determined by the Secretary of Commerce and Labor.

Mr. KEAN. The bill seems to be a little unusual. It provides for one or more stations. It is usual to establish one station. There may be a report accompanying the bill. I have nothing to urge against the bill, of course, and would be very

glad to have the fish-cultural stations established. I like to see the salmon fisheries of the Pacific coast improved.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The report will be read.

The Secretary read the report, submitted by Mr. HOPKINS on the 25th instant, as follows:

The Committee on Fisheries, to whom was referred the bill (S. 1462) providing for the establishment of one or more fish-cultural stations on Puget Sound, State of Washington, have examined the same and recommend that the bill pass without amendment.

The Secretary of Commerce and Labor, to whom the Committee on Fisheries referred the bill for investigation, under date of January 25, 1906, recommended the passage of the bill in question.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PORT OF SALT LAKE CITY, UTAH.

The bill (S. 3263) to amend an act entitled "An act to establish a port of delivery at Salt Lake City, Utah," was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, in line 9, before the word "hundred" to strike out "eight" and insert "five;" so as to make the bill read:

Be it enacted, etc., That section 2 of an act entitled "An act to establish a port of delivery at Salt Lake City, Utah," approved March 18, 1904, be, and the same is hereby, amended to read as follows:

"SEC. 2. That there shall be appointed a surveyor of customs to reside at said port, whose salary shall be $1,500 per annum, in lieu of all fees and commissions of every kind whatsoever."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FOG SIGNAL AT HUMBOLDT BAY, CALIFORNIA.

The bill (S. 2274) to establish a fog signal on one of the jetties at the entrance to the harbor at Humboldt Bay, California, was considered as in Committee of the Whole. It provides that there shall be established on one of the jetties at the entrance to the harbor at Humboldt Bay, California, a fog signal, at a cost not to exceed $15,000.

The bill was reported to the Senate without amendment.

Mr. LODGE. Mr. President, I merely rose to make an inquiry. Is this the last of the bills establishing light-houses or fog signals on the Pacific coast?

The PRESIDING OFFICER. The Chair will state that it is, until others have been introduced and reported favorably by the Committee on Commerce.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DAM IN COFFEE COUNTY, ALA.

The bill (H. R. 7085) authorizing the Pea River Power Company to erect a dam in Coffee County, Ala., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FISH-CULTURAL STATION IN WYOMING.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 529) to promote the national defense, to create a force of naval volunteers, to establish American ocean mail lines to foreign markets, to promote commerce, and to provide revenue from tonnage.

Mr. WARREN. I ask the Senator from New Hampshire if he will yield to me for a moment?

Mr. GALLINGER. I will yield to the Senator from Wyoming if the bill he wishes to call up does not provoke debate.

Mr. WARREN. I ask unanimous consent to call up the bill (S. 609) to establish a fish-hatching and fish station in the State of Wyoming.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Fisheries with an amendment, at the end of the bill to strike out the words "United States Commissioner of Fish and Fisheries" and insert the words "Secretary of Commerce and Labor;" so as to make the bill read:

Be it enacted, etc., That the sum of $25,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated for the establishment of a fish-cultural station in the State of Wyoming, including purchase of site, construction of buildings and ponds, and equipment, at some suitable point to be selected by the Secretary of Commerce and Labor.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to establish a fish-cultural station in the State of Wyoming."

THE MERCHANT MARINE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 529) to promote the national defense, to create a force of naval volunteers, to establish American ocean mail lines to foreign markets, to promote commerce, and to provide revenue from tonnage.

Mr. GALLINGER. Mr. President, I should like the attention of the Senator from Georgia [Mr. BACON] for a moment, if I may have it.

The Senator from Georgia yesterday asked the very proper question as to whether any of the countries of the world grant subsidies or governmental help in any way to cargo ships. I said offhand to the Senator that I was sure France did it, and I thought other countries did the same thing. The Senator requested me to look the matter up and make a statement concerning it, which I am now prepared to do.

Mr. BACON. In order that the Senator may not be interrupted by me, and in order that he may direct his reply particularly to the request which I made, I desire to say that my inquiry went a little further than that now indicated by the Senator.

As I understand the pending bill, it proposes that there shall be $5 a ton paid per annum to each vessel engaged in the foreign trade, without any other limitation or stipulation; in other words, that the sole requirement is that the vessel shall be engaged in foreign trade, and the sole question when so engaged is that it shall have been engaged for one year. Then there are other provisions as to fractional parts of the year; but, speaking generally, the bill has reference to an annual payment of $5 per ton.

Mr. GALLINGER. Yes.

Mr. BACON. Therefore I hope the Senator in giving us the information will so shape it that we may know specifically whether the bounty or subsidy paid by other nations is one upon those two conditions alone or whether it has any reference to the question of the opening of trade in particular directions or as to the speed or number of miles. As I understand the pending bill, it has no reference whatever to the number of miles or to the particular countries to which the vessels would go.

Mr. GALLINGER. It is possible, Mr. President, that I may not be able to specifically answer the inquiry of the Senator on the latter point, but in a general way I can do so.

I find that in addition to France, Japan, Italy, and Austria all grant subsidies to all cargo vessels engaged in foreign commerce, in addition to giving subsidies to their mail lines. It is a significant fact, Mr. President, that France had only two lines of cargo steamers before she adopted this policy, while now she has an enormous tonnage engaged in that business.

Mr. BACON. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Georgia?

Mr. GALLINGER. Certainly.

Mr. BACON. Of course the Senator is speaking loud enough, but I really do not catch what he says on account of the hum of conversation in the Chamber.

Mr. GALLINGER. I will repeat it, Mr. President. In addition to France, I find that Japan, Italy, and Austria all grant subsidies to the cargo vessels engaged in foreign commerce, and in addition they give subsidies to their mail lines. I observed, furthermore, that my investigations lead me to the conclusion that prior to granting these subsidies to the French cargo vessels they had only two lines of cargo steamers, while now they have a very heavy tonnage engaged in that business.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Nevada?

Mr. GALLINGER. Certainly.

Mr. NEWLANDS. Will the Senator inform us what the tonnage of France now is and what the amount of the increase has been?

Mr. GALLINGER. If the Senator will turn to this little document, which I had printed for the information of the Senate, he will find that very definitely stated. It is Senate Document No. 141 of this session. I feel very sure that it is in that document. If it is not, I will get the information for the Senator.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Minnesota?

Mr. GALLINGER. Yes; except that I should like to conclude my statement. It will take but a moment.

Mr. NELSON. Very well.

Mr. GALLINGER. Germany does not give subsidies or subventions directly to her cargo ships, but in an indirect way she accomplished that same purpose. As an illustration, Germany hauls at cost all material on the German railways that are intended for shipbuilding, and of course that applies to the so-called cargo vessels as well as to those engaged in transporting the mails.

Mr. BACON. Mr. President, will the Senator please return to the matter of the subsidy given by the French Government? Because I want to have a little more definite information in regard to that matter.

Mr. GALLINGER. I was going to make an additional statement concerning it.

Mr. BACON. I thought the Senator had passed from the French subsidy, and that is the reason why I interrupted him. I will not interrupt him further at this time.

Mr. GALLINGER. I was going to return to that. In very many ways there are preferential rates allowed on shipbuilding material in Germany. That goes to help the shipbuilding industry, and of course it will help the cargo carriers as well as the faster ships. As to the Senator's point—he urged it the other day with a good deal of force. I tried to make a reply to it by saying that the cargo carriers we have provided for in the bill are practically a homogeneous class; that their rates of speed are not very different, the minimum, perhaps, being 10 knots and the maximum 13 knots. So they are a homogeneous class, and the matter of paying them by the mile would not be different to one steamer from what it would be to another.

Mr. BACON. Does the Senator refer to the class known generally as "tramps?"

Mr. GALLINGER. Yes. I have not had time to examine critically into the matter whether any of the other governments do pay by the ton or not. I think I am correct in saying that in some instances they are required to make some speed. I think so, and yet I am not positive on that point.

Mr. FRYE. Sailing vessels, of course, could not be required to make speed.

Mr. GALLINGER. As the Senator from Maine suggests, they could not require speed of sailing vessels. That is a well-recognized principle and fact.

Mr. BACON. Sailing vessels cut very little figure in the equation now.

Mr. GALLINGER. I hope they will cut something of a figure in our commerce, if this bill becomes a law.

Mr. BACON. I am speaking generally of the commerce of the world; it is carried by steamships.

Mr. GALLINGER. That is true as a rule. The point I wanted to emphasize, and the only point I cared to make at this time, was that the proposed subvention to cargo carriers is not a violent departure from the custom of the maritime nations of the world. England does not subsidize her cargo carriers, and Germany only in an indirect way, but most of the other maritime governments do give subventions to vessels of that class.

That, Mr. President, is all I care to say on that point. I will look the matter up further.

Mr. BACON. I am very much obliged to the Senator for the information; and as he is promising to give us additional information I wish to direct his attention to the definite and specific points which I think it is important we should know. Of course the matter as to what is done by other nations is only valuable to us as an evidence of what is considered good policy by others. It may or may not be good policy for ourselves. The distinction I wish to call the attention of the Senator to, as the one upon which I should like to have the information, is not simply met by the term "cargo carrier." I desire the information as to whether or not these other governments ignore what is to my mind an important feature in this matter, and that is, the opening of trade between this country and other countries where we now have little or no trade, and between which countries and our country we now have no direct lines of communication.

Mr. GALLINGER. I think I can answer the Senator on that point by saying that I do not think their cargo-carrier ships are required to run from one port to another. Their mail lines are required to do that.

Mr. BACON. Exactly; but I wanted, if the Senator could secure the information, something definite upon that line in order that we might be informed whether it is true that the governments which are cited as governments which subsidize their vessels are indifferent to that particular feature, which I regard as the most important feature, or whether it is, in fact, true that while they do give subsidies to cargo carriers, they, in a greater or less degree, endeavor to guard and promote particular lines of communication where their development is deemed important and where their want of development is now the cause of the interest manifested and the effort made to remedy it.

Mr. GALLINGER. I think it goes without saying, Mr. President, that it would be impossible for any country to require a cargo ship to obtain cargo at a given port and carry it to another given port. That could not be done, I take it.

Mr. BACON. Then, that brings the matter to what I consider to be a somewhat definite proposition, that the Senator regards the cargo subsidy as one which will not meet the requirement or the desire for the development of trade on lines of communication between any given points.

Mr. GALLINGER. If the Senator will permit me, I regard it differently from that. I consider it very desirable that our own merchandise should be conveyed in our own ships. The American people, so far as the testimony taken by the Merchant Marine Commission is concerned—I will say the business men and manufacturers—do regard that as a very important matter. I regard it myself as important that we should encourage these cargo carriers, sail ships as well as steam, for the purpose of training seamen. I think that a very important consideration.

Mr. BACON. The Senator misunderstood my last remark, Mr. President. I was not speaking at that particular time of the question whether or not the cargo carrier was important. I understood the reply of the Senator to be directed to that inquiry, which I did not make. The inquiry I made of the Senator was this: I asked him if, in view of what he had said as to the impracticability of subsidizing cargo carriers between certain points, the conclusion was not a proper one that if the country has in view the development of trade between certain points or the establishment of lines of ships, either steamships or sailing vessels, between certain points, the subsidizing of the general cargo carrier is not the way to accomplish that purpose.

Mr. GALLINGER. Well, Mr. President, by and large, I would agree with the Senator in that proposition; but the Senator will note that in this bill we have suggested the establishment of ten or eleven lines of faster steamships, to go to countries where we have very little trade now, for that very purpose.

Mr. BACON. I understand that; and, as I suggested to the Senator yesterday, I am very much in sympathy with that particular part of his bill; but I want to differentiate the two things, in order that it may be clearly understood what it is hoped to accomplish by the two different propositions, the two different schemes. The two different schemes, as I understand, in this bill are, first, the scheme of the general cargo carrier, by which any ship engaged in foreign trade, regardless of what port it goes to or the number of miles it may traverse in going there, shall be paid $5 per ton per annum; and the other is a proposition to establish some ten or twelve different lines of steamships, so far as that their establishment can be secured by the encouragement of giving liberal compensation for carrying the mails. The particular point upon which I wish to get the views of the Senator—because he has given this matter very careful thought and his view is very much more valuable than any suggestions I might make—is this: Before stating that, however, I will say that my object for desiring his plain statement in this particular upon the proposition is that what he now states, or what I now understand him to state, entirely agrees with my own opinion. I wish to have it made plain and to have it emphasized that in the one case the proposition to subsidize cargo ships is for the general encouragement of the building of ships and for the training of seamen, and for the additional purpose of providing for, or it may be of having, our foreign trade carried in American vessels rather than in foreign vessels; but that that particular proposition is not the one upon which there is reliance for the development of trade between our own country and particular countries with which we now have either no trade at all, or, if any trade, only an insignificant trade, and that that is not to be relied upon for the purpose of establishing lines of either steamships or sailing vessels between this country and those countries with which we have that lack of trade and lack of direct communication; but that the purpose to accomplish that latter end is the one which influenced the other provision of the bill where certain lines of ships are provided for, and large compensation provided for mails, in order that shipowners may be encouraged to put lines of steamships on those particular lines.

Mr. GALLINGER. Yes.

Mr. BACON. I deem the latter proposition as an extremely important one. I believe that the entire American people rec-

ognize the fact that it is of the utmost importance that we should have direct communication with countries where we now do not have direct communication, and that avenues of trade should be opened between this country and those countries for the purpose of the development of that trade and for the furnishing of a market to our own products in countries which now get those products from other countries. For instance, the countries which I have more particularly in mind and which I presume are more particularly in the minds of the people at large are the countries of South America with which we have now no direct communication to speak of; in fact, I do not know that we have any direct lines of steamships between this country and the main ports of South America and the ports of the United States.

Mr. GALLINGER. Only to Venezuela and the Isthmus of Panama.

Mr. BACON. But so far as Rio Janeiro and Buenos Ayres and other important South American ports are concerned we have none. Those are the great ports with which we desire to build up trade. If I am correctly informed, not only passengers, but freight going to those ports have first to go to England and then across the Atlantic the second time to get there.

Mr. GALLINGER. That is correct.

Mr. BACON. That is a very deplorable condition, and I recognize the fact that it is one which calls for very grave consideration on the part of the United States Government and for such proper encouragement as can be given within the limits of direct encouragement and assistance in liberal compensation for carrying the mails which would bring about those desirable ends.

For that reason I state to the Senator that I am very much in sympathy with that part of the bill; and while I do not wish to be committed finally to the support of that part of it without further examination of details, I am very much inclined to think that I should vote for so much of the bill as is limited to the giving of liberal mail compensation to proposed lines of steamships which are to be engaged in trade between the ports of the United States and ports of other countries, but especially those of South America where we now have no trade and no lines of communication, and where it is so important that we establish and develop such trade.

I think that the Senator would accomplish very much better an important part of what he has in view if the bill should be limited to the latter design, as is expressed in the fifth and sixth sections of the bill.

Mr. SPOONER. Mr. President——

The VICE-PRESIDENT. The Senator from New Hampshire [Mr. GALLINGER] is entitled to the floor. Does he yield to the Senator from Wisconsin?

Mr. GALLINGER. In a moment, Mr. President. I think it is proper before yielding that I should make a brief statement. As some other Senators have signified their purpose of discussing the bill to-day, I do not wish to occupy more time than is absolutely necessary. I rose simply to make a brief rejoinder to the interrogatory of the Senator from Georgia [Mr. BACON] and then I will yield to the Senator from Wisconsin [Mr. SPOONER].

Mr. SPOONER. I will take but a moment, Mr. President. This bill is a very great improvement upon any bill of the kind with which I have become at all familiar. I do not expect universal concurrence in that proposition, and I know I shall not get it. But there is one phase of the bill concerning which I should like to briefly interrogate the Senator who has it in charge. The bill provides—of course it is indefinite in its operations, as the Senator from New Hampshire [Mr. GALLINGER] said yesterday—that annual contracts are to be made, and also provides that no one ship shall receive this subvention for a longer period than ten years. Do I state that correctly?

Mr. GALLINGER. That is correct.

Mr. SPOONER. That leads me to ask the Senator what is the average life of a ship which would fall within the classes to be aided by this bill?

Mr. GALLINGER. I think about twenty years. The Senator from Maine [Mr. FRYE] can answer that more intelligently than I.

Mr. SPOONER. My recollection is that the Senator from Maine stated in the debate on the former subsidy bill that twenty years was the average life of such a ship. Now, if that be true, this is what troubles me about the bill: There will be ten years in the life of a ship during which it will receive no subvention. Can it be operated during that time in competition with other ships which do receive subventions?

Mr. GALLINGER. It may go into the coastwise trade after that.

Mr. SPOONER. It may; but suppose this develops very rapidly a fleet of ocean-going ships, as it may do?

Mr. GALLINGER. Well, if shipowners take this subvention, they understand what the terms of the contract are, and will have to take their chances after the ten years.

Mr. SPOONER. Is it a fair proposition to fix that limit? If I have one new seagoing ship, I would be entitled under the provisions of this bill to this subvention.

Mr. GALLINGER. For ten years.

Mr. SPOONER. For ten years. I might be induced to duplicate my ship, and I would be entitled to this subvention for ten years on that ship.

Mr. GALLINGER. Yes.

Mr. SPOONER. Then at the expiration of ten years, when those two ships are brought into competition with ships which are receiving this subsidy, would not that be an impossible competition?

Mr. GALLINGER. Well, it might under similar conditions. But the Senator will remember that there is an annual deterioration in ships; and I do not think the Government wants to give subventions to broken-down ships. A ship which has sailed for ten years is a second-hand ship.

Mr. SPOONER. But it may be a seaworthy ship.

Mr. GALLINGER. It may be seaworthy, but it may not be in condition to perform satisfactory service, although it may float.

Mr. FRYE. Does not the bill require that ships to receive subsidies at all shall be A1?

Mr. GALLINGER. Certainly.

Mr. FRYE. Then, at the end of ten years, if a ship still be A1, it will receive the subsidy?

Mr. SPOONER. But a ship may be kept A1 at the end of ten years or at the end of fifteen years, or possibly at the end of twenty years. Is the theory right? Ought that limit to be in the bill? Is it not put there to avert criticism of the bill because of its breadth and generosity rather than to do justice?

Mr. GALLINGER. No; I think not. I will be frank with the Senator and say that no such thought as that was in my mind. It seemed to the framers of the bill—and I take very little credit in the matter—that we ought to have first-class ships and that we ought not to be giving subventions to old hulks.

Mr. SPOONER. Is not an A1 ship a first-class ship? It may have been rebuilt practically a half dozen times.

Mr. GALLINGER. I understand that.

Mr. SPOONER. Then, why should they not have the subvention, if they keep their ships A1? The result of it would be, it seems to me, that a man who has two such ships, at the expiration of ten years will be obliged to go out of competition with subsidized ships, and to sell his ships to the company which has a great mass of ships and which can control the business and fix the price at such a rate that his ships would be useless.

Mr. GALLINGER. Well, Mr. President, there is something in the Senator's contention that is worthy of very serious consideration. I notice the varying objections that are raised to this bill. Some Senators denounce shipbuilding as a trust which should not receive any consideration, while other Senators are disturbed because this bill does not go far enough.

Mr. SPOONER. I am not doing that.

Mr. GALLINGER. No; the Senator is anxious for shipbuilders to get every possible consideration. Now, I take it that if this bill should become a law and the shipbuilders should do what they say they are willing to do—put their ships into commission and build new ships—they, understanding the conditions in this bill, must take their chances; but very likely the bill can be amended in such a way as to make it a better bill.

Mr. SPOONER. I am not opposing the bill.

Mr. GALLINGER. I understand that.

Mr. SPOONER. But I want to call the attention of the Senator solemnly to what seems to me to be possibly a very serious defect in the scheme.

One thing in favor of this bill is the universality of its operation. It is a promise or an offer to every man in the United States who will build and put upon the sea a ship fit to engage in foreign commerce; but will it encourage men of small means, relatively, to build one ship or two ships of the burthen necessary to engage in foreign commerce, if they know that at the expiration of ten years those ships will no longer receive this aid; will no longer be helped by the Government to equalize the difference in the cost of operation—33 per cent, and not greatly to be diminished, all concede—but will be brought into competition with subsidized ships? A man would have to give away his ship when the subsidy ceases to be paid. Will it not

be an inevitable result of that provision in the bill that ships will not be built, except by the great lines? There will be no encouragement to the great mass of men who wish, in a small way relatively, to make shipping their business.

Mr. FRYE. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Maine?

Mr. GALLINGER. I yield to any Senator.

Mr. FRYE. Would not an amendment that the contracts be made so long as the ships were rated A1 answer the Senator's objection?

Mr. SPOONER. Certainly; that is another thing.

Mr. BACON. I hope the Senator from Maine will speak so that we can hear him.

Mr. FRYE. He generally does, I guess.

Mr. BACON. Yes, but the Senator is speaking with his back toward us.

Mr. FRYE. I asked if the bill were so amended as to allow these contracts to be made with ships so long as they were rated A1, would it not satisfy the objection made by the Senator from Wisconsin; and then I was going to suggest to the Senator from New Hampshire that it seems to me that that is reasonable. I should like to have him take that into consideration before the bill is finally acted upon.

Mr. GALLINGER. I have invited criticism and suggestions in the way of amendment to the bill. I have no pride of opinion about it. The Senator knows that.

Mr. SPOONER. It is not that. Otherwise it is to me as certain as that the sun will come up in the morning that the operation of this bill would encourage the construction of ships by corporations of great capital and discourage the construction of ships by men of comparatively small means, who can own but one ship or two ships. One great advantage of this bill is, as the whole theory of it contemplates, that it is open to everybody.

Now, as the Senator from Maine [Mr. FRYE] says, if this subsidy is paid so long as the Government officials class a ship as an A1 ship—and that was the provision, as I remember it, in the Hanna-Frye bill—then that difficulty is avoided. I commend the suggestion to the prayerful consideration of my friend from New Hampshire.

Mr. GALLINGER. It will have very careful consideration.

Mr. FRYE. The Senator from Wisconsin said "prayerful consideration."

Mr. GALLINGER. It shall have "prayerful" as well as careful consideration.

A single word, Mr. President, in reference to the cargo vessels, and then I will yield to other Senators who desire to speak. I will not indulge in any lengthy remarks, because the Senator from Pennsylvania [Mr. PENROSE] is prepared to proceed with the discussion of this bill.

It would be a rash man who would flatter himself that any bill on this or any allied subject could be framed that would obviate all objections. One of the chief objections that was urged, and persistently urged, against the bill which the distinguished chairman of the Committee on Commerce [Mr. FRYE] had before the Senate a few years ago was that it did not take care of these cargo carriers; that it was a bill in the interest of the swift steamships. I confess that, acting in conjunction with my associates on the Merchant Marine Commission, we have given a great deal of consideration to the matter of providing for the cargo carriers, and we thought the provision in the bill for their benefit a very desirable one, and in that respect an improvement over the bill of the Senator from Maine. Of course the Senator does not agree to that, but we felt that way, and I do not expect that provision will be stricken from the bill; at least, I hope not.

I have been flattering myself with the hope that the Senator from Georgia [Mr. BACON] will not only find his way clear to vote for the latter part of the bill, but for the bill as a whole, because there is a great deal of interest in this bill in his own State.

Mr. BACON. I will state to the Senator that I propose to emphasize my opposition to the first part of the bill by moving to strike it out.

Mr. GALLINGER. I expected that. Now, the Senator from Pennsylvania [Mr. PENROSE] desires to speak on the bill, and I yield to him.

Mr. PENROSE. Mr. President, were it not for the fact that the chairman of the Merchant Marine Commission, having this bill in charge upon the floor of the Senate, has informed me that he is not yet ready to ask the Senate to vote upon the measure, in consequence of the fact that he has under consideration certain amendments which have been suggested during this discussion, I would gladly forego this opportunity to make any remarks upon the bill, because I can not but feel that almost all that is possible has been said on each side of this controversy, and the question has settled down to an issue between those who would do something, even if it be but to a partial extent, to rehabilitate our merchant marine, and those who would entirely abandon the field to foreign enterprise and activity. And yet, Mr. President, as a member of the Merchant Marine Commission, which sat at many important points on the Atlantic seaboard, upon the Gulf, at the ports on the Great Lakes, and on the Pacific slope, and, as a member of the Committee on Commerce, I have been so deeply impressed with the importance of this question that I do not altogether regret that the delay in coming to a vote upon the measure has given me this opportunity, and more particularly do I have this feeling because there is no section of our great country more vitally interested in the rehabilitation of our merchant marine than the great State which I in part represent in this body.

Upon the shores of the Delaware we should see, were our shipbuilding industry properly protected, a center of shipbuilding activity unequaled at any other point in the world. Upon the shores of that great stream in the States of Pennsylvania, New Jersey, and Delaware are combined all the elements which contribute to the shipbuilding industry. There is found, within a reasonable proximity to the ocean, fresh water wherein ships can be repaired or stored, and in the fresh-water basin at the League Island Navy-Yard, at the junction of the Schuylkill and the Delaware, there is an area of water sufficient to store the whole American Navy were it necessary.

Philadelphia, Chester, Camden, and Wilmington are all great cities situated near an unlimited supply of competent, skilled, and unskilled labor and near all the sources of supplies and commodities entering into the construction of a merchant or a battle ship; and yet, Mr. President, I am confronted by the fact that, including all the seagoing steam vessels built in the United States during the year ending December 31, 1905, the total was only eighteen vessels of 35,199 gross tons. In addition to this, during the calendar year 1905, seventeen yachts of 753 gross tons were bulit, but they are hardly worth considering in this connection.

More than one-half of this tonnage is one ship of 20,714 tons, built for James J. Hill's railroad connections at Puget Sound for the line between Japan and China. On the Delaware River, to which I have referred, only 4 steamers, of 5,932 gross tons, were built.

The above statement can well be compared with the output of Great Britain and Ireland during the calendar year 1905. The official figures have not reached me, but the Shipping World, a London publication and a recognized authority on shipping matters abroad, compiles every year from returns furnished by shipbuilders a table showing the construction of the United Kingdom during the past calendar year. This is printed shortly after the 1st of January, in advance of the official figures, and has just been received in this country. The figures are considered entirely trustworthy. They show the output on the Clyde and in Scotland as 407 vessels, of a gross tonnage of 571,287. The shipbuilding firm of Harland & Wolff, of Belfast, Ireland, last year built 9 steamers, of 85,287 gross tons, or more than double the output of seagoing steam tonnage of all our American yards. There were, indeed, six single British shipyards each of which built more seagoing steam tonnage during the last calendar year than was built in the entire United States during the same period.

According to the Shipping World of January 3, 1906, the total output of the different centers of shipbuilding in the United Kingdom for 1905 was as follows:

	Number.	Tons.
The Clyde and Scotland	407	571,287
The Tyne	135	322,749
The Wear	101	316,940
The Hartlepools	35	119,517
The Tees	40	132,751
The Humber	108	29,497
The Thames	138	12,338
The Channel and West Coast	192	48,270
Ireland	35	144,743
Total	1,191	1,698,152

The report of the Commissioner of Navigation shows, on pages 10 to 13, the steel vessels under construction or under contract at the beginning of the fiscal year July 1, 1905. At that date there were 49 seagoing merchant steel vessels, of 86,836 gross tons, under construction or under contract. Some of these have since been completed, and the work under contract on some of the others is probably not yet any further than the assembling of materials.

No similar tables are at hand of foreign vessels under construction at the same time. In the United Kingdom, according to Lloyd's statement for the world of vessels under construction on September 30, 1905, there were 474 vessels, of 1,325,328 gross tons, under construction. It will be noted that this return of Lloyds shows only 26 seagoing vessels, of 38,474 gross tons, under construction in the United States, of which 12 vessels, of 24,824 gross tons, were under construction on the Delaware. Lloyd's figures are a slight underestimate for the United States. The Cramps, for example, are building four steamers for the New York and Cuba Mail Line (two of which are to replace vessels they sold to the Panama Canal Commission), aggregating about 28,000 tons. These were not contracted for until August, and therefore were not covered by Lloyds' return, which allows only 24,824 under construction on the Delaware.

Making allowances for differences due to the fact that there are included in these figures contracts for ships as well as for ships the keels of which have been actually laid and for the fact that the ships covered in the table for July 1, 1905, by this time are either completed or in some instances very close to completion, the Lloyds tables are a fair statement of the construction for the ocean trade in progress in American and foreign yards.

Mr. President, Pennsylvania as a State and Philadelphia and Chester as shipbuilding cities are intensely interested in the success of this effort to revive the American merchant marine in ocean commerce. No people have suffered worse than theirs from its long decline. No people are more familiar with the causes that have brought this paralysis upon our shipping trade, and none will more gratefully applaud the first promise of its restoration.

Pennsylvania ship owners and builders are men of splendid courage and tenacity. When, after the civil war, they found their Government protecting everything and everybody else and forgetting them, they did not haul down their flag and quit the sea without a struggle.

A BRAVE TRIAL.

In 1872–73 a resolute company of Philadelphia business men, including some steamship managers of very great ability and long experience, built four large ocean steamers in the Cramp yard of excellent American iron, and put them into the North Atlantic trade to Liverpool. These noble steamers bore the characteristic American names of Pennsylvania, Indiana, Ohio, and Illinois. They were among the largest, swiftest, and most efficient passenger and cargo steamers that had thus far been constructed, superior in size, speed, and seaworthiness to their competitors of the foreign lines to Europe.

They proved to be favorite ships with passengers and merchants. Indeed, they were regarded as the proudest vessels of their day. President Grant sailed in one of these American liners on the first voyage of his long journey around the world. The four ships performed a constant service for many years from Philadelphia and New York to Liverpool and Antwerp, and all four are still afloat at an age when nearly all of their foreign rivals have been worn out and abandoned.

A SPLENDID RECORD.

The American Line operating these ships never lost a ship or a passenger, or so much as a mail bag—a record for safety and regularity unmatched in the whole record of trans-Atlantic navigation.

Yet, this American Line, though undoubtedly the best managed beneath any flag, was never profitable to its owners, and they built no more American ships. They had made a thorough trial, and had proved that an American steamship line, unsubsidized, could not maintain itself against subsidized British competition. And there was another handicap besides subsidies—the higher American wages and cost of maintenance.

President Cleveland in his first Administration sent a New England shipmaster, a Democrat of course and also an earnest free trader, to be our consul at Liverpool. Captain Russell made a careful investigation of shipping conditions at the great English port and reported to the State Department that he found the American steamships from Philadelphia paying their officers and crews wages 37 per cent higher than were paid on British ships of the same class in the same trade and supplying them with food so much superior in quality and variety that the cost of maintenance was 27 per cent greater.

The higher wages of American factories are protected by the tariff, but there is no protection for American ships in over-seas commerce. This Philadelphia company had tried patiently and bravely to sail American ships under the American flag on the North Atlantic. They could not meet the double handicap of foreign wages and foreign subsidies, and the United States Government would give them no subsidy whatever for carrying the mails. The result was inevitable. When a little later another Philadelphia company, the International, was formed, it built its steamers in England, in yards developed by the mail subsidies there, and, easily procuring a subsidy from the Belgian Government, flew the Belgian flag over its American-owned ships.

ONLY TEN TRANSATLANTIC SHIPS.

For twenty years after 1873 no trans-Atlantic steamers were launched on the Delaware River. Lacking protection, this industry was dead. Ten years ago the *St. Louis* and *St. Paul* were constructed at the Cramp shipyard to run under the postal-subsidy law of 1891, and four other trans-Atlantic steamers have since been built on the Delaware. Thus, ten trans-Atlantic steamships in thirty years—only ten in a generation—is the record of the greatest shipbuilding center in America. While the Delaware has launched ten, the Clyde has launched hundreds.

This is the humiliating record of our one unprotected industry. It can not be charged up to the steel trust or the high price of materials, for during half of this time iron and steel and everything else required for the construction, equipment, or repair of vessels for the foreign trade or for foreign account and ownership have been on the tariff-free list.

Mr. Edwin S. Cramp, vice-president of the William Cramp & Sons Ship and Engine Building Company, states in a letter to the Senator from New Hampshire [Mr. GALLINGER], chairman of the Merchant Marine Commission, that the price of the steel shapes and plates of each of four West India steamers now building in his yard—building for one of our few mail-subsidized companies—is only $11,208 greater than if the material had been purchased abroad—only $11,208 for a vessel costing complete about $900,000, or a little more than 1 per cent.

Whatever difference in the cost of ocean ships there is now between this country and Europe is due almost entirely to labor. Will you cut American labor down? And if you will not cut it down, will you not protect it in the shipyards and on shipboard as you protect it in your factories?

TIME FOR A CHANGE.

Nearly two years of careful inquiry by the Merchant Marine Commission have proved to the satisfaction of all of the members of the Commission that American shipping in ocean trade can not revive without some form of national encouragement, and to the satisfaction of the majority of the Commission that the best form of national encouragement, indeed, the only feasible form, is a carefully guarded subsidy or subvention such as is proposed for both mail steamers and cargo vessels in the present bill. No opposition to this measure can be very impressive or convincing which contents itself with mere picking at details, with negation and objection.

We have waited forty years for our ocean shipping to revive without protection, only to see our tonnage shrink to one-third of that of 1861. The case has become desperate, and those who do not like the remedy the Merchant Marine Commission offers must bestir themselves to get something better if they can. This is no time for fault-finding. We have debated and theorized and scolded long enough. What is needed now is action, immediate and positive.

A BENEFIT TO THE WHOLE NATION.

The enactment of this bill will be of very large direct and indirect benefit to Pennsylvania, greatest of our ocean shipbuilding States and greatest manufacturer of steel and iron. But it will be of very large advantage also to the States of the South, whose numerous harbors and resources in timber, ore, and coal give them a fair chance in competition with Pennsylvania. It will be of great advantage to the Western States that feed our wage-earners from the products of their farms and supply a large part of the shipyard materials.

The building of a new fleet of American ocean ships will enhance the value of every acre of timber land or iron land on Lake Superior. It will mean more business for the lumbermen and miners and more business for the farmers of the great grain and cattle regions to keep the new ships filled with cargoes after they are launched.

For four years up to last winter no order had been given to any Delaware shipyard, or, indeed, to any shipyard in America, for a steamship for overseas trade. Even now the four new Ward Line steamers in the Cramp yard are the only ships building anywhere in the country exclusively for foreign commerce. In the midst of the highest prosperity in all other industries ocean shipbuilding has been almost dead and one-half of our skilled shipyard mechanics idle or employed at rough and unskilled common labor.

TO SAVE OUR SHIPYARDS.

We have in America some of the greatest and best shipyards in the world, managed by men of the most advanced technical

attainments, and equipped to build the best merchant marine, as they have built the best navy, that ever floated. But hereafter these yards can not hope for full and constant employment in the construction of battle ships, for we have launched a strong fleet and the need now is only for a moderate increase. If the great shipyards of America are to live and prosper hereafter, it must be chiefly by the building and repair of merchant ships. The very existence of these shipyards, with their thousands of stockholders, their tens of thousands of workmen, and all the trades and industries in many States that contribute to the completed ship, hangs upon the enactment of this legislation.

It is in the power of the Senate by its vote upon this bill to determine whether American ocean shipbuilding shall live—whether it at last shall have protection and shall grow and prosper as has every other American industry—or whether it shall wither and vanish until our flag at sea away from our own coasts shall vanish also, save as borne by some chance yacht or man-of-war.

It is true that some millions of dollars of American money are invested in steamships under foreign colors. But one thing must be borne in mind, and that is that the mere passage of a free-ship law would not bring this American-owned foreign shipping beneath the flag of the United States. A year ago the Merchant Marine Commission caused a special inquiry to be sent to the principal American owners of foreign steamship property—to the International Mercantile Marine Company, W. R. Grace & Co., the Anglo-American Oil Company, and others. These concerns were asked the direct question whether they would hoist the American flag above their ships if American registry were given them by act of Congress. One and all replied that they would not do this; that a free-ship law would be absolutely null and void; that they could not afford to accept American registry unless some offset were provided through subsidy, discriminating duty, or otherwise for the higher range of wages of American officers and crews and the higher standard of maintenance of American vessels.

Indeed, there are acts of Congress now granting registry to foreign steamships which have never been availed of by the owners to whom American registry was offered. They sought this registry, but on consideration preferred to continue to run beneath foreign flags.

The case is exactly parallel to American ownership of foreign factories employing labor at low wages on goods intended for use in the United States. If American investors in these foreign factories were allowed by act of Congress to transfer their whole machinery and equipment free of duty to this country, they would not do this unless they could have some protection or encouragement by tariff to enable them to offset the higher labor cost of operation in America.

This inquiry of the Merchant Marine Commission therefore has demonstrated that a free-ship law would have absolutely no effect, in the judgment of American investors, in foreign shipping. They would not bring their foreign vessels under the American flag if they were given an opportunity unless, indeed, a subsidy or discriminating duty compensated them for the higher wages they would have to pay and the better food they would have to provide for American officers and for seamen shipped in American ports.

There are those who contend that it is sufficient that American capital invested in foreign shipping in our carrying trade brings dividends from its investment to America. That, of course, is all right from the standpoint of the capitalist. He gets his money out of his foreign shipping. It comes into this country. It is spent at home. To that extent the country is the gainer.

But where does the American wage-earner come in? Where is the benefit to him of American investment in foreign shipping? For it is a well-known fact that these foreign steamship lines, even when owned and controlled by American capital, build their ships abroad, repair them abroad, supply them abroad, and employ no American labor whatsoever, except the rough cargo handlers on our city docks.

There was a time when American officers and sailors, driven out of our disappearing wooden sailing ships, were to be found in considerable numbers on the decks of ships of foreign nations. But that time has passed. These officers and men themselves have disappeared. The ships which cross and recross the North Atlantic, flying foreign colors and carrying our mails and freight and passengers, are officered and manned now exclusively by foreigners.

DESTITUTE ABROAD.

They carry their boycott of all things American—except American dollars—so far that they will not employ American seamen except to take the places of chance deserters in our ports. Thus this passage in a recent newspaper is significant:

ANTWERP, *December 3, 1905.*

Numbers of American sailors who are shipped on board foreign vessels in American ports are discharged on their arrival in Europe. They are unable to obtain return engagements on account of the prejudices of foreign owners and the local authorities can not assist in their relief. As a consequence many of these sailors are now destitute in every port. For the relief of these sailors the American colony yesterday gave a gala performance under the patronage of the American and British consuls.

Is this a thing to be proud of—that the few American sailors who gain employment on foreign ships are turned adrift abroad to become objects of charity in foreign countries? Meanwhile the millions of American money invested in foreign shipping are training foreign sailors as a naval reserve for foreign governments, our rivals in trade and possible enemies in war.

Secretary Taft and the General Staff of the Army declare that because of the shrinkage of our merchant shipping so few steamers fit for transports are available that—

Now and for the immediate future the force for which our military establishment is maintained can not be exerted oversea. The quick first blow, so very and increasingly important, can not be struck at all, nor can an expedition of any greater size be embarked without delay except by the use of foreign vessels.

And the War Department report adds:

These conditions can not improve until the American steam seagoing merchant marine has increased in general to approximately two and one-half its present volume by the addition of ships adapted in size and design to quick conversion into suitable transports and built under conditions which make their voluntary surrender to the United States on demand a foregone conclusion.

American capital invested in American shipping would not only mean employment for American shipyard employees, but would mean, too, the creation of an adequate fleet of transports, supply ships, colliers, and other naval auxiliaries for the United States instead of for the governments of Europe. A large part of the $200,000,000 paid to foreign shipowners every year for the carrying of our foreign commerce is in effect a contribution to the war power of Europe. Great Britain has more than 30,000 of her merchant seamen, most of them employed in the North Atlantic trade, enrolled by the admiralty for naval service.

Germany, France, Italy, and the other powers of the Continent regard every merchant officer and seaman as a naval-reserve man and subject their seafaring population to a period of regular naval service. After this officer or man has received his naval training and becomes useful to his Government, he goes on board a merchant ship engaged in carrying American commerce and is thereafter maintained at our expense.

SHIPS OF OUR OWN.

A large part, therefore, of the cost of European preparation for war with the United States or any other country comes indirectly but none the less surely out of the pockets of the American people. We are paying the bills of the prepared and powerful naval reserves of Europe. Meanwhile we have almost no naval reserve of our own. Our naval fleet is almost the only one in the world, with the exception of that of Russia and China perhaps, which has no second line—no sea militia—behind it. And we can never have such a second line, such a sea militia, so long as nine-tenths of our foreign commerce is conveyed by foreign ships, even if 10 or 12 per cent of these foreign ships are owned by American capital.

This bill of the Merchant Marine Commission will give us ships of our own—American built, and manned by American officers and seamen. It will not give us floating palaces. There is nothing in this legislation to insure the launching of "greyhounds" that will cross the sea in five days. It is not primarily a bill for fast trans-Atlantic navigation. It aims rather to encourage the creation of steam lines of moderate speed and great carrying power to South America, Africa, and Asia. These are the substantial and useful ships of commerce. They are the ships which the United States needs most, the ships which will best serve our ends, and in peace and in war will be valuable as auxiliaries to our fighting squadrons, for the modern navy, while it requires swift scouts from the merchant fleet, must have also all manner of attendant vessels—ships to convey reserve ammunition, coal, and supplies of all kinds, and hospital ships and repair ships also. These need not be of extraordinary speed. The War Department and the Navy Department both state that from 12 to 15 knots is sufficient. These are the ships that would be produced for our new American lines to South America, Africa, and Asia.

American capital invested in such tonnage would give employment to American labor from the very time the keel is laid. Indeed, more than that, it would give employment to American labor from the shipyard back to the rolling mill and forge, to the foundry, mine, and forest; for 95 per cent of the cost of a finished steamship is labor, after all—not labor in the shipyard alone, but labor in all the workshops where the plates and beams

are wrought, labor in the mines whence the coal and ore are dug, labor in the forests where the timber is felled, and the mills where it is fashioned. A great shipbuilding industry in America means new markets for the products of our farms. A thousand more workmen in a shipyard on the Delaware, on the shores of Virginia or Georgia or the Gulf States means three or four thousand more to be fed and clothed, and to build the merchant marine made possible by this bill would mean, not a thousand more workmen, but tens of thousands all along the coast of the United States.

SHIPS MAKE MORE TRADE.

Yet the prime end we have in view is, after all, not shipbuilding or ship owning or navigation, or even the strengthening of the Navy by a great body of skilled officers and seamen. The real object of a reestablished merchant marine is the expansion of American commerce. Once build your ships and trade is sure to follow in their wake, as cities and towns spring up along the lines of our transcontinental railroads. Ships work for the ports that own them just as railroads work for their terminal points. The great ocean steamer built in Pennsylvania out of Lake Superior ore increases the value of Iowa and Dakota farms through the new transportation facilities she provides and the new power she gives for driving American merchandise into the markets of South America or the Orient.

It is an old cry against protection to American industry that it takes money from the pockets of the many to put into the pockets of the few. This assertion is a hundred years old in America. It has echoed and reechoed through a hundred political campaigns. It has deceived the unthinking, but it has never stood the test of frank examination and honest inquiry.

This bill will cost the American people something. Its subventions must be paid out of the National Treasury from money collected indirectly from all the people, but the ships which these subventions will give the nation will serve the interests of all the people.

The money which is being used, for instance, to irrigate the arid regions of the West is the money of the many, but it is a shortsighted view that its expenditure benefits only the few landowners of the neighborhood. It is of great advantage to them and of great advantage to the State or Territory in which the land reclaimed by irrigation is located. But this money expended in irrigation benefits the entire country through increasing our arable domain and the productive power of our agriculture.

So the millions that are being spent to strengthen the levees of the Mississippi will save the planters there from inundation, and the millions more that are being spent to make navigable the interior rivers of the country are justifiable, really because, though this money comes from the pockets of the people, the benefits in the long run go to all the people, too, for we are all one people and one country, and the prosperity of Colorado and of Mississippi means in the long run the prosperity of New York and Pennsylvania. And it is just as true that the prosperity of New York and Pennsylvania in the long run means the prosperity of the Southern States that grow cotton and the Western States with their cereals, their cattle, and their fruit.

Mr. CARTER. Mr. President, the sentiments expressed by the Senator from Pennsylvania meet with my most hearty approval. I believe that no measure which beneficially affects any part of this country can be indifferent in its effects upon any other part of the country.

The region to be reclaimed by the Reclamation Service, for instance, is a region at present unproductive. It is a well-known fact that the American farmer now raises an amount of wheat each year in excess of the demands of home consumption, but as our population increases it has proven unfortunately true that there is not a corresponding increase in the growth of that necessary grain for human food. The wheat-producing properties of the soil of New England, Pennsylvania, Ohio, New York, and the great belt of Middle States become gradually exhausted.

We now produce in the United States about 600,000,000 bushels of wheat each year, of which we export considerable, probably one-third. Yet the wheat-producing power of the United States is less to-day, particularly in the States formerly relied upon for the production of wheat, than was that power ten to twenty years ago. I well recall that Ohio was once a great wheat-producing State. Its production now is of little consequence in comparison with the total of the country. The State of Illinois was a great wheat-producing State twenty years ago, but experience demonstrated the fact that not to exceed three good crops of wheat could be grown on any acre of land in the State of Illinois in succession. The State of Minnesota became in time one of the banner wheat-growing States of the Union, but the wheat-producing properties of the soil of Minnesota gradually became exhausted and its power to produce wheat consequently diminished. The Dakotas, once regarded as an inexhaustible source of supply for wheat production, have been found to have limitations.

I believe if we were confined now for our wheat supply to those States in the Union upon which the rainfall is adequate for the production of a crop, we would be importing wheat from India inside of twenty years. We will, before the great body of arid lands shall have been reclaimed, find it necessary to draw upon the arid region for the breadstuff of the nation.

Probably 50,000,000 acres of wheat-producing land will be brought under the operations of the Reclamation Service. While the average crop in the State of Minnesota is 12 bushels per acre, the average production upon an acre of irrigated land is from 40 to 60 bushels, or, in other words, 40 acres of land under irrigation will, year in and year out, produce more merchantable wheat than 200 acres of land within the rain belt, so called.

We of that arid region are looking for our market for the enormous quantities of wheat destined to be produced there not to Europe, but to Asia. The largest order for flour ever placed in any milling establishment in the world was recently placed with the Minneapolis mills for flour to be exported to China, notwithstanding the boycott. We are interested in whatsoever will furnish us the means of sending this future product to the markets of the world, and particularly to the oriental market.

A slight scanning of the map will show that the Pacific Ocean is largely bounded now by American territory. On the east are the Pacific coast States; to the west we have the Hawaiian Islands, not quite in midocean, but well-nigh situated in midocean; to the north and the northwest the great Alaskan country, and the Aleutian Islands extending down well-nigh to the coast of Japan; to the southwest the Philippine Archipelago, extending for some 2,000 miles on the southwestern point or border of the Pacific Ocean. Upon all that vast ocean bounded so largely by our territory, with possibilities of commerce which we can now but slightly comprehend, we have but a few American ships transporting passengers and a slight amount of freight from Pacific coast ports up to Alaska, and a very few vessels engaged in trade with the Orient.

A very enterprising American but recently invested in two of the largest freight-carrying vessels now afloat. The vessels are engaged in the trade between Seattle and ports of China and Japan. I am informed that these vessels, splendidly equipped though they be, with tonnage exceeding 20,000, I believe, with means for labor saving never before employed to such a wide extent, must in the nature of things discontinue to operate in that trade, unless the Congress of the United States, in the exercise of its power, shall in some manner or form tend to equalize conditions between these American vessels and their foreign competitors along the same line.

The interior of the country, Mr. President, is not indifferent to the growth of our shipping through and vitalizing of the American mercantile marine. We are not indifferent to the development of the American Navy. Upon the contrary, we are profoundly interested in both of these arms of commerce and national defense.

What we are anxious to know is that the bill now pending shall not be sent forth in such meager terms and under such restrictions as will make it an experimental measure. I shall vote for it. I shall vote for it, believing it to be in the right direction and confidently hoping that those best informed concerning the possibilities of development may not be mistaken as to the efficacy of the measure employed.

It has been suggested that the bill in its present form does not go far enough to insure the object in view. If that be true, the duty of the hour demands that we make the measure adequate to the achievement of the purpose we have to accomplish.

I do not believe there will be any lack of support from the interior of the country upon this subject. We of the Rocky Mountain region are made up of contributions from all the States in the Union. That western region is a region where provincialism can have no abiding place at all. If you want to find the broad, liberal, unrestrained spirit of nationalism, you must go to the section of the country made up, as that western country is, by people from the South and from New England, from the Atlantic and from the Pacific, and from all the countries of Europe.

We desire, Mr. President, that this measure shall furnish an adequate means of accomplishing the purpose it has in view.

We are not unmindful, sir, that the country is one, and that which is beneficial to our section may prove beneficial to all sections. I visited but recently the chief city in the State of the Senator from Colorado [Mr. TELLER], who yesterday after-

noon addressed the Senate upon this subject. I found there busy, thriving populous communities, where but a few years ago arid plains, uninhabited and unproductive, were only to be found. Through the aid of the Government, in the interest of American labor and American industry, through encouragement extended and in good faith received, citizens of the country had invested in one Congressional district in the construction of six beet-sugar factories. These beet-sugar factories, I was informed, cost in the neighborhood of $1,000,000 each. They were producing all the sugar required in that section of the country, and some of the surplus was being shipped across the Mississippi.

These beet-sugar factories, taking care of a product of the farm, caused a dense population to spring up and settle round about plains but recently arid and unsettled. Land that was said to have been worth only $2.50 to $5 an acre twenty years ago is now selling, in the vicinity of Denver, Colo., at from $50 to $250 per acre; and sugar at the same time in that section of the country is cheaper than it was before the factories were established under the encouragement of the Government.

That which was done for the beet-sugar industry of the West may, I think, be done for the shipping industries of the country also, if the Government will but assist by putting the shoulders of all the people behind the movement until the movement gets a sufficient impetus.

The Senator from Wisconsin [Mr. SPOONER] yesterday inquired whether ships could be built cheaper hereafter, provided we started the shipbuilding industry in the country. I think that question answers itself in the matter of common experience.

It is not long ago since an ordinary plow cost $30 to $40 with a steel moldboard, and that, too, when wheat was selling at 50 cents a bushel. By virtue of the development of the plow-manufacturing industry in the country a plow which formerly cost $30 to $40 can be bought for $6 or $8 in the market now. A mowing machine which used to cost $125 can be purchased in the market now for from $40 to $60. It is so with wagons, and with the various implements of husbandry.

The development of factories, the increase of demand, the development of skilled labor, the multiplication of manufacturing enterprises will, of course, in shipbuilding, as in all other departments of endeavor, necessarily reduce the cost as productive capacity is increased, and productive capacity will increase where the demand for the finished product increases.

Let the Senators having this bill in charge give us no experimental legislation. Make the bill strong enough now to put our shipowners and operators upon an equal footing with their competitors, and American enterprise and thrift and skill will do what is necessary to bring American shipping up to the standard of our expectations.

I do sincerely trust that before the Senator from Pennsylvania concludes he will give us some assurance of his faith in the adequacy of the pending measure to accomplish the result its framers have in view.

Mr. PENROSE. Mr. President, I am very glad to have this interruption, which is not exactly an inquiry, as I had expected, but a very clear and very important statement from the distinguished Senator from Montana. I am glad to learn that there exists so much patriotic feeling in his State, so distant from my own, for the rehabilitation of the American merchant marine and the placing of the American flag again upon our ocean highways.

This bill does not come up to the wishes of any of us, perhaps, who are anxious for the rehabilitation of the American merchant marine, but it is the best that can be obtained under present conditions, and it will undoubtedly go a long way toward bringing about the results which we all have so closely at heart.

Did I think that a bill more radical in its provisions, greater in its expenditures, and more extensive in its scope had any chance of passing the American Congress, I for one would gladly assist in framing it and assist in its passage; but we are all conversant with the opposition and the difficulties which this form of legislation has encountered in the past. So the members of the Merchant Marine Commission felt that it was better to be conservative and to get the best we could rather than, by striving after greater and more brilliant results, to perhaps encounter ultimate defeat.

I shall tax the patience of the Senate but a short time longer, but I desire to call attention to a few points before concluding my remarks.

It has already been shown, Mr. President, that the difference in the cost of ship materials between the United States and Europe—or of materials required for ships for the foreign trade—is not a large item in the cost of the completed vessel. It is not the cost of materials, not the protective tariff, which keeps American shipyards idle and empty while foreign yards are crowded with orders, as they have been for many months. The one difficulty, so far as shipbuilding is concerned, is the higher wages of American labor. A few years ago American consuls in the chief shipping countries of Europe procured exact statements of the rates of wages paid to skilled and unskilled workmen in the various European yards. These figures were published in the Consular Reports and republished in the American Economist with a comparative statement of American shipyard wages in the same trades, prepared by Mr. Cramp, the great shipbuilder of Philadelphia. The earnings for a week of fifty-six hours' work of the mechanics and laborers of various classes in the chief shipyards of Great Britain and in the Cramp yard in the United States were as follows:

	British.	American.
Pattern makers	$9.00	$18.00
Machinists	8.50	15.00
Riveters	7.50	12.00
Calkers and chippers	7.80	15.00
Fitters-up	7.80	15.00
Ship carpenters	9.60	18.00
Joiners	9.00	16.50
Painters	9.60	18.00
Furnace men	6.00	10.80
Plumbers	9.60	19.50
Drillers	6.40	11.00
Sheet-iron workers	8.50	15.00
Coppersmiths	8.60	18.00
Molders, iron	9.00	14.50
Molders, brass	9.00	15.00
Laborers	4.20	8.00 to 10.00

This authoritative record shows that the earnings of American workmen in the Cramp shipyard at Philadelphia are nearly twice as great for a given number of hours a week as the earnings of the workmen in the shipyards of Great Britain. But it will be asked are not the American workmen more active and efficient? Unquestionably they are. They are the better men for their higher wages. But they are not so much more active and efficient than their British kinsmen that one man in an American shipyard can do the work of two men abroad.

A 30 PER CENT GREATER COST.

With materials at approximately equal cost, the American ship of a given type and dimensions costs now from 20 to 40 per cent more than a British ship. The average probably is not far from 30 per cent. A year or two ago when the Merchant Marine Commission began its investigation, shipbuilding abroad happened to be stagnant. There was temporarily an oversupply of ships in the world's commerce. Because of that fact, British shipyards were offering to build vessels actually at less than cost in order to keep their machinery employed and to hold their skilled workmen together. Therefore, there were instances reported to the Commission where American shipowners, asking for estimates for the cost of a given vessel in British shipyards and at home, found that British builders would construct a craft for a price not much more than half of that asked by American builders. However, the past year has brought a radical change in conditions. The ending of the war in the East has vastly stimulated oriential commerce and the depression in British shipbuilding has given way to a tremendous boom. The yards of the Clyde and the Tyne are crowded with work. Prices of British ship materials have risen rapidly, and Americans who have lately made inquiries abroad as to the cost of merchant tonnage have found that British prices were again no more than 20 or 30 per cent below prices for similar vessels here. That there is so close a range in the cost of ocean ships in America and Great Britain is proof, of course, that American shipyard labor is more active and efficient. Otherwise, with wages nearly twice as high here as they are in England, the cost of an American ship would be 75 or 80 per cent more than the cost of a similar British vessel.

Acknowledging that American shipyard workmen are more efficient than British workmen and that they actually do more work for their higher wages, the fact remains unmistakable that the superior efficiency of our workmen does not suffice to cover the entire cost of their higher wages. If it did, with ship materials so nearly level in both countries, the price of a completed vessel would be substantially the same here and abroad, and thus British shipowners, who can not procure tonnage from their overcrowded British yards, would place their orders in the empty shipyards of America.

Even allowing for all the higher efficiency of American workmen, there is imperative need of some national protection to equalize conditions between the Delaware River and the Clyde. Such protection is offered in the terms of the proposed bill of

the Merchant Marine Commission. It is true that this bill gives no subvention, bounty, or subsidy to shipbuilding. Japan, France, Italy, and other nations give bounties from the public treasury of so much per ton on all native-built ocean ships, and also grant subsidies for navigation. The plan which we recommend is to grant subventions only on the navigation of the ships—to both mail liners and cargo vessels. It is our belief that if this aid is bestowed American shipowners will thereby be enabled to run their ships on even terms against the cheap wages and the subsidies of Europe.

As an illustration of how generously our chief rivals in trade encourage their great lines of mail steamships, this statement from a New York newspaper of a recent date is interesting:

[New York Herald, January 21, 1906.]

SHIP SUBSIDIES ABROAD.

The German lines are the most heavily state-subsidized steamship lines in the world. The total imperial subsidy granted by Germany to steamship lines amounts to $1,737,500 per annum, and is distributed among the North German Lloyd, of Bremen, and the German East Africa Company, of Hamburg. There is in addition to this a small imperial subsidy granted for a service established to compete for the West African trade. The German East Africa line receives $337,500 a year for a fortnightly service circumnavigating Africa in alternate directions. The North German Lloyd receives $825,000 per annum for a fortnightly service direct to China and Japan, and $575,000 for a monthly service to Australia. In addition to this there is an amount of $325,000 paid to the Hamburg-American and North German Lloyd companies for the carriage of mails.

The P. & O. Company receives the sum of $1,750,000 per annum for a fortnightly service from Brindisi to Shanghai, a weekly service from Brindisi to Bombay, and a fortnightly service from Brindisi to Adelaide. Of this sum approximately $425,000 is allotted to the Australian service, Brindisi to Adelaide, covering about 9,100 miles, including ports of call. If 2,500 miles, about the distance from London to Brindisi—the P. & O. is obliged to run to Brindisi to pick up the mails—and 1,075 miles, representing the mileage from Adelaide to Sydney, are added, a total distance of 12,675 miles, the nearest possible approach to an absolutely comparative basis is obtained. The North German Lloyd receives $575,000 per annum for a monthly service from Bremerhaven to Sydney, a distance of about 13,100 miles, including ports of call. The P. & O. Company runs fifty-two voyages in a year, and the North German Lloyd runs, under its contract, at least twenty-six voyages a year. This works out at 66.105 cents per mile for the P. & O. and Orient companies, and $1.68819 per mile for the North German Lloyd.

If the bill proposed by the Merchant Marine Commission is enacted, American shipyards will prosper, though they receive no direct subvention of their own. For the bill requires that to be qualified for these subventions, ships must be already registered or hereafter built and registered in the United States.

Take, for example, the proposed mail lines to South America. There is now not one American steamer running on these important routes. These proposed lines are absolutely nonexistent. And there are few if any steamers now in commission under the flag of the United States that are adapted to the peculiar requirements of this long-voyage trade and of the general commerce of South America. Perhaps there are a few steamers that can be temporarily employed to begin the service while other ships are being constructed. But virtually the entire fleet requisite for these South American lines must be built in American shipyards. That is true to a lesser degree of the proposed lines in the Pacific Ocean, where a few American ships are hard pressed by British, Japanese, and other foreign subsidized competition.

It is estimated that the ten new lines will call, in round numbers, for about sixty ocean steamships, most of them large vessels and capacious carriers of cargo, and that the aggregate tonnage of this new ocean mail fleet will be nearly, if not quite, 300,000 tons. The building of these ships will give employment to our idle shipyards. It will bring work and wages to thousands of mechanics. And with them, alongside of them, will be built also, if this bill is passed, the cargo vessels, steam and sail, especially for West Indian, South American, and Asiatic commerce, which are to receive the subventions provided in sections 2 and 3 of $5 per ton, or $6.50 per ton in Philippine commerce.

WAGES THAT ARE NEEDED.

What this law means to the shipbuilding industry of the United States can be realized when it is said that there are now building, all told, less than 30,000 tons of ocean steamships in the United States—all of this in one shipyard on the Delaware. Except for these four vessels, not one order for an ocean steamship exclusively for foreign trade has been given since June, 1901, to any American builder. Representatives of the shipyard workmen—the Brotherhood of Boiler Makers and Iron Ship Builders, affiliated with the Federation of Labor—who appeared in 1904 before the committees of Congress in support of the recommendation of the President of the United States that the Merchant Marine Commission should be created, declared that at least one-half of the skilled shipyard workmen of the Atlantic and Pacific coasts were either altogether idle and in want or were working at common laborers' wages at any occupation they could get—digging ditches, sweeping streets, or some other form of the roughest and cheapest manual labor. There has been a slight improvement since then because of the building of a few coastwise vessels, but the situation is not materially changed. Right here and now in the height of our splendid prosperity there is one trade, and one trade only, in which American workmen by the thousands can find no employment and no wages. The sincerity of the devotion of Senators to the interests of labor will be demonstrated by their votes upon this shipping bill.

The passage of this bill will start into new life the shipyards of New England, Pennsylvania, Virginia, the Gulf ports, and the Pacific States. But, as has already been said, it will not benefit these coast States only, for the ships that will be built will make new markets for the products of every State and Territory in our nation. And the prosperity of the shipyards will mean prosperity for all the people, and especially for the farmers of the country, who provide the material to feed and clothe the mechanics of the seaboard.

SHIPYARDS AND FACTORIES.

The value of the protective tariff in encouraging manufacturing, and thereby making new markets for the products of the farms of the remotest Western States, has come to be well understood throughout America. A shipyard is a factory, and a mighty one. Few factories anywhere employ so large a proportion of highly skilled and well-paid labor. An American mechanic earning $3 a day in a Delaware shipyard is enabled to buy more and better food and better clothing and many other necessaries of life, which though necessaries here are luxuries abroad, that a workman earning $1.50 a day in a British shipyard can not afford. The American workman is twice as valuable as a customer for your western farms as a British workman with half his wages. Indeed, in actual effect one American workman is worth to your western farmers six times as much as a British workman in a British shipyard, for the American workman, you may be very certain, eats bread made from American grain and meat grown on American farms or ranches; he wears American clothes of cotton or of wool grown in this country. But the British workman, who builds the ships that now monopolize American trade, may or may not be a consumer of American grains or meats. It is very much more probable that his bread comes from India or Russia, and the meat he seldom eats from Argentina or Australia. One large American shipyard with 10,000 workmen is unquestionably worth more as a market for the farms of Iowa, Minnesota, Kansas, Nebraska, or the Dakotas than all the workmen engaged in building North Atlantic ships in all the shipyards of the United Kingdom. Nor is it only these American shipyard workmen whose employment means a better market for the products of our western farms, for it must be remembered that a large part of the work of building a great ocean steamship is performed outside of the shipyard before the steel beams and plates and angles have been hauled inside the shipyard gates. The work begins when the iron ore to make the steel is dug out of the mines of Lake Superior or when the trees for the woodwork of the ship are felled in the forests of Georgia, Florida, and the Carolinas. These first processes of ship construction are performed far from the ocean. They give work and wages to men of the distant interior, who perhaps have never seen the ocean. As these materials are advanced from one process to another, they give employment to the men of your interior States, to the great steamers that come down the Lakes, to the railroads West and South that bring them from mill and forge to the yard where they are to be wrought into the finished vessel. A hundred million dollars a year in building new ships for ocean trade means the distribution of $95,000,000 in labor throughout all circles of trade and industry in the United States.

This is something to remember when men tell you that this bill is merely a bill to enrich shipowning and shipbuilding trusts and combinations. There is no shipowning trust or combination in ocean trade under the flag of the United States. The International Mercantile Marine Company, sometimes called the "Atlantic Steamship Trust," is the largest steamship company in the world, though no larger than two great German companies united. But this company has 120 foreign vessels and only 10 American.

And there is no ocean shipbuilding trust. That is a figment of the imagination. Ambitious men attempted several years ago to form a shipyard trust. Nine-tenths of American shipyards refused to enter it. Not one of the great shipyards of the Atlantic coast would consent to join. After a brief and stormy career this so-called "shipbuilding trust" went into the hands of receivers. As now reorganized it is building but a small fraction of the small tonnage now under construction in the United States.

Nine-tenths of American ocean shipyards are now and always

have been independent of this combination and of any other. They are engaged in the fullest and freest kind of competition, and are subject, as all other corporations, to the Federal laws applied to combinations "in restraint of trade."

A MONOPOLY THAT MUST BE BROKEN.

So all talk of "fostering monopoly," "to enrich the great combinations," as applied to this bill is unfair and unfounded. There are combinations and monopolies in the shipping trade of the United States, but these are of foreign origin, foreign control, foreign ownership, and difficult to reach by American authority, beyond the full scope of American laws. And what monopoly could be more dangerous, more galling, more obstructive of the commerce and industry of the American people than that monopoly which exists to-day in the fact that nine-tenths of the imports and exports of America are conveyed in foreign ships by foreign seamen at a cost of about $200,000,000 a year? At least one-half of this immense sum, which has to be settled in gold or its equivalent, now drained out of this country, ought to remain here in the form of dividends on American capital and wages to American labor. This foreign domination of our own ocean carrying trade is a monopoly indefensible and intolerable—a menace to the security as well as to the prosperity of the Republic. There can be no party, no sectional difference over the imperative need of smashing forever a monopoly like this. It can only be done by creating a great fleet of American ships and a great naval reserve of American seamen. This bill of the Merchant Marine Commission is a long, straight step toward that end, and as such it demands the immediate and hearty approval of the Congress of the United States.

Mr. President, I have here three communications from the Commissioner of Navigation, giving certain statistics referred to by me, which I ask unanimous consent to have inserted in the RECORD as an appendix to my remarks.

The VICE-PRESIDENT. Without objection, it will be so ordered.

The communications referred to are as follows:

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF NAVIGATION,
Washington, January 26, 1906.

Hon. BOIES PENROSE,
United States Senate.

DEAR SENATOR: Referring to your personal request yesterday afternoon, I inclose a statement (marked "A") of all the seagoing steam vessels built in the United States during the year ended December 31, 1905. The total, you will notice, is only eighteen vessels, of 35,199 gross tons. In addition to this, during the calendar year 1905 seventeen yachts, of 753 gross tons, were built, but they are hardly worth considering for your purposes. More than one-half of this tonnage is one ship of 20,714, built, as you will recall, for James J. Hill's railroad connections at Puget Sound to Japan and China. The Hill steamer, you will remember, took four years in building.

On the Delaware only four steamers, of 5,932 gross tons, were built.

You might compare the above statement with the output of Great Britain and Ireland during the calendar year 1905. The official figures have not yet reached me, but the Shipping World, a London publication and a recognized authority on shipping matters abroad, compiles every year from returns furnished by shipbuilders a table showing the construction in the United Kingdom during the past calendar year. This is printed shortly after the 1st of January, in advance of official figures, and I have just received it. I believe the figures to be entirely trustworthy. They show the output on the Clyde and in Scotland as 407 vessels, of 571,287 gross tons. The shipbuilding firm of Harland & Wolff, of Belfast, Ireland, last year built nine steamers, of 85,287 gross tons, or more than double the output of seagoing steam tonnage of the American yards. There were, indeed, six single British shipyards each of which built more seagoing steam tonnage during the last calendar year than was built in the entire United States during the same period. According to the Shipping World of January 3, 1906, the total output of the different centers of shipbuilding in the United Kingdom for 1905 was as follows:

	Number.	Tons.
The Clyde and Scotland	407	571,287
The Tyne	135	322,749
The Wear	101	316,940
The Hartlepools	35	119,517
The Tees	40	132,751
The Humber	108	29,497
The Thames	138	12,398
The Channel and West Coast	192	48,270
Ireland	35	144,743
Total	1,191	1,698,152

CURRENT CONSTRUCTION.

My report for 1905, of which there are copies in Senator GALLINGER'S committee room, shows, at pages 10 to 13, the steel vessels under construction or under contract at the beginning of the fiscal year July 1, 1905. At that date there were forty-nine seagoing merchant steel vessels of 86,836 gross tons under construction or under contract. Some of these have since been completed, and the work under contract on some of the others has probably hardly yet gone further than the assembling of materials.

I have no similar tables at hand of foreign vessels under construction at the same time. I inclose (marked "B") Lloyds' statement for the world of vessels under construction on September 30, 1905. You will notice that in the United Kingdom at that time there were 474 vessels of 1,325,328 gross tons under construction. I have telegraphed to New York and shall probably receive to-morrow a statement showing the portion of those which were under construction on the Clyde.[a] You will notice that this return of Lloyds shows only twenty-six seagoing vessels of 38,474 gross tons under construction in the United States, of which twelve vessels of 24,824 gross tons were under construction on the Delaware. Lloyds' figures are a slight understatement for the United States. The Cramps, for example, are building four steamers for the New York and Cuba Mail Line (two of which are to replace vessels they sold to the Panama Canal Commission), aggregating about 28,000 tons. These were not contracted for until August, and, of course, were not covered by Lloyds' return, which allows only 24,824 under construction on the Delaware.

Making allowances for differences due to the fact that I include in my figures contracts for ships as well as ships the keels of which have actually been laid and for the fact that the ships covered in my table for July 1, 1905, by this time are either completed, or, in some instances, very close to completion, I believe you will be safe in using Lloyds' table inclosed as a fair statement of construction for the ocean trade in progress in American and foreign yards. Such rough comparison of steel steamers would be:

	Number.	Gross tons.
United Kingdom	444	1,319,718
Germany	67	221,070
United States	23	35,274

You will perceive the difficulty in making comparisons, but I trust I have made myself clear.

If I can be of service to you, please command me.

Respectfully,

E. T. CHAMBERLAIN, *Commissioner.*

A.—*Seagoing steam vessels built (and officially numbered) from January 1 to December 31, 1905.*

Name.	Where built.	Rig.	Gross tonnage.
Geo. F. Randolf[a]	Baltimore, Md	St. s	211
Dakota[a]	New London, Conn	St. s	20,714
Providence[a]	Quincy, Mass	St. p	4,365
Hercules	Tomkins Cove, N. Y	St. s	163
Jack Twohy[a]	Camden, N. J	St. s	171
Sea Foam	Aberdeen, Wash	St. s	339
Continental	Port Jefferson, N. Y	St. s	82
Chippewa[a]	Philadelphia, Pa	St. s	2,696
Onondaga[a]	do	St. s	2,696
Roosevelt	Bucksport, Me	St. s	614
Daisy Mitchell	Fairhaven, Cal	St. s	612
Frances Hyde	Bath, Me	St. s	739
Robert W. Johnson	Noank, Conn	St. s	204
Monocacy[a]	Sparrows Point, Md	St. s	617
Transfer No. 19[a]	Philadelphia, Pa	St. s	270
Transfer No. 20[a]	do	St. s	270
Spray[a]	Quincy, Mass	St. s	283
Elizabeth Silsbee[b]	Essex, Mass	St. s	153
Total			35,199
8 wooden vessels			2,906
10 steel vessels			32,293
18 wooden and steam vessels			35,199

[a] Steel vessels. [b] Gasoline.

18 steam vessels engaged in trade	gross tonnage	35,199
17 yachts engaged in trade	do	753
35 steam vessels and yachts engaged in trade	do	35,952
4 steam vessels built on Delaware River	do	5,932

B.—*Number and tonnage of vessels of 100 tons gross and upward, etc.*

Year.	Italy.		Japan.		Norway.		United States.		Other countries.		Total.	
	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.
1892	21	13,888	----	----	42	24,572	73	62,588	40	15,762	1,051	1,358,045
1893	21	10,626	3	1,132	30	16,552	36	27,174	60	17,788	846	1,026,741
1894	10	5,396	14	3,173	25	17,169	43	66,894	32	13,894	932	1,323,538
1895	10	5,603	3	2,296	21	12,873	61	84,877	25	7,881	880	1,218,160
1896	10	6,779	26	7,849	17	12,059	144	184,175	24	7,820	1,113	1,567,882
1897	8	12,910	22	6,740	25	17,248	84	86,838	36	13,711	990	1,331,924
1898	19	26,530	9	11,424	29	22,670	162	173,250	35	8,968	1,290	1,893,343
1899	31	49,472	3	6,775	34	27,853	148	224,278	61	16,382	1,369	2,121,738
1900	36	67,522	3	4,543	42	32,751	235	333,527	67	21,174	1,364	2,504,163
1901	35	60,526	94	37,208	40	36,875	286	433,235	96	28,800	1,538	2,617,539
1902	62	46,270	53	27,181	46	37,878	251	379,174	94	38,277	1,650	2,502,755
1903	81	50,089	62	34,514	54	41,599	246	381,820	88	35,928	1,650	2,145,631
1904	35	30,016	67	32,969	67	50,469	227	238,518	77	28,254	1,643	1,987,935

VESSELS UNDER CONSTRUCTION SEPTEMBER 30, 1905.

From the returns compiled by Lloyd's Register of Shipping, it appears that, excluding war ships, there were 474 vessels of 1,325,328 tons gross under construction in the United Kingdom at the close of

[a] Telegram just received states: 147 steamers, 484,630 gross tons.

the quarter ended September 30, 1905. The particulars of the vessels in question are as follows, similar details being given for the corresponding period in 1904 for the purpose of comparison:

Description.	September 30, 1905.		September 30, 1904.	
	Number.	Gross tonnage.	Number.	Gross tonnage.
STEAM.				
Steel	444	1,319,718	352	1,029,622
Iron	1	320		
Wood and composite	1	60	1	220
Total	446	1,320,098	353	1,029,842
SAIL.				
Steel	16	3,871	26	14,855
Iron				
Wood and composite	12	1,359	14	1,611
Total	28	5,230	40	16,466
Total steam and sail	474	1,325,328	393	1,046,308

The tonnage under construction has shown a steady increase since December, 1903, and the present figures are within 87,000 tons of the total reached in September, 1901, which is the highest on record. As compared with the return for the June quarter, the figures show an increase of 24,000 tons, while the March quarter's total is now exceeded by 74,000 tons.

SIZE OF VESSELS UNDER CONSTRUCTION (WAR SHIPS EXCLUDED).

The following table shows the vessels under construction in the United Kingdom, classified according to gross tonnage:

Tonnage.	Steam.	Sail.	Tonnage.	Steam.	Sail.
Under 100 tons[a]	7	5	7,000 to 7,999 tons	11	
100 to 199 tons	41	14	8,000 to 8,999 tons	4	
200 to 499 tons	88	6	9,000 to 9,999 tons	6	
500 to 999 tons	18	3	10,000 to 11,999 tons	1	
1,000 to 1,999 tons	42		12,000 to 14,999 tons	2	
2,000 to 2,999 tons	40		15,000 to 19,999 tons	3	
3,000 to 3,999 tons	82		20,000 tons and above	5	
4,000 to 4,999 tons	73				
5,000 to 5,999 tons	18		Total	446	28
6,000 to 6,999 tons	5				

[a] Vessels of less than 100 tons are not included in Lloyd's Register Shipbuilding Returns unless they are intended to be classed in the Society's Register Book.

FOREIGN AND COLONIAL SHIPBUILDING (WAR SHIPS EXCLUDED).

The following table shows the number and tonnage of vessels, excluding war ships, under construction at various ports abroad, according to the latest returns which have been received at this office. Vessels of less than 100 tons are not included in these figures:

Total, by country and district.	Date of return.	Steam.		Sail.		Total.	
		No.	Gross tonnage.	No.	Gross tonnage.	No.	Gross tonnage.
	1905.						
Argentine Republic: Buenos Ayres, 1 vessel	Sept. 1	1	(a)			1	(a)
Austria-Hungary, 3 vessels, 4,300 tons:							
Lussinpiccolo	Sept. 14	2	300			2	300
Trieste	Sept. 20	1	4,000			1	4,000
Belgium: Antwerp	Sept. 22						
British colonies, 8 vessels, 1,090 tons:							
Hongkong	Aug. 21	5	700	1	390	6	1,090
Melbourne	June 30						
Newcastle, N. S. W	Aug. 21	1	(a)			1	(a)
Singapore	June 8						
Vancouver, B. C	July 6	1	(a)			1	(a)
China: Shanghai, 1 vessel, 1,850 tons	Aug. 25	1	1,850			1	1,850
Denmark, 6 vessels, 11,135 tons:							
Copenhagen	Sept. 21	5	10,100			5	10,100
Elsinore	do	1	1,035			1	1,035
France, 18 vessels, 66,115 tons:							
Bordeaux	Sept. 23						
Dunkirk	Sept. 22	5	13,455			5	13,455
Havre and Rouen	do	4	13,000			4	13,000
La Seyne, La Ciotat, and Port de Bouc	Sept. 21	6	18,160			6	18,160
St. Nazaire and Nantes	Sept. 18	3	21,500			3	21,500
Germany, 72 vessels, 224,642 tons:							
Bremen, Geestemunde, and Vegesack	Sept. 22	25	81,745	4	572	29	82,317
Danzig							
Hamburg, Flensburg, Tonning, and Kiel	Sept. 15	26	76,140	1	3,000	27	79,140
Rostock and Lübeck	do	9	17,915			9	17,915
Stettin	Sept. 20	7	45,270			7	45,270
Greece: Syra, 2 vessels, 385 tons	Sept. 11			2	385	2	385
Holland, 20 vessels, 32,155 tons:	1905.						
Amsterdam and ports north of the "Lek"	Sept. 23	8	16,840	1	200	9	17,040
Rotterdam, Flushing, and ports south of the "Lek"	Sept. 21	10	14,715	1	400	11	15,115
Italy, 20 vessels, 54,959 tons:							
Ancona	do	1	4,000			1	4,000
Chioggia	Sept. 20						
Gulf of Genoa	Sept. 21	10	43,200	4	730	14	43,930
Leghorn and Viareggio	do			3	429	3	429
Naples	Sept. 15			1	180	1	180
Palermo	Sept. 17	2	6,600			2	6,600
Japan, 23 vessels, 20,780 tons:							
Kobe and Osaka	June 14	15	12,945	2	400	17	13,345
Nagasaki	July 27	6	7,435			6	7,435
Yokohama	Aug. 18						
Norway, 29 vessels, 31,996 tons:							
Bergen, Drontheim, and Stavanger	Sept. 20	12	14,800			12	14,800
Christiania, etc	Sept. 16	17	17,196			17	17,196
Philippine Islands: Manila, 3 vessels, 915 tons	Feb. 11	3	915			3	915
Portugal:							
Lisbon	Sept. 25						
Oporto	June 28						
Spain, 1 vessel, 1,650 tons:							
Bilbao	Sept. 25	1	1,650			1	1,650
Cadiz	June 24						
Sweden, 8 vessels, 5,180 tons:							
Gottenborg	Sept. 20	5	3,860	2	470	7	4,330
Helsingborg and Malmo	Sept. 21	1	850			1	850
Stockholm	do						
Uruguay: Montevideo	May 27						
United States, 26 vessels, 38,474 tons: [b]							
Baltimore	Sept. 14	5	9,174	2	2,000	7	11,174
Boston and other ports in Massachusetts	Sept. 13	1	250			1	250
New York	Sept. 15	4	780			4	780
Newport News and Richmond	Sept. 14						
Philadelphia, Chester, Camden (N. J.), and Wilmington	Sept. 9	11	23,620	1	1,200	12	24,820
San Francisco	June 13	2	1,450			2	1,450

[a] Not stated.

[b] The principal districts from which returns have not been received are the State of Maine and the Great Lakes.

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF NAVIGATION,
Washington, January 27, 1906.

Hon. BOIES PENROSE,
United States Senate.

DEAR SENATOR: Referring to my letter of yesterday, I inclose a statement showing the vessels under construction on September 30, 1905, in some of the principal shipbuilding districts of the United Kingdom.

Respectfully,

E. T. CHAMBERLAIN, *Commissioner.*

WORK IN HAND IN PRINCIPAL DISTRICTS (WAR SHIPS EXCLUDED) SEPTEMBER 30, 1905.

The following table gives the total figures for vessels now under construction in some of the principal shipbuilding districts of the country, as compared with those for the same period last year. Each district, of course, includes places in the neighborhood of the port after which it is named:

District.	Description.	Number.	Gross tons.
Belfast	Steam	24	213,530
Do	Sail		
Total		24	213,530
Barrow, Maryport, and Workington	Steam	6	2,560
Do	Sail		
Total		6	2,560
Clyde:			
Glasgow	Steam	84	280,681
Do	Sail	8	2,340
Total		92	283,021
Greenock	Steam	63	203,949
Do	Sail		
Total		63	203,949

District.	Description.	Number.	Gross tons.
Hartlepool and Whitby	Steam	19	65,570
Do	Sail		
Total		19	65,570
Middlesboro and Stockton	Steam	22	84,220
Do	Sail		
Total		22	84,220
Newcastle	Steam	77	253,105
Do	Sail	3	810
Total		80	253,915
Sunderland	Steam	51	169,835
Do	Sail		
Total		51	169,835
Grand total	Steam	346	1,273,450
Do	Sail	11	3,150
Total		357	1,276,600

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF NAVIGATION,
Washington, January 29, 1906.

Hon. BOIES PENROSE,
United States Senate.

SIR: Complying with the request, by telephone, this afternoon of your private secretary in regard to two Japanese steamers, I inclose copy of the consul's report referring to the matter which, I think, you have in mind.

Respectfully, E. T. CHAMBERLAIN, *Commissioner.*

CONSULATE OF THE UNITED STATES,
Nagasaki, Japan, June 15, 1905.

Hon. FRANCIS B. LOOMIS,
Assistant Secretary of State, Washington, D. C.

SIR: For your information I have to report that the Mitsu Bishi Dockyard and Engine Works contracted on the 9th instant to build at their works at Nagasaki for the Toyo Kisen Kaisha (Eastern Steamship Company), of Tokio, to run on their Hongkong-San Francisco line, two sister passenger steamers, of 13,000 tons gross each, one to be be delivered in thirty months and the second in thirty-six.

These vessels are to have a length between perpendiculars of 550 feet, a breadth of 63 feet, and a depth to the upper deck of 38 feet 6 inches. They will be built to Lloyds' 100 A1 and in accordance with the rules of the Japanese department of communications as well as the American Passenger Boat Regulations. They will have a speed of 19½ knots.

I am, sir, your obedient servant,

CHARLES B. HARRIS, *Consul.*

PROPOSED CONSIDERATION OF PENSION BILLS.

Mr. McCUMBER. I ask unanimous consent at this time to take up the unobjected cases on the Pension Calendar.

Mr. GALLINGER. I exceedingly regret that I can not give consent. I have been endeavoring for two days to get consideration in executive session for an important matter, and I have said to Senators that I would move to go into executive session as soon as the Senator from Pennsylvania concluded.

Mr. McCUMBER. I suggest to the Senator that it is now only 5 minutes after 4 o'clock. We can probably get through the executive business in half an hour, and then, if the Senator has no objection, the Senate could resume its legislative session.

Mr. GALLINGER. I will quite agree to that.

Mr. McCUMBER. I hope that course may be agreeable to the Senate.

EXECUTIVE SESSION.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty minutes spent in executive session the doors were reopened, and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 2, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 1, 1906.

GOVERNOR-GENERAL OF THE PHILIPPINE ISLANDS.

James F. Smith, of California, to be governor-general of the Philippine Islands, vice Henry Clay Ide, of Vermont, resigned, to take effect June 1, 1906, or as soon thereafter as his successor shall qualify.

DISTRICT ATTORNEY.

Charles J. Hamblett, of New Hampshire, to be United States attorney for the district of New Hampshire. A reappointment, his term expiring March 14, 1906.

PENSION AGENT.

Grosvenor A. Curtice, of Contoocook, N. H., to be pension agent at Concord, N. H., vice Hugh Henry, whose term will expire April 12, 1906.

RECEIVER OF PUBLIC MONEYS.

Sanford Parker, of Spencer, Nebr., to be receiver of public moneys at O'Neill, Nebr., vice D. Clem Deaver, term expired.

REGISTERS OF LAND OFFICE.

Stephen J. Weekes, of Nebraska, to be register of the land office at O'Neill, Nebr., his term having expired January 22, 1906. (Reappointment.)

Luke M. Bates, of Long Pine, Nebr., to be register of the land office at Valentine, Nebr., vice James C. Pettijohn, removed.

PROMOTIONS IN THE ARMY.

Artillery Corps.

First Lieut. Henry H. Sheen, Artillery Corps, to be captain from January 29, 1906, vice Newbill, detailed as commissary.

Second Lieut. Claude E. Brigham, Artillery Corps, to be first lieutenant from January 29, 1906, vice Sheen, promoted.

APPOINTMENTS IN THE ARMY.

General officers.

Maj. Gen. John C. Bates, United States Army, to be lieutenant-general from February 1, 1906, vice Chaffee, retired from active service.

Brig. Gen. Adolphus W. Greely, Chief Signal Officer, to be major-general, vice Bates, to be appointed lieutenant-general.

Signal Corps.

Col. James Allen, Signal Corps, to be Chief Signal Officer with the rank of brigadier-general for a period of four years, vice Greely, to be appointed major-general.

POSTMASTERS.

ARIZONA.

George McC. Allison to be postmaster at Globe, in the county of Gila and Territory of Arizona, in place of George M. Allison. Incumbent's commission expired January 21, 1906.

ARKANSAS.

Albert B. Andrews to be postmaster at Harrison, in the county of Boone and State of Arkansas, in place of Albert B. Andrews. Incumbent's commission expired January 16, 1906.

John W. Bell to be postmaster at Greenwood, in the county of Sebastian and State of Arkansas. Office became Presidential January 1, 1906.

A. C. Curtis to be postmaster at Lonoke, in the county of Lonoke and State of Arkansas, in place of John A. Brouse. Incumbent's commission expires February 10, 1906.

Jack Grayson to be postmaster at Prescott, in the county of Nevada and State of Arkansas, in place of Jack Grayson. Incumbent's commission expired January 16, 1906.

David R. Hammer to be postmaster at Siloam Springs, in the county of Benton and State of Arkansas, in place of David R. Hammer. Incumbent's commission expired January 16, 1906.

John O. May to be postmaster at Booneville, in the county of Logan and State of Arkansas. Office became Presidential January 1, 1906.

O. D. Sanborn to be postmaster at Blytheville, in the county of Mississippi and State of Arkansas, in place of James H. Edwards, removed.

John N. Sarber, jr., to be postmaster at Clarksville, in the county of Johnson and State of Arkansas, in place of John N. Sarber, jr. Incumbent's commission expired January 16, 1906.

Henry M. Sugg to be postmaster at Dardanelle, in the county of Yell and State of Arkanas, in place of Henry M. Sugg. Incumbent's commission expired January 16, 1906.

CALIFORNIA.

J. W. Duckworth to be postmaster at Anaheim, in the county of Orange and State of California, in place of Sheldon Littlefield. Incumbent's commission expired January 16, 1906.

COLORADO.

John Alfred to be postmaster at Leadville, in the county of Lake and State of Colorado, in place of John Alfred. Incumbent's commission expired January 20, 1906.

Olie Thorson to be postmaster at Glenwood Springs, in the county of Garfield and State of Colorado, in place of Amelia Williams. Incumbent's commission expired January 20, 1906.

CONNECTICUT.

Roswell S. Edgcomb to be postmaster at Groton, in the county of New London and State of Connecticut, in place of Roswell S. Edgcomb. Incumbent's commission expired January 29, 1906.

James W. Hague to be postmaster at Torrington, in the county of Litchfield and State of Connecticut, in place of James W. Hague. Incumbent's commission expired January 16, 1906.

William H. Marigold to be postmaster at Bridgeport, in the county of Fairfield and State of Connecticut, in place of William H. Marigold. Incumbent's commission expired January 29, 1906.

J. Henry Roraback to be postmaster at Canaan, in the county of Litchfield and State of Connecticut, in place of J. Henry Roraback. Incumbent's commission expired January 29, 1906.

GEORGIA.

Julia Fleming to be postmaster at Sparta, in the county of Hancock and State of Georgia, in place of Julia Fleming. Incumbent's commission expired January 13, 1906.

IDAHO.

Francis M. Winters to be postmaster at Montpelier, in the county of Bear Lake and State of Idaho, in place of John L. Underwood. Incumbent's commission expired January 31, 1906.

ILLINOIS.

Henry Brueggemann to be postmaster at Alton, in the county of Madison and State of Illinois, in place of Wilbur T. Norton. Incumbent's commission expires February 10, 1906.

W. E. Eastman to be postmaster at Moline, in the county of Rock Island and State of Illinois, in place of George H. McKinley. Incumbent's commission expired January 9, 1906.

Thomas G. Lawler to be postmaster at Rockford, in the county of Winnebago and State of Illinois, in place of Thomas G. Lawler. Incumbent's commission expires February 5, 1906.

H. A. J. McDonald to be postmaster at Rock Island, in the county of Rock Island and State of Illinois, in place of Thomas H. Thomas. Incumbent's commission expired January 9, 1906.

INDIANA.

James F. Crawford to be postmaster at Farmersburg, in the county of Sullivan and State of Indiana. Office became Presidential January 1, 1906.

John W. Cronk to be postmaster at Veedersburg, in the county of Fountain and State of Indiana, in place of William H. Mallory. Incumbent's commission expired January 20, 1906.

Frank Duffendach to be postmaster at Huntingburg, in the county of Dubois and State of Indiana, in place of John W. Lewis. Incumbent's commission expired January 9, 1906.

Charles Fricke to be postmaster at Tell City, in the county of Perry and State of Indiana, in place of Fred J. Herrmann. Incumbent's commission expired December 12, 1905.

Jesse E. Haddon to be postmaster at Dana, in the county of Vermilion and State of Indiana, in place of Peter Aikman. Incumbent's commission expired December 12, 1905.

John R. Lancaster to be postmaster at Jeffersonville, in the county of Clark and State of Indiana, in place of Newton H. Meyers. Incumbent's commission expired January 13, 1906.

Harry C. Martin to be postmaster at Attica, in the county of Fountain and State of Indiana, in place of Albert S. Peacock. Incumbent's commission expired January 20, 1906.

Lewis Miller to be postmaster at Thorntown, in the county of Boone and State of Indiana, in place of Robert S. Potts. Incumbent's commission expired January 20, 1906.

John H. Spencer to be postmaster at Rockville, in the county of Parke and State of Indiana, in place of Isaac L. Wimmer. Incumbent's commission expired January 9, 1906.

INDIAN TERRITORY.

Art Asbell to be postmaster at Checotah, in District Ten, Indian Territory, in place of Art Asbell. Incumbent's commission expired January 21, 1906.

Nelson L. Eggleston to be postmaster at Minco, in District Nineteen, Indian Territory. Office became Presidential January 1, 1906.

IOWA.

B. E. Allen to be postmaster at Laurens, in the county of Pocahontas and State of Iowa, in place of William F. Atkinson. Incumbent's commission expired January 20, 1906.

Charles L. Early to be postmaster at Sac City, in the county of Sac and State of Iowa, in place of James W. Wilson. Incumbent's commission expired January 20, 1906.

Francis A. Lewis to be postmaster at Marcus, in the county of Cherokee and State of Iowa, in place of Francis A. Lewis. Incumbent's commission expired January 21, 1906.

George H. Loring to be postmaster at Dallas Center, in the county of Dallas and State of Iowa, in place of George H. Loring. Incumbent's commission expired January 31, 1906.

Lewis H. Mayne to be postmaster at Emmetsburg, in the county of Palo Alto and State of Iowa, in place of Lewis H. Mayne. Incumbent's commission expired January 21, 1906.

Fred C. McCall to be postmaster at Nevada, in the county of Story and State of Iowa, in place of Fred C. McCall. Incumbent's commission expired January 20, 1906.

Harold E. Scott to be postmaster at Sibley, in the county of Osceola and State of Iowa, in place of Albert Romey. Incumbent's commission expired January 28, 1906.

Kate C. Warner to be postmaster at Dayton, in the county of Webster and State of Iowa, in place of Kate C. Warner. Incumbent's commission expired January 21, 1906.

KANSAS.

Joseph W. A. Cooke to be postmaster at Ellinwood, in the county of Barton and State of Kansas, in place of Joseph W. A. Cooke. Incumbent's commission expired January 16, 1906.

KENTUCKY.

Cam B. McPherson to be postmaster at Horse Cave, in the county of Hart and State of Kentucky, in place of Eugene W. Veluzat, resigned.

MAINE.

George W. Goulding to be postmaster at Oakland, in the county of Kennebec and State of Maine, in place of George W. Goulding. Incumbent's commission expired January 16, 1906.

MARYLAND.

James P. B. Veirs to be postmaster at Rockville, in the county of Montgomery and State of Maryland, in place of James P. B. Veirs. Incumbent's commission expired January 20, 1906.

MASSACHUSETTS.

James A. Eldridge to be postmaster at Williamstown, in the county of Berkshire and State of Massachusetts, in place of James A. Eldridge. Incumbent's commission expired January 16, 1906.

Merton Z. Woodward to be postmaster at Shelburne Falls, in the county of Franklin and State of Massachusetts, in place of Merton Z. Woodward. Incumbent's commission expired January 16, 1906.

MICHIGAN.

Byron H. Colburn to be postmaster at Lawrence, in the county of Van Buren and State of Michigan, in place of John F. Barrows. Incumbent's commission expires February 7, 1906.

Melvin A. Bates to be postmaster at Grayling, in the county of Crawford and State of Michigan, in place of Melvin A. Bates. Incumbent's commission expires February 7, 1906.

Julius O. Becraft to be postmaster at Dowagiac, in the county of Cass and State of Michigan, in place of Julius O. Becraft. Incumbent's commission expired January 20, 1906.

James A. Button to be postmaster at Flint, in the county of Genesee and State of Michigan, in place of James A. Button. Incumbent's commision expired January 20, 1906.

Henry A. Graves to be postmaster at Quincy, in the county of Branch and State of Michigan, in place of Francis E. Marsh, jr. Incumbent's commission expired January 21, 1906.

Milo B. Halliwill to be postmaster at Flushing, in the county of Genesee and State of Michigan, in place of Milo B. Halliwill. Incumbent's commission expired January 20, 1906.

James G. Hayden to be postmaster at Cassopolis, in the county of Cass and State of Michigan, in place of Allen N. Armstrong. Incumbent's commission expired January 20, 1906.

John D. Mangum to be postmaster at Marquette, in the county of Marquette and State of Michigan, in place of John D. Mangum. Incumbent's commission expires February 7, 1906.

MINNESOTA.

Charles C. Eastman to be postmaster at Wadena, in the county of Wadena and State of Minnesota, in place of Charles C. Eastman. Incumbent's commission expired January 21, 1906.

Edward F. Joubert to be postmaster at Wheaton, in the county of Traverse and State of Minnesota, in place of Edward F. Joubert. Incumbent's commission expired January 20, 1906.

Caspar F. Schonlau to be postmaster at Houston, in the county of Houston and State of Minnesota. Office became Presidential January 1, 1906.

James H. Smullen to be postmaster at Lesueur Center, in the county of Lesueur and State of Minnesota. Office became Presidential January 1, 1906.

George M. Young to be postmaster at Perham, in the county of Ottertail and State of Minnesota, in place of George M. Young. Incumbent's commission expired January 20, 1906.

MISSOURI.

William T. Clements to be postmaster at Platte City, in the county of Platte and State of Missouri, in place of William T. Clements. Incumbent's commission expires February 10, 1906.

Simon P. Loebe to be postmaster at Charleston, in the county of Mississippi and State of Missouri, in place of Simon P. Loebe. Incumbent's commission expires February 10, 1906.

Luther McGehee to be postmaster at Joplin, in the county of Jasper and State of Missouri, in place of Luther McGehee. Incumbent's commission expires May 27, 1906.

Henry C. Shubert to be postmaster at Richland, in the county of Pulaski and State of Missouri. Office became Presidential January 1, 1906.

Thomas J. Ulen to be postmaster at Dexter, in the county of Stoddard and State of Missouri, in place of Thomas J. Ulen. Incumbent's commission expires February 10, 1906.

Vinson T. Williams to be postmaster at Stanberry, in the

county of Gentry and State of Missouri, in place of Vinson T. Williams. Incumbent's commission expired January 22, 1906.

MONTANA.

James H. Powell to be postmaster at Virginia City, in the county of Madison and State of Montana, in place of James H. Powell. Incumbent's commission expired January 20, 1906.

NEBRASKA.

Timothy B. Calnon to be postmaster at Lyons, in the county of Burt and State of Nebraska, in place of Timothy B. Calnon. Incumbent's commission expired January 20, 1906.

Chess Chinn to be postmaster at St. Paul, in the county of Howard and State of Nebraska, in place of Richard C. Perkins. Incumbent's commission expired January 21, 1906.

Sanford D. Cole to be postmaster at Wymore, in the county of Gage and State of Nebraska, in place of Sanford D. Cole. Incumbent's commission expires February 10, 1906.

Henry Gietzen to be postmaster at Humphrey, in the county of Platte and State of Nebraska, in place of Henry Gietzen. Incumbent's commission expired January 20, 1906.

Lewis M. Short to be postmaster at Ainsworth, in the county of Brown and State of Nebraska, in place of Lewis M. Short. Incumbent's commission expires February 10, 1906.

NEVADA.

Ephriam D. Turner to be postmaster at Delamar, in the county of Lincoln and State of Nevada. Office became Presidential January 1, 1906.

NEW HAMPSHIRE.

Charles E. Marsh to be postmaster at Greenville, in the county of Hillsboro and State of New Hampshire. Office became Presidential January 1, 1906.

NEW JERSEY.

George L. Clarke to be postmaster at Morristown, in the county of Morris and State of New Jersey, in place of George L. Clarke. Incumbent's commission expired January 21, 1906.

Nathaniel H. Furman to be postmaster at Lawrenceville, in the county of Mercer and State of New Jersey. Office became Presidential January 1, 1906.

Richard F. Goodman to be postmaster at Newton, in the county of Sussex and State of New Jersey, in place of Richard F. Goodman. Incumbent's commission expired January 30, 1906.

George M. MacDonald to be postmaster at Springfield, in the county of Union and State of New Jersey, in place of George M. MacDonald. Incumbent's commission expired January 21, 1906.

NEW MEXICO.

Luther M. Shely to be postmaster at Santa Rosa, in the county of Guadalupe and Territory of New Mexico. Office became Presidential January 1, 1906.

NEW YORK.

Fred M. Askins to be postmaster at Schaghticoke, in the county of Rensselaer and State of New York, in place of Fred M. Askins. Incumbent's commission expires February 5, 1906.

Henry A. France to be postmaster at Far Rockaway, in the county of Queens and State of New York, in place of Henry A. France. Incumbent's commission expired January 23, 1906.

George H. Hubbs to be postmaster at Central Islip, in the county of Suffolk and State of New York. Office became Presidential January 1, 1906.

Charles W. Penny to be postmaster at Patterson, in the county of Putnam and State of New York, in place of Charles W. Penny. Incumbent's commission expires February 10, 1906.

Fred M. Woolley to be postmaster at Boonville, in the county of Oneida and State of New York, in place of Eugene N. Hayes. Incumbent's commission expires February 10, 1906.

NORTH CAROLINA.

Stella S. Britt to be postmaster at Franklinton, in the county of Franklin and State of North Carolina. Office became Presidential January 1, 1906.

NORTH DAKOTA.

Thomas H. Thoralson to be postmaster at Grafton, in the county of Walsh and State of North Dakota, in place of Thomas H. Thoralson. Incumbent's commission expired January 20, 1906.

Percy R. Trubshaw to be postmaster at Cooperstown, in the county of Griggs and State of North Dakota, in place of Percy R. Trubshaw. Incumbent's commission expired January 20, 1906.

OHIO.

Thomas E. Frisbee to be postmaster at Prairie Depot, in the county of Wood and State of Ohio, in the place of George E. Reed, resigned.

Charles E. Hard to be postmaster at Portsmouth, in the county of Scioto and State of Ohio, in place of Philo S. Clark. Incumbent's commission expires February 13, 1906.

Isaac N. Medford to be postmaster at Fort Recovery, in the county of Mercer and State of Ohio, in place of Isaac N. Medford. Incumbent's commission expired January 13, 1906.

Edwin Morgan to be postmaster at Alliance, in the county of Stark and State of Ohio, in place of Benjamin F. Trescott. Incumbent's commission expired January 16, 1906.

John N. Snoots to be postmaster at Roseville, in the county of Muskingum and State of Ohio, in place of Thomas N. Sowers. Incumbent's commission expired January 13, 1906.

George L. Stoughton to be postmaster at Westerville, in the county of Franklin and State of Ohio, in place of George L. Stoughton. Incumbent's commission expires February 20, 1906.

George R. Vincent to be postmaster at Hiram, in the county of Portage and State of Ohio, in place of George R. Vincent. Incumbent's commission expired January 16, 1906.

Chester R. P. Waltz to be postmaster at Delta, in the county of Fulton and State of Ohio, in place of Chester R. P. Waltz. Incumbent's commission expires February 13, 1906.

Fred Yeager to be postmaster at Perrysburg, in the county of Wood and State of Ohio, in place of Fred Yeager. Incumbent's commission expires February 13, 1906.

OREGON.

O. A. Wolverton to be postmaster at Monmouth, in the county of Polk and State of Oregon, in place of Frank Lucas, resigned.

PENNSYLVANIA.

Eliza Kirkpatrick to be postmaster at Spangler, in the county of Cambria and State of Pennsylvania. Office became Presidential January 1, 1906.

Daniel S. Knox to be postmaster at Tionesta, in the county of Forest and State of Pennsylvania, in place of Daniel S. Knox. Incumbent's commission expires February 17, 1906.

David L. Laughery to be postmaster at Vanderbilt, in the county of Fayette and State of Pennsylvania. Office became Presidential January 1, 1906.

Charles M. McDanel to be postmaster at New Brighton, in the county of Beaver and State of Pennsylvania, in place of Charles M. McDanel. Incumbent's commission expired January 20, 1906.

Charles W. Zook to be postmaster at Roaring Spring, in the county of Blair and State of Pennsylvania, in place of Charles W. Zook. Incumbent's commission expired January 16, 1906.

RHODE ISLAND.

Moise Meunier to be postmaster at Arctic, in the county of Kent and State of Rhode Island, in place of Moise Meunier. Incumbent's commission expired January 21, 1906.

SOUTH CAROLINA.

Joshua F. Ensor to be postmaster at Columbia, in the county of Richland and State of South Carolina, in place of Joshua F. Ensor. Incumbent's commission expired January 16, 1906.

William F. Rice to be postmaster at Denmark, in the county of Bamberg and State of South Carolina. Office became Presidential January 1, 1906.

SOUTH DAKOTA.

Frederic J. Brown to be postmaster at Britton, in the county of Marshall and State of South Dakota, in place of Frederic J. Brown. Incumbent's commission expired January 20, 1906.

Charles E. Johnson to be postmaster at Bridgewater, in the county of McCook and State of South Dakota, in place of Charles E. Johnson. Incumbent's commission expires February 13, 1906.

William C. Mathieson to be postmaster at Fort Pierre, in the county of Stanley and State of South Dakota. Office became Presidential October 1, 1905.

Walter McKay to be postmaster at Lead, in the county of Lawrence and State of South Dakota, in place of Walter McKay. Incumbent's commission expired January 20, 1906.

John C. McMillan to be postmaster at Sturgis, in the county of Meade and State of South Dakota, in place of John C. McMillan. Incumbent's commission expired January 21, 1906.

Addison H. Pease to be postmaster at Wagner, in the county of Charles Mix and State of South Dakota. Office became Presidential January 1, 1906.

Charles J. Porter to be postmaster at Madison, in the county of Lake and State of South Dakota, in place of Frank L. Mease. Incumbent's commission expired January 21, 1906.

John A. Stanley to be postmaster at Hot Springs, in the county of Fall River and State of South Dakota, in place of John A. Stanley. Incumbent's commission expired January 21, 1906.

TENNESSEE.

Giles Rives to be postmaster at Brownsville, in the county of Haywood and State of Tennessee, in place of Giles Rives. Incumbent's commission expires February 7, 1906.

TEXAS.

Frank C. Blaine to be postmaster at Del Rio, in the county of Valverde and State of Texas, in place of Henry D. Bonnett, removed.

Nathan Leavitt to be postmaster at Stamford, in the county of Jones and State of Texas, in place of Nathan Leavitt. Incumbent's commission expired January 16, 1906.

H. E. Kinsloe to be postmaster at Corsicana, in the county of Navarro and State of Texas, in place of James W. A. Clark. Incumbent's commission expired January 13, 1906.

VERMONT.

Frederick Chapman to be postmaster at Woodstock, in the county of Windsor and State of Vermont, in place of Frederick Chapman. Incumbent's commission expired January 13, 1906.

Ralph E. Jones to be postmaster at Richmond, in the county of Chittenden and State of Vermont. Office became Presidential January 1, 1906.

VIRGINIA.

John M. Griffin to be postmaster at Fredericksburg, in the county of Spottsylvania and State of Virginia, in place of John M. Griffin. Incumbent's commission expired January 20, 1906.

William T. Miller to be postmaster at Shenandoah, in the county of Page and State of Virginia, in place of William T. Miller. Incumbent's commission expired January 21, 1906.

Charles P. Smith to be postmaster at Martinsville, in the county of Henry and State of Virginia, in place of Charles P. Smith. Incumbent's commission expired January 20, 1906.

Charles H. Revercomb to be postmaster at Covington, in the county of Alleghany and State of Virginia, in place of Charles H. Revercomb. Incumbent's commission expires February 10, 1906.

Edwin M. C. Quimby to be postmaster at Suffolk, in the county of Nansemond and State of Virginia, in place of Luzerne P. Harper. Incumbent's commission expired January 21, 1906.

WISCONSIN.

Henry Curran to be postmaster at Stevens Point, in the county of Portage and State of Wisconsin, in place of Henry Curran. Incumbent's commission expired January 20, 1906.

Jorgen C. Jacobson to be postmaster at Elroy, in the county of Juneau and State of Wisconsin, in place of Jorgen C. Jacobson. Incumbent's commission expires February 28, 1906.

WYOMING.

George W. Hoyt to be postmaster at Cheyenne, in the county of Laramie and State of Wyoming, in place of George W. Hoyt. Incumbent's commission expired January 28, 1906.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 1, 1906.

SURVEYOR-GENERAL.

William S. Graham, of California, to be surveyor-general of California.

DISTRICT COMMISSIONER.

Henry L. West, of the District of Columbia, to be a Commissioner of the District of Columbia for the term of three years.

DISTRICT ATTORNEY.

Ernest F. Cochran, of South Carolina, to be United States attorney for the district of South Carolina.

REGISTERS OF LAND OFFICES.

J. C. Herman Engel, of Anoka, Minn., to be register of the land office at Duluth, Minn.

Charles D. Ford, of Colorado, to be register of the land office at Denver, Colo.

POSTMASTERS.

ALABAMA.

William Moseley to be postmaster at Decatur, in the county of Morgan and State of Alabama.

OREGON.

Merritt A. Baker to be postmaster at Weston, in the county of Umatilla and State of Oregon.

PENNSYLVANIA.

John M. Carson to be postmaster at Homer City, in the county of Indiana and State of Pennsylvania.

Clayton O. Slater to be postmaster at Latrobe, in the county of Westmoreland and State of Pennsylvania.

George Sowash to be postmaster at Irwin, in the county of Westmoreland and State of Pennsylvania.

TEXAS.

Lon M. Barkley to be postmaster at Fort Worth, in the county of Tarrant and State of Texas.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 1, 1906.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

COTTON STATISTICS.

Mr. CRUMPACKER. Mr. Speaker, I send to the Clerk's desk a privileged report from the Committee on the Census.

The SPEAKER. The gentleman from Indiana submits the following privileged report from the Committee on the Census, which will be read by the Clerk.

The Clerk read as follows:

Resolved, That the Secretary of Commerce and Labor be requested to direct the Director of the Census to compile and transmit to the House of Representatives the ginners' estimates of cotton remaining to be ginned which were collected in connection with its semimonthly canvass of January 16 last.

With the following amendments:

In line 2, after "requested," insert "if not incompatible with the public interests."

In line 5 strike out the word "its" and insert "his."

Mr. CRUMPACKER. Mr. Speaker, the law requires the Director of the Census to collect statistics of cotton ginned each year and to make semimonthly reports thereof, beginning on the 1st of September and concluding on the middle of January following. The law further requires the Director to make a final canvass and a final report in the month of March of all the cotton ginned during the year. It has been the custom of the Census Office for the last few years, in connection with the mid-January canvass, to procure estimates from the canvassers respecting the quantity of cotton that remains to be ginned. In many instances by the middle of January all the cotton in given counties has been ginned, and when that fact is known the Director can save the expense of sending canvassers into those counties to make the final canvass. The Director has collected these estimates purely for the purposes of his own office and to enable him intelligently and economically to make a canvass for the final report. The estimates are compiled and tabulated by counties only. I think they never have been tabulated by States, and no information has even been given out or obtained from the Census Office in relation to the results of these estimates. The Director is not required by law to make the estimates.

Mr. BURLESON. It was never intended that he should.

Mr. CRUMPACKER. It was never intended that he should. It is a voluntary matter with him, and he had the work done purely in the interest of economy; but market conditions of cotton are peculiar at this time, and there is a demand in many parts of the country that the public is entitled to the estimates and is entitled to all of the information the Director of the Census has in connection with the quantity of cotton yet remaining to be ginned. The president of the Cotton Ginners' Association came before the committee and said that practically all the cotton ginners insisted on this information. The president of the Cotton Growers' Association has wired and written the Director of the Census, insisting that the public is entitled to the cotton estimates. The Director of the Census, I think, realizes the fact that he made a tactical mistake in ever having got this information. In the statement he made before the committee, which is embodied in the report, he says that he never will collect estimates of this kind or of any other kind again without direct authorization by Congress.

Mr. BURLESON. It is the exclusive function of the Bureau of Statistics of the Agriculture Department to make estimates of the cotton crop, and as I now understand the gentleman from Indiana the Director positively assures us he will never again collect data embracing elements of estimation?

Mr. CRUMPACKER. He says that estimates will never be collected for any purpose, whatever expense may be saved, without authorization. He has been able by the estimates to save from eight to twelve thousand dollars in making the March canvass, but he realizes now it is very dangerous information to have about the office.

The committee concluded that there would be no harm to the office, and perhaps it would be as well if the public was given the information, such as it is. The estimates were made purely to enable the Director to know what counties should be canvassed in March and what might safely be omitted. They are necessarily imperfect, even as estimates.

Mr. BURLESON. I would like to ask the gentleman a question.

Mr. CRUMPACKER. Certainly.

Mr. BURLESON. I would like to ask the gentleman how this information is to be given out?

Mr. CRUMPACKER., This resolution requires that it be reported to the House. I suppose if it is to be given out, satisfactory arrangements can be made as to the method.

Mr. BURLESON. Why not amend the resolution by inserting the method in which he shall issue it?

Mr. CRUMPACKER. I think that would destroy the privileged character of the resolution. Matter not privileged in a resolution of this kind will destroy its privilege. We have only the right to call for information from the head of a Department, and to provide in a resolution of inquiry directions respecting the execution of certain functions would destroy the privileged character of the resolution. I think it can be arranged so that the Director will give out the information in precisely the same manner that he gives out the semimonthly reports, or in the same manner as the Agricultural Department gives out estimates.

Mr. LIVINGSTON. He must give it out to the Speaker of the House in a sealed envelope.

Mr. MANN. May I ask the gentleman a question?

Mr. CRUMPACKER. Yes.

Mr. MANN. Of course the value of the statistical information is by the way of comparison. Is there any estimate by which comparisons can be made after this information comes out?

Mr. CRUMPACKER. Nothing except that the country gets the amount of cotton actually ginned after the mid-January canvass. The estimates can be compared with former reports, but, of course, the seasons are so dissimilar—I mean the cotton-ginning season—that comparisons are not of great value. There is a controversy between the cotton owners and the cotton buyers—one class insisting that there are a million bales of cotton yet to be ginned, another class insists that there are not over a hundred thousand bales remaining to be ginned. The controversy seems to be sharp and bitter and the cotton market is in a feverish state, and these resolutions may have the effect of intensifying the controversy.

Mr. MANN. Is this information at all perfect or complete?

Mr. CRUMPACKER. It consists of estimates made by official canvassers, who inquire of the ginners about how much there is to be ginned in the various counties in the January canvass.

Mr. SULZER. May I ask the gentleman a question?

Mr. CRUMPACKER. Certainly.

Mr. SULZER. Does this resolution carry any appropriation?

Mr. CRUMPACKER. No; it does not.

Mr. MANN. I am asking for information, on account of what has appeared in the public press, which seems to indicate that there is nothing upon which a fair comparison can be based. The Director of the Census has stated the information was not complete and could not be used as a basis of comparison and might be very misleading.

Mr. LOVERING. Will the gentleman from Indiana permit me?

Mr. CRUMPACKER. Yes.

Mr. LOVERING. May I suggest that it will be perfectly proper and safe for the information which has been asked for by this resolution to be placed in the hands of the Speaker and given out by the Clerk to-morrow morning at a given time, immediately after the reading of the Journal? I am satisfied that in no other way will it be absolutely satisfactory to everybody concerned.

Mr. CRUMPACKER. I presume under the direction of this resolution the Director of the Census would transmit this information in a sealed envelope to the Speaker of the House, without giving anybody any information respecting the result of the estimate at all. If that is satisfactory to the gentleman, it can go to the Speaker in that way and the Speaker, of course, will lay it before the House.

Mr. LOVERING. In that case it would take the natural course, would it not?

Mr. CRUMPACKER. Yes. Now, Mr. Speaker, I ask unanimous consent to print in connection with my remarks the report of the committee, the statement of the Director of the Census as to the manner in which these estimates were taken, where they were taken, and what for.

The SPEAKER. The gentleman from Indiana asks unanimous consent to print in the RECORD a communication from the Director of the Census touching this resolution, together with the report of the committee. Is there objection. [After a pause.] The Chair hears none.

The report and communication are as follows:

The Committee on the Census, to whom was referred House resolution 199, recommend that the resolution be amended by inserting after the word "requested," in line 2, the following: "if not incompatible with the public interests;" and by striking out the word "its," in line 5, and substituting therefor the word "his," and that the resolution thus amended do pass.

The Director of the Census is required under the law to collect statistics of the amount of cotton ginned throughout the country and make semimonthly reports thereon as the ginning progresses, beginning with the 1st of September and ending the 16th day of the following January in each year. The law further requires the Census Office to make a final report of all the cotton ginned in March of each year. For several years it has been the custom of the Census Office, in connection with the mid-January report, to procure estimates from the ginners as to the probable quantity of cotton remaining yet to be ginned. These estimates are gotten for the purpose of enabling the Director to know in what counties the cotton is all ginned, so he may not put the Government to the expense of having a canvass made where there is no cotton to be ginned after the mid-January canvass. The Census Office, by the aid of these estimates, is able to save from $8,000 to $10,000 a year in the making of the final canvass for the report in March. The estimates come from the canvassers in the several counties, and it is not necessary that they be tabulated or compiled, and this is not usually done.

When it is shown by the estimates that the cotton is practically all ginned in a given county, the Director does not employ a special agent to make a canvass of that county for the final report.

The cotton market is somewhat feverish at this time, and various assertions are made by those interested respecting the amount of cotton that remains unginned for the present year, and it has become known that the Census Office has estimates made by the various canvassers of the quantity remaining to be ginned. This information has excited considerable concern upon the part of cotton owners and cotton buyers, and repeated requests have been made to the Census Office for this information. The Director has declined to give out or permit any information respecting the estimates that the Office has to be given out. His position is that the estimates are made purely for the purpose of enabling him to know what counties should be canvassed for the final report that he may be able to do the work with as little expense as possible.

The Census Office is an office of actual statistics and not estimates, and it is contrary to the very purpose of the Office that it go into the business of making estimates of anything and giving them out for public information. In view, however, of the wide divergence between cotton buyers and cotton owners respecting the probable amount of cotton yet remaining unginned, the buyers insisting that there are upward of 1,000,000 bales and the cotton owners insisting that there are not more than 100,000 bales unginned, the estimates in the Office are of peculiar value.

The Director very properly declines to furnish any information respecting the estimates without being ordered to do so by Congress, and if he had supposed that any demand would have been made for them he probably would not have taken them. In a hearing before the Census Committee the Director explained his position respecting the estimates, and the manner in which they were secured, as follows:

"I will briefly state the facts in regard to the cotton estimates referred to in this resolution, and the attitude of the Director of the Census regarding their compilation and publication.

"First. I wish to state that it is no part of the function of the census to gather and make estimates of any kind. A census is a count—an enumeration; and the usefulness of the Census Office will be impaired, in my judgment, whenever it is required by law to substitute estimates, on any subject, for an actual count or enumeration. Estimates are necessary and important, in many matters; but in all such cases, if the Government must make them, the duty should be devolved upon some other Government bureau than the Census Office.

"Second. I desire to fully explain the reason why the Census Office at its mid-January canvass has called for these estimates by ginners of the quantity of cotton remaining to be ginned at that date. They are asked for solely as an aid to the Office in the efficient and economical administration of the law. They are used as a guide in the organization of the final canvass of the ginneries, which takes place in March. Wherever the estimates show that there is no more cotton to be ginned in a county or that the amount is insignificant, no final canvass is necessary.

"The possession of this information generally enables us to save from $8,000 to $12,000 in the cost of the final canvass. It is also useful in determining the best date for the final canvass, for it indicates if the season is unusually early or unusually late—a fact which should govern us more or less in fixing the proper date for the final canvass. No other use is made of it, and no question has ever arisen regarding its publication until this year. No question would have arisen now, but for the fact that some people think that the present market value of cotton depends upon the amount of cotton grown that remains unginned and therefore not hitherto reported. This demand, coming in this sudden way, is an experience from which I learn a lesson. Valuable and economical as these data have been to the office in reducing the cost of these cotton reports, they will never be asked for again while I remain Director, unless the law is amended to require them. They are too closely allied to dynamite to be a comfortable asset of the Census Office. We shall have to devise some new method of ascertaining what cotton-producing counties can properly be omitted from our final canvass.

"Third. The sole purpose of these estimates being an administrative one, the Census Office has never required a careful or accurate canvass, and the returns received have therefore always been defective and of no value from a statistical point of view. They answer the purpose for which they are intended if they possess only an approximate degree of accuracy. I have therefore declined, in response to many insistent requests, to make them public at this particular time.

"Fourth. As a matter of law, after a careful study of all the legislation on the subject, I believe the Director has no authority to promulgate these estimates.

"Fifth. But there is another reason for this declination, which I esteem no less important. I am unwilling on my own volition to depart in any way or degree from the established methods of the Census Office in the publication of these reports, without opportunity to previously inform the public of the intention, accompanied by a full explanation of the reasons why the change is made.

"The success of the cotton-statistical work which Congress has imposed upon the Census Office depends absolutely upon the public confidence in the integrity of the Office in the collection and publication of these data. We can only preserve this confidence by pursuing a straight and narrow pathway. Any deviation from that pathway must naturally arouse suspicion and raise the question: In whose interest is the change made?

"Sixth. If such a radical deviation is now to be made, the Director

of the Census is not willing to accept the responsibility. No man, in Congress or out of it, has a right to ask him to assume such a responsibility. The best service he can render the Government is to do nothing which can be so construed or tortured as to justify a question as to the motive behind his act.

"Seventh. Congress has placed upon the Director of the Census the difficult duty of collecting and promulgating these reports on the quantity of cotton ginned to given dates. It is therefore the duty of Congress to protect the Director in the discharge of that duty. It was with a view to thus protecting him, as I understand it, that this resolution was introduced. Since the resolution is here, the House of Representatives must take the responsibility of saying whether the estimates referred to shall be given to the public or reserved for the purpose which led to their collection.

"If the House sees fit to command the Director of the Census to depart from the usual and understood method in the present case, as the President did when the date fixed for promulgating the first January canvass happened to fall upon a legal holiday in New Orleans, when the cotton exchange was closed, nobody can question his motives or action. If the House declines to pass this resolution, no one can criticise the Director for declining to do what he has never yet done or been expected to do."

While it is not desirable for the Census Office to procure estimates of the cotton crop or of any other crop, since the office is in possession of the estimates in question, it is doubtless better that they be made public without delay.

Mr. CRUMPACKER. Mr. Speaker, I now yield to the gentleman from Tennessee [Mr. SIMS], the author of the resolution, for ten minutes.

Mr. SIMS. Mr. Speaker, I think I can state clearly the object of introducing this resolution, as I introduced it myself. It has been sufficiently stated by the gentleman from Indiana [Mr. CRUMPACKER] why the Director asks for estimates, at the time he asked for the cotton ginned January 16. The cards sent out to make these inquiries were the cards sent out by the office to ascertain the amount actually ginned. Three sorts of information were asked for on these cards. First, how much was ginned between the 31st of December and the 16th of January? Second, how much was estimated, and, third, the weight of bales. Every ginner of the 30,000 or more to whom these cards were addressed gave answers to the inquiries, with some exceptions.

Every ginner knew that these inquiries were made. They published to the world that they had answered these inquiries, and then when the Director of the Census, acting under the law, published the amount of cotton ginned, which was all he had any authority to publish, the ginners naturally, and through them the people, could not understand why he had asked for information and only gave out the result of one of the three inquiries. In that way it became known that the ginners had reported to him the estimate of cotton to be ginned, and naturally the people who owned cotton wanted to know what that estimate was. The gentleman from Illinois [Mr. MANN] asked if there were any data by which comparisons might be made. I desire to state to the gentleman from Illinois [Mr. MANN] that large cotton operators, speculators, and also cotton consumers and the members of the Cotton Exchange in New York and in New Orleans and of the Liverpool Cotton Association make estimates of the cotton to be ginned after each report. A very distinguished and celebrated operator in New York, Theodore Price, gave out immediately after the 16th of January report was made that there would be 700,000 bales of cotton to be ginned after that date, and further, as stated in the newspapers, that he was going to make an estimate of the cotton ginned to February 1. Now, as every operator of any consequence—as do the spinners and manufacturers—makes estimates of the cotton to be ginned, and have done so, it is certainly necessary, in order for the people to form a proper judgment of the amount of cotton grown for the year, to have the information of the amount yet to be ginned from the best possible source, and that is from the ginners themselves, who made it to the Director of the Census under an inquiry addressed directly to them. Why should it not be accurate? There is no more reason why this estimate should not be accurate than any other estimate made by those best fitted and qualified to make it. I hope there will not be remarks made here that are calculated to discredit this estimate in advance, because heretofore every year the ginners have been asked for the March report—to return the estimate of cotton yet to be ginned—and the Director of the Census has thought that of sufficient accuracy to publish it with his final report. I asked him, when before the committee—as I was present by the courtesy of the committee—if this inquiry for cotton to be ginned to be reported on the 16th of January was not of the exact form and manner that he made the inquiry for the final estimate to be made by the ginners, and he said that it was. So this House and the country will have the estimate of the ginners themselves, who do the ginning, who are acquainted in their respective neighborhoods, who have the best possible opportunity to know what cotton remains to be ginned. This information will be of value to those who want to buy cotton and to those who want to sell cotton. The producers are all sellers and the consumers are all purchasers, and this information comes from the best and most reliable source. There never was, of course, an estimate that was absolutely accurate, and neither is it expected that this will be absolutely accurate.

Mr. LIVINGSTON. Mr. Speaker, I would suggest that not only has it been taken in the usual form upon the usual cards, but out of the 800 cotton counties, 682 are tabulated and lie in the Census Office tabulated, and it makes a dangerous element to the public to have those things lying there in a private way. It is absolutely necessary that they should be given to the public.

Mr. SIMS. I accept the statement of the gentleman from Georgia [Mr. LIVINGSTON], but do not give it as my own knowledge, for I have not made inquiry.

Mr. LIVINGSTON. I state it on my own knowledge. I got it from Mr. North.

Mr. SIMS. Further, the Director of the Census has no objection to this resolution, but would be glad to have it pass, because there lies that information in the hands of three men. Only three know it—the Director himself, Mr. Stewart, and Mr. Roper—and if this resolution does not pass, it is held there until the final canvass in March, with those men subject to every possible accusation and suspicion, however wrongfully. Not that there is anything of suspicion in their conduct or any just grounds for it, but we know what happened in the Agricultural Department—parties there who had not been suspected turned out to be giving valuable information to certain interested parties and benefited by it. So they think and I think that they should be relieved from that responsibility. I accept their word in the best of good faith that they have obtained this information as the means of helping along the administration of their Office in the most economical manner, but, as I look at it, if they have it, the world had better know what it is rather than suspect what it is.

Mr. BURLESON. Do you not think it would be much better if this announcement should be made by the Director of the Census in the usual way, and not through the House at all?

Mr. SIMS. Mr. Speaker, I do not know how that could be done; for instance——

Mr. BURLESON. It can be done by amending this resolution by unanimous consent.

Mr. SIMS. Here is an inquiry addressed by order of Congress to a Department to make report to Congress. That report comes in the usual way in a sealed envelope to the Speaker of the House, and the Speaker of the House makes known to the House the communication in the usual way. Now, then, to undertake to direct it in any other way I do not think would comport with the dignity of this House. To call for information from a Department of the Government and authorize the chief of Bureau to make it public at the time he sends it to the Speaker of the House, I think the Speaker himself would hardly feel he has received the deference to which he is entitled for a subordinate to make known his reply to the House before the Speaker has received it himself.

Mr. BURLESON. The purpose was to put everybody upon an equal footing.

Mr. SIMS. Everybody will get it exactly at the same time if made known in the usual way.

Mr. GRIGGS rose.

The SPEAKER. Does the gentleman from Tennessee yield to the gentleman from Georgia?

Mr. GRIGGS. Mr. Speaker, I thought the gentleman from Tennessee had finished, and I wanted to get the floor.

Mr. SIMS. Now, Mr. Speaker, I have not got a bale of cotton actual or in contract. I am neither long nor short. I personally have no interest in introducing this resolution, but I think it best for the country and best for the Census Bureau itself, so everybody can do their own guessing after they receive the best source of information upon which to base guesses.

Mr. SULZER. Mr. Speaker, will the gentleman allow me to ask him a question?

Mr. SIMS. Certainly.

Mr. SULZER. Do you believe that the adoption of this resolution will have a tendency to do away to some extent with gambling in cotton options on the New York Cotton Exchange? If it does not, it ought to be amended to stop this riotous gambling in futures.

Mr. SIMS. I do not know. It may accelerate it, but I assure the gentleman that that is not my object and purpose. I can not foresee what will be the effect. As the gentleman from Indiana says, we do not know what it is ourselves; that we do not know what the effect will be, but I always think the truth is better than uncertainty or guesses.

Mr. MANN. There is no doubt whatever truth is better, but sometimes the publication of a half truth is much worse than if they did not publish anything, and that is the only point, I think, the House wants information about.

Mr. SIMS. The House wants to know how much cotton the ginners estimate is yet to be ginned. That will be the truth. Whether the estimate is correct or incorrect is a question for everybody's judgment.

Mr. MANN. That is true if these estimates are at all complete or accurate.

Mr. LIVINGSTON. That is all the Department of Agriculture has, estimates, and they put it out.

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. CRUMPACKER. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. ADAMS].

Mr. ADAMS of Pennsylvania. Mr. Speaker, I am opposed to this resolution for the reason it is another effort to throw out information in relation to the cotton market. A similar effort was made about three weeks ago, and a resolution was introduced and referred to the Agricultural Committee, asking for a supplemental report from the Department of Agriculture on the cotton crop. The gentleman from Indiana has referred to the fact that the people interested in this are the producers of cotton and the consumers of cotton—the manufacturers. There is another class interested in this, which are the merchants engaged in the cotton business. They appeared before the Committee on Agriculture, and the demand for the supplemental report of the Agricultural Department on the estimated cotton crop was almost unanimously refused by the Committee on Agriculture. And, Mr. Speaker, very wisely so, for the one thing that is necessary, in my judgment, both to the manufacturer and to the raiser of cotton, is certainty, and not this continual upset of prospects of the price of cotton, so that those who are actually engaged in the business of producing and manufacturing cotton shall not be subject to the ups and downs of the cotton market in New York. It is the people who are interested in speculation that are continually asking for these further reports. And why? Those who wish to raise the price of cotton are disappointed in the last report and demand another, hoping it will be in their direction, and those who are gambling to depress the price of cotton demand a supplemental report, either from the Agricultural Department or from the Census Bureau, in the hope it will favor them. Now, Mr. Speaker, the one subject, in my judgment, that is more important than anything else, and particularly to the mercantile class, in whose interests I am speaking now, and who have a great interest in this—for in their business above all they are neither trying to push up the price of cotton nor depress it as are these other conflicting interests—is that they desire that certainty which all merchants want, so that they can make their contract for the future with some certainty as to the result.

I trust this further effort, which failed so utterly before the Committee on Agriculture, will again fail. That committee certainly ought to be better informed on this subject than any other committee of this House. The resolution demanding a supplemental report was almost unanimously rejected by that committee. In regard to the purpose of the present resolution, there is quite a difference of opinion among the best informed as to whether the Agricultural Department or the Census Bureau should make adverse reports. You have two Departments of the Government making reports on identically the same subject, and they come in here conflicting one with the other. In my judgment, this resolution should not prevail, for the reason I have stated, and that when the same subject was before the Committee on Agriculture it was almost unanimously rejected.

Mr. CRUMPACKER. Mr. Speaker, I yield three minutes to the gentleman from Massachusetts [Mr. LOVERING].

Mr. LOVERING. Mr. Speaker, in regard to the resolution itself, there is no difference of opinion between the Members of the House on the one side or the other. The only question that arises is as to the method of making it public. It seems to me it is perfectly proper to let it go, as all other information goes, to the Speaker of the House, to be treated as he shall choose to treat it, either to refer it to a committee or have it announced on the floor of the House. That seems to me to be right. There is another course which seems to me to be perfectly feasible, proper, and unobjectionable and which I will embody in an amendment and offer to the present resolution at the proper time, as follows:

On page 1, line 3, after the word "and," strike out the words "transmit to the House of Representatives" and insert in lieu thereof the following: "announce the same in the same manner of announcing his semimonthly reports of cotton ginned."

Mr. BURLESON. I will ask the gentleman if he does not think he ought to fix the hour in there?

Mr. PAYNE. The gentleman from Massachusetts just read something which I understood he would propose as an amendment at the proper time or offers now.

Mr. BURLESON. The gentleman asked unanimous consent, as I understand it.

Mr. PAYNE. I object to that.

The SPEAKER. The matter is not now subject to amendment in the time of the gentleman from Indiana [Mr. CRUMPACKER].

Mr. CRUMPACKER. I yielded to the gentleman from Massachusetts [Mr. LOVERING].

The SPEAKER. For what purpose did the gentleman yield?

Mr. CRUMPACKER. I yielded three minutes to the gentleman from Massachusetts, and I want to know if his time has expired. When the gentleman has finished, I will claim the floor.

The SPEAKER. The gentleman from Massachusetts proposes to offer an amendment, to which there is objection at this time.

Mr. LOVERING. Mr. Speaker, I do not offer it at this time. I gave notice that I should offer it.

I desire to say, for the information of the gentleman from New York, that if this is adopted by the House it will stop, if anything can stop, exactly what the gentleman is trying to stop. There is no difference of opinion beween Members on one side or the other, whether of the market or of this House, North or South, cotton spinner or dealer. There is no difference of opinion as regards this resolution. We all agree on it, and I think the chairman of the committee will accept the amendment.

Mr. CRUMPACKER. I yield five minutes to the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Speaker, I objected to this amendment because I do not wish to hasten by the action of the House the getting of information to help speculating and gambling in cotton. I neither want to help the bulls nor help the bears. I am getting heartily sick and tired of this continued attempt to force information, which is not full information, but half information, upon the country upon this subject. I think it is bad enough when we get the full returns and the full official information. As I understand it to-day, the Director of the Census has sent out to the various cotton-gin establishments in the States, so far as he has been able, in order to get information to report next month upon this subject. I understand he says himself that it is not full information; that he has not sent inquiries into all the counties; that it will not be complete when it comes in. Therefore I do not think that the House ought to be used in this way, or the power of the House or the Census Bureau to get imperfect information—advance information, which is imperfect—in regard to the cotton crop. I think it is bad enough if we wait for the time when this information is due, because when it does come it always works either to unduly advance the price of cotton or unduly depress the price of cotton. It is unfair both to the dealers and the consumers that this perpetual or weekly or monthly attempt should be made in the House to get information which is not as full as it would be at the end of the year, or at the usual time. Therefore I am opposed to this amendment, and I do not believe in the resolution. I think we ought to wait until we get the full report.

Mr. LIVINGSTON. If the gentleman will permit, I want to say to the gentleman from New York that the information is as perfect as it ever has been in the Census Bureau or the Agricultural Bureau.

Mr. PAYNE. Well, I understand the Director himself says that it is not as full and complete and perfect as he will have by the usual time in March; and we all know about those things that they are not as complete as they ought to be at the last.

Mr. LIVINGSTON. I want to say to the gentleman that I personally saw the cards which have been sent out and the answers made, and the information is as perfect as it will ever be, and Mr. North said so to me in person. Now, you have it.

Mr. PAYNE. Well, there seems to be difference about that. The information comes officially to the House, and I see no reason to retract any statement I have made in regard to the incomplete investigation. It can have but one result, and that is either to unduly advance or unduly depress the price of cotton, either of which is a wrong upon the consumer or upon the grower of the country.

Mr. ALEXANDER. May I ask the gentleman from New York to be a little more specific as to the manner and respect in which this will depress or advance the price of cotton?

Mr. PAYNE. If there is a return of a big cotton crop, then, of course, the price goes down; if there is a return of a light cotton crop, then it goes up; and the gentleman knows that if

they go into the produce exchange and get to buying or selling cotton or any other commodity that the prices are either unduly advanced or depressed by any such report. That is always the result.

Mr. ALEXANDER. But I do not understand, if the gentleman will allow me, that this goes to the future, but to the past. What is there in it that authorizes you to say so?

Mr. PAYNE. This refers to the present crop—the crop partially ginned and to be ginned in the future. It affects the crop coming into market and nothing else.

Mr. ALEXANDER. I do not so understand.

Mr. PAYNE. Well, I do.

The SPEAKER. The time of the gentleman has expired.

Mr. CRUMPACKER. I yield five minutes to the gentleman from Texas.

Mr. BURLESON. Mr. Speaker, I sincerely regret that this data, which can not be correctly termed "statistical information," has been gathered by the Director of the Census. It was never intended when this plan of gathering cotton statistics was inaugurated that the Director of the Census should at any time gather information or statistical data into which there entered in the slightest degree the element of estimation. It was intended that the Bureau of Census should deal only with accomplished facts and should at no time venture into the field of speculation as to what might be. But, gentlemen, inasmuch as the Census Bureau has gathered this data, which, according to what has been said, is not properly census work, but is only an estimate, and inasmuch as it is charged that it can be used, or might if improperly used, to seriously affect the price of this great staple, I can not see how we can refuse to make it public. In fact, I think it wise to promptly publish it to all the world. It is very gratifying to me to know that the assurance has been given by the Director of the Census that he will never permit this character of data to again be gathered.

I only regret that the data he has gathered this time and which is now under discussion can not be burned or destroyed rather than be made public; but inasmuch as that can not be, I agree with the proponent of the resolution, and I hope that it will be adopted and the information made public at the earliest practicable moment. I do believe, however, that we ought to give unanimous consent to the amendment suggested by the gentleman from Massachusetts [Mr. LOVERING], or in some way accomplish the purpose of his amendment—that is, provide that at an hour fixed the Director of the Census shall give out this information in the same manner that he has heretofore given out the ginners' report. If that is done, no criticism can be directed against any person that the information has been given out prematurely or in an unusual manner.

Mr. CRUMPACKER. Mr. Speaker, I now yield two minutes to the gentleman from South Carolina [Mr. ELLERBE].

Mr. ELLERBE. Mr. Speaker, I want to say that to every ginner in the entire cotton belt was sent a card. On that card the ginner was asked to state not only how many bales of cotton he had ginned up to the evening of the 15th, but "How many bales of cotton do you estimate your establishment will gin during the remainder of the cotton season?" These cards were sent to every ginner in the 812 counties throughout the cotton-growing section. These cards came in, and that information is in the hands of the Census Department.

Now, what is the question? The estimates vary from 100,000 bales to 1,000,000 bales, and the speculator is going to have an estimate if he has to make it himself. Now, these men, three or five, have this information, and I stand up and say it would be in the interest of the Census Department to let that information go out.

Already I have heard rumors and whisperings that the information has leaked, and when I say that men would give millions of dollars for the information, I say we owe it to ourselves, to the cotton spinner, and we owe it to the Census Department to bring that information out at the earliest possible moment. [Applause.]

Mr. CRUMPACKER. Mr. Speaker, I demand the previous question on the resolution.

The question was taken, and the previous question was ordered.

The SPEAKER. The question now is on agreeing to the committee amendments.

The question was taken, and the committee amendments were agreed to.

The SPEAKER. The question now is on agreeing to the resolution as amended.

The question was taken, and the resolution as amended was agreed to.

On motion of Mr. CRUMPACKER, a motion to reconsider the vote whereby the resolution was agreed to was laid on the table.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 1310. An act granting an increase of pension to Charles S. M. Hooton;

S. 1269. An act granting an increase of pension to Charles E. Smith;

S. 1239. An act granting an increase of pension to Joseph G. McGarvey;

S. 1214. An act granting an increase of pension to Charles W. Oleson;

S. 1747. An act to authorize the Mobile Railway and Dock Company to construct and maintain a bridge or viaduct across the water between the end of Cedar Point and Dauphin Island;

S. 979. An act to amend an act entitled "An act authorizing the Winnipeg, Yankton and Gulf Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak.;"

S. 1238. An act granting an increase of pension to John Christoff;

S. 312. An act to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak.;

S. 2143. An act granting an increase of pension to Angelina Hernandez;

S. 2082. An act granting an increase of pension to Elizabeth T. Carpenter;

S. 1888. An act granting an increase of pension to George W. Patton;

S. 1872. An act granting an increase of pension to Rebecca A. White;

S. 1826. An act granting an increase of pension to Rufus H. Paine;

S. 1737. An act granting an increase of pension to Helen M. Blanchard;

S. 1431. An act granting an increase of pension to William W. Lane;

S. 1408. An act granting an increase of pension to Julia W. Estes;

S. 1359. An act granting an increase of pension to Jeremiah Ingalls, alias Jeremiah Boss;

S. 1505. An act granting an increase of pension to Uriah D. Barrett;

S. 1342. An act granting an increase of pension to Morton M. Noah;

S. 1201. An act granting an increase of pension to Sarah A. Preston;

S. 944. An act granting an increase of pension to Robert F. Catterson;

S. 1164. An act granting an increase of pension to Henry E. Bedell;

S. 1040. An act granting an increase of pension to James Sloan;

S. 1036. An act granting an increase of pension to William C. Beachey;

S. 974. An act granting an increase of pension to David L. Wright;

S. 1341. An act granting an increase of pension to Fred Preisinger; and

S. 1340. An act granting an increase of pension to John Leavitt.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 12314. An act to amend an act approved February 3, 1905, authorizing the construction of a bridge across Red River at Shreveport, La.; and

H. R. 297. An act to authorize the construction of dams and power stations on the Tennessee River at Muscle Shoals, Alabama.

CONTESTED-ELECTION CASE—COUDREY AGAINST WOOD.

Mr. OLMSTED. Mr. Speaker, by direction of Committee on Elections No. 2, I present the following privileged report and ask for the present consideration of the resolution.

The Clerk read the resolution, as follows:

Whereas in the contested-election case of Coudrey *v.* Wood, from the Twelfth Congressional district of Missouri, which was referred to the Committee on Elections No. 2, a motion has been made to suppress the testimony of contestant on the ground, among others, that as forwarded to the Clerk of the House and printed it is not the testimony as given by the witnesses, but has been materially altered by leaving out certain parts thereof and by adding to and changing other parts, so as to completely destroy the integrity of said testimony; and

Whereas, owing to the conflicting statements contained in ex parte affidavits filed in support of and in opposition to said motion, it is impossible to ascertain the truth of the matter: Therefore, be it

Resolved by the House of Representatives, That Committee on Elec-

tions No. 2 shall be, and is hereby, authorized and empowered to take such testimony as it shall deem necessary to the determination of questions of fact in the contested-election case of Coudrey *v.* Wood, from the Twelfth district of Missouri, and shall have power to send for all such persons and papers as it may find necessary for the proper determination of said controversy, and determine the time, place, and manner of taking said testimony, which may be taken before the said committee or any subcommittee or any person selected by said committee for such purpose, and that the expenses incurred in taking said testimony shall be paid from the contingent fund of the House upon the order of said Committee on Elections No. 2.

Mr. OLMSTED. Mr. Speaker, the testimony in this case, as printed in a volume of 1,409 pages, has been submitted by the Clerk of the House to the committee, and also the originals from which the said publication was made. Upon the face of these papers the testimony appears to have been regularly taken, signed by the witnesses, and certified by the notaries public before whom it was taken, and to be regular in every respect. But the contestee has submitted a motion to suppress all the contestant's testimony for various reasons, most of which are technical, but one of which seems to the committee to be of importance, namely: That the testimony as returned to Washington and printed by the Clerk is not the testimony given by the witnesses, but that the same has been altered, some parts omitted, some things added, and some portions changed. There have been submitted ex parte affidavits of two stenographers who took the testimony, who state that under instructions of a certain gentlemen they changed certain portions of the testimony. That gentleman makes affidavit denying their statements. The affidavits of ten witnesses were filed to the effect that when upon the witness stand they were cross-examined, but no cross-examination appears in the report of their testimony. Against that there is the affidavit of a female stenographer, who says that under the direction of the contestee she prepared a uniform style of affidavit—blank forms—in which these ten are all made, and that the persons who made them received small sums of money for making these affidavits.

That is denied in another affidavit on behalf of the contestee. Other ex parte affidavits of stenographers have been submitted to the effect that the contestee offered the affiants money to make false affidavits to the effect that the testimony as taken down by them had been changed. On the other hand, there are affidavits to the effect that the stenographers who made those affidavits offered to make affidavits on behalf of contestee, but demanded money for so doing. There is some testimony tending to show that the contestee brought suit against certain persons for the purpose of coercing them and getting them to make affidavits; and one lady says, to use her own language, "He frightened me to death," after which she made an affidavit. There is also the testimony of one stenographer that under instructions he changed in various respects answers from "no" to "yes" in material parts of the testimony.

To make a long story short, these ex parte affidavits are so utterly conflicting in their character that it is impossible from them to ascertain the truth of the matter, and believing it important that the question of the integrity of this testimony shall at the outset be determined, the committee has unanimously agreed to recommend the adoption of the resolution which has been read from the Clerk's desk.

The resolution was agreed to.

PRESERVATION OF NIAGARA FALLS.

Mr. BURTON of Ohio. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 83, for a report, and so forth, upon the preservation of Niagara Falls.

The SPEAKER. The gentleman from Ohio asks unanimous consent for the present consideration of the following House joint resolution, which the Clerk will report.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection?

There was no objection.

The joint resolution was read, as follows:

Resolved, etc., That the members representing the United States upon the International Commission created by section 4 of the river and harbor act of June 30, 1902, be requested to report to Congress at an early day what action is, in their judgment, necessary and practicable to prevent the further depletion of water flowing over Niagara Falls; and the said members are also requested and directed to report, in conjunction with the members of said Commission representing the Dominion of Canada, if practicable, all possible efforts for the preservation of the said Niagara Falls in their natural condition.

Mr. BURTON of Ohio. I move the adoption of the resolution.

The joint resolution was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BURTON of Ohio, a motion to reconsider the last vote was laid on the table.

CHESAPEAKE AND DELAWARE CANAL.

Mr. BURTON of Ohio. Mr. Speaker, I ask unanimous consent for a change of reference of a memorial from the American Association of the Masters, Mates, and Pilots of Steam Vessels, asking for the passage of the joint resolution authorizing the President to appoint a commission to appraise the Chesapeake and Delaware Canal, and for other purposes, which was referred to the Committee on Rivers and Harbors. It pertains to the Chesapeake and Delaware Canal, and should go to the Committee on Railways and Canals. I ask unanimous consent that that change of reference be made.

The SPEAKER. This being a private memorial, ordinarily would be, and can, in this instance, under the rule, be indorsed by the gentleman from Ohio as chairman of his committee, and referred as the committee designated, through the basket. It need not come before the House, although, as it is before the House, there is no objection to doing it by unanimous consent.

Mr. BURTON of Ohio. I ask unanimous consent that it be referred to the Committee on Railways and Canals.

The SPEAKER. Is there objection?

There was no objection.

REPRINT OF BILL H. R. 405.

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent for a reprint of the bill H. R. 405. I find that it has been exhausted. Members yesterday were unable to get the bill from the document room.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

MEETING AT 11 O'CLOCK.

Mr. HEPBURN. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of House bill 12987, the railroad-rate bill, and, pending that motion, I ask unanimous consent that the sessions of the House during the continuance of the present special order may begin at 11 o'clock a. m.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the sessions of the House during the continuance of the present special order shall begin at 11 o'clock a. m.

Mr. WILLIAMS. An inquiry of the gentleman from Iowa. Does the gentleman intend that to apply to the time consumed in general debate or to the five-minute rule as well? Will the House meet at 11 o'clock not only during the continuance of the general debate, but also during the reading of the bill under the five-minute rule?

Mr. HEPBURN. The request was during the continuance of the special order.

Mr. WILLIAMS. That includes the five-minute rule?

Mr. HEPBURN. That would include the five-minute rule.

Mr. ADAMSON. Mr. Speaker, would the gentleman be willing to modify that and say during general debate?

Mr. HEPBURN. If there is any preference for that, I will modify the request to that extent.

Mr. WILLIAMS. I ask only for information. I would not object in either event.

Mr. CLARK of Missouri. Mr. Speaker, if he will modify that request so as to take up that debate immediately after the reading of the Journal, I would not have any objection, but it would compel people to come here who might not want to come and might have something else to do, in committees, for instance, that might be running at that hour, and this unanimous-consent business and all that kind of matter, if they come in at 11 o'clock, which would compel people to come here who have something else to do elsewhere, as I say.

Mr. HEPBURN. I suppose that under the order any Member could prevent that unanimous consent, because under the special order this bill is the subject for consideration after the reading of the Journal.

Mr. ADAMSON. Mr. Speaker, I suppose there would be no trouble about finding some one to come here and stand guard for an hour, if it is absolutely necessary.

Mr. CLARK of Missouri. Then I wish the gentleman from Missouri would come over here and do it.

Mr. ADAMSON. I would do it at the special request of any gentleman. I would not want to do it on my own responsibility. Mr. Speaker, I rose to make this suggestion to the gentleman from Iowa [Mr. HEPBURN]: It is suggested by some of my colleagues over here that during the five-minute rule it might not be necessary to meet at 11 o'clock and that we apply this 11 o'clock meeting only to general debate. I think it is necessary to do that or we will never get through, with the number of requests we have for time.

Mr. HEPBURN. Mr. Speaker, I will yield again to the gentleman and modify my request so as to meet his objection.

The SPEAKER. The gentleman from Iowa asks unanimous consent that during general debate upon the bill covered by the special order the House meet at 11 o'clock a. m. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The question now is on the motion of the gentleman from Iowa that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12987—the railroad-rate bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12987—the railroad-rate bill—with Mr. VREELAND in the chair.

Mr. HEPBURN. Mr. Chairman, I yield twenty minutes to the gentleman from New York [Mr. KNAPP].

Mr. KNAPP. Mr. Chairman, the importance of this question termed "rate legislation" is recognized and conceded. It constitutes in itself a difficult problem, and while we differ as to what may be wisest and best, nearly all are agreed that the solution should be such as will be effective in correcting existing inequalities and remedying existing evils in transportation rate making. In framing remedial legislation we should recognize the just rights of all—individuals, communities, and corporations. The problem involves the question of transportation, and so its solution directly affects the people and industries of every locality and all sections of the country.

Transportation has passed through repeated stages of advancement, and in each has been an important factor in social, commercial, and industrial development. Leading in this advancement in transportation has been the United States. In no other nation beneath the sun has its development been so rapid, its influences so great, and its resultant problems so important. The railway branch of transportation, with which this proposed legislation especially deals, has developed until the total railway mileage of the United States aggregates, in round numbers, about 215,000 miles, a mileage nearly equaling that of one-half of the railway systems of the world. These railways number 2,104, and the total cost of their construction was, in round numbers, about twelve and one-half billions of dollars. Their total gross earnings for the year ending June 30, 1905, amounted, in round numbers, to $2,073,000,000. The total operating expenses during the same period of time aggregated $1,383,000,000. The number of passengers reported as carried for the fiscal year ending June 30, 1904, was 715,419,682; the number of tons of freight reported as carried during the same period was 1,309,809,165. These statistics suffice to well illustrate the commanding importance of our railway systems.

But more than keeping pace and commensurate with this has been our commercial and industrial development, evidenced in varied and unrivaled industries and emphasized in a foreign trade aggregating in value $2,455,000,000, and, of still more significance, in an internal trade and commerce aggregating in value $22,000,000,000—a sum equal to the total value of the combined international commerce of the world. Evidenced in nearly every locality and on nearly every hand is this wonderful industrial progress, alike the pride of our own and the marvel of the nations of the world.

That railway transportation has been one of the most important factors in this development must be justly conceded. That American railways which span the continent and vein the country are unrivaled in the railway world is also our just pride. But all of this does not destroy the fact that these corporations, by virtue of charter rights and also their relationship to commerce and the public, should be so managed or regulated that they do not oppress but serve the best interests of the people. The very fact that the relationship which exists between railway transportation and the people is, and of necessity must be, interdependent justifies the Congress in so regulating the one that it shall fairly serve the other; in other words, justifies Congress in so regulating or in so providing for the regulation of transportation rates that they shall be equally just to all localities and equally fair to all shippers; in still other and better terms, justifies Congress in so legislating that, in the words of the President, the "highways of commerce may be kept open to all on equal terms."

THE QUESTION IMPORTANT, BUT NOT NEW.

Neither illustration nor argument is needed to emphasize the importance of the pending legislation. It is concededly one of the most important measures which will be submitted to Congress for consideration and action. If proof of this were needed, it could be found in the brief but convincing statement that authentic reports place the total value of the farm products of the United States for the past year at, in round numbers, $6,000,000,000; that of the manufacturing products for the same period at, in round numbers, $13,000,000,000. Transportation is the medium by which these products are conveyed to markets, and whatever affects the rate of transportation necessarily affects all connected with or dependent upon these industries; but it is none the less important to other and varied industries. In short, it involves the rights and affects the interests of individuals and corporations, of shippers and common carriers, of producers and consumers of every locality.

The contention that this is a new departure in legislation or that Government regulation of railways is an untried experiment of doubtful constitutional right is not well founded. This question is one which has been agitated, discussed, investigated, and legislated upon for the past twenty-five years. During that period of time it has been the subject of investigation and of legislative action by State legislatures and Congress, and, as a result, thirty-one States of the Union have passed laws or created commissions for the purpose of regulating railway transportation rates. These commissions have been clothed with varied powers, from those of investigation and recommendation to the authority to establish transportation rates or charges. Two-thirds of these States have delegated to commissions so created the authority to regulate and establish transportation rates or charges, and the right to delegate such power has not been successfully questioned, but repeatedly confirmed by judicial tribunals. These commissions, however, have possessed that authority only so far as State commerce is concerned, or commerce conveyed between State boundaries, which aggregates only about 30 per cent of the total commerce transported by railways. The remaining 70 per cent so transported is interstate commerce, or commerce passing State boundaries, and so far as legislative control is concerned is under the jurisdiction of the General Government.

Congress has, by repeated legislative enactment, sought to keep these highways of interstate commerce open to all on equal terms. Nineteen years ago, or in 1887, Congress passed the so-called "interstate-commerce law." That law created a commission and vested it with certain powers. As to this law, the Commission, and its work, I will refer more at length hereafter. Suffice it to say that law was, in its main provisions, an initial act in Government regulation of railways engaged in interstate commerce and was intended to be a remedy for existing inequalities in transportation rates and charges.

Later, and in 1898, the importance of this question was recognized by Congress in the appointment of an industrial commission composed of members of both Houses, one of the main duties of which was to inquire into the question of railway transportation rates or charges, and with which subject its report extensively dealt. Still later, in 1903, Congress enacted what is known as the "Elkins law," a much-needed law, aimed at the system of rebates and intended to prevent the granting of such rebates in any form, and still later, at the last session of Congress, legislation upon this subject was attempted by the passage in the House of the so-called "Esch-Townsend bill," conferring added powers upon the Interstate Commerce Commission, and in its provisions much akin to the measure now before us.

These and other illustrations which might be cited are convincing of the fact that for more than a quarter of a century the importance of the question of Government regulation of railway transportation has engrossed the thought and discussion of the people and been the subject of legislative enactment both by the State legislatures and the National Congress.

LEGISLATION NECESSARY.

That added legislation on this subject is necessary is virtually conceded. Differences of opinion as to form and conditions of enactment may exist, but that some legislation which will be remedial in its resultant effects should be enacted nearly all agree. By individual petition, and through organizations and legislative bodies, the people are still making known their wish and will. This is not a mistaken public sentiment. It is founded in and based upon conditions which have too long existed, and which call for some measure that will give effective relief.

But while this is true, no legislation is demanded or asked for that will jeopardize any legitimate interest. None is demanded, or should be enacted, the tendency of which would be to foster one and break down another industry. That would be only to aggravate existing evils. In framing a remedial law we need not proceed upon the theory that everything is wrong, and all must be righted; neither upon the theory that the interests of the shipper and carrier are irrevocably antagonistic, but rather may we proceed upon the conviction that the rights and the interests of the shipper and carrier are, in the true sense, in the common. Legislation which recognizes this as a basic principle,

and which at the same time provides that common carriers shall give fair and uniform treatment to all shippers, will be most effective in regulating existing wrongs.

The causes which render necessary the pending legislation are too patent to admit of denial or serious question. Time is not mine, neither is it necessary, to discuss them in detail. They are in the main familiar to all. They may largely be grouped under one head, or, as has been correctly stated, described in one word, namely, "discriminations." That is the one prime evil in rate making. It is against that as well as excessive rates that the shipper and the public justly protest. It is to prevent that as well as excessive rates that legislation has been and should be enacted. With the evil of discrimination eliminated, the problem of rate making would be well on the way to satisfactory solution. Discrimination in freight rates is not only wrong in principle and far-reaching in ill effects, but added to this its resultant burdens in the main fall just where they should not and upon those least able to bear them, namely, the individual and the smaller shipper. The farmer or manufacturer who ships to market only the products of his own industry has the right to know that he receives from the common carrier the same treatment as do his fellow-shippers. Transportation rates are important factors, not only in determining markets and fixing prices, but also in measuring profits, and the smaller shipper, be he individual or corporation, has the right to demand that his more affluent or powerful competitor does not receive a preferential rate, which works injury and perhaps ruin to his own industry. This is a right guaranteed to him both by common and statuory law. Granting to one shipper a preferential rate over another for a like service rendered is in violation of a well-established common-law rule and also repeated statutory enactments.

Discriminations may be of so varied a kind that it is impossible to detail them. They may, however, in the main, be collectively grouped as those between individuals, corporations, and localities. Perhaps those which are most widely practiced, most injurious in their results, and most justly complained of are embraced in what is known as the "system of rebates," a system under which shippers are charged published or uniform rates and rebates allowed back to some, resulting in widespread discrimination, and under which it is charged that large corporations and corporate combinations have not only reaped fabulous profits, but have been enabled to cripple and drive out of business competing industries. Akin to this is the so-called "private car system," a system by which private or corporate car companies owning their own cars obtain discriminating rates of transportation, and also the private terminal system, under which companies or corporation utilize branch or yard tracks for the purpose of organizing railway companies, and thereby obtain from the railroads a discrimination in rates for transporting the output of their industries.

These illustrations suffice to show how and to what extent discriminations have been practiced, not all of which, however, it is just to say, have been invited by the railways. Laws have been enacted the intent and purpose of which were to eliminate these evils and to prevent the entire rebate system. This was the special purpose of the so-called "Elkins law," passed by Congress in 1903. That law, while not in detail or form, was, nevertheless, in fact an amendment, and the first important amendment, to the interstate-commerce law under which it had been mistakenly assumed discriminations could be effectively prevented. The Elkins law, which was stringent in its terms and which, as has been stated, was especially aimed at the rebate system, made it unlawful "for any person, persons, or corporations to offer, grant, or to give or to solicit, accept, or receive any rebate, concession, or discrimination in respect of transportation of any interstate or foreign commerce by common carriers."

Results for a time seemed to establish the efficacy of that law, but recent developments, including numerous indictments for granting and receiving rebates, demonstrate that the law has not been wholly preventative, and that discriminations in transportation rates and rebates are yet practiced. The law, valuable to a certain extent for the purpose for which it was more especially enacted, failed in important particulars to either amend or supplement the interstate-commerce law. It made the schedule of transportation rates as published and filed the standard, and provided a remedy which, if enforced, would correct deviations from such rates, but failed to delegate to the Interstate Commerce Commission, or to any legal regulating body, the right or authority to supervise or correct a schedule of transportation rates, or a rate which might be unjust, or the practice of which might result in discrimination. And it is to accomplish such a purpose and delegate such right and authority that alike injustice to and in the best interests of both shipper and common carrier the pending measure providing for reasonable Government regulation is made necessary.

Discriminations in transportation rates, whether by rebates, private-car systems, terminal facilities, or in any other manner, should be effectively abolished and uniform rates, equally just to all, should be effectively established.

Well and correctly did the gentleman from Iowa [Mr. HEPBURN], in his masterly discussion of this question in the second session of the last Congress, say:

> The law says that the rates of the carrier must be reasonable. The law says that they must not indulge in any kind of discrimination. The law says that they shall not give preference to any shipper. The law says that they shall not charge more for a short haul than for a long one, if it is included in the same distance and under the same circumstances. The law says that they shall not engage in any device, in any practice, in any means of that kind where equal opportunity is not given to all. That is the law. Obedience to that law would have satisfied the whole people.

Words could not better express both the intended purpose of existing law and the necessity for added enactment than those of the distinguished gentleman whose name this proposed legislation bears. True, there are laws upon the statute books; true, those laws have not been obeyed, and one of the reasons for this has been that those laws have not provided a procedure by which obedience to their provisions may be made speedy and certain.

CONGRESS HAS POWER TO ENACT NEEDED LEGISLATION.

That Congress has power over interstate commerce is conceded. That its power to regulate the transportation rates or charges of carriers engaged in such commerce is unquestioned. The Constitution vests in Congress certain powers, among them:

> To regulate commerce with foreign nations and among the several States and with the Indian tribes. (Constitution of United States, sec. 8, clause 3, Art. I.)

The power thus vested is broad and comprehensive, and is not subject to any limitation which deprives Congress of the right to regulate transportation rates of railways engaged in interstate commerce. The wisdom of this provision of the Constitution becomes apparent in view of the fact, as before stated, that of the commerce of the United States by far the larger portion—over 70 per cent—is interstate and not subject to State supervision, but the sole legislative control of which is vested in the General Government. Under that provision of the Constitution Congress has heretofore legislated on this subject of Government control or regulation of railways engaged in interstate commerce, and the power to so legislate can not be successfully questioned. Further than this, judicial decisions are uniform to the effect that the making and fixing of rates being a legislative and not a judicial function the legislative body—the Congress—may by direct legislative enactment fix the future maximum rate of a common carrier or establish a standard of rates and delegate to a commission, duly constituted, the authority to administer or carry into effect such enactment; in either case, however, subject to review by the courts as to whether such rate or schedule of rates is in violation of the provisions of the Constitution which prohibit the taking of property without due process of law. Numerous decisions might be quoted to this effect, but as confirmatory of this power we have the opinion of the present distinguished and able Attorney-General, rendered by him in May last. In that opinion the Attorney-General says:

> There is a governmental power to fix the maximum future charges of carriers by railroad vested in the legislatures of the States with regard to transportation exclusively within the States and vested in Congress with regard to all other transportation.
>
> Although legislative power, properly speaking, can not be delegated, the law-making body having enacted into law the standard of charges which shall control, may intrust to an administrative body not exercising in the true sense judicial power the duty to fix rates in conformity with that standard.
>
> The rate-making power is not a judicial function and can not be conferred constitutionally upon the courts of the United States, either by way of original or appellate jurisdiction.
>
> The courts, however, have the power to investigate any rate or rates fixed by legislative authority and to determine whether they are such as would be confiscatory of the property of the carrier, and if they are judicially found to be confiscatory in their effect to restrain their enforcement.
>
> Reasonable, just, and impartial rates determined by legislative authority are not within the prohibition of article 1, section 9, paragraph 6, of the Constitution, even though they result in a varying charge per ton per mile to and from the ports of the different States.

This opinion may be accepted as a correct interpretation of the law, and conclusive as to the power of Congress to enact necessary legislation.

THE PENDING MEASURE.

The importance of this question being conceded, the necessity for added legislation on this subject being established, and the power of Congress to enact such legislation being unquestioned, we come to the added and important question, Does the bill before the House now being considered meet the requirements and provide the remedy by which transportation rates of common carriers engaged in interstate commerce may be made

both reasonable and uniform? I believe it does, and so believing give to it my unqualified support. The pending measure is, as it is entitled, "A bill to amend an act entitled 'An act to regulate commerce, approved February 4, 1887,'" etc. In other words, it is an amendment to the original interstate-commerce law which created the Interstate Commerce Commission and clothed the same with certain powers.

It is not my purpose to consume the time of the House with lengthy discussion of this bill, but rather to call attention to and briefly discuss some of its most important provisions. Among these, and of special importance, is the provision contained in section 4, amendatory of section 15 of the original interstate-commerce act, as follows:

SEC. 4. That section 15 of said act be amended so as to read as follows:

"SEC. 15. That the Commission is authorized and empowered, and it shall be its duty, whenever, after full hearing upon a complaint made as provided in section 13 of this act, or upon complaint of any common carrier, it shall be of the opinion that any of the rates, or charges whatsoever, demanded, charged, or collected by any common carrier or carriers, subject to the provisions of this act, for the transportation of persons or property as defined in the first section of this act, or that any regulations or practices whatsoever of such carrier or carriers affecting such rates, are unjust or unreasonable, or unjustly discriminatory, or unduly preferential or prejudicial, or otherwise in violation of any of the provisions of this act, to determine and prescribe what will, in its judgment, be the just and reasonable and fairly remunerative rate or rates, charge or charges, to be thereafter observed in such case as the maximum to be charged and what regulation or practice in respect to such transportation is just, fair, and reasonable to be thereafter followed; and to make an order that the carrier shall cease and desist from such violation, to the extent to which the Commission find the same to exist, and shall not thereafter publish, demand, or collect any rate or charge for such transportation in excess of the maximum rate or charge so prescribed, and shall conform to the regulation or practice so prescribed. Such order shall go into effect thirty days after notice to the carrier and shall remain in force and be observed by the carrier, unless the same shall be suspended or modified or set aside by the Commission or be suspended or set aside by a court of competent jurisdiction."

Section 13, referred to in the above amendment, is the section which authorizes the shipper, who may feel aggrieved at a rate imposed by the carrier, to make complaint to the Commission and empowers the Commission to investigate the question of the reasonableness of the rate so complained of. And right here is not only one of the most important provisions of this bill, but one of the most sure protection to the shipper and the public. Under this amendment the Commission has not only the authority heretofore conceded to entertain the complaint of the shipper and make investigation, but also the added authority to determine what shall be a reasonable and fairly remunerative maximum rate or charge for the future, and to issue an order making such rate or charge effective, and providing penalties for noncompliance with such order on the part of the railways or common carrier.

During the nearly nineteen years that the Interstate Commerce Commission has been in existence, more than 4,000 complaints against common carriers have been lodged with the Commission. These complaints, and the issues involved in them, have been disposed of in various ways; some by dismissal, some by adjustment with the railways, some by hearings had and by decisions of the Commission, etc. That the law has been productive of good, and that the Commission has with signal industry, fidelity, and ability executed its trust and served the public welfare can not be successfully questioned.

But during all this time the law has been defective. For ten years the Commission was supposed to have the authority to declare, after full hearing and investigation, what a reasonable rate or charge should be for the future, but when the celebrated Maximum Rate Case was decided, and it was held by the highest judicial tribunal that the Commission had no power to fix a maximum future rate, then the Commission became powerless as a regulator of freight rates. Many of the decisions of the Commission have been reversed by the courts, not on the question of fact presented, but because of its not having the authority, under the law, to make the order which it did make, so that if criticisms have been made against the Commission, and they have, they have been criticisms for not doing what the law gave them no authority to do. There have been criticisms for not doing an impossibility. There have been criticisms which should have been lodged against the law and not the Commission. As it is now, the Commission can say that a rate is unreasonable, but it can not say what the reasonable rate shall be.

This amendment corrects that fatal defect in the original law and clothes the Commission with authority not only to investigate the complaint of the shipper, but, if the rate so complained of is found to be unreasonable, then to say what shall be a reasonable and fairly remunerative maximum rate or charge for the future, and also to make an order requiring the railway or common carrier to make such rate operative within thirty days from the date of the order, thus giving immediate relief to the shipper.

This provision, which authorizes the Commission to make its findings effective by an order, and limiting the time when such order shall become effective to thirty days from the date of its issue, is an important factor in this legislation. Heretofore the burden has been upon the shipper, and he has had to wait in many cases from three to five years before he obtained justice, if at all, and pending review and decision by the courts. But by virtue of this amendatory provision the shipper receives immediate relief to the extent ordered by the Commission, pending an appeal that may be taken to or a review that may be made by the courts. All of this is alike just and safe for both the carrier and the shipper, for it does not deny the right of appeal to the courts. That right continues, and the courts have the power to pass upon the question as to whether the Commission has in a legal manner exercised the authority delegated to it by Congress.

Opposition to this provision on the ground that it is legislation in violation of private or corporate rights—that it takes from the railways the right to manage their own business—is without any real foundation in fact. It does not deprive railway officials of the right to make schedules of transportation rates or charges. It leaves that initial right just where it is now, with the railway officials, and it confirms that right by providing that they shall make and publish schedules of transportation rates and charges, and such schedules shall not be changed except upon thirty days' notice. If such schedules are made reasonable, uniform, and in compliance with law, they have then nothing to fear from this legislation. It does not deprive them of the initial right to make a schedule of rates or charges, but it does, and should, deprive them of the power to make such rates or charges unreasonable or in violation of law. It does, and should, deprive them of the power to make one schedule of rates for some shippers and localities and a different schedule for other shippers and localities for equal service rendered. It does, and should, deprive them of the power to practice discriminations, whether by direct rebates, or by private terminals, or in any other manner.

The purpose of this legislation is not to make and fix specific transportation rates or charges, but to enact a law and establish a procedure whereby such rates or charges shall be reasonable and uniform to all shippers and all localities.

Another important provision of the pending measure is that contained in section 7, amendatory of section 20 of the original act, which amendment authorizes the Interstate Commerce Commission to require—

Annual reports from all common carriers subject to the provisions of this act, and from the owners of all railroads engaged in interstate commerce. * * * To prescribe the manner in which such reports shall be made, and to require from such carriers specific answers to all questions upon which the Commission may need information. Such annual reports shall show in detail the amount of capital stock issued, the amount paid therefor, and the manner of payment for the same; the dividends paid, the surplus funds, if any, and the number of stockholders; the funded and floating debts, and the interest paid thereon; the cost and value of the carrier's property, franchises, equipment, etc.

This provision is important not only for the purpose of placing before the Commission needed information on which to base intelligent action in regulating transportation rates, but also as it may tend to remove what is one of the greatest obstacles to determining actual reasonable transportation rates or charges, namely, overcapitalization.

It has been stated that rate making is the most complicated and difficult work connected with transportation. Doubtless that has been correctly stated, but whether so or not, it certainly is one of the most important. The contention that competition is a regulator of freight rates is not, in the main, tenable. That, by reason of combinations, has gradually ceased to be a controlling factor, and can not now, except in limited and exceptional cases, be depended upon, as controlling in regulating rates.

But whatever may be the difficulties connected with rate making, and wherever may be lodged the power to fix rates, one rule governs—transportation rates should be both reasonable and uniform. It has been uniformly held by the courts and higher judicial tribunals, as interpreting both the common and the statutory law, that transportation rates or charges that affect both the shipper and the carrier should be "reasonable," and "reasonableness" as applied to the schedule of rates or charges has been held to be such rates or charges as are just and will, in the aggregate, yield to the carrier the actual cost of transportation and a reasonable income on the capital invested by the carrier. But this does not mean income on fictitious capital, or overcapitalization. And right here, in overcapitalization, centers one of the greatest obstacles to a satisfactory solution of this problem of rate making.

The tendency in recent years to overcapitalization on the part

of many corporations has been pronounced. This get-rich-quick policy has worked and is working an injury not only to the public, but also to corporations as a whole. It has made the people distrustful of corporate influences and doubtful as to corporate securities. But overcapitalization on the part of railways, when practiced, works a double injury to the public. It places in the market stocks of little or doubtful value to be, as has been said, "digested by the public," and at the same time invites corporate officials to establish transportation rates which will yield at least temporary dividends upon such comparatively worthless securities. This is a wrong which should be righted, both for the protection of the people and also for corporations not overcapitalized. It was with that question that the Fifty-seventh Congress attempted to deal when it created the new Department of Commerce and Labor and gave to the Secretary of that Department the right to require reports from corporations of actual assets, capitalization, income, etc.

More explicit and far-reaching, however, is this provision, providing as it does for annual reports, under oath, and incorporating in those reports all the information necessary to the Commission on which to base intelligent action in determining the reasonableness of rates, including the question of capitalization, thus effectively providing for that publicity on which at least may be based not only intelligent action as to the reasonableness of the rate complained of, but a remedy for overcapitalization. Power should be lodged in some commission or some legally constituted body to require capitalization to be based upon actual assets. The enforcement of the above-quoted provision of this law will certainly give to the Commission the power to consider the question of capitalization as affecting the reasonableness of the rates complained of, and will, at least to that extent, correct the evil of overcapitalization; and if to entirely eliminate this evil, as it should be, a still more effective remedy must be provided, this provision will at the very least furnish a basis for intelligently establishing such remedy.

Other provisions of this bill, including that of requiring common carriers to print and keep open to public inspection schedules showing rates and fares charged for transportation of passengers and property; that which makes it unlawful for such common carriers to charge, demand, collect, or receive from any person or persons a greater or less compensation for the transportation of passengers or property than is specified in said published schedule of rates or charges; that which provides penalties and the means for their enforcement for a noncompliance with the orders of the Commission and requirements of the law on the part of the carrier, and also that which increases the number of the Commission from five to seven, and provides that no more than four shall be appointed from the same political party—a most important provision as to number and nonpartisanship—all are important, all in keeping with the purpose of this legislation and for the safeguarding of the vast interests to be affected, protected, and benefited by this proposed enactment.

But it is contended by those who oppose this legislation that the pending measure confers great power on the Interstate Commerce Commission, and therefore it is dangerous and should not become a law. That contention is partly right and partly wrong. That it confers great power on the Interstate Commerce Commission is correct, but that it is dangerous and should not become a law is not correct. This proposed measure does confer great power on that Commission, and that is one of the very purposes of the measure and one of the very reasons why it should be enacted into law. Great power must be lodged somewhere if legislation on this subject is to be effective for remedying existing evils. Where can that power be better lodged or that authority more safely bestowed than upon an Interstate Commerce Commission appointed by the President and confirmed by the Senate? The President can be trusted to name, and the Senate to confirm, men who, by character and ability, are worthy the trust imposed in them. The great public, whose interest is affected by this legislation, is not afraid to trust with such authority a Commission so appointed. And, besides, is it not as safe to trust this power and authority with a disinterested, nonpartisan Commission as to leave it where it now largely is—with interested corporation officials? Is it not as safe to delegate this power to an impartial Commission as it is to have one-half of the railway mileage of this nation controlled, as it is authoritatively reported it is controlled, by five interested men? If there is a monopoly of power connected with this subject, I submit it is not that conferred by this measure upon the Interstate Commerce Commission.

To base opposition to this legislation on refusal to delegate requisite authority to a responsible Commission is only to invite the continuance of existing evils and to admit an inability to remedy them. This power, great though it may be, must, as above stated, if remedial legislation is to be enacted, be lodged in some representative body, and I believe it can be safely delegated to the Interstate Commerce Commission and with a confident assurance that it will be exercised in a manner just alike to individuals, communities, and corporations, and in a way that will be satisfactory to a justly exacting public.

GOVERNMENT CONTROL JUSTIFIED.

Extended argument is not needed to justify Government control of railways engaged in interstate commerce. The very fact that this subject, for the past quarter of a century, has engrossed the thought and discussion of the public and been the subject of repeated legislation on the part of State legislatures and the National Congress, invites the belief and warrants the assertion that Government control is both justified and necessary. The authority for such control is clear and the right to exercise such authority is equally apparent. The objection to Government control in regulating transportation rates that, if carried to its legitimate conclusion, would apply to all business enterprises, is not tenable. Such contention utterly fails to distinguish between private and corporate enterprises, between enterprises of a private nature and those that are public and receive their charter rights from the people, which give them existence and which make them, of right, amenable to the people. Government control is not an attempt to confiscate property rights, neither is it a step toward the mistaken socialistic idea of Government ownership. It is simply the exercise of a right and effort by the legislative body, delegated to it by the Constitution.

The framers of the Constitution, with unerring statesmanship, foresaw the certainty of increasing and expanding commerce, and, with equal foresight, delegated the right to regulate such commerce, so far as it was interstate, to the National Congress. As railways receive their charter rights for State commerce from State legislatures, so they receive, so to speak, their charter rights for interstate commerce from the National Legislature. Government supervision is not an unwarranted interference with private rights, but a justifiable protection of public interests. Keeping pace with our rapidly increasing railway systems and our wonderful industrial and commercial development, has been the increasing necessity both in the true interests of the public and the railways, for Government control.

The President in repeated messages to Congress has ably and urgently recommended the necessity for a reasonable Government control of railways engaged in interstate commerce. In his message to the Fifty-seventh Congress he said:

> The railway is a public servant. Its rates should be just to and open to all shippers alike. The Government should see to it that within its jurisdiction this is so, and should provide a speedy, inexpensive, and effective remedy to that end.

Again, in his message to the second session of the Fifty-eighth Congress, he said:

> The Government must, in increasing degree, supervise and regulate the workings of the railways engaged in interstate commerce, and such increased supervision is the only alternative between an increase of the present evils on the one hand and still more radical failure on the other.

And still again, in his message to the present Congress, he added:

> It is in the interest of the best type of railway man and the best type of shipper no less than that of the public that there should be Government supervision and regulation of these great business operations. * * * All such legislation frees the corporation that wishes to do well from being driven into doing ill in order to compete with its rivals which prefer to do ill.

These and added utterances of the President favoring Government control of railways engaged in interstate commerce have not only voiced the well-settled convictions of the people, but also invited the cordial approval of some of the most progressive railway officials, who recognize the rights of the people and their contention that Government supervision is reasonable and just.

To assume that this is class legislation, or that it has its inception in hostility to railways, or that it is inspired by prejudice against wealth is alike without foundation and unworthy of serious contention. To assume that such was the motive which prompted and such the purpose of this legislation would be to question the fair-mindedness of the American people and impeach the worthiness of their representatives. This is not, never should be, and never will be a nation of classes. Whether we be rich or poor, whether we live in a palace or a cabin, the way to advancement is open to all. It is in the character, not the fortunes, which men build that they are correctly measured, and he who makes advancement by industrious effort, honest methods, and just regard for the rights of others merits not censure, but commendation.

As with individuals, so with corporations legitimately organized and conducted with a due regard for individual rights

and the public welfare. In the progress of our industrial development and the evolution of our business methods corporations and business combinations are recognized as necessary, and are not to be inveighed against simply because they are corporations. Corporations or business combinations which have for their purpose legitimate trade and commerce are not to be condemned, but corporations or combinations which have for their purpose the securing of profits by limiting production, destroying competition, and controlling prices, these are a menace to the public welfare and should be regulated and controlled, and, so far as governments, State or National, have authority, they should exercise that authority for the due protection and welfare of the public.

A pointed illustration of this was that of the so-called "Northern Securities case," a combination of railways for the purpose of preventing competition in railway transportation rates; and equally illustrative of the right and power of the Government to prevent such combinations was the decision in that case by the United States Supreme Court, the effect of which was to dissolve that combination. That decision, made by the highest judicial tribunal in the land, is a complete answer to those who would question the right or the power of the Government to regulate and prevent corporations or combinations from alike disregarding individual rights and the public welfare. That decision, among the most important ever rendered by the Supreme Court, neither threatened business industry nor prosperity, but was a very safeguard for both. It neither licensed reckless attacks upon corporations nor did it permit far-reaching corporations to make combinations in restraint of trade or interstate commerce. It recognized corporations as a necessity in the development of industrial progress, but maintained and forever established the right of the Federal Government to so regulate combinations as to prevent unjust monopoly. It was a wonderful triumph for law and for the President, who directed Government action.

The pending legislation may not be perfect. It may not meet all the requirements demanded by reason of the relationship which exists between common carriers and the public. We have the experience of two decades of attempted legislation on this question to demonstrate its importance and the difficulty of solving the problems it involves. If defects exist in this proposed law, experience can be relied upon to demonstrate what they are, and future Congresses can be depended upon to add the necessary enactments. To hesitate to enact this law by reason of disappointment heretofore or doubt as to the future, would be to impeach all of the past. The people, through their representatives, have solved one great problem after another, and have solved them right. The problem involved in Government control of railways engaged in interstate commerce will be an added problem solved aright; and the pending measure, if enacted into law, will, I believe, stand the reviewing test of judicial tribunals, receive the indorsement of the great conservative business interests of the nation, and merit the approval of the American people. [Applause.]

Mr. BURKE of South Dakota. Mr. Chairman, in the absence of the chairman of the committee, I yield thirty minutes to the gentleman from Missouri [Mr. SHACKLEFORD].

Mr. ADAMSON. And if the gentleman from Missouri, Mr. Chairman, does not conclude his remarks within thirty minutes, then I yield to him so much of the succeeding thirty minutes as he may require.

[Mr. SHACKLEFORD addressed the committee. See Appendix.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. WILSON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. GILFRY, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 11263. An act to authorize the construction of a bridge across the navigable waters of St. Andrews Bay;

H. R. 11045. An act to amend an act entitled "An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River in the State of Pennsylvania," approved February 21, 1903; and

H. R. 7085. An act authorizing the Pea River Power Company to erect a dam in Coffee County, Ala.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 538. An act for the relief of Charles T. Rader; and

S. 3318. An act to allow the entry and clearance of vessels at San Luis Obispo, Port Harford, and Monterey, Cal.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 4.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to inquire into the advisability of establishing a harbor of refuge by the construction of a breakwater on the island of Nantucket, Massachusetts, at or near the westerly side of Great Point, for the commerce and the lessening of the perils of navigation to coastwise traffic in the adjacent waters.

REGULATION OF RAILROAD RATES.

The committee resumed its session.

Mr. ADAMSON. Mr. Chairman, both the gentleman from Iowa [Mr. HEPBURN], the chairman of the committee, and myself yield to the gentleman from Pennsylvania [Mr. SIBLEY] such time as he may desire.

Mr. SIBLEY. Mr. Chairman, it is not a pleasing position for anyone to occupy who would appear to be in opposition to gentlemen on both sides of this Chamber who, in the ordinary conduct of our national affairs, betray the highest character of wisdom, conservatism, and faithful guardianship of the public interests. One may well doubt his own position when he gets up against the solid mass of that class of matter. None the less, it is the duty of the individual Representative, when he is seized with the conviction that the common weal is imperiled by pending legislation, to have the courage to act out those convictions of individual duty, even if they are not in harmony with those whom he has learned not alone to respect, but to love. One year ago we had before this House a somewhat similar proposition known as the "Esch-Townsend bill." We were urged with speed for the passage of that bill, those opposed to it having less than two hours accorded for the presentation of their views. We were told its immediate passage was demanded for the effect it might have upon the country at large, and especially upon that other body that sits at the other end of the Capitol. Yielding to that public clamor, we passed that measure by practically a unanimous vote, seventeen Members of the House, of which I am proud to say I was one, voting against it.

Less than a year has rolled away, and to-day I make this assertion, and challenge its correctness, that there can not be found in the whole body of this House, outside of the two distinguished gentlemen whose names that bill bore, who would vote for it if it was brought in here at this moment. If one year is sufficient to show you the absolute incorrectness of your position on the other measure, why may we not with confidence hope and believe that if you will take one more year for the consideration of this measure there will not be two found in the House who would vote for this one? Why this unprecedented haste? If war, pestilence, famine, or invasion of our shores were threatened, and the next gale that swept from the North would bring to our ears the clash of resounding arms, then we might have haste and precipitation and then bring pressure upon a dilatory Senate to respond to the will of the people. Two years ago, I think, I might probably have doubted that there could be found upon this side of the Chamber ten men who would have voted for a proposition to take from the business interests of this country the power to fix the price of transportation and confer it upon a body appointed by political power. I doubt if there were ten men who would have voted for such a measure, and yet we have progressed rapidly. This year, with this measure pending, the Republican side seem to have surrendered everything. They gave away, and gave away in order to get a unanimous report from the committee and get for its support the unanimous Democratic side of this Chamber, and so I think our Democratic friends are entitled to a great share of the credit which they claim in bringing this resolution into the House. [Applause.]

Mr. Chairman, I was very much interested yesterday in reading an editorial from one of the ablest Democratic papers in the country, a Democratic paper whose editorial page, I think all men will admit, is as ably edited, as sparkling, bright, and crisp as any of this country, rivaling perhaps the New York Sun in that respect. That is the Washington Post, of this city, a paper owned and controlled in the present day by that light of Democracy, the Hon. John R. McLean, who served as an old-school Democrat, and I want to read to my Democratic friends what Mr. McLean says in this editorial. This is what you will find in that editorial of yesterday morning:

In these days the Democratic banner waves over an eager host of centralizationists. Propositions that tend directly to the extinction of the reserved rights and powers of the States find their most ardent promoters in the party that wears the Democratic name. The most cheerful and hopeful travelers on the road that must, if followed, lead straight on to the commune, to the abolition of the individual and of competition, are shouting Democratic anthems and proclaiming their fidelity to Jefferson and Jackson.

All of which I respectfully submit to my Democratic friends. [Applause.]

Two years ago, or following the strike in the anthracite coal region, Mr. HEARST, a distinguished Member of this House—certainly a distinguished member of your party, whose bill I have heard within the last few moments should have been adopted in the place of all others—declared for the immediate ownership and control of all coal mines. Mr. David Bennett Hill, another distinguished gentleman, who wore a feather on his hat always labeled correctly, declared for the same measure; and no less a distinguished character than the chairman of the Judiciary Committee of the House of Representatives, the gentleman from Wisconsin [Mr. JENKINS], introduced a bill into this House, drafted by himself, for the immediate ownership and control of all coal mines and the railroads leading therefrom and appertaining thereto. That measure at that time could not have commanded the support of this side of this body, but we have progressed rapidly. We have got to a point pretty nearly where we are ready to declare for municipal ownership and municipal control of everything and everybody, and that vision which came to Jack Cade in the old days may yet be realized, when he declared that upon his accession to power "then should seven half loaves be sold at the cost of a penny, and every three-hooped pot should have ten hoops, and in all England it should be felony to drink small beer." [Applause.]

We are coming by rapid steps of progression to government ownership. Government control has not exhibited in that portion which has heretofore come under our observation such marvelous performances as to commend it to us. Here in Washington we have presented the best examples afforded of it. We have the Government Printing Office, and there is not a gentleman here who does not know that he could have a speech printed—and I could have this one printed if I wanted to—very much cheaper in a private printing office, probably at a third less than at the Government Printing Office. I am not going to have it printed though at any price. [Applause.] It costs three times more than it would cost at a private or individual outside printing office.

In our Government Gun Factory here in Washington testimony has shown over and over again that 70 per cent of the work upon those guns is done by contract and 30 per cent of the work is performed by the Government, and yet 70 per cent of the cost is represented by the 30 per cent of the work done in the department here in the navy-yard.

If further exhibition were necessary of the waste and the undesirability of the Government entering the realm of industrial enterprise, perhaps the Panama Canal affords as apt and opportune an illustration as any other. I am speaking at random, but I see a gentleman before me who is an authority upon that, if any man in the United States is an authority. I believe the estimated cost of the Nicaraguan Canal was from eighty to one hundred million of dollars by private enterprise. Am I in error? We have bought and paid for the rights of the French company in Panama, and with the money that we have expended it has already cost us 60 per cent of the estimated cost of the Nicaraguan Canal. I do not believe that the charges that have been made of corruption or extravagance are warranted, for I do not believe that under governmental regulation, with the red tape that necessarily exists and the cost that comes to the Government in the performance of all duties, that the expense could have been much less even if angels instead of men had control of it. Why, just the other day we had before this body a measure to expedite the work, to make it possible to build that canal by repeal of the alien labor law, permitting the aliens engaged in manual labor there to work more than eight hours a day, and, if I remember correctly, there were but eight or ten of a majority for the passage of the bill. Oh, some very distinguished gentlemen on both sides of this Chamber begged to be excused, not but that they believed it to be right and proper, but they were afraid of the influence it would have upon the labor unions of their districts and the result of it would be manifest at the polls next November. It was not much of a majority.

No American can or ought to dig that canal with physical labor. The bill did not jeopardize American labor; it did not go so far. It was not a measure of great efficiency, because we did not dare to go far enough to repeal the law which forbids an officer of the American Government working any man, alien or otherwise, more than eight hours. And I believe it is a conclusion that has forced itself into the minds of the thinker and every student of the canal problem, that when we do accomplish this work finally we shall do so through a system of contracts rather than by direct governmental operation.

While there have been abuses under the present system of railway control and management, I believe that for twenty-five years they have been steadily diminishing. Since the passage of the interstate-commerce act, supplemented by the Elkins Act, any man who has given a secret rebate or a rate to one man which was not open to another is a criminal, and if his punishment has not followed it has not been because of the lack of the law, but the lack of the courage, or the inattention and dereliction of the man whose sworn duty it was to punish and to correct that evil.

For the system of rebate no man can offer a defense. It is indefensible in business, it is indefensible in good morals, because if the right be granted to give one man or corporation a rate that is not accorded to every other man or corporation, it is granting to that man or corporation the power to destroy that which never should be granted or permitted to rest in their keeping. That there have been abuses to be corrected I will grant you. If the law has been derelict, how shall those whose sworn duty it was to obey the mandate of the law be held under this measure to stricter accountability than they are to-day?

My friend from Kentucky here, whose scholarship and wisdom and patriotism we all admire, and whose word goes with us all, as it does in Kentucky, asked the gentleman from New York [Mr. PERKINS] last evening a question, and detailed a statement of the affairs existing in eastern Kentucky, which, if true, was revolting to that sense of justice which ought to be in the breast of every true American citizen and every other man, whatever his nationality. As I recollect the statement—for I did not want to interrupt my friend [Mr. PERKINS], because he had only five minutes more before the closing hour——

Mr. GILBERT of Kentucky. Mr. Chairman, in that particular instance the producers of ties in the mountains of Kentucky have no redress at all by appealing to the commissioners of my State, for the reason that the owners of the ties desire to ship them into other States. Now, I would like the gentleman from Pennsylvania to state, first, whether or not that condition ought to be remedied, and if it ought to be, what the remedy should be.

Mr. SIBLEY. Mr. Chairman, if I knew what the remedy was and how it ought to be applied, I would be a wiser man than any man I have seen recently. Railroad people have been grappling with this problem, and so have the Interstate Commission, and bright men in this House on both sides of the Chamber for a great many years. But it occurred to me this way, just looking at it from a business standpoint. If I understood your question to the gentleman from New York [Mr. PERKINS], and the statement of facts, it was that men living in the mountain districts of Kentucky were engaged in cutting railway ties, and the roads had put the rates so high that those ties could not be shipped, making it practically confiscatory of those ties to take them to market; and that when they protested, the railroad said: "We want to use these ties ourselves at some later period." Now, granting that that is exactly the situation that occurred, I want to appeal to some gentlemen who are lumbermen and business men, and if I am mistaken I wish they would correct me.

I think an 8-inch railroad tie of green oak would weigh something like 300 pounds, and that the ordinary wagonload is 8, 10, or 11, at the most, of these ties, weighing 300 pounds each. Now, then, a man in the mountains of Kentucky wishes to sell them to some other transportation company a distance of 200 or 300 miles off the line of this road, and he applies for a rate. He is given a rate, we will say, of 8 cents a hundred pounds. I believe gentlemen would recognize that 8 cents a hundred pounds would not be an excessive rate to a point some 200 miles off. That would make the cost of each tie 24 cents for transportation. I think that the average price of the tie to the railroad is about 45 cents. That would leave the man but 21 cents for his tie, which would be confiscatory to him; and yet that 300 pounds could not be shipped for less.

Mr. GILBERT of Kentucky. Mr. Chairman, why can not the Louisville and Nashville Railroad Company ship ties at the same price it ships other lumber and timber?

Mr. SIBLEY. In answer, I must say I do not know. You have not given me the schedules on lumber and timber.

Mr. GILBERT of Kentucky. I understand the price on ties is three or four times what the price is for the average freight on ordinary lumber. The discrimination against ties is simply by reason of the fact that they want to use those ties at some future period in the repair of their own road.

Mr. SIBLEY. There is nothing heavier, for the number of feet of lumber that it contains, that sells so cheaply as a railroad tie. Its total value is 45 cents; its weight, approximately, 300 pounds; therefore, it can not bear transportation to any great distance; and it is to be presumed that if the protest was made that it was confiscatory, that the railroad manager would say, "Well, that is the rate; we can not ship it for less; but you hold your ties for a time, we will need them and take them

ourselves, and use them on the line of our own road." That would be the answer he would give to that proposition.

Mr. Chairman, in this measure now under consideration it seems to me we are invading the realm of socialism. This bill should be properly termed "A bill to fix rates by political agencies," and, in the language of another, "To establish the business of transportation by lawsuit." You have got to commence with a legal decision at the beginning, and you have got to take it at every point along to the very end of the chapter. If I construe it rightly that is the effect of it. If you yield to the sentiment that is coming up to-day—and we have had the warnings that worse is to follow—if you yield to-day to Mr. HEARST and Mr. Bryan, who declare that they support this measure, not as a panacea, not as a cure for all evils, but that they have indorsed it as a step in the right direction toward government ownership—if you yield to this sentiment, you must realize in what direction you are going.

This current of socialism has become so rampant in this country that within the past week Mr. Jack London, whose books we have all read with interest, is reported as having said from a public platform in the city of New York that the time had come for the division of all property and the use of so much force and the shedding of so much blood as should be necessary thereto. I am not to be stampeded by the desires of men who are looking at it merely from the standpoint of State socialism. And without any disrespect to my friends who favor this bill, because I guess you all do [laughter], I want to paraphrase the language of Horace Greeley. I will not paraphrase it exactly, but I think it could well be paraphrased in this wise:

"Not all men supporting this bill are socialists and anarchists, but every socialist and every anarchist in this nation does indorse this bill, the product of your creation."

Mr. COOPER of Wisconsin. May I ask the gentleman a question?

Mr. SIBLEY. I yield to my friend.

Mr. COOPER of Wisconsin. The gentleman is using the term "socialism" quite frequently. I should like to ask him this question: In the case of the street-car system of the city of Washington, does the gentleman believe that Congress ought to say what that street-car system shall be allowed to charge for fares; that it ought by statute to say that the street-car company shall give transfers at certain points; that they shall give commutation rates—that is, if you buy six tickets you shall only pay a quarter for them? Do you think that the use of the epithet "socialism" and the application of it to the men who vote for that sort of thing ought to deter them from voting for it? And if it is right in the case of a street-car system, which is essentially monopolistic in so far as the municipality is concerned, wherein does that sort of legislation differ in principle from the Government regulating interstate commerce over railroads, which are in themselves monopolistic of that traffic?

Mr. SIBLEY. Mr. Chairman, my friend is well recognized by all of us as a very eminent legal light, and I can not enter the realm of discussion of legal propositions with him. I am going to attempt to look at it from a business standpoint and not discuss the legal phase or the rights that might exist. Unquestionably the right does exist. You claim it as a constitutional right, through that article of the Federal Constitution which declares that Congress shall have the right to regulate and control commerce between the States.

Mr. COOPER of Wisconsin. I beg the gentleman's pardon. The question that I put was this: Does the gentleman think that Congress ought by law to fix the rates or tariffs that street-car systems shall be permitted to levy upon passengers in the District of Columbia, in the city of Washington? If so, wherein does that kind of legislation differ in principle from the proposed legislation which attempts to fix a just rate upon interstate railroads, they being just as monopolistic of that traffic as the street-car company is monopolistic of the passenger traffic in the municipality? I was speaking of the principle, and whether the gentleman favors its application in the one case, and if so, why he does not favor its application in the other.

Mr. SIBLEY. Mr. Chairman, there are many different questions involved in the one, but I will state that I believe Congress is really the town council of the city of Washington, its board of aldermen, and possibly its mayor as well, and in that capacity the regulation of street-car fares within the District of Columbia has been committed to it, and I presume that it is within the province of this House and its right to establish whatever conditions it sees fit to impose that are legal and constitutional.

Now, gentlemen, I am not looking into the faces of a rabble of uneducated and ignorant men. There is not a man here into whose face I look that is not familiar with the conditions which led to the writing of that clause in the Federal Constitution. You know as well as I do that fifty years antedating the birth of the American railway volume after volume was written, during the Revolutionary war and subsequent thereto, until the adoption of the Federal Constitution, and that this was the main issue that filled the pamphlets of all the pamphleteers, the newspapers, and the public discussion. That was because New York was laying duties on the products of Staten Island and portions of New Jersey and erecting a customs barrier against goods which came from Connecticut. It was under the claim that we should be merged into one greater whole with great aims and aspirations and be a great nation and not a combination of petty principalities that the article was written there, that you and I might move our property undaunted, and not be kept out by customs barriers and customs officers.

Mr. JAMES. May I interrupt the gentleman?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Kentucky?

Mr. SIBLEY. I do.

Mr. JAMES. I would like to ask the gentleman this question. The gentleman has told us that this measure tends to socialism and that Bryan is its leader. He has said that Bryan supports it not merely because it is right, but because it tends toward Government ownership of railroads. It is also said that his party is quite near unanimous in the support of this measure, and therefore he stands almost single and alone. I wish to ask him to enlighten this House as to the means employed whereby the whole Republican party has right about faced and is following William J. Bryan—the one you hailed as an anarchist, seeking to destroy. You now rush to his doctrine as the one which saves and redeems. [Applause on the Democratic side.]

Mr. SIBLEY. Will my friend excuse me for putting the responsibility of answering onto broader and abler shoulders than my own among my colleagues? [Laughter.] I will say to the gentleman from Kentucky that he need not shake his gory locks at me. [Laughter.]

Mr. JAMES. I want to say to the gentleman that my locks are nearly as absent as his. [Laughter.] I might suggest to the gentleman that if he wants the burden taken off his shoulders, that perhaps the Republicans have had their ears to the ground on this great railroad question and heard from the people.

Mr. SIBLEY. The answer is not up to the gentleman who has the floor at the present time.

Mr. Chairman, it would seem that all representatives of the highest ideals of development of our civil life who represent the civic virtues could be guided by these monuments, these beacon lights which human history and experience have erected all along the shores of time. It seems unfortunate, but nevertheless it is a fact, stated to be such, that never yet was the child born on all this earth that would ever believe the fire was hot until it stuck its fingers into it.

New Zealand many years ago, perhaps under conditions similar to those now confronting us, thought there should be given to a political commission power to establish rates for transportation in that country. The right was granted, but then it proved but the one spark of fire that lighted the whole train that followed. From the commission given the authority to establish rates there came every sort of abuse in that country, and protests of the patrons and the people until in New Zealand they purchased the railways. And upon that purchase disaster followed disaster; or it may be that it was the evolution of things. It is according to how far a man has become imbued with socialistic virus.

One of the main adjuncts to great political power is the authority to control the railways of the nation and its employees. The men or party having that power would be ambitious, and, seeing their opportunity to protect themselves through years to come, they failed not to take advantage of their opportunity. They then passed a law making it compulsory upon the government of New Zealand to find employment for all unemployed labor; to establish governmental banks, and decreed that any man, however indigent, could borrow at least $50 from the government; to declare for old-age pensions, and indigent pensions to be given not under the operation of any universal law, but by a commission appointed by the prime minister, and I am confident that these appointments went where they would do the most good politically. [Laughter.] Then, to throw a sop to the farmers, they decreed that whenever any twelve farmers petitioned for a creamery or a butter factory it should be established, if the cost was not exceeding $8,000.

And when there came to the prime minister the people protesting that under their progressive land tax and their progressive income tax they were being denuded of all their possessions, the prime minister, Mr. Seddon, said, in answer to

them, these words: "That is the object of this legislation—that there shall remain in all New Zealand neither a rich man nor a poor man." So the forces have swept on until they are in the throes of state socialism, and they are going to make a glorious success of it just as long as there remains in pockets of thrift and industry one dollar to be wrung out in the form of taxation. Then there comes, as the sequence to the socialistic state, the state of anarchy, and then the reign of terror, and then the swing of the pendulum to the other side, and the strong man on horseback. In all human history that has been the experience, and society has been forced to rebuild its shattered superstructure upon those foundations which guarantee the rights of persons and of property.

Passing from New Zealand, a country self-governed, where political power could exert itself in government control, let us look at Germany—Germany, the most highly educated nation perhaps upon the globe, having a bright people, a progressive people, and an industrious and sober people. In 1878 Bismarck declared that it was necessary that the Government should take over the ownership of the German railways in order that through control of rates it might be possible to decentralize and unify the German Empire. And right here, for fear I shall forget it, at the last diet there appeared before that diet the prime minister, declaring that it was necessary to build a canal to unite the waters at the head of navigation on the Elbe and the Rhine and to extend their systems of canals through the Empire, that the German Empire might be decentralized and unified. So, in autocratic Germany, with the people educated through the centuries with respect for their rulers, it has been found absolutely impossible to establish rates for transportation except on one basis, and that the hard and fast basis of distance and cost of service. Under the operation of that law communities have been built up and cities have been destroyed. Bremen, once a prosperous port, has seen her wharves rotting or idle and her freight and commerce transferred to Hamburg.

In Germany, a country not very much greater, if any, than some of the States in our Federal Union, we find the people dissimilar and as sectional as though they were distant nations. In eastern Germany the products can not find an outlet to western Germany. The wheat and sugar of eastern Germany come down the Elbe and around by the ocean and up the Rhine to find their market at Hamburg, or their wheat goes down the Danube, through the Black Sea, around the Mediterranean, and up the Atlantic coast, and find their market at the miller's door on the Elbe or the Rhine. Germany exports from her eastern borders every year to Norway, Sweden, and England, under an export bounty, several hundred thousand tons of wheat and rye and barley, and under an import duty of 35 marks, or about $8.75 a ton, she imports more than 2,500,000 tons of wheat into the Rhenish provinces. That little country finds that she can not transport her product from one section to the other, and pay the railway tolls demanded under Government control and direction.

Mr. GILBERT of Kentucky. Why?

Mr. SIBLEY. Ah, my friend, I am glad this question has been asked. I will tell you why. I read from Von Thielen, minister of public works:

> Under existing railway tariffs 125 miles appear to be the distance that grain can be transported by rail for domestic consumption, and that for many purposes of trade eastern Germany and the Rhenish provinces are farther apart than Germany from New York or Buenos Ayres.

Germany has three great iron districts, the Ruhr, the Saar, and the district of Silesia, in the southeastern portion. The Saar district, one of the greatest iron districts of all Europe, is 220 miles distant from the Ruhr district. And yet each of these districts finds its zone beyond which it can not ship its products by rail. Except as water communication is afforded them, they are not shipped, although but 225 miles distant, and the smelters of the Ruhr district needing the iron of the Saar district. Only the most expensive and carefully selected iron, that can bear the cost of railway transportation, is shipped. While the coke traffic between them amounts to 1,250,000 tons by water, only 25,000 tons are shipped by rail.

Mr. GILBERT of Kentucky. Mr. Chairman, may I interrupt the gentleman?

The CHAIRMAN. Does the gentleman yield?

Mr. SIBLEY. Yes.

Mr. GILBERT of Kentucky. Is not that in harmony with the gentleman's first proposition, by reason of the expense incidental to the Government operating an enterprise of that sort? Now, do we not seek to avoid that by leaving the operation and the control of the railroads in this country in the hands of the owners and not putting it in the hands of the Government; and does not that argument react against the position the gentleman takes?

Mr. SIBLEY. I will say to my friend that I think within a minute I will come to the portion of my subject that will, perhaps, answer him; if not, I will ask him to repeat it. I want to keep on with this thought.

Those districts have their territory, and the products of one can not invade the other; and in a statement made by one of the ministers of the German Empire he stated that it was operating like a system of customs barriers about the different sections of Germany. And that is why, in the last Diet, the request was made for the money to build these waterways that they might accomplish what Bismarck sought to do in 1878—the decentralization of these sections and the unification of Germany. But every time they came up against this political proposition that these provinces must come to the support of the rulers, so even in the German Empire political considerations have influenced the establishment of rates as they certainly would if this legislation became effective. The section of country possessing advantages of location determined to maintain the advantage.

Mr. MANN. The rates in Germany are absolute rates, fixed by the Government?

Mr. SIBLEY. Yes, sir.

Mr. MANN. Below which the products can not be carried. The territory is circumscribed in Germany because the Government will not carry the products as cheaply as a private corporation probably would be glad to carry them.

Mr. SIBLEY. I think that is right.

Mr. MANN. Does the gentleman find anything in this bill which would prevent a railroad company from carrying products as far as it pleases and as cheaply as it pleases?

Mr. SIBLEY. Mr. Chairman, I shall ask my friend if he will wait until a little further along in my remarks, when I will try to make clear why it appears to me so. I may be in error, as I generally am.

Mr. MANN. It would be very rare if the gentleman is in error.

Mr. SIBLEY. The people producing iron in the Rhur district came to the Government and demanded lower rates on their ores. Von Maybach, minister of public works in 1899, said this:

> The inability to make lower rates was due to the unwillingness of the Government to prefer the Ruhr to other iron-producing centers. It would not do to give one district rates which would allow it to grow more rapidly than another district. Equal treatment must be accorded to all. Moreover, the Government could not make reductions that would expose it even to the suspicion of preferring one district.

Then later Von Miquel, one of the greatest ministers of finance Germany has ever had, except and alone Bismarck, said:

> Summing up the situation, it would appear impossible to retain state ownership of the railways unless it should be made practicable to make rates in accordance with hard and fast rules such as those made upon the cost of service.

And again:

> The system of government ownership must break down unless it finds refuge from the conflict of local and sectional interests.

This was supplemented by a report of the commission appointed by the ministers to investigate railroad affairs, where they say in the report:

> Any system which takes into account else but the cost of service will precipitate a measureless conflict of interest and put the whole system into the domain of politics and array section against section, farmer against trader, and trader against manufacturer.

So Germany, instead of being unified, has been divided and they have been building and developing their canal system. Two great rivers—the Elbe and the Rhine—run almost parallel, constituting the great central arteries of transportation. Germany has been developing her canals. Last year they voted ten millions to build a canal from Berlin to Stettin, 100 miles distance, already connected by a railroad with abundant facilities for transportation; and now, that Berlin may reach that point, they are building a canal costing $10,000,000, while that railroad last year transported but 200,000 tons of freight, less than is sent by one concern from my home town in Pennsylvania.

What has been the experience in France? Practically the same. The French commission, in order to protect their canals and their waterways, by ministerial decree ordered that the railroads should not fix rates within 20 per cent of the price of water tolls. They had to have a law to prevent the railways competing with the canals.

In Italy, where the control of rates is fixed, and the Government controls all of the railways and owns a majority of them, the Italian commissioner summed up the conditions in that country by saying:

> It is a mistake to expect lower rates or better facilities from government than from private companies. The actual results are just the

reverse. The state is more apt to tax industry than to foster it, and when it attempts to tax industry it is even less responsible than a private company. Second. State management is more costly than private management, and a great deal of capital is thus wasted. Third. Political considerations are brought into a system of state management in a way which is disastrous to legitimate business and demoralizing to politics.

To-day, under the development of the American railway transportation system, a carload of wheat is shipped from the Mississippi River and laid down on the docks at Liverpool cheaper than the English road charges for taking it from London to Liverpool, a distance of 210 miles. Under this development it has been said by no less an authority than Professor Hadley, of Yale, that the cost of transporting the wheat in a loaf of bread from Dakota to New York City is less than the cost to the baker delivering it from his shop four blocks distant to his morning customer.

This American railway system is not perfect, but it is working so far toward perfection that it is the admiration of all of the railway men of the world. This system, while it has not been responsible for all our growth and progress and development, is entitled to its fair share of credit as one of the chief factors incident thereto.

Gentlemen speak of the rights and privileges they have conferred upon the railways as one of the reasons why they should become subject to Federal control, and because we have granted them rights to build across our territory and public lands. Mr. Chairman, I am not the oldest Member of this House, except in appearance. There are men whose hair is grayer than mine, and there are some whose hair is darker than mine, who can remember when we talked about the building of a great transcontinental line about as we would to-day a proposition to establish a line of air ships between New York and Liverpool. It was a matter for the far-distant future. While we admitted it might be a military necessity and justifiable upon those grounds, what man ever dreamed of seeing it become one of the great arteries and highways of American commerce, to be duplicated over and over again?

I have ridden for a hundred miles across the plains of Kansas before the ballast was laid, where you would not see, outside of the house of the section man, a single habitation. It was a wilderness as barren as it came from the hands of its Creator. To-day you ride through fertile fields and through orchards with golden fruitage. Through your State of Minnesota and yours of Illinois I have seen in my day lands increase from $10 an acre to $100 and $150 an acre, and I guess they are cheap at that. The reason for this is that you enjoyed, with me in Pennsylvania, the facility afforded by the enterprise and push and genius of American railway management, of marketing your goods almost as cheaply as I could market mine. And while in the States of New York, Pennsylvania, and Ohio our farms and our buildings and our improvements have declined since 1880 $326,000,000, yours have gone up and increased into the billions, and we say, "God bless you; we are glad of it."

The rate from my town to seaboard is 16 cents a hundred, and yet last year the rate on wheat from the Mississippi, and the rate the year before—I think I am correct—was but 14½ cents a hundred pounds to New York. It was a cent and a half a hundred less than mine. Is there a man who believes it is possible for any other rate than the distance rate? If I understood my friend from Missouri correctly, I understood him to say that it was the only fair rate. You can not have any other rate, nor will you have any other rate under this law, in my judgment, except that based upon the "cost of service" and distance. I know it is an unpopular thing to say, "We will charge what the traffic will bear," but that has been the foundation and keynote of our commercial and industrial development. The railroad has been ready to meet the producer more than halfway in finding an outlet for his products. Upon what principle has the Interstate Commerce Commission decided all of its cases? I want to quote the language exactly. Not once, but over and over again, this has been the exact verbiage of their opinions:

> Each locality or section is entitled of natural right to the advantages of trade or industry accruing to it by reason of its geographical position.

That the Interstate Commerce Commission which is going to interpret and execute your law; to whose hands you are committing this tremendous power. They are to emphasize the experience of France and Italy and Germany and Australia and every country and people of the globe where a rate-making policy by government has been attempted. I can see no justice in a system that does not take into consideration the cost of the service. Living, as I do, 500 miles from New York, is it just to me, when I ship to New York at the rate of 16 cents a hundred, that a man who lives three times as far, on the Mississippi, or four times as far, on the Missouri, or six times as far distant, out in Dakota, should expect and receive the same rate that I, through my proximity to market, receive?

I would complain at once to the Interstate Commerce Commission under this law that that was an unjust discrimination against me, living in Pennsylvania in close proximity to the market. The Interstate Commerce Commission would be bound to declare that it was unjust and discriminatory that a man living in the Dakotas or Mississippi Valley should have an equal rate, and would order my freight to be reduced in proportion, say, to 4 cents a hundred. The Supreme Court would declare that confiscatory. If they were to make it 8 cents a hundred it would be confiscatory. But say they will establish it at 10 cents a hundred—for certainly that is not unreasonable, for grain has been shipped from the Mississippi at 14 cents a hundred—then what happens? If for 500 miles of service 10 cents a hundred is reasonable, then——

Mr. GILBERT of Kentucky. Mr. Chairman, I ask unanimous consent that the time of the gentleman may be extended ten minutes.

Mr. SIBLEY. Mr. Chairman, I think perhaps the Chairman was not in the chair, but I understood that I was to have liberty to conclude my remarks.

Mr. ADAMSON. The only limitation upon the gentleman is his own good judgment and good sense. [Loud applause.]

Mr. SIBLEY. Mr. Chairman, the gentleman from Georgia, who is always chivalric in his treatment of his colleagues, was kind enough to say to me that he did not want to cut me short, but that he was under some pretty pressing obligations to gentlemen on that side and hoped that I would not exceed one hour and a quarter, if I could help it. But inasmuch as on this bill there has been no division of time between those in favor of it and those few opposing it, the gentlemen in charge of the bill have been kind enough and fair enough to express a willingness that I should have such time as I needed, even if I could not agree with them, because of the limitations of mental ability or capacity.

Mr. GILBERT of Kentucky. One other question. I will ask the gentleman if he thinks the Interstate Commerce Commission would, under this bill, still adhere to the ruling heretofore announced in face of the fact that the Supreme Court has overruled them, and had decided that that measure of procedure was illegal.

Mr. SIBLEY. There is no question whatever. Each decision, I take it, that has been made has not been a broad and sweeping decision. I would rather you asked that question of some good lawyer, like my friend from Illinois [Mr. MANN], or the gentleman from Massachusetts [Mr. MCCALL], who is going to debate the legal propositions. I am trying to apply what little business sense I have acquired during a number of years that I have been in business. Six years ago I retired from business, and now I am about to go out of public life.

Mr. MANN. Much to our regret. [Loud general applause.]

Mr. SIBLEY. It is very kind of you to say so. I was trying to bring to the consideration of this subject the ripened wisdom or information which has gravitated to me from observation of some things that have occurred and knowledge that has come to me as a shipper and one who has been in close touch with business affairs, that there can be no other basis than the basis of distance and cost of service, if we do justice to all sections without fear or favor. If there is any other disposition made to establish rates it will lead to a struggle between rival sections of this country which will make the struggle between the North and the South over the slave question seem insignificant. Then we will have Senators from Pennsylvania contesting with Senators from New York for the power that they can exercise to control the Commission. You will have Senators from Maryland contesting with New York Senators and New England Senators for their particular locality and ports for which they are responsible. So with Louisiana and Texas; so with South Carolina and Georgia. The Senators that represent those different Commonwealths will be found in competition with each other. If you commence to apply any rule, you have got to apply a rule that is absolutely just. What is the cost of service and what is the distance traversed? You can not apply a rule and make the American people conform to a rule which is not based on absolute and equal justice to all.

Mr. STANLEY. Will the gentleman yield for a question?

Mr. SIBLEY. Certainly.

Mr. STANLEY. Is it not a fact that this bill attempts to do that very thing, to give to some commission the right to review the action of a railroad company when it makes a ruling and makes a rate that is not dependent upon the distance and the cost, but upon some other consideration?

Mr. SIBLEY. Mr. Chairman, in my judgment the inexorable laws of trade and of competition will establish at last either

a modus vivendi or it may be a status quo; I do not know the exact term, but you lawyers and diplomats can figure that out. But somewhere there comes an armed neutrality after the war and rate conflict and struggle for supremacy between rival corporations and rival communities; there comes a fixed price for charges established either by common consent or by common experience, and they have got to make the best of them.

All this trouble springs mainly not from individual shippers, because the Interstate Commerce Commission not once, but over and over again, have said that as a whole rates are not excessive upon American railways; but the complaints have originated from communities—of the preferential or the differential. When the Soo Canal was built, opening up the waterways and making possible the passage of the largest ships into Lake Superior, the wheat that formerly came to Milwaukee and made it the foremost wheat market on this continent ceased to come there. It went around through these waterways, and Minneapolis was sending her wheat and her flour out through the highway of the Great Lakes. The railways lost their traffic, and in order to compete with that waterway they reduced their rates on wheat and flour for export or for domestic markets. The result was that no more wheat came to Milwaukee, and she, seeing that she was not getting the wheat, complained of those rates, and so there started the rivalry between Milwaukee and Minneapolis and between Minneapolis and Duluth as to merchandising; and so it has been all over the Federal Union; Charleston, angry because she is not a basing point, Savannah getting the advantage.

My friend the gentleman from Missouri spoke about these basing points as a great evil, and that they tend to build up great cities, great centers where there are slums, and where crime prevails. Unquestionably one of the phenomena of our civilization is the great urban growth, and unquestionably the railways have been measurably responsible for it. Now, in modern days the merchant gets right next door to the merchant who is in the same line of goods. In the old days he used to think he wanted to get as far away as he could. Manufacturing interests centralize for the benefit of whatever rates may be obtained, either by rail or by water, from those competitive points, and so has come this urban growth.

If I understand the basing, or basic point, system (if I am incorrect I will be very glad for my friend from Illinois to correct me, for I know he has given more study to it than I have), I will take, for instance, Atlanta, Ga. We will see whether the complaint that there should not be a greater charge for a shorter distance is correct. We will say that the rate from New York to Atlanta is 30 cents per hundred, while at some point 100 miles this side of Atlanta there is no basing point. We call it Smithville. Now, the rate to Smithville from New York is 75 cents a hundred in less than carload lots. There is not a gentleman here who does not know that economy of transportation comes from the ability to carry great quantities. You can carry a carload or a trainload at a per hundred for a small per cent of what you can if you are moving only an individual hundredweight.

And so the rate of local merchandise to Smithville, 100 miles distant from Atlanta, is 75 cents a hundred. Therefore a merchant going to New York and buying 300 pounds of dry goods and 300 pounds of groceries, instead of shipping to Smithville, ships directly through to Atlanta at the 30-cent rate and pays the local rate back to Smithville of 20 cents, and so it costs him 50 cents a hundred, or $3, to lay his goods down in Smithville. Now, then, he saves 25 cents a hundred over the local rate from New York to Smithville. But what about the man 100 miles south of that basing point? He pays his 30 cents a hundred plus the Atlanta rate of 20 cents a hundred, and he has had his freight carried 200 miles farther than the man in Smithville at the same price. The railway companies have thought it wise that all freight going into these zones within the radius of these towns could be shipped in carload loads, and so they take them in carload loads and then distribute them from these basing points. It is apparent that they could thus make the rate lower for all the communities than they could under any other system.

Mr. BARTLETT. May I interrupt the gentleman?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Georgia?

Mr. SIBLEY. I do.

Mr. BARTLETT. I want to say to the gentleman that the case that he puts is the very one that the Supreme Court of the United States considered in the Social Circle case in the shipping of buggies from Cincinnati to Augusta. They made the freight lower to Augusta than it was to Social Circle, Augusta being 120 miles farther from Atlanta than Social Circle or from Cincinnati, and the Supreme Court held that the railroad did not violate the provisions of the long and short haul clause. This bill does not interfere with the long and short haul clause as it is now written.

Mr. SIBLEY. I will say to my friend from Georgia that that is a matter of profound regret to me. I heard expressed to-day by a gentleman who served on the Interstate and Foreign Commerce Committee a profound regret that the gentlemen could not agree among themselves. They are all agreed upon one issue. I do not want to repeat myself, but I can recollect a similar instance when there was an agreement between men, about the time that one of the greatest wrongs was perpetrated that ever was perpetrated in human history, and it is recorded in these words: "And Pilate and Herod were made friends from that day." [Laughter.]

Mr. BARTLETT. I hope my friend does not propose to be so sacrilegious as to compare the railroads to Christ.

Mr. SIBLEY. Oh, no, my friend. The proudest and richest man is entitled just as much to his share of protection as the poorest object that walks this earth, and the poorest object has as much right to his share of justice as the proudest and richest man.

Mr. BARTLETT. And no more.

Mr. SIBLEY. And no more. The wrong done one man, whether he is rich or poor, is a wrong done to our common brotherhood of man.

Mr. BARTLETT. Now, will the gentleman permit me to say——

The CHAIRMAN. Does the gentleman from Pennsylvania yield further to the gentleman from Georgia?

Mr. SIBLEY. Yes; certainly.

Mr. BARTLETT. I want my friend to understand what I said, that this bill does not change the existing law in the act of 1887, as it has been construed by the Supreme Court upon the subject of the long and short haul. None of us claim that it does. I say to him frankly that I as one of the minority tried to change it, but I did not succeed.

Mr. SIBLEY. I will say to my friend from Georgia that there were some questions asked yesterday by a very able gentleman, whom I do not see present now, one for whose ability I have great respect, the gentleman from Kentucky [Mr. SHERLEY], and I found that he could not agree with some of them, and where lawyers can not agree, what folly and presumption it would be for us ordinary individuals to enter. I can not enter it. I must keep out of that realm, and shall not attempt to enter it.

Mr. BARTLETT. I will say to the gentleman that I think the legal profession has missed a great deal because he did not enter it.

Mr. SIBLEY. Oh, my friend is complimentary and is always partial. [Laughter.] Mr. Chairman, in Germany the manufacturers of iron have waited upon the German Emperor and told him that except they can receive a reduction equal to 66 per cent of the railway tariff that they will be driven out of that portion of Germany's iron market where the American products can compete.

The cost of transportation in every ton of pig iron made in Germany represents 30 per cent of the entire cost; in the United States, if my figures are correct, I think about 6 per cent. Now, my friends in Pittsburg and some other manufacturing centers will find this condition, that as in Germany or in any other country where the hard and fast system of distance and cost of service must prevail in order to obtain justice to each individual and each community, there will be certain zones across which their products can not go, whether those products be the wheat and corn of Dakota or the cotton and the iron and the magnificent productions in fruit and forests of the southland. Each will find his zone, beyond which he can not go. Within the last week there has been made a rate on oranges from California, including fast schedules, icing charges, and ocean transportation, of $1 a box to London. A box of oranges weighs 80 pounds.

Mr. STANLEY. Will the gentleman yield to a question?

The CHAIRMAN. Does the gentleman yield?

Mr. SIBLEY. Yes; certainly.

Mr. STANLEY. Can the gentleman inform me whether or not those same oranges can be shipped at that rate from California to New York?

Mr. SIBLEY. I think 80 cents is the rate to New York. That is my understanding.

Mr. STANLEY. I am asking only for information.

Mr. SIBLEY. While from Florida, only a third of the distance, the rate to New York is 60 cents a box, if I recollect. Now, that would look discriminatory. From California those oranges must cross three ranges of mountains, they must come

through the canyon passes, over the curvature and the gradients of three great ranges of mountains, while from Florida they will traverse an almost flat and straight line.

As I say, that looks like discrimination as against Florida, but it possibly is not altogether so, for the reason that Florida oranges come earlier to the American market, and that market absorbs them, and that rate has been made on the oranges from California, which are now greater in production than our home consumption, that they may reach the markets of the world and compete with the oranges of the Mediterranean. The railway, looking selfishly to its own interest, has found its interest to lie along the line of the greatest good to its patrons as a rule. Last summer I was a member of the committee which paid a visit to the opening of the exposition at Portland. While there, in talking with the general superintendent of the Northern Pacific Railway, he told us that they were giving a rate on lumber from Portland to the points east over the Cascade range of mountains and the Rocky Mountain range at 5 mills a ton per mile, while the company charged itself 6 mills a ton per mile for carrying the commodities that it needed in its own operations, and they had figured that possibly they were carrying that lumber at a loss. Certainly it was a close question whether it was a loss or a profit. For what reason? "Why," he said, "for selfish reasons; because those cars by going back laden instead of empty and taking that lumber will build up the communities and develop the interests and industries along that line, and we are like the man throwing bread upon the waters in the hope that after many days it shall return."

And when I think of the development of the Far West I am reminded of what a friend of mine said to-day, that when Moses smote the rock he did not indicate any more sublime faith than did these men who crossed the desert wastes and mountain ranges, who spanned the chasms and overcame the difficulties that were presented in building the lines of railroad to the Pacific coast. They were the old men who planted the trees in the orchard of life that another and later generation might eat the fruit thereof. The history of every railway of the pioneer class is a record of bankruptcies and receiverships and ruin to stockholders. If there be an exception, I do not recall it. You speak of overcapitalization. I read the speech of my eloquent and able friend from Michigan [Mr. TOWNSEND], and it seemed to me as though it was going to be a sort of hedge, so that you could get out of the distance and cost of service proposition by showing overcapitalization, and I desire to direct attention to just one remark which struck me as very singular. I read from his speech:

Mr. LITTLEFIELD. This is the Nebraska case I am reading from, so that, if I understand the gentleman correctly, the rates must be practically confiscatory before the court would be authorized to interfere.

Mr. TOWNSEND. The court undoubtedly is trying to stretch the doctrine of confiscation to cover "reasonable returns."

Now, Mr. Chairman, I do not have much respect for courts that stretch doctrines or do anything else than administer the plain terms of the law. I do not want a commission to stretch doctrines. I would grant this Commission power to put in the penitentiary for life any man who gave a rebate or a preference to one individual over an American railway that it did not give to every other individual under similar circumstances, and then I would make it a penitentiary offense for any man to accept or receive such a benefit. [Applause.] He is the man chiefly at fault and principally guilty—the recipient is the man that committed the crime and demanded the bribe.

Fix your law making it a crime punishable by imprisonment and a fine of even $100,000 to give a man a rebate. Make every employee or official of the transportation company, or employee or official of a firm or corporation who receives that rebate, a party criminal, if he, having knowledge, conceals such a crime. Give to the informer one-half of the fine so levied, and I will undertake to say there is not a transportation company on this continent who would take the risk of having itself blackmailed, or going to the penitentiary staring it in the face, with five or six thousand employees knowing the fact that there had been rebates given. Draw your bill as drastically as you please; make it even to the taking away of the charter of the transportation company; draw it along the lines of regulating icing charges, discrimination, or rebate, and I will be with you on every proposition but the one main proposition, that there shall be delegated to a commission appointed by political agencies and more or less influenced thereby a power greater than was ever granted to a potentate or ruler on this earth—the power to legislate, to construe judicially, and to execute.

Mr. MARTIN. Will the gentleman permit a question?

Mr. SIBLEY. I will.

Mr. MARTIN. Is it not true that what is known as the Elkins law, as far as criminal penalties are concerned, about as thoroughly covers the question of rebates and discrimination as a statute could be drawn?

Mr. SIBLEY. Granting that is true, and I think the gentleman's statement is correct, then there is one of two other things equally true. Either there do not exist violations or officials charged with responsibility of prosecution of offenders are derelict in their duty, and it is your province and mine to force them to action.

Mr. MARTIN. I think one of the strongest points in favor of this present legislation is that it is proposed to afford a quick remedy at hand for anyone aggrieved to compel the enforcement of the present laws against discriminations and rebate, and if I understand the argument of the gentleman it is chiefly addressed against that provision in the bill that gives power to the Commission to fix a maximum rate. My own judgment is it is practically impossible to make a criminal statute so strong that it can be a practical working statute in the face of great profits in an industry, and that large interests will take chances of criminal prosecution and the tiring out by appeals to courts of their weaker antagonists.

Mr. SIBLEY. I will say to my friend this: If you made a few striking and notable examples of men, however strongly fortified they may be financially or politically, or how powerfully they are intrenched, it seems to me of all the men those are the men who should be held up as examples, and we must not plead in this twentieth century of our civilization that we must legislate because there is somebody powerful enough and big enough to break through the law. If this is the case, why do you write this law on the statute books? I will agree with my friend in one thing. I am willing somebody besides the railroads shall have power to fix rates, but I want that power fixed with a more responsible authority—the Supreme Court of the United States or the United States courts. I do not want a political body, which always has been and always will be a political body, to have the power to fix those rates.

To my friends of the South—I am going to be a Southerner myself one of these days. [Applause.] When I go through the South and see the magnificent territory and its vast wealth in iron, minerals, and cotton, forest, forage, and fruitage, with the magnificent possibilities that are going to come to that country with greater transportation facilities and a solution of the labor problem and some other problems, I am willing to grant for argument that this legislation will not hurt you one particle; but what you need now is more abundant facilities for getting your products to market and opening up and developing that country. Do you not believe, following the natural business instinct that a man of common sense and business training possesses, that he will wait until he can ascertain how this law is going to work? As wise men these railroad men would wait. Any man schooled and trained in business methods will wait, the same as if there was a tariff bill impending. It is not the evil of any tariff primarily that causes men to distrust and fear it, but the hesitation before it becomes effective, and the waiting for a year or two afterwards to find out what the effects are in practice, that causes possibly more distress and stagnation than the reduction in rate.

If there is going to be a tariff change, the merchants do not buy, manufacturers do not produce, and industries become stagnant. And so in this until it can be demonstrated that these evils which I fear—evils that the railway people fear—do not exist, and that they are being alarmed unduly, all industry and development will necessarily halt.

Now, I profoundly and sincerely hope that I am mistaken and unduly alarmed about the consequence of this bill. I hope that it does not open the door of socialism; that it is not responsive to a clamor that is going up and down the nation and which has resulted in almost giving the political control of New York City to one who declares for municipal ownership. I hope that this is not a step in the development of the theories so magnificent and glorious as outlined by Mr. Jack London; but I fear that it is a step in that direction. And therefore I trust through the orderly processes of courts of law, commanding the respect and confidence of all men, there may be the judicial determination of the reasonableness of a rate rather than by a body of men who have exercised such power in the past.

And, Mr. Chairman, if this measure shall receive the concurrent action of that body that sits at the other end of the Capitol, if there shall be given to a commission the power to construe and legislate and execute, I should love to see the committee recede from their determination to accept no amendment, and accept one that I should like to offer. And that is an amendment fixing the salaries of those seven men and fixing their term of service for life or good behavior.

I would like to see the salaries of the members of that Com-

mission fixed at $15,000 a year, and the salary of the chairman at $25,000, in order that we might get the pick of the very best and very highest and truest type of American citizenship, skilled in all the problems of traffic, skilled in the problems of legislation—men bright enough and big enough to occupy that position and make that Interstate Commerce Commission rival in dignity the Supreme Court of the United States, and receive a salary as much greater as the powers which you are conferring upon that Commission are greater than the powers and authority of the Supreme Court. And after ten years of service in this body, after an acquaintance with the business world that is somewhat extensive, and having known and respected nearly every man with whom I have ever sat in this House of Representatives, I will say that I believe they are among the highest and truest type of American manhood; that each man is here because, in some degree, he possesses the qualities that have distinguished and made him respected by the people among whom he resides as one of character and capacity. I shall never hear a reproach cast upon the average membership of this House without resenting it.

I know many wise, able, and good men, and I profoundly hope and entertain the opinion that if this measure receives concurrent action at the other side of the Capitol and Executive approval, that there may be selected some man to discharge the duties of the chairmanship of that commission who shall be of such rugged strength, such sterling integrity, and such ability, and such wisdom, such ripened experience, and genuine manhood, as that gentleman whose name the title of this bill bears—the gentleman from Iowa [Mr. HEPBURN]. [Loud applause.]

Mr. ADAMSON. Mr. Chairman, I yield to the gentleman from Alabama [Mr. HEFLIN], and ask that he may consume the balance of the day.

Mr. HEFLIN. Mr. Chairman, I have listened with considerable interest to the distinguished gentleman from Pennsylvania [Mr. SIBLEY], and later in my speech I shall undertake to pay my respects to some of the arguments that he made.

The first consideration of the Republic is the welfare of the people. How to promote general prosperity and prevent the undue concentration of wealth is one of the problems that confronts us to-day. It was the hope of our fathers that in the growth and development of the Republic we would speedily reach that minimum of governmental interference with the efforts and the interests of the citizen which should give him the fullest liberty consistent with security and surrender the whole round of human life as completely as possible to the beneficent action of natural law.

That government is wisest and best which encourages industry and restrains not the proper activities of men. The Government wants every legitimate enterprise in the country to prosper, but it does not want any of them to prosper at the expense and destruction of the others. Since Jacob's cunning obtained the birthright of Esau, it has been necessary to place metes and bounds about human conduct and restraints upon the improper activities of men. [Great applause.] In the struggle for existence, in the race for the comforts and conveniences of life, the citizen is entitled to fair play and a "square deal." When he is diligent in business, enterprising and industrious, and conditions operate to deny him a fair share of material things, they are depriving him of the full and free enjoyment of his life, liberty, and property.

No man is independent of his fellows; his conduct will affect them for good or ill. As long as he recognizes the rights of others, as he should, and remembers his relation to society, and is actuated by a spirit of fairness and justice in all that he does, society has no complaint to make; the Government finds no fault with his conduct. But when he regards the rights of others as useless obstacles in the way of his greed and society as an inviting field for sharp practice, then he becomes an object of regulation for the law. That regulation of economic agencies which encourages industries and enterprises and furnishes ample reward for the proper activities of men are symptoms of genuine progress. [Applause.]

We are not here to legislate in the interest of men who are seeking the advantage of their fellows, but we are here to legislate in the interest of the great mass of the people. It is ours to point out the road of national progress in economic life. We want laws that will increase freedom for the many in all the fields of human endeavor. Those members of society who observe the rules of right must be protected against the lawless and the unscrupulous ones. It is our duty as the representatives of the people to guard the interests of the masses and promote their general welfare.

We should study the condition of our complex economic body as the physician studies the condition of his patient. We must know something of the various branches of political and social science. And we should contribute to that moral force which induces men to acknowledge the truth and do what they know is right, for the whole art of government, said Jefferson, "consists in the art of being honest." [Applause.] Plato and Aristotle did not ask, How can a nation become wealthy? but, "How can the economic institutions and arrangements of a nation be so ordered that the highest welfare of all citizens may be best promoted?" Unless the economic body throughout is in a healthful condition there can be no real prosperity, for prosperity is industrial health. The question is, Shall we correct the evils that exist or allow them to go on until every member of the economic body is injuriously affected or dangerously impaired?

The Interstate Commerce Commission's report shows the criminality of the packers and the railroads, and it denounces their methods as in "open disregard of the law." How can we expect the citizen in the common walks of life to be law-abiding? How can we expect him to respect the law when such flagrant violations by large concerns are noted every day in the public press? If we would have the law respected, the law must be enforced. When a combine, rich and politically powerful, violates the law, the statute is suspended and the court is deaf. We need men who have the courage and the disposition to enforce the law. Edmund Burke has truly said:

> When the people conceive that laws and tribunals and even popular assemblies are perverted from the ends of their institution, they find in these names of degenerated establishments only new motives to discontent.

[Applause.]

It was never intended by the founders that this Government should be converted into a bureau issuing letters of marque under which the kings of ill-gotten gain should prey upon the substance of the people. [Loud applause.] Lawless capital in combinations is making moral cowards of men. They make it so uncomfortable for the young man to thrive outside of their business enterprises that he is driven to the wall or forced to take his place at their bidding in a niche of the great combination. They regard the skill and energy of men as objects of prey for their greed. That condition in our economic body that puts the skill and energy of the many at the mercy of the few is eating on the vitals of this Republic. [Applause on the Democratic side.]

The Interstate Commerce Commission, in its annual report for 1904, said:

> We said in our reports to Congress for 1902 and 1903, and now repeat, that in view of the rapid disappearance of railway competition and the maintenance of rates by combinations, attended as they are by substantial advances in the charges of many articles of household necessity, the Commission regards this matter as increasingly grave, and desires to emphasize its conviction that the safeguards required for the protection of the public will not be provided until the regulating statute is thoroughly revised.
>
> The Commission was established—
>
> Says Mr. Justice Harlan—
>
> to protect the public against the improper practices of transportation companies engaged in commerce among the several States.

And Mr. Justice Harlan, in a dissenting opinion, said in substance:

> And now the Commission is a useless body for all practical purposes.

The only right of the Commission is to commence a suit against the railroad to compel it to revise the rate, while the company can continue to charge such rate that it deems best, pending a lengthy litigation.

When Congress is about to convene or a State legislature is soon to assemble these great interests, whose conduct has been discussed and criticised over the country, bestir themselves in various ways to stay the hand of just regulation. Court authorities that were silent all spring, summer, and autumn, while Congress was not in session have, since the Speaker called the Fifty-ninth Congress to order, been making strenuous efforts to indict parties guilty of making secret agreements with railroads constituting a conspiracy. This note of warning, this bold declaration from court officials who have been "winking the off eye," will doubtless send terror into the ranks of the railroads and cause them at least to smile. [Applause.] The inquiry naturally arises, Why were not these investigations made before now? Why all this activity on the part of the courts when the matter of rebates and freight rates is up for consideration by this House? Is not this done to impress us with the idea that the authority for regulating railroads already exists? [Applause.]

In passing the act of 1887, creating the Interstate Commerce Commission, the Supreme Court declared that—

> Administrative control over railroads through boards of commission was no new thing, but that the granting of such power is never to be implied from any doubtful or uncertain language.

That has been the trouble with the laws heretofore. They have been full of loopholes and escape ways placed there for a

special purpose, and that purpose was not in the interest of the people. The Supreme Court declared that—

Congress has not conferred upon the Commission the power to prescribe the rates, either maximum, minimum, or absolute.

Then, I ask the question, If you confer upon the Commission the power to declare a rate to be unreasonable, why not confer upon it the power to declare what would be a reasonable rate?

It is not the policy of the Democracy to interfere without just cause with the interest of private concerns. Nor does she desire to fetter commerce by unjust restrictions, and it is not her intention to confiscate the property of the railroads, and the railroads do not believe that such is her desire; but the party does insist upon one just and fair standard of conduct for all public interests. This is Democratic; this is right. Yes, the railroads have rights, but they do not possess all the rights. Their interests should be considered, but theirs are not the only interests to be considered. Until we regulate them in the interest of fairness and justice to all concerned we will not have discharged our duty. Freight rates affect the price of every article that goes into the home of the consumer. The people do not want to cripple or hurt the legitimate interests of the railroads, but the people do want fair treatment at the hands of the railroads. There is no use to be excited because the people are becoming aroused and are manifesting an interest in their own affairs.

Whenever the people get aroused on any line that affects their interests there is a mighty class who employ every agency—the press, as much thereof as can be controlled, and that is no small portion—to quiet the people and to assure them that their grievances are all imaginary—a mere myth. Although surrounded by difficulties and pinched with hardships in the struggle for existence these mighty interests tell them: "You are doing well; let well enough alone." And if a public man is found who comes out on the side of the people and pleads for a betterment of their condition, points out the mighty evils that disturb them, they call him a demagogue. Time was when he who championed a righteous cause was a brave man in the eyes of the American people, and he who never counted the cost or regarded the strength of the opposition and dared to speak the truth was indeed a hero.

Why is it that the name "Jackson" is so loved by the mass of the American people? Because in life he contributed all that it was in his power to contribute to the well-being of the great mass of the people. [Applause.] Jackson was loved by the people because he was their firm and fearless friend. The crafty, avaricious classes despised him because he openly denounced them as enemies to the Government in which they lived. He allowed no barrier to stand between him and the people he loved so well. The purse-proud plutocrats of his day despised him; but, clad in the simple costume of Democracy and armed with a righteous cause, he drove them from the highways of the Republic, exclaiming from the deepest depths of his patriotic soul:

By the eternal gods the people shall rule.

[Loud applause.]

This organized power that we are dealing with to-day is tremendous and must be curbed, for history furnishes no instance where power ever limited itself. Within the limits prescribed by the Constitution it is our duty to do everything possible to prevent this power of railroads and other combinations from absolutely destroying legitimate competition.

I am aware of the fact that those who oppose this measure have all the data that diligence can acquire and all the argument in support of their position that human genius can devise.

The discussion of this question has brought out the fact that the issue is sought by some to be kept between the shipper and the railroad. There are other parties to this issue. The parties who are most affected are the producers and the consumers. The producer who is dependent on a market miles away on the railroad is seriously concerned in the matter of rates. If his competitors can reach the market with their products at a less expense than he can, he is embarrassed and handicapped. The lower the rate the greater the profit to the producer. The consumer, who is largely ignored and cunningly left out of this discussion, feels keenly the evil of unjust freight rates. For after all when the produce is shipped and finally sold to the consumer the original cost, the cost of shipping, and a little profit, of course, all come out of the pocket of the consumer. [Applause on the Democratic side.] The shippers are not alone in their demand for just and fair treatment at the hands of the railroads. A vast army of American producers and consumers are making the same demand. [Applause.]

Mr. W. C. Tricket, of Kansas City, Mo., before the Senate Committee on Interstate Commerce, said, among other things:

The complaint on the part of shippers throughout the country is that certain shippers are favored by the railroads directly or indirectly and that rates are not the same for all.

We are told by Judge Fifer who are benefited by rebates and drawbacks—"only a few large shippers."

By the payment of rebates to large shippers it enables them to break down and run out of the business their competitors, thereby lessening the number to whom the original producer can sell goods. So it affects the producer and the consumer also and kills competition, for the more buyers in the market place the better it is for the farmer or for any other man who wants to sell his produce. Judge Fifer says:

You frequently hear large shippers and middlemen remark that they do not care anything about the amount of the rate, provided the traffic will move.

Who, then, is most injuriously affected by the high rates? A vast army of consumers and original producers. Judge Fifer, speaking of railroads, said:

They do not like to come out flat-footed and admit that they charge as much as the traffic will bear, but they do all the same.

Shall they be allowed to make any rate, then, that suits them, although it be unjust and oppressive?

With competition gone and combinations controlling the rate, what will become of the interest of the shippers, consumers, and producers? Judge Fifer says:

When the railroads go to make these rates they do not apply the golden rule, but they apply David Harum's golden rule: "Do the other fellow before he has time to do you."

[Laughter and applause.]

Judge Fifer said:

The rate on cotton cloth from New York to Salt Lake City is $2.30 per hundred. For carrying it 800 miles farther, all the way from New York by Salt Lake City to San Francisco, it is only $1, and that $1 rate affords them a slight profit.

Now, then, he asks:

Is not their profit of $1.30 per hundred in excess for less than nearly a thousand miles excessive?

That, he contends, and rightly so, is the question. Whereupon Senator CULLOM asked him:

Does not that fact almost absolutely make it appear unreasonable to charge $2.30?

Senator CULLOM means, of course, for the short haul.

Yes—

Replied Judge Fifer.

From New Orleans to the Virginia cities, Richmond, Lynchburg, and Norfolk, the distance is 800 miles. Charlotte, N. C., is just half the distance, 400 miles; and yet the rate per ton per mile to Charlotte is four times as much as it is per ton per mile to either one of the other cities—Lynchburg, Richmond, or Norfolk. If they can make a small profit, as they do, on this long haul, is not the charge for the short haul excessive? And is not this treatment of Charlotte outrageous? [Applause on the Democratic side.]

The railroad enterprise is hedged about as no other concern is hedged in this coutnry.

A railroad company goes out to build a railroad through a certain section of country. They are armed and equipped by the law with the exclusive right to build a road through that territory, assured from the outset that they will have no competition through that country from any other road. The people, many of them, give the right of way, others contribute timber, and not infrequently they give money. No spot of earth is too sacred for a railroad bed. If your burying ground lies in the track of the survey, it falls a victim to their condemnation proceedings and sells at a price fixed by court authorities. They can take and condemn private property. The Government grants right of way across navigable streams. When the road is complete, the law hedges it by saying, "You shall not deprive it of a fair return on the money invested."

These large concerns laugh at injunctions and civil suits. They need to be prosecuted criminally and made to respect and observe the law. If there is evidence enough to sustain an injunction, the same evidence ought to be sufficient to procure an indictment.

The law is over all, and it must be respected and enforced. The impression prevails—and it is largely true—that the plain people must obey the law and for every violation suffer its pains and penalties; that only those who move in the common walks of life are subject to the law. Every fair-minded man deplores this state of things. Whether he be a private citizen or public official, village merchant or corporation president, he should be made to respect and observe the law.

When these gigantic concerns contribute to the campaign

funds of any particular party they expect favors in return from that party when it gets in power. If Members of Congress are beneficiaries of such a fund, how do you expect them to be very strenuous in their efforts to pass laws that would injuriously affect those favorite concerns? I will relate a little story that illustrates the idea that I have. A fellow who was charged with the larceny of a cow was acquitted by the jury, and upon being asked by his attorney how he accounted for the verdict of acquittal when the evidence so clearly established his guilt said:

That is very easily accounted for. Eleven of the twelve jurors got some of the beef.

[Laughter and applause.]

It is the duty of the railroad to furnish all cars, all necessary equipment to carry on all the necessary traffic of the people; and in view of this fact, all shippers should be placed on the same footing, and whether they own cars and other facilities for shipping purposes they should be made to pay the same rate that other shippers pay.

When we urge the necessity of regulating freight rates we are confronted with the statement that the rate is lower here than in any European country. Railroads have already combined in all the European countries, and in this Republic of the West they are combining with unprecedented rapidity, and unless Congress lodges the power somewhere they will, when the combination is all perfected, charge as much, if not more, than they charge in the European countries. [Applause.]

Now, the gentleman from Pennsylvania [Mr. SIBLEY] says, "Give us time. Why this unprecedented haste in the matter of regulating railroads?" Mr. Chairman, for nine long years the transportation companies have been sucking the lifeblood of the producers and the shippers of this country. "Unprecedented haste!" Nine years we have had the Interstate Commerce Commission, with no power to enforce any order; with no law to guide them in regulating freight rates. And yet it is most appropriate that this astounding statement should come from one of those blest in large measure with this world's goods. The gentleman wears the robes of wealth becomingly, and is modest with it all. This is proper. No impulse truly noble ever sprung from pride of purse. [Applause.] He ought certainly to know something of the Democratic feeling on this and other questions that affect the people, as well as the Republican feeling, because the gentleman, if my recollection serves me aright, has been in both parties, and he certainly ought to know what they stand for and how they feel. [Laughter and applause on the Democratic side.] Why, the gentleman says, "Whence comes this cry for rate regulation?"

I will ask the gentleman to go and read the printed pages of your Interstate Commerce Commission. Every year they are urging this body, they are clamoring at the door of this House and begging Congress and the President of the United States to give them some power, so that they may answer the demands for rate regulation in this country. Can it be that the gentleman is deaf and does not desire to hear a demand of this character? He speaks of "this unprecedented haste." Millions and millions of dollars, Mr. Chairman, the transportation companies have plucked from the purse of the people during the nine years that the Commission has been without power. [Applause.] Commercial bodies are petitioning this body, the shippers in the gentleman's [Mr. SIBLEY] own State have petitioned this body, have asked it to do something to give them relief.

Not only that, but petitioners in every State in the Union are asking this body to do something. And let me now make a little prophecy to the gentleman. You should have settled this question in the Fifty-eighth Congress. You had the opportunity to settle it, but you would not. It went into the tomb at the other end of the Capitol. They had a committee sitting during the recess. I call it a delay committee. If you will read the testimony taken before that body it will impress you with the idea that the chairman of that committee is hard to enthuse on the matter of regulating railroads. [Applause and laughter on the Democratic side.]

Before that body, Mr. Chairman, Governor Cummins, from Iowa, testified. In a speech when he returned to his home he said that a mighty and powerful railroad lawyer sat by the chairman and suggested nearly all the questions that were put to him by the chairman, and he said they cross-questioned him as though he was a witness on the stand in court. Investigating in the interest of the people! God save the mark! [Applause on the Democratic side.]

But let me finish. That bill died in the Senate. This bill may die in the Senate. If so, I want to tell you that the patience of the American people has about reached its limit.

When the fall elections are over this year, there will be more Democrats occupying your places than there are now, because the Republican party is responsible for the failure to give the people relief, and you can not fool the people by passing it in the House and letting your party kill it at the other end of the Capitol. [Applause on the Democratic side.]

The people are aroused on this question, Mr. Chairman. Why, if the gentleman [Mr. SIBLEY] will go out and get in touch with the people he will find what they want. "Unprecedented haste!" This is a remarkable statement for the gentleman to make, with petitions coming here just literally flooding this House, petitions coming from nearly everybody except those that the railroads can control. You will see a convention assemble at their bidding and it will petition you not to do anything to disturb the railroads. That shows you what a tremendous power the railroads have and exercise. I have no prejudice against the railroads. I trust that I am in a position to do what is right, and right is right, as God is God, it matters not who is affected, the private citizen or the greatest corporation in this country.

The gentleman from Michigan [Mr. TOWNSEND] has truly said this question will not down. I now wish to call attention to what many of the shippers have to say upon this question of railway-rate regulation. No trust or extremely large corporation, but every name is a representative one in the commercial world. These concerns are large shippers of freight. Hence with them the question of fair rates and just practices is not a theory. They furnish the railroad income; they pay the freight.

Arkansas says:

While we are not antagonistic to the railroads, we should have some means of settling just propositions and not be held up as we are upon one pretense and another.

A voice from the Indian Territory says:

These unjust discrimination and abuses in freight rates have bankrupted many good men and prevented the development of many a rich section of the country.

From Kentucky comes the cry for relief from unjust freight rates, unfair practices, and discriminations on the part of common carriers. A voice from Massachusetts wants prompt action and substantial justice when differences arise between the shipper and the railroad. Minnesota expresses the hope that something may be done in the matter of freight transportation. Mississippi, feeling the sting of unjust discrimination and rebates, cries out for equal advantages for freight rates, and hear what Missouri has to say:

The abuse of rates, drawbacks, special privileges, and special concessions to some shippers has grown to such an extent that some remedy should be applied at once in order to bring justice to all alike.

Continuing, it declares:

This problem was never worse than at the present time. In all our experience in the grain business, we have never known the time when the offenses were so flagrant. The people are sorely in need of more prompt adjustment of the transportation difficulties which beset the shippers of this country.

A voice from New York proclaims that—

The small shipper is at the mercy of the railroads. Discriminations are practiced from which appeals to the railroads are in vain. We are losing trade, especially in the South, by the enormous freight rates lately raised. The carriers have had full sway for many years and have proven their profits by their annual reports, which come out of the freight producer. The tariff as it now stands is unjust, and the matter of rate correction and overcharges should be corrected.

North Carolina says:

Something ought to be done to relieve the people from unjust freight rates.

And listen to Ohio:

Traffic abuses must be rectified; shippers everywhere are asking relief at the hands of Congress.

Hear the cry from Pennsylvania:

Present freight rates are out of all proportion, and there should be some interference by the Government.

Tennessee joins in the demand for deliverance from high rates and irregularities in freight matters.

Texas declares that she is in favor of some stringent means of controlling freight rates. The Interstate Commerce Commission, she declares, should not only have the right and authority to make rates, but to enforce them as final.

West Virginia, the home of Senator ELKINS, complains of unjust rates, discriminations in freight rates, and begs Congress to do something to end the evil.

Connecticut says, in the matter of freight regulation, that something should be done, and done without delay.

But—

She declares—

there will no doubt be an immense amount of opposition against it from the great railroad corporations.

Florida declares that the regulation of freight rates is a piece of much-needed legislation. Hear what Indiana has to say:

She declares absolutely and unqualifiedly in favor of Government control of railroads.

Kansas takes her place alongside her sisters in the demand for fair play and honest freight rates and declares that discrimination, unjust rates, and unfair practices, which now figure so conspicuously in railway transportation, must be removed.

Louisiana lifts her voice in solemn demand for transportation adjustment. Maryland emphasizes the fact that discriminations in the traffic in this country is an enormous amount and should be punished by law.

A voice from Michigan bears testimony to the fact that the people of this country need adequate and prompt relief, for we are now confronted with serious delays between shippers and railways, and urges that the judges or Interstate Commerce Commissioners should not be allowed to accept any favors from the railroads in the shape of passes or other things of value.

Hear what Virginia has to say:

When we come to appreciate that probably 10 per cent of the value of all commodities grown, mined, and manufactured is paid out for transportation we see what an enormous amount of money is paid out in freight, and the people are entitled to some part in establishing and maintaining rates on this immense traffic.

A voice from Wisconsin declares the freight abuses and rates and discriminations given to favored shippers should be remedied, as they operate seriously against the unfavored shipper and are not a fair deal.

Alabama cries out against unjust rates, rebates, and discriminations that bear heavily not only upon the shipper, but upon the small merchant, the large merchant, the producer, and the consumer; for every man who buys farm implements, machinery of any character, or food and raiment pays part of the "rate tax."

The gentleman from Pennsylvania [Mr. SIBLEY] makes an eloquent appeal to do nothing to disturb the railroads. He fears that socialism will seize upon the throat of this Government, and quotes from some little fellow—I hardly know how to class him—prating about a division of property. Why, those things have been written about since the foundation of the world. An idea like that, afloat in the mind of some man out yonder, has nothing to do with this question, and no man in this body will ever believe in such doctrine as that. It is not strong enough to hold up before the mighty march of the representatives of the people in this land at a time like this to deter them from doing what they believe to be right. They are going to see to it that something is done. But I will tell the gentleman how to keep down socialism; I will tell him how to keep down anarchy.

Enforce the law against the mighty rich as well as you enforce it against the uninfluential poor. Lay the hand of criminal prosecution upon the back of Dives in his purple and fine linen as you do upon the Lazarus who wears the tattered garments of poverty and want and you will keep down socialism and anarchy. [Applause.]

I can not think that the gentleman is much alarmed. He talks about wringing every dollar in taxes out of large concerns. Mr. Chairman, it has been my observation (and I have served upon the assessment board as secretary of my State) that the man of comparatively small means bears the burden of taxation everywhere.

One of these gigantic concerns can give in its property at $50,000 that may be worth millions, and the tax assessors know nothing about the value of it. But the man holding property in sight, like land or mules, the assessors can get at the value of them. And so I say that the man of small means, with his goods in sight, the simple things in life, bears the burden of taxation to-day.

The gentleman from Pennsylvania says that the railroads have been "groping" their way under tremendous difficulties. Mr. Chairman, they have the best eyesight for fellows groping in the dark that I ever saw [laughter], for they never fail to put their hands properly on the fellow who has produce to ship, and if you read the figures in the columns at the end of the year in their reports you will agree with an editorial that appeared in a London paper in October, which said that if they were let alone a little while longer they would have all the capital they need now or would need. I agree with that; but while this railroad enrichment is going on what will become of the producer, the shipper, and the consumers all over the country?

We do not want to harm any legitimate enterprise; but we do want, as the President sometimes says, "a square deal." The President is a man with some noble impulses. He gets right occasionally, and he has got a good ear for the ground. [Laughter on the Democratic side.] He can hear the mutterings and rumblings below. He is the best politician in his party. He sees the people marching, and hears the tramp of the multitude in this Government and knows what it means, and he straightway writes a message to this body, and he says: "Regulate the railroads." [Applause on the Democratic side.]

The gentleman from Pennsylvania [Mr. SIBLEY] has had the courage to say, "You Democrats are entitled to all the credit for this movement." He is giving us back our own. We are entitled to it, we started it, and we will keep it up. The Republicans advocate things on the stump that they forget when elected to office.

Bees, on flowers alighting, cease their hum,
And Republicans in office soon grow dumb.

[Laughter and applause.]

The gentleman from Ohio [Mr. GROSVENOR] said not long ago that the spirit of Bryan permeates the party as no other man has ever permeated it since Jackson's day. Why is this? A young man called upon Senator Hoar and asked what he would advise him to read. Senator Hoar said, "Read the lives of Jackson, Jefferson, and Washington, and men who have stood for something." That is why the spirit of Bryan permeates not only our party but the mass of your party—because he is a man who stands for something. [Applause on the Democratic side.]

The gentleman from Pennsylvania [Mr. SIBLEY] says this bill has the indorsement of Bryan and HEARST. I suppose that would go a long way toward making him oppose the measure.

The question was asked the other day in the Senate, "Do you think Bryan will be the next Democratic nominee for President?" We do not know who will be the next nominee, but he will be a man who stands for something and who has talked for something [applause on the Democratic side]; and if Mr. Bryan is the nominee, a man whose every heart throb is loyal to the masses of the people, pampered by no power, and pensioned by no class, if he does come into the White House he will break down the trust idols in the temple of liberty as Daniel of old broke the gilded images of Babylonish idolatry. [Applause on the Democratic side.]

Why, the gentleman [Mr. SIBLEY] says, "You are going into the Government business of regulating things." Does not the Government say to-day to the private citizen and to the banker how much interest his dollar shall earn in a year when he loans it out? Does not your law in every State in the Union limit the earning capacity of the dollar of the bank or of the private citizen when it is loaned? Does not the Government regulate national banks and send your inspector four times a year announced and one time unannounced to investigate and inquire into the funds? Do we not do these things with these interests? If so, are the railroads too sacred to have themselves investigated and regulated in the spirit of fairness and justice?

Mr. JAMES. I might suggest to the gentleman that they let the national banks have the money without interest.

Mr. HEFLIN. Yes; they use the money of the people without interest, and this is very wrong. A shrewd English engineer once said, and said truly, where combination is possible competition is impossible. Talk about Government ownership of railroads! If it ever comes it will be forced by the Republican party and the railroads—forced by the Republican party because the people will wear out their patience waiting for you to aid in regulating them; forced by the railroads because they defy the authorities of the country and charge any rate that they please. In the hearings before the Interstate Commerce Committee in the Senate the consumer and the producer were very cunningly left out, and the issue was undertaken there to be confined exclusively to the shipper and the carrier.

Now, this bill provides that the Commission shall declare—and that is a good feature in it, the best feature in it—what is a reasonable rate. Why, it is the sheerest foolishness in the world that a commission should be armed and equipped with the power to declare a rate to be unreasonable, and yet not allowed to say what is a reasonable rate. Another thing, this bill provides that the Interstate Commerce Commission shall order monthly reports from railroads, if they see fit to do so.

The gentleman [Mr. SIBLEY] read from an editorial in the Post that Democrats were favoring "centralization of power." Well, that is the newest thing that I have heard, Mr. Chairman. It takes all that the Democrats can do to keep the other side of the House from surrendering all the power to the nation and taking all away from the States. The Democratic party is opposed to giving up the rights of the State. This bill provides that the intrastate rate shall be regulated by the State authorities, and I like the bill because it does recognize that we still have States in the Union. It gives to the people at home the right to regulate their transportation facilities. I will show you where you Republicans violate States rights. You have got it on your statute books now that if a man is killed by a transportation company in his own vicinity, in the county and in the State where he was born, reared, and lived, and his relatives sue in the State court for as much as $2,000, you reach in with the hand of Federal interference and with a motion take

it out of that court and put it in a Federal court, where your judges have their pockets full of free passes.

You can sue for nineteen hundred and ninety-nine dollars and ninety-nine cents, and you can keep it in the State court, but the minute you reach $2,000 they reach down and say "That is mine; we will transfer that to a Federal court." Why this injustice, let me ask you? Now, Mr. Chairman, I would suggest that this bill ought to provide that no Federal judge should ride on free passes. I do not believe that a man sitting on the bench trying the rights between man and man, with power in his discretion to do this or that favor to this or that party, ought to have himself saved thousands of dollars of railroad expenses by having passes in his pockets. [Applause on the Democratic side.] Put that provision in here and keep your judges from having these passes. What else? I would provide that no judge on this Interstate Commerce Commission should accept a free pass, and I would provide more than that, that they should not have any interest, directly or indirectly, in any railroad stock in the country. I would change the salary; I would put it back like it is now. I would make another change in it. It has some good provisions, and I am going to support it. I would provide that the railroad had to report to this Interstate Commerce Commission every dollar of interest that they own in any property in the Government every year.

It is unfair for them to enjoy the privileges that they enjoy to-day—the right of eminent domain, and all this hedging about by the law—that you and I do not enjoy, that the producer and the shipper do not enjoy; to allow them to come in competition with you through their productive utilities, showing favors to themselves. What is to prevent them from getting their grain into the market first? They own all the transportation facilities. Let the bill provide that they shall give every year a detailed statement of every dollar that they own in any utility in the Government. Let us see how the combinations are worked; let us see how many wheels are working within wheels—make a full investigation of this matter. Another thing. Mr. COOPER of Wisconsin asked the gentleman from Pennsylvania if he did not think it was right to say what the street cars in the District of Columbia should charge. Of course it is right. I will tell you another provision that your bill ought to contain. Force your street-car companies in this city to furnish separate cars or separate compartments for negroes and whites. [Applause on the Democratic side.] That is what you ought to do. Do away with the spectacle of having your white men and negroes riding in the same car; remove forever from the capital of your nation the offensive and distasteful spectacle of seeing negroes crowded into the cars and your ladies standing in the aisle holding onto the straps above their heads. [Applause on the Democratic side.]

What will you do about the Pullman cars? Put in a provision requiring them to have separate compartments or separate cars for negroes when they ride over the country in your sleeping cars? Many of you favor that just like I do. [Laughter.] But you have got some constituents of whom you are possibly afraid. The possession of this power, Mr. Chairman, that this bill holds will make the railroads cautious at least. It will be a restraining influence to say what is a reasonable rate. It does not hold, however, a proposition that I would like to see in it, but it is a step in the right direction.

The bill provides that the rate shall go into effect thirty days from the time that it is fixed. It will affect us injuriously, because the cotton crop will be moving in the fall, and they can haul a great deal in thirty days. It is also true with the people in the West, with grain. The rate should go into effect at once. Giving the Commission power to enforce its order is another feature that ought to be in the bill.

When the Commission issues an order to the railroad and the railroad fails to carry out that order, give it the power to bring the railroad official in and punish him for contempt. Give it the power to send the railroad official to the penitentiary. Add an imprisonment clause, and then you will make them respect the law. Make these men respect the law, as you make the humblest citizen respect it.

We are proud, Mr. Chairman, of all the legitimate industries in our country. We want to encourage everything that contributes to the strength and glory of the Republic. Ours is the only nation whose highest judicial authority has declared it to be a Christian nation—the only nation that sets apart a day of thanksgiving to God. "We will not despair of the Republic," employing the phraseology of another, "so long as against the ills of evils we hold the remedy of right." While we are producing material wealth let us pay some attention to the men and the women that we are producing. The nation wants men, "large-hearted, manly men, men who will join her chorus and prolong the psalm of labor and the psalm of love." Let us return to that old-time simplicity of the fathers—

When all were for the state,
When the rich man helped the poor man,
And the poor man loved the great.

God hasten the day when East and West and North and South shall all work for the good of each and each for the good of all. Rich in the heritage of history, proud of our splendid present, resplendent in the glow of conscious strength, we are happy in the rosy promise of a glorious future. When the Democrats get back in power and regulate these economic institutions and arrangements in the interest of the great mass of the people and strike off the hand that holds up the producer and the hand that robs the consumer we will exclaim: "Land of our fathers, through thy length and breadth a tremor passes. Look! The dark is done, and on thy proud form shines the splendor of the sun. Thine own children with heads erect and light on all their faces are happy in the triumph of Democracy's creed!" [Loud applause.]

Mr. HEPBURN. Mr. Chairman, I yield to the gentleman from Idaho [Mr. FRENCH].

Mr. FRENCH. Mr. Chairman, in my judgment the measure which we are now considering is the most important matter that has presented itself to this Congress. In my judgment it is one of the most important measures that any Congress has been called upon to consider during the past quarter of a century. It brings us face to face with the question whether or not our National Government should assume any degree of control over any industrial organization; and if so, under what conditions. Whether or not we may enact a rate bill is essentially, then, only a part; however, a highly important part of a still greater question.

The province of government does not find limitation in our day in the mere protection of individuals against wrongs or threatened wrongs of those who are physically of greater strength. That was largely the province of the headsman of the tribe among those peoples who were our ancestors. It was the duty of the people to support him in that power. That system of government may have been the most perfect in its time. It may have met all purposes required at a time when the needs of a people's life were limited to daily wants, when foods were plucked from bending branches or felled by bow and arrow in the forest, when clothing was in large part the skins of animals, and every man was the rude builder of his home, his own clothier, his own farmer, his own laborer in the supplying of every want. Since that time innumerable steps and dire hardships, the throes of noble and lofty ambitions, have marked the progress of our race, and when our fathers wrote the Constitution for the government of our land they declared, as though by divine inspiration, the province of government not bounded by anything short of that which would bring the greatest well-being to the masses of our people.

Conditions change and legislation must keep pace with the needs of every hour, else government fails in that which it is its duty to perform. If in the industrial world an element that at one time insured fair dealing and equality has by means of new conditions become eliminated, and if by the elimination of that element, injustice will be done our people, it is the province of government to supply, if possible, by proper legislation that which will mean the perpetuation of the good and the eradication of the wrong.

COMPETITION AND ITS ELIMINATION.

Competition, in some form or other, has until recent years acted as the great equalizer in the industrial world. Maybe it was the competition between business men that insured fair prices. Maybe it was the competition of a different commodity which would serve the purpose just as well as the commodity which was originally sought. Maybe it was the competition of the old garments, the old implements, the old house, that would be still further used unless the new garments, the new implements, the new house, could be supplied at a reasonable and fair price. Competition it was, at any rate, that until the last few years acted as the great natural regulator in the marts of commerce.

But the world has moved on rapidly. Our ideals and our wants have changed. The luxuries of yesterday are the necessities of to-day. Yesterday you wore the garment from the loom that ran by hand. To-day the factories of the world supply your needs better. Yesterday you used the sickle and the flail in garnering your grain. To-day with the rhythm of the click click of a combined harvester, the clean kernels drop from waving heads and are ready to be shipped to market. Our fathers waited many months to hear the news of events that happened on the frontier of our own land. To-day the morning papers tell

of the happenings last night in the streets of Russia's capital. All this progress has come not alone by labor, not alone by the expense of energy and thought, but by the mighty cooperation and organization of wealth. And the organization of wealth it is that is destroying competition. I am not here to say that something better than competition may not be devised. I am not here to say that the combination of wealth is wrong, for the wants of an enlightened age call into use every faculty of man and every means whereby the greatest economy can be exercised in the supplying of those wants. I am here to say that the organization of wealth is wrong unless the best fruits of such organization go, not to a favored few, but to the people of our nation. They are the producers of the wealth of the world, and to them should accrue the benefits.

REGULATION MUST TAKE THE PLACE OF COMPETITION.

If competition, then, is being eliminated, it becomes the duty of our Government to supply a means to take the place of competition if it appears that the general well-being of our people so demands. Capital, at all times, has been a hard master. "Get returns" is the command that it has given to those whom it employs. And in "getting returns" the masses of our people are compelled to contribute unreasonably to capital or else go without that which the ideals of the times demand that they should have. If this, then, is true, the people themselves must do one of two things—they must either assume the ownership of noncompeting industries that have to do with the prime wants of life, or else they must control by legislation the industries referred to, that have grown so great that no competitors appear to contest the way. From the present view point Government ownership seems unwise. I am strongly convinced, however, of the wisdom of Federal or State control of these great business concerns as the condition of the industries might require, to the end that the wrongs of unbridled avarice may be abolished and organized wealth take its place beside genius and energy in supplying the world's great needs.

DEVELOPMENT OF RAILWAY INDUSTRY.

The development of the railroad industry in the United States has been phenomenal. Five times a Presidential election occurred prior to the application of steam to the navigation of boats upon our waterways. Eleven elections of President had passed by before the first railroad had been built. Since then scarcely more than three-quarters of a century have passed away, and yet our railway systems are essential to our nation's welfare. They have become the highways of commerce, the great thoroughfares of trade. The canvas-covered wagon belongs to history, and the stagecoach is making its last run. Our railroads are extending their ramifications throughout all sections. They bind the East to the West, the North to the South. They make us all neighbors. You step upon the cars at Golden Gate and in a few hours more than half a week have crossed a continent and look out upon the waters lighted by the Statue of Liberty. The annual receipts for the business that they do approximate $2,000,000,000. Add to the value of all our imports the value of all our exports for a single year and the figure scarcely exceeds this sum. Our railroads extend 200,000 miles, and would eight times encircle the globe. The value of our lines is more than $13,000,000,000, and our railway systems employ an army of almost 1,300,000 men. They have done more than any other industrial force for the enlightening of our people and the harmonious development of our land. Not only this, but the railroads of the United States in equipment and in management are the wonder and the admiration of the world.

INDUSTRIAL DEVELOPMENT AND GENERAL WELFARE.

We are proud of this and we have a right to be. Ours is a record unequaled by any other nation, and it reflects upon the intelligence of our people. But this is not all. We have reached the point in our development when it is time to pause. Our growth has been tremendous. By means of railroads untold wealth has been added to our nation. Now is the time for us to remember that a nation's greatness does not depend upon material wealth, nor yet upon the rapidity of industrial unfolding. Much does depend upon the equality of opportunity, equality of possibility, the general prosperity and happiness, not of the man whom wealth has favored, but of the many who toil along life's way. Unless the masses of our people are prosperous our nation can not achieve that for which it was established. That system is wrong that tends to the aggrandizement of wealth in the hands of a few and the consequent impoverishment of the many, and that system has no place in modern government.

> Ill fares the land, to hast'ning ills a prey,
> Where wealth accumulates, and men decay;
> Princes and lords may flourish, or may fade;
> A breath can make them, as a breath has made:
> But a bold peasantry, their country's pride,
> When once destroy'd can never be supplied.

It has been said that this deliberation means the calling of a halt to future railroad building. My answer is that if we are building right it does not mean the calling of a halt. If we are building wrong, we had better stop. Better a thousand times we prune the limbs of our industrial tree than that the strength of all go out to one rank bough and spoil the symmetry of perfect growth.

ORGANIZATION IN RAILROAD INDUSTRY.

There was a time when competition was the controlling factor in the regulation of railway rates in freight and passenger traffic. There was a time when many lines under different management covered almost all the railway mileage that is covered to-day, and necessarily in the interest of self-protection made such rates as approximated expenses incident to transportation and fair interest on the capital invested. That time has passed. The era of combination has come, and to-day not more than six or eight gigantic combinations control the policies of transportation over nearly all our miles of railway. The result is that competition has been eliminated, and in its stead has been adopted the rule of charging all that the traffic will bear. The Interstate Commerce Commission, speaking upon this question, said in its annual report for 1904:

> In view of the rapid disappearance of railway competition and the maintenance of rates by combinations, attended as they are by substantial advances in the charges on many articles of household necessity, the Commission regards this matter as increasingly grave, and desires to emphasize its conviction that the safeguards required for the protection of the public will not be provided until the regulating statute is thoroughly revised.

WEAKNESS IN FORMER RAILROAD LEGISLATION.

This new condition has not come upon us in a day nor in a year. It has been the result of railroad development for many years. Almost twenty years ago Congress passed a law establishing the Interstate Commerce Commission and conferring upon it certain powers. This same law sought to place such limitations and restrictions upon our railroads as would meet the evils that were then apparent. This was legislation in a new field. The trail was not well blazed. The industrial world was experiencing a remarkable revolution. The railway itself had grown so far beyond the bounds of early days that it was no longer a mere highway, as a canal, upon which the world of shippers was free to haul its goods, but it had become the agent of the shipper as well as the highway. Ten years passed by in which the provisions of this law, rudimentary as it was, were carried out with reasonable success. In 1897 the Supreme Court of the United States cut out the heart of what had been supposed to be the law by deciding in the Maximum Rate case that the Commission did not have the power to fix a reasonable rate after it had found a rate fixed by the railroads was unreasonable.

But, sirs, this is not all. The fixing of unreasonable rates on certain articles of transportation became only one of many evils that found birth in the combination of wealth. Railroads not only fixed excessive rates upon particular articles and thereby reaped wealth at the expense of the consumer, but they recognized favored shippers, and granted them better rates than other shippers who deserved as fair consideration. Not only this, but they placed prohibitive rates upon goods of other shippers, because, perchance, a favored shipper or the railroad itself owned a commodity that it wished to sell, or, as in the case of the shippers of railroad ties referred to a little while ago by the gentleman from Pennsylvania [Mr. SIBLEY], because the railroad wanted to purchase the commodity at some time for its own use and at its own price. Sections of country and cities have likewise been discriminated against.

The Elkins Act was passed three years ago and has afforded some relief. It is aimed mainly at the system of rebates and discriminations and is not sufficient there. The provisions of the law have been skillfully avoided, and clever devices have been resorted to to thwart the working of the law and the law which it amends. We could mention the "midnight schedule," where a favored shipper would be notified in advance of a certain rate on a certain day. The favored shipper would take advantage of the schedule, and before other shippers could do likewise the old rate would be established. We could mention icing and terminal charges, unreasonable charges for private cars, unreasonable division of the freight charges with a favored shipper who might own a mile or two of track, unreasonable elevator charges, and a host of other devices for increasing rates to one shipper while making the favored shipper in his line supreme.

There is probably no one who will deny that the control of oil by one gigantic combination of wealth has been brought about by means of a system of rebates that has crushed out competition in the interest of one concern. No one will deny that the amalgamation of the railroads in the anthracite coal regions has

worked havoc with the independent coal operator and placed the consumer at the mercy of one large monopoly. The cattle and sheep growers of my own State and of the West are putting outrageous assessments into the pockets of the stock combine, and you of the East are charged prices that are extortionate for the very meats upon your table. But more than this, the constant tendency, under existing law, does not augur more favorably for the consumer. The tendency is the other way. The tendency is toward the absolute control and domination of the food supplies, of the commodities essential to our daily well-being, by combinations that have no sympathy, that feel the pangs of no conscience, that know only gain.

MEETING THE PRESENT SITUATION.

How shall we meet this condition? That is the question of the hour. President Roosevelt, who is leading the thought of our nation in one of the greatest formative periods of history, has taken no uncertain stand. He deals at length with the question in his annual message to this Congress. I quote only in part:

In order to insure a healthy social and industrial life, every big corporation should be held responsible by and be accountable to some sovereign strong enough to control its conduct. I am in no sense hostile to corporations. This is an age of combination, and any effort to prevent all combination will be not only useless, but in the end vicious, because of the contempt for law which the failure to enforce law inevitably produces. We should, moreover, recognize in cordial and ample fashion the immense good effected by corporate agencies in a country such as ours, and the wealth of intellect, energy, and fidelity devoted to their service, and therefore normally to the service of the public, by their officers and directors. The corporation has come to stay, just as the trade union has come to stay. Each can do and has done great good. Each should be favored so long as it does good. But each should be sharply checked where it acts against law and justice.

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The immediate and most pressing need, so far as legislation is concerned, is the enactment into law of some scheme to secure to the agents of the Government such supervision and regulation of the rates charged by the railroads of the country engaged in interstate traffic as shall summarily and effectively prevent the imposition of unjust or unreasonable rates. It must include putting a complete stop to rebates in every shape and form. This power to regulate rates, like all similar powers over the business world, should be exercised with moderation, caution, and self-restraint; but it should exist, so that it can be effectively exercised when the need arises.

The first consideration to be kept in mind is that the power should be affirmative and should be given to some administrative body created by the Congress. If given to the present Interstate Commerce Commission or to a reorganized Interstate Commerce Commission, such Commission should be made unequivocally administrative. I do not believe in the Government interfering with private business more than is necessary. I do not believe in the Government undertaking any work which can with propriety be left in private hands. But neither do I believe in the Government flinching from overseeing any work when it becomes evident that abuses are sure to obtain therein unless there is governmental supervision. It is not my province to indicate the exact terms of the law which should be enacted; but I call the attention of the Congress to certain existing conditions with which it is desirable to deal.

In my judgment the most important provision which such law should contain is that conferring upon some competent administrative body the power to decide, upon the case being brought before it, whether a given rate prescribed by a railroad is reasonable and just, and if it is found to be unreasonable and unjust, then, after full investigation of the complaint, to prescribe the limit of rate beyond which it shall not be lawful to go—the maximum reasonable rate, as it is commonly called—this decision to go into effect within a reasonable time and to obtain from thence onward, subject to review by the courts. It sometimes happens at present, not that a rate is too high, but that a favored shipper is given too low a rate. In such case the Commission would have the right to fix this already established minimum rate as the maximum; and it would need only one or two such decisions by the Commission to cure railroad companies of the practice of giving improper minimum rates. I call your attention to the fact that my proposal is not to give the Commission power to initiate or originate rates generally, but to regulate a rate already fixed or originated by the roads, upon complaint and after investigation. A heavy penalty should be exacted from any corporation which fails to respect an order of the Commission. I regard this power to establish a maximum rate as being essential to any scheme of real reform in the matter of railway regulation. The first necessity is to secure it; and unless it is granted to the Commission there is little use in touching the subject at all.

Illegal transactions often occur under the forms of law. It has often occurred that a shipper has been told by a traffic officer to buy a large quantity of some commodity and then after it has been bought an open reduction is made in the rate, to take effect immediately, the arrangement resulting to the profit of the one shipper and the one railroad and to the damage of all their competitors; for it must not be forgotten that the big shippers are at least as much to blame as any railroad in the matter of rebates. The law should make it clear, so that nobody can fail to understand, that any kind of commission paid on freight shipments, whether in this form or in the form of fictitious damages, or of a concession, a free pass, reduced passenger rate, or payment of brokerage, is illegal. It is worth while considering whether it would not be wise to confer on the Government the right of civil action against the beneficiary of a rebate for at least twice the value of the rebate. This would help stop what is really blackmail. Elevator allowances should be stopped, for they have now grown to such an extent that they are demoralizing and are used as rebates.

All private car lines, industrial roads, refrigerator charges, and the like should be expressly put under the supervision of the Interstate Commerce Commission or some similar body so far as rates, and agreements practically affecting rates, are concerned. The private car owners and the owners of industrial railroads are entitled to a fair and reasonable compensation on their investment, but neither private cars nor industrial railroads nor spur tracks should be utilized as devices for securing preferential rates. A rebate in icing charges, or in mileage, or in a division of the rate for refrigerating charges is just as pernicious as a rebate in any other way. No lower rate should apply on goods imported than actually obtains on domestic goods from the American seaboard to destination except in cases where water competition is the controlling influence. There should be publicity of the accounts of common carriers; no common carrier engaged in interstate business should keep any books or memoranda other than those reported pursuant to law or regulation, and these books or memoranda should be open to the inspection of the Government. Only in this way can violations or evasions of the law be surely detected.

A system of examination of railroad accounts should be provided similar to that now conducted into the national banks by the bank examiners; a few first-class railroad accountants, if they had proper direction and proper authority to inspect books and papers, could accomplish much in preventing willful violations of the law. It would not be necessary for them to examine into the accounts of any railroad unless for good reasons they were directed to do so by the Interstate Commerce Commission. It is greatly to be desired that some way might be found by which an agreement as to transportation within a State intended to operate as a fraud upon the Federal interstate-commerce laws could be brought under the jurisdiction of the Federal authorities. At present it occurs that large shipments of interstate traffic are controlled by concessions on purely State business, which of course amounts to an evasion of the law. The Commission should have power to enforce fair treatment by the great trunk lines of lateral and branch lines.

The question of transportation lies at the root of all industrial success, and the revolution in transportation which has taken place during the last half century has been the most important factor in the growth of the new industrial conditions. Most emphatically we do not wish to see the man of great talents refused the reward for his talents. Still less do we wish to see him penalized; but we do desire to see the system of railroad transportation so handled that the strong man shall be given no advantage over the weak man. We wish to insure as fair treatment for the small town as for the big city, for the small shipper as for the big shipper. In the old days the highway of commerce, whether by water or by a road on land, was open to all; it belonged to the public and the traffic along it was free. At present the railway is this highway, and we must do our best to see that it is kept open to all on equal terms. Unlike the old highway it is a very difficult and complex thing to manage, and it is far better that it should be managed by private individuals than by the Government. But it can only be so managed on condition that justice is done the public. It is because, in my judgment, public ownership of railroads is highly undesirable and would probably in this country entail far-reaching disaster, that I wish to see such supervision and regulation of them in the interest of the public as will make it evident that there is no need for public ownership.

The opponents of Government regulation dwell upon the difficulties to be encountered and the intricate and involved nature of the problem. Their contention is true. It is a complicated and delicate problem, and all kinds of difficulties are sure to arise in connection with any plan of solution, while no plan will bring all the benefits hoped for by its more optimistic adherents. Moreover, under any healthy plan, the benefits will develop gradually and not rapidly. Finally, we must clearly understand that the public servants who are to do this peculiarly responsible and delicate work must themselves be of the highest type both as regards integrity and efficiency. They must be well paid, for otherwise able men can not in the long run be secured; and they must possess a lofty probity which will revolt as quickly at the thought of pandering to any gust of popular prejudice against rich men as at the thought of anything even remotely resembling subserviency to rich men. But while I fully admit the difficulties in the way, I do not for a moment admit that these difficulties warrant us in stopping in our effort to secure a wise and just system. They should have no other effect than to spur us on to the exercise of the resolution, the even-handed justice, and the fertility of resource, which we like to think of as typically American, and which will in the end achieve good results in this as in other fields of activity. The task is a great one and underlies the task of dealing with the whole industrial problem. But the fact that it is a great problem does not warrant us in shrinking from the attempt to solve it. At present we face such utter lack of supervision, such freedom from the restraints of law, that excellent men have often been literally forced into doing what they deplored because otherwise they were left at the mercy of unscrupulous competitors. To rail at and assail the men who have done as they best could under such conditions accomplishes little. What we need to do is to develop an orderly system; and such a system can only come through the gradually increased exercise of the right of efficient Government control.

That is a strong message, and it voices the wisdom of our people. The committee, who have worked so earnestly and well in the preparation of the bill we are now considering, have followed as their guide the words of President Roosevelt. Let us notice, then, the provisions of this measure.

PROVISIONS OF THE PENDING BILL.

First. The bill, by definition, gives broader meaning to the word "railroad" than does the present law, and declares that word to include all switches, spurs, tracks, and terminal facilities of every kind, also all freight depots, yards, and grounds used or necessary in the transportation or delivery of persons or property. It gives broader meaning to the term "transportation," and makes that term include cars and other vehicles and all instrumentalities and facilities of shipment or carriage, irrespective of ownership or of any contract, express or implied, for the use thereof, and all services in connection with the receipt, delivery, elevation, and transfer in transit, ventilation, refrigeration or icing, storage, and handling of property transported. It is made the duty of every carrier subject to the provisions of the act to provide and furnish such transportation upon reasonable request therefor, and to establish through routes and just and reasonable rates applicable thereto.

Second. It is provided that every common carrier subject to the provisions of the act shall print and keep open to public inspection schedules showing the rates, fares, and charges for

the transportation of passengers and property which any such common carrier has established and which are in force at the time upon its route. The schedules printed shall plainly state the places between which property and passengers will be carried, and shall contain the classification of freight in force, and shall also state separately the terminal charges, icing charges, and all other charges which the Commission may require, and any rules or regulations which in any wise change, affect, or determine any part of the aggregate of such rates, fares, and charges. Copies of the schedules shall be placed with the Commission as soon as the schedules may be determined. They may not be changed except after thirty days' public notice, unless by consent of the Commission for good cause shown, and every change in schedule shall be promptly filed with the Commission.

Third. The bill provides that all charges made for any service rendered or to be rendered in the transportation of passengers or property shall be just and reasonable, and that every unjust and unreasonable charge for such service or any part thereof shall be unlawful. The Interstate Commerce Commission is authorized and empowered, and it is made its duty whenever, after full hearing upon a complaint, it has found that the provisions of the law for fixing rates have been violated, or that such rates are unjust or unreasonable or unjustly discriminatory or unduly preferential or prejudicial, to determine and fix a just and fairly remunerative rate or rates, charge or charges, to be thereafter observed, and such rate shall be the maximum rate that may be charged. The order for this rate shall go into effect thirty days after notice to the carrier, unless the same shall be suspended or modified or set aside by the Commission or be suspended or set aside by a court of competent jurisdiction. The Commission may also, under this bill, after hearing on a complaint, establish through routes and joint rates, and may also, in event of the failure of the joint carriers to come to an agreement, apportion the rate that each carrier shall receive. It is also provided that should the owner of property transported under this act render any service connected with transportation or furnish any instrumentality used therein, the charge and allowance therefor shall be no more than is just and reasonable, and the Commission may, after hearing on a complaint, determine what is a reasonable maximum charge to be paid by the carrier or carriers for the service so rendered or for the use of the instrumentality so furnished and fix the same by appropriate order.

Fourth. Should any carrier, officer, representative, or agent of a carrier, or any receiver, trustee, lessee, or agent of either of them, knowingly fail or neglect to obey any order made under the provisions of the law referred to before, he shall forfeit to the United States the sum of $5,000 for each offense. Every distinct violation shall be a separate offense, and in case of a continuing violation each day shall be deemed a separate offense. It shall be the duty of the various district attorneys, under the direction of the Attorney-General of the United States, to prosecute for the recovery of the forfeitures, and the Commission may, with the consent of the Attorney-General, employ special counsel in any proceeding under this act, paying the expenses of such employment out of its own appropriation.

Fifth. It is further provided that if any carrier fails or neglects to obey any order of the Commission, other than for the payment of money, while the same is in effect, any party injured thereby, or the Commission in its own name, may apply to the circuit court in the district in which such carrier has its principal operating office, or in which the violation or disobedience of such order shall happen, for an enforcement of such order. From any action upon such petition an appeal shall lie by either party to the Supreme Court of the United States, and in such court the case shall have priority in hearing and determination over all other causes except criminal causes, but such appeal shall not vacate or suspend the order appealed from.

Sixth. After a decision, order, or requirement has been made by the Commission in any proceeding, any party thereto may at any time make application for rehearing of the same or any matter determined therein, and it shall be lawful for the Commission, in its discretion, to grant such a rehearing if sufficient reason therefor be made to appear. After such rehearing and the consideration of all the facts, including those arising since the former hearing, if it shall appear that the original decision, order, or requirement is in any respect unjust or unwarranted, the Commission may reverse, change, or modify the same accordingly. Whenever an order of the Commission made in pursuance of the law, other than an order for the payment of money, shall have been complied with for three years, such order shall not thereafter be in force as against the carrier so complying therewith.

Seventh. The Commission is authorized to require annual reports from all common carriers subject to the provisions of the law and from the owners of all railroads engaged in interstate commerce, to prescribe the manner in which such reports shall be made, and to require from such carriers specific answers to all questions upon which the Commission may need information. Such annual reports shall show in detail the amount of annual stock issued, the amounts paid therefor, and the manner of payment for the same; the dividends paid, the surplus fund, if any, and the number of stockholders; the funded and floating debts and the interest paid thereon; the cost and value of the carrier's property, franchises, and equipments; the number of employees and the salaries paid to each class; the amounts expended for improvements each year, how expended, and the character of such improvements; the accidents to passengers, employees, and other persons, and the causes thereof; the earnings and receipts from each branch of business and from all sources; the operating and other expenses; the balance of profit and loss, and a complete exhibit of the financial operations of the carrier each year, including an annual balance sheet and other information that the Commission may require. The Commission may prescribe the forms of any and all accounts, records, and memoranda to be kept by the carriers subject to the provisions of this act, and all such records shall be open for inspection at all times to the members of the Commission. Suitable penalties are provided for failure to comply with the provisions of the act.

Eighth. It is provided that the Commission shall be increased from five to seven members, that the salary of each Commissioner shall be $10,000 per year, and that each member shall be appointed for a term of seven years. Not more than four members of the Commission shall be appointed from the same political party.

DISCUSSION OF SOME OF THE PROVISIONS.

This, Mr. Chairman, covers the general scope of the pending bill, and, in my judgment, this measure strikes at the heart of existing evils. The sections of the bill giving broader meaning to the terms "railroad" and "transportation," so that they shall include, as I have pointed out, terminal facilities, and the necessary means of accommodation in transit will very largely do away with the possibility of secret rebates of all kinds. And, after all, this is the most pernicious evil that confronts us, as we take up the shipping question. Freight rates and passenger rates may be too high. Whole sections of country may suffer, and the people of communities may be compelled to deny themselves the pleasures that they desire, or indeed the comforts that they should have, but so long as the burden rests upon the shoulders of all alike, the people will support the burden with great degree of patience.

This evil, great as it may be, does not compare with the evil of granting such concession to privileged concerns, as will enable them to flourish and grow strong on the loss of their competitors, and in the end maybe bring ruin to their doors. What would we think of a system of government that would permit the tax collector to return to favored persons the taxes, or one-half the taxes, that they had paid? This question is propounded to me in a letter which I have received to-day from one of my constituents, and my correspondent, who is a thoughtful man, asks, then, if the rebate system is not as pernicious as the system he proposes would be, and if, indeed, the case that he suggests is not parallel to the giving of rebates to favored shippers. I believe that he is right, and I hope that the first day this bill becomes a law, for I believe it will become a law, will bring the day when that enormous wrong shall be crushed out forever.

MAY DETERMINE THE MAXIMUM RATE.

The Commission, should this measure pass, will have the power not only to determine what is an unreasonable or unjust rate, but also the power to say what rate shall stand as the maximum rate that may be charged. This provision will help individuals, and it will help communities. It will tend to equalize charges. Let me give an illustration. If the rates that are being charged for hauling freight from eastern points to Seattle and Portland and other points in the Northwest, three or four hundred miles beyond Spokane, Washington, Lewiston, or Boise, Idaho, or Pendleton, Oreg., are just and fair, manifestly the rates that Spokane and Lewiston and Boise and Pendleton pay are unreasonably high. A railroad can not long conduct its business when it is losing money. If the railroads are losing money on the greater run, then one thing is plain, the people who support the cities of Spokane and Lewiston and Boise—all the people of the great inland empire, as we call that section—are paying the freight for the people who live still farther west. If the railroads are not losing money in handling the traffic of the longer run—and I do not believe they are—then the people of my own State are being done a greater wrong, for the money

that they contribute is being paid not to aid others of our citizens who are building up neighboring commonwealths, but to increase the wealth of companies that are already making fair returns on their capital invested. It will not do to say that the coast cities, having water competition, are therefore entitled to this unfair advantage. The fact is, the rates of the inland country are unreasonably high. I could cite still other illustrations where industries and sections of other States are being discriminated against in behalf of other favored industries and favored sections. I hope that this wrong will be avoided by the passage of this bill.

The other provisions of the bill tend in the main to the carrying out of the provisions to which I have referred. The publicity required in the making of schedules and in the keeping open of the books of the railroads will undoubtedly prove a powerful aid in the enforcement of the law. The penalties that have been prescribed are severe, and that which is as essential as penalties in case of violations of the law is speediness with which trials may be had. The feature of the bill which clears the way for consideration of cases and their determination by the Supreme Court of the United States prior to any other matters except criminal cases is one of the strongest elements of the bill.

NEED OF SPEEDINESS IN LITIGATION.

There is one other thing in this connection that I am not certain should have been provided. President Roosevelt, in his annual message from which I have already quoted, says further:

> I urge upon the Congress the need of providing for expeditious action by the Interstate Commerce Commission in all these matters, whether in regulating rates for transportation or for storing or for handling property or commodities in transit. The history of the cases litigated under the present commerce act shows that its efficacy has been to a great degree destroyed by the weapon of delay, almost the most formidable weapon in the hands of those whose purpose it is to violate the law.

We have already taken one step looking to the prevention of this delay, but I believe the bill would be a stronger bill if there had been provided a separate court to hear appeals from the Commission and from which appeals would lie direct to the Supreme Court. The greatest weakness in the American judicial system to-day is the tardiness with which justice is meted out. This is true in part because the calendars of our courts are overcrowded and our jurists overworked. By requiring the circuit courts of the United States to hear appeals from the Interstate Commerce Commission you require each circuit judge to preside in a class of cases where erudition in the law counts for much, but where technical learning in the thousand intricate questions pertaining to railway transportation counts for more. A separate court would develop a class of judges that would aid the people of the country by the promptness with which the provisions of the law would be defined and applications made. Why, the transportation industry is an enormous business. Five and three-quarter millions of dollars represent the gross receipts of the railroads of the United States for every day throughout the year for freight and passengers handled—$240,000 every hour. You can hardly follow the enormity of figures. The cost of maintaining such a court would be infinitesimally small compared with the values that might be involved, while the good the court would do would, in my judgment, be incalculably great. The enforcement of a bad law caused the shippers of cattle and sheep in Idaho a loss of $150,000 in 1905.

The prompt decision of a single case affecting the shipment of cattle or sheep or grain from a section of country limited to my State alone might mean the saving in a single year to the people of that section an amount equal to many times the cost of maintaining the court which I suggest. I mention this to call attention to the importance of prompt decisions where the rights of individuals and communities are at stake and when great interests are involved that affect the humblest as well as the most powerful citizen within our land. This idea is not a new one. Provision for such a court was made in the original bill—last session—of the chairman of the Committee on Interstate and Foreign Commerce [Mr. HEPBURN], but the majority of that committee have decided not to include provision for such a court in the measure which they have reported. Time alone will tell us which idea should prevail. This we know: The members of that committee have been actuated by patriotic zeal and lofty courage in bringing forth a bill which they believe will assure that measure of relief for which the people of our country are crying out to-day.

There are a few other modifications that I would make, but probably there is no Member of this body who would not change a line here and add a word there, if it were in his power so to do. Aye, the measure does not represent the exact thought of any member of the committee that prepared the bill. It is a compromise, but in the main it does represent my wish, and in the main it represents what I believe to be the wish of the Members of this body.

CONSTITUTIONALITY OF PENDING BILL.

There are some who tell us that this measure if enacted into law will fall before the Constitution. Against that statement there is little that I care to say. First of all, the constitutionality of the question can not be determined by any branch of our Government other than our judiciary. In the next place, if legislation similar to this is not in accordance with our Constitution, we want to know wherein it fails, and we want the question to be determined within the earliest possible time. If our Government is so limited under the Constitution that it can not control monopolistic wealth, then must our Constitution itself be modified that the rights of our people may be preserved. I believe, however, that the provisions of this bill will come within the scope of our Constitution. I believe from what examination I have been able to give this phase of the question that the Supreme Court has spoken in many cases upon the propositions here involved. Following out this idea, I want to call your attention to the letter of May 5, 1905, of Hon. William H. Moody, one of the ablest Attorney-Generals our country has ever had, and the present occupant of that high office. The letter is addressed to Hon. STEPHEN B. ELKINS, chairman of the Committee on Interstate Commerce, United States Senate, in response to the request of the committee for the opinion of the Attorney-General upon this question. Mr. Moody cites a long series of cases that are most interesting, and at considerable length he expresses his own views upon the constitutionality of this question, and, in my judgment, his opinion warrants us in attempting the legislation which is here proposed. At the conclusion of the letter the opinions of Mr. Moody are summed up as follows:

> 1. There is a governmental power to fix the maximum future charges of carriers by railroads vested in the legislatures of the States with regard to transportation exclusively within the States, and vested in Congress with regard to all other transportation.
> 2. Although legislative power, properly speaking, can not be delegated, the lawmaking body, having enacted into law the standard of charges which shall control, may intrust to an administrative body not exercising in the true sense judicial power the duty to fix rates in conformity with that standard.
> 3. The rate-making power is not a judicial function and can not be conferred constitutionally upon the courts of the United States, either by way of original or appellate jurisdiction.
> 4. The courts, however, have the power to investigate any rate or rates fixed by legislative authority and to determine whether they are such as would be confiscatory of the property of the carrier, and if they are judicially found to be confiscatory in their effect to restrain their enforcement.
> 5. Any law which attempts to deprive the courts of this power is unconstitutional.
> 6. Any regulation of land transportation, however exercised, would seem to be so indirect in its effect upon the ports that it could not constitute a preference between the ports of different States within the meaning of Article I, section 9, paragraph 6, of the Constitution.
> 7. Reasonable, just, and impartial rates determined by legislative authority are not within the prohibition of Article I, section 9, paragraph 6, of the Constitution, even though they result in a varying charge per ton per mile to and from the ports of the different States.

Here I shall end my inquiry prior to the vote that I shall record. It is sufficient to warrant that vote, and it is sufficient to support the belief I have that this measure will be upheld by our courts, deciding as they must, under the Constitution of the United States, the instrument that marks the bounds of all our legislative acts.

A WORD IN CONCLUSION.

Another word and I have done. We have witnessed, Mr. Chairman, the tremendous development of this great country of ours. We have seen our nation take front rank among the nations of the world, and we are proud of our success. No nation was ever great whose people were not bound together by splendid public highways. The mighty product of American genius, which more than any other industrial factor has contributed to the building of our cities, the expanding of our industries, the populating and developing of our several Commonwealths, is the American railroad. A rude beginning only eighty years ago, the American railway soon found itself essential to our progress. Cities vied with each other in donations to railroad building. Counties bonded themselves for sums greater than they could bear. States gave liberal encouragement, and some of them to their financial loss. The National Government itself, realizing the importance of thoroughfares of commerce, appropriated 190,000,000 acres of virgin land that railroads might assume the responsibility of extending their lines with the progress of the pioneer, and it has been written down as one of the great events of the first century of our nation, the driving of the last spike in the first railway across the American continent. That was only a little while ago; but with the tremendous power of American genius, the railway

systems have been extended, and they have contributed their full share to the building of our greatness.

The railroads are to-day quasi public institutions. Within and dependent upon our Government, they are yet essential to its well-being. Their capital is tremendous and their income every year is more than three times as great as the income of the United States. But this is not the only way that they are powerful. You have no farm so beautiful but that the railway may extend its lines across your fertile fields. You have no home so humble or so great but that the railroad may lay its tracks beside your door. Aye, the cemetery in yonder vale is not immune, but through its plats the railroad plows its way, if perchance that course would serve its purpose best. You can not say it nay. Theirs is the power of eminent domain, and that power is coextensive with the public welfare. More than this, by means of organization they have for the most part eliminated competition, and to-day our 80,000,000 people are dependent upon the wishes of a few men who control the railway systems, save only as inadequate laws furnish scant protection.

Individual States have done something, and yet if all the States controlled the commerce within their bounds the Federal Government would still be left its task to do, for twenty times the commerce within the States the States can not control. It is interstate commerce and can be reached alone by the laws of our National Government. If, then, competition in any industry has been well-nigh eliminated by means of the amalgamation of wealth, if an industry has grown so great that it has become in part a public institution, if the franchises granted it waive the rights of the individual that the general public may thereby be better served, then it becomes our right, aye, more than our right—it becomes our duty to make such laws as will give to the people generally the protection that they deserve. Organization of wealth is right when the best fruits of such organization go, not to a favored few, but to the masses of our people—the bulwark of our nation's strength. [Applause.]

Mr. HEPBURN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. VREELAND, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12987—the railroad rate bill—and had come to no resolution thereon.

SENATE BILLS AND RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 538. An act for the relief of Mr. Charles T. Rader—to the Committee on Private Land Claims.

S. 3318. An act to allow the entry and clearance of vessels at San Luis Obispo, Port Harford, and Monterey, Cal.—to the Committee on Ways and Means.

Senate concurrent resolution 4:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to inquire into the advisability of establishing a harbor of refuge by the construction of a breakwater on the island of Nantucket, Massachusetts, at or near the westerly side of Great Point, for the purpose of providing better protection for commerce and the lessening of the perils of navigation to coastwise traffic in the adjacent waters—

To the Committee on Rivers and Harbors.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 5023. An act granting an increase of pension to August Westfield.

STATEMENT OF APPROPRIATIONS.

Mr. TAWNEY. Mr. Speaker, I submit a resolution and ask unanimous consent for its present consideration.

The SPEAKER. The gentleman from Minnesota [Mr. TAWNEY] asks unanimous consent for present consideration of a resolution, which the Clerk will read.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury is hereby requested to furnish for the use of the House the following information:

1. Statement of appropriations for permanent specific and indefinite objects, giving titles and dates of facts of appropriations and reference to statutes.

2. Statement of appropriations for permanent specific and indefinite objects proposed to be repealed by House bill 8991, Fifty-ninth Congress, first session, and the expenditures therefrom during the fiscal years 1904 and 1905.

3. Statement of appropriations for permanent specific and indefinite objects not repealed by House bill 8991, Fifty-ninth Congress, first session, and the expenditures therefrom during the fiscal years 1904 and 1905.

4. Whether in his opinion said House bill 8991 should be enacted with or without amendment.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

Mr. HEPBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 1 minute p. m.) the House, in accordance with the previous order, adjourned until to-morrow, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred by the Speaker as follows:

A letter from the vice-president of the Anacostia and Potomac Railroad Company, transmitting the annual report for the year ended December 31, 1905—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the vice-president of the City and Suburban Railway Company, transmitting the annual report for the year ended December 31, 1905—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the vice-president of the Washington Railway and Electric Company, transmitting the annual report for the year ended December 31, 1905—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the vice-president of the Brightwood Railway Company, transmitting the annual report for the year ended December 31, 1905—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the vice-president of the Georgetown and Tennallytown Railway Company, transmitting the annual report for the year ended December 31, 1905—to the Committee on the District of Columbia, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SHERMAN, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 10697) providing for the issuance of patents for lands allotted to Indians under the Moses agreement of July 7, 1883, reported the same without amendment, accompanied by a report (No. 739); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LLOYD, from the Committee on the Territories, to which was referred the bill of the House (H. R. 13674) to amend an act entitled "An act to amend an act entitled 'An act to supplement existing laws relating to the disposition of lands, and so forth, approved March 3, 1901,' approved June 30, 1902," reported the same without amendment, accompanied by a report (No. 741); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHERMAN, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 12845) to consolidate the city of South McAlester and the town of McAlester, in the Indian Territory, reported the same with amendment, accompanied by a report (No. 742); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. AMES, from the Committee on Pensions, to which was referred the bill of the House (H. R. 1912) granting a pension to Julia A. Powell, reported the same with amendment, accompanied by a report (No. 696); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 2114) granting an increase of pension to Benjamin Bibb, reported the same with amendment, accompanied by a report (No. 697); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 2709) granting an increase of pension to Julius D. Rogers, reported the same with amend-

ment, accompanied by a report (No. 698); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2703) granting an increase of pension to Stephen Weeks, reported the same with amendment, accompanied by a report (No. 699); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 3220) granting an increase of pension to Sarah Johnston, reported the same with amendment, accompanied by a report (No. 700); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 4403) granting a pension to John H. Pepper, reported the same without amendment, accompanied by a report (No. 701); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 5711) granting a pension to Richard H. Kelley, reported the same with amendment, accompanied by a report (No. 702); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 6137) granting an increase of pension to Henry S. Stowell, reported the same with amendment, accompanied by a report (No. 703); which said bill and report were referred to the Private Calendar.

Mr. HOGG, from the Committee on Pensions, to which was referred the bill of the House (H. R. 6400) granting a pension to Harry W. Omo, reported the same with amendment, accompanied by a report (No. 704); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 7628) granting an increase of pension to Lorenzo D. Stoker, reported the same with amendment, accompanied by a report (No. 705); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 8216) granting an increase of pension to Philipp Cline, reported the same with amendment, accompanied by a report (No. 706); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 8376) granting an increase of pension to Mary J. McConnell, reported the same with amendment, accompanied by a report (No. 707); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 8494) granting an increase of pension to David A. Jones, reported the same with amendment, accompanied by a report (No. 708); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 8939) granting an increase of pension to Sarah A. Chauncey, reported the same with amendment, accompanied by a report (No. 709); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 8949) granting an increase of pension to Albert Richard Clark, reported the same with amendment, accompanied by a report (No. 710); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9077) granting an increase of pension to Samuel Engle, reported the same with amendment, accompanied by a report (No. 711); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9351) granting an increase of pension to Marie Graves Bonham, reported the same with amendment, accompanied by a report (No. 712); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9651) granting an increase of pension to C. S. Word, reported the same with amendment, accompanied by a report (No. 713); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10476) granting an increase of pension to Charles T. Hesler, reported the same with amendment, accompanied by a report (No. 714); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10741) granting an increase of pension to Thomas Clark, reported the same with amendment, accompanied by a report (No. 715); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10789) granting a pension to David Wilborn, reported the same with amendment, accompanied by a report (No. 716); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10967) granting a pension to George Larson, reported the same with amendment, accompanied by a report (No. 717); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10969) granting an increase of pension to C. G. Tucker, reported the same with amendment, accompanied by a report (No. 718); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11416) granting an increase of pension to Lizzie Belk, reported the same with amendment, accompanied by a report (No. 719); which said bill and report were referred to the Private Calendar.

Mr. HOGG, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11657) granting a pension to Madison H. Burnett, reported the same without amendment, accompanied by a report (No. 720); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12285) granting a pension to Mary C. Kirkland, reported the same with amendment, accompanied by a report (No. 721); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12510) granting an increase of pension to John McWhorter, reported the same with amendment, accompanied by a report (No. 722); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12516) granting a pension to James S. Randall, jr., reported the same with amendment, accompanied by a report (No. 723); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12640) granting an increase of pension to Augustus Walker, reported the same with amendment, accompanied by a report (No. 724); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13050) granting an increase of pension to William G. Crockett, reported the same without amendment, accompanied by a report (No. 725); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13078) granting an increase of pension to Elizabeth F. Parten, reported the same with amendment, accompanied by a report (No. 726); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13084) granting an increase of pension to William Dixon, reported the same without amendment, accompanied by a report (No. 727); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 244) granting an increase of pension to Thomas Bramel, alias Thomas Bramble, reported the same without amendment, accompanied by a report (No. 728); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 322) granting an increase of pension to Isabella Workman, reported the same without amendment, accompanied by a report (No. 729); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 407) granting an increase of pension to George W. Purvis, reported the same without amendment, accompanied by a report (No. 730); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 637) granting an increase of pension to John D. O'Brien, reported the same without amendment, accompanied by a report (No. 731); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1035) granting an increase of pension to Andrew McClory, reported the same without amendment, accompanied by a report (No. 732); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1271) granting an increase of pension to Edward Irwin, reported the same without amendment, accompanied by a report (No. 733); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1474) granting an increase of pension to Joseph Davis, reported the same without amendment, accompanied by a report (No. 734); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1709) granting a pension to Florence Greeley De Veaux, reported the same without amendment, accompanied by a report (No. 735); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1735) granting an increase of pension to Washington Hogans, reported the same without amendment, accompanied by a report (No. 736); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2144) granting an increase of pension to James A. M. Brown, reported the same without amendment, accompanied by a report (No. 737); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2583) granting an increase of pension to Thomas Robey, reported the same without amendment, accompanied by a report (No. 738); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BINGHAM: A bill (H. R. 13776) to amend section 1 of an act entitled "An act to amend the internal-revenue laws relating to distilled spirits, and for other purposes," approved March 3, 1899—to the Committee on Ways and Means.

Also, a bill (H. R. 13777) to amend section 50 of the act of August 28, 1894, entitled "An act to reduce taxation, to provide revenue for the support of the Government, and for other purposes"—to the Committee on Ways and Means.

Also, a bill (H. R. 13778) to amend the internal-revenue laws and to prevent the double taxation of certain distilled spirits—to the Committee on Ways and Means.

By Mr. KINKAID: A bill (H. R. 13779) to grant to Charles H. Cornell the right to abut a dam across the Niobrara River on the Fort Niobrara Military Reservation, Nebr., and to construct and operate a trolley or electric railway line and telegraph and telephone lines across said reservation—to the Committee on Military Affairs.

By Mr. THOMAS of North Carolina: A bill (H. R. 13780) to authorize a survey of Bogue Inlet, North Carolina—to the Committee on Rivers and Harbors.

By Mr. McNARY: A bill (H. R. 13781) concerning national banks of the United States with a capital surplus of $2,000,000 in cities of the United States having a population of 200,000 people—to the Committee on Banking and Currency.

Also, a bill (H. R. 13782) for the consolidation of third and fourth class mail matter, for the registration and insurance of all mail matter, and for the establishment of a parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. BROOKS of Colorado: A bill (H. R. 13783) to provide souvenir medallions for The Zebulon Montgomery Pike Monument Association—to the Committee on Coinage, Weights, and Measures.

By Mr. DOVENER: A bill (H. R. 13784) for the establishment of a national park and forest reserve in the Appalachian Mountains, and to provide for the conservation of the water that flows down the Potomac watershed, and to provide laws for its sanitary policing, and so forth; to include all parts of the States of West Virginia, Pennsylvania, Maryland, Virginia, and the District of Columbia that contribute to form the complete watershed of the Potomac River from its head to and including the District of Columbia; and for the primary purposes of providing a sufficient and pure water supply for the District of Columbia; also to embrace the western slope of the Appalachian Mountains to the Ohio River included in the States of West Virginia, Pennsylvania, and Kentucky; and embracing the watersheds of the Monongahela, Big Kanawha, Little Kanawha, and Big Sandy rivers, and their tributaries, and to prevent overflows and denudation of soil; for the establishment of reservoirs, canals, lakes, ponds, and ditches, and for all other useful purposes to which water can be put when supplied in abundance—to the Committee on Agriculture.

By Mr. STEPHENS of Texas: A bill (H. R. 13785) providing for the appointment of a commission to revise the postal laws and regulations of the United States—to the Committee on the Post-Office and Post-Roads.

By Mr. SIMS: A bill (H. R. 13842) to amend an act entitled "An act to incorporate The Eastern Star Home for the District of Columbia," approved March 10, 1902—to the Committee on the District of Columbia.

By Mr. CRUMPACKER: A resolution (H. Res. 204) requesting the Secretary of Commerce and Labor to report to the House facts concerning refusal to allow John J. Bowes, an ex-soldier of the United States Army, to be admitted into the United States—to the Committee on Immigration and Naturalization.

By Mr. GILBERT of Kentucky: A resolution (H. Res. 206) calling on the Secretary of State for information relative to the conduct and transactions of the ministers of the United States to Bolivia and Ecuador—to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALLEN of New Jersey: A bill (H. R. 13786) to refund legacy taxes illegally collected from the estate of A. Swan Brown—to the Committee on Claims.

By Mr. BABCOCK: A bill (H. R. 13787) granting an increase of pension to Malcolm Ray—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 13788) for the relief of Allen Conley—to the Committee on Military Affairs.

Also, a bill (H. R. 13789) for the relief of John McGowan—to the Committee on Military Affairs.

Also, a bill (H. R. 13790) for the relief of Asa Day—to the Committee on War Claims.

Also, a bill (H. R. 13791) for the relief of the estate of Thomas K. Ball—to the Committee on War Claims.

Also, a bill (H. R. 13792) for the benefit of George W. Taylor's administrator—to the Committee on Claims.

Also, a bill (H. R. 13793) granting a pension to Mrs. A. H. Maddox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13794) granting a pension to John B. Spencer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13795) granting a pension to William Justice—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13796) granting an increase of pension to Benjamin B. Morris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13797) granting an increase of pension to Fred W. Lange—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 13798) granting an increase of pension to Alida King—to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 13799) to remove the charge of desertion from the record of Bernhard Romacker—to the Committee on Military Affairs.

By Mr. BURLEIGH: A bill (H. R. 13800) granting an increase of pension to Moses N. H. Baker—to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota: A bill (H. R. 13801) granting an increase of pension to Adam P. Cavit—to the Committee on Invalid Pensions.

By Mr. BUTLER of Tennessee: A bill (H. R. 13802) granting a pension to Ann M. Bart—to the Committee on Pensions.

By Mr. CAMPBELL of Kansas: A bill (H. R. 13803) granting a pension to Henry H. Foreman—to the Committee on Invalid Pensions.

By Mr. COCKRAN: A bill (H. R. 13804) granting a pension to Bridget Davis—to the Committe on Invalid Pensions.

By Mr. COOPER of Pennsylvania: A bill (H. R. 13805) granting an increase of pension to Isaac Gordon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13806) granting an increase of pension to John Campbell—to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 13807) granting an increase of pension to Imogene B. Tappan—to the Committee on Invalid Pensions.

By Mr. DENBY: A bill (H. R. 13808) to remove the charge of desertion from the military record of John Newmen—to the Committee on Military Affairs.

By Mr. DICKSON of Illinois: A bill (H. R. 13809) granting an increase of pension to James Tucker—to the Committee on Pensions.

By Mr. DRISCOLL: A bill (H. R. 13810) granting an increase of pension to Abraham J. Simmons—to the Committee on Invalid Pensions.

By Mr. GAINES of West Virginia: A bill (H. R. 13811) for the relief of Sarah Miller—to the Committee on War Claims.

By Mr. HINSHAW: A bill (H. R. 13812) granting an increase of pension to John Boyle—to the Committee on Invalid Pensions.

By Mr. HUBBARD: A bill (H. R. 13813) granting an increase of pension to Samuel Brown—to the Committee on Invalid Pensions.

By Mr. KLEPPER: A bill (H. R. 13814) granting an increase of pension to James Graham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13815) granting an increase of pension to Christian M. Good—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13816) granting an increase of pension to Thomas McPeek—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13817) granting an increase of pension to John S. Henry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13818) granting an increase of pension to George Houtz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13819) granting a pension to James A. Sloan, alias Henderson Sloan—to the Committee on Invalid Pensions.

By Mr. KELIHER: A bill (H. R. 13820) granting a pension to John H. Irwin—to the Committee on Pensions.

By Mr. KENNEDY of Ohio: A bill (H. R. 13821) to authorize the President of the United States to appoint Edgar C. Campbell captain and paymaster in the Army—to the Committee on Military Affairs.

By Mr. LAFEAN: A bill (H. R. 13822) granting an increase of pension to Augustus D. King—to the Committee on Invalid Pensions.

By Mr. LE FEVRE: A bill (H. R. 13823) granting an increase of pension to William Van Keuren—to the Committee on Invalid Pensions.

By Mr. McKINNEY: A bill (H. R. 13824) granting an increase of pension to Noah Myers—to the Committee on Invalid Pensions.

By Mr. MAHON: A bill (H. R. 13825) granting an increase of pension to James K. Brewer—to the Committee on Invalid Pensions.

By Mr. MEYER: A bill (H. R. 13826) granting an increase of pension to Frank S. Pettingill—to the Committee on Invalid Pensions.

By Mr. PATTERSON of Tennessee: A bill (H. R. 13827) for the relief of the estate of James Jones, deceased—to the Committee on War Claims.

By Mr. SHACKLEFORD: A bill (H. R. 13828) granting an increase of pension to John M. Carroll—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13829) granting a pension to William Z. Burton—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 13830) to authorize the Court of Claims to consider the claims of Charles F. Winton, deceased, and others, against the Mississippi Choctaws for services rendered and expenses incurred—to the Committee on the Judiciary.

By Mr. THOMAS of North Carolina: A bill (H. R. 13831) for the relief of W. T. Dixon—to the Committee on War Claims.

By Mr. THOMAS of Ohio: A bill (H. R. 13832) granting an increase of pension to Sanford Russell—to the Committee on Invalid Pensions.

By Mr. TYNDALL: A bill (H. R. 13833) granting an increase of pension to William H. Newberry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13834) granting an increase of pension to William Minix—to the Committee on Invalid Pensions.

By Mr. WEEKS: A bill (H. R. 13835) granting an increase of pension to William Crane—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 13836) to remove the charge of desertion from the record of Tyler Weare—to the Committee on Military Affairs.

By Mr. DE ARMOND: A bill (H. R. 13837) granting a pension to William B. Nave—to the Committee on Invalid Pensions.

By Mr. FULKERSON: A bill (H. R. 13838) for the relief of Ellis W. Joy—to the Committee on War Claims.

By Mr. HEPBURN: A bill (H. R. 13839) granting an increase of pension to Jacob D. Wood—to the Committee on Invalid Pensions.

By Mr. MOUSER: A bill (H. R. 13840) granting an increase of pension to Absalom Shell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13841) for the relief of the heirs at law and legal representatives of Asahel Bliss—to the Committee on War Claims.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 11978) to reimburse Toney E. Proctor for services as appraiser of the town of Wagoner, Ind. T., and the same was referred to the Committee on Indian Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the National Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of E. B. Calhoun, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. ACHESON: Petition of Roscoe Council, No. 369, Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petitions of the Sentinel Publishing Company, F. M. Schilling, and the Hay, Flour, and Feed Journal, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. ANDREWS: Petitions of José Montane and Frederick A. Bush, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BARCHFELD: Petition of the Western Fruit Jobbers' Association, for additional powers to the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Press Printing Company, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BATES: Petition of Alanson Crosby, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BENNET of New York: Petition of Thomas E. Schulz, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petitions of James B. Dunn, C. C. Hunt, and A. L. Chatterton, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of several hundred business men of New York City, favoring the metric system—to the Committee on Coinage, Weights, and Measures.

Also, petition correcting bill H. R. 11943 in certain particulars—to the Committee on Patents.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. BENNETT of Kentucky: Petition of C. J. Lack et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of Oak View Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petitions of J. M. Allen, S. J. Roberts, and W. O. Blackerby, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BOWERSOCK: Petition of National Grange, Vineland, Kans., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. BRADLEY: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of Lyman H. Taft, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BUCKMAN: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. BURKE of Pennsylvania: Petition of Charles E. Federman, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BURLEIGH: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. BURLESON: Petition of 20 citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. BURTON of Ohio: Petition of 13 citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. BUTLER of Tennessee: Paper to accompany bill for relief of Ann M. Bart—to the Committee on Pensions.

By Mr. CAMPBELL of Kansas: Paper to accompany bill for relief of Henry H. Truman—to the Committee on Invalid Pensions.

Also, petitions of Phil L. Keener, W. D. Gleason, L. W. Davis, F. W. Frye, Frederick P. Cone, D. L. Newkirk, the Review, and H. J. Rowell, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. CANDLER: Petitions of Charles M. Scherer, John T. Senled, the Herald, and R. D. Gladney, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. CHANEY: Petitions of Howard Chirty, William M. Moss, and Dean M. Inman, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Paris A. Hastings, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. COCKRAN: Petition of Lehman, Schwartz & Co., of New York City, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. CONNER: Petitions of Frank D. Faul and J. B. Hungerford, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. COOPER of Pennsylvania: Petitions of I. H. Knox, Edwin P. Pouse, G. E. Bishop, Lon A. Smith, G. M. Beck, W. D. McGinnis, Alexander B. Craff, and George W. Campbell, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of William Spencer—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: Petition of Burr Oak Camp, No. 3177, Modern Woodmen of America, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Review, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of R. K. Coe, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. COUSINS: Petitions of the Record, of Mount Vernon, Iowa; T. T. Williams, and the Herald Printing Company, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. CURRIER: Petitions of the Berlin Reporter and the Mountaineer, of Gorham, N. H., against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of R. M. D. Adams and 15 residents of Milford, N. H., for investigation of affairs in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. DARRAGH: Petitions of George McConnelly & Co., M. O. Hullinger, H. L. Bemis, Will A. Kent, E. F. Grabill, H. A. Miller, and L. X. Goulet & Son, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DAVEY of Louisiana: Petition of P. J. McMahon, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. DOVENER: Paper to accompany bill for relief of John D. McFadden—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of the Troy Free Press, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DRESSER: Petitions of J. H. Wood, Charles D. Layman, and Ada Cable, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DRISCOLL: Petition of C. H. Skelton, H. S. Hopkins, Stillman & Spooner, the Oneida Post, W. W. Ames, W Stanley Child, and E. E. Keeler, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of A. W. Sherman et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. ELLIS: Petition of the Independent, of Kansas City, Mo., against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. FLACK: Petition of Gouverneur Grange, No. 303, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Libbie Merrill—to the Committee on Invalid Pensions.

Also, petition of Isaac N. Lyons, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. FORDNEY: Petitions of the Review and A. D. Gallery, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. FOWLER: Petition of John W. Clift, of Summit, N. J., against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Central Lodge, No. 372, Brotherhood of Railway Trainmen, favoring bills H. R. 9328 and 372—to the Committee on the Judiciary.

Also, petition of Old Glory Council, No. 16, Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petitions of Smith Brothers; Charles W. Easton; M. T. Lynch; the Tidings Publishing Company; J. Thomas Scott, of Chatham, N. J.; J. Thomas Scott, of New Providence, N. J., and Charles L. Stryker, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. FULKERSON: Petitions of James Watson, R. P. Futen, H. N, Stepel, P. S. Mooers, Ben F. Hildebrand, W. H. Gilbert the Journal, of Rockport, Mo., and the Sentinel, of Oregon, Mo., against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. FULLER: Petition of J. W. Richardson, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of William McKinley Council, No. 2, of Alton, Ill., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Chamber of Commerce of New York, for an amendment of the customs administrative act—to the Committee on Ways and Means.

By Mr. GRANGER: Petition of the Willard Woman's Christian Temperance Union, of Providence, R. I., for the Hepburn-Dolliver bill—to the Committee on Alcoholic Liquor Traffic.

Also, petitions of Orin Edson Crooker et al., and Washington Park Methodist Episcopal Church, of Providence, R. I., for prohibition in Indian Territory and Oklahoma as States—to the Committee on the Territories.

Also, petition of the Newport Agricultural Society, for increase of experiment stations—to the Committee on Agriculture.

By Mr. HAMILTON: Petition of citizens of Riverside, Mich., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petitions of George E. Gillam, J. W. Saunders, and Charles F. Davidson, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HINSHAW: Petition of C. A. Shaff, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HITT: Petition of 20 citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of Local Union No. 547, of Freeport, Ill., Painters, Decorators, and Paper Hangers of America, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. HOWARD: Petition of Purcell & Swilling and the Hartwell Sun, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HOWELL of Utah: Petition of the Mining Review, C. M. Jackson, H. G. Whitney, and O. W. Covington, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. JAMES: Petition of the Register News, Hon. W. K. Wall, and Hon. W. O. Wear, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. KENNEDY of Nebraska: Petition of the Commercial Clubs of Omaha and Blair, Nebr., for 1-cent postage—to the Committee on the Post-Office and Post-Roads.

By Mr. KELIHER: Petition of the Massachusetts State Board of Trade, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. WILLIAM W. KITCHIN: Petition of citizens of Newbern, N. C., relative to the status of the naval militia—to the Committee on Naval Affairs.

By Mr. KLINE: Petition of Bayard Handy, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Charles B. Spatz, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. KNAPP: Petition of Indian River Grange, No. 19, of Antwerp, N. Y., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. LAFEAN: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. LEE: Paper to accompany bill (H. R. 6438) for relief of Joel Cross—to the Committee on War Claims.

By Mr. LILLEY of Connecticut: Petition of the Waterbury Republican, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. McKINNEY: Petition of the Moline Mail Company, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Review Printing Company, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. MACON: Petition of Troutt & McNary, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. MAHON: Paper to accompany bill for relief of James K. Brewer—to the Committee on Invalid Pensions.

Also, petitions of the Franklin Repository, James Magee, and Francis Allen, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petitions of Waynesboro Council, Junior Order United American Mechanics; Council No. 294, Order United American Mechanics; Chambersburg Council, No. 228; citizens of Scotland, Pa., and Washington Council, No. 695, Patriotic Order Sons of America, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. MANN: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of George E. Briggs, against the repeal of the tax on alcohol—to the Committee on Ways and Means.

Also, petition of major-generals, relative to bill H. R. 8989—to the Committee on Military Affairs.

Also, petition of Henry W. Lee, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. MARTIN: Petition of 16 citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of J. H. Shanard et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. MICHALEK: Petitions of August Geringer and C. F. Pettkoske, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of William Postell—to the Committee on Military Affairs.

By Mr. MORRELL: Petition of prominent citizens of Philadelphia, against the commercial spoliation of Niagara Falls—to the Committee on Rivers and Harbors.

By Mr. MOUSER: Petition of Seneca Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petitions of J. S. Opdyke and the Leader, of Syracuse, Ohio, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. OTJEN: Petition of the Young Churchman Company, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. OVERSTREET: Petition of George B. Gannon et al., citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of the Municipal Engineering Company and the American Farmer, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Manufacturers' Club of Fort Wayne, Ind., favoring the President's recommendations relative to railway rate control—to the Committee on Interstate and Foreign Commerce.

By Mr. POLLARD: Petition of the Commercial Club of Omaha, Nebr., for 1-cent postage—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Nebraska Corn Improvers' Association, for bill H. R. 345—to the Committee on Agriculture.

By Mr. REEDER: Petition of F. M. Duvall, E. M. Coldren, G. N. Shook, C. L. Thompson, Calvin D. Walker, J. J. Rodebaugh, and L. Y. Parker, against the tariff on tinotype machines—to the Committee on Ways and Means.

By Mr. REYNOLDS: Paper to accompany bill for relief of Noah Burket—to the Committee on Invalid Pensions.

By Mr. RHINOCK: Petition of the National Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Williamstown Courier, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. RHODES: Petitions of H. A. Gibbs, I. L. Page, and W. C. Thornton, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. ROBINSON of Arkansas: Papers to accompany bill H. R. 13635—to the Committee on the Public Lands.

By Mr. RYAN: Petition of Buffalo Division, No. 15, Brotherhood of Locomotive Engineers, favoring bills H. R. 9328 and 239—to the Committee on the Judiciary.

By Mr. SCHNEEBELI: Petition of Nazareth Council, No. 100, Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of 23 citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of Strong Vincent Post, No. 67, Grand Army of the Republic, of Erie, Pa., favoring bill H. R. 8989—to the Committee on Military Affairs.

Also, petition of the Record, of Lansford, Pa.; the Daily News, of Bangor, Pa.; the Pike County Press, of Milford, Pa.; La Stella Colorvale, of Ben Argyle, Pa., and the Herald, of Weatherly, Pa., against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SHACKLEFORD: Petition of Local Union No. 94, Carpenters and Joiners of America, of Jefferson City, Mo., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of D. W. Jones, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SHEPPARD: Petition of J. H. Reigner, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SHERMAN: Petition of J. J. Guernsey, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Orlean De Witt—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: Petitions of John A. Hale, Charles McDermott, Thomas J. Haworth & Co., R. W. Jones, and John T. Galbraith, against the tariff on linotype machines—to the Committee on Ways and Means.

Mr. SMITH of Kentucky: Petition of citizens of Lebanon, Ky., asking for investigation into affairs in the Kongo Free State—to the Committee on Foreign Affairs.

Also, petitions of Marion Falcon, C. E. Smith, the Standard Publishing Company, Joel H. Pile, the Bullitt County News, T. T. Page, the Breckinridge News, and Daniel Gober, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SMITH of Pennsylvania: Petition of Horace Greely Miller, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SAMUEL W. SMITH: Petition of George E. Briggs, against removal of the tariff on alcohol—to the Committee on Ways and Means.

Also, petition of F. L. Andrews and the Robert Smith Printing Company, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Detroit Board of Commerce, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Detroit Board of Commerce, relative to the consular service—to the Committee on Foreign Affairs.

By Mr. SMITH of Texas: Petitions of W. F. Kellis and S. F. Bethel, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SOUTHARD: Petitions of H. S. Kickson, W. W. Grube, and the Exponent Publishing Company, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SULZER: Petitions of George L. Norton and Jean Weil, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of George E. Briggs, against repeal of the tax on free alcohol—to the Committee on Ways and Means.

Also, petition of the National German-American Alliance, relative to literature touching the beer interest—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the Manufacturers' Association of New York,

against the metric system—to the Committee on Coinage, Weights, and Measures.

Also, petition of the People's Institute, for a post-graduate university in Washington, D. C.—to the Committee on Education.

Also, petition of the Western Fruit Jobbers' Association, relative to private-car-line evils—to the Committee on Interstate and Foreign Commerce.

By Mr. THOMAS of North Carolina: Petition of the Swansboro Land and Lumber Company, for improvement of Bogue Inlet, North Carolina—to the Committee on Rivers and Harbors.

By Mr. THOMAS of Ohio: Petitions of L. R. Benjamin, R. A. Huber, and E. F. Keinobel, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of General Joe Hooker Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Garrettsville (Ohio) Farmers' Institute, favoring a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of the National Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. TOWNSEND: Petition of North Rome Grange, No. 135, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of C. J. McCormic and Milo W. Whittaker, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WEEKS: Petitions of Cushman's Six Monthlies, of Boston, Mass.; the Sentinel, of Franklin, Mass.; the Genealogical Magazine and the Anglo-American, of Boston, Mass., and the Chronicle, of Brookline, Mass., against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petitions of George H. Wightman and the Society of Chemical Industry, New England section, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. WEEMS: Petitions of Brilliant Lodge, No. 772, Independent Order of Odd Fellows, and General Fremont Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. WEISSE: Petition of A. A. Mashburn, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WILLIAMS: Petitions of Ira W. Betts, J. G. McGuire, and Joseph E. Norwood, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WILSON: Petition of Charles L. Clark, against the tariff on linotype machines—to the Committee on Ways and Means.

SENATE.

FRIDAY, *February 2, 1906.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. PENROSE, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

SAFETY OF VESSELS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War relative to a concurrence in the resolution adopted by the General Board, Navy Department, with respect to the delimitation of defensive areas in the neighborhood of fortified or strategic points; which was referred to the Committee on Military Affairs, and ordered to be printed.

ARMY QUARTERS, PHILIPPINE ISLANDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting an estimate of appropriation for inclusion in the urgent deficiency appropriation bill for barracks and quarters, Philippine Islands, for use during the current fiscal year, $100,000; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

DRAFTS OF PROPOSED DISTRICT OF COLUMBIA BILLS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting the draft of a bill to amend the first paragraph under the head of "District of Columbia" in the general deficiency appropriation act of March 3, 1901, relative to the granting of permits for the extension of any building or buildings, or any part or parts thereof, in the city of Washington, D. C., etc.; also the draft of a bill to correct a typographical error in the act approved July 1, 1898, vesting in the Commissioners of the District of Columbia the control of street parkings in the District, and, further, the draft of a bill to authorize the sale of certain real estate in the District of Columbia belonging to the United States; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a joint resolution (H. J. Res. 83) for a report, etc., upon the preservation of Niagara Falls; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 312. An act to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak.;

S. 944. An act granting an increase of pension to Robert F. Catterson;

S. 974. An act granting an increase of pension to David L. Wright;

S. 979. An act to amend an act entitled "An act authorizing the Winnipeg, Yankton and Gulf Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak.;"

S. 1036. An act granting an increase of pension to William C. Beachey;

S. 1040. An act granting an increase of pension to James Sloan;

S. 1164. An act granting an increase of pension to Henry E. Bedell;

S. 1201. An act granting an increase of pension to Sarah A. Preston;

S. 1214. An act granting an increase of pension to Charles W. Oleson;

S. 1238. An act granting an increase of pension to John Christoff;

S. 1239. An act granting an increase of pension to Joseph G. McGarvey;

S. 1269. An act granting an increase of pension to Charles E. Smith;

S. 1310. An act granting an increase of pension to Charles S. M. Hooton;

S. 1340. An act granting an increase of pension to John Leavitt;

S. 1341. An act granting an increase of pension to Fred Preisinger;

S. 1342. An act granting an increase of pension to Morton M. Noah;

S. 1359. An act granting an increase of pension to Jeremiah Ingalls, alias Jeremiah Boss;

S. 1408. A act granting an increase of pension to Julia W. Estes;

S. 1431. An act granting an increase of pension to William W. Lane;

S. 1505. An act granting an increase of pension to Uriah D. Barrett;

S. 1737. An act granting an increase of pension to Helen M. Blanchard;

S. 1747. An act to authorize the Mobile Railway and Dock Company to construct and maintain a bridge or viaduct across the water between the end of Cedar Point and Dauphin Island;

S. 1826. An act granting an increase of pension to Rufus H. Paine;

S. 1872. An act granting an increase of pension to Rebecca A. White;

S. 1888. An act granting an increase of pension to George W. Patton;

S. 2082. An act granting an increase of pension to Elizabeth T. Carpenter;

S. 2143. An act granting an increase of pension to Angelina Hernandez;

H. R. 297. An act to authorize the construction of dams and

power stations on the Tennessee River at Muscle Shoals, Alabama; and

H. R. 12314. An act to amend an act approved February 3, 1905, authorizing the construction of a bridge across Red River at Shreveport, La.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Maritime Association of the Port of New York, N. Y., praying for the enactment of legislation providing for the deepening of Coney Island channel, in that State, to a depth of 20 feet, and for its maintenance; which was referred to the Committee on Commerce.

He also presented a memorial of the executive committee of the Citizens' League of Phoenix, Ariz., remonstrating against the admission of Arizona and New Mexico into the Union as one State, and praying for the enactment of legislation to suppress gambling in those Territories when admitted to statehood; which was ordered to lie on the table.

Mr. OVERMAN presented a petition of Local Division No. 431, Order of Railway Conductors, of Greensboro, N. C., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented petitions of Belews Creek Council, No. 33, of Belews Creek; Evening Star Council, No. 58, of Roanoke Rapids; Gastonia Council, No. 68, of Gastonia; Hot Springs Council, No. 161, of Hot Springs; Glencoe Council, No. 178, of Burlington; Pender Council, No. 59, of Burgaw; Mooresville Council, No. 75, of Mooresville; Roberdell Council, No. 83, of Roberdell; French Broad Council, No. 68, of Asheville, and Vance Council, No. 168, of Lasker, all of the Junior Order United American Mechanics, in the State of North Carolina, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. DRYDEN presented a memorial of Local Union No. 230, Cigar Makers' International Union, of Millville, N. J., remonstrating against the passage of the so-called "Philippine tariff bill;" which was referred to the Committee on the Philippines.

He also presented the petition of Mrs. C. T. Carter, of Newark, N. J., praying for the enactment of legislation to prevent the destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented the petition of Charles H. White, of Atlantic Highlands, N. J., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented the petition of William H. Roberts, of Hackensack, N. J., praying for the enactment of legislation placing hides on the free list; which was referred to the Committee on Finance.

He also presented a petition of the New Jersey Enterprise, of Burlington, N. J., praying for the removal of the tariff on composing and linotype machines and the parts thereof; which was referred to the Committee on Finance.

Mr. FRYE presented the petition of 20 members of the Organization of the *General Slocum* Survivors, of New York, praying for the enactment of legislation granting relief to the victims of the *General Slocum* disaster; which was referred to the Committee on Claims.

He also presented a petition of the Woman's Missionary Society of Old Orchard, Me., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Indian Territory when admitted to statehood; which was ordered to lie on the table.

He also presented a petition of the Woman's Missionary Society of Old Orchard, Me., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

Mr. NIXON presented a petition of Local Union No. 108, Hod Carriers and Mortar Mixers' Union, of Reno, Nev., praying for the enactment of legislation to restrict Asiatic immigration; which was referred to the Committee on Immigration.

Mr. GALLINGER presented a petition of the Organization of the *General Slocum* Survivors, of New York City, N. Y., praying for the enactment of legislation granting relief to the survivors of the *General Slocum* disaster; which was referred to the Committee on Claims.

He also presented the petition of James S. Whitney, of Philadelphia, Pa., praying for the enactment of legislation providing separate statehood for the Indian Territory; which was ordered to lie on the table.

He also presented petitions of sundry citizens of Newkirk, Ames, and Stillwater, all in the Territory of Oklahoma, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in that Territory when admitted to statehood; which were ordered to lie on the table.

Mr. SCOTT presented a petition of Broomstick Council, No. 24, Junior Order United American Mechanics, of Ayers, W. Va., praying for the enactment of legislation to restrict immigration, and also for a revision of the laws governing naturalization; which was referred to the Committee on Immigration.

Mr. PENROSE presented a petition of West Branch Grange, No. 1149, Patrons of Husbandry, of Germania, Pa., praying for the passage of the so-called "railroad-rate bill;" which was referred to the Committee on Interstate Commerce.

He also presented a petition of Col. Daniel Houston Council, No. 732, Junior Order United American Mechanics, of South Chester, Pa., and a petition of Meridian Sun Council, No. 542, Junior Order United American Mechanics, of Tibal, Pa., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. WETMORE presented a petition of West Kingston Grange, No. 10, Patrons of Husbandry, of Kingston, R. I., and a petition of Summit Grange, No. 15, Patrons of Husbandry, of Washington, R. I., praying that increased appropriations be made for the maintenance of State agricultural experiment stations; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the State Board of Agriculture of Rhode Island, praying for the enactment of legislation to remove the duty on basic-slag meal; which was referred to the Committee on Finance.

He also presented petitions of the Woman's Christian Temperance Unions of Phenix and Middletown, and of the congregation of the Methodist Episcopal Church of Middletown, all in the State of Rhode Island, praying for the enactment of legislation to protect State liquor laws against nullification by outside liquor dealers selling liquors in unlicensed places in so-called "original packages;" which were referred to the Committee on Interstate Commerce.

He also presented petitions of the Woman's Christian Temperance Union of Centerville; of the congregation of the First Baptist Church of Block Island; of the congregation of the Second Richmond Baptist Church, of Charlestown; of the Woodville Woman's Christian Temperance Union, of North Providence; of the Woman's Christian Temperance Union of New Shoreham; of the Woman's Christian Temperance Union of Woonsocket, and of the congregation of the Methodist Episcopal Church of Centerville, all in the State of Rhode Island, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented a petition of the State Board of Agriculture of Rhode Island, praying that increased appropriations be made for the maintenance of State agricultural experiment stations; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Union Council, No. 12, Junior Order United American Mechanics, of Valley Falls, R. I., and a petition of Pawcatuck Council, No. 15, Junior Order United American Mechanics, of Shannock, R. I., praying for the enactment of legislation to restrict immigration and also for a revision of the naturalization laws; which were referred to the Committee on Immigration.

Mr. SPOONER presented a memorial of sundry citizens of Westby, Wis., remonstrating against the passage of the so-called "Philippine tariff bill;" which was referred to the Committee on the Philippines.

Mr. DEPEW presented a petition of the Manufacturers' Association of Jamestown, N. Y., praying for the enactment of legislation to prohibit rebates upon interstate commerce; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union of Port Chester, N. Y., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a memorial of the Young Men's Christian Association of Yonkers, N. Y., remonstrating against the enactment of legislation to restore the sale of fermented malt beverages and light wines to soldiers on Army transports and in post exchanges under regulations to be prescribed by the Secretary of War; which was referred to the Committee on Military Affairs.

Mr. KITTREDGE presented a resolution adopted at a meet-

ing of the retail merchants of South Dakota, at their ninth annual convention, held at Mitchell, S. Dak., favoring the enactment of a national pure-food law; which was ordered to lie on the table.

Mr. PATTERSON presented the petition of Frank Leppin and sundry other citizens of New York, praying for the enactment of legislation granting relief to the victims of the *General Slocum* disaster; which was referred to the Committee on Claims.

Mr. KEAN presented a petition of the Organization of the *General Slocum* Survivors, of New York City, N. Y., praying for the enactment of legislation granting relief to the victims of the *General Slocum* disaster; which was referred to the Committee on Claims.

Mr. BULKELEY presented petitions of Ben Miller Council, No. 11, of Danbury; Bridgeport Council, No. 6, of Bridgeport; Harmony Council, No. 12, of Bridgeport; Unity Council, No. 11, of Southington; Liberty Bell Council, No. 3, of New Haven; Chamberlain Council, No. 2, of New Britain; Charter Oak Council, No. 3, of Hartford, and Sedgwick Council, No. 21, of Terryville, all of the Junior Order United American Mechanics, in the State of Connecticut; and of Local Union No. 216, United Brotherhood of Carpenters and Joiners of America, of Torrington, Conn., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented petitions of the Travelers' Club; of the Connecticut State Federation of Women's Clubs, of Danbury; of the Household Economic Committee of Women's Clubs, of Thompsonville; of the Sigma Epsilon Society, of the Connecticut State Federation of Women's Clubs, of Bridgeport; of the "Literata" Club, of the Connecticut Federation of Women's Clubs, of Danbury; the Colonial Art Society, of Bridgeport; the Connecticut State Federation of Women's Clubs, of Thompsonville; the Mosaic Club, of Bridgeport, and of the English Literary Club, of Bridgeport, all in the State of Connecticut, praying for the passage of the so-called "pure-food bill;" which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. LODGE, from the Committee on Military Affairs, to whom was referred the bill (S. 290) to amend the act approved March 15, 1878, entitled "An act for the relief of William A. Hammond, late Surgeon-General of the Army," reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2625) for the relief of Robert W. Caldwell, First Regiment Ohio Heavy Artillery Volunteers, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported adversely thereon, and the bills were postponed indefinitely:

A bill (S. 1567) to correct the military record of Thomas M. Elliott; and

A bill (S. 2217) for the relief of Bird L. Fletcher.

Mr. NELSON, from the Committee on Territories, to whom was referred the amendment submitted by himself on January 31, 1906, proposing to appropriate $150,000 for the construction and maintenance of wagon roads, bridges, and trails in the district of Alaska, intended to be proposed to the Army appropriation bill, submitted a favorable report thereon, and moved that it be referred to the Committee on Military Affairs, and printed; which was agreed to.

Mr. GAMBLE, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 120) to amend section 9 of the Code of Law for the District of Columbia, reported it without amendment.

Mr. GAMBLE. I am also directed by the Committee on the District of Columbia, to whom was referred the bill (S. 57) to amend the Code of Law for the District of Columbia in relation to the issuance of warrants, to report adversely thereon, the same subject being covered by the bill which I have just reported. I move that the bill be indefinitely postponed.

The motion was agreed to.

Mr. OVERMAN, from the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 12) authorizing the Secretary of War to furnish a condemned cannon to the board of regents of the University of South Dakota, at Vermilion, S. Dak., to be placed on the campus of said institution as a memorial to students of said university who served in the Spanish-American war, reported it with an amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 9757) to amend paragraph 34 of section 7 of an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1906, and for other purposes," approved July 1, 1902, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2383) to amend paragraph 34 of section 7 of an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. DUBOIS, from the Committee on the District of Columbia, to whom was referred the bill (S. 133) authorizing the joining of Twenty-third street NW. and Kalorama avenue, reported it with amendments, and submitted a report thereon.

Mr. BURKETT, from the Committee on the District of Columbia, to whom was referred the bill (S. 1537) to acquire land for a park approach to Connecticut Avenue Bridge over Rock Creek, District of Columbia, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. LA FOLLETTE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4226) granting an increase of pension to William Painter;

A bill (H. R. 4223) granting an increase of pension to Frederick Schultz;

A bill (H. R. 7509) granting an increase of pension to John N. Stone;

A bill (H. R. 6166) granting a pension to Else C. Isachsen;

A bill (H. R. 9382) granting a pension to Mariam T. Shreve;

A bill (H. R. 4742) granting an increase of pension to Edward Coy;

A bill (H. R. 4744) granting an increase of pension to Thomas O'Connor;

A bill (H. R. 9130) granting an increase of pension to John Brinkley; and

A bill (S. 676) granting an increase of pension to Joshua W. Tolford.

Mr. LA FOLLETTE, from the Committee on Pensions, to whom was referred the bill (S. 3321) granting an increase of pension to Olney P. B. Wright, reported it with an amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. CLARK of Wyoming introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4047) granting an increase of pension to William Morehead; and

A bill (S. 4048) granting an increase of pension to Henry S. Knecht.

Mr. PENROSE introduced a bill (S. 4049) to increase the limit of cost for the purchase of site and erection and completion of a public building at Allentown, Pa.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 4050) to correct the military record of Benjamin Maybus; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4051) to correct the military record of Isaac A. Kase; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. WETMORE introduced a bill (S. 4052) granting an increase of pension to William Henry Dean; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. FLINT introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4053) granting an increase of pension to William A. Smith;

A bill (S. 4054) granting an increase of pension to Nicholas J. McGue; and

A bill (S. 4055) granting a pension to Nancy J. Mullally (with accompanying papers).

Mr. HANSBROUGH introduced a bill (S. 4056) to amend an act entitled "An act prohibiting the selection of timber lands in lieu of lands in forest reserves," approved March 3, 1905; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. HOPKINS introduced a bill (S. 4057) granting an honorable discharge to John Cheyne, for the benefit of Martha Ann

Cheyne, his widow; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. MARTIN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4058) for the relief of the estate of William B. Ott, deceased;

A bill (S. 4059) for the relief of the estate of Susan Richards, deceased;

A bill (S. 4060) for the relief of the estate of William D. Wright, deceased;

A bill (S. 4061) for the relief of the legal heirs of the late L. Claiborne Jones;

A bill (S. 4062) for the relief of the estate of Thomas H. Nelson, deceased;

A bill (S. 4063) for the relief of George S. Ayre;

A bill (S. 4064) for the relief of the heirs of Ambrose Hord, deceased (with accompanying papers);

A bill (S. 4065) for the relief of William H. Talliaferro, administrator of James G. Talliaferro, deceased;

A bill (S. 4066) for the relief of William T. Miles;

A bill (S. 4067) for the relief of the estate of Arthur F. Clift, deceased; and

A bill (S. 4068) for the relief of the estate of Simeon H. Wootton, deceased (with accompanying papers).

Mr. LATIMER introduced a bill (S. 4069) to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved March 3, 1903; which was read twice by its title, and referred to the Committee on Immigration.

Mr. McENERY introduced a bill (S. 4070) to provide for a public building at New Orleans, La.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. RAYNER introduced a bill (S. 4071) for the relief of the legal representatives of William P. Custis; which was read twice by its title, and referred to the Committee on Claims.

Mr. SPOONER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4072) granting an increase of pension to Thomas W. Murray; and

A bill (S. 4073) granting an increase of pension to Charles E. Williams (with an accompanying paper).

Mr. MORGAN introduced a bill (S. 4074) for the relief of Willie Anna Hobgood; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. BACON introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 4075) for the relief of the heirs of Lydia Golasby, deceased;

A bill (S. 4076) for the relief of Mary Perkinson;

A bill (S. 4077) for the relief of the heirs of Mrs. Margaret Awtrey, deceased;

A bill (S. 4078) for the relief of the heirs of Nancy Scroggins, deceased;

A bill (S. 4079) for the relief of the heirs of Larkin Nash, deceased;

A bill (S. 4080) for the relief of Thomas S. Causey;

A bill (S. 4081) for the relief of the heirs of Mary E. Wash, deceased;

A bill (S. 4082) for the relief of the heirs of Mrs. Ellen McAllister, deceased;

A bill (S. 4083) for the relief of James Peek;

A bill (S. 4084) for the relief of the heirs of George W. Perkerson, deceased; and

A bill (S. 4085) for the relief of Mrs. Mary Fagan.

Mr. PATTERSON introduced a bill (S. 4086) to authorize the appointment of John M. Johnson, formerly an officer of the Seventh United States Cavalry, on the retired list of the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McCREARY introduced a bill (S. 4087) granting a pension to Lucy T. Garth; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FORAKER introduced a bill (S. 4088) granting an increase of pension to Charles E. Chapman; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO BILLS.

Mr. CARMACK submitted an amendment intended to be proposed by him to the bill (S. 1378) to amend the act to regulate commerce; which was referred to the Committee on Interstate Commerce, and ordered to be printed.

Mr. CLARK of Wyoming submitted an amendment intended to be proposed by him to the bill (H. R. 12707) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States, and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States; which was ordered to lie on the table and be printed.

FARM BULLETINS.

Mr. MONEY submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That the farm bulletins as published by the Department of Agriculture, from No. 1 to the last number, inclusive, already published, or that hereafter may be published, be bound in volumes of suitable size, so that a set of such volumes shall comprise a copy of all of the bulletins issued by the Department of Agriculture, and that 15,000 sets be printed and bound, of which 2,700 sets shall be for the use of the Senate, and 7,500 sets for the use of the House of Representatives, and 9,800 sets for the use of the Secretary of Agriculture for distribution to public and school libraries.

SENATE EMPLOYEES.

Mr. BAILEY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Be it resolved by the Senate, That the Secretary be, and he is hereby, instructed to report to the Senate at the earliest practicable day—

(1) The name of each Senate employee.

(2) The salary of each Senate employee.

(3) The duties of each Senate employee, and where those duties are performed.

(4) The name and salary of each employee assigned to the several committees of the Senate.

STREET-RAILROAD FRANCHISES.

Mr. GALLINGER. Senate Document No. 9, being a letter from the Commissioners of the District of Columbia, transmitting a report in respect to franchises granted to street railroads in the principal cities of the United States, is out of print, and there is great call for it. I ask unanimous consent that a reprint of that document may be ordered.

The being no objection, the order was agreed to, as follows:

Ordered, That 250 copies of Senate Document No. 9, Fifty-ninth Congress, first session, "Letter from the Commissioners of the District of Columbia, transmitting a report in respect to franchises granted to street railway companies in principal cities of the United States," be printed for the use of the Senate document room.

MODELS OF NAVAL VESSELS.

Mr. GALLINGER. Mr. President, two days ago I entered a motion to reconsider the votes whereby the bill (S. 90) providing for the deposit of a model of any vessel of war of the United States Navy bearing the name of a State of the United States in the capitol building of said State was ordered to a third reading and passed.

I wish to withdraw the motion I then entered and allow the bill to go to the other House.

The VICE-PRESIDENT. The Senator from New Hampshire asks leave to withdraw the motion he entered for the reconsideration of the votes by which Senate bill No. 90 was passed. Without objection, the motion is withdrawn, and the bill stands passed.

THE LIFE-SAVING SERVICE.

Mr. NELSON. The bill (S. 26) to promote the efficiency of the Life-Saving Service was reported by me yesterday from the Committee on Commerce. I move that the bill be recommitted to the Committee on Commerce.

The motion was agreed to.

HOUSE BILL REFERRED.

H. J. Res. 83. Joint resolution for a report, etc., upon the preservation of Niagara Falls, was read twice by its title, and referred to the Committee on Forest Reservations and the Protection of Game.

THE STATEHOOD BILL.

The VICE-PRESIDENT. The Calendar is in order under Rule VIII.

The bill (H. R. 12707) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States, was announced as first in order on the Calendar.

Mr. GALLINGER. Let the bill go over, Mr. President.

Mr. KEAN. It might be read.

Mr. GALLINGER. It might be read. I have no objection.

Mr. KEAN. Let it be read.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary proceeded to read the bill.

Mr. TELLER. I wish to know if the bill has been reached on the Calendar in regular order?

The VICE-PRESIDENT. It has been reached in regular order.

Mr. TELLER. I object to its present consideration.

Mr. KEAN. The Senator does not object to the reading?

Mr. BEVERIDGE. The Senator has no objection to its being read?

Mr. TELLER. Oh, yes; I do not want to hear it this morning.

The VICE-PRESIDENT. Under objection, the bill will go over.

PURE-FOOD BILL.

Mr. McCUMBER. The Pension Calendar will follow. I understand the next cases on the Calendar are pension bills.

The VICE-PRESIDENT. They are.

Mr. McCUMBER. Before going into that matter, I desire to speak for not to exceed three minutes on the question of the pure-food bill upon a remark that was made by the Senator from Mississippi [Mr. MONEY] yesterday, as published in the Post this morning. I looked in the CONGRESSIONAL RECORD and I could not find any statement of his remarks at the time of the introduction of the amendment, which is nothing more than the pure-food bill, so called, that has been prepared by what is termed the "National Association of Manufacturers."

In the statement of the Senator from Mississippi, as it is given in the Post, is the following:

"I do not believe in giving the Bureau of Chemistry of the Department of Agriculture the power to hold up the foods of the country and to arbitrarily say that they shall be branded as poisonous and adulterated, without any appeal to the courts for redress," said Senator MONEY yesterday.

This statement, Mr. President, has been made so often and has been denied so often by those who are interested in the passage of some pure-food measure that it seems somewhat improper to make a denial of the suggestion again. But I want to say once for all that there is nothing in the bill which is before Congress at the present time to justify the suggestion. There is nothing whatever in the bill to justify it now, nor has there been anything in the bill to justify it for the last four years.

It is not proposed that the Secretary of Agriculture shall in any way, shape, or manner determine what the standard of foods shall be. He is not to pass in any way upon the question whether any food or drug or condiment of any character shall enter into interstate commerce. He simply assists by examining such articles as he believes may fall within the prohibition of the pure-food law, if it becomes a law, and submits his statement to the district attorney. Even before submitting any question to the district attorney he gives notice to the manufacturer or the person interested in the sale of any product, and that person or manufacturer can appear before the Secretary of Agriculture and have a hearing upon the matter. If it shall develop that there is no cause for submitting the matter to the district attorney, then, of course, it will not be so submitted.

The objection that I understand is made, however, by the Senator from Mississippi is to a provision that is inserted in what is known as the "Heyburn bill." The bill which I introduced at the last session, and which received the favorable report of the Committee on Manufactures, simply provided:

If it shall appear from such examination that any of the provisions of this act have been violated, the Secretary of Agriculture shall cause notice to be given to the parties concerned, with opportunity to be heard, under such rules and regulations as may be prescribed by the Secretary of Agriculture, and if after such hearing it is found that any of the provisions of this act have been violated, then the Secretary of Agriculture shall at once certify the facts to the proper United States district attorney, with a copy of the results of the analyses or examinations, duly authenticated by the analysist or officer making such examination under oath.

This is the provision that I think ought to become a law. The Senator who introduced the pending bill, which is for the main part a copy of that reported last year, however, does insert another clause. He is not present to-day—I understand that he is sick—and I simply call attention to the addition which he has placed in the bill following the provision for examinations:

And public notice of the facts shall be given by publication in such manner as the rules and regulations may prescribe to all other persons, association of persons, or corporations in whose possession like articles may be found or known to be that such article is within the provision of this act.

I am not prepared, Mr. President, to explain the reason for inserting this clause. I presume the object, however, to be to give notice to all persons in some public way that if it be found by the Secretary of Agriculture that any food product is prohibited under the provisions of this law, they may immediately cease from dealing in such product. I can say for my own part that I do not consider that provision as material or even as necessary.

Now, Mr. President, I wish to say just one word with reference to the amendment submitted yesterday. I know the sincerity of the motive of the Senator who introduced the amendment, which, as I have suggested, is the bill of the Association of Manufacturers of the United States. The purpose of that association, I think, was properly stated in the National Druggist when the association was organized. Without going into the details of it, the article is headed "How to kill pure-food legislation, or how to prevent pure-food legislation," and then it goes on to state the object of the organization of this society, which is to do battle against any food legislation at this session of Congress. I have read over very casually the bill which has been prepared by the association. If it is intended to stop the traffic in adulterated or misbranded foods, it will be just as successful in stopping it as a sieve would be in stopping the flow of water—nothing more, nothing less.

I do not desire to call attention to the defects in that measure at this time. I shall do so later on. I can only say now that it is intended not only to keep our present condition as it is in reference to the introduction of fraudulent goods into the several States, but also to curtail the power of the officers of the States to protect a State against the influx of these spurious articles. That can be demonstrated, I think, by a reading of the bill itself.

This is all I desire to say at this time, Mr. President, upon the measure; and I should like to take up the Calendar of unobjected pension bills until 2 o'clock. I think, however, we can get through with them by 1.

IMPROVEMENT OF TENNESSEE AND CUMBERLAND RIVERS.

Mr. CARMACK. Mr. President, I should like to have the attention of the Senate for just a few minutes.

At the last session of Congress the senior Senator from Alabama [Mr. MORGAN], the junior Senator from North Carolina [Mr. OVERMAN], and I were, by resolution of the Senate, constituted a committee charged with the duty of investigating the navigation of the Tennessee River. That duty we have attempted to perform in a report embodying the results of our investigation. The practical wisdom and learning of the Senator from Alabama, the chairman of the committee, has illuminated this subject, and that of itself is sufficient assurance that the report we have presented is worthy of the attention of this body.

It is to be regretted that Congress is just now so much concerned with matters relating to Santo Domingo, the Philippines, Morocco, and other distant parts of the universe that there is little hope that matters pertaining to that part of the world in which we live will be deemed worthy of more than passing notice. At some time when the nation shall have gathered together its scattered faculties and recalled its wandering thoughts from missions of bootless knight-errantry in other lands, when the erring and extravagant American spirit shall have hied to its confine, Congress may give some thought to questions which relate simply and solely to the welfare and prosperity of the people of the United States. Perhaps the shrewd practical sense of the nation will then begin to count the cost and to calculate what might have been if all the wasted energy and squandered wealth had been devoted to other objects than the chasing of phantoms.

The Senator from Maine [Mr. HALE] has well said that we are still legislating in the shadow of war. Out of a mere passion for purposeless activity or a mere vanity to show ourselves among the great powers of the world, we are entangling our country with European nations in the affairs of Morocco, where we have no interest and with respect to questions in which we are not the least concerned. We are expected to vote without question hundreds of millions for a mighty navy, though we know that fully half this money is for empty pomp and vanity, for mere strut and swagger; but a river and harbor bill, which means millions of dollars of added wealth to the country, must stand like a beggar at the door of Congress with its hat in its hand. I hope the time will come when the commercial interests of the country will fully awake to the importance of liberal appropriations for our waterways. When they do they will see the necessity of enforcing economy in other lines of expenditure. Under the system that now prevails there is a sort of cutthroat war among the various interests seeking appropriations to get a share of the money doled out by Congress, whereas they should be standing together in a common effort to get enough for all. Important improvements already in progress in my State are threatened with suspension because of this supposed necessity to save enough on economical appropriations to supply the demands of waste and extravagance. I have repeatedly said that there is no money spent by the Government in which there is so little waste as in that appropriated for our rivers and harbors.

There is no expenditure that yields so large a return in increased wealth and prosperity. A battle ship may be a necessary burden, but it is purely a burden. Every dollar expended for such purpose is wasted from an economic point of view. It is necessary from a military standpoint, but it takes that much from the productive wealth of the land. But an expenditure which increases wealth is simply a profitable investment. So long as a nation grows richer by what it spends it can spend freely. A tax which enriches the taxpayer is not a tax, but a bounty. The people will not complain of expenditures which will vastly increase their prosperity.

An incident in the improvement of the country's waterways, but one of inestimable value, is the automatic regulation of railway freight charges that results therefrom. Wherever there is water competition there is no complaint of unfair or excessive charges in railway transportation. The struggle that has been going on for years to find some way effectively to regulate railway freight charges shows the importance of this consideration, and if we can extend the remedy by providing the effective competition of water carriage it will take an immense burden from the industry and commerce of the country.

An apt illustration of the beneficent effects of water competition has been called to my attention by my colleague in the House [Mr. GAINES of Tennessee]. This was a case where a shipper of tobacco made complaint that he was charged 25 cents a hundred pounds for shipment from Franklin, Ky., to Louisville, a distance of 134 miles, while the charge was only 12 cents a hundred from Nashville to Louisville, a distance of 184 miles, over the same road. Yet this seemingly unjust discrimination was justified by the fact of water competition on the Cumberland River from Nashville, and this, too, despite the fact that the rate from Franklin to Louisville was itself held down to a certain extent by reason of water competition. As there are over 57,000,000 pounds of export tobacco grown in the area drained by the Cumberland River in Kentucky and Tennessee, the enormous gain to the producers of this article alone is suggestive of the vast importance of water competition.

The committee has considered the Tennessee and the Cumberland, for reasons set forth in the report, as one system of navigable waters. These rivers rise in the same mountain range and in close proximity; their upper tributaries flow from the same coal and iron fields and through the same vast forests. Both are necessary to the development of the vast mineral and other resources of that region, and both should have the most liberal aid from the Government. I shall not attempt to review this report at length, but will submit certain extracts therefrom:

"In their westward course they diverge, the general course of the Cumberland being to the south of west, while the course of the Tennessee is nearly south, through East Tennessee, until it breaks through Waldens Ridge, at Chattanooga, a distance of 188 miles from Knoxville. Then it flows west for a distance of 230 miles, through Alabama to Riverton, where it enters a great valley known as west Tennessee, and runs nearly due north and parallel to the Mississippi for a distance of 226 miles to its junction with the Ohio. The Cumberland River enters the same great valley near Nashville, and traverses it on a course near to and parallel with the Tennessee for a distance of about 75 miles, and enters the Ohio, at a point about 12 miles above the mouth of the Tennessee, at Paducah. In the circuit of their courses these rivers inclose the richest areas of east Tennessee, middle Tennessee, and north Alabama to the east, and of Mississippi on the west, in two great parallelograms, which they nearly inclose on four sides. One of these great unbroken areas covers the entire watersheds of the Cumberland and Tennessee rivers east of Paducah. The other is inclosed on three sides by the Tennessee, the Ohio, and the Mississippi rivers.

"It is difficult to give to either of these rivers—the Cumberland and the Tennessee—full justice in respect of the care due to them from the Government, without recognizing and respecting the fact that their resources of wealth and commerce, like their geography and geology, are almost identical. Taken together, these rivers and their watersheds present a feature that is so anomalous and so grand as to deserve special consideration.

"There is no part of the world that has greater or more varied wealth of industial resources than the great parallelograms included in the watersheds of these rivers of Tennessee, Alabama, and Kentucky. It includes the great mineral and agricultural region, with its splendid forests, between the watershed of the Ohio on the north, and of the Alabama, Savannah, and Chattahoochee on the south.

"It is a country that stands apart from other regions as possessing within its own limits all the staple material that is necessary to the highest development in agriculture, forestry, minerals, water power, and steam power. Tennessee River, in connection with the Cumberland, is longer than the Ohio from their respective heads of navigation to Paducah, where they unite, and serves a purpose of commercial advantage that no other river in the United States affords.

"This is a just treatment of the subject, for reasons already stated, and for the more important reason that the division line between the watersheds of Cumberland and Tennessee rivers from their headwaters in the same mountains to Mississippi River is marked by a range of low hills, across which railroad lines are constructed at a low cost and will be very numerous as competitors for the transportation that will be demanded by this vast region, filled with stores of native wealth.

"In the improvement of all our interior rivers their power to control the cost of transportation is the factor of paramount importance, and Ohio River, owing to the configuration of its watershed, does not afford so controlling an influence over the cost of railroad transportation as Cumberland and Tennessee rivers.

"The Ohio watershed is long and narrow and, taking Paducah or Cairo as the point of destination for the heavy products of the commerce floated on Ohio River, the distance to the mines and forests and to the richer fields of agriculture tributary to the Ohio is much greater than it is to those that supply commerce to the Cumberland and the Tennessee.

"Cumberland River, rising in the western slope of the Allegheny Mountains, has an almost direct course to the Mississippi, while the Tennessee has its principal source in the eastern slope of those mountains, and its headwaters are assembled in the prolongation of the great valley of Virginia.

"The mouth of Tennessee River, at Paducah, is farther to the north than Knoxville, its present head of navigation; so that its general course in two of its longest reaches parallels the Mississippi, and in its western reach it runs in the opposite direction. In its general course it runs from the south to north, while the Mississippi runs from north to south.

"This gives to all the region in the watershed of the Ohio a line of navigation into the South that is east of the Mississippi and is independent of it.

"As this line of navigation reaches to North Carolina, Georgia, and Alabama, and passes nearly across east Tennessee and quite across west Tennessee and into Kentucky, its importance to the commerce of the country along the Ohio can scarcely be exaggerated.

"Tennessee River is so located geographically as to gather the transportation of commerce from the valley of Virginia, from western North Carolina and northern Georgia, from eastern Tennessee and northern Alabama, from northern Mississippi and west Tennessee, and bear it northward into Kentucky. No other river in the United States has a course along which such vast and inexhaustible resources of industrial and commercial wealth are stored, or that can bear them northward to the great bays that reach from Paducah to Illinois River.

"TENNESSEE RIVER AND ITS AFFLUENTS.

"For the purposes of this report this river will be considered as being navigable from Knoxville to Paducah, those being the points between which the Government has projected and, in some degree, has accomplished plans of improvement. The length of this part of the river is 653 miles. The altitude above sea level at Knoxville of the river surface at low water is 792 feet and at Paducah it is 278 feet. This gives to the river an average fall of seventy-nine one-hundredths of a foot per mile.

"BANKS OF THE TENNESSEE.

"The course of the river in its entire length is through a soil that is chiefly clay, and there is no considerable part of its banks that are subject to erosion, even in the most excessive floods.

"With reference to obstructions caused by the washing of its banks, or the deposit of silt, sand, or gravel, it may be said that in an engineering sense, and as to deposits from erosion, caving, or floods, that neither Tennessee River nor any of its affluents have caused or are likely to create any ground of apprehension as to its future serious obstruction at any point.

"It is only at Knoxville and Chattanooga that Tennessee River has for its banks the base of any high elevations that might be designated as mountains, and these are for short distances.

"It is probably true that no river in the United States is more convenient of access to the people with wagons and teams or better suited for the use of the water power it affords along its banks and in localities that are healthful and attractive for homesteads. The water power of Tennessee River and its affluents is a very important part of its advantages, especially in many and varied manufacturing industries and in the future increase of the commerce of the river, which will be specially considered in a separate part of this report.

"GEOGRAPHY OF THE TENNESSEE RIVER.

"In the brief discussion of the watersheds of Cumberland and Tennessee rivers and their practical identity in commercial productions and in their transportation lines some allusion has been made to the remarkable geography of Tennessee River.

"This feature of the subject is a matter of such an extraordinary value to the United States that the committee should not fail to present, at least in outline, its elements of the wealth and the opportunity it furnishes to such numbers of our people to send them afloat upon its waters as active commerce. The first course of Tennessee River is to the south-southwest from Knoxville to Chattanooga, a distance of 188 miles.

"The principal affluents of the Tennessee in this section are the Holston, which has its principal sources in the mountains that flank the great valley of Virginia on either side as far north as the watershed of the rivers of West Virginia, and the French Broad, the Clinch, the Little Tennessee, and the Hiwassee.

"HOLSTON RIVER AND THE RAILROADS.

"The improvement of the navigation of the Holston is left out of this discussion for the future separate examination that it will bring out as a competitor with railroads in the valley of Virginia.

"If Tennessee River had even a 6-foot channel from Knoxville to Chattanooga those railroads could make better profit in hauling the heavier productions of the Holston Valley to Knoxville, the nearest point of water navigation, than they could possibly realize by hauling them to New Orleans, or Memphis, or St. Louis, or Pittsburg, or Cincinnati, or Chicago, the reason being that such productions, even those as light as corn, wheat, potatoes, hay, etc., will not bear the railroad freight rates for such long distances in competition with more favored fields of production, while coal, iron, stone, timber, and the ores of copper, zinc, lead, and many other valuable productions are driven from the markets at home and abroad by the cost of railroad transportation.

"What is true of the valley of the Holston is true of the valleys of the French Broad and of the Clinch, the Hiwassee, the Little Tennessee, and of every river between Knoxville and Chattanooga that flows into the Tennessee.

"When an estimate based on known facts and conditions is made as to the values that are now paralyzed or rendered useless for the want of river transportation on Tennessee and Cumberland rivers, our country will suffer a reproach that is little short of the willful destruction of its richest and most enduring treasures of wealth, by its neglect to improve their navigation.

"GEOGRAPHICAL DIVISIONS OF TENNESSEE RIVER.

"The proper divisions are the eastern, extending from the mountain sources to Chattanooga; the central, from Chattanooga to Florence, Ala.; and the western, extending northward from that point through a part of Alabama and Mississippi and through west Tennessee and southwest Kentucky to join the Ohio River at Paducah.

"The ultimate destination of the commerce collected along these three divisions of Tennessee River, each running in a different direction, is generally assumed as being the Gulf of Mexico, through the lower Mississippi. But a far more important point in its concentration and distribution, as it concerns the welfare of the people of the United States, is at the bays and estuaries in the center of the watershed of the Mississippi River that reaches around from Paducah to Illinois River.

"The three great and distinct areas that supply this commerce, each making a contribution to its volume that is drawn from the country through which each division of the river flows, is within itself equal to that of other water courses of several times its length in other regions within the watershed of Mississippi River.

"In respect of the concentration of the commerce produced in each of its geographical divisions and drawn from the country through which it flows, Tennessee River has no rival within the watershed of the Mississippi.

"EASTERN DIVISION.

"The eastern division has its origin in the Blue Ridge range of mountains and the eastern slope of the Alleghenies, in water courses that meet in the great valley of Virginia. This valley extends through East Tennessee, northwestern Alabama as far south as Coosa County, and northern Georgia, where it ends by contact with a different geological system—the metamorphic or granitic system—which extends into the Carolinas. It also meets the coal measures that extend, on the western side of the Coosa River (which is within the watershed of the Alabama River), in a northeasterly direction across Tennessee River at Chattanooga, and across the States of Tennessee, Kentucky, West Virginia, Virginia, and Maryland, into Pennsylvania.

"Some force of nature from the direction of the Blue Ridge or Smoky Mountain range, pressing toward the great depression of the Mississippi River, seems to have caused Tennessee River to break through the cordon of these coal measures at Chattanooga, thus changing its course suddenly to the west.

"This abrupt change of direction of Tennessee River left a long reach of the valley of Virginia, between Hiawasse River and the watersheds of the Alabama, the Chattahoochee, and the Savannah rivers, nearly as far to the south as Atlanta, Ga., without water transportation to the Gulf of Mexico.

"A very large and rich area of country, extending eastward to the Smoky Mountains, or Blue Ridge, and southward to the watershed of these rivers, was made tributary, as to water transportation, to Tennessee River on its westward course and practically concentrated at Chattanooga, so that, in considering the rights of the people and the duty of the Government in giving preference to navigable water courses over all other systems of transportation, in the necessary anticipation of the coming time when the water courses will be the primary system of transportation, to which all others will be subsidiary, this rich area of the valley of Virginia and its flanking mountains, stored with coal and iron, will find enormous advantage in concentrating its heavy commercial material for transportation on Tennessee River at and above Chattanooga.

"CENTRAL DIVISION.

"From Chattanooga, where Tennessee River breaks through Waldens Ridge, which is an extension of the Allegheny Mountains, to Alabama, Tennessee River curves to the south, in a course nearly parallel with the extension of Waldens Ridge, westward, which is there known as the Sand Mountain Ridge. All of this range of mountains is superimposed upon coal measures that demark its boundaries.

"This great curve of Tennessee River reaches as far to the south as Guntersville, Ala., which is 105 miles from Chattanooga, measured by the river channel, and is 36 miles south of Chattanooga. Thence it flows through Alabama, on a course that is nearly west, to Florence, and thence to the northeastern boundary of the State of Mississippi.

"On the northern side of the central division the Tennessee River receives, through Sequatchee Valley chiefly, the coal, iron, and timber that comes from the western slope of the Alleghenies and the spur ridges into which it is divided as far north as the Cumberland watershed.

"This and other valleys leading to Tennessee River and extending to southeastern Kentucky are capable of supplying incalculable quantites of coal, iron, and timber for transportation in that river, which is the only water route accessible to them, at a cost that will justify their development.

"In the southern counties of Tennessee there are extensive deposits of phosphates and of iron ores that are of great value.

"On the southern side of this central division the coal measures that form the northern watershed of the Alabama River are within a distance of from 5 to 50 miles of Tennessee River in its entire extent through Alabama and a part of northwestern Georgia.

"Within a distance of 50 miles from the river the vast beds of coal and iron along the northern slope of Sand Mountain, with an elevation of about 700 feet, are easily accessible to its transportation. If this was the only route of transportation for coal and iron from the Sand Mountain coal and iron deposits, known as the 'Birmingham district,' to the Gulf of Mexico, that district would still be more important to the world than the coal mines of Wales and the iron mines of Sweden.

"The transportation of the coal and iron products that are in easy reach of Tennessee River to the Gulf of Mexico and along the shortest lines to the western watershed of the Mississippi would make the eastern and central sections of Tennessee River the most important body of water in the world as to commerce in coal and iron.

"If there was no other commerce on these two sections of Tennessee River besides coal and iron and their products, the United States would have a greater material interest in the improvement of their navigation than they had in the connection of the Atlantic and the Pacific oceans by the grants, subsidies, loans, and privileges accorded to the Union and Central Pacific railroads.

"The benefits of this transportation on Tennessee River are greater in money value, more permanent and more useful to the people of the United States, and more indispensable to their progress in all industries and in all the necessities of national strength than this great transcontinental line.

"When the other elements of commercial wealth are taken into consideration, the eastern and central divisions of Tennessee River far excel the Union and Central Pacific railroads as contributors to the wealth, power, convenience, and permanent growth of the United States.

"WESTERN DIVISION.

"Beginning at Florence and passing through the northeastern corner of the State of Mississippi, Tennessee River turns abruptly to the north, in its flow to join the Ohio at Paducah, a distance of 226 miles. It again passes across the State of Tennessee, and penetrates Kentucky far to the north, nearly on a line east and west with the head of navigation of the Kanawha River in West Virginia. It reaches a line, northward, that is the real southern base line of the navigation of the Ohio River. It thus forms three sides of a grand quadrangle of which the Ohio and the Kanawha form the fourth, which wants only about 125 miles of being closed in a complete circuit of navigable waters.

"It may be safely left to American enterprise and the presence of commercial necessity, to square this great circle, by a system of canalization that will connect the Kanawha, through the valley of Virginia, with the Holston or with Clinch River. When that is accomplished, we can compare notes with the French, the Belgians, the Hollanders, and the Germans, as to works of useful internal improvement, without suffering national reproach.

"But the present importance of the western section of the Tennessee River does not depend upon any further development of national advantages or necessities. They crowd upon us now with a present pressure of necessity, and the inducement of profit to the people, that is irresistible.

"A marvelous and inscrutable force of nature diverted the waters of the Tennessee after they had broken through the coal measures at Chattanooga on a headlong course to the basin of the Mississippi, squarely to the north to join the Ohio. The Tennessee, thus running in a course directly opposite to that of the Mississippi for a distance of 226 miles, is east of the Mississippi at an average distance of 75 miles. For 50 miles Cumberland River runs north alongside the Tennessee at an average distance of 10 miles.

"The waters of the Tennessee at Riverton travel 226 miles to reach the same latitude as that of the Mississippi at Cairo, while a barrier of only 75 miles on an average separates them. These conditions need not now be discussed, except in the view that they force the vast commerce of the Tennessee and the Cumberland on a shorter water line to Pittsburg and to Chicago by the distance of 266 miles and away from New Orleans by a distance of about 500 miles.

"Florence is about 500 miles nearer to Pittsburg and Chicago by water routes than it is to New Orleans.

"These conditions are now in sharp discussion between competing railroad companies. They show the great interest the Ohio River and the Lakes have in the improvement of the navigation of Tennessee River.

"The western division of Tennessee River has a commerce that grows upon its banks which would make it one of the most important water courses in the United States. It has no mines or minerals of extraordinary importance, but its forests of timber, its vast productions of cereals, grapes, and fruits, added to its exceptional importance in the production of cotton, make it a great center where all mineral wealth of the central and eastern divisions and all of the wealth of the three great divisions in grain, forage, timber, animal and dairy products, cotton, wool, and of the arts and manufactures that enter into commerce, domestic or foreign, will be collected for distribution or will pass through to the markets of the world.

"Along this western division is the northernmost reach of our cotton fields, which, in their most fruitful yield, extend over all the country of the great cotton belt that begins at the James River, Virginia, and reaches to the western borders of Texas and Oklahoma.

"All three of the divisions of Tennessee River are included in this cotton belt, from Knoxville to Paducah, and furnish this indispensable textile to all the eastern watershed of the Mississippi at the cheapest cost for transportation.

"It does not seem possible that Congress can be indifferent to the improvement of the navigation of this river that belongs to the people, because the wealth of their lands still enables them to bear the heavy burden of taxation in the form of railroad freights which they must pay to their owners. There is no just reason why this burden should not be reduced.

"The Ohio and Tennessee rivers west of the Alleghenies, with the shorter rivers that rise in those mountains or their foothills and flow between them to meet the Mississippi, encompass the largest, the most productive, and the most salubrious and beautiful upland region of country in the world.

"None of these rivers are competitors with each other for the transportation of commerce or with any other system of navigable waters. Each of them is of material assistance to all the rest in distributing the wealth of every form of commerce, and no improvement of the navigation of either of them can be made that is not a benefit to all the rest. The man who works in Montana is as sensibly, if not as directly, benefited by the improvement of the navigation of the Tennessee or the Ohio River as the man who works in Knoxville, Pittsburg, or Monongahela."

I omit from this statement that part of the report which sets out at length the character and importance of each of the tributaries of the Tennessee of which I have spoken, though it is worthy the careful reading of every man who feels an interest in the subject. I ask attention, however, to the general summary which the committee has made:

"THE SIGNIFICANCE OF THESE FIVE GREAT REPOSITORIES OF WEALTH THAT AWAIT DEVELOPMENT THROUGH SCIENCE AND INDUSTRY ALONG THE COURSES AND WITHIN THE WATERSHEDS OF THE HIWASSEE, THE LITTLE TENNESSEE, THE FRENCH BROAD, THE HOLSTON, AND THE CLINCH RIVERS.

"The overruling Providence that controls the destiny of the United States and of all nations and peoples seems to have held these great resources of civilization in reserve to supply the wants of other localities as they are disclosed by the rapid growth of the facilities of transportation that draw together the distant parts of the world into closer social, industrial, and commercial relations.

"The rapid increase of transportation routes and facilities that are established, and the still greater development now in process of construction, have created new necessities for the vitalizing food and sustenance of commerce that now points the way to the southern reaches of the Blue Ridge and the Alleghenies and their valleys and rivers with the unerring hand of destiny.

"These mountains and valleys and their water courses show a combination of the powers of nature in support of the highest civilization that is nowhere equaled in solid value and is not excelled in the variety of its resources.

"In the brief notes above copied from the careful surveys made by our engineers, which are greatly amplified in their full reports, that are of the highest authority, we find vast areas of the most productive soils, yielding enormous crops of food, cereals, and textiles, fruits and grapes, and forests that are almost primeval and include all the varieties of trees that grow in the Temperate zones, and vast beds of coal and of iron, zinc, lead, and copper ores, and rich veins of gold, and great quarries of marble that excel those of Italy in texture and in the varieties of beautiful coloring, and all the slates and rocks that are useful and beautiful in architecture, and the hills crowned with the plumes of stately pine forests that never fade or fall, and the hills and valleys decorated with fields of cotton that, like bridal wreaths, welcome the coming of the snows and the hoar frosts of northern winters.

"The beauty of this mountain region and its salubrious climate and springs of pure water can not fail to attract the many millions of people who are searching the world over for pleasant homes.

"In the industrial outlook there is a factor of supreme value which is above price. It is the water power that is afforded by the thousands of slight obstructions formed by ledges of rock that cross these streams and their affluents.

"The aggregate of these water powers and the details as to their respective values will not be known for a great number of years, but the present value of those that are most conspicuous and inviting for the development of power for driving machinery is many times greater than the value of all the coal that underlies eastern Kentucky, eastern Tennessee, and western North Carolina for such uses.

"This added capacity for generating power to drive local machinery sets free a vast amount of coal for export that would otherwise be consumed at or near the coal mines. This is an unfailing element of wealth that is nowhere found in such supply or so intimately associated with all the productive industries as it is within the watershed of Tennessee River and its affluents.

"This great field for the production of power by the use of water or steam-generating fuel is also the native ground of splendid forests, fertile fields of agriculture, vast mineral deposits, and veins of ores. The material for manufactures and the power to convert them into articles of indispensable necessity and into the finest fabrics of handicraft are in the most intimate association within the watershed of Tennessee River, and they are all awaiting the helping hand of Congress to afford them a living chance in the competitive markets of the world.

"NAVIGATION OF TENNESSEE RIVER.

"The sources of the Tennessee and Ohio rivers are in the great Appalachian Range of mountains. They flow to the Mississippi through a region of upland separated by low intervening elevations that scarcely demark their respective watersheds after they leave the mountain range. Their minerals are the same;

their forests are practically the same; their fruits, grasses, and grains are the same; their textiles are the same, except as to the cotton growth, and they unite at Paducah, within 42 miles of the Mississippi River. Their identity, in a commercial sense and as to the character of the population that inhabits their watersheds, is complete throughout the great region that includes the Illinois, the Ohio, the Cumberland, and the Tennessee rivers. Whatever Congress does for the improvement of one of these rivers is for the benefit of all.

"Taking the Ohio and Tennessee rivers as the leading channels of commerce in this great area, and considering the identity of the purposes they serve and of the benefits they confer, it is clearly just and right that the improvements to be made in their navigation should be regulated by a common standard, as far as practicable, and should be in accordance with one continuous system, to be established by Congress and steadfastly adhered to.

"It is the absence of such systematic work and expenditures that has heretofore created jealousies between those especially interested in certain sections of the two great rivers.

"A more unnecessary, unprofitable, or destructive rivalry and bickering could scarcely be found in any country. A proper system of improvements for both these great rivers, in which all are practically agreed, and is firmly established, is at the foundation of true, steadfast, speedy, and economical work in this great public duty.

"These are twin rivers in all material respects and require systematic uniformity of treatment by Congress. Their respective affluents should be cared for, as to the times and the amounts of appropriations and as to other regulations, in accordance with their contributions of commerce to the main channels and the necessities of the people who are to use them as the country is more fully developed.

"MAXIMUM AND MINIMUM DEPTHS OF THE MAIN CHANNELS.

"Pittsburg and Paducah for Ohio River and Knoxville and Paducah for the Tennessee are the established points between which Congress should now prescribe the laws to regulate their future navigation on a common basis, as to the maximum and minimum depths of their channels at all places where their present depth does not exceed the maximum so established.

"The maximum depth of channel at such places should be fixed as a permanent basis, or foundation plan, that will stand as a basis for present legislation and future operations, so far as can now be determined, and is therefore the major proposition in the great problem to be solved.

"CONGRESS HAS ESTABLISHED A MAXIMUM DEPTH.

"Congress, for reasons that probably have reference to the necessities of a particular section or the advantage of manufacturers and shippers at Pittsburg, has established a 9-foot channel as the depth of the main affluent of Ohio River, and has appropriated the money to provide such a depth of channel by means of locks and dams.

"It can not be imputed to Congress that it found special reasons for establishing this depth of channel above Pittsburg, and that the entire length of Ohio River below Pittsburg should be excluded from such advantages, either by reason of natural obstructions in that river or for economic reasons.

"It must be assumed, the contrary not appearing, that Congress thus established a 9-foot channel as the proper basis of improvement of the navigation for Ohio River in its entire extent, to be provided in accordance with a wise and just financial economy from time to time as the improvements progress.

"The present low-water depth on the obstructions of Mississippi River indicate that vessels of even 13 feet draft coming out of Ohio River can pass to New Orleans at all seasons without obstruction or that such a depth of channel can be easily provided.

"This fact establishes the proposition that Congress has acted wisely in providing a 9-foot channel as the present minimum depth of Ohio River, to be worked out in future to a depth of, say, 12 feet. The wisdom of this action of Congress is supported by every fact that relates to the local and national value of this great water course for commercial purposes and is sustained by the right of the people to have their navigable water courses improved for their common benefit, so that boats which can navigate the shallowest parts of the Mississippi as far north as Cairo shall be able to navigate the Ohio to Pittsburg and the Tennessee to Knoxville.

"It is unnecessary to attempt to state all the facts that sustain this action of Congress, nor is it possible at this time, for they will multiply and increase in number and importance as time advances.

"This decree of Congress, that Ohio River is to have a 9-foot channel at all places of obstruction, will never be reversed.

"MAXIMUM DEPTH IS THE BASIS OF ALL IMPROVEMENTS.

"The most important inquiry with which this committee is charged is to ascertain whether a 12-foot channel between Knoxville and Paducah is practicable, at a reasonable cost.

"We have already stated some of the broad foundations of justice and of public necessity and economy on which the claim for a 9-foot channel in favor of Tennessee River is based, and will proceed to further establish it now to show that a 12-foot channel is practicable. In doing so the committee will make some comparisons of actual conditions as to the two rivers, with no intention to make them invidious.

"We believe that a 12-foot channel is practicable for both rivers and that a wise economy in their improvement will keep this ultimate result constantly in view, especially in making contracts with private persons and corporations for building locks and dams in consideration of the grant of the use of water power.

"LEADING AND CONTROLLING CONDITIONS AS TO THE SUCCESSFUL NAVIGATION OF THE TWO RIVERS WITH A CHANNEL OF 6 FEET, 9 FEET, OR OF 12 FEET.

"First, as to the water supply to give and maintain a 12-foot depth of channel at all seasons of the year:

"The altitude of Tennessee River at Knoxville above sea level is 792 feet.

"The length of the river to Paducah is 652 miles.

"The average fall per mile is 0.79 foot.

"The velocity at the lowest stage of water at Knoxville is 1.75 feet per second, and the volume is 3,000 cubic feet per second.

"At Paducah the velocity of the Tennessee River is 1 foot per second, and the volume is 10,000 cubic feet per second.

"Ohio River at Pittsburg is 699 feet above sea level.

"The length of the river to Paducah is 917 miles.

"The average fall per mile is not given in any official report.

"The velocity at the lowest stage of water at Pittsburg is not given in any official report.

"At Paducah the velocity of Tennessee River is 1 foot per second and the discharge is 10,000 cubic feet per second. Major Kingman states in his report that the volume of water of Ohio River at Pittsburg is about half as great at the same stage of water as that of the Tennessee at Knoxville, while the two rivers are equal in the volume of water at their junction at Paducah.

"The two rivers being identical in volume at Paducah, and a 9-foot channel for the Ohio being a proper depth of navigation to Pittsburg, as fixed by acts of Congress, there can be no reason why that depth of channel is not practicable to Knoxville, where the volume of water is twice as great as it is at Pittsburg. The rivers that empty into the Ohio below Pittsburg are larger and longer than those that flow into the Tennessee below Knoxville, which accounts for gain in the volume of water of the Ohio at Paducah, where it equals that of the Tennessee.

"Tennessee River has ample water to supply a channel as deep as 12 feet between Knoxville and Paducah, if such a channel is ever needed; but that depth of channel being available in both the great rivers equalizes their claims for improvement upon the common level of a 12-foot channel and, for the present, this draft of vessels is as deep as the Mississippi River can float across its obstructions at its lowest stage of water.

"These facts settle the great primary question that the maximum depth of the Ohio and Tennessee rivers, to be established as the basis of future improvements, should be 12 feet, and at present it should be 9 feet. And, this point being settled, the approximation to either depth in each river in their further improvement is a question of public convenience.

"While rivalry and competition between these great water courses is for the public good, and is commendable, an improvident or unjust discrimination against either of them is a wrong to the entire country, and is a positive disadvantage to the commerce of both rivers and to the people who reside upon or near to each of them.

"A boat loaded with commerce at Pittsburg and destined to Knoxville has as much right to the convenient navigation of Tennessee River as it would have on Mississippi River if it was destined to New Orleans.

"OBSTRUCTIONS.

"On the Ohio and Tennessee rivers it has been found necessary to abandon the natural channel at some of the obstructions in order to connect the navigable waters of each, which extend, in full volume, for hundreds of miles above and below such natural obstructions that can only be surmounted by canalization along their banks.

"In this respect the expenditures for constructing such canals has been and will be much the same on both rivers if they are controlled by a regard to economy.

"But whatever such expenditures may be, to the extent that they are necessary, they are indispensable as a duty resting upon the Government.

"The canal at Louisville, on Ohio River, is likely to require larger expenditures, in the long run, than Colbert Shoals and Muscle Shoals canals, both for construction and maintenance, because of the permanent character of the land through which the Tennessee River canals are constructed, and because Ohio River and its tributaries are, largely, silt-bearing and ice-obstructed streams, while the reverse is true of Tennessee River and its tributaries.

"These are material and very important advantages in favor of Tennessee River in respect of the sums of money that will be necessary to give it a 12-foot channel, or any lesser depth, between Knoxville and Paducah, and the still more important matter of the maintenance of its navigation through all coming time.

"Ohio River has a natural obstruction for about three months in each year, in the freezing of its waters, as far to the south as Louisville, and in the ice flow along its channel in the spring season, which is perilous to shipping. No such obstructions exist in Tennessee River.

"EFFECT ON FOREIGN COMMERCE.

"Times will occur, when the isthmian canal has become the great highway for the steamers that bear the commerce of the great oceans on the shortest direct lines of navigation between the coasts of all maritime countries, that a constant and full supply of steaming coals to supply these fleets will be of importance to the whole world.

"Then access by interior waters to the coal fields of the Appalachian Mountains throughout the year will be an affair of great national necessity as well as of commercial importance.

"Mississippi River up to Cairo, the Tennessee and Ohio rivers up to Paducah, and Tennessee River up to its head of navigation are the only water courses, except the Cumberland and the Alabama, that can open the way to the coals of the Appalachian Mountains throughout the year, and their importance is accordingly magnified.

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"PRESENT LEGAL DEPTH OF TENNESSEE RIVER.

"In Tennessee River, which nature has relieved from the shifting of ice and sand bars, the present depth of the channel, as provided by law, is 6 feet at Colbert shoals. Five feet is the depth of water on the miter sills of the Muscle Shoals Canal.

"In the Ohio River, which requires constant care and large expenditures to provide against these shifting obstructions, the depth fixed by law is 9 feet on the miter sills of the locks between Pittsburg and Morgantown, on the Monongahela River.

"NEW DEPARTURE.

"This legislation on Government account as to the upper reaches of the Ohio River and the legislation, below set out, as to the central division of Tennessee River, on a contractual basis between the Government and private persons or corporations, virtually establishes the basis of 12 feet as the depth to be given in due season to all the canals and channels on both rivers.

"The principle is also adopted that it is lawful and expedient that locks and dams may be constructed by private enterprise and capital, in consideration of the perpetual right to use the water power which they will produce. The success of this plan is already demonstrated in the cost of the dam to be constructed at Hales bar, below Chattanooga, as to which the committee will copy the act approved April, 1904, in an appendix (A A).

"This new plan of cooperative work in river improvement is also applied, by acts of Congress, to the upper waters of the Cumberland and other rivers under varying contracts. This plan, or expedient, is founded upon the money value of the water power generated in the shoal places of many rivers that can be made navigable only by removing or controlling such obstructions.

"For creating horsepower there can be no substitute for water power in respect of cheapness of production, the cost of maintenance, or the unfailing and perpetual use, and its superior value and convenience, when used in connection with electricity or compressed air in all stationary work, give to it a money value that is far above that of any mines of coal or other fuel for such purposes that would produce the same amount of power.

"The human arm must, at last, prepare all fuel for use in generating power by steam, while the unfailing force of nature supplies this power perpetually and without cost.

"We have reached the point of time in which the sedate consideration of the value of water power must prevail. It is already among the greatest actual reenforcements of the money resources of the Government, aside from taxation, in the improvement of the navigation of all our mountain water courses. This new departure has come to stay, and it is a grand step in our progress.

"PRESENT DUTY OF THE GOVERNMENT AS TO TENNESSEE RIVER FROM KNOXVILLE TO PADUCAH.

"The first duty to be performed and the manifest necessity in respect of the navigation of Tennessee River is to remove or submerge all obstructions between Knoxville and Paducah, so as to secure a depth of water across them of not less than 6 feet, to correspond with the depth of water on the miter sills of the canal lock at Colbert shoals.

"This work of necessity and justice is demanded by the laws of the United States that fix the depth of water on the miter sills of the lock at Colbert shoals.

"The depth of water on the miter sills of the canals and at other places on these rivers has reference only to the draft of the vessels that are to navigate them.

"Twelve feet is assumed to be the maximum depth of channel on both rivers to answer the purposes of commerce in the distant future, while a depth of 6 feet is the minimum that is required for the present actual needs of that commerce, and a depth of 9 feet is the most moderate demand of justice.

"It is due to justice that in the progress of deepening the channels of both rivers to 12 feet they should receive equal assistance from Congress.

TWELVE-FOOT LEVEL—ITS COST AND VALUE.

"At first view it may seem that the deepening of the channel of Tennessee River from Knoxville to Paducah to 6, 9, or 12 feet is a venture that will require too great an expenditure to make its contemplation a question of any practical importance. So it seemed in 1862–1864 as to a transcontinental railroad line between San Francisco and Omaha. Yet that line was completed in a short time and with little ultimate cost to the Government.

"Five great transcontinental lines have been added to the list in less than fifty years, and Mexico, at Tehuantepec, and Guatemala, Nicaragua, and Honduras are all at work building four other transisthmian railroad lines to connect the great oceans.

"In the meantime we have paid a newly created government $10,000,000 and a bankrupt French company $40,000,000 for the Panama Railroad, with the privilege of expending three to five hundred million dollars in digging a canal which, when constructed, will destroy the Panama Railroad as a means of commercial transportation between the oceans, and will be a virtual loss of its value, which is not less than $25,000,000.

"The mere demands of commerce have thus committed the United States and our people and other governments to expenditures for transportation facilities that run up into several billion dollars, and 'the end is not yet.'

"The United States, after all these expenditures by our own and other governments and peoples, plunges headlong into additional depths of unknown expenditure in order to find a cheaper line of transit between the great oceans and to gain the power to regulate the cost of overland transportation by rail through the only possible means, which is competitive transportation by water. Can any mind grasp the magnitude or resist the pressure of this demand of commerce for highways of transportation by water?

"All the lines in existence and all that are in contemplation at present use steam power, generated by coal exclusively, as their motive power. The power of the winds is, so far, excluded from use, and coal is the sole reliance of all this mighty effort.

"Tennessee River, with a 12-foot channel, can furnish coal to all these transcontinental roads south of Canada, and to the isthmian canal, their competitor and regulator, cheaper and in more abundant and certain supply from the stores laid up in the Appalachian Range, as far to the north as West Virginia and as far to the south as Alabama, than it can be supplied to them through any other highway of commerce.

"It is equally accessible to a canal at Colon and to all the railways that cross the Mississippi and Missouri rivers.

"The cost of a 12-foot channel in the Tennessee River is a negligible sum when compared with such expenditures in railway and canal construction and maintenance.

"They can get their needed supply of motive power at all seasons and under all conditions from this river, to a great extent, and they will be compelled to seek their supply from this grand reservation of steam-generating fuel.

"Nothing can defeat the fixed destiny of Tennessee River as the main channel through which this article of commerce must be transported to the seaboard and to the western watershed of the Mississippi River, and, therefore, no other water course is more valuable to the country.

"The cost of a 12-foot channel from Knoxville to Paducah is inconsiderable when it is compared to these national benefits and necessities.

"CANALS AROUND THE GREAT OBSTRUCTIONS ON BOTH RIVERS.

"On Tennessee River there are three great levels or elevations caused by the crossing of three ledges of rock, one at Colbert Shoals and another at Muscle Shoals and the third in the mountain section of the river below Chattanooga.

"From Colbert Shoals to Paducah the river falls 0.374 foot per mile. From the head of Muscle Shoals Canal to Colbert Shoals the distance is about 60 miles, and the fall of the river is 2.73 feet per mile.

"From Knoxville to Chattanooga the distance is 188 miles, and the fall per mile is 0.956 of a foot.

"These great rock obstructions detain the water at these points and check its swift flow to the channel of the Mississippi, which would otherwise prevent navigation. At low water the drain of the pools of deeper waters, now accumulated above these great natural dams, would convert them into swift and shallow currents. No navigation for commercial purposes would have been possible in any part of the Tennessee River in the absence of these great natural dams.

"This is also true as to the ledge of rock that crosses Ohio River at Louisville, and its removal would drain the Ohio of its waters so rapidly that for a great distance it would become too shallow and swift for useful navigation.

"These conditions create the necessity for maintaining these barriers at their present height, and for making the rivers above them navigable by means of locks and dams.

"Where canalization or locks and dams are practicable they should be adopted in preference to cutting deeper channels through these great rock ledges and allowing the water an unobstructed course to lower levels.

"CHATTANOOGA OBSTRUCTION.

"A short distance below Chattanooga an obstruction is found across the river formed by bowlders that have come from mountain sides between which the river flows, forming a riprap dam that is about 600 feet in width, and is built up on a base rock until at low water it is covered only to the depth of 15 inches. The removal of this obstruction would drain off the waters at Chattanooga and for a long distance above until navigation for commercial uses would be practically destroyed.

"HALES BAR.

"A dam across Tennessee River at a point several miles below this riprap dam will be constructed, under the recent act of Congress, with a lock of sufficient height to give a depth of water of 35 feet across it.

"There is no practicable ground around this obstruction in which a canal could be cut. This dam and its lock, when constructed, will cover every obstruction in the river to the depth of at least 9 feet as far as the crossing of the bridge of the Queen and Crescent Railroad, 5 miles above Chattanooga, and for a still greater distance. The removal of 3 feet from the top of three or four small intervening shoals would give 12 feet of navigable water, for the distance of 40 miles, through the most difficult part of Tennessee River, if not for a much increased distance.

"This splendid scheme of cooperation between the Government and private enterprise opens the inquiry as to the extension of a 12-foot channel to Knoxville and from Hales bar to Lock A of the Muscle Shoals Canal. The committee agree that no rough or overdrawn conjecture is made in the suggestion that a 12-foot channel can be had, with decided economy and advantage over the present system, for this distance, by putting in dams and locks of 15 to 30 feet in height at suitable locations.

"These locks and dams, estimated at $1,000,000 each, which is probably twice the actual cost, would be eagerly taken by private capital, and constructed for the use of the water power, as is being done at Hales bar.

"CANAL FROM BROWNS ISLAND TO FLORENCE.

"This part of the river has peculiar features, that require separate examination and treatment.

"It covers a distance of 31 miles, of which 18 are included in the Muscle Shoals Canal, which is separated into two sections by an open river channel of about 8 miles. This section is on the southern border of the river. At Locks A and B the canal is 3½ miles long. The section on the northern border of the river is 14½ miles long from Lock No. 1 to Lock No. 9.

"From Lock No. 9 to Florence is about 7 miles. In this reach of the open river an obstruction, called the Little Muscle Shoals, dams up the water in a deep pool that extends about 1 mile below Lock No. 9.

"On Little Muscle Shoals a series of islands extends parallel to the northern shore of the river, from this pool to Florence, with short intervals between them. Between this chain of islands and the northern bank of the river is a shallow, swift channel about 6 miles long, through which steamboats ascend to Lock No. 9 of the canal.

"This channel is about 120 feet wide and, at low water, its depth in several places is about 16 inches. This channel, which is the only means of access to Lock No. 9 by steamboats, is a heavy handicap on the ascending navigation of Tennessee River, and needs improvement.

"The depth of water on the miter sills of the canal is 5 feet, but in the channel just described and in the open stretch of river between Lock No. 1 and Lock B, the depth of water over shoal places is frequently less than 2 feet.

"To get a depth of 12 feet at all points between Florence and Browns Island, the work required is a low dam and lock across the steamboat channel at Florence, not exceeding 15 feet in height, and a lock and dam at the best point between Lock B and Lock No. 1, probably not to exceed 15 feet in height.

"The water on the miter sills of the eleven locks on the canal can be deepened to 12 feet by raising the dams and locks to the proper height on the present structures.

"The cost of this addition to the capacity of the locks is very slight as compared with the benefits of the navigation they will afford.

"The extent and value of the water power between Browns Island and Florence will be discussed under a head that relates to the general subject of the water power of the Tennessee River and its principal affluents.

"This water power, if it is disposed of with the care it deserves, will be an asset of great value to the Government. It can not be doubted that a dam at Florence, to extend from Pattons Island to the south bank of Tennessee River, will furnish a power that is equal to the dam that will be constructed at Hales bar, below Chattanooga; and its location in the center of industry that is already concentrating many millions of dollars through private enterprise, where the only motive power is furnished by coal mined in the Birmingham coal fields, will make this water power as valuable as any in the United States.

"The committee present the following suggestions of an able and experienced man who has spent fifteen years in practical work on Tennessee River, in the central and western divisions, as to the probable work needed to give a channel between Knoxville and Paducah at the depths of 6, 9, and 12 feet, which they adopt as being entirely practicable and as presenting plans for the improvement of the river that are based on its actual condition ascertained by Government surveys and meet the requirements of the present and future:

"FIRST SECTION—PADUCAH TO RIVERTON.

"*Six-foot depth.*—The project for this depth is by dredging, which is now under way. The estimate of 1898 showed the necessary dredging to be 653,819 cubic yards, fully half of which amount has since been done.

"*Nine-foot depth.*—The 'open-river' method will probably be found best and most economical for this depth, and a large part of the work so done will be of use when changed from 9 to 12 foot depth.

"*Twelve-foot depth.*—This would probably require additional locks and dams. The total fall is 79 feet. If the dams are of the fixed type, four would suffice for the whole reach; if of a movable type, ten would be required.

"SECOND SECTION—RIVERTON TO FLORENCE.

"*Six-foot depth.*—The project now being worked out includes a lateral canal around Colbert and Bee Tree shoals, which is in an advanced state of completion. Above Colbert Shoals Canal only dredging and regulating works will be needed, the cost of which will be small.

"*Nine-foot depth.*—This would be possible by regulation, but as locks and dams would be necessary to accomplish the next stage (12 feet) in development it would be better to adopt locks and dams for the 9-foot project. If of the fixed type, one lock and dam would do. If of the movable type, two would be required.

"*Twelve-foot depth.*—This can be reached by adding to heights of structures for 9-foot channel.

"These observations are extended to other sections of the river as far as Knoxville in the following synoptical form:

"SECTION FROM FLORENCE TO HALES BAR.

"*Little Muscle Shoals, Florence to Lock 9.*—Improvement of this stretch will undoubtedly be made by canalization of the river. If done for the improvement of navigation alone, it will probably be accomplished by two additional locks and dams. If done by a combination of channel improvement and water power development, one lock and dam would probably be resorted to. Passage from one stage of development to another would be done by increasing heights and dimensions of structures, so as to provide for channels of 9 or 12 foot depths.

"SECTION FROM LOCK A TO HALES BAR.

"The distance is 143 miles; fall, 59 feet. While this reach could be improved by regulation up to 6-foot depth, to carry the improvement farther would require locks and dams; so that it would be better to start with that method in the beginning. If of the fixed type, three locks and dams would suffice. The movable type would require seven or eight; that is, if the lifts adopted on Ohio River be used.

"SECTION FROM HALES BAR TO CHATTANOOGA.

"With a small amount of dredging at the upper end of the pool, a channel of 12 feet will be obtained by the construction of the lock and dam to built at Hales bar.

"SECTION FROM CHATTANOOGA TO KNOXVILLE.

"The distance is 188 miles; total fall, 180 feet. Improvement for all three depths of water in channel (6, 9, and 12 feet) would be by locks and dams. If they are of the fixed type, 9 locks and dams would do it; if of the movable type, it would require 24. It is likely that the former would be adopted, as it is expected that the dam now being built by private enterprise at Hales bar will create such a demand for similar privileges at other places on the river that most of the river's improvement will be done in a similar way. That dam being permanent and 35 feet high, no navigation for boats and rafts in high water would be practicable. In high or low water the use of the lock would be necessary.

"Movable types of dams are usually designed for small heads of water, and the water power so developed would be so irregular that water-power schemes in connection with them would not be sought after.

"The cost per lock and dam (movable type) on Ohio River is given, in round numbers, as $1,000,000, and it is probable that the cost per foot of lift would be about the same whether fixed or movable dams were used.

"It might be well, in this connection, to consider the possibility of Muscle Shoals Canal being done away with and locks and dams being substituted therefor, the latter to be built by private enterprise for water-power purposes.

"In these comprehensive and accurate notes the actual situation on the entire river up to Knoxville is summarized, and a plan of permanent improvement, at either of three depths of channel, is set forth that is practicable at a low cost. The saving that will be made by a permanent, systematic, and progressive improvement of the navigation of the river will be the wisest economy. It will cause the wasteful expenditures, which are largely the result of local jealousies, to disappear, and capital, population, and enterprise will rapidly respond to the encouragement thus given by a settled policy of the Government.

"A million dollars, average, for locks and dams on Tennessee River is a great sum in the aggregate, and is most likely twice the actual cost. But at $1,000,000 each they are not half the sum of the subsidies given by the Government to a single transcontinental railroad. When these locks and dams are paid for by private parties, as nearly all of them will be in consideration of the value of the water power created by them, the movement takes such a form of public and private benefit to all concerned that its blessings to the whole country are beyond computation."

Mr. President, I have presented these extracts from the committee's report, not as a full synopsis or complete analysis, but to give in as brief compass as possible some information of the subject of which it treats. The fact that our committee was charged by the Senate with the duty of inquiring into the question of improving the navigation of the Tennessee River is a gratifying indication of something more than a local interest in a matter which is truly national in its importance. There is one suggestion in this report which I hope may find a permanent lodgment in the mind of Congress—that is, that the question of improving our navigable waterways and of opening up the vast undeveloped wealth of the country should not be the subject of rivalry and contention between States and localities, but a common and general purpose intelligently directed and systematically applied. A common effort to obtain from Congress adequate appropriations for the improvement of all our navigable streams will result in larger, more effective, and therefore more economical expenditure. The general struggle to get a pittance out of a scanty appropriation results in wasteful and profligate expenditure. There should be an end to this mutually destructive antagonism between interests deserving the aid of Congress. Especially should there be no disposition to abandon the improvement of smaller but commercially important tributaries. The mighty Mississippi is conceded the first claim upon the national appropriations; but the tributaries to the Mississippi are tributaries indeed, and the larger the volume of commerce they are enabled to bear the larger and more abundant tribute will they bring to the king river of all.

In the committee's report the fact is emphasized that the Cumberland and the Tennessee should be dealt with as one system. There have been indications of a purpose to abandon projected improvements on the former river; yet I assert that every dollar expended for such purpose would yield $10 in increased wealth and commerce.

The distinguished chairman of the Rivers and Harbors Committee of the House [Mr. BURTON] once said that when a waterway has a tonnage of over a hundred thousand per annum it is worthy of the attention and of the fostering care of Government, and that when the value of the commerce on the waterway exceeds $1,000,000 per annum it has been taken out of the category of streams which are insignificant.

The engineer's report of the commerce of the Cumberland River for the year 1900 shows that the tonnage of this river was nearly 700,000 tons and its estimated value nearly $14,000,000, excluding the revenue from the carriage of passengers. Its tonnage is seven times greater than the standard fixed by Mr. BURTON and its value fourteen times greater, and yet, as important as is this commerce now, it is insignificant compared with what it will be when the river is made navigable throughout the year.

Mr. President, just a little of the money expended on battle ships which we do not need, a very small fraction of the money which we have dumped into tropical jungles would add untold millions to the wealth and commerce of this country. The chairman of the House Committee on Rivers and Harbors has raised his voice in protest against the enormous appropriations for naval purposes, as necessarily reducing the fund available for the improvement of our waterways. I am glad the President himself has at last seen the necessity of calling a halt. I take some pride in the fact that more than seven years ago I uttered my feeble warning that this very condition would come to pass—that our rivers and harbors would have to suffer because of the reckless and costly policy of adventure upon which we had entered. But hereafter when the just demands of the people are met with the objection that the revenues of the Government will not bear the cost, let us insist that the Government shall save the dollar which bears no fruit, rather than the dollar which yields thirty, sixty, or a hundred fold.

JOSEPH BRUNELL, SR.

The VICE-PRESIDENT. The first pension bill on the Calendar will be stated.

The bill (S. 2871) granting an increase of pension to Joseph Brunnell was announced as first in order, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Brunell, sr., late of Company B, Hatche's Independent Battalion Minnesota Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Joseph Brunell, sr."

SABASTIAN LAUDNER.

The bill (S. 136) granting an increase of pension to Sabastian Laudner was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the words "late of," to insert "Company H, Fifth Regiment, and;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sabastian Laudner, late of Company H, Fifth Regiment, and Company H, Sixth Regiment, West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FREDERICK LE HUNDRA.

The bill (S. 139) granting an increase of pension to Frederick Le Hundra was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to insert "twenty-four;" so as to make the bill read.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick Le Hundra, late of U. S. S. Powhatan, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS WELCH.

The bill (S. 2526) granting an increase of pension to Thomas Welch was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the words "late of," to insert "Company C, Fourteenth Regiment Iowa Volunteer Infantry, and;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of Thomas Welch, late of Company C, Fourteenth Regiment Iowa Volunteer Infantry, and Company M, Seventh Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RACHEL A. FOULK.

The bill (S. 2869) granting an increase of pension to Rachel A. Foulk was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rachel A. Foulk, widow of Philip K. Foulk, late of Company F, Eleventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EMILY PETERSON.

The bill (S. 476)) granting an increase of pension to Emily Peterson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emily Peterson, widow of Peter Peterson, late of Company H, Eleventh Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALEXANDER M. SCOTT.

The bill (S. 2459) granting an increase of pension to Alexander M. Scott was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of" and insert "first lieutenant;" and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander M. Scott, late first lieutenant Company B, Forty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

Mr. McCUMBER. I move to amend the second amendment, in line 8, by making the amount $40 instead of $30, as recommended by the committee. I move this amendment on information which has come to me through the Senator from Indiana [Mr. BEVERIDGE] since the report was made.

The amendment to the amendment was agreed to.

The amendments as amended were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANNA Z. POTTER.

The bill (S. 1463) granting an increase of pension to Anna Z. Potter was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Regiment," to insert "and Company I, Fifty-sixth Regiment;" and in line 9, before the word "dollars," to strike out "twenty-four" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna Z. Potter, widow of Joseph S. Potter, late of Company A, Thirteenth Regiment, and Company I, Fifty-sixth Regiment, Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN M. DOERSCH.

The bill (S. 213) granting an increase of pension to John M. Doersch was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John M. Doersch, late of Company E, Forty-fifth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DANIEL J. SMITH.

The bill (S. 208) granting an increase of pension to Daniel J. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel J. Smith, late of Company B, Seventh Regiment Illinois Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LENA S. FENN.

The bill (S. 1736) granting an increase of pension to Lena S. Fenn was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lena S. Fenn, widow of William R. Fenn, late of Cooley's battery, Illinois Volunteer Light Artillery (Chicago Mercantile Battery), and pay her a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY J. M'GEHEE.

The bill (S. 3286) granting an increase of pension to Mary J. McGehee was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary J. McGehee, widow of Henry L. McGehee, late of Capt. John E. Davis's company, First Regiment Georgia Volunteer Infantry, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL M'KINNEY.

The bill (H. R. 9984) granting an increase of pension to Samuel McKinney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel McKinney, late of Company C, Thirty-seventh Regiment Indiana Volunteer Infantry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE H. STOWITS.

The bill (H. R. 8409) granting an increase of pension to George H. Stowits was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George H. Stowits, late of Company K, One hundredth Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BARNEY SHULTZ.

The bill (H. R. 7662) granting an increase of pension to Barney Shultz was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Barney Shultz, late of Troop I, Third Regiment United States Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMELINE S. HAYNER.

The bill (H. R. 10365) granting an increase of pension to Emeline S. Hayner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emeline S. Hayner, former widow of William H. Gosline, late captain Company A, One hundred and seventy-seventh Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of $8 per month, commencing March 3, 1905.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PENSIONS TO OPERATORS OF MILITARY TELEGRAPH LINES.

Mr. SCOTT. Mr. President, I understand that Order of Business 428, being the bill (S. 2165) extending the provisions of the pension laws of the United States to persons engaged in the operation and construction of military telegraph lines during the war of the rebellion, has not been laid before the Senate during this call. I wish to give notice that on next Thursday, after the completion of the routine morning business, I shall offer a few remarks on that bill.

FRANK P. HAAS.

The bill (H. R. 8689) granting a pension to Frank P. Haas was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frank P. Haas, late of the United States Marine Corps, war with Spain, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES HARTZEL.

The bill (H. R. 7735) granting an increase of pension to James Hartzel was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Hartzel, late of Company F, Third Regiment Pennsylvania Reserve Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABRAHAM K. VANTINE.

The bill (H. R. 6172) granting an increase of pension to Abraham K. Vantine was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abraham K. Vantine, late of Company G, Fortieth Regiment Pennsylvania Volunteer Infantry, and Company C, One hundred and ninetieth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT S. WILLIAMS.

The bill (H. R. 5182) granting an increase of pension to Robert S. Williams was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert S. Williams, late of Tanner's Independent Company Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EPHRAIM N. R. OHL.

The bill (H. R. 5158) granting an increase of pension to Ephraim N. R. Ohl was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ephraim N. R. Ohl, late of Battery C, Fifth Regiment United States Artillery, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN COOK.

The bill (S. 121) granting an increase of pension to John Cook was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Cook, late of Company E, Thirteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALFRED T. HAWK.

The bill (S. 3184) granting an increase of pension to Alfred T. Hawk was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred T. Hawk, late of Company K, One hundred and fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES WILSON.

The bill (S. 506) granting an increase of pension to James Wilson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "seventy-two" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Wilson, late of Company F, Seventy-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANTHONY H. CRAWFORD.

The bill (S. 127) granting an increase of pension to Anthony H. Crawford was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anthony H. Crawford, late of Company H, Sixth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY J. CHENOWETH.

The bill (S. 587) granting an increase of pension to Mary J. Chenoweth was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the word "month," to strike out "from and after the death of said husband;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary J. Chenoweth, widow of Isaac Chenoweth, late of Company F, Thirtieth Regiment Missouri Enrolled Militia, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PHILLIP W. CORNMAN.

The bill (S. 3307) granting an increase of pension to Phillip W. Cornman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Phillip W. Cornman, late of Company I, Fourth Regiment United States Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PHINEAS F. LULL.

The bill (S. 1518) granting an increase of pension to Phineas F. Lull was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of" and insert "quartermaster-sergeant;" and in line 8, before the

word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Phineas F. Lull, late quartermaster-sergeant, Second Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BERNHARD SCHAFFNER.

The bill (S. 3311) granting a pension to Bernhard Schaffner was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "and," to strike out "Guard" and insert "Guards;" and in line 8, before the word "dollars," to strike out "eighteen" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bernhard Schaffner, late of Company E, Gasconade County Battalion, Missouri Home Guards, and pay him a pension at the rate of $12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EDWARD MICHAELIS, ALIAS EDWARD MICHEL.

The bill (S. 968) granting an increase of pension to Edward Michaelis, alias Edward Michel, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward Michaelis, alias Edward Michel, late of Company C, Seventh Regiment United States Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM CROME.

The bill (S. 970) granting an increase of pension to William Crome was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Crome, late of Company H, One hundred and thirty-sixth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELKANAH M. WYNN.

The bill (H. R. 749) granting an increase of pension to Elkanah M. Wynn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elkanah M. Wynn, late captain Company M, Second Regiment Tennessee Volunteer Cavalry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH A. BOUSH.

The bill (H. R. 10352) granting an increase of pension to Sarah A. Boush was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah A. Boush, widow of Frank A. Boush, late of Captain Reid's company, First Regiment Missouri Mounted Volunteer Infantry, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NANNIE FRAZIER.

The bill (H. R. 7206) granting a pension to Nannie Frazier was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nannie Frazier, helpless and dependent daughter of Adison Frasure, late of Company K, First Regiment Tennessee Volunteeer Cavalry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES F. LONGFELLOW.

The bill (S. 2557) granting an increase of pension to Charles F. Longfellow was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the words "rate of," to insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles F. Longfellow, late of Company A, Brackett's battalion, Minnesota Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM LOUNSBERRY.

The bill (S. 1268) granting an increase of pension to William Lownsberry was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "late," to strike out the name "Lownsberry" and insert "Lounsberry;" in line 7, before the word "Sixty-fifth," to insert "Sixty-seventh and;" and in the same line, before the words "New York," to strike out "Regiment" and insert "Regiments;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Lounsberry, late of Company C, Sixty-seventh and Sixty-fifth Regiments New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William Lounsberry."

HENRY WESTON.

The bill (S. 994) granting a pension to Henry Weston was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all before the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Weston, late of Captain Stapp's company, Illinois Mounted Volunteers, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Henry Weston."

GEORGE B. HUNTER.

The bill (S. 2556) granting an increase of pension to George B. Hunter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George B. Hunter, late of Company A, Second Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEONARD F. SIMMONS.

The bill (H. R. 5631) granting an increase of pension to Leonard F. Simmons was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Leonard F. Simmons, late of Company I, Twenty-first Regiment Michigan Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. LANGFORD.

The bill (S. 2778) granting an increase of pension to John W. Langford was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Langford, late of Company A, First Regiment Wisconsin Volunteer Heavy Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN W. BANCROFT.

The bill (H. R. 5642) granting an increase of pension to John W. Bancroft was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Ban-

croft, late of Company K, Tenth Regiment Vermont Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM I. HEED.

The bill (H. R. 8832) granting a pension to William I. Heed was considered as in Committee of the Whole. It proposes to place on the pension roll, the name of William I. Heed, late of Troop I, Second Regiment United States Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RETTA M. FAIRBANKS.

The bill (H. R. 8532) granting an increase of pension to Retta M. Fairbanks was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Retta M. Fairbanks, widow of Henry Fairbanks, late of Company C, Third Regiment Maine Volunteer Infantry, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN H. FERGUSON.

The bill (H. R. 8404) granting an increase of pension to John H. Ferguson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John H. Ferguson, late of Company A, One hundred and twenty-sixth Regiment Ohio Volunteer Infantry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES L. RECTOR.

The bill (H. R. 8403) granting an increase of pension to James L. Rector was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James L. Rector, late of Company K, Fourth Regiment West Virginia Volunteer Infantry, and Company C, Second Regiment West Virginia Veteran Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLEN R. GRAHAM.

The bill (H. R. 8374) granting an increase of pension to Ellen R. Graham was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ellen R. Graham, widow of William N. Graham, late of Company C, Tenth Regiment Connecticut Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOMER A. BARROWS.

The bill (H. R. 7673) granting an increase of pension to Homer A. Barrows was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Homer A. Barrows, late of Company E, Thirty-sixth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHALKLEY PETTIT.

The bill (H. R. 6983) granting an increase of pension to Chalkley Pettit was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Chalkley Pettit, late of Company F, Twenty-third Regiment New Jersey Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HANNAH W. GREEN.

The bill (H. R. 5779) granting a pension to Hannah W. Green was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hannah W. Green, widow of Daniel J. Green, late of Company B, Nineteenth Regiment Massachusetts Volunteer Infantry, and to pay her a pension of $8 per month, such pension to cease upon proof that the soldier is living.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTIN B. NOYES.

The bill (H. R. 8181) granting an increase of pension to Martin B. Noyes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martin B. Noyes, late of Company I, First Regiment New Hampshire Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORLENA F. SEAVER.

The bill (H. R. 4643) granting an increase of pension to Orlena F. Seaver was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Orlena F. Seaver, widow of James A. Seaver, late second lieutenant Company D, Third Regiment Rhode Island Volunteer Heavy Artillery, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH MILLER.

The bill (H. R. 4392) granting an increase of pension to Joseph Miller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Miller, late first lieutenant and captain Company C, Sixth Regiment Connecticut Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE WILEY.

The bill (S. 566) granting an increase of pension to George Wiley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Wiley, late of Company G, Eleventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY M. HULL.

The bill (S. 3285) granting an increase of pension to Mary M. Hull was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the words "late of," to insert "Company K, Ninety-sixth Regiment Illinois Infantry, and," and in line 9, before the word "dollars," to strike out "twenty-four" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary M. Hull, widow of Nelson B. Hull, late of Company K, Ninety-sixth Regiment Illinois Volunteer Infantry, and Company I, Fifth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN P. CAMPBELL, NO. 2.

The bill (S. 2089) granting an increase of pension to John P. Campbell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John P. Campbell, No. 2, late of Company H, First Regiment Rhode Island Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John P. Campbell, No. 2."

SAMUEL L. ANDREWS.

The bill (S. 1821) granting an increase of pension to Samuel L. Andrews was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel L. Andrews, late captain Company H, One hundred and thirty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN L. WHITMAN.

The bill (H. R. 7758) granting an increase of pension to John L. Whitman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John L. Whitman, late of Company I, Eleventh Regiment Kansas Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BARTHOLOMEW MORIARTY.

The bill (H. R. 8799) granting an increase of pension to Bartholomew Moriarty was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Bartholomew Moriarty, late of Company D, Seventeenth Regiment Kansas Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADAM WENZEL.

The bill (H. R. 7755) granting an increase of pension to Adam Wenzel was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Adam Wenzel, late of Tenth Battery, Wisconsin Volunteer Light Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REBECCA GARLAND.

The bill (H. R. 5237) granting an increase of pension to Rebecca Garland was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rebecca Garland, dependent mother of Zachariah T. Garland, late of Company B, Thirteenth Regiment Tennessee Volunteer Cavalry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES POWERS.

The bill (H. R. 8659) granting an increase of pension to James Powers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Powers, late of Company A, Palmetto Regiment South Carolina Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RANSOM L. LOGAN.

The bill (H. R. 4740) granting an increase of pension to Ransom L. Logan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ransom L. Logan, late of Company C, Palmetto Regiment South Carolina Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY GREENE.

The bill (H. R. 5236) granting an increase of pension to Mary Greene was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Greene, widow of Marvel Greene, late of Company C, Thirteenth Regiment Tennessee Volunteer Cavalry, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADOLPHUS L. OXTON.

The bill (S. 1037) granting an increase of pension to Adolphus L. Oxton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adolphus L. Oxton, late of Company E, Twentieth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES PRETTYMAN.

The bill (S. 1840) granting an increase of pension to James Prettyman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Prettyman, late of Company H, Seventh Regiment California Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ABBIE C. MOORE.

The bill (S. 624) granting an increase of pension to Abbie C. Moore was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abbie C. Moore, widow of Horace W. Moore, late of Company B, First Regiment Minnesota Volunteer Cavalry, and hospital steward Second Regiment Minnesota Volunteer Cavalry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE M. BRADLEY.

The bill (S. 639) granting an increase of pension to George M. Bradley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-five" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George M. Bradley, late of Company A, Fourth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES F. PRATER.

The bill (S. 619) granting an increase of pension to James F. Prater was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out "of Company I" and insert "commissary sergeant;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James F. Prater, late commissary sergeant Ninth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE P. TROWBRIDGE.

The bill (S. 2183) granting an increase of pension to George P. Trobridge was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "late," to strike out the name "Trobridge" and insert "Trowbridge;" and in line 8, after the word "Volunteer," to strike out "Infantry" and insert "Cavalry;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George P. Trowbridge, late of Company F, Twentieth Regiment Illinois Volunteer Infantry, and Company I, Tenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to George P. Trowbridge."

CHARLES W. SUTHERLIN.

The bill (H. R. 7888) granting an increase of pension to Charles W. Sutherlin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles W. Sutherlin, late of Company A, Thirty-first Regiment, and Company A, Thirty-second Regiment, Missouri Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM R. GLISAN.

The bill (H. R. 4991) granting an increase of pension to William R. Glisan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William R. Glisan, late second lieutenant Company D, Sixth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AARON NOBLE.

The bill (H. R. 7889) granting an increase of pension to Aaron Noble was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Aaron Noble, late of Company B, First Regiment California Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE A. PARKER.

The bill (S. 724) granting an increase of pension to George A. Parker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George A. Parker, late of Company A, Tenth Regiment Michigan Volunteer Infantry, and to pay him a pension of $100 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ABRAM SMITH.

The bill (H. R. 9659) granting an increase of pension to Abram Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abram V. Smith, late of Company C, Twenty-first Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BUFORD P. MOSS.

The bill (H. R. 6544) granting an increase of pension to Buford P. Moss was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Buford P. Moss, late of Company A, Thirtieth Regiment Kentucky Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM HARVEY.

The bill (H. R. 6186) granting an increase of pension to William Harvey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Harvey, late of Company H, Ninety-second Regiment Ohio Volunteer Infantry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANN BETTS.

The bill (H. R. 7878) granting an increase of pension to Ann Betts was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ann Betts, widow of Joseph Ellis Betts, late of Capt. Jonathan Brook's company, Third Regiment United States Artillery, war of 1812, and to pay her a pension of $24 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS BUSH.

The bill (H. R. 10142) granting an increase of pension to Thomas Bush was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Bush, late of Company F, Twenty-second Regiment Kentucky Volunteer Infantry, and to pay him a pension of $36 per month in lieu of that he is now receiving, the same to be paid to his duly constituted guardian.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATHAN B. RICHARDSON.

The bill (H. R. 10225) granting an increase of pension to Nathan B. Richardson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-two" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nathan B. Richardson, late of Company H, One hundred and tenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

AMANUEL RUSSELL.

The bill (H. R. 6183) granting an increase of pension to Amanuel Russell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Amanuel Russell, late of Company I, One hundred and sixteenth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY E. DAVENPORT.

The bill (H. R. 6447) granting an increase of pension to Mary E. Davenport was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary E. Davenport, widow of George Davenport, late of Company K, Fourth Regiment Michigan Volunteer Cavalry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT T. KNOX.

The bill (H. R. 5845) granting an increase of pension to Robert T. Knox was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert T. Knox, late captain Company K, Sixteenth Regiment Veteran Reserve Corps, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY A. HACKLEY.

The bill (H. R. 10572) granting an increase of pension to Mary A. Hackley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary A. Hackley, widow of Thornton K. Hackley, late captain Company G, First Regiment Kentucky Volunteer Cavalry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNA M. GARDNER.

The bill (H. R. 4706) granting an increase of pension to Anna M. Gardner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Anna M. Gardner, widow of James M. Gardner, late first lieutenant Companies

E and D, First Regiment Louisiana Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SILAS N. BRADSHAW.

The bill (H. R. 6446) granting an increase of pension to Silas N. Bradshaw was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Silas N. Bradshaw, late of Company G, Seventh Regiment Michigan Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARIAH BAUGHMAN.

The bill (H. R. 10573) granting a pension to Mariah Baughman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mariah Baughman, widow of Elijah Baughman, late of Company E, One hundred and fourteenth Regiment United States Colored Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY RYAN.

The bill (S. 1017) granting an increase of pension to Mary Ryan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Ryan, widow of James Ryan, late of Company H, Ninety-ninth Regiment New York National Guard Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HERRICK HODGES.

The bill (S. 2421) granting an increase of pension to Herrick Hodges was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "Company," to strike out the letter "B" and insert "I;" and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Herrick Hodges, late of Company I, Seventeenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

CARRIE B. FINDLEY.

The bill (S. 2411) granting an increase of pension to Carrie B. Findley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to insert "captain Company K and;" and in line 9, before the word "dollars," to strike out "forty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Carrie B. Findley, widow of Robert P. Findley, late captain Company K and lieutenant-colonel Seventy-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELEAZAR A. PATTERSON.

The bill (H. R. 1434) granting an increase of pension to Eleazar A. Patterson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eleazar A. Patterson, late of Captain Moore's company, No. 4, Twenty-sixth Regiment New York Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JASON ROBBINS.

The bill (H. R. 1435) granting an increase of pension to Jason Robbins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jason Robbins, late of Company K, One hundred and twenty-fifth Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DETRICK NORTRUP.

The bill (H. R. 7952) granting an increase of pension to Detrick Nortrup was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Detrick Nortrup, late of Company A, Twenty-seventh Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NOAH PALMER.

The bill (H. R. 8237) granting an increase of pension to Noah Palmer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Noah Palmer, late of Company G, Seventeenth Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMMA M. HEATH.

The bill (H. R. 7950) granting an increase of pension to Emma M. Heath was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emma M. Heath, widow of John R. Heath, late of Company B, Seventy-eighth Regiment Illinois Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PHILIP BACON.

The bill (H. R. 7237) granting an increase of pension to Philip Bacon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Philip Bacon, late of Company F, Seventy-sixth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RACHEL A. DAILEY.

The bill (H. R. 7423) granting a pension to Rachel A. Dailey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rachel A. Dailey, widow of Esaias Dailey, late captain Company C, Forty-seventh Regiment Indiana Volunteer Infantry, and to pay her a pension of $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M. WELLS.

The bill (H. R. 7230) granting an increase of pension to John M. Wells was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John M. Wells, late of Company C, Sixty-second Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDMUND R. STRANG.

The bill (H. R. 6917) granting an increase of pension to Edmund R. Strang was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edmund R. Strang, late of Company K, Seventy-first Regiment New York State Militia Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACOB MEIER.

The bill (H. R. 6916) granting an increase of pension to Jacob Meier was considered as in Committee of the Whole. It

proposes to place on the pension roll the name of Jacob Meier, late of Company H, Ninety-second Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES BRODY.

The bill (H. R. 5939) granting an increase of pension to James Brody was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Brody, late of Company F, One hundred and fifth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MOSES EGGLESTON.

The bill (H. R. 5654) granting a pension to Moses Eggleston was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Moses Eggleston, late of Company B, Second Regiment Illinois Volunteer Cavalry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY W. WELLS.

The bill (H. R. 5653) granting an increase of pension to Henry W. Wells was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry W. Wells, late adjutant One hundred and twelfth Regiment Illinois Volunteer Infantry, and major, First Regiment Tennessee Volunteer Light Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY MITCHELL.

The bill (H. R. 8071) granting a pension to Mary Mitchell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Mitchell, widow of Thomas Mitchell, alias John Grove, late of Company I, First Regiment Potomac Home Brigade, Maryland Volunteer Cavalry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. ELLSWORTH.

The bill (H. R. 10389) granting an increase of pension to John W. Ellsworth was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Ellsworth, late of Company F, One hundred and third Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES EASTWOOD.

The bill (H. R. 5546) granting an increase of pension to James Eastwood was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Eastwood, late of Companies H and A, Eighteenth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GREENBERRY SUDDARTH.

The bill (H. R. 5253) granting an increase of pension to Greenberry Suddarth was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Greenberry Suddarth, late of Company I, Thirty-eighth Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES WHITEMAN.

The bill (H. R. 4682) granting an increase of pension to James Whiteman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Whiteman, late of Company G, One hundred and sixteenth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT M'MULLEN.

The bill (H. R. 4731) granting an increase of pension to Robert McMullen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert McMullen, late of Company E, Sixteenth Regiment Indiana Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. KNAPP.

The bill (H. R. 3295) granting an increase of pension to George W. Knapp was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Knapp, late first lieutenant Company C, Sixty-eighth Regiment United States Colored Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUSAN J. ROUNDS.

The bill (H. R. 5208) granting a pension to Susan J. Rounds was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Susan J. Rounds, widow of James M. Rounds, late of Company C, Tenth Regiment Minnesota Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN L. FILES.

The bill (H. R. 4733) granting an increase of pension to John L. Files was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John L. Files, late of Company H, Twenty-seventh Regiment and unassigned Twenty-second Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MELISSA CHASE.

The bill (H. R. 10218) granting an increase of pension to Melissa Chase was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Melissa Chase, widow of Jonathan Chase, late first lieutenant and captain Company A, Ninth Regiment Minnesota Volunteer Infantry, and to pay her a pension of $17 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WELLS BRIGGS.

The bill (H. R. 5643) granting an increase of pension to Wells Briggs was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Wells Briggs, late of Company G, Ninety-fifth Regiment Illinois Volunteer Infantry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMOS H. TENANT.

The bill (H. R. 2959) granting an increase of pension to Amos H. Tenant was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Amos H. Tenant, late of Company F, One hundred and twelfth Regiment New York Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM C. STEWART.

The bill (H. R. 519) granting an increase of pension to William C. Stewart was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William C. Stewart, late of Company D, Tenth Regiment United States Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN SEYMOUR.

The bill (H. R. 2262) granting an increase of pension to John Seymour was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Seymour, late of Company K, One hundred and fifty-fifth Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS MANAHAN.

The bill (H. R. 2800) granting an increase of pension to Thomas Manahan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Manahan, late second lieutenant Company H, Sixty-ninth Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STEPHEN GILLEN.

The bill (H. R. 1972) granting an increase of pension to Stephen Gillen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Stephen Gillen, late of Company E, One hundred and sixty-fifth Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE H. HODGES.

The bill (H. R. 2266) granting an increase of pension to George H. Hodges was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George H. Hodges, late captain Company G, One hundred and eighty-seventh Regiment New York Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY C. STERN.

The bill (H. R. 520) granting an increase of pension to Henry C. Stern was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry C. Stern, late of Company C, One hundred and seventy-seventh Regiment New York Volunteer Infantry, and second lieutenant Company G, Ninth Regiment New York Volunteer Heavy Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES E. POST.

The bill (H. R. 1810) granting an increase of pension to James E. Post was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James E. Post, late of Company F, One hundred and twenty-eighth Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUCY WALKE.

The bill (H. R. 9092) granting a pension to Lucy Walke was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lucy Walke, widow of Henry A. Walke, late fourth master U. S. S. *Carondelet*, United States Navy, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GILBERT F. CAPRON.

The bill (H. R. 7572) granting an increase of pension to Gilbert F. Capron was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Gilbert F. Capron, late of Company E, One hundred and ninth Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MOSES SCHOONMAKER.

The bill (H. R. 6113) granting an increase of pension to Moses Schoonmaker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Moses Schoonmaker, late of Company C, One hundred and Forty-third Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JULIUS ZUEHLKE.

The bill (H. R. 5831) granting an increase of pension to Julius Zuehlke was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Julius Zuehlke, late of Company C, Tenth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTIN V. B. BACHMAN.

The bill (H. R. 6191) granting an increase of pension to Martin V. B. Bachman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martin V. B. Bachman, late first lieutenant Company B and captain Company E, One hundred and seventh Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN GAINSBACK.

The bill (H. R. 6116) granting a pension to John Gainsback was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Gainsback, late of Company F, Twenty-ninth Regiment United States Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH C. ROBINSON.

The bill (H. R. 4747) granting an increase of pension to Joseph C. Robinson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph C. Robinson, late first lieutenant Company C and captain Company E, One hundred and sixth Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY ALLEN.

The bill (H. R. 4393) granting an increase of pension to Henry Allen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Allen, late of Seventeenth Independent Battery, New York Volunteer Light Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MELVILLE A. SMITH.

The bill (H. R. 1971) granting an increase of pension to Melville A. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Melville A. Smith, late of the U. S. S. *North Carolina*, *Sonoma*, and *Sabine*, United States Navy, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUSAN H. CHADSEY.

The bill (H. R. 4177) granting a pension to Susan H. Chadsey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Susan H. Chadsey, widow of Ralph Clarendon Chadsey, late of Company M, Ninth Regiment New York Volunteer Infantry, war with Spain, and to pay her a pension of $12 per month and $2 per month additional on account of each of the minor children of said Ralph Clarendon Chadsey until they reach the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMMA LEVINESS.

The bill (H. R. 1548) granting an increase of pension to Emma Leviness was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emma Leviness, widow of Charles E. Leviness, alias Charles Lawrence, late of Company G, Fourteenth Regiment Connecticut Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY J. VISSCHER.

The bill (S. 3508) granting a pension to Mary J. Visscher was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 11, before the word "dollars," to strike out "sixteen" and insert "eight;" so as make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary J. Visscher, widow of John Van Schaack Visscher, late of Company A, Twenty-fifth Regiment New York State Militia; Companies F and A,

Forty-fourth Regiment New York Volunteer Infantry, and Company F, One hundred and forty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $8 per month, such pension to cease upon proof that the soldier is living.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY A. TILTON.

The bill (S. 1417) granting an increase of pension to Henry A. Tilton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry A. Tilton, late of Company K, Fourteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOEL M. SAWYER.

The bill (S. 1010) granting an increase of pension to Joel M. Sawyer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joel M. Sawyer, late of Company D, Seventeenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EDWARD P. METCALF.

The bill (S. 788) granting an increase of pension to Edward P. Metcalf was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward P. Metcalf, late of United States steamers Sabine, Niagara, and North Carolina, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EDMUND T. CONNELLY, ALIAS JOHN MARKS.

The bill (S. 703) granting an increase of pension to Edmund T. Connolly, alias John Marks, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "alias," to strike out "Connolly" and insert "Connelly;" and in line 8, after the word "of," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the names of Edmund T. Connelly, alias John Marks, late of Company B, Twenty-fifth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Edmund T. Connelly, alias John Marks."

FRANCIS E. STEVENS.

The bill (S. 181) granting an increase of pension to Francis E. Stevens was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Francis E. Stevens, late of Company M, First Regiment Rhode Island Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GRANVILLE P. MASON.

The bill (S. 77) granting an increase of pension to Granville P. Mason was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Granville P. Mason, late captain Company B, Seventh Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES F. TILTON.

The bill (S. 79) granting an increase of pension to James F. Tilton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James F. Tilton, late of Company I, Fourth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or dered to be engrossed for a third reading, read the third time and passed.

URIAL J. STREETER.

The bill (S. 75) granting an increase of pension to Urial J Streeter was considered as in Committee of the Whole. It pro poses to place on the pension roll the name of Urial J. Streeter, late of Company E, Twentieth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY R. BLETHEN.

The bill (S. 78) granting an increase of pension to Mary R. Blethen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary R. Blethen, widow of Allen Blethen, late of Company H, One hundred and twenty-fourth Regiment Ohio Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RICHARD DEARBORN.

The bill (S. 702) granting an increase of pension to Richard Dearborn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Richard Dearborn, late of Company A, Twenty-seventh Regiment Maine Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HARVEY M. D. HOPKINS.

The bill (S. 909) granting an increase of pension to Harvey M. D. Hopkins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harvey M. D. Hopkins, late of Company E, First Regiment New Hampshire Volunteer Heavy Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HENRY T. BRAMAN.

The bill (S. 573) granting an increase of pension to Henry T. Braman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry T. Braman, late of Company H, Seventh Regiment Connecticut Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. BROWN.

The bill (S. 1536) granting an increase of pension to William H. Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Brown, late of Company F, Fourth Regiment United States Colored Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONSIDERATION OF MILITARY RELIEF BILLS.

Mr. LODGE. I ask unanimous consent that unobjected bills to correct military records, reported from the Committee on Military Affairs, some of which follow the pension bills, which I think we have now concluded, may be taken up and disposed of.

The VICE-PRESIDENT. Without objection, that will be the order.

DAVID H. MOFFAT.

The bill (S. 584) for the relief of David H. Moffat was considered as in Committee of the Whole. It proposes that David H. Moffat shall be held and considered to have been mustered into the service of the United States as a captain of the Third Regiment of Colorado Cavalry Volunteers on the 20th day of August, 1864, and the Secretary of War is directed to issue to him a certificate of discharge as a captain of that regiment, to date from the 17th day of September, 1864.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ISAAC THOMPSON.

The bill (S. 2626) to correct the military record of Isaac Thompson was considered as in Committee of the Whole. It proposes to correct the military record of Isaac Thompson, late of Company F, First Regiment Ohio Volunteer Cavalry, and grant him an honorable discharge as of date February 26, 1865.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THEODORE F. NORTHROP.

The bill (S. 1690) for the relief of Theodore F. Northrop was considered as in Committee of the Whole. It proposes that Theodore F. Northrop, late first lieutenant, Second Regiment New York Cavalry Volunteers, shall be held and considered to have been a captain of cavalry, in command of scouts in the Army of General Sherman, from September 10, 1864, to May 22, 1865; and the Secretary of War is authorized to issue to him a certificate of such service and of honorable discharge.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE A. WINSLOW.

The bill (S. 1942) to correct the military record of George A. Winslow was considered as in Committee of the Whole. It authorizes the Secretary of War to set aside the findings of the court-martial and revoke the orders issued against George A. Winslow, late lieutenant, Company M, Third Arkansas Volunteer Cavalry, and issue to him a certificate of honorable discharge.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JACOB NIEBELS.

The bill (S. 733) granting an honorable discharge to Jacob Niebels was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, to insert at the end of the bill the following proviso:

Provided, That no pay, bounty, or other emoluments shall accrue by virtue of the passage of this act.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of and grant an honorable discharge to Jacob Niebels, late of Company E, Fourth Regiment Minnesota Volunteer Infantry: *Provided*, That no pay, bounty, or other emoluments shall accrue by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSHUA T. REYNOLDS.

The bill (S. 1862) for the relief of Joshua T. Reynolds was considered as in Committee of the Whole. It provides that Joshua T. Reynolds shall hereafter be held and considered to have been honorably discharged from the military service of the United States on the 10th day of February, A. D. 1864, as captain of Company F, Ninth Regiment Pennsylvania Reserve Infantry, otherwise known as the Thirty-eighth Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES D. VERNAY.

The bill (S. 2325) for the relief of James D. Vernay was considered as in Committee of the Whole. It authorizes the President to nominate and, by and with the advice and consent of the Senate, appoint James D. Vernay, late first lieutenant and brevet captain, United States Army, a first lieutenant in the Army of the United States; and when so appointed he shall be placed upon the retired list of the Army, unlimited.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ASA NILES.

The bill (S. 832) to correct the military record of Asa Niles was considered as in Committee of the Whole. It authorizes the Secretary of War to review the military record of Asa Niles, late a private of Company E, Ninth Regiment Vermont Volunteers, and grant him an honorable discharge as of the 27th day of January, 1863.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TALTON T. DAVIS.

The bill (S. 1951) to correct the military record of Talton T. Davis was considered as in Committee of the Whole. It authorizes the Secretary of War to correct the military record of Talton T. Davis, of Marion, Kans., late of Company H, Twenty-first Regiment Kentucky Volunteer Infantry, and to grant him an honorable discharge as of date October 8, 1862.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM T. GODWIN.

The bill (S. 497) to authorize the President to revoke the order dismissing William T. Godwin, late first lieutenant Tenth Infantry, United States Army, and to place the said William T. Godwin on the retired list with the rank of first lieutenant, was considered as in Committee of the Whole. It authorizes the President of the United States to revoke the order dismissing William T. Godwin, late first lieutenant Company G, Tenth Regiment United States Infantry, from the United States Army, and to appoint Mr. Godwin a first lieutenant in the Army, and place him on the retired list with that rank.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN L. O'MARA.

The bill (S. 3338) for the relief of John L. O'Mara was considered as in Committee of the Whole. It authorizes the Secretary of War to review and remit the sentence of a general court-martial, promulgated on August 16, 1865, dishonorably discharging John L. O'Mara as a private of Company B, Thirtieth Regiment Maine Volunteer Infantry, and issue to him an honorable discharge, to date August 16, 1865.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The VICE-PRESIDENT. This completes the calendar of pension bills and bills to correct military records. The Calendar, under Rule VIII, is now in order.

EXTENSION OF CERTAIN STREETS.

The bill (S. 2098) authorizing the extension of Second street NW. north to Trumbull street, and W street westward to Second street NW., was announced as the first business in order on the Calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 1, page 1, line 4, before the word "days," to strike out "thirty" and insert "sixty;" and in line 6, after the word "street," to strike out "NW. to Trumbull street, and W street NW. westward to Second street; Second street to be 90 feet wide and W street to be 80 feet wide" and insert "NW. from Elm street northward to Bryant street, with a width of 90 feet, and of W street from its present terminus west of Flagler place to Second street, with a width of 80 feet, and of W street west of Second street eastward to Second street, with a width of 50 feet;" so as to make the section read:

That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed, within sixty days after the passage of this act, to institute proceedings to condemn the land necessary for

the extension of Second street NW. from Elm street northward to Bryant street, with a width of 90 feet, and of W street from its present terminus west of Flagler place to Second street, with a width of 80 feet, and of W street west of Second street eastward to Second street, with a width of 50 feet.

The amendment was agreed to.

The next amendment was, in section 7, page 5, line 15, after the word "land," to strike out "by the Treasurer of the United States, upon the warrant of the Commissioners of said District, one half payable from the revenues of the District of Columbia and the other half out of any money in the United States Treasury not otherwise appropriated, and a sufficient sum to pay the amounts of the judgments and awards is hereby appropriated" and insert "by the disbursing officer of the District of Columbia from moneys advanced to him by the Secretary of the Treasury upon requisitions of the Commissioners of the said District, as provided by law; and a sufficient sum to pay the amounts of said judgments and awards is hereby appropriated out of the revenues of the District of Columbia;" so as to make the section read:

SEC. 7. That when the verdict of said jury shall have been finally ratified and confirmed by the court, as herein provided, the amounts of money awarded and adjudged to be payable for lands taken under the provisions hereof shall be paid to the owners of said land by the disbursing officer of the District of Columbia from moneys advanced to him by the Secretary of the Treasury upon requisitions of the Commissioners of the said District, as provided by law; and a sufficient sum to pay the amounts of said judgments and awards is hereby appropriated out of the revenues of the District of Columbia.

The amendment was agreed to.

The next amendment was, in section 10, page 7, line 1, after the word "appropriated," to insert "out of the revenues of the District of Columbia;" and in line 3, after the word "hereto," to strike out "one-half out of the revenues of the District of Columbia and the other half out of any money in the United States Treasury not otherwise appropriated," so as to make the section read:

SEC. 10. That the sum of $300 is hereby appropriated out of the revenues of the District of Columbia to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing the extension of Second street NW. from Elm street north to Bryant street, of W street from its present terminus west of Flagler place to Second street, and of W street west of Second street eastwardly to Second street."

MILITARY TELEGRAPH EMPLOYEES.

The bill (S. 2165) extending the provisions of the pension laws of the United States to persons engaged in the operation and construction of military telegraph lines during the war of the rebellion was announced as the next business in order on the Calendar.

Mr. KEAN. I understand the Senator from West Virginia [Mr. SCOTT] desires to make some remarks on the bill, and therefore I suggest that it go over.

The VICE-PRESIDENT. The bill will be passed over.

Mr. SCOTT. I have no desire to have the bill go over, and I certainly can forego the pleasure of any remarks I should care to make if I can have the bill passed at this time.

Mr. KEAN. I think it had better go over, Mr. President.

The VICE-PRESIDENT. Objection being made, the bill will go over.

EXTENSION OF RHODE ISLAND AVENUE NE.

The bill (S. 56) authorizing the extension of Rhode Island avenue NE. was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with amendments.

The first amendment was in section 7, page 5, line 13, after the word "appropriated," to strike out "one-half from the revenues of the District of Columbia and the other half out of any money in the United States Treasury not otherwise appropriated" and insert "out of the revenues of the District of Columbia;" so as to make the section read:

SEC. 7. That when the verdict of said jury shall have been finally ratified and confirmed by the court, as herein provided, the amounts of money awarded and adjudged to be payable for lands taken under the provisions hereof shall be paid to the owners of said land by the disbursing officer of the District of Columbia from moneys advanced to him by the Secretary of the Treasury upon requisitions of the Commissioners of said District, as provided by law; and a sufficient sum to pay the amounts of said judgments and awards is hereby appropriated out of the revenues of the District of Columbia.

The amendment was agreed to.

The next amendment was, in section 10, page 6, line 16, after the word "appropriated," to insert "out of the revenues of the District of Columbia;" and in line 18, after the word "hereto," to strike out "one-half out of the revenues of the District of Columbia and the other half out of any money in the United States Treasury not otherwise appropriated;" so as to make the section read:

SEC. 10. That the sum of $300 is hereby appropriated, out of the revenues of the District of Columbia, to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

KARL A. TORGERSON AND CHARLES E. HEYN.

The bill (S. 2996) to authorize the Secretary of the Interior to purchase 80 acres of land, more or less, from Karl A. Torgerson and Charles E. Heyn for the benefit of certain allottees of the Grande Ronde Indian Reservation was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to purchase from Karl A. Torgerson and Charles E. Heyn 80 acres of land, more or less, now occupied by John Smith and Jane Isaac, allottees of the Grande Ronde Indian Reservation in Oregon, and to pay for it the sum of $485, with interest at 6 per cent from the date Messrs. Torgerson and Heyn made cash entries for the land.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEN. C. C. ANDREWS.

The bill (S. 1026) for the relief of Gen. C. C. Andrews was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with amendments, in line 5, before the word "dollars," to strike out "ten" and insert "one," and in line 8, before the word "dollars," to strike out "ten" and insert "one;" so as to make the bill read:

Be it enacted, etc., That there be, and hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $101.50; and that the Secretary of the Treasury be, and he hereby is, authorized and directed to pay to Gen. C. C. Andrews the said sum of $101.50.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SIGNAL-SERVICE MONUMENT AT GETTYSBURG.

The bill (S. 2172) to amend an act entitled "An act authorizing the Secretary of War to cause to be erected monuments and markers on the battlefield of Gettysburg, Pa., to commemorate the valorous deeds of certain regiments and batteries of the United States Army," was considered as in Committee of the Whole. It proposes to so amend the act as to include a monument to commemorate the services of the United States Signal Service during the war of the rebellion, and for that purpose appropriates $7,500.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMERICAN CROSS OF HONOR.

The bill (S. 3045) to incorporate the American Cross of Honor within the District of Columbia was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMERICAN NATIONAL BANK OF GRAHAM, VA.

The bill (S. 2582) to authorize the American National Bank of Graham, Va., to change its location and name was read.

Mr. KEAN. It wish to ask what is the necessity for this bill? I do not see any letter from the Comptroller of the Currency. I understand that two-thirds of the shareholders of the stock of the bank can change the name at any time, with the approval of the Comptroller of the Currency. I do not see anything in the report on the point. I only want to know the necessity for the act.

Mr. LODGE. As the Senator who has charge of the bill is not present I suggest that it go over.

Mr. KEAN. I have no objection to the bill, of course.

Mr. SCOTT. An act may be necessary because it is to change the location from one State to another. The bank is now located in old Virginia, and the bill provides for changing it to Bluefield, W. Va. That may be the reason.

Mr. KEAN. I do not see in the report any letter from the Comptroller of the Currency.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported from the Select Committee on National Banks with amendments, in line 3, to strike out "the" where it first occurs and insert "The;" and after the words "West Virginia," in line 7, to insert "and its corporate title to The American National Bank of Bluefield;" so as to make the first section read:

That The American National Bank of Graham, now located at Graham, Tazewell County, State of Virginia, is hereby authorized to change its location, or place where its operations of discount and deposit are carried on, to the town of Bluefield, Mercer County, State of West Virginia, and its corporate title to The American National Bank of Bluefield, by and with the consent of the Comptroller of the Currency, whenever the shareholders owning two-thirds of the stock of said bank, at a meeting called for that purpose, determine to make such change: *Provided*, That there shall be sent to the Comptroller of the Currency a duly authenticated notice of the vote for removal and change of title. The change of location and title, however, shall not be valid until the Comptroller of the Currency shall have issued his certificate of approval.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL LAND OFFICE IN NORTH DAKOTA.

The bill (S. 2452) creating an additional land office in the State of North Dakota was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with an amendment, to strike out the first section of the bill in the following words:

That all that portion of North Dakota lying north of the twelfth standard parallel and west of the range line between ranges 92 and 93 west of the principal meridian be, and the same is hereby, created into a separate land district, to be known as the Williston district; and the land office for said district shall be located at the town of Williston until such time as the President may, in his discretion, remove the site of said land office from said town.

And in lieu thereof to insert:

That all that portion of North Dakota lying north of the twelfth standard parallel and west of the line beginning at the juncture of the range line between ranges 92 and 93 with the said twelfth standard parallel and running north to the fifteenth standard parallel, and thence west along the said fifteenth standard parallel to the range line between ranges 96 and 97, and thence north along the said range line to the international boundary line, all west of the principal meridian, be, and the same is hereby, created in a separate land district, to be known as the Williston district; and the land office for said district shall be located at the town of Williston until such time as the President may, in his discretion, remove the site of said land office from said town.

The amendment was agreed to.

Mr. SPOONER. I notice a clause in the bill where the Constitution is reenacted very industriously, and I question the necessity for it. It is the clause authorizing the President to fill up vacancies which may occur in the recess of the Senate. I move to strike it out, if the clerks can turn to it.

Mr. KEAN. It is in the second section.

Mr. BEVERIDGE. It is nothing new to reenact the Constitution. I will say to the Senator that it is done here all the time.

Mr. SPOONER. Although the Senator says it is quite customary to reenact the Constitution, it is equally customary to forget it after it is reenacted.

The VICE-PRESIDENT. The Senator from Wisconsin moves an amendment, which will be stated.

The SECRETARY. In section 2, page 2, lines 15 and 16, strike out the words "or during the recess thereof and until the next session after such appointment."

Mr. SCOTT. I suggest that the bill go over. Neither of the Senators from North Dakota is here.

The VICE-PRESIDENT. Under objection, the bill will go over, retaining its place on the Calendar.

Mr. HANSBROUGH subsequently said: I should like to have the Senate return to the bill that was just passed over creating a land district in North Dakota.

Mr. SCOTT. I withdraw my objection to it.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Wisconsin [Mr. SPOONER]. The amendment will be stated.

The SECRETARY. In section 2, page 2, lines 15 and 16, strike out the words "or during the recess thereof and until the next session after such appointment."

Mr. SPOONER. It is not only unnecessary, but it is a misrepresentation of the constitutional provision.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ARMY DENTAL SURGEONS.

The bill (S. 2355) to regulate the corps of dental surgeons attached to the Medical Department of the Army was announced as next in order.

Mr. SPOONER. I think that bill may very well go over. It is a matter of great importance, and the Senate is not very attentive.

Mr. SCOTT. It is a very important bill.

The VICE-PRESIDENT. Under objection, the bill will go over.

SURVEY OF HARBOR ON LAKE MICHIGAN.

The next business on the Calendar was the concurrent resolution submitted by Mr. HEMENWAY and reported by Mr. ALGER from the Committee on Commerce, providing for a survey to be made at a point opposite Lake County, Ind.

Mr. SCOTT. I suggest that the resolution go over, as the Senator from Indiana [Mr. HEMENWAY] is not here.

The VICE-PRESIDENT. Under objection, the resolution will go over.

Mr. HEMENWAY subsequently said: I ask the Senate to return to Order of Business 574.

Mr. SCOTT. I objected to the concurrent resolution. The Senator from Indiana is now here, and I withdraw my objection.

The VICE-PRESIDENT. The concurrent resolution will be read.

The Secretary read the concurrent resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made with a view to providing a harbor suitable for the largest boats at a point opposite or near the following-described land: Sections Nos. 33 and 34, township 37, range 8 west, Lake County, Ind.

The VICE-PRESIDENT. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

INDIAN LANDS IN WISCONSIN.

The bill (S. 2787) to amend the act of Congress approved February 11, 1901, entitled "An act providing for allotments of lands in severalty to the Indians of the La Pointe or Bad River Reservation, in the State of Wisconsin," was read.

Mr. SPOONER. Who reported the bill?

The VICE-PRESIDENT. The bill was reported by the Senator from South Dakota [Mr. GAMBLE]. The bill was introduced by the junior Senator from Minnesota [Mr. CLAPP].

Mr. SPOONER. Let it go over, Mr. President.

The VICE-PRESIDENT. Under objection, the bill will go over.

The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 529.

Mr. GALLINGER. Mr. President——

Mr. FRYE. Will the Senator from New Hampshire yield to me for a moment?

Mr. GALLINGER. I yield to the Senator from Maine.

CAPE MENDOCINO (CALIFORNIA) LIGHT KEEPER'S QUARTERS.

Mr. FRYE. The Committee on Commerce has but one more bill on the Calendar, Senate bill 2273, and I should like unanimous consent to dispose of it.

Mr. KEAN. Does it provide a light-house for the Senator from California [Mr. PERKINS].

Mr. FRYE. No, sir; it does not. It is for the house of a light keeper.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent for the present consideration of the bill (S. 2273) to establish at Cape Mendocino, California, quarters for the light keeper.

The bill will be read.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to appropriate $5,500 to construct at Cape Mendocino, California, quarters for the accommodation of the light keeper.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE MERCHANT MARINE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 529) to promote the national defense, to create a force of naval volunteers, to establish American ocean mail lines to foreign markets, to promote commerce, and to provide revenue from tonnage.

Mr. GALLINGER. Mr. President, yesterday the Senator from Wisconsin [Mr. SPOONER] objected to a clause in the bill which limits the subvention to any particular vessel to the term of ten years. I said to the Senator that I would give the matter careful and "prayerful" consideration, which I have done. I am fully persuaded that the Senator from Wisconsin was entirely right in his contention, and that the bill will be greatly improved by eliminating from it that provision. I therefore move to strike out on page 10, line 5, commencing with the word "but," down to and including the word "years," in line 7.

The VICE-PRESIDENT. The words proposed to be stricken out will be read.

The SECRETARY. On page 10 of the bill, reprint of January 30, in line 5, after the word "time," strike out the words "but no vessel shall receive a subvention under the provisions of section 2 of this act for a longer period than ten years."

The amendment was agreed to.

Mr. FRYE. I believe there is a general provision in the bill that no vessel shall receive any subvention unless it shall be rated A1.

Mr. GALLINGER. A steam vessel.

Mr. FRYE. That remains?

Mr. GALLINGER. That remains.

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Colorado?

Mr. GALLINGER. Certainly.

Mr. PATTERSON. I should like to ask the Senator from New Hampshire one or two questions for information. In the bill as originally reported there was a provision to add to the compensation of two existing steamship lines the sum of about half a million dollars a year for eight or nine or ten years, making four or five million dollars in all for steamship lines. Is that provision yet in the bill?

Mr. GALLINGER. The provision relating to the so-called "American Line" is stricken from the bill. The provision relating to the Oceanic Steamship Line, plying between San Francisco and Australasia, remains in the bill.

Mr. PATTERSON. I should like to ask the Senator if the amount of compensation a steamship company was already receiving under its contract with the Government covered fully the entire cost of officering and manning the steamships—the captain, the several officers, cabin boys, the engineers, the sailors, and all combined—would he yet think that such a steamship line should have an addition to the price it has already agreed to carry the mails for?

Mr. GALLINGER. Mr. President, that depends upon circumstances. I think I can state some circumstances connected with this line that will suggest to the Senator that possibly it would need more than that.

This is a great line of steamships plying between San Francisco and the Orient, including New Zealand, Australia, and some other important points. The Commission, after a very careful consideration of this matter, was fully persuaded that the line is losing a very large amount of money every year. Personally I have no doubt on that point. It is a mattter well known to some of us, because we have the information from our consuls that a great Japanese steamship company, which is running in competition with this line under a very heavy subsidy from the Japanese Government—much greater than we are giving the Oceanic Steamship Company—is now negotiating for the purchase of that line, and I have no doubt if we do not come to the relief of this great steamship company and aid it to some extent in its terrific struggle to sustain itself against these heavily subsidized Japanese steamships, the American steamships will go under a foreign flag after a time. I have not any question in my mind about it.

I do not know whether the Senator's mathematics would show to his satisfaction that these steamships could be run upon the basis he suggests, but I reach the conclusion, upon the best information I can obtain, that the Oceanic Steamship Company is in dire need of help to save it to the American flag.

Mr. PATTERSON. Whatever may be said about subsidies for lines not already in existence, it seems to me that where a steamship line is in existence and that steamship line has made a contract with the Government for the carrying of the mails—the same contract that was made seven, eight, nine, or ten years ago, and that was renewed at the solicitation of the steamship company perhaps less than a year ago—the proposition to give to such a steamship line a large sum of money, amounting, perhaps, during the term of its contract to somewhere in the neighborhood of two million or two million and a half dollars, has no merit whatever to stand upon.

I happened to see—and I read with some interest—a statement made by this identical steamship company, and I think made with a view of influencing this kind of legislation in its behalf. It was a recent statement, and it shows that the amount of money it was receiving from the Government for carrying the mails exceeded in amount the entire sum paid per annum by this company for every human being, from the highest to the lowest in the steerage, if they have such a place, and already receiving an amount exceeding the sum total of all that was paid for manning the vessel. The proposition is now to give it something over $200,000 a year additional.

Mr. President, why a steamship company thus provided for in the way of compensation for merely carrying the mails can not compete with a foreign vessel is more than I can comprehend. It may buy its coal in whatever markets it will; it may provision its vessels in whatever markets it will; it may hire its crew, except its officers, in whatever markets it will; it has some advantages over foreign ships in the ports of the United States. Now, when the Government pays to such a company a sum sufficient to pay for its entire navigation force, it seems to me it is stretching this matter of subsidy to an alarming and extraordinary extent.

A steamship company with a contract with the Government comes to Congress and causes Senators to believe that it will repudiate its own contract with the Government unless the Government will double the compensation it is already paying it on that account, and the committee or Commission listens and submits to the demand. It seems to me that when a company thus situated comes to Congress in that attitude, giving Congress and the country to understand that its contract to carry the mails will be of no binding force whatever, but that it will abandon the flag and put up the flag of another country, has not much claim upon either the generosity or the extravagance of Congress. To go under the flag of another country, what for? Does it demonstrate to the Senator that the other country will do as the United States will do for carrying its mails, paying a sum largely in excess of that which is necessary to pay the entire force of the ships?

Mr. GALLINGER. Does the Senator know what subvention the Japanese line is getting that is running in competition with this company?

Mr. PATTERSON. No, Mr. President; I have not examined into the subventions or whatever other name may be given to this method of sustaining steamship companies. I simply know that here is a company already being most liberally paid, under a solemn contract, for carrying the mails, and it comes to the Senate committee and states to the Senate committee: "If you do not practically double what you are giving me, I will abandon the flag under which you made this contract; I will throw up the contract; I will force you to enter into a contract with some other company." And yet this is the word of the company itself, the word of the officials.

Mr. President, there is no doubt in my mind but that if it had not been known that this largess was being distributed and Congress was engaged in the business of handing out donations and bonuses to steamship companies this Pacific company would never have thought of suggesting a thing of that kind.

It would go on, as it has been going on in the neighborhood of ten years, performing its duty as a line of steamships, receiving the compensation that it contracted to receive, and, like an honest company, observe its contracts. It would not think of threatening Congress or repudiating its own contracts if it did not receive the sum that it demanded.

It seems to me, Mr. President, that this is the most objectionable form of subsidy, subvention, or whatever it may be called, that this method of dealing with ship companies can take. Congress has been pretty liberal. The coastwise law is nothing but concession after concession to the shipping companies. The coastwise law is nothing more than a huge protection law compelling every industry in the United States that must use the coast waters to pay tribute to the shipping companies.

Mr. GALLINGER. Will the Senator permit me?

Mr. PATTERSON. Certainly.

Mr. GALLINGER. I think the Senator will have to figure more than he has figured to make that appear.

Mr. PATTERSON. To make what appear?

Mr. GALLINGER. To make it appear that the coastwise service, protected as it is by statute, which forbids entrance into that service of foreign ships, exacts tribute from any industry. If the Senator will take the pains to investigate the matter, he will find that on the Great Lakes, where our ships are absolutely protected by our Federal statutes, they are carrying freight at a lower rate than it has ever been carried for any nation at any period in the history of the world. So nobody is paying tribute to them.

Mr. PATTERSON. Mr. President, this argument which is put forward in almost every controversy in which the ques-

tion of protection is involved has but little force when the question of tariff and its revision and the lowering of schedules is proposed. That is the stock in trade of those who are defending the present system, namely, that prices are lower now than ever before, and that, therefore, this system should continue. Altered conditions, Mr. President, improved machinery of every kind, the large increase in the amount of traffic, the scientific methods of handling freight, may more than account for any reduction in freight rates on the Great Lakes or elsewhere; but a suggestion of that kind will have no effect on the proposition which I lay down, that the coastwise laws are nothing but a huge system of protection to the shipping companies, when it is reflected that, were it not for the coastwise laws, every foreign shipping company would have a right to send its vessels here and compete——

Mr. GALLINGER. And we would not have an American steamship in our coastwise trade under those circumstances—not one.

Mr. PATTERSON. I am not saying that that is not true.

Mr. GALLINGER. It is absolutely true.

Mr. PATTERSON. I am not saying that that is not true, but I am simply endeavoring to support my proposition that the coastwise law is simply a system of protection——

Mr. GALLINGER. We all admit that it is a species of protection.

Mr. PATTERSON. By which American shipping companies, under the law, are able to secure from shippers an immensely larger amount for the tonnage those companies carry than they would were the carriage of those freights open to the world. I do not know how many American companies there would be on the coast; I do not know how many foreign companies there would be on the coast; but I only make this suggestion because of the frequent arguments that are put forth, that are made to the West and the other sections of the country, that "We of the East and of the seacoast are generous to you, and you ought to be generous to us." The country, Mr. President, has been at all times generous to those who are engaged in going "down to the sea in ships"——

Mr. GALLINGER. Yes; literally, "go down."

Mr. PATTERSON. And more generous than it has been, in my opinion, to any other industry. Why, I think it was last year the shipping interests came in, or, at least, at the last Congress, and got a law amended by which all the carrying trade between the United States and the Philippines, after July of this year, is to go in American bottoms. If not modified in some way, that will compel the industries and interests of those islands to add probably more than 50 per cent, perhaps more than 100 per cent, to the sum they are now compelled to pay for transporting goods between the two sections of the world.

In addition to that, Mr. President, a bill was passed which I think compels the Navy, if not the Army—leaving some latitude, and but little, to the Navy Department—to have its transportation done in American bottoms.

There is no question but that these shipping interests are the most persistent lobbyists and the most successful lobbyists that have ever gathered at the capital of the country. The appeals which they make are wonderfully taking. When they describe the ocean and the ports of the world as being bare of the American flag, it immediately appeals to the patriotic sentiment of every Senator and of every Member of the other House. Therefore they are received with a great deal of toleration, and efforts are being constantly made to give them that which they are seeking. What I wanted to say was that in opposing this system of gifts the Senator, from whatever section of the country, who is not willing to vote for a subsidy of this kind is not guilty of want of generosity to ship companies, because, as I said before, the statute book bristles all over with evidences of the generosity of the United States to those who are engaged in the running of steamship lines or other lines. Therefore, when a proposition is as bald as the particular item that I have in mind, to practically double the amount of compensation to a steamship line that has been in existence for a number of years, its compensation being fixed by a contract to which it was a voluntary party, under a threat that "if you do not meet our demands we will not play with you any more; we will haul down the American flag, and will hoist the flag of Japan, or of Germany, or of France, or of Great Britain," it seems to me, Mr. President, that that at least is the line this Senate ought not to cross.

Mr. GALLINGER. Mr. President, I do not think it is necessary to reply in detail to the somewhat remarkable speech of the Senator from Colorado [Mr. PATTERSON]. It is true that our coastwise trade is protected by statutes; and the Senator is the first man during my term of public service to find fault with it.

Mr. PATTERSON. No, Mr. President, I have not found fault with it. I am attempting to meet the charge that is made so often—I have heard it at this session—that we are ungenerous not to meet this present demand. I am simply attempting to show that Congress has been generous, and generous almost to a fault.

Mr. GALLINGER. Mr. President, the Senator imagines he has heard something that he has not heard. There has been no such charge or suggestion made. What has been said is that we are ungenerous to our foreign steamship service; that there is no protection whatever given to those ships such as is given to our ships in the coastwise and the lake trade.

Now, Mr. President, the Senator says that this particular line of steamships, and possibly others, are here with a lobby and are here indulging in threats that if we do not yield to their demands they will transfer their ships to a foreign flag. I have not seen the lobby nor have I heard the threats. One gentleman from the Pacific coast did ask the privilege of appearing before the Merchant Marine Commission in reference to the Oceanic Steamship Company, and he made so good a case that the Senator from Florida [Mr. MALLORY], who probably will not vote for this bill, stated in his speech that he had no objection whatever to this increase of subvention. The Senator from Colorado will find it in the speech of the Senator from Florida. There has been no threat. Our consul at Yokohama—I believe it was he; I have sent for his report and I will see if I can get it, though I may not be able to get it to-day—has served notice on the Government of the United States that a proposition has been made by a great Japanese steamship line to purchase the steamships belonging to the Oceanic Line. I took occasion to verify that so far as I could, and I am fully persuaded that that negotiation is in progress to-day.

Mr. PATTERSON. May I ask the Senator a question?

Mr. GALLINGER. Certainly.

Mr. PATTERSON. If this gift shall be made this year and the consul at Yokohama the next year informs the Senate that Japan still wants to buy this line, would the Senator be willing to double the compensation then in order to keep it?

Mr. GALLINGER. I said the other day that I was not going into the realm of prophecy, and I will not engage in it to-day. We shall meet our obligations next year and the year after as they come to us. I do not know what I might do on this or any other proposition if I chanced to be here one year or two years from now.

Mr. President, we are not entirely in the dark about this matter. An inquiry was sent to the main office of the Oceanic Steamship Company at San Francisco asking what was likely to happen under existing conditions. The Senator speaks of that company violating their contract. I suppose a steamship company could, as could any other contractor, surrender its contract and forfeit its bonds, whatever amount they may be, and do it honorably. I have no doubt of that. I say an inquiry was sent to the office of the Oceanic Steamship Company, and this reply came back:

> Will not sell Oceanic steamships so long as have reasonable hope of keeping them under American flag. Fate of shipping bill will decide ours.

The Senator will probably say that that was a threat. I do not think it was at all. A representative of this company stated to us with a great deal of particularity—he was a man who has had long service in public life and whose reputation is untainted—that they were losing a very large amount of money every year; that they had kept those steamships afloat in the hope of something better coming to them; but that they have reached the parting of the ways, and that if the matter were to go along as it is now, they would necessarily have to surrender to the situation and pull down the flag of our country.

I want to say a word about the Oceanic Line. It is a line that runs to Australasia, and, I think, largely through its instrumentality, our trade with that country—with Australia and New Zealand—has been very largely increased in recent years. In the report of the Merchant Marine Commission we paid some attention to this, and said:

> The American line to Australasia operates in Pacific waters, where the cost of fuel, labor, etc., is considerably greater than at Atlantic ports.

The Senator suggested that it was not. We think it is, and we have investigated it.

> Secondly, the line is required to maintain a very high speed. Furthermore, the ships of the company employ exclusively white crews, instead of the Asiatics utilized by many other Pacific companies.
>
> This American line to Australasia not only performs the best service, but now receives the lowest compensation of all lines running to Australasian ports. The service is so regular and swift that great numbers of Australasian men of business, even when bound to Europe, are brought en route to the United States, and thereby become regular purchasers of American merchandise. The very heavy increase of our exports to British Australasia, from $12,674,000 in 1896 to $27,401,000

in 1904, is due, unquestionably, in a great degree to the extraordinary efficiency and regularity of the ill-paid American steamship service out of San Francisco.

This American line to Australasia consists of three relatively new American-built steel steamships—the *Sonoma*, *Ventura*, and *Sierra*, all of over 6,000 tons. This line is required to perform a 15-knot service, the fastest mail service entering Australasian waters. It receives from the United States a mail subvention, under the postal aid act of 1891, of $283,000 a year, or $16,659 a voyage, as compared with foreign lines to Australasia receiving in subsidy per voyage from $16,346 for the 13-knot service of the British Peninsular and Oriental Company, carrying Lascar crews, to $41,604 to the 13½-knot service of the North German Lloyd, and $47,814 to the 14-knot service of the Messageries Maritimes.

There is the situation. A company that is required to run at 15 knots an hour receives substantially the same subvention that a British company does for a service that runs 13 knots an hour, while it receives only about one-third of what the French company receives, and the French company carries Asiatics and Lascars in its crews, while this company carries white crews.

The British line from British Columbia to Australasia, having only twelve voyages a year and a 14-knot service, receives a subvention of $27,500 per voyage, as against $16,659 to the American Oceanic Line.

These American steamships employ white men exclusively. One-half of their crews must, by the terms of the contract, be Americans. These ships pay the highest wages in the world.

Mr. President, it was represented to the Commission—and the Commission believed it—that at the present time this company is losing from $200,000 to $300,000 a year, and, from what our consuls have written about this matter and from what this steamship company says in the telegram which I have quoted, I have no doubt as to what is going to happen unless something is done to relieve this company from the tremendous pressure under which it is at the present time because of the more highly subsidized slower steamship lines of other countries engaged in this trade.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER (Mr. HANSBROUGH in the chair). Does the Senator from New Hampshire yield to the Senator from Nevada?

Mr. GALLINGER. Yes.

Mr. NEWLANDS. Can the Senator inform us what is the cost of these steamers plying between San Francisco and Australia?

Mr. GALLINGER. The Senator always asks, or he has in this debate, questions that no living man can answer offhand. The Senator must know that. I know that a steamship that runs 15 knots an hour must cost more than one that runs 13; and that is the difference between these two steamship lines.

Mr. NEWLANDS. I imagine so. The Senator has certainly shown no lack of information in this debate.

Mr. GALLINGER. There are some things I do not know about steamships.

Mr. NEWLANDS. It was a compliment to the Senator. I assumed he knew what this cost was.

Mr. GALLINGER. I thank the Senator. Perhaps the Senator from California [Mr. PERKINS], who lives on the Pacific coast, and is very familiar with steamships and all matters relating to them, can give an approximate reply—I do not think any Senator can give an accurate reply. I yield to the Senator from California for that purpose.

Mr. PERKINS. Mr. President, I desire to say a few words in response to the Senator from Colorado [Mr. PATTERSON], and, in doing so, I shall endeavor to answer the Senator from Nevada [Mr. NEWLANDS]. I did not intend to say a word upon this question, for the reason that the Commission that has devoted nearly two years' time to the investigation of this subject visited San Francisco and there took testimony of the shipowners, of the seamen, of the agents of steamship and insurance companies, and others who are interested in navigating the ocean.

The Senator from Colorado impeaches the American patriotism of the owners of the Oceanic Steamship Company in having made a mail contract for ten years which they now propose—at least that is the inference from the Senator's remarks—if the Government does not increase their compensation with subsidy, to relinquish, forfeit their bond, and turn the line over to some foreign company to transport the mails.

I want to say that 99 per cent, or 95 per cent certainly, of the Oceanic Steamship Company, as I understand, is owned by the firm known as the Spreckles. Claus Spreckles, one of the principal owners, and his sons are among our most enterprising citizens on the Pacific coast. They entered into this transportation business, taking a mail contract between San Francisco and Australia and New Zealand, and for ten or fifteen years have been operating their ships at a loss. They are public-spirited men. They did not go into this enterprise for the purpose or expectation of making money, but to build up the maritime interests on the Pacific Ocean between California, Oregon, Washington, the Hawaiian Islands, the island of Samoa, the islands of the South Pacific, New Zealand, and Australia. They have done so, I think, very successfully, but, as they state in the paper to which the Senator referred, they have done it at an actual loss on mail route No. 75, of $375,349 per annum.

As has been stated by the Senator from New Hampshire [Mr. GALLINGER] they pay the highest wages that are paid by any steamship company in the United States or in the world. They would not to-day come to Congress to——

Mr. PATTERSON rose.

Mr. PERKINS. I yield to the Senator from Colorado.

Mr. PATTERSON. I simply want to say that the Senator from Florida [Mr. MALLORY] has confirmed what the Senator from California now says. He said publicly, in talking to me about this particular line of steamships, that it is one of the best and most worthy that is sailing ships upon the ocean. I do not in any way criticise or criminate the company that owns this line of steamers. It is the proposition that is involved in this bill and the facts associated with it that I criticise.

Mr. PERKINS. I am very glad indeed that my friend from Colorado does justice to the owners of this steamship company. The inference, then, from his remarks is, I suppose, that he wishes to reduce the wages that are paid by this company in order to enable them to successfully operate their steamships.

I want to say parenthetically that I do not believe the Oceanic Steamship Company would come to this Congress asking for one dollar's increase in the pay they are receiving, were it not for the subsidies that are paid to their competitors by other governments.

The Messageries Maritimes, a French company, receives a total subsidy, per voyage, of $47,814. The North German Lloyd, a German company, receives, per voyage, $41,604.

The Japanese company, the Nippon Yusen Kaisha, makes twelve trips per annum, and has a subsidy of $21,917 per voyage.

The Oceanic Steamship Company makes seventeen voyages annually, and receives $16,659 per voyage.

Mr. FRYE. For how many voyages a year?

Mr. PERKINS. Twelve voyages, at an average speed per voyage of 13½ knots.

I have here a table which gives in more detail the figures to which I have been referring. I ask that the table may be printed as a part of my remarks.

The VICE-PRESIDENT. In the absence of objection, it will be so ordered.

The table referred to is as follows:

Speed, number of voyages, and subsidies received by seven steamship lines on Pacific coast.

Name.	Nationality.	Average speed on voyage.	Number of voyages annually.	Subsidy per voyage.	Total subsidy received.
Messageries Maritimes	French	14	13	$47,814	$621,587
North German Lloyd	German	13.5	12	41,604	499,245
Peninsular and Oriental	British	13	26	16,346	425,000
Orient	do	14	26	23,077	600,000
Nippon Yusen Kaisha	Japanese		12	21,917	263,000
Canadian-Australian	British	14	12	27,500	330,000
Oceanic Steamship Co	American	15	17	16,659	283,203

Mr. PERKINS. The Oceanic Steamship Company, as I have said, has been operated at an actual loss of $373,349 per annum. The present mail contract of the Asiatic Steamship Company provides for the payment of $2 per mile under the act of March 3, 1891, which gives them $283,203 per annum.

The wages paid by the Oceanic Steamship Company—the American line—amount to $235,440 per annum, as against wages paid by the Japanese company of $97,708.

The following, Mr. President, is a statement which strikingly illustrates the disadvantage under which the Oceanic Steamship Company labors in the matter of wages:

Total wages paid per annum.

Oceanic Line (American)	$235,440
If paid on the basis of Canadian-Australian Line (British)	176,690
If paid on the basis of Peninsular and Oriental (British and Lascar)	123,404
If paid on the basis of Orient Line (British and Lascar)	127,428
If paid on the basis of North German Lloyd (German)	129,492
If paid on the basis of Messageries Maritime (French)	129,492
If paid on the basis of Nippon Yusen Kaisha (Japanese)	97,708

I want to give you, Mr. President, a comparison of three ships. It is an object-lesson which I am sure will cause my friend from Colorado, if he gives it the consideration that I know he does every proposition, to at once reconsider his views and say: "No; we do not want this steamship company to reduce the wages of its seamen, firemen, and coal passers; we want to pay them the wages they are now receiving, because they are American citizens, or capable of becoming such. They have their homes and their families in San Francisco and other cities and ports of California, and their children are attending the public schools and growing up to be American citizens."

Now, in answer to my friend from Nevada, I will say that the *Sonoma*, the *Ventura*, and the *Sierra*, the three ships of the Oceanic Line, are of 6,100 tons each. They were built in Philadelphia by Cramp & Sons' Shipbuilding Company, at a cost, as I understand, of about $1,000,000 each.

I know the company issued bonds for $2,500,000, and I think there was at least $500,000 more necessary for the purpose of fitting out those ships in order to operate this route.

Mr. NEWLANDS. I made the inquiry regarding the cost of these ships, not for the purpose of applying it to any argument as to this particular service, but simply to obtain information as to the cost of a 6,000-ton ship.

The Senator from Florida told me the other day that it was estimated that the cost in American shipyards of the average ship which would be covered by this act would be about $60 per ton. My impression was that those ships cost very much in excess of that sum, and I wished to ascertain what is the average per ton of shipping. Of course it varies according to different classes with the——

Mr. PERKINS. According to the speed and the capacity and the model of the ship.

Mr. NEWLANDS. Yes.

Mr. PERKINS. A vessel might easily be built for $60 a ton to run 8 knots an hour, but one that would run 20 knots an hour would have to have machinery of eight times more power to develop the necessary horsepower.

Mr. NEWLANDS. And the additional cost is mainly in the machinery?

Mr. PERKINS. And the fittings of the ship, and the model.

Mr. GALLINGER. If the Senator will permit me, the Senator from Nevada inquired on that point, and I was not prepared definitely to reply. These ships are of a little over 6,000 tons.

Mr. PERKINS. Six thousand one hundred.

Mr. GALLINGER. One of them, the *Sonoma*, is six thousand two hundred and fifty-odd tons. There are now being built in the Cramp shipyards, for the Ward Line, four great steamships. Two of them are to take the place of the two ships purchased by the Government, and two additional ships are being built. Those ships, I think, are of about 6,000 tons, and the contract price, as I am credibly informed, is a little in excess of $900,000 each. They are high-speed ships.

Mr. NEWLANDS. That would be about a hundred and fifty dollars a ton?

Mr. GALLINGER. Yes; a hundred and fifty dollars a ton.

Mr. PERKINS. Recurring to the three ships I was about to use as an illustration showing the register, the number of men they carry, and the wages per man, I wish now to show my friend the Senator from Colorado why it is not possible for us on the Pacific coast to operate ships as cheaply as vessels are operated on the Atlantic coast and pay the wages we are now paying on the Pacific coast. First, we pay 30 per cent more for the coal we consume on the Pacific coast. We are obliged to bring it from Australia or British Columbia or other foreign ports, because we do not produce it in any of the Pacific coast States.

The American steamship *Sonoma* is, as the Senator from New Hampshire says, of 6,253 tons register.

Mr. PATTERSON. Upon the item of coal, have foreign steamships that ply between San Francisco and Asiatic ports any advantage over the American ships? Does not each vessel take on its cargo of coal wherever it is? Can it take on more than enough at one port to carry it out beyond another; and when the cost of an entire voyage is evened up, whether the vessel is an English vessel starting from Australasia and coming to an American port and then going around or an American vessel, when it is averaged up, has the foreign vessel in the item of coal any advantage over the American vessel?

Mr. PERKINS. The Senator is correct in that respect, but he forgets one fact in the illustration which has been made by the Senator from New Hampshire, in comparing the speed of these ships with those which run 13 knots. The ship that runs 16 or 17 knots, as those ships do, burns 33 per cent more fuel in order to get the speed than the ship running only 13 knots. It is one-third more.

Then, there is the matter of wages. I want to emphasize to my friend from Colorado this fact, and I desire him to take heed of it and answer it and give us a solution of this problem, because if we can wipe out the extra wages that we pay to our people or if we can induce foreign countries not to subsidize their ships, the Americans would ask no preference over any other country in the world.

The *Sonoma* is 6,253 tons. She carries 157 men, and her monthly pay roll is $6,540. The British steamship *Orizaba*, of 6,300 tons, carries 208 men, and her monthly pay roll is $3,534.96. The Japanese steamship *America Maru*, of 6,307 tons, carries 180 men, and her pay roll is $2,509. These ships are about the same tonnage and about the same speed. What is the average pay per month for each man? For the Japanese steamer, $13.95; for the British steamer, $17; for the American steamer *Sonoma*, the one that is running in this line, $41.65 per man. That is the average for the coal passer, the waiter, the fireman, and everyone on the ship. I will present these facts in tabular form:

Vessel.	Register.	Number of men.	Monthly pay roll.	Average per man.
American steamship Sonoma	6,253	157	$6,540.00	$41.65
British steamship Orizaba	6,300	208	3,534.96	17.00
Japanese steamship America Maru	6,307	180	2,509.00	13.95

Mr. GALLINGER. Just to emphasize that point, Mr. President, it will be observed that the American ship has 157 men and the Japanese ship 180 men, and yet the Japanese ship pays in wages only about 40 per cent of the amount paid on the American ship. It is a very striking illustration of the handicap under which American ships on the Pacific Ocean have to operate.

Mr. PATTERSON. I believe the Senator from California has been reading from——

Mr. PERKINS. The paper to which the Senator from Colorado referred.

Mr. PATTERSON. He has read from the brief of the steamship company, prepared by the steamship company to induce the Congress to vote it this subsidy.

Mr. PERKINS. I so understood the Senator to refer to the paper. I sent for it. I am sorry to say I had not read it before and digested it, but I venture the assertion that it is correct in every respect, as I personally know the gentleman who wrote this paper and the company which operate and manage this steamship line.

Mr. PATTERSON. I do not misrepresent the nature of the paper the Senator is reading from, do I? It is the brief or the argument prepared——

Mr. GALLINGER. It is.

Mr. PATTERSON. By the steamship company to induce the Congress to vote it this additional subsidy or compensation, or whatever you please to call it.

Mr. PERKINS. I understand this is the paper prepared by the company, and it is an abstract of their books.

Mr. PATTERSON. Will the Senator turn to the total cost of the manning of this steamship line a year?

Mr. PERKINS. The total cost of its management?

Mr. PATTERSON. Of its manning.

Mr. PERKINS. The Senator is more familiar with this paper than I am.

Mr. PATTERSON. I never saw it except for about five minutes.

Mr. PERKINS. That is my case. I have it here. The actual loss per annum is $373,000.

Mr. PATTERSON. That is not what I am asking. What do the wages to the crew, including officers, cabin boys, stokers, engineers, sailors, etc., amount to?

Mr. PERKINS. It averages $41.65 per month per man, as against $13.95 for the Japanese ship.

Mr. PATTERSON. The Senator has told us that.

Mr. PERKINS. I want to emphasize it, my friend.

Mr. PATTERSON. I know. That has been told three or four times. Now, will the Senator answer the question: What is the total paid by this company to all its employees on this line?

Mr. GALLINGER. I will say to the Senator it is $78,480.

Mr. PATTERSON. It is a good deal more than that.

Mr. GALLINGER. I think not.

Mr. TELLER. It is more than that.

Mr. PATTERSON. It is over that. It is over $200,000. I want to do justice to the company. I believe it is about $250,000 per annum. Then I wanted the Senator to tell from

that paper itself how much the United States pays the company for carrying the mails.

Mr. PERKINS. Instead of taking their figures and analyzing them particularly, I would rather go back to the original proposition, that these ships were built in the United States; that they were built by American mechanics; that the building cost represents 95 per cent of labor; that they cost 33 per cent more to build them with American labor, and 35 per cent more to operate them with American citizens or persons capable of becoming such than it costs to operate ships built in foreign countries by foreign mechanics and manned by Lascars and other men whom we do not wish to employ in this country.

There is one thing in this paper to which my friend refers which seems to me quite a significant point, and which I wish to advert to. These ships were built under the direction and according to plans prescribed by the Secretary of the Navy that they might be converted into cruisers in time of emergency if we required them for war purposes or as transports.

The United States converted the *Buffalo*, the *Yankee*, the *Prairie*, each of about 6,880 tons register, or an aggregate of 20,648 tons and 11,200 horsepower, of 14 knots speed, with armament of twenty-two guns, from 4 to 6 inch, and others of smaller caliber, and they cost the United States in 1904 over $1,041,000, including repairs, to maintain in commission. Against this, the Oceanic fleet—*Sierra*, *Sonoma*, and *Ventura*—were built under Government specifications for the purpose of speedy conversion into naval auxiliary cruisers. These three vessels, each about 6,100 tons register, aggregate 18,300 tons and 22,500 horsepower, and are of 17 knots speed, capable of an armament of not less than twelve 6-inch guns, with a large complement of smaller caliber, cost the Government only $196,402.84 net in 1904.

That is taken from this brief to which my friend refers and to which he called my attention, and, as I stated——

Mr. FRYE. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from California yield to the Senator from Maine?

Mr. PERKINS. With pleasure.

Mr. FRYE. The Senator from Colorado asked the Senator from California what the wages of the officers and men amounted to in a year. It is $235,000, or a little over.

Mr. GALLINGER. Yes; and on that point I wish to make a statement.

Mr. PERKINS. Two hundred and thirty-five thousand dollars?

Mr. FRYE. Yes; and over.

Mr. GALLINGER. I was correct in saying that for one vessel it was $78,480. I thought the Senator from Colorado alluded to one vessel, and not to the entire line.

Mr. PERKINS. I am through. I merely wish to vouch for the patriotism and public spirit of those who own the Oceanic Steamship Company. The compensation for carrying the mails of the United States, to which the Senator refers, is very much less than that paid by other governments for carrying their mails in their own ships.

Mr. PATTERSON. I suppose the Senator from California will admit that the compensation paid for carrying the mails is very much more than would be received by the company for the same weight of freight if it was other than mails. Of course it is. So after all it is a subvention; it is a subsidy, under the name of compensation. It is a sum that was voted at the earnest solicitation of the Senators and Representatives representing the States on the ocean line for the purpose of equalizing in some degree the cost of running American and European ships.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from New Hampshire?

Mr. PERKINS. I yield.

Mr. GALLINGER. The Senator, of course, is aware of the fact that the amount allowed by this body was reduced at least 25 per cent in another, and that the law as it was enacted provides much less than the Senate proposed to make it?

Mr. PATTERSON. It is not less than the steamship company contracted to carry the mails for.

Mr. GALLINGER. That is very true. They made the best bargain they could under the circumstances.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Nevada?

Mr. NEWLANDS. I should like——

Mr. GALLINGER. If I have the floor, I wish to make just one more statement, because the Senator from Colorado challenged my figures when I said the cost of wages per annum on one of these ships—that is, the *Sonoma*—was $78,480.

Mr. PATTERSON. Either I misunderstood the Senator or the Senator misunderstood me. I intended, and I thought I did ask, what was the total cost of the employees on this line, and the Senator, looking at some figures, said about $78,000.

Mr. GALLINGER. Yes.

Mr. PATTERSON. I said he was mistaken. I said it amounted to over $200,000.

Mr. GALLINGER. It is $78,480 for one steamship.

Mr. PATTERSON. My question was for the whole line.

Mr. GALLINGER. Then there is no controversy between the Senator from Colorado and me. The wages for the three steamships amount to over $240,000, or thereabout. Now I yield to the Senator from Nevada.

Mr. NEWLANDS. I wish to get some information from the Senator from California, if he will give me his attention.

Mr. GALLINGER. I yield to the Senator from California for that purpose.

Mr. PERKINS. It is hardly possible for me to enlighten my friend the Senator from Nevada, but I will do the best I can.

Mr. NEWLANDS. I am sure there is no one on the floor better informed regarding shipping than the Senator from California. I have very little knowledge on the subject.

I wish to ask him what would be the cost per ton of a steamship of 6,000 tons, sailing 12 knots an hour. It would not be as high as $150 per ton?

Mr. PERKINS. I can answer the question if the Senator will give me the size of the engine, the capacity of the boilers, the heating surface of the grates, and the furnaces. Without that it would be impossible for me to give an intelligible answer.

Mr. NEWLANDS. The statement has been made on the floor that the average cost of the shipping covered by this bill, outside of the fast vessels which would be intended as scouts, would be about $60 per ton. So I assumed that the Commission had some testimony before them as to the cost of these ships, varying, of course, according to the number of knots per hour they would sail; that if a ship sailing 10 knots an hour would cost an average of $60 per ton, the Senator would be able to tell us what a ship sailing 12 knots per hour would cost on the average.

Mr. PERKINS. There are various kinds of vessels built. There is the wooden vessel, which we all know about, and how she is constructed, with her knees and beams and sheathing, and all that.

Mr. NEWLANDS. I understand that.

Mr. PERKINS. Next to that we have the composite vessel, with iron frame and wooden sheathing. Next to that is perhaps the iron ship. Then there is the steel ship. Then there is the question whether she is constructed under the Bureau Veritas or under Lloyds', or what rule she is governed by.

The Senator might as well ask me how many gallons there are in a 2-quart measure. It would be impossible to answer without knowing the facts in the case. A gallon could not be contained in a 2-quart measure, but it is just as difficult for me to answer the one question as it would be to answer the other question.

Mr. FRYE. It is perfectly safe for the Senator to say that there is no ocean-going steamer built for $60 a ton.

Mr. PERKINS. It is from a hundred to a hundred and fifty dollars a ton.

Mr. FRYE. Some of them run to $200.

Mr. NEWLANDS. Very well; from a hundred to $200 a ton.

Mr. PERKINS. That gives us plenty of room for leeway—between a hundred and two hundred. It gives plenty of margin upon which to differ.

Mr. NEWLANDS. If the Senator will permit me, I will be a little more specific, and call his attention to a particular kind of ship.

I observe that the chairman of the Merchant Marine Commission addressed a letter to the Secretary of War, asking him to have the General Staff of the Army give "careful consideration to the question as to the extent and character of tonnage of merchant ships that would be required by the Army of the United States for the protection of insular possessions against an attack by a strong maritime power." The General Staff of the Army, replying to that, go into elaborate calculations as to the number of ships which would be required in such an emergency, and they come to the conclusion that they would require an aggregate gross measurement of 228 ships, with a total tonnage of 1,368,000 gross tons; and they recommend that each one of these ships should be capable of carrying from 5,500 to 6,500 tons.

So I now make the specific inquiry as to whether the Senator can inform us what transport ships of this character, carrying from 5,500 to 6,500 tons would cost per ton.

Mr. PERKINS. My friend the chairman of the Merchant Marine Commission has the data before him, and I will refer the question to him to answer, because I should be obliged to ask my friend the Senator from Nevada whether they were to be built in independent shipyards, whether they were to be built by the trust or combination, or whether he would join me in an independent shipbuilding yard to construct these ships for the Government at a profit of, say, 10 per cent to us.

Mr. NEWLANDS. Then let me give the Senator a little information——

Mr. PERKINS. I shall be delighted to receive it.

Mr. NEWLANDS. Inasmuch as he seems inclined to refer me to others.

Assuming that 1,368,000 gross tons would be required, divided up into 228 ships for the purpose of defending the Philippine Islands against the attack of a strong maritime power, in addition to the Navy we now have, at the rate of $100 per ton, the total cost of the additional merchant ships required would be $136,000,000. At a cost of $200 per ton, which is said to be the maximum, it would be two hundred and seventy-odd million dollars. I ask the Senator whether it is expected under this bill to promote a merchant marine of 228 ships of this tonnage, which the General Staff of the Army says would be absolutely required to defend the Philippine Islands against the attack of a strong maritime power?

Mr. GALLINGER. I have not recently read with care the report from the War Department, but of course nothing of that kind is contemplated. I do not think that the General Staff in their report paid particular attention to the Philippine Islands.

Mr. NEWLANDS. The insular possessions. I beg the Senator's pardon. It is simply for the defense of the insular possessions against the attack of a strong maritime power. They declare that in addition to our Navy, ships of that number and probable value would be required.

Mr. GALLINGER. This bill—the Senator knows it, I feel sure—is designed primarily for a different purpose from what he calls attention to. That we need ships which can be impressed into the service of the Government in time of extreme emergency goes without saying. The Navy Department has recognized it in a communication to the Merchant Marine Commission, as has the War Department. But that the War Department recommends or even suggests that we ought now to spend two or three hundred million dollars for ships for that purpose can not possibly be correct. If we get a small proportion of the number the Senator has alluded to, we shall then have some reserve ships that the Government can employ, just as it had to purchase foreign ships during the late war with Spain; and to that extent the Government will derive a benefit and the country will have a means of defense against foreign powers.

As to the cost of the ships, it depends entirely upon their construction. The Senator might as well ask how much it would cost to build a house 100 feet square. It would not cost much to build one for me, but it would cost a good deal to build one of that size for the Senator from Nevada. And so with a ship. But I can give the Senator reasonably correct information concerning two types of ships.

We will take the steamships being built by the Ward Line for the Cuban trade—magnificent floating palaces, in a way, not any better than they ought to be or than the American people demand. They cost about a hundred and fifty dollars per gross ton. They are 6,000-ton ships, and the cost is nine hundred or ten hundred thousand dollars. We will take a tramp steamship, such as the *Pleiades*, for instance, that plies on the Pacific Ocean. Its cost was about $75 a ton. She is a 12-knot steamship, and of course of a different type from the Ward Line steamships, and much slower.

Mr. NEWLANDS. Does it belong to the so-called "tramp" class of steamers?

Mr. GALLINGER. It is an American steamship, running between New York——

Mr. PERKINS. Through the Strait of Magellan.

Mr. GALLINGER. Through the Strait of Magellan to Hawaii. It cost about $75 a ton, and I think I have accurate information on that point. But, of course, it is impossible offhand, with any degree of accuracy, to say how much a steamship of a given tonnage will cost. It depends altogether upon circumstances, and the cost has to be figured out and determined with a great deal of care.

Mr. PATTERSON rose.

Mr. GALLINGER. Does the Senator from Colorado desire to interrupt me?

Mr. PATTERSON. I thought the Senator was about to sit down, and I wish to say something.

Mr. GALLINGER. Just a word more, and I will be through. I wish to put in the RECORD, and I will ask permission to do so, a table showing the speed, the number of voyages, the subsidy per voyage, and the total subsidies received by seven great steamship lines on the Pacific coast, one French line, one German line, three British lines, one Japanese line, and one American line; and when this is in print I will commend it to the careful consideration of Senators who want correct information on those points.

I will say that the Merchant Marine Commission has been reasonably industrious. It has not taken the briefs of attorneys as its authority, but it has in a great many instances verified the figures which have been given it, and it has verified this table, and believes it to be correct.

The table is as follows:

Speed, number of voyages, and subsidies received by seven steamship lines on Pacific coast.

Name.	Nationality.	Average speed on voyage.	Number voyages annually.	Subsidy per voyage.	Total subsidy received.
Messageries Maritimes	French	14	13	$47,814	$621,587
North German Lloyd	German	13.5	12	41,604	499,245
Peninsular and Oriental	British	13	26	16,346	425,000
Orient	do	14	26	23,077	600,000
Nippon Yusen Kaisha	Japanese		12	21,917	263,000
Canadian-Australian	British	14	12	27,500	330,000
Oceanic Steamship Co	American	15	17	16,659	282,203

Mr. GALLINGER. Mr. President, a few days ago I intended to put in the RECORD a comparison between two tramp steamships, one a Norwegian and the other an American, showing the difference in wages paid the ships, as well as the difference in the cost of construction and the difference in the cost of food. It is the American steamship *Pleiades* and the Norwegian steamship *Olaff Kyrie*, they being of the same tonnage, having the same number of crew, the American costing $61,000 more than the Norwegian. The statement is very illuminating, and I desire simply to place it in the RECORD that Senators may refer to it at their convenience.

The statement referred to is as follows:

Comparison of American and Norwegian steam "tramps"—Wages paid.

	American steamship Pleiades.		Norwegian steamship Olaff Kyrie.	
	Number.	Wages.	Number.	Wages.
Master	1	$200	1	$110
First mate	1	70	1	35
Second mate	1	85	1	27
Third mate			1	22
Carpenter			1	25
Boatswain			1	25
Steward	1	55	1	37
Cook	1	40	1	27
Messroom boy	1	20	1	8
Lamp trimmer	1	20		
Able seamen	8	240	6	120
First engineer	1	100	1	65
Second engineer	1	65	1	38
Third engineer	1	50	1	25
Donkeyman			1	20
Firemen	6	240	6	120
Oilers	2	80		
Boy			1	8
Month	26	1,215	26	712
Year		14,580		8,544

The annual difference is thus $6,036.

The *Pleiades* is a steel American-built cargo steamer now in the Pacific trade. This comparison is made with white crews on both ships in the Atlantic Ocean.

Charges based on cost of construction.

	American.	Norwegian.
First cost	$275,000	$214,000
Interest, 5 per cent	13,750	10,700
Depreciation, 5 per cent	13,750	10,700
Insurance, 6 per cent	16,500	12,840
Total	44,000	34,240

The annual difference is thus $9,760.

COMPARISON OF COST OF FOOD.

American crew: 26 men, at $0.50 a day, for 365 days	$4,745
Norwegian crew: 26 men, at $0.30 a day, for 365 days	2,847
The annual difference is thus	1,898

Adding together the difference in annual wages, the difference in charges based on cost of construction, and the difference in the cost of food, there is a total of $17,649, as between an American steamer, like the *Pleiades*, of the "tramp" type, and a similar Norwegian steamer.

The *Pleiades*, of 3,753 gross tons, would receive in subventions annually, on the basis of $5 per gross ton, the sum of $18,765—thus amply equalizing conditions between this typical American freighter and a Norwegian freighter of like class.

Mr. GALLINGER. I do not care to say anything further at the present time.

Mr. PATTERSON. Mr. President, I think the question I asked the other day started this particular line of controversy. I called attention to the additional compensation that was provided in this bill for an Atlantic line of steamers and a Pacific line of steamers. My recollection is that the Senator from New Hampshire at that time was equally clear as to the necessity for additional compensation to both these lines of steamers. He had reason to believe or fear that if this additional compensation was not given to the Atlantic line it would haul down the American flag and go under a European flag, as he thought that if the Pacific line did not receive the additional compensation it also would haul down the flag.

The part of the bill which provided for the additional compensation to the Atlantic line has been voluntarily stricken out by the Senator from New Hampshire. That would indicate either that the Senator has received new light about that line since we commenced the controversy or else that it was put into the bill inadvertently and without due thought and due reflection. I do not know which it was. It would indicate, however, Mr. President, that when it comes to paying money out of the Treasury for ship lines those representing the shipping interests are not quite as particular as they would be if American money was asked for something else.

I am glad the Senator from New Hampshire has seen the light. and discovered that he was either in error originally in consenting to this additional quarter of a million per annum for the Atlantic ships, or that he has received new information which convinces him that he was in error, and, therefore, that we may keep the flag flying on the Atlantic line, it is not necessary to put our hands into the Treasury of the United States and pay to the company a quarter of a million dollars additional every year.

Mr. GALLINGER. Mr. President, I have a single observation to make in reply to the Senator from Colorado. We sometimes do have insufficient information when we undertake to legislate. A wise man changes his mind. A certain class of men never do.

I have more information concerning the American Line than I had when I was somewhat instrumental in putting that provision in the bill. One item of information I have is that the line is presided over by a British subject. While the four ships are flying the American flag a foreigner is at the head of the line.

Mr. PATTERSON. In other words, the Senator does not propose to allow a Britisher to carry the American flag.

Mr. GALLINGER. Not exactly that, but there are other considerations as well in that connection which I will not stop to relate. I believe that that line, as I said before, will of necessity go under a foreign flag before a great many years unless some relief is secured. But there is a great problem on the Atlantic Ocean, different from that on the Pacific Ocean. This is the only American line on the North Atlantic, and it is contending against tremendously powerful influences in Great Britain that if met at all must be met more adequately than the provision in the bill called for.

I was persuaded, after looking the matter all over, that the case was not by any means as strong as the Pacific case, and inasmuch as there was objection raised, not only here, but elsewhere, to that provision I was willing to strike it out. I was impressed to a very considerable extent in reaching that conclusion by the attitude which the Senator from Florida [Mr. MALLORY] took, that while he was against that provision he favored the additional compensation to the Oceanic Line. While I would gladly vote for the amount that was placed in the bill for the line on the Atlantic Ocean, yet there are circumstances, one of which I have named to the Senator, which is not the controlling one by any means, which led me to think it might go out of the bill, and on my motion it went out.

I do not think I was inconsistent about it. I acted for what I thought was the best interest of the American people and with no particular thought of facilitating the passage of this bill. I expect that all sorts of objections will be raised to every provision that is in the bill before we come to a vote, because Senators who are going to vote against the bill and have made up their minds in advance to vote against the bill are going to find all sorts of things in the bill that ought to be different.

Now, Mr. President, I do not know that I have made a very lucid explanation of my position on this matter, but I am entirely satisfied that what I did the other day in moving to strike out that provision was wise action, and I stand by it now.

Mr. PATTERSON. I think, Mr. President, it was undoubtedly wise, and if the Senator would extend his wisdom to striking out the other provision I think it would be equally wise.

Mr. GALLINGER. That might be so, but there is one other point in connection with that matter. We have had no evidence that the Atlantic line was losing as much money as the Pacific line manifestly is. That it is losing money I have no doubt, but not to so great an extent. However, the Senator can move to strike it out.

Mr. PATTERSON. Yes; I intend to do it.

Mr. GALLINGER. There is no inhibition so far as that side of the Chamber is concerned in considering the bill or in moving to amend it.

Mr. PATTERSON. I intend to do it, if no one else does.

Mr. GALLINGER. If the Senator does it, his wisdom will be displayed in one direction and mine in another, because I shall vote against the motion, and we will have to take our chances as to the relative wisdom that has been displayed by the Senator and myself.

Mr. PATTERSON. Mr. President, the principal objection to this item is the bald and glaring form of largess, or gift or donation, to a company that is already in contractual relations with the Government for carrying the mail and receiving a very large subsidy for carrying the mail.

That was satisfactory to the company for, I think, ten years, and it was so well satisfied that the contract was renewed at its own solicitation. If there is to be this tender solicitude for the prosperity and welfare of those who are in contractual relations with the Government, there is absolutely no limit to the benefits the solicitude will find scope for action in. The Government is in contract with hundreds, if not thousands. The Government has contracts with individuals and companies for the erection of great public buildings. The Government has contracts with hundreds or thousands for the carrying of the mail inland, and I refer now particularly to the star-route system of mail carrying.

I have not any question, Mr. President, but that every year mail contractors discover that they have made improvident contracts with the Government—contracts sufficient at the time they were made, but ofttimes a sudden increase in population, and therefore an increase in mail demands, have grown positively injurious to carrying on the contracts for the carrying of the mail, and they find that so far as the mail is concerned they are losing money. But they are under heavy bonds as a rule. The men who contract with the Government for star-route mail service are honorable men, and they carry out their contracts with the Government even though it be at a great loss.

I have an instance in mind, of the construction of the mint building in Denver, where the contractor lost a great deal of money. Yet his bondsmen made good the loss. We did not think of coming to Congress for the purpose of asking an appropriation to indemnify either the contractor or the bondsmen. Neither do those who lose money in their dealings with the Government in other lines of business. But it is because they attempt to involve the American flag floating over water instead of land in contracts. It is thought that this ought to be done for those who entered into business of this kind—who voluntarily built their ships—and they did not build them and put them in these lines from patriotic motives, either. They counted the cost. They scanned the markets. They informed themselves as to the degree and the kind of business that would come to their enterprise. Having done that, simply as a money-making proposition they constructed these ships, and they entered into the business and made contracts with the Government for the carrying of the mail. Then when they lose money according to their own showing they say: "Why, we are sailing on the water. The American flag is absent from Asiatic ports. The English flag and the flag of Holland are more frequently seen in foreign ports than the American flag." Therefore Congress should put its hands into the Treasury of the United States and should reimburse these business men for losses in ventures upon which they voluntarily entered, presumably after having counted the cost.

Mr. President, I can not understand this retrogression. Some of these lines were started years and years ago. Take the Pacific line. The business then, as compared with the business now, was small. The travel from the United States to the Asiatic ports and the Australasian ports was very, very small. Since then thousands of Americans have gone to those countries—to China, to Japan, to the Philippines, and to other

islands of the Pacific—and the business of shipping freight has grown relatively to tremendous proportions. The travel of individuals has increased in an extraordinary degree. The amount of business now between the Pacific coast and the countries of the west is vastly in excess of what it was when these ships were put upon the ocean and these contracts were entered into between the ship companies and the Government.

But, Mr. President, there is a subsidy microbe in the atmosphere. All along the Atlantic coast and all along the Pacific coast these microbes have bored their way into the brains and into the ears and into the cuticles of the members of these ship companies. They find Senators and Representatives clamoring for subsidy, and the microbe has worked its will upon them, and they join the huge procession of subvention applicants and do not want to be omitted. I do not blame them.

Mr. GALLINGER. If the Senator will permit me——

Mr. PATTERSON. Certainly.

Mr. GALLINGER. That microbe did get into my brain when I voted for the irrigation project. There is no doubt about it.

Mr. PATERSON. Oh, Mr. President, that was for the purpose of benefiting the public lands of the country.

Mr. GALLINGER. Yes; and steamships are for the purpose of benefiting the commerce of the country.

Mr. PATTERSON. The public lands are still in the possession of the United States and the United States still has title to them.

Mr. GALLINGER. And the money is in the hands of the people of the States.

Mr. PATTERSON. The money is yet in the pockets of the people of the States, and as the Government will make the lands valuable the people of the Western States will pay the enhanced price for the lands; and they ask no odds of the Government.

Mr. TELLER. And pay back the money.

Mr. PATTERSON. And pay back the money.

Mr. GALLINGER. They have not paid it back yet.

Mr. PATTERSON. They have not had an opportunity.

Mr. GALLINGER. We expect to pay this back by developing the commerce of the country. We expect to pay back tenfold if we get a merchant marine.

Mr. PATTERSON. The law for the reclamation of the arid lands requires that the money shall be paid back practically in advance. It is a lien upon the land, and the title does not pass until every dollar of the purchase price is paid. The purchaser simply takes the land at its enhanced value by reason of the water having been put upon it by the Government.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from New Hampshire?

Mr. GALLINGER. I will ask the Senator if the Government of the United States did not come to the rescue of the arid and semiarid regions of this country and practically advance the money to enable them to work out their prosperity?

Mr. PATTERSON. The Government, Mr. President, in a lucid moment came to its own relief. The Government found millions and millions of acres of worthless lands upon its hands. The business of the land office had fallen off until an arrangement had been made or laws proposed by which the land officers were to be discharged. It was only here and there within an Indian reservation that the men who go to the West could find lands that were worth taking up. It was because the men of the West knew the situation, and knowing the situation appealed in a law for the benefit of the Government that would enable the Government to sell the lands to settlers without losing a dollar.

It was under those circumstances, Mr. President, that the law for the reclamation of arid lands was passed—no bounty, no subsidy, no gift—the men of the West paying to the Government the full value of that which they received from the Government.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from New Hampshire?

Mr. PATTERSON. Certainly.

Mr. GALLINGER. The Senator is of necessity laboring considerably to make a good cause out of a bad one. This great country of ours——

Mr. PATTERSON. Oh, I do not want to yield for a speech.

Mr. GALLINGER. The Senator is appealing to the country——

Mr. PATTERSON. I do not want to yield to a speech. I have something else I want to say.

Mr. GALLINGER. I yielded a little of my time to the Senator and he talked for half an hour.

Mr. PATTERSON. Oh, no; we do not recollect it the same way.

Mr. GALLINGER. The Senator talked so long that I forgot that I had yielded, and I did not call time on the Senator. However, if the Senator does not care to have me interrupt him, I will speak in my own time.

Mr. PATTERSON. There will be ample time. If it is to make a speech, I do not want to yield.

Mr. GALLINGER. It was not to make a speech. It was to make an illustration, but it will keep.

Mr. PATTERSON. Illustrations, if they are sound ones, will always keep. There is no doubt about that.

Mr. GALLINGER. It is much sounder than the Senator's argument.

Mr. PATTERSON. Mr. President, if those who have made unfortunate business ventures, whether in inaugurating ship lines or in taking star-route mail contracts, or in the erection of public buildings, will be permitted to make out their own brief and come to Congress to seek reparation for their losses, and you will take their word for it, they are worthy objects of charity, and the money of the Government would be poured out in a constant stream to alleviate their misfortunes.

Mr. President, I want to refer again to the coastwise laws. The first real substantial act that smacked of justice to the West, barring the land laws themselves, by which lands were sold to the settler at a reasonable price, was the reclamation act. As I said before, there is not an atom of bounty, or gift, or subsidy of any kind in the law. The money received from the public lands is used for the purpose of increasing the value of the remaining lands, and when their value has been increased by putting water upon them then the settler, if he desires to purchase, will pay the price the Government demands, and that is the beginning and the ending of it.

But how is it with our shipping friends? The Government of the United States has been more generous to them since we have had a Government than to any other class of business people in the world. The coastwise laws constitute a huge subsidy. It is not that I complain about them, but we know by reason of the limitations and restrictions contained in the coastwise laws that those engaged in business upon both coasts are paying two or three or four times as much for every ton that is transported from American port to American port than they would pay were the coastwise laws not in existence; and in the end the consumer, the rich and the poor and the middle class, pay practically the entire freight. So our friends from New England and the Pacific coast should not talk about the lack of generosity on the part of Congress if it declines to yield upon every occasion to their demands, and more particularly when their demands have now assumed a form that would be acknowledged to be objectionable in every other class of business except this business.

Mr. LODGE. Will the Senator allow me to ask him a question?

Mr. PATTERSON. With great pleasure.

Mr. LODGE. Does the Senator know of any country which permits its coastwise trade to be carried in foreign ships?

Mr. PATTERSON. I am not familiar, Mr. President, with the coastwise trade, and I am not familiar with the shipping laws generally. I would ask the Senator from Massachusetts whether they have similar laws in all countries regarding the coastwise trade?

Mr. LODGE. I think it is universal that the coastwise trade in all countries is reserved to ships of the registry of that country.

Mr. PATTERSON. I am glad that that is the Senator's thought. He thinks that that is universal?

Mr. LODGE. I have no doubt of it. If the Senator wants me to assert it, I will say that I know it is so.

Mr. PATTERSON. That is much more definite.

Mr. LODGE. That is the universal rule.

Mr. PATTERSON. Mr. President——

Mr. BACON. Will the Senator yield to me for a moment?

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Georgia?

Mr. PATTERSON. Certainly.

Mr. BACON. Do I understand the Senator from Massachusetts to say that Great Britain, for instance, by law restricts the carriage of freight and passengers between the mother country and the colonies to British ships?

Mr. LODGE. No; I did not say that.

Mr. BACON. Is not that what is generally understood by "coastwise trade?"

Mr. LODGE. That is not the impression I have of what constitutes coastwise trade.

Mr. BACON. The Senator means by "coastwise trade" trade around the islands of Great Britain.

Mr. LODGE. I mean exactly what the Senator from Colorado [Mr. PATTERSON] has been talking about—from one American port to another American port, or from one British port to another British port. The latter trade is carried on in British vessels. I was not talking about the colonies.

Mr. BACON. I will restrict it, then, to the British islands.

Mr. LODGE. Yes.

Mr. BACON. I am asking only for information. I have no doubt that practically it is true that all the commerce between different ports of the British islands is carried in British ships, because in the absence of any law the British could underbid the ships of any other country; but is there a law of Great Britain which prohibits foreign ships from carrying freight from one British port to another British port?

Mr. PATTERSON. Say from London to Liverpool.

Mr. LODGE. I have always understood—for instance, from Leeds to London, or from London to Liverpool, or from Liverpool to Southampton—that all traffic of that kind is confined to British bottoms.

Mr. BACON. I have no doubt that is so.

Mr. LODGE. I mean by law.

Mr. BACON. That is a very interesting fact in the consideration of this question, but this is the first time I have been informed of it.

Mr. PATTERSON. This discussion will give time and allow the Senator from Massachusetts an opportunity to verify his very strong impression. But, Mr. President, that does not alter my proposition. Because Great Britain, France, Germany, and Holland are doing a certain thing is no reason why we must do it, and is no evidence that it is right. It does not change the proposition that by reason of the coastwise law the cost of everything that enters into the economic, the domestic, and the social life of the country is largely increased, and the shipping interests of the Atlantic and Pacific get the benefit of it. I do not envy them; I do not object to it; I am not finding fault with it. I am glad that the people of the country, the people of the West uniting with the people of other sections of the country, have been broad enough and generous enough and large-hearted enough to vote millions of dollars out of their pockets every year for the benefit of the shipping interests of the Atlantic and Pacific coasts and the Great Lakes. The only reason I had for adverting to it was that we are in a sense charged with being ungenerous and unmindful of the shipping interests because we do not turn around now and vote to make bad contracts good and vote a direct subsidy to ships not yet in existence, and select particular objects of the country's charity or bounty—I care not which—and take the money of the people out of the Treasury to enable the shipowners to do a profitable business. I know the answer that is made. It is "the American flag; we want American goods carried in American bottoms; and in case of war we shall have seamen and we shall have ships." That is the argument. It is simply necessary to make a patriotic appeal to support any attempt at subsidy. I do not care what direction it may take, you can make a patriotic appeal, and you can show in some way or another that it would be a wise and patriotic thing to alleviate the want of prosperity or the citizen from the result of bad bargains just as much as is the case when you make appeals in behalf of the shipowners of the Atlantic and the Pacific coasts.

Mr. President, I still reiterate that this item to which our attention is now directed is absolutely indefensible on any principle or rule of commercial integrity or commercial honor.

The men who are to be the beneficiaries are upon the wrong side of the transaction. I do not want to pursue the discussion along this line.

I had hoped the Senator from New Hampshire would have voluntarily agreed to strike out that objectionable feature, and thus make the measure much less objectionable to a number of Senators, as I know it would be from the remarks I have heard.

Mr. GALLINGER. Would the Senator vote for the bill if that should be stricken out?

Mr. PATTERSON. No; I would not vote for any form of gift or subsidy or subvention to anybody or anything.

Mr. GALLINGER. Then I should think the Senator would want the bill as objectionable as possible.

Mr. PATTERSON. No; that is not my idea of the duty of a legislator. If he finds a bill likely to pass the body of which he is a member, his duty is to make it as little objectionable as possible, so as to do as little harm as possible and set as few bad precedents as possible; but I suppose the bill will pass.

Mr. GALLINGER. I meant "as bad as possible" from the Senator's point of view. I did not mean it in the broad sense.

Mr. PATTERSON. Oh, well, I am satisfied that if the Senator from New Hampshire and I could have a few moments of private conversation he would agree that my view of this thing was right—I mean of this particular gift. [Laughter.]

Mr. SPOONER. Then it might be a good idea to adjourn over until Monday, in order to give the Senators an opportunity to have that conversation.

Mr. FRYE. Mr. President, the Senator from Nevada [Mr. NEWLANDS] made an inquiry as to the cost of ships. The *St. Louis* and the *St. Paul*, together, cost $5,100,000; that is $220 a ton. The Pacific Mail Line built two 18-knot ships at Newport News which cost $160 a ton. For the construction of the *Mascanoma*, of 4,200 tons, a very low-powered ship, practically a freight ship, the lowest bid was $80 a ton.

Mr. NEWLANDS. Of how many knots?

Mr. FRYE. I do not know, but probably that ship will not run over 7 or 8 knots. It is a freight ship. There is no use of making a freight ship of over 10 knots.

Mr. NEWLANDS. Is it of iron construction?

Mr. FRYE. Yes; of iron construction. So that taking it from 16 knots up the cost of a freight and passenger ship would average $160 a ton, and one from, say, 8 knots to 10 knots would probably average from $80 to $100 a ton, having regard to the difference of finish and all that sort of thing if she happens to carry passengers.

Mr. NEWLANDS. May I ask the Senator whether it is expected that this bill will in the main promote the construction of the low-priced tonnage or of the higher-priced tonnage?

Mr. FRYE. My recollection about the bill is that it runs from 10 to 14 knots. That is my impression. I think the cost would probably run from $90 to $120 or $125 a ton.

Mr. TELLER. I desire to make a few suggestions on this bill, but I understand Senators wish an executive session. I should like to take the floor on Monday for the purpose of making some remarks, but, though I shall only occupy a short time, I do not care about proceeding now.

Mr. GALLINGER. On the point which has been raised I will say that the speed varies from 12 to 16 knots.

Mr. TELLER. Does the Senator want to go on further with the bill now?

Mr. GALLINGER. I have no desire to detain the Senate, but I want to put in the RECORD a little information which I have taken the pains to acquire since this debate opened to-day—it will take but a moment—in reference to the cost of steamships, the Senator from Nevada [Mr. NEWLANDS] being particularly interested in that point.

An ordinary steam "tramp" of 10 or 11 knots, built for cargo exclusively, can be constructed in the United States under favorable conditions for about $60 a ton.

A steamship of 5,000 to 6,000 tons, capable of a sustained sea speed of 12 knots—that is, of a record speed of 13 or 14 knots—fitted for freight and not a large number of passengers, and adapted in a general way for transport service, would cost on an average close to $100 a ton.

A passenger and freight steamship of 5,000 tons and upward, and of 16 knots or 17, would cost about $150 a ton.

A mail and passenger steamship, with small capacity for freight and a speed of 20 knots an hour, would cost close to $200 a ton, due in part to the luxurious fittings required by such a high-class passenger vessel.

Mr. President, I had intended to make some observations in reply to my good-natured and always entertaining friend from Colorado [Mr. PATTERSON] on the irrigation matter——

Mr. TELLER. Mr. President, I believe I have the floor, but I will, of course, yield to the Senator.

Mr. GALLINGER. I do not wish to proceed now, and I will forego what I have to say until some other time when I can get the opportunity.

I believed when I voted for the irrigation bill—and I had some knowledge of it—that I was voting for about as pure a subsidy, and perhaps as meritorious a subsidy, as was ever voted for in this body. I have just been reading the bill, and I confess I can not change my mind on that point.

Mr. TELLER. We will thrash that out later.

Mr. GALLINGER. As the Senator from Colorado suggests, we will thrash that out later.

Mr. TELLER. Mr. President, as I have stated, I understand that some Senators desire an executive session. If so, I will yield to such a motion.

The VICE-PRESIDENT. Does the Senator from Colorado move that the Senate proceed to the consideration of executive business?

Mr. TELLER. I will submit that motion.

Mr. BACON. I ask the Senator to withhold the motion for a moment that I may give a notice.

Mr. TELLER. I yield to the Senator from Georgia for that purpose.

PARTICIPATION IN EUROPEAN INTERNATIONAL QUESTIONS.

Mr. BACON. I desire to give notice that on Tuesday next, immediately after the conclusion of the routine morning business, I shall ask the courtesy of the Senate that I may submit some remarks in reference to Senate resolution No. 52, which was introduced by me a few days ago, with reference to our interference with or participation in any controversy between European governments relative to European international questions.

ADJOURNMENT TO MONDAY.

Mr. ALLISON. I move that when the Senate adjourns today it adjourn to meet on Monday next.

The motion was agreed to.

CLAIMS OF STATE OF MISSOURI.

Mr. ALDRICH. On yesterday I entered a motion to reconsider the vote by which the bill (S. 567) authorizing the Secretary of the Treasury to make an examination of certain claims of the State of Missouri was passed. I should like to have the bill reconsidered for the purpose of offering an amendment, which I think will be satisfactory to the Senator from Missouri——

Mr. WARNER. Yes.

Mr. ALDRICH. And to the Senate.

The VICE-PRESIDENT. The question is on the motion of the Senator from Rhode Island to reconsider the vote by which the bill named by him was ordered to be engrossed for a third reading, read the third time, and passed.

The motion was agreed to.

The VICE-PRESIDENT. The bill is now before the Senate and open to amendment.

Mr. ALDRICH. I move to amend by inserting at the end of the bill the proviso which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. At the end of the bill it is proposed to insert the following proviso:

Provided, That nothing in this act shall be construed to either create or acknowledge any obligation on the part of the United States.

The amendment was agreed to.

Mr. SPOONER. Mr. President, for what does the bill provide?

Mr. ALDRICH. It is a bill authorizing the Secretary of the Treasury to report upon certain claims of the State of Missouri against the United States.

Mr. SPOONER. Originating on what account?

Mr. WARNER. It is a war claim.

Mr. SPOONER. A war claim?

Mr. WARNER. Yes.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. TELLER. I now renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 4 o'clock and 10 minutes p. m.) the Senate adjourned until Monday, February 5, 1906, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 2, 1906.

CONSULS.

George M. Hotschick, of Wisconsin, to be consul of the United States at Trieste, Austria.

Maxwell Blake, of Missouri, to be consul of the United States at Funchal, Madeira.

COLLECTOR OF CUSTOMS.

Francis L. Lee, of Texas, to be collector of customs for the district of Galveston, in the State of Texas.

REAPPOINTMENTS IN THE ARMY.

Judge-Advocate-General's Department.

Brig. Gen. George B. Davis, Judge-Advocate-General, to be Judge-Advocate-General with the rank of brigadier-general for the period of four years beginning May 23, 1905, with rank from May 24, 1901, his former appointment as Judge-Advocate-General having expired May 23, 1905.

Ordnance Department.

Brig. Gen. William Crozier, Chief of Ordnance, to be Chief of Ordnance with the rank of brigadier-general for the period of four years beginning November 22, 1905, with rank from November 22, 1901, his former appointment as Chief of Ordnance having expired November 22, 1905.

PROMOTIONS IN THE ARMY.

Corps of Engineers.

Capt. Charles H. McKinstry, Corps of Engineers, to be major from January 1, 1906.

First Lieut. Thomas H. Jackson, Corps of Engineers, to be captain from January 1, 1906.

Second Lieut. William D. A. Anderson, Corps of Engineers, to be first lieutenant from January 1, 1906.

Artillery Corps.

Second Lieut. Edward H. De Armond, Artillery Corps, to be first lieutenant from January 24, 1906.

PROMOTIONS IN THE NAVY.

Capt. Charles H. Stockton to be a rear-admiral in the Navy from the 7th day of January, 1906.

Lieut. Jay H. Sypher to be a lieutenant-commander in the Navy from the 22d day of January, 1906.

POSTMASTERS.

GEORGIA.

Samuel E. Dailey to be postmaster at McDonough, in the county of Henry and State of Georgia.

Emma B. Dyar to be postmaster at Calhoun, in the county of Gordon and State of Georgia.

James F. Overstreet to be postmaster at Douglas, in the county of Coffee and State of Georgia.

James M. Sutton to be postmaster at Adel, in the county of Berrien and State of Georgia.

Lucy L. Weldon to be postmaster at Lavonia, in the county of Franklin and State of Georgia.

PENNSYLVANIA.

George C. Burns to be postmaster at Montrose, in the State of Pennsylvania.

Samuel M. Turk to be postmaster at Parkers Landing, in the county of Armstrong and State of Pennsylvania.

VERMONT.

E. H. Webster to be postmaster at Barton, in the county of Orleans and State of Vermont.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 2, 1906.*

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

EXTENDING THE PUBLIC-LAND LAWS TO CERTAIN LANDS IN WYOMING.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill.

The Clerk read as follows:

A bill (H. R. 8107) extending the public-land laws to certain lands in Wyoming.

Be it enacted, etc., That the public-land laws of the United States be, and the same are hereby, extended to the lands embraced within the territory 10 miles square ceded to the United States by the Shoshone and Arapaho Indians by the agreement ratified by the act approved June 7, 1897.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Mr. Speaker, is this a unanimous report of the committee?

Mr. MONDELL. Yes, sir. I can explain the provisions of the bill very briefly.

Mr. WILLIAMS. Well, I do not care about that. If all the members of the committee were for the bill, I take for granted they ought to know their business.

Mr. MONDELL. It was also recommended by the Department.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. MONDELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

REGULATION OF RAILROAD RATES.

Mr. HEPBURN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12987.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union, Mr. VREELAND in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of Union for the further consideration of the bill H. R. 12987—the railroad-rate bill.

Mr. ADAMSON. Mr. Chairman, I yield to the gentleman from North Carolina [Mr. THOMAS] such time as he may desire, provided he does not exceed forty minutes.

Mr. THOMAS of North Carolina. Mr. Chairman, this bill is entitled "An act to amend 'An act to regulate commerce,'" approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission. The title indicates the purpose and intent of this measure. The original act of 1887 creating the Interstate Commerce Commission, when passed, was supposed to give full power to the Commission, not only to declare what railroad rates were unreasonable, when challenged, but in addition thereto, to fix just and reasonable rates and enforce them. For a number of years this power was undoubted and undisputed. Then, in litigation over the act of 1887, it was determined by the Supreme Court of the United States that while the Commission had power to declare what were unreasonable rates, they did not have the power, on complaint of shippers, to fix rates, and were shorn of the power to enforce them. As the law now stands the Commission simply possess the power to denounce a particular rate as unreasonable. One of the most important sections, therefore, of this bill is section 4, which confers the power upon the Interstate Commerce Commission to establish what will, in its judgment, be the just and reasonable, and fairly remunerative rate or rates, charge or charges, to be thereafter observed in such case as the maximum to be charged.

The orders of the Commission may be enforced by extraordinary writs of mandamus and injunction and by fine.

ANALYSIS OF THE BILL.

A further analysis of this bill, Mr. Chairman, is about as follows. Material parts of section 4 are as follows:

That the Commission is authorized and empowered, and it shall be its duty, whenever, after full hearing upon a complaint made as provided in section 13 of this act, or upon complaint of any common carrier, it shall be of the opinion that any of the rates, or charges whatsoever, demanded, charged, or collected by any common carrier or carriers, subject to the provisions of this act, for the transportation of persons or property as defined in the first section of this act, or that any regulations or practices whatsoever of such carrier or carriers affecting such rates, are unjust or unreasonable, or unjustly discriminatory, or unduly preferential or prejudicial, or otherwise in violation of any of the provisions of this act, to determine and prescribe what will, in its judgment, be the just and reasonable and fairly remunerative rate or rates, charge or charges, to be thereafter observed in such case as the maximum to be charged; and what regulation or practice in respect to such transportation is just, fair, and reasonable to be thereafter followed; and to make an order that the carrier shall cease and desist from such violation, to the extent to which the Commission find the same to exist, and shall not thereafter publish, demand, or collect any rate or charge for such transportation in excess of the maximum rate or charge so prescribed, and shall conform to the regulation or practice so prescribed.

Section 1 is substantially section 1 of the act of 1887, with an enlargement of the definition of the word "railroad" and the word "transportation." By this enlargement it is believed that the "devices" resorted to by carriers, through the use of switches, terminal tracks, and private cars, and so forth, can be obviated.

Under section 2 more prompt obedience to the law on the part of the carriers relating to tariff schedules is to be secured, and there is also a requirement that icing and other charges be stated in their schedules. Thirty days' notice of the changing of schedules is required, so as to do away with discriminations heretofore made through what are called "midnight tariffs."

Section 3 relieves the Commission of reporting a finding of facts whenever an investigation is made. A finding of conclusions is deemed sufficient.

Section 4, after defining the powers of the Commission, provides that its orders shall go into effect in thirty days and remain in force (unless suspended, modified, or set aside by the Commission, or "by a court of competent jurisdiction") for a term of three years.

Section 5 is intended to aid complainants in whose behalf damages are awarded on complaint by the Commission. It imposes on the carrier the duty to comply with an order of the Commission as long as it is in effect. It provides a penalty of $5,000 for disobedience, the forfeiture to be paid to the United States, to be recovered by the Attorney-General. This section also provides for the enforcement of the order of the Commission, other than for the payment of money, by the Commission or any party injured applying to the circuit court in the district where the carrier has its principal office or in which the violation shall happen. Appeals lie to the Supreme Court of the United States, and such cases are to have priority in hearing and determination over all other causes except criminal causes, but such appeal shall not vacate or suspend the order appealed from. Section 6 provides for rehearings before the Commission.

Section 7 gives the Commission power to require reports from all common carriers. The other provisions of the bill, Mr. Chairman, are mere matters of detail, such as the prescribing of forms, the salaries of the Commission, provisions for the attendance of witnesses, etc. Possibly the bill may need amendments, but it seems to be the best that can be framed under all the circumstances. Former Senator Cockrell, of Missouri, now on the Commission, told me in conversation that it was thought best to take the existing law as the basis, amend it and remedy its defects as it had been construed by the courts, and it was safer to amend the present law.

Mr. Chairman, in my opinion (and I am well aware that even those of the longest service and the ripest experience are unable to fathom some of the great questions presented for the consideration of this body), important as are other questions before Congress and the American people—the Philippine question, those involved in the control and final disposition of our island possessions; the tariff; the admission of new States—this question perhaps comes nearer home to the interest and welfare of every American citizen than any question presented for action by the Representatives of the people in Congress assembled.

This question has agitated the public mind for many years past. I remember when I entered Congress six years ago I went with a distinguished North Carolinian, now one of the ablest judges upon the bench of my State, to see the members of the Interstate Commerce Commission with reference to the possibility of the enactment of legislation like this now proposed. The impression we then received was that it was almost hopeless; but the agitation has been continued; the drift has been irresistibly in the direction of this legislation. For the past year public sentiment has so crystallized that we find this bill presented by the unanimous vote of the proper committee—the Interstate Commerce Committee—for definite action and enactment into the law of the land. Both Republicans and Democrats agree in a unanimous report upon this bill, and I suppose it will pass this House with but few dissenting votes. It has been said that the measure is nonpartisan, and was so stated by eminent gentlemen upon the Republican side of the Chamber. While I am willing to concur in this view of this legislation, it is logical and appropriate to state in this place and in the very beginning of my remarks the attitude of the Democratic party upon this question.

THE DEMOCRATIC POSITION UPON THE REGULATION OF RAILROAD RATES AND THE ENLARGEMENT OF THE POWERS OF THE INTERSTATE COMMERCE COMMISSION.

The national Democratic platform in 1896 contained the following:

The absorption of wealth by the few, the consolidation of our leading railroad systems, and the formation of trusts and pools require a stricter control by the Federal Government of those arteries of commerce. We demand the enlargement of the powers of the Interstate Commerce Commission, and such restrictions and guaranties in the control of railroads as will protect the people from robbery and oppression.

The national Democratic platform in 1900 presented the question in the following language:

We favor such an enlargement of the scope of the interstate-commerce law as will enable the Commission to protect individuals and communities from discriminations and the public from unjust and unfair transportation rates.

The national Democratic platform of 1904 declared:

Individual equality of opportunity and free competition are essential to a healthy and permanent commercial prosperity, and any trust, combination, or monopoly tending to destroy these by controlling production, restricting competition, or fixing prices should be prohibited and punished by law. We especially denounce rebates and discrimination by transportation companies as the most potent agency in promoting and strengthening these unlawful conspiracies against trade.

INTERSTATE COMMERCE.

We demand an enlargement of the powers of the Interstate Commerce Commission, to the end that the traveling public and shippers of this country may have prompt and adequate relief from the abuses to which they are subjected in the matter of transportation.

These platforms of the Democratic party show that the Democratic position, as stated in its platforms for the past ten years, has been unqualifiedly for the enlargement of the powers of the Interstate Commerce Commission and regulation of railroad rates.

THE PRESIDENT'S POSITION UPON THE REGULATION OF RAILWAY RATES AND ENLARGEMENT OF THE POWERS OF THE INTERSTATE COMMERCE COMMISSION.

Now, Mr. Chairman, let us see what is the position of the President of the United States. Why, that is in line with the Democratic position. In his last message, communicated to

both Houses of Congress at the beginning of the first session of the Fifty-ninth Congress, the President said:

(I read from that message, and I will add the President has been unwavering in support of this policy.)

As I said in my message of December 6 last, the immediate and most pressing need, so far as legislation is concerned, is the enactment into law of some scheme to secure to the agents of the Government such supervision and regulation of the rates charged by the railroads of the country engaged in interstate traffic as shall summarily and effectively prevent the imposition of unjust or unreasonable rates. It must include putting a complete stop to rebates in every shape and form. This power to regulate rates, like all similar powers over the business world, should be exercised with moderation, caution, and self-restraint, but it should exist so that it can be effectively exercised when the need arises.

In my judgment the most important provision which such law should contain is that conferring upon some competent administrative body the power to decide, upon the case being brought before it, whether a given rate prescribed by a railroad is reasonable and just, and if it is found to be unreasonable and unjust, then, after full investigation of the complaint, to prescribe the limit of rate beyond which it shall not be lawful to go—the maximum reasonable rate, as it is commonly called—this decision to go into effect within a reasonable time and to obtain from thence onward, subject to review by the courts.

Then the President, in speaking of a matter which particularly concerns the interests of my people, says:

All private car lines, industrial roads, refrigerator charges, and the like should be expressly put under the supervision of the Interstate Commerce Commission or some similar body, so far as rates and agreements practically affecting rates are concerned. The private car owners and the owners of industrial railroads are entitled to a fair and reasonable compenstion on their investment, but neither private cars nor industrial railroads nor spur tracks should be utilized as devices for securing preferential rates. A rebate in icing charges or in mileage or in a division of the rate for refrigerating charges is just as pernicious as a rebate in any other way.

The President further says:

There should be publicity of the accounts of common carriers; no common carrier engaged in interstate business should keep any books or memoranda other than those reported pursuant to law or regulation, and these books or memoranda should be open to the inspection of the Government.

The question of transportation lies at the root of all industrial success, and the revolution in transportation which has taken place during the last half century has been the most important factor in the growth of the new industrial conditions. Most emphatically we do not wish to see the man of great talents refused the reward for his talents. Still less do we wish to see him penalized; but we do desire to see the system of railroad transportation so handled that the strong man shall be given no advantage over the weak man. We wish to insure as fair treatment for the small town as for the big city; for the small shipper as for the big shipper. In the old days the highway of commerce, whether by water or by a road on land, was open to all; it belonged to the public and the traffic along it was free. At present the railway is this highway, and we must do our best to see that it is kept open to all on equal terms.

I urge upon the Congress the need of providing for expeditious action by the Commission in all these matters, whether in the regulating of rates for transportation or for storing or handling property or commodities in transit. The history of the cases litigated under the present commerce act shows that its efficacy has been destroyed by the weapon of delay, almost the most formidable weapon in the hands of those whose purpose it is to violate the law.

WHETHER DEMOCRATIC OR REPUBLICAN THE BILL IS RIGHT IN PRINCIPLE.

But regardless of the attitude of the Democratic party, or the Republican party, or the President of the United States on this question, it is right in principle, and the enactment of this measure, or some measure which will give the shippers of the country relief, is just and necessary.

It does not in any way infringe the rights of the railway corporations; there is no question that it is in the interest of shippers and the people. Why, Mr. Chairman, the principle of the regulation of railway rates in a just, fair, and reasonable manner, the fact that railroad corporations and other corporations are amenable to State and national control, that they are public servants deriving their right to exist from State and Federal laws, is beyond question and controversy. [Applause.]

The great and eminent scholar and jurist, the Hon. Jeremiah S. Black, of Pennsylvania, stated this principle so fully and so clearly that it is beyond cavil and dispute. Of Jeremiah S. Black, Judge Brewer, in his World's Greatest Orations, says that Judge Black served upon the bench of the supreme court of Pennsylvania and in the Cabinet of President Buchanan, and was noted for his great opinions as well as his official prominence. As a man and as a lawyer he showed an individuality so marked, and in certain ways so representative, that men of all parties listened to him with attention they seldom gave the official utterances of any public man.

When, says Judge Brewer, in 1883 he went before the judiciary committee of the Pennsylvania senate and delivered an address on the State's power of eminent domain and on the duties of corporations as public servants, the effect was felt throughout the country. It is doubtful if any other speech on a technical question of law and industrial economy ever produced effect so profound and so far-reaching. It is believed that the forces set in motion by sympathy with Judge Black's views thus expressed decided more than one Presidential election, and did more than anything else to make possible the radical changes which took place in the politics of the Northwestern States between 1883 and 1892.

In this speech before the Pennsylvania senate Judge Black, in a clear, forcible, and eloquent way, showed the relations and obligations of corporations to the State and to the people. More than twenty years ago these are some of the things that he said, which in this latter day have been verified:

The irrepressible conflict between the rights of the people and the interests of railroad corporations does not seem likely to terminate immediately.

But in all these cases the proprietary right remained in the State and was held by her in trust for the use of the people. Those who run the railroads and canals are always public agents. It is impossible to look at them in any other light or to conceive how a different relation could exist, because a railroad which is not managed by public agents can not be a public highway.

But, on the other hand, the corporations deny that they owe any responsibility to the State more than individuals engaged in private business. They assert that the management of the railroads, being a mere speculation of their own, these thoroughfares of trade and travel must be run for their interests, without regard to public right. If they take advantage of their power to oppress the labor and overtax the land of the State; if they crush the industry of one man or place to build up the prosperity of another; if they plunder the rich by extortion or deepen the distress of the poor by discriminating against them, they justify themselves by showing that all this was in the way of business; that their interest required them to do it; that if they had done otherwise their fortunes would not have been so great as they are; that it was the prudent, proper, and successful method of managing their own affairs. This is their universal answer to all complaints. Their protests against legislative intervention to protect the public always takes this shape, with more or less distinctness of outline. In whatever language they clothe their argument it is the same in substance as that with which Demetrius, the silversmith, defended the sanctity of the temple for which he made shrines: "Sire, ye know that by this craft we have our wealth."

The charge that I am communist enough to wish the destruction of all corporate property is untrue. I think myself the most conservative of citizens. I believe with my whole heart in the rights of life, liberty, and property; and if anybody has struggled more faithfully, through good report and evil, to maintain them inviolate, I do not know who he is. Perhaps I am prejudiced in favor of natural justice and equality. I am convinced that without the enforcement of the fundamental law honest government can not be expected.

* * * * * * *

But we, the people, have rights of property as well as the corporations, and ours are, or ought to be, as sacred as theirs. Between the great domain which we have ceded to them and that which still belongs to us the line is plainly and distinctly marked, and if they cross it for purposes of plunder they should be driven back under the lash of the law.

Now, I have not the time to quote fully from this splendid speech of Judge Black before the Pennsylvania senate, which had such great effect upon the politics of the country, especially in the Northwestern States. That section of our country, I will say, is fighting ground now for the Democratic party. But I will read his concluding sentences:

We are told that in this struggle for honest government against the power of the railroad corporations the just cause has no chance of success. We do seem to be out on a forlorn hope. The little finger of monopoly is thicker than the loins of the law.

But you could, if you would, effect a perfect reform and yet not hurt a hair on any head—"a consummation most devoutly to be wished."

The people and the Constitution, mutually supporting one another, will be triumphant yet. Meanwhile let all the railroad rings rejoice. This is their day; ours is to come.

Now, Mr. Chairman, these prophetic words of this distinguished jurist, spoken so many years ago, I regard as most appropriate to incorporate into this debate. At last, in accordance with the prophecy of Judge Black, we have arrived at "the consummation devoutly to be wished." To-day the regulation of railways is the most prominent question for the consideration of the President and the representatives of the people in Congress assembled. Men of all parties unite with the people and demand such legislation as shall regulate the rate charged by railroad corporations, treating them in the light of public agents. Talk about your commune! Some reference was made here on yesterday, Mr. Chairman, by the gentleman from Pennsylvania [Mr. SIBLEY] to the effect that this was a drift in the direction of the commune. This measure does not mean communism; it means conservatism. The whole history of the world shows that the arrogance of power of great corporations must be controlled in the interest of the people, otherwise there is a drift toward socialism and toward the commune. [Applause.]

As said by Hon. Martin A. Knapp, the chairman of the Interstate Commerce Commission:

The agitation for a more efficient control of interstate carriers is the outgrowth of an insistent public sentiment and expresses a determined purpose to correct existing abuses. Since the passage of the act to regulate commerce in 1887, which in many respects was understood to be a tentative and experimental measure, no important change or enlargement of its provisions has been made, except the addition of the excellent Elkins law, although its limited scope and insufficient restraints have long been apparent. Meanwhile the railway mileage has increased upward of 50 per cent, revenues have more than doubled, numerous lines formerly independent have been merged into great systems or otherwise brought under unified control, and many other conditions have arisen which were not foreseen or taken into account when the

original law was enacted. The time has arrived when this scheme of regulation should be carefully revised not only in its substantive features, but also to an extent in its methods of administration.

MORE EFFECTIVE SUPERVISION OF COMMON CARRIERS NECESSARY AT THIS DAY AND TIME.

There must be, therefore, at this day and time—and it is fair and it is right—a more effective supervision and control of these great corporations. Why? Those who oppose this measure say the railways of the country, with a mileage of 215,000 miles, with $14,000,000,000 of property, great arteries of commerce, add to the growth and the prosperity of the country. I admit this with all my heart, but this great power and this great wealth abused—this great power used to destroy competition—is fatal to our welfare and our prosperity. It is dangerous to our free institutions. It must be curbed, restrained, controlled, directed. No one, certainly not I, would either destroy them or confiscate their property, but the regulation of railroad rates will do neither; Government control will do neither. It will simply correct abuses and restore competition and give the shipper fair treatment—a square deal. [Loud applause.] Has competition in rates been destroyed? Why, certainly. Sixty-five per cent of the entire railway mileage of this country is now in the hands of and controlled by seven great systems—the Vanderbilt system, the Pennsylvania system, the Gould system, the Harriman lines, the Hill system, the Rock Island system, and the Southern Railway system.

The following is a complete analysis of railroad systems:

1. The Vanderbilt system, comprising the New York Central, the Lake Shore and Michigan Southern, the Michigan Central, the Cleveland, Cincinnati, Chicago and St. Louis, the Pittsburg and Lake Erie, and the Lake Erie and Western.
2. The Pennsylvania system, practically controlling the Baltimore and Ohio Railroad, the Chesapeake and Ohio Railway, and the Norfolk and Western Railway, and holding jointly with the New York Central a controlling interest in the Philadelphia and Reading, which in turn controls the Central Railroad of New Jersey.
3. The Gould system, comprising the Wabash Railroad, the Missouri Pacific Railway, the St. Louis, Iron Mountain and Southern, the Texas and Pacific, the St. Louis Southwestern, the International Great Northern, the Wheeling and Lake Erie, the West Virginia Central, the Denver and Rio Grande, and the Western Maryland.
4. The Harriman lines, including the Southern Pacific, Central Pacific, Union Pacific, Oregon Short Line, Oregon Railway and Navigation Company, with large interests in the Illinois Central, the Chicago and Alton, and Kansas City Southern.
5. The Hill system, embracing the Great Northern Railway, the Northern Pacific Railroad, and the Chicago, Burlington and Quincy Railway.
6. The Rock Island system, including the Chicago, Rock Island and Pacific, the St. Louis and San Francisco, the Chicago and Eastern Illinois, and the Choctaw, Oklahoma and Gulf.
7. The Southern Railway system, the same interests controlling nearly all the important railways of the South.

Sixty-five per cent of the railways are so closely united as to amount to a practical community of interests. The remaining 35 per cent are absolutely dependent upon these great consolidations. Therefore competition between carriers by rail, which formerly prevailed when the original interstate-commerce act was passed and which acted as a check and restraint against unreasonable rates, has been to a great extent suppressed and destroyed. In this connection I wish to refer to the inaugural address of our late distinguished colleague, Hon. Claude A. Swanson, governor of Virginia:

On the subject of railroads and transportation the governor said:

"Another question inseparably interwoven with our development and prosperity is a just and proper regulation of the railroads and transportation companies. Whether the products of our farms or factories can find profitable sale in the markets of the world largely depends on the freight charges made by the railroads. Formerly we could depend upon the laws of competition to regulate and control the rates. But consolidation and extension of the 'community of interest' principle among the railroads have destroyed all competition. Railroads may still compete for business, but it is done by other means than cutting or reducing rates. Competition being eliminated as a factor in fixing rates, the Government must exercise its authority and see that the rates fixed are reasonable and just.

ROADS NOT PRIVATE PROPERTY.

"A transportation company should be considered as a partnership, of which the public constitutes one partner and the stockholders the other, each entitled to full and fair consideration. The arrogant claim of some that railroads are private property, and that they have the right to exact what they can and please for their services, is as vicious as the cry of the thoughtless demagogues who would confiscate all investment in these properties. Our policy should be such as to give assurance to those who have and will invest in such properties that they may expect reasonable returns and will receive from us honest, fair, and just treatment."

THE POWER OF CONGRESS TO ENACT THIS BILL.

The grant of power to Congress under the Constitution over interstate commerce is extensive and of the largest import. The power is plenary; it is exclusive, and its exercise is "due process of law." It has been so held from the earliest cases down—Munn *v.* Illinois, 94 U. S., which gives a thorough review of the American and English authorities—that when the owner of property devotes it to a use in which the public has an interest he in effect grants to the public an interest in such use and must to the extent of that interest submit to be controlled by the public. The power has no limit, except that it must not be exercised in such a way as to confiscate property. The power may be delegated to a commission to do what? Not to legislate, but to administer. The Interstate Commerce Commission is an administrative board, and has the right to administer the power of Congress in the fixing of railway rates. This is held in many decisions of the Supreme Court and by Judge Dillon, Judge Cooley, and many eminent law authorities. The Constitution says:

Congress has power to constitute tribunals inferior to the Supreme Court. (Cons., U. S., sec. 8, clause 9.)

To regulate commerce with foreign nations and among the several States and with the Indian tribes. (Cons., U. S., sec. 8, clause 3, art. 1.)

The making and fixing of rates is a legislative, and not a judicial function; and the decisions are uniform in declaring that statutes creating railroad commissions and giving them the power to make and fix rates are not unconstitutional as delegating a legislative power which belongs only to the legislature itself. (Granger Cases, 94 U. S., 113; Georgia R. R. Co. *v.* Smith, 70 Georgia, 694; Reagan *v.* Farmers' Loan and Trust Co., 154 U. S., 362, and many other cases.)

The design and object of that power, as evinced in the history of the Constitution, was to establish a perfect equality among the several States as to commercial rights, and to prevent unjust and invidious distinctions which local jealousies or local and partial interests might be disposed to introduce and maintain. (Veazie *v.* Moor, 14 How., 574.)

Commerce is a term of the largest import. * * * The power to regulate it embraces all the instruments by which such commerce may be conducted. (Welton *v.* Missouri, 91 U. S., 269.)

Congress has plenary power, subject to the limitations imposed by the Constitution, to prescribe the rule by which commerce among the several States is to be governed, and may, in its discretion, employ any appropriate means not forbidden by the Constitution to carry into effect and accomplish the objects of the power given to it by the Constitution. (Interstate Commerce Commission *v.* Brimson, 154 U. S., 447.)

The compelling of railway companies to comply with the order of railroad commissioners regulating rates is due process of law. (8 Am. and Eng. Enc. of Law, 911.)

The principal objects of the interstate-commerce act were to secure just and reasonable charges for transportation. * * * (Interstate Commerce Commission *v.* Baltimore and Ohio R. R. Co., 145 U. S., 263.)

It is not doubted that Congress has the power to go beyond the general regulations of commerce which it is accustomed to establish, and to descend to the most minute directions if it shall be deemed advisable. (Cooley, Const. Lim., 732.)

The power granted to Congress to regulate commerce is necessarily exclusive whenever the subjects of it are national or admit of one uniform system or plan of regulation throughout the country. * * * In the matter of interstate commerce the United States are but one country, and are and must be subject to one system of regulation, and not to a multitude of systems. (Robbins *v.* Shelby County Taxing Dist., 120 U. S.)

The Interstate Commerce Commission is an administrative board, and the courts are only to be resorted to when the Commission prefers to enforce the provisions of the statute by a direct proceeding in the court, or when the orders of the Commission have been disregarded. (Interstate Commerce Commission *v.* Cincinnati, New Orleans and Texas Pacific R. R. Co., 162 U. S.)

In the case of Munn *v.* Illinois (94 U. S., 113, 24 L. ed., 77), the Supreme Court of the United States, after a thorough review of the American and English authorities, has laid down the following fundamental principles governing public carriers and other quasi-public institutions:

"1. Under the powers inherent in every sovereignty a government may regulate the conduct of its citizens toward each other, and, when necessary for the public good, the manner in which each shall use his own property.

"2. It has, in the exercise of these powers, been customary in England from time immemorial, and in this country from the first colonization, to regulate ferries, common carriers, hackmen, bakers, millers, wharfingers, auctioneers, innkeepers, and many other matters of like quality, and in so doing to fix a maximum charge to be made for services rendered, accommodations furnished, and articles sold.

"3. The fourteenth amendment to the United States Constitution does not in any wise amend the law in this particular.

"4. When the owner of property devotes it to a use in which the public has an interest, he in effect grants to the public an interest in such use, and must to the extent of that interest submit to be controlled by the public.

"5. The limitation by legislative enactment of the rate of charges for services rendered in an employment of a public nature, or for the use of property in which the public has an interest, establishes no new principle in the law, but only gives a new effect to an old one."

Thus the highest court has permanently established the broad principle that the public have the right to regulate charges in all enterprises affected with a public use. To this doctrine all the courts have steadfastly adhered. In this leading case it was also held that the courts had no right to interfere with the rates fixed by the lawmaking power. This doctrine, however, has been since somewhat qualified in the case of Reagan *v.* Farmers' Loan and Trust Company (154 U. S., 412, 38 L. ed., 1028, 4 Inters. Com. Rep., 1028), and other cases there cited, where it is held that when rates are confiscatory the courts may so declare and relegate the matter back to the lawmaking power for new rates, by which a reasonable profit is left to the carrier. But the principle that the legislative power, either directly, or indirectly through a commission, can fix rates of freight and passenger traffic within this constitutional limitation has been uniformly upheld in all the decisions of the United States Supreme Court upon this subject.

OLNEY'S ARGUMENT.

The ablest argument which has been made upon this subject upon the side of the railroads I have before me here in the North American Review, in an article by Richard Olney. Mr. Olney insists that the prescribing of rates is a legislative function which can not be delegated, and he makes a most adroit and skillful and plausible legal argument upon his side of the question. The arguments of Mr. Olney, able as he is, I think

are fully answered in a still later number of the North American Review in an article on Congressional rate making. This article, by Mr. J. B. Cessna, citing the decisions of the Supreme Court, also shows, in the case of Georgia Banking Company *v.* Smith and other cases in which the State railroad-commission law was attacked, that not only the legislatures of the several States through State commissions, but the Congress of the United States, through the Interstate Commerce Commission, has the undoubted right to delegate its power upon the subject of rates to be administered by a commission. In that article the point is made that this is more just and equitable, because justice is more likely to be done if this power of fixing rates is vested in a body in continual session than if retained by Congress, meeting at long intervals. Has not justice uniformly been done by State railroad commissions?

STATE RAILROAD COMMISSIONS HAVING POWER TO MAKE RATES.

There are thirty-two State railroad commissions, twenty-four of which have power to make rates, as follows—the procedure used is as follows:

Alabama–Arkansas, after giving railroads ten days' notice.

California, are effective after twentieth day of service on railroads.

Florida, after giving notice and hearing all parties interested.

Georgia, joint rates can be made only after hearing, with thirty days' notice.

Illinois, after furnishing railroads with printed copies of schedule.

Indiana–Iowa, must give two weeks' notice after revising maximum rate.

Kansas, can raise rates only after six days' public notice.

Kentucky, after ten days' notice and hearing of railroads.

Louisiana–Maine, after due notice and hearings of railroads.

Minnesota–Mississippi, after ten days' notice to railroads.

Missouri–New Hampshire–North Carolina, North Carolina corporation commission, with powers to fix rates subject to right of railroads to file exceptions within ten days and be heard.

North Dakota, after notice to all parties and hearing.

South Carolina, thirty days' notice before rates become effective.

South Dakota, after ten days' public notice and hearing.

Tennessee, after ten days' notice to railroads.

Texas, after ten days' notice to all interested parties, with hearing. Emergency freight rates after three days' notice to railroads.

So more than half of the States of the Union, for more than a quarter of a century, have had statutes delegating to a commission a rate-making power. These cases have frequently been before the Federal courts and the Supreme Court of the United States; and, in every instance, after full argument and consideration, the courts have held the statutes valid and constitutional, and that such a commission was an administrative board, exercising valid and legal authority.

THE ARGUMENTS OF THE RAILROADS.

Now, Mr. Chairman, what are the arguments of the railroads upon the subject?

They have for the last year or more been assiduously and industriously distributing literature in every direction from one end of the country to the other. They have been making every plea possible against the enactment of this legislation. First, it is said that this legislation means confiscation and the giving of power to the Commission to regulate and to fix all the railroad rates of the country. This is not in accordance with the facts. In the first place, the railways are fully protected in their rights of property by the numerous decisions of the Supreme Court of the United States that the power exercised by the Commission shall not be confiscatory. It is provided in this bill that rates must be fairly remunerative. It is not in accordance with the facts, secondly, because under this bill no power is given to the Commission to initiate a rate, the only power being, upon the complaint of a shipper that a rate is unreasonable, after full hearing, to declare what is reasonable and just and enforce that rate as the maximum thereafter to be charged.

It has been argued by the railroads that this legislation would affect all the "Jim Crow" car laws of the several States whereby separate accommodations are provided for the whites and blacks. It is very easy for us to understand that can not be done by this legislation. This is simply an argument for argument's sake and for effect. What are known as the "Jim Crow" car laws of the various States have application only to commerce and traffic within said States, and with their internal commerce and traffic the National Government can not by any legislation interfere. It is said by the railroads it will reduce the wages of employees. Apply to this argument the answer made clearly and effectively by the President of the United States recently when he said to a delegation presenting this kind of an argument that they did not understand the purport and effect of the legislation. Pure and simple it is this, that when a given rate is unreasonable the Commission administering the power delegated by Congress has the right to declare what is a reasonable rate. The wages of railroad employees are not involved. The railroads, like all corporations, will pay as little wages as possible and require as long hours as flesh and blood can endure.

It is not only not in accordance with the bill, Mr. Chairman, to affect the Jim-Crow car laws or wages of employees, but it is also an unfair, unjust, and a false argument to say that the purpose of this legislation is either to confiscate or injure corporations, or that it is any attack upon capital or that its attempted object is against the interest of either capital or labor. These arguments, to my mind, are mere sound and fury, made for the purpose, if possible, of defeating the bill. As said by the gentleman from Michigan [Mr. TOWNSEND], joint author of the Esch-Townsend bill, for which we voted last Congress:

> The railroad corporations are standing in their own light in antagonizing this legislation. It is in their interest, as well as in the interest of the people. Within recent years we have seen in this country that the actions of great corporations has caused a drift toward socialistic ideas, and there has been and is now a drift in the direction of Government ownership. Now, instead of extreme legislation, a legislation which may take from the railroad corporations—public agents—absolute control of their property and turn it over to the National Government, would it not be well for them, I ask, to acquiesce in reasonable and just legislation along this line?

So far as this bill is concerned (the Hepburn bill), drawn by the distinguished and able gentleman from Iowa [Mr. HEPBURN], and which also bears the impress of the efficient labors of my friends, Judge RICHARDSON of Alabama, and Judge ADAMSON and Judge BARTLETT of Georgia, among the most able, diligent, and accurate Members of this House [applause], it seems to me it is fair to the railroads and the people. Former Attorney-General Knox says of this legislation in his Pittsburg speech:

> The railroads enjoy a complete remedy against injustice which it is not proposed to take away, while the public has no effective remedy against injustice. More than such a remedy the public does not ask. Less than such a remedy it never should have been without.
>
> Exactly such a remedy Congress supposed it gave under the original act to regulate commerce, and it was applied in a number of cases before the decision of the Supreme Court that it was not given by the act.

Now, having seen the attitude of the Democratic party and Republican party and the President upon this subject, having analyzed this bill, and having referred fully to the decisions of the courts, giving undoubted power to Congress to legislate, let us see what has been the attitude of the Interstate Commerce Commission upon this subject and their position upon this bill.

I think the attitude of the Commission is most clearly shown in the statement of Hon. Francis M. Cockrell, late United States Senator and now a member of the Interstate Commerce Commission. Senator Cockrell, in speaking on the subject of legislation, says:

Statement of Interstate Commerce Commissioner Francis M. Cockrell.

> Mr. COCKRELL. Senators of the committee, I can only say to you what I would say if I were still a member of the Senate and called upon to vote on this question.
>
> Senator CULLOM. That is a pretty good standpoint.
>
> Senator DOLLIVER. That covers our case exactly.
>
> Mr. COCKRELL. I would delegate to the Interstate Commerce Commission the power, not to initiate or originate ratings for the railroads, because I do not think that question is at issue at all. I do not think anyone will claim that either Congress or any commission should undertake to take up the entire traffic on our railroad systems and fix rates in advance as to what should be charged. I would delegate to the Commission the power to regulate the rates fixed and declared by the railroad companies under the provisions of the existing law, and to decide whether the rates prescribed by the railroads were reasonable and just or unreasonable and unjust, and to decide after complaint and investigation what was a reasonable and just rate in that case.
>
> Then after that rate was fixed and found by the Commission, it should continue to be the legal rate until it was otherwise settled, and I would authorize the railroad, after the lapse of a reasonable time from the decision and order of the Commission, to go into the existing courts of the United States, if they desired to contest the ratings found by the Commission. The burden of proof would then be on them to show that the rate fixed by the Commission was not a reasonable and just rate.

The other members of the Commission time and time again have recommended the enlargement of the powers of the Commission simply in order that upon the complaint of a shipper an unreasonable rate may be set aside and a reasonable and just rate fixed and charged for transportation, and in order that such reasonable and just rate may be enforced by the Commission.

THE PEOPLE VOICE THE DEMAND FOR REGULATION OF RAILWAY RATES.

But, Mr. Chairman, in addition to both parties and the President and the Interstate Commerce Commission demanding this

legislation, from all over the country, North, East, West, and South, from the farm, from the shop, from the mines, from the factory, from people of all classes and conditions, engaged in agriculture, in manufacturing, and from the great commercial bodies of the country there comes at this time a united demand for legislation upon this subject. [Applause.] I received in this morning's mail a letter from the Southern Hardware Jobbers' Association asking for this legislation.

SOUTHERN HARDWARE JOBBERS' ASSOCIATION,
Fort Smith, Ark., January 25, 1906.

Hon. CHARLES R. THOMAS,
Newbern, N. C.

DEAR SIR: You, personally, are hereby earnestly requested and urged to use your influence and best efforts to secure at the present session of Congress the passage of a law which shall vest the Interstate Commerce Commission with power, where a given rate has been challenged and after full hearing found to be unreasonable, to decide, subject to judicial review, what shall be a reasonable rate to take its place; the ruling of the Commission to take effect immediately and to obtain unless and until it is reversed by the court of review. The amendment of the interstate-commerce act should be sufficiently broad to cover all interstate-transportation service, including all charges, regulations, and exactions in connection therewith, whether for facilities provided by railroads themselves or through arrangements with others.

We herewith append a list of the members of our Southern Hardware Association, by which you will see that we are interested in the whole question from Baltimore to Mexico. You will doubtless recognize amongst this list of members a number of houses whose proprietors are among your most honored constituents.

Very truly, yours, F. B. DUNLOP, *President.*

There are many large commercial bodies and wholesale establishments in my own State which are asking for it.

These organizations include the North Carolina Pine Association, Charlotte Shippers' Association, Wilmington Chamber of Commerce, Wilmington Merchants' Association, and East Carolina Truck and Fruit Growers' Association.

PRIVATE CARS—REGULATION OF REFRIGERATOR AND PRIVATE CARS.

Now, Mr. Chairman, I desire, before I conclude, to discuss that section of the bill which is, perhaps, of more local interest to me and my people than any other feature. This provision of the bill is as follows:

The term "transportation" shall include cars and other vehicles and all instrumentalities and facilities of shipment or carriage, irrespective of ownership or of any contract, express or implied, for the use thereof, and all services in connection with the receipt, delivery, elevation, and transfer in transit, ventilation, refrigeration or icing, storage, and handling of property transported; and it shall be the duty of every carrier subject to the provisions of this act to provide and furnish such transportation upon reasonable request therefor and to establish through routes and just and reasonable rates applicable thereto.

During the last session of Congress, while the Esch-Townsend bill was under consideration and long before the destruction of the strawberry crop of my section of North Carolina, during the last year, by the failure of refrigerator-car companies to furnish proper service, I spoke, with no uncertain sound, demanding that private and refrigerator cars should be under the supervision and control of the Interstate Commerce Commission.

I said then, and I say now, that in many respects the private car and the refrigerator cars are a good thing for the peach growers of Georgia and the strawberry growers of North Carolina; but I took the position then, and I insist now, as I did February 9, 1905, a year ago, that these facilities of transportation by private cars and refrigerator cars should be regulated as to rates just as much as railways are regulated as to their rates. Representing as I do what is known as the "great trucking district of North Carolina," the great strawberry belt extending from Goldsboro to Wilmington, on the line of the Wilmington and Weldon Railroad, I am deeply and intensely interested in this subject. I introduced a bill of my own upon the subject at the very beginning of Congress, and while I do not arrogate to myself the provision of the bill which controls these private cars, at the same time I am glad to see that the provisions of the bill suggested by the Interstate Commerce Committee, in line with my own bill, enlarge the term "transportation" so as to include all icing and refrigeration charges.

The general use of private cars, Mr. Chairman, has grown from a small beginning, almost imperceptible, until now they have become an important factor in the transportation of the country. It is but fair to say that; but it is nevertheless true that the railroads have been held up by the mileage charges of private cars—they charge from three-fourths to 1 cent per mile, whether they travel empty or loaded—and the Armour and other private car lines have been holding up the people by their exorbitant charges for refrigeration.

In their last annual report the Interstate Commerce Commission refers to this matter. I have not the time to read it, but they declare that there is no reason why the refrigeration rates should not be published and maintained and subject to the supervision and control of the Commission. The right of the Commission to regulate the charge for refrigeration as a part of the transportation has been definitely held in a late case, which I have here, in the matter of the transportation and refrigeration of freight shipped to points on the Marquette and Michigan Central Railroad. The Commission shows and states in this case that exorbitant charges have been made for icing and refrigeration, and it declares that the refrigeration is a part of the transportation service, and the charge for that service stands like any other for transportation. The opinion of the Commission says:

In the original report in this case we expressed the opinion that if these respondent railroad companies held themselves out as carriers of perishable fruit they must provide the necessary refrigerator cars for the transportation of that commodity. This results from the elementary principle that at common law railroads must furnish suitable facilities for the conduct of the business in which they engage, and are liable for failure to do so. If judicial authority is needed to confirm the application of that principle to the furnishing of refrigerator equipment, it is found in a very recent utterance of the Supreme Court of the United States (The Southwark, 191 U. S., 1, 48 L. ed., 65, 24 Sup. Ct. Rep., 1).

We held in the former opinion that while it was the duty of the carrier to provide the necessary refrigerator car, it might discharge this duty either by owning the car or by leasing it. It should be carefully observed, however, that the measure of responsibility under which the railroad company rests to the shipper for the sufficiency of the car is exactly the same whether it obtains the equipment by purchase or lease. Pending the performance of the service of transportation the car is to every practical intent the car of the railroad company using it. This has been often affirmed by different courts, and has been expressly decided by the Supreme Court of the United States. (Pennsylvania Railroad Company *v.* Roy, 102 U. S., 457, 26.)

So far as this question has come before the courts, judicial decision apparently confirms the view we have taken. Thus, in New York, P. and N. R. R. Co. *v.* Cromwell (98 Va., 227, 49 L. R. A., 362, 81 Am. St. Rep., 722, 35 S. E., 444, 17 Am. and Eng. R. Cas. N. S., 328) the plaintiff was a shipper of strawberries, which were transported by the defendant in refrigerator cars. These cars were, in fact, furnished by the California Fruit Transportation Company under an arrangement with the railroad company that it would supply the necessary cars and keep them iced, in consideration of a certain sum which was to be collected by the railroad company of the shipper and passed over to the Transportation Company. The strawberries of the plaintiff were injured, owing to improper icing of the car. The Virginia court held that when the railroad company put this car into its train for the purpose of transporting the fruit of the plaintiff to market it thereby made the car its own and assumed the burden of keeping it properly refrigerated, and that it must answer in damages for failure in that respect.

If, now, the furnishing of refrigeration is incumbent upon the carrier and is a part of the interstate transportation, then the charge for that service stands like any other charge for such transportation. It should be just; it should be nondiscriminative, and it should be published and maintained. We have already pointed out that every consideration which requires that other freight charges should be subject to public supervision applies with equal force to the refrigeration charge. We hold that it is the duty of the carrier to publish, file with the Commission, and observe its icing charges, and that we have the same jurisdiction to inquire into the justice and reasonableness of such charges as of any other charge for the transportation of passengers or property.

CALIFORNIA ORANGE GROWERS INTERESTED.

Mr. Call, of California, in his testimony before the Interstate Commerce Committee of the Senate, showed the immense profits reaped by the railroad companies and private car lines through their business. In speaking of the citrus fruits transported from California, he says:

Now, the freight which this business pays to carriers—and when I say to the carriers I mean the car lines also—is approximately $400 a car, and for the 30,000 cars that amounts to $12,000,000 which the orange growers of southern California are contributing to the carriers and car lines, and for three years their—the orange growers'—profits have not been over 10 cents a box, or, we will say, about a million dollars a year—one-tenth as much as the amount which has gone to the car lines and to the railways.

[Applause.]

Now, in my own State during the last strawberry season, Mr. Chairman, combined with high refrigeration charges—I think there has been some reduction, but they have been high—there was such a failure on the part of the Armour car line to transport the strawberry crop of eastern North Carolina that the industry, amounting to about $2,000,000 annually, met with apparently at the time almost irretrievable disaster. Immediately following my speech of last session, in which I insisted upon placing the refrigerator cars under the control of the Commission, the strawberry growers of North Carolina were confronted not only by high refrigeration and freight rates, but with a car famine. Now, Mr. Chairman, the result was that along the line of the Wilmington and Weldon Railroad, in the strawberry belt, there was a loss of some $750,000 to $1,000,000. The strawberry growers not only depend upon reasonable rates of refrigeration, but depend upon the proper number of cars. Both must be combined. The loss was so great that many crates of strawberries were dumped into White Marsh, and crates were scattered for 2 miles along the side of the railway tracks. Mr. James O. Carr, attorney for the truckers, thus describes the strawberry industry and the losses last spring:

It [the strawberry industry] has existed for twenty-five years along the line of the Wilmington and Weldon Railroad, from Goldsboro to Wilmington; yet but few people understand, even in North Carolina, outside of the strawberry belt, the enormous amount of business transacted and the energy expended within this space of thirty days every

spring to harvest and market the crop upon which the annual prosperity of a large section of the State is chiefly dependent. Nearly 4,000 acres were planted in strawberries in 1905 from Goldsboro to Wilmington.

The greatest problem of the strawberry growers is the transportation of the crops to northern markets in such condition and with such promptness as to allow the best possible prices, for with heavy freights and low prices the grower realizes that his business is a losing one, and good prices are almost entirely dependent upon the condition of the berry when it reaches the northern markets. There was used first the box car, then the express car, and now the refrigerator car. But during last spring the man who had followed the strawberry business through all of its stages from its infancy, who had fought for reduced rates and better service, who from shipping a few crates of berries on a three days' trip in a box car finally learned to expect hundreds of cars to be handled daily with promptness, for the first time in his life faced a proposition that shook his courage and caused him to hesitate—not only exorbitant rates of the Armour car lines for refrigeration, but a refrigerator-car shortage. Along the line of the Wilmington and Weldon Railroad, in the "strawberry belt," the railroad company runs two trains, one known as the "Cannon ball" and the other as the "Pick-up." They are supposed to place refrigerator cars on the side tracks properly iced. First, every morning the "Cannon-ball" train takes up the berries along the line of the railroad, and later in the day the "Pick-up" train takes up those not loaded upon the "Cannon ball." Both trains move every day. The magnitude of the strawberry industry is seen from the fact that from April 22 to May 19 the cars from the "strawberry belt," counted as they passed Rockymount, N. C., and not counting the cars from the Chadbourn section, which go by the way of Fayetteville, were 2,137 cars, carrying an average of 300 crates of berries to a car. If we count 45,000 crates of berries shipped by express and 75,000 crates of berries in the car famine which were dumped along the side of the tracks and in the marsh and river, making a total of 400 cars, we would have altogether 2,537 cars of berries produced last year.

Now, if all of this crop had been marketed it would have amounted to 3,000 carloads, or 900,000 crates, of berries. So long as cars could be furnished, berries sold at the rate of $2 per crate, so that 900,000 crates of berries would give a total of $1,800,000—the value of the strawberry crop for last year.

The freight to New York upon a crate of berries being 80 cents, and more for points farther north from points farther south, there is an income of $720,000 per year for the railroads. These facts indicate the enormous resources of this section and the danger to the strawberry growers of failure of cars, coupled with high charges for refrigeration.

During the past season, during the so-called "car famine," on May 1, known as "big Monday," berries were dumped in "White Marsh," and for 2 miles along the line of the railroad track there were piles of strawberry crates and on either side of the railway was a vast picture of waste and ruin. A part of this loss—$100,000—was made good by the railroad without contest, the railroad being reimbursed by the Armour Company, but the berries dumped along the track and in the marsh constituted but a small part of the entire loss. The amount paid by the transportation companies will not begin to cover the damage. Many of the berries were not picked from the fields.

Now, Mr. Chairman, if the car company which had contracted to furnish the cars to the railroad and to move the crop in good time and had agreed to have the cars well iced, and knew the magnitude of the crop, had done its duty, this great sum of money would have been saved to the people of the strawberry belt, the district I have the honor to represent upon this floor. Instead of doing so, where there should have been 1,200 cars up to a certain time, there were only 500 cars. The rate for strawberries, freight and refrigeration, for a carload of 400 crates, is $320 from points on the Atlantic Coast Line in North Carolina to northern points. For a minimum carload of berries the rate is $240. The picking of the berries, the crating, freight, commissions, and hauling costs 5 cents per quart before a cent is realized for land or fertilizers or labor. So that reasonable freight rates and reasonable refrigeration charges are necessary, and delays and car famines are absolutely ruinous to my people.

Mr. MANN. May I interrupt the gentleman?

Mr. THOMAS of North Carolina. Certainly.

Mr. MANN. Does the gentleman think he is less likely to have car famines by reducing the cost of refrigeration and the freight rates?

Mr. THOMAS of North Carolina. I will say, in reply to the gentleman, that I think we are obliged to have, in order to make the strawberry industry profitable to the grower, both the low refrigeration and freight rate and also the proper number of cars furnished. I think that the refrigeration rate and freight rate can be reduced without any serious injury to the Armour Car Company or the railroad. Whatever benefits the growers benefits Armour and the railroad, increases transportation, and is more profitable to the car company.

Mr. MANN. Is not the car company more likely to take their chances upon locating ice in North Carolina now at a season when ice is hard to get?

Mr. THOMAS of North Carolina. I think not. Now, Mr. Chairman, in conclusion. This bill will authorize the Interstate Commerce Commission to fix reasonable, fair, and sufficiently reasonable freight and refrigeration rates, and I believe that under it protection will be given not only to the shippers generally of the country, but to the truckers and strawberry growers of my district and of the State of North Carolina. They almost lost hope during the last season. If they have any more such experiences the growers, many of them, will largely decrease their acreage or go back to general farming, and the railroad and Armour car lines will find they have "killed the goose that laid the golden egg." [Applause.]

Here is what a leading paper of my district and a leading trucker say:

WE SHALL SEE.

The Truckers' Association, which will meet in Wilmington this week, will make a better contract with the railroad for quicker transportation than ever before. Let us hope so. The railroad companies can see from the shortage in acreage this year that growers are going back to general farming on account of poor transportation last year and for several years gone by. From the car shortage and the poor transportation the railroads will be the losers this season, while the growers got it in the neck last season. It is being clearly demonstrated that unless the railroads do furnish quicker service in the future the truckers will be forced to quit the trucking business entirely throughout the several truck-growing States of the South. The railroads have made many fair promises in the past in regard to transportation and good refrigeration (which Armour & Co. gave them?), and the sad climax was finally reached in the poor service received by the growers last spring. From the terrible service of the railroads millions were lost to the growers, hence for this reason the crop is cut short. It is time to hold a truckers' meeting, and it is high time that a binding contract shall be made with both the railroads and refrigerating companies. Where is the redress for the growers unless such a course is taken in the future? With our rivers and creeks filled with thrown-away berries like they were last year, and with the growers now having gone a year almost without pay, we would like to know the door of hope for the truckers if the same conditions exist again. Railroads are common carriers, and the courts ought to uphold the growers for the hundreds of claims now pending.

THE TRUCK CROP OUTLOOK—40 PER CENT DECREASE IN STRAWBERRIES HERE, SAYS MR. ENGLISH.

The current issue of the Carolina Fruit and Truckers' Journal, of Wilmington, contained a forecast of the outlook for the truck crop this year. Letters from prominent men throughout the trucking belt were given, and the following one from our townsman, Mr. W. F. English, will be of interest to our readers.

MOUNT OLIVE, *January 24, 1906.*

Replying briefly to your favor of recent date, I beg to say that the strawberry acreage in and around Mount Olive has been materially lessened, and I feel safe in making the assertion that the decrease will amount to about 40 per cent. The disastrous results of last season, brought about by the lack of transportation facilities, disgusted many of the growers, and caused them to abandon the business and turn their attention to cotton, which at present prices they find far more profitable. We have been shipping from this station for several years past from 60,000 to 70,000 crates, but for the coming season 40,000 will take the crop. I am glad to state, however, that what berries we have are looking unusually well. I incline to the opinion that I never have seen the vines in better condition, and unless we have an unusually severe winter from now on we expect an excellent quality of fruit. It may not be amiss to add in conclusion that our crop of all kinds of fruits and vegetables will be smaller than last season.

Yours, truly, W. F. ENGLISH.

But I hope that notwithstanding the great loss of the past year this legislation will be some encouragement to the strawberry growers of my district, and with that indomitable pluck and thrift and intelligence which is the heritage of the men of all that section of country they will take fresh courage, and the growth of that great industry will continue. These people are equal to emergencies, they are a brave and heroic people. They are the descendants of the men who fought at Moores Creek and in our other great Revolutionary battles. They are among the most intelligent, conservative, law-abiding, and God-fearing people on earth. For their rights and their interests, so far as I have light to see them, I shall always raise my voice upon the floor of the House of Representatives or elsewhere. I demand this legislation in behalf of my people as well as in behalf of the people of the United States. [Loud applause.]

Mr. GOULDEN. Mr. Chairman, I have listened with a great deal of pleasure and satisfaction to the debate upon this important measure.

The bill (No. 12987) under consideration is in the main the more satisfactory railroad-rate bill than ever hitherto offered to Congress. In my opinion, it is open to criticism, which may however, be said of any proposition. As the unanimous report of a committee made up of able and painstaking men, it is entitled to respectful and favorable consideration. While there is room for honest differences of opinion, the report shows that the views of the Democratic minority have received attention, and in most cases have been adopted. I congratulate the committee on the excellent report, and under the circumstances, all things considered, I shall vote for it. [Applause.]

In order to fully understand the situation a little introduction as to the history of rates may not be out of place. The present system is the result of years of experience, of conflict between railroads and shippers, of adjustments by chambers of commerce and boards of trade, of battles in the legislatures and courts between the Government officials and the railroad men, and many other things which have influenced the development of the railroad organization of the world.

When railroads were started years ago it was understood that they were to be operated like canals and toll roads—that is, the road was to be owned by the railroad company, the vehicles or rolling stock, to be owned by individuals or companies in-

dependently, and the laws were made accordingly. For years these ideas prevailed, although in actual practice it was found almost impossible to have these two functions—the ownership and the operation—separated.

It will be remembered that even to-day canals are owned by one company or the State, the boats are owned independently, and a toll for the use of the canal paid to the owning company or the State. Until toll roads were gradually bought by the State the road was owned separately, and the owners of carriages or other vehicles had to pay tolls to the owners of the roads for their use.

But in the case of the railroads their economic use demands a swift motive power and other technical limitations which it would be almost impossible for owners of cars to provide. Therefore the owners of the road (the actual rails, property on which they are laid, stations, ferries, etc., bridges, tunnels, etc.) also supplied the cars, or rolling stock, motive power, etc., and gradually came to exercise all the functions which in other modes of transportation were exercised separately. In this way all the early legal struggles were fought out until it came to be admitted in law as well as in practice that if the railroads were to be managed economically and efficiently all the functions must be exercised by one company.

Now, in the cases of canals and toll roads, tolls were collected at fixed rates, supposed to include profit or interest on the capital invested, cost of maintaining the canal or road in efficient order, etc. The owners of boats or vehicles using the canals and roads charged passengers so much per mile, and freight so much per mile per ton, modified or increased by special conditions, such as greater liability to damage, bulk as compared with weight, and many others. Freight charges were therefore based on certain classifications, and rates were fixed accordingly. In the case of water transportation, as the roadway was provided by nature, there were no tolls to be paid; only charges for the service rendered, just as in the case of the owners of cars on the railroads.

But since the owners of railroads had to exercise all functions, in fixing their "rates" they had to combine the "tolls" for the use of the road and "charges" for the transportation of freight and passengers; these rates were therefore a combination, and their proper fixing became a very difficult and expert matter. The two elements in the rate were often in direct conflict on economic grounds, and they were further complicated by variety of classification, by the necessity of adjusting through rates when the freight passed over two or three lines; by questions of whether the rate included collection of freight from the shipper and delivery to the consignee or whether there should be an extra for this included in the rate; also whether the rate was sufficient to cover cost of loading and unloading, storage in stations, extra liability on the more fragile varieties of freight, and so on, in almost endless variety.

However, a complete tariff of rates was worked out in the course of years, after much heartbreaking, bankruptcy of roads, wreck of various industries depending on freight rates, etc. These rates depended, of course, on distance, on classification, and on competition with other modes of transportation—by water, other roads, etc. Then the rates commenced on a new series of modifications enforced by legislatures and parliaments, and if there was trouble before there was almost pandemonium then. It is too long and complicated to go into, but I shall try to illustrate by a few examples.

Suppose two towns 100 miles apart, with two roads operating between, one with 110 miles of roadway, the other (more indirect) with 160 miles. In the course of economic history the shorter road always "made the rate," and if the longer road wanted any of the business it had to meet the shorter road's rate. But on all intermediate points on the longer road there was, of course, but one railroad, and the old local rates were maintained; otherwise the railroad might as well go out of business. Since the cost of transportation was greater than on the shorter road and the income was the same on through traffic, they were forced to make up the difference.

In this way it came to pass that the rates for the short haul were often higher than rates for the long haul. The people on this longer road therefore appealed to the legislature for protection, and of course, got it; a law would be passed prohibiting the road from charging more for the short than the long haul. The road then went into bankruptcy, and the people on the longer railroad found themselves cut off from their fellow-men without proper railroad communication. Again they appealed for protection, and the courts perhaps would declare the rate-fixing law unjust or unconstitutional, or the legislature would repeal it. However, in the meantime the shorter road would endeavor to make an arrangement with the defunct road which might better accomplish the object and bring to life what the inexpert rate makers had killed. [Applause.]

By increasing the through rates on both roads, by means of a traffic agreement, or pool, they could then decrease the rates on the shorter distances without loss of income; in other words, the people on the shorter road would lose the advantage of their geographic position and would have to pay part of the cost of transportation to points on the longer road. True this brought both roads to life and everybody was served with railroads.

But this traffic agreement looked like a monopoly, and the legislature and courts were again appealed to, and finally all traffic agreements (or "wicked pools," as they were called) were denounced and forbidden under heavy penalties. Once more the longer roads tumbled into bankruptcy, and the last state was worse than the first. Then came joint ownership of both roads. This in turn was forbidden.

I don't imagine that there is any need of going further into this development of the entire system of railroads and their rates. I think enough has been said to show that it is one of the most complicated problems with which modern business and commerce has had to deal. It is the result of years of experience, and none but trained experts should be allowed to meddle with it. It is much more complicated than calculating rates for insurance, because it is based on so many varying conditions, whereas the factors in life insurance are practically fixed—mortality, interest, and expense. Yet if only experts are competent to deal with insurance, how much more so is this true in the case of railroad rates. [Applause.]

As railroad agreements or pools are against the law in the United States to-day, the roads have no way in which to protect themselves against the shippers except by publication of their own tariff schedules; and hard experience has shown how futile this is. It is admitted by all at this time that the shippers practically fix the rates, and that the roads have either to take the freight at the rates fixed by the shippers or go without the business. To illustrate: Suppose a large shipper in Chicago demands a certain reduced rate on heavy shipments to New York, the business to be steady all the year round. All the roads out of Chicago refuse to cut below their printed schedules, and it is up to the shipper. He immediately concentrates all his shipments on one road; the others get nothing. These others immediately suspect that the favored road has given a rebate (as a matter of fact it has not); they immediately, in the interests of their stockholders, give in, and the shipper has his way. By this sharp trick he has compelled all the roads to violate their schedules in spite of themselves, especially since the law forbids them to get together to find out the scheme.

Mr. RYAN. Will the gentleman permit an interruption?

Mr. GOULDEN. Certainly.

Mr. RYAN. Does not the gentleman believe that the Elkins law practically prohibited rebates, and that with the passage of the present law giving publicity the continuance of these rebates will be practically eliminated?

Mr. GOULDEN. I believe that will be so if the law is properly carried out. Unfortunately, there are a great many laws on the statute books that are allowed to sleep; hence are useless. In other words, they are not working as they should.

Mr. RYAN. But not the fault of the law, I take it.

Mr. GOULDEN. No; not the fault of the law, but the failure to have them properly executed. The greatest possible publicity should be had regarding all corporations. In this lies a certain remedy for the many evils under which the people suffer.

In relation to the private-car evil, I strongly indorse the position taken, on Wednesday last, by the gentleman from Kansas [Mr. CAMPBELL]. The amendment offered by him meets with my unqualified approval, and should be adopted.

It was as follows:

Provided, That all ventilator cars, refrigerator cars, oil or tank cars, including express company and express cars, and any and all cars which have heretofore been termed "private cars," used in the transportation of any article or commodity of interstate or foreign commerce, are hereby declared to be and are common carriers and subject to all laws, rules, and regulations regulating or affecting common carriers in the transportation of articles or commodities of interstate and foreign commerce.

Provided further, That from and after the passage of this act it shall be unlawful for any railroad company engaged in the business of a common carrier to contract with any person, firm, or corporation, being the producers or shippers of any article or commodity entering into interstate or foreign commerce, for the shipment or transportation of such article or commodity when such article or commodity is offered for shipment or transportation in ventilator cars, refrigerator cars, tank cars, or private cars of any character whatsoever, owned or controlled, directly or indirectly, by such producers or shippers. To be a stockholder in, or director or officer of, any company owning or controlling such ventilator cars, refrigerator cars, tank cars, or private cars of whatever character shall be considered as having such an interest as is prohibited by this act.

While on the question of amendments, I would heartily indorse several proposed in the able and eloquent speech of the gentleman from Missouri [Mr. SHACKLEFORD], as well as the one offered by my friend from Pennsylvania [Mr. SIBLEY],

making the act of the receiver of rebates from the railroad companies a misdemeanor, with the severest penalty known to this class of law-breakers. [Applause.]

Therefore the evils complained of to-day are not the evils of the railroads (for they certainly dislike to make rebates or lose income), but the evils of the greedy, money-bloated shippers, who comprise the large manufacturing interests of the country, all the dealers in foodstuffs, raw materials, natural products —minerals, etc., for instance, iron and coal—in fact, all the business corporations of the country. They are the same people who are protected by the present Republican tariff, and the cry for rate legislation is simply their cry for greater profits through lower freight rates. [Applause.]

If the general public, the people who have to buy and use the freight shipped, would be benefited, rate legislation would be a grand good thing; but I fear that lower rates will not mean lower cost of food and clothing and the necessaries of life. All demands for lower rates or for adjustment of rates come from the numerous trusts and monopolies, composed of merchants and manufacturers generally, the very same people who insist upon high protective tariffs. The general public are never heard of in their deliberations, except as being the ones to whom they are to sell their goods. The great trouble is that the plain people are not organized for their own protection, and therefore receive no consideration anywhere.

However, the present unanimous drift of opinion among lawmakers is to confer the rate-making power on the Interstate Commerce Commission. The Esch-Townsend bill in the last House provided for that, and the bill already agreed on in the present session now under discussion—the Hepburn bill—provides something similar, though in a greatly improved form. It is admitted on all sides that rate making is legislative, and that Congress and Congress only has power to make rates. Whether they can delegate their powers to a commission is a matter of opinion as well as expediency, and is for Congress and the Supreme Court to decide. If the bill passes both Houses it will mean that Congress has delegated its powers in this matter and that the Commission (an administrative department or bureau in the legal aspect) will exercise this important function.

If justice is to be done to all concerned, and especially to the people, who in the end will suffer the cost of all experiments and who foot all the bills anyway, then it should be provided in some way that one or more of the Commissioners should be experts in railroad matters.

The Supreme Court has decided in a large number of cases that, while rate making is legislative, the justice or reasonableness of the rates after they are fixed is a matter for the courts—that is, all questions arising between the rate-making power and the shipper or carrier must be decided by the courts. I believe that the Hepburn bill provides that the Commission will fix the rates, which are to go into effect at the end of thirty days, and that the courts will pass judgment as to their fairness whenever questions are raised.

The bill that passed last Congress, and against which I had the honor of casting my vote, was exceedingly objectionable. The provision creating a special court with its heavy expenses, the failure to reach the private-car and terminal-charge evils, caused the Senate to refuse last year to consider the action of this body. The thousands of private cars of the meat, fruit, and other trusts dictated terms to the railroads and compelled compliance with their demands.

The same is equally true of the terminals. With the indulgence of the Members of the House, allow me to give a few of the many cases familiar to the country:

The Union Railroad Company, of Pittsburg, Pa., less than 10 miles in length, and connecting the great plants of the steel trust at Homestead, Braddock, and Duquesne, secures an average of one-third of the freight charges on all freight entering or leaving from all points in the United States.

The Monongahela and Southern Railroad Company, of Pennsylvania, 1 mile in length, connecting the works of Jones & Laughlin, of the South Side, Pittsburg, with the Baltimore and Ohio, the Pennsylvania lines, and the Lake Erie roads, secures one-fourth or more of the freight charges to all points in the country, exacted as tribute from the railroads mentioned.

The gentleman from Missouri [Mr. WOOD], in a forceful speech on the floor of the House recently, gave many startling facts of the outrageous and exorbitant charges of the St. Louis Terminal Railroad. He showed that the terminal charged five times as much for a 2-mile haul as the railroads did for a 50-mile run. The same conditions exist in every large city in this country. I doubt if the bill now under consideration will effectually remedy this glaring evil, to which the railroads are subject and for which the ordinary people must pay the freight. [Applause.]

The meat in the Hepburn bill now under consideration is contained in the report of the committee and in the new section, to be known as section 24. This provides as follows:

That the Interstate Commerce Commission is hereby enlarged so as to consist of seven members with terms of seven years, and each shall receive $10,000 compensation annually. The qualifications of the Commissioners and the manner of the payment of their salaries shall be as already provided by law. Such enlargement of the Commission shall be accomplished through appointment by the President, by and with the advice and consent of the Senate, of two additional Interstate Commerce Commissioners, one for a term expiring December 31, 1911, one for a term expiring December 31, 1912. The terms of the present Commissioners, or of any successor appointed to fill a vacancy caused by the death or resignation of any of the present Commissioners, shall expire as heretofore provided by law. Their successors and the successors of the additional Commissioners herein provided for shall be appointed for the full term of seven years, except that any person appointed to fill a vacancy shall be appointed only for the unexpired term of the Commissioner whom he shall succeed. Not more than four Commissioners shall be appointed from the same political party.

The only difference between the Republicans and Democrats on this question in the past has been that the former were looking after the interests of the shippers, the protected classes, and thus living up to their reputation of being their friends. The Democrats are and always have been looking to the interests of the people, the consumers, on whom the protected classes grow rich. In the matter of rate making this is a very important distinction indeed. Public sentiment has forced the Republican party to the Democratic belief and doctrine.

The national platforms of 1904 of the two great parties on this question are as follows.

The Democratic platform:

We demand an enlargement of the powers of the Interstate Commerce Commission, to the end that the traveling public and shippers of this country may have prompt and adequate relief from the abuses to which they are subjected in the matter of transportation. We demand a strict enforcement of existing civil and criminal statutes against all such trusts, combinations, and monopolies; and we demand the enactment of such further legislation as may be necessary to effectually suppress them.

Any trust or unlawful combination engaged in interstate commerce which is monopolizing any branch of business or production should not be permitted to transact business outside of the State of its origin. Whenever it shall be established in any court of competent jurisdiction that such monopolization exists, such prohibition should be enforced through comprehensive laws to be enacted on the subject.

The Republican platform:

Laws enacted by the Republican party which the Democratic party failed to enforce and which were intended for the protection of the public against the unjujst discrimination or the illegal encroachment of vast aggregations of capital have been fearlessly enforced by a Republican President and new laws insuring reasonable publicity as to the operations of great corporations, and providing additional remedies for the prevention of discrimination in freight rates, have been passed by a Republican Congress.

This was the first ever placed in the platform of that party on this subject. Both speak for themselves.

The credit for this declaration, as well as for the hearty support that the measure under consideration is receiving from our friends on the other side of this Chamber, belongs to the President, who is thoroughly alive to the demands of the people. To the Democratic party belongs the credit for initiating and pressing this meritorious legislation.

Questions might be raised as to whether the Interstate Commerce Commission, even with the enlarged powers to be granted, would be able to remedy the evils complained of. The Elkins antirebate law is in operation at present, yet the Commission is complaining that it is ineffective. Within a few months it has been necessary to make a number of arrests and indictments; and the indications are that the Hepburn proposed law will prove as ineffectual as all previous efforts of Government to regulate this matter, unless a strong public sentiment is aroused.

Will the new law finally stop the evils due largely to the shippers? Or will these wily people find the usual means of getting around it? The experience of the State of Pennsylvania with the oil trust was that, in spite of years of adverse lawmaking, and of every method of repression and oppression known to legislatures and courts, the trust beat them out. Will it be the same with the Interstate Commerce Commission? In the interest of the people, who are entitled to a "square deal," I hope not. [Applause.]

Continued failure must lead to the question of Government ownership, short of which it would not seem as though the matter could be regulated. When all other means are found to be inadequate, the country will have to face that question.

Both of the great political parties are admitting that municipal ownership of the public utilities is essentially sound doctrine. The recent elections in Chicago and New York have demonstrated that this idea is popular with the people. The sentiment is growing and will soon sweep not only the cities, but the States as well. Before many years have passed Congress will be called on to meet this great and important question.

In my judgment the best way to regulate rates on railroads is to improve our waterways—the natural highways of trade and commerce. Congress has not treated this subject in a broad and liberal spirit. The meager sums appropriated by each Congress, less than twenty millions, is a mere bagatelle when compared with the munificent appropriations made for the Army and the Navy. A sum not less than thirty millions annually should be set aside for the development of the country's magnificent rivers and harbors. The Harlem River Ship Canal, in my district, though less than 6 miles in length, with an immense traffic, growing by leaps and bounds yearly, has been under way for more than thirty years and is now only about half completed. This is but one of many instances all over this country.

The State of New York, appreciating the importance and necessity for maintaining its waterways to insure competition and fair, honest rates for the people, is now expending $101,000,000 in improving its canals. When finished from the Lakes to the ocean it will do more to regulate rates than any act of Congress can possibly do in that State.

Let the people awaken to the great importance of water transportation and demand from their representatives in Congress fitting and adequate sums for this purpose, and when that becomes an accomplished fact the Interstate Commerce Commission can be abolished and its failures forgotten.

This measure is of such importance, so universally demanded, and so entirely in accord with Democratic doctrine as enunciated in the national platforms of 1896, 1900, and 1904 that I shall support it in the interests of the people as the best obtainable at this time, and worthy of trial. [Loud applause.]

Mr. MANN. Mr. Chairman, in behalf of the gentleman from Iowa, I yield one hour to the gentleman from Ohio [Mr. BURTON].

Mr. BURTON of Ohio. Mr. Chairman, in an important sense the problems of railway regulation is but a branch of that larger and more important question of the relation of the State to corporations. While business activity has been increasing with marvelous strides corporations have been occupying a constantly increasing share of the field of operations. They have to do not merely with commerce and transportation, but pertain even to the affairs of social and domestic life. Some time since I listened to the argument of an eminent lawyer of the old school, who said:

> The body politic is plastered all over with corporations. The time has come when, if the children and the wife think they can manage better than the head of the family, they may have themselves incorporated into a trust company and have it act as guardian for the old man.

In no country are the corporations so powerful or so unrestrained as in our own. Even in absolute and limited monarchies the power of the crown is brought to bear upon their operations in such a manner as to restrain them within narrower limits and to create a stricter responsibility. In some States of the Union the extent and the variety of powers granted to them are such as to be inconsistent with that opportunity for individual action and that equality which are at the very foundation of our institutions. A principal cause is the fact that our enterprises are conducted upon an enormous scale. Those of us who are not yet past middle life can remember the time when a large share of our manufacturing was done in the little shop. The employer had ten, twenty, or thirty employees. He mingled with them in their work; sometimes took his place at the bench; knew of the conditions in which they lived; informed himself whether their children were at school or not, and if one of them should die, he joined the funeral cortege that went to the hillside cemetery to see his employee laid away in his last resting place. It was like a golden age of cooperation and industrial peace. Now all this is changed. As we approach the factory we find that it covers acres of ground. There is an army of employees within. We recognize the whirlwind sound of steam, the din of a multitude of wheels, the intricacies of modern mechanism; tools and appliances which can say to the workman: "I will partake of your toil with muscles which never grow weary and with a breast which never faints." Many an employee regards his employer as one who doles out from a great accumulated fund only just so much as he must. He does not regard his wages as having any relation to the expenses and profits of the business. On the other hand, the head of the establishment is prone to look upon his employees as but mere cogs in the great mechanism which performs his work.

A distinguished jurist has asserted that two corporations in this country in the magnitude of their fiscal operations surpass the Government of the United States itself with its 80,000,000 of people. Not only are we confronted by present conditions, but the prospect for the future is for still greater and further enlargement of the activities of these great aggregations. In power and influence they threaten to overshadow the State itself, and the question arises, Shall these agencies which are created and permitted by the State have this preponderating, this unusual amount of power? The necessity for effective, intelligent regulation is one of the pressing needs of the time. There is a gathering storm which we must recognize, and which those must recognize who are interested in these great combinations, else worse results will come to them and to the country as well. Dishonesty and oppression have too often characterized their management. This crying demand for regulation is the one great reason for passing this bill.

Transportation has assumed an exceptional importance. It has grown more rapidly and had more to do with the development of the country than other departments of commerce or industry. A distinguished statistician made the generalization in 1896 that transportation energy had increased three times faster than production. Population has increased; wealth has increased more than population; consumption and production have increased still more, but transportation has increased more than all. The consumer no longer depends for his supplies upon his own city or his own county. The merchant seeks even at the farthest bounds the article which his customers prefer. The weight of what we consume is thus increasing, and the distance which it is carried. This exceptional growth of transportation gives to railway regulation primary importance in the adjustment of the great changes which have occurred by the increased power of corporations.

For these reasons, Mr. Chairman, I desire to express my intention to vote for and support this bill. Two of the great objects to be gained by it are, first, power to declare a rate unreasonable and fix one in its place; second, to make that decision fixing the rate prima facie conclusive, so that it may go into effect at once.

In saying this I am not unmindful of the intricacies and difficulties of the problem. No one can be sure what the court of last resort will say in regard to the exercise of this power by a commission. And in this connection I should be glad if the eminent chairman of the Committee on Interstate and Foreign Commerce [Mr. HEPBURN], in his concluding remarks upon this bill, would give to the House his opinion of the distinctive functions of the Interstate Commerce Commission. What is that Commission? Is it exclusively an executive body, exercising powers bestowed upon it by Congress, or does it have both executive and judicial functions? What are the powers which can be given to it which will best subserve the purpose in view? I say I am not sure what the court of last resort will say, neither am I sure what will result when the power to regulate rates is exercised by this Commission. With 160,000 rate schedules, related one to the other much as each card is to every other in a house of cards, it is difficult to decide upon any one without affecting all the rest. But this may be asserted with confidence: There are cases in which rates are oppressive, in which the policies pursued by the railroads have not subserved the public interest or established the best system of rates. I do not anticipate that the Commission will create havoc. I do not anticipate that its orders will be so revolutionary in their nature or have to do with such a variety of rates as to interfere with the general methods of business adopted by the railroads.

It is a notable fact that when the interstate-commerce act of 1887 was under consideration the dominant idea was not that the revenue of the railways was too large, but that their rates were badly adjusted; that in some instances the prices fixed worked injustice to individuals and to communities, and that power should be given to the Commission to correct inequalities and to do away with abuses.

It is easy to recognize the dangers of rate making. There are many complaints of discrimination. There is a possibility that the Commission will be choked by the multitude of these complaints. It is to be feared that some city which has the most aggressive and able chamber of commerce will come before the Commission and make a showing in regard to conditions such that its members will say, "The rates to and from your city should be corrected," while there may be many other places less aggressive but equally discriminated against, which will be unable to obtain the ear of the Commission.

In this connection I want to advocate further legislation on this subject if, in the operation of the law, it shall seem that it does not work well. The determination of rates is a great power to give to any executive body. There are questions which the Commission has sought to decide in the past which properly belong to the domain of legislation. I will instance a few.

Under the disposition of railroad managers to obtain business and to enable localities to ship their products to foreign markets

with profit, a differential is granted on freight intended for shipment abroad. If a pound of meat or a barrel of flour is brought from Chicago to Boston and is to be consumed in that neighborhood, there is a certain rate upon it; if it is intended for export abroad, there is a lower rate. At Galveston, as I understand, the railway rate to that port, if an article is intended for export, is one-half what it is if intended for domestic consumption. There is a question of public welfare involved here. In the neighborhood of Boston there are numerous manufacturing cities. They are nearer to the food supply and are entitled to lower cost of food, and yet, under a differential, these articles which they consume can be brought from the prairies of the West and delivered to competing manufacturing towns in the valley of the Seine, in Lancashire, or in Germany, at a price not greater, unless there is a duty, than that at which they can be furnished in Massachusetts.

Take the other standpoint. There is a differential on articles imported. Goods coming from Germany, France, and England are taken to the interior at a price in some instances not greater, in fact, occasionally even less, than is charged to transport similar goods from a seaport of the United States to the interior. Shall it be in the power of transportation companies or of a commission to say whether that is a proper method of regulating transportation? Such differentials might destroy the advantages afforded to the local producer by protective tariffs and nearness to the consumer. Is it not a great question of public policy which this Congress and this House should decide?

Then, again, as to the long and short haul. For the cities of New York and Chicago better supplies are obtained at remote distances than near at hand. So in New York the railways brought milk and other articles from well away in the State at a price practically the same as within a radius of 30 or 40 miles. A similar instance may be noted in furnishing supplies at Chicago. Early vegetables could be shipped from near to the Gulf, and it was thought good business policy by the railroads to encourage the industry of raising early vegetables by carrying them to Chicago at a rate not greatly in excess of that imposed for places near by. Is that a question for an executive body to decide? Is it not a question for Congress to determine? Is it not true that the "dangers," as they are called, the doubts of the validity of the powers conferred upon this Commission, might well be solved by laying down certain great principles by this Congress? Much has been said about the real or imaginary loss of prestige of the House of Representatives. We shall occupy the position which we deserve to occupy, not by bewailing the loss of prerogatives or seeking to exploit the individual Member, but by observing our responsibilities under the Constitution, by meeting the great questions of the time and solving them ourselves, and not leaving them to the Executive Departments of the Government. [Applause.]

Nevertheless, there must be numerous questions relating to individual cases or localities which involve so much detail that in the very nature of the case they can not be determined by this body. These must be left to the Interstate Commerce Commission, and we have every reason to have confidence that its members will exercise their powers wisely and honestly for the good of the whole country.

The very great reason for the taking effect of rates fixed by the Interstate Commerce Commission within thirty days is that any other method creates not only serious hardship but grave injustice. It has been computed that the average time between the making of a complaint to the Commission and the final decision is four years and a half. There is a very familiar case in which after nine years the question was about as unsettled as it was at the very beginning, because it was sent back again to the Commission for further consideration and decision. Now, it is not difficult to see that so considerable a delay is a denial of justice and of right.

Prices which the producer receives are fixed according to the rate at the time he sells his product. If the commission merchant is buying wheat in the Dakotas or Nebraska, he computes the price at Chicago, or other market, and after deducting the freight, his commission, or profit, pays what is left to the farmer. He has redress under the present system, or he has promise of redress, but who is the loser? It is the farmer, who receives for his wheat a price determined by the rate in vogue at the time. He has no right to bring an action against the railway company, and if the delay is as long as in most instances, the time goes by when the merchant can gain anything from the correction of an unjust or unreasonable rate. And thus it may be confidently asserted that one of the best features of this bill is that which seeks to make the corrected rate immediately effective, so that those who ought to have the benefit of that correction may have it and have it immediately.

There are other objects to be gained by this bill. It will be conceded that the form of discrimination most urgently requiring attention is the rebate. It was thought that the Elkins Act of 1903 would correct that evil, but a variety of ways have been discovered by which that act can be evaded.

Human ingenuity has probably never been exercised with more acuteness than in avoiding the law in regard to rebates. Terminal charges, the use of elevators and of warehouses, switches, and branch lines owned by shippers have all been utilized in such a manner as to continue the most odious forms of discrimination. In addition to these there are the refrigerator cars and other kinds of private cars, all of which make it possible to give advantages to the favored shipper. It is a well-known fact that in past years persons engaged in trade have found that their business was conducted at a loss except for the rebates which they received, which were of so large an amount as not only to make up for the loss, but to afford a profit. Every device has been resorted to which was possible to conceal the unequal treatment of different shippers. Fictitious damage claims against the railway have been resorted to as a means for the payment of rebates. So far as legislation can correct these evils this bill corrects them. It strikes a blow at the abuses of the private car system, switches, branch lines, and terminal facilities. It provides that if the shipper renders any service in transportation the allowance for such service shall be no more than is just and reasonable, and gives the Commission power to prevent the partnership between railways and those who have received favors in this specious form.

Two things are to be considered in the regulation of railway rates—discrimination between individuals and discrimination between places. The discrimination between places it may be almost impossible to do away with, because of differences in geographical location and means of access. One place is located on a waterway and can obtain cheaper carriage of freight on that account. Another may be located where there is a plurality of railways and there is a certain element of competition. That man would be very bold indeed who would seek by legislation to establish rules under which it could be said that all places in the country were to be treated alike. But as regards discrimination between individuals, there can be no question but that it can and should be corrected. The very basis of all our laws is equality of opportunity. The great combinations which have grown up in the country have attained their colossal development very largely because of discrimination in freight rates. We can not have equality, industry can not gain the most symmetrical and helpful growth, unless the least shipper—the one who forwards the least amount of freight—can have his goods carried on the iron rails just as cheaply and just as favorably as the greatest combination.

There may be instances in which there can fairly be a difference according to quantity shipped as between the partial carload and the full car, but so far as uniform regulations are concerned we shall not have done our duty, nor will the country have an opportunity for development in the line in which it should develop unless every effort is exerted to enforce absolute equality between all the shippers of the country. It is always to be noticed that discriminations in rates, as well as other discriminations, aid the strong and destroy the weak. The large shipper studies the problem. He knows when to take his freight to the railway for shipment. He knows what line will carry it most promptly and cheaply, and more than all, he has the ear of the traffic manager, and if any favors are to be given to anyone he obtains them.

In speaking upon this subject, Mr. Chairman, we should not pass from it without a fair tribute to the railways of the country. There have been no organizations in this or any other land which have done more to increase wealth and build up a country's prosperity than the railways of the United States. They have made unoccupied areas to teem with population and abound in wealth, and by low charges on food products and raw materials they have made possible the capture of foreign markets and a phenomenal increase of manufactures. If I were to make any one criticism upon their management it would be that they have too eagerly observed the rule, "Get business." While they have shown liberal and broad-gauged ideas in measures adopted to develop the country, yet in the hurry and competition to get traffic they have oftentimes disregarded that which was best for great localities and paid too little respect to the rights of individuals. Perhaps almost anyone engaged in the business would pursue the same course. I especially deprecate the indiscriminate abuse of them. No profit can be gained by the violent declamation which in some places is indulged in against corporations. I hear speakers whose eyes are filled with visions of the octopus; a legion of monsters surrounds them intent upon taking the lifeblood of the people. Such talk

as theirs will lead to no salutary reform. No glittering generalities will answer the purpose. We must descend to details and work out these problems with care and soberness, with an understanding of all their varied aspects, which will enable us to act wisely and well. In saying this I would say not one word in extenuation of the discriminations and violations of the law which have characterized the fixing of freight rates. There have been many plans to discriminate and grant rebates, which have originated in that unexplored mysterious realm, the traffic manager's conscience—plans and schemes which would not bear the light of day; but if we compare the railway management with that of other great enterprises I think we may say without fear of contradiction that it has been characterized by a progressiveness, by a desire for the development of the country, and by a liberality unsurpassed.

And we should especially hold the shipper who holds a club over the railway manager alike culpable with the railway manager himself. [Applause.] If necessary, impose upon him the same penalty by bringing him before the court and subjecting him to the same punishment. What is the situation? Competition is sharp, though gradually disappearing, and I am not sure but it is best that it should disappear or become less and less. Every railway must seek for business as it seeks for life, and every traffic manager is regarded as successful or unsuccessful just in proportion as he obtains business and swells the receipts of his company. Possibly it would be best to give to each railroad of this country an exclusive field of its own to work in. In France they have five or six railway systems, each supreme in its own sphere, which no other railway enters. There are noncompetitive points here where a single railway has a monopoly, but at points where there is competition by rail or by water such a monopoly is impossible. Thirty years ago there was almost ruinous competition between the railways. Freight was occasionally carried at very much less than cost. This did not benefit anyone particularly. The large shipper gained the benefit of the low rates and the smaller shipper took his turn when they were restored to normal figures. Then there were "gentleman's agreements," made to be observed for a time and then broken; made to give out to each other as if they were to be maintained, but to be broken in secret. Now, we are coming to a time of combination. Not only are there several great railway combinations under one management, and these combinations include railways which are in competition with each other, but there is a general disposition all along the line to act in concert. I may remark, in passing, that this bill will diminish the influence of competition, because competition feeds upon rebates and discriminations, but if the force of these factors in reducing rates is done away with, it is all the more necessary that some governmental agency should control charges and make them reasonable and fair to the people.

In explaining the misdeeds of the railroads and trust magnates, I would say, digressing somewhat from the subject immediately before us, that if we seek for the most responsible source of the evil we shall find it in the ideals of our people. We have had sickening displays of dishonesty by men in high places. Some who are held up to public esteem and respect have been guilty of dishonesty, which in a common rascal would be regarded as sufficient to send him to prison. Why is it? More than anything else, it is because as a people we have enthroned success, because the injunction "Put money in thy purse" is the one which is most observed, because we have before us numerous illustrations of men who have achieved colossal fortunes, giving them a power equal to that of dukes and kings, whose success renders them objects of public admiration. So long as such ideals are in the minds of the people the boundary line between honesty and dishonesty is easily broken down, provided success is the result of questionable operations. What is the use of your giving oft-repeated homilies about the public welfare and standards of honesty to one of whom it is demanded that he achieve signal success and surpass all those with whom he is placed in competition? Condemn him if he departs one iota from the pathway of honesty, but condone his failure if he does his duty, and then you will have better ideals. [Applause.] In these days a boy who is coming to manhood now is brought up to admire the great railway magnates and the managers of great corporations, and his pathway is pointed out in that direction rather than in the way of statecraft and of those thousand employments where a real benefit to the people is possible, though from an humbler station. When we are condemning others, let us ask ourselves if we are not to blame. How are we going to correct it? It will be impossible to tear up the evil at the root, except by a long process of education by which it shall be shown that life has prizes infinitely more valuable than the gaining of a great fortune. But by legislation we can do much to bring about the desired result by providing for publicity in the management of these great organizations; by checks and safeguards which shall remove temptation; by enforcing the law in such a manner that offenses of colossal magnitude will be regarded as just as worthy of condign punishment as those which are small and mean. [Applause.]

The control of these corporations is a work that has hardly begun in the States of this country. In some they run riot at will. They can be framed to do almost anything, and their management may continue year by year a mystery, not merely to the outside public, but to their stockholders as well. How can this be corrected? By compelling them to expose to the public their methods of transacting business, their receipts, their expenditures. The National Government has set a good example in the national-banking laws, which, while not perfect, are a great advance upon previous banking laws. Much has already been done in the control of the railways. We will be doing more in this bill, and, no doubt, can do more still. And as these great aggregations of capital in an ever-increasing degree conduct their operations beyond State lines, it is proper and in the line of natural development that the Central Government should exercise control.

This is a great country of ours. We have gained a material development, in which the railroads have had much to do, beyond any other country on the globe. Here, between the lesser and the greater oceans, there is a continent in which every valley and every hill, every plain, and every mountain abounds in the wealth of the farm, of the forest, or of the mine. The Macedonian phalanx under Alexander and the Roman legions conquered a portion of the earth which was small in comparison with that far wider area which has yielded to the pacific triumphs of American industry. Our merchants and our manufacturers send argosies carrying their wares to the remotest parts of the globe, and the white sails and the black hulls bring back from Orient and Occident their treasures to lay at our feet. But is this all? Is it not well for us to consider whether a development less rapid, especially a development in which there shall be a greater degree of equality, would not be a better one? Is it not true that the benefits of wealth and increasing prosperity do not bring their best results unless they spread all over the land, bringing blessings to the humblest cottage, bringing plenty to the poor as well as to the rich and to the millionaire? [Applause.]

We should not lay all the blame upon those who have gained these great fortunes. They have been prompted in their course by the superabundant vitality of our industrial and commercial life and spurred on by the admiration of the people. But we can condemn and punish them for wrongdoing. We should labor to secure greater equality of opportunity. And along these lines, whatever defects there may be in this bill, however doubtful it may be whether it will work out as is hoped or not, it is, at any rate, a step in the right direction. It is a declaration of the principle that aggregate wealth must submit to the law. It enforces the idea that no combination can be so strong or so great but that the Government shall place its strong hand upon it to restrain and control its operations. [Applause.] It is a measure which, I trust, will impress upon railway managers a fuller appreciation of the supreme importance to all the people of these great agencies of transportation and cause their business to be so transacted that none shall be discriminated against or oppressed. In this connection I believe there are none who will be more substantially benefited by this measure than the railways themselves, at least those in which the management is honest and straightforward.

Mr. SHERLEY rose.

The CHAIRMAN. Does the gentleman from Ohio [Mr. BURTON] yield to the gentleman from Kentucky [Mr. SHERLEY]?

Mr. BURTON of Ohio. I do.

Mr. SHERLEY. I want to request of the gentleman before he takes his seat, that he give us some of his opinions as to the details of this legislation which he himself has said is so important to look to. Will he answer some of those questions that he requested of the chairman of the Interstate Commerce Commission, as to the nature of the power that is conferred on the Commission, whether it is legislative or administrative, and how far the courts may review that action? Those questions, I think, are the ones that are puzzling the minds of some of us, and we would certainly like to have them explained by the gentleman, and I ask this in all sincerity.

Mr. BURTON of Ohio. I do not feel like treating those questions at any great length, partly because my time is limited and partly because the gentleman from Iowa [Mr. HEPBURN], chairman of the Interstate Commerce Committee, can no doubt answer them a great deal better than I can. Of course it will be taken for granted that the action of the Commission in fixing

rates may be submitted for review to some judicial body. In that connection I would say that the very promptest decision should be rendered by the court on such questions. These are not merely cases between A and B—private litigants. The questions presented to the Interstate Commerce Commission affect a very wide area and a multitude of individuals.

The interest of an individual shipper may amount to but little, but the principle or rule established will be of very large importance.

Mr. SHERLEY. Does the gentleman consider that the court reviewing the action of the Commission in fixing a rate can pass upon the reasonableness of that rate in any other sense than using the word "reasonable" as confiscatory?

Mr. BURTON of Ohio. I should think not. Absolute confiscation, of course, is not meant, but the fixing of a rate which deprives the railroad of that profit upon its property to which it is entitled under the Constitution and the law.

Mr. SHERLEY. The fixing of one rate would hardly be sufficient to determine whether or not it was going to yield a proper revenue, would it?

Mr. BURTON of Ohio. It might.

Mr. SHERLEY. It ordinarily would not, it simply being one of hundreds of rates from which the railroad got its revenue.

Mr. BURTON of Ohio. It might be upon an item of traffic so important and so connected with others that the whole question of the revenue to be derived by the railroad from its traffic would be determined by that single rate.

Mr. SHERLEY. If the gentleman's understanding of the power of the court is correct, that it can only review in the sense of deciding whether the rate is confiscatory or not, would it have any value practically unless the Commission's action was one affecting many rates or affecting one fundamental rate?

Mr. BURTON of Ohio. I am not sure about that. I do not know that I correctly understand the gentleman's question.

Mr. SHERLEY. The making of one rate and the reviewing of one rate will really involve but a small source of the total revenue and have but a small relation to the road's earnings. Now, if the court can only review the action of the Commission in the sense of determining whether its action was unconstitutional and not in the sense of the action being reasonable when the Commission has fixed but one rate, there will be nothing by which ordinarily the court could say that the rate would be confiscatory, because it does not affect enough of the revenue. That is only a suggestion, of course, I am making.

Mr. BURTON of Ohio. Of course there is no one rate that can be considered independently. Also there might be a specific article, such as coal, carried between specific places, a decision of the Commission upon which would have a very wide-reaching effect.

Mr. SHERLEY. I am asking these questions because I believe in the minds of a great many men, Members of this body, there is no disposition to deny to the Commission a proper power and to remedy the evils that we recognize; but some of us have yet to hear from any Member of this House a decided statement either as to the law or as to the practical working out of the provisions of this bill, and, knowing the gentleman's ability, I have asked him for that sort of an explanation.

Mr. BURTON of Ohio. I have not had anything to do with the framing of this bill. Members of the committee have already spoken on that subject much better than I can. The evident intention is to leave with this Interstate Commerce Commission a general power, if a rate is found to be unreasonable, to correct it and declare a proper one.

Mr. SHERLEY. Does the gentleman consider that power relates to differentials?

Mr. BURTON of Ohio. The Commission has in the past assumed to exercise authority with reference to differentials, as in the illustrations which I have given, and it is fair to presume that such authority is given in this bill. I have said that the policy relating to differentials is a proper subject for legislation. Take the instance of freight intended for shipment abroad as compared with that intended for domestic consumption.

The effect of such a differential might assume such magnitude as to create a question of important national policy.

Mr. SHERLEY. I want to ask the gentleman whether he considers that this bill does confer the right? Because the report of the committee says it does not; that the power over differentials is not conferred. What is the gentleman's opinion as a lawyer?

Mr. BURTON of Ohio. I have not examined it with that degree of care to enable me to express a positive opinion. I should think, however, that it did give that right.

Mr. Chairman, in conclusion I will simply say that I trust this bill will prove a step in the right direction, and that more and more, by legislation and by an awakened public sentiment, we may alike destroy discrimination and the undue oppressive influence of these great combinations of capital and establish a system of industrial development which shall be characterized by the rules of honesty, of equality, and of law. [Prolonged applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 86. An act for the erection of a monument to the memory of Commodore John Barry;

S. 319. An act to reimburse Abram Johnson, formerly postmaster at Mount Pleasant, Utah;

S. 541. An act for the relief of certain citizens of Montana, claiming the benefit of the homestead laws;

S. 609. An act to establish a fish-cultural station in the State of Wyoming;

S. 613. An act repealing an act entitled "An act to extend the time for presenting claims for additional bounties," and its amendments and extensions, so far as they limit the time for presenting claims for additional bounties granted to soldiers by the twelfth and thirteenth sections of the act of July 28, 1866;

S. 927. An act establishing a fog signal at Ediz Hook light station, State of Washington, and for other purposes;

S. 956. An act providing for the election of a Delegate to the House of Representatives from the district of Alaska;

S. 980. An act to ratify an agreement with the Lower Brulé band of the Sioux tribe of Indians in South Dakota, and making appropriation to carry the same into effect;

S. 983. An act to validate certain certificates of soldiers' additional homestead right;

S. 1031. An act granting to the State of California 5 per cent of the net proceeds of the cash sales of public lands in said State;

S. 1374. An act to establish a fish-cultural station in the State of Utah;

S. 1462. An act to establish one or more fish-cultural stations on Puget Sound, State of Washington;

S. 1648. An act for the relief of the Hoffman Engineering and Contracting Company;

S. 2274. An act to establish a fog signal on one of the jetties at the entrance to the harbor at Humboldt Bay, California;

S. 2275. An act to provide for the erection of a keeper's double dwelling at Bonita Point, California;

S. 2277. An act to establish a light-house and fog signal on Red Rock, upper part of San Francisco Bay, California;

S. 2279. An act to establish a light and fog-signal station near Point Cabrillo, California;

S. 2451. An act granting to the State of North Dakota 30,000 acres of land to aid in the maintenance of a school of forestry;

S. 2655. An act to establish a light and fog signal on Karquinez Strait, California;

S. 2656. An act to purchase an additional strip of land to the eastward of the light-house at Pigeon Point, California;

S. 2658. An act to construct a tender for the Light-House Service in Hawaiian and Pacific islands waters;

S. 2700. An act to improve the public building at Newport, R. I.;

S. 2771. An act to establish a light and fog-signal station at or near Southwest Ledge, entrance to New London Harbor, Conn.;

S. 2777. An act for the construction of a suitable vessel for the Revenue-Cutter Service for duty at Savannah, Ga.;

S. 2786. An act to authorize the Secretary of the Treasury to refund to purchasers of pine timber on ceded Indian lands sums paid in excess of the correct amounts due for timber cut;

S. 2964. An act for the relief of the L. S. Watson Manufacturing Company, of Leicester, Mass.;

S. 3263. An act to amend an act entitled "An act to establish a port of delivery at Salt Lake City, Utah;"

S. 3409. An act for the construction of an able seagoing tug for the Revenue-Cutter Service for New Bedford, Mass.; and

S. 3416. An act to prohibit any vessel from anchoring in such manner as to obstruct or interfere with the range lights established in any navigable waters of the United States by the United States Light-House Board.

REGULATION OF RAILROAD RATES.

The committee resumed its session.

Mr. MANN. Mr. Chairman, I yield one hour to the gentleman from South Dakota [Mr. BURKE].

Mr. BURKE of South Dakota. Mr. Chairman, in 1887, responding to a demand from the people asking for remedial legislation against abuses on the part of the railroads of this country, Congress passed and enacted the present interstate-commerce law, which was approved by the Executive on February 8, 1887. No one questions the fact that that was a step in the right direction and that it is a law that has given relief to the people of the country and at the same time been an advantage and a protection to the railroads.

Subsequently to the passage of the act and at divers times amendments were proposed and adopted perfecting the law—the first one March 12, 1889; another on February 10, 1891, and still another February 8, 1895. Other acts strengthening the law have been enacted, the first one February 11, 1893, and the last one February 19, 1903, known as the "Elkins Act."

When the law was enacted in 1887 it was believed that it contained a provision by which the Commission had the power to fix a reasonable rate after finding that an existing rate was unreasonable. That power was exercised by the Commission and recoginzed by the railroads and the country for a period of ten years. In 1897, in the Maximum Rate case, the Supreme Court said that the Commission did not have that power.

From that time there began to be a clamor and a demand all over this country that the law should be amended so as to give to the Commission the power that it formerly supposed had been conferred when the law was originally enacted.

As time passed on the demand for this additional legislation became greater and greater, until in 1903, in order to check if possible the demand for this particular legislation, the Elkins law, known as the "antirebate law," was enacted, and I will say something about that law a little later.

Mr. Chairman, that act did not have the effect of silencing the clamor and the demand for the legislation which this bill proposes to enact, namely, giving the power to the Interstate Commerce Commission, when a rate has been challenged and found to be unreasonable, to fix a reasonable rate as the maximum above which the railroad or the carrier can not charge.

In the third session of the last Congress the President, recognizing the demand for this legislation, recognizing that it was just and honest and right that this power should be vested in the Commission, sent to Congress a message; and upon this subject I want to read what he had to say:

> While I am of the opinion that at present it would be undesirable, if it were not impracticable, finally to clothe the Commission with general authority to fix railroad rates, I do believe that, as a fair security to shippers, the Commission should be vested with the power, where a given rate has been challenged and after full hearing found to be unreasonable, to decide, subject to judicial review, what shall be a reasonable rate to take its place, the ruling of the Commission to take effect immediately, and to obtain unless and until it is reversed by the court of review. The Government must in increasing degree supervise and regulate the workings of the railways engaged in interstate commerce; and such increased supervision is the only alternative to an increase of the present evils on the one hand or a still more radical policy on the other. In my judgment, the most important legislative act now needed as regards the regulation of corporations is this act to confer on the Interstate Commerce Commission the power to revise rates and regulations, the revised rate to at once go into effect, and to stay in effect unless and until the court of review reverses it.

At the same time in his message he referred to corporations in general, and shows the connection between the corporations known as "common carriers" and corporations engaged in interstate commerce, and I will read what he said, but before doing so I want to say that I concur fully in what he states, not only in this message, but also in his message to the present Congress, that there ought to be some kind of Federal supervision or control over all corporations engaged in interstate commerce, and I also hope that some way can soon be devised so that there can be Federal supervision of the great life insurance companies of this country. I will now read that part of the President's message of a year ago to which I have referred:

> Great corporations can become such only by engaging in interstate commerce, and interstate commerce is peculiarly the field of the General Government.
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> * * * * * * * *
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> The National Government alone can deal adequately with these great corporations. To try to deal with them in an intemperate, destructive, or demagogic spirit would in all probability mean that nothing whatever would be accomplished and with absolute certainty that if anything were accomplished it would be of a harmful nature. The American people need to continue to show the very qualities that they have shown—that is, moderation, good sense, the earnest desire to avoid doing any damage, and yet the quiet determination to proceed, step by step, without halt and without hurry, in eliminating or at least in minimizing whatever of mischief or of evil there is to interstate commerce in the conduct of great corporations. They are acting in no spirit of hostility to wealth, either individual or corporate. They are not against the rich man any more than against the poor man. On the contrary, they are friendly alike toward rich man and toward poor man, provided only that each acts in a spirit of justice and decency toward his fellows. Great corporations are necessary, and only men of great and singular mental power can manage such corporations successfully, and such men must have great rewards. But these corporations should be managed with due regard to the interest of the public as a whole. Where this can be done under the present laws it must be done. Where these laws come short others should be enacted to supplement them.

Responding to that message to which I have just referred, and recognizing the demand for this legislation, the Committee on Interstate and Foreign Commerce of this House in December, 1904, took up the subject as presented by numerous bills that were introduced. Hearings were had covering a period of weeks, the committee meeting almost daily, hearing witnesses on the part of the shippers, on the part of the railroads, and getting information from every source that it could bearing on this subject. It was the short session of Congress, and when the end of the session was approaching it was finally agreed by the majority of the committee that the best that it could do at that time was to accept and report the bill, which it did accept and report, known as the Townsend-Esch bill.

That bill was brought into this House and discussed for many days, passed the House practically unanimous, and, for one, Mr. Chairman, who not only voted for that bill but voted in the committee to report it, I have no apologies to make at this time. Had it not been, Mr. Chairman, for the progress made in the Fifty-eighth Congress we would not be where we are to-day, and while I believe, and in fact I know, that the present measure now under consideration goes much further, deals with questions that that bill did not cover—I say that that bill was, under the circumstances, the best that could be had, and that if we did not have anything better now, this House would practically unanimously accept that bill [applause], the statement of certain gentlemen to the contrary notwithstanding.

The fact that no legislation was had by the last Congress intensified the demand for it. President Roosevelt never faltered or at any time changed his position, and he boldly declared in several speeches during the summer for what he had advocated in his message in December, 1904, and when this Congress convened last December he again recommended, in stronger terms than in his former message, in favor of this legislation, and following his recommendation several bills were introduced on the subject.

Before discussing some provisions of the bill now before the House I want to submit what it proposes to do:

First. That all charges for transportation of property shall be just and reasonable. Every common carrier shall print and keep open to public inspection schedules showing the rates, fares, and charges for the transportation of passengers and property, and the schedules shall state separately the terminal charges, icing charges, and all other charges which the Commission may require, and no change shall be made in the rates, fares, and charges which have been established and published by any common carrier except after thirty days' public notice, except that the Commission may, in its discretion and for good cause shown, allow changes upon less than thirty days' notice. Every carrier is required to file with the Interstate Commerce Commission copies of its schedules.

Second. Section 4 proposes to amend section 15 of the interstate-commerce law, and gives to the Commission the power, after fully hearing and upon a complaint, if any of the rates or charges whatsoever demanded, charged, or collected by any carrier are unjust or unreasonable, to determine and prescribe what will, in its judgment, be just and reasonable and fairly remunerative rate or rates, charge or charges to be thereafter observed in such case as the maximum to be charged, and also what regulation or practice in respect to such transportation is just, fair, and reasonable to be thereafter followed, and to make an order that the carrier shall cease and desist from such violation and shall not thereafter publish, demand, or collect any rate or charge for such transportation in excess of the maximum rate or charge so prescribed. Such order shall go into effect thirty days after notice to the carrier, and shall remain in force unless the same shall be suspended or modified or set aside by the Commission or be suspended or set aside by a court of competent jurisdiction.

If the owner of property transported directly or indirectly renders any service connected with such transportation or furnishes any instrumentality used therein, the charge and allowance therefor shall be no more than is just and reasonable, and the Commission may determine what is a reasonable charge as the maximum to be charged by the carrier or carriers for the services so rendered or for the use of the instrumentality so furnished.

Third. Any carrier who fails or neglects to obey any order made by the Commission shall forfeit to the United States the sum of $5,000 for each offense, and every distinct violation is declared a separate offense, and in case of a continuing violation each day shall be deemed a separate offense.

Forfeitures shall be recoverable in a suit in the name of the

United States brought in the district where the carrier has its principal operating office or in any district through which the road of the carrier runs, and it shall be the duty of the various district attorneys, under the direction of the Attorney-General, to prosecute for the recovery of forfeitures.

In case any carrier fails or neglects to obey any order of the Commission the Commission may apply to the court for an order and the court may enforce such order by writ of injunction. From any action either party may appeal to the Supreme Court of the United States, and all appeals shall have priority in hearing and determination over all other cases, except criminal causes, but the appeal shall not vacate or suspend the order appealed therefrom.

Fourth. Section 7 amends section 20 of the present law and requires that all common carriers shall make annual reports to the Commission showing the amount of capital stock issued, the amounts paid therefor, and the manner of payment for the same; the dividends paid, the surplus fund, if any, and the number of stockholders; the funded and floating debts and the interest paid thereon; the cost and value of the carrier's property, franchises, and equipments; the number of employees and the salaries paid each class; the accidents to passengers, employees, and other persons, and the causes thereof; the amounts expended for improvements each year, how expended, and the character of such improvements; the earnings and receipts from each branch of business and from all sources; the operating and other expenses; the balances of profit and loss; and a complete exhibit of the financial operations of the carrier each year, including an annual balance sheet. Such reports shall also contain such information in relation to rates or regulations concerning fares or freights, or agreements, arrangements, or contracts affecting the same as the Commission may require; and the Commission may, in its discretion, for the purpose of enabling it the better to carry out the purposes of this act, prescribe a period of time within which all common carriers subject to the provisions of this act shall have, as near as may be, a uniform system of accounts, and the manner in which such accounts shall be kept.

In case of failure on the part of any carrier to make report within thirty days from the time required so to do, such carrier shall forfeit the sum of $100 for each and every day it shall continue to be in default. The Commission may prescribe the forms of all accounts to be kept by carriers, and the Commission shall, at all times, have access to all accounts, records, etc., kept by carriers, and it may employ such agents or examiners to inspect and examine any and all accounts, records, etc., kept by carriers. Failure or refusal of any carrier to keep accounts in the manner prescribed by the Commission, or to submit such accounts to the inspection of the Commission or its authorized agents or examiners, shall forfeit the sum of $500 for each offense and for each and every day of the continuance of such offense.

Fifth. Section 8 of the bill provides for adding a new section to the present law, and increases the Commission to seven members, with terms of seven years, at an annual salary of $10,000. Provision for appointment is made so that the term of one Commissioner shall expire each year, and not more than four Commissioners shall be appointed from the same political party.

This bill, Mr. Chairman, is substantially in form as suggested by the Interstate Commerce Commission. Instead of making a new law, it proposes to amend the present interstate-commerce act. The Commission, in its nineteenth annual report, suggests as to the form of the legislation as follows:

> The form of the proposed measure, as will appear upon inspection, is an amendment of certain sections of the present statute. This statute was passed in February, 1887, and has been in force since that time. Its provisions have become familiar to the various interests affected by its administration, and several of its sections have been judicially construed. For this and other reasons it is believed that needful changes in the law should be made by specific amendments rather than by the enactment of an independent measure. We are of the opinion that this course would simplify legislation and be more likely to avoid uncertainty of meaning. There appears to be little occasion to alter the general plan and framework of the original act, and it would seem advisable to increase its effectiveness by amending particular sections.

The committee, Mr. Chairman, took that view and accepted the bill which had been prepared by the very distinguished gentleman who has the honor of being chairman of the Committee on Interstate and Foreign Commerce in this House. Of course, we spent much time in considering and perfecting it, and it was amended in several respects from what it was as originally prepared, but the form was not changed. This bill contains everything that the President has recommended. It contains substantially all that the Interstate Commerce Commission say is necessary. During the last few months the chairman of the Committee on Interstate and Foreign Commerce has given this subject a great deal of study and consideration. He has conferred frequently with the Commission, with the President, with the Department of Justice, and with others possessing information on the subject of this proposed legislation. He happens to have been a Member of this House and a member of the Committee on Interstate and Foreign Commerce when the present interstate-commerce act was reported by that committee and passed this House. As was stated yesterday, he has had large experience, he is wise, and he is learned. He understands this question as no other man can understand it, and now, twenty years after the passage of that act, when he was a member of that committee—now, when he occupies the position of chairman of that committee, I say, it is a fitting tribute to him that any legislation at this time to complete that act, to make it effective as it was originally intended, should bear the name of the distinguished gentleman from Iowa, Colonel HEPBURN. [Applause.]

Mr. Chairman, since this legislation was proposed, something over a year ago, the railroads throughout the country, especially at first, became very much exercised and alarmed, and they endeavored to demonstrate that the passage of such a measure would be destructive to their interests and therefore injurious to the material good and best interests of the country.

It is well known, and I do not think any person will dispute it, that they organized a bureau from which was issued great quantities of literature bearing on the subject from their standpoint, which was circulated generally throughout the country covering a period of months; that in many instances newspapers were induced to accept matter prepared by this bureau and publish it, all tending toward supporting their theory, which was that this legislation was destructive and undesirable from every standpoint. Mr. Chairman, the railroad companies have a perfect right, and I am not going to question for a moment their right, to try and prevent this or any other proposed legislation, by legitimate means, if they believe it is harmful to their interests.

Notwithstanding their efforts, notwithstanding the campaign of education on their part, which has been carried on for about a year, there has been no change in the sentiment among the people, and the demand for this legislation to-day is as strong or stronger than it ever has been before. We were told that if this legislation was had the railroads would go into bankruptcy, that there would cease to be development along railroad lines. Why, Mr. Chairman, in the face of this threatened legislation, the past year has been a high-water mark for railroads in this country so far as their gross earnings are concerned. In my own State we have an example of the effect of this threatened legislation. For a period of twenty-five years the railroads from the east into South Dakota have stopped at the Missouri River, the Missouri River dividing the State north and south in about the middle of the State. The people have struggled, they have bonded themselves, they have done everything possible to secure relief from a situation that was anything but desirable.

It was retarding the development and settlement of our State, and therefore, as I have before stated, there has been on the part of the people for twenty-five years a systematic determination if possible to secure additional railroads, and without any result. Now, since the last Congress passed the Townsend-Esch bill, and when we are about to pass the present bill, the two great roads, viz, the Chicago and Northwestern and the Chicago, Milwaukee and St. Paul, are building three lines across our State and building bridges across the Missouri River, one of said lines being projected to the Pacific coast, thereby demonstrating that the prophecies of the railroads that the effect of this legislation on the country and on railroad construction would be bad are not being fulfilled, but that notwithstanding this legislation the railroads continue to prosper as they have never prospered before, and the extension of new railroads in the last year, I think, will exceed any year since 1890.

Mr. Chairman, in assisting in perfecting this bill in the Committee on Interstate and Foreign Commerce, and in advocating its passage, I do not do so because I am opposed to railroads, for I have a very high appreciation of their importance and what they represent to the country, and for the purpose of showing the mileage in the country, the value of railroad properties, their gross earnings for the last year, and the number of persons who are employed, I wish to read the following, which is from the Nineteenth Annual Report of the Interstate Commerce Commission.

STATISTICS OF RAILWAYS—PRELIMINARY REPORT ON THE INCOME AND EXPENDITURES OF RAILWAYS FOR THE YEAR ENDING JUNE 30, 1905.

> The preliminary report for the past fiscal year includes returns received by December 6 for 752 operating companies, representing an operated mileage of 214,477.82 miles, which is presumably about 99 per cent of the mileage that will subsequently be covered by returns in the final report for the same year.
>
> The gross earnings of the railways for the year ending June 30, 1905, on the mileage already stated were $2,073,177,325. This total com-

prised earnings from the passenger service amounting to $572,109,366, or 27.60 per cent; earnings from the freight service amounting to $1,449,182,702, or 69.90 per cent, and other miscellaneous earnings amounting to $51,885,257, or 2.50 per cent. According to this preliminary report, the gross earnings from operation averaged $9,666 per mile of line. This average is considerably larger than the like average for any other year for which a statistical report has been published by the Commission.

EMPLOYEES.

The number of persons on the pay rolls of the railways in the United States, as returned for June 30, 1904, was 1,296,121, or 611 per 100 miles of line. These figures, in comparison with those for 1903, show a decrease of 16,416 in the number of employees, or 28 per 100 miles of line. The classification of employees includes enginemen, 52,451; firemen, 55,004; conductors, 39,645; and other trainmen, 106,734. There were 46,262 switch tenders, crossing tenders, and watchmen. The four general divisions of railway employment, it appears, required the services of employees as follows: General administration, 48,746 employees; maintenance of way and structures, 415,721 employees; maintenance of equipment, 261,819 employees; and conducting transportation, 566,798 employees. This statement disregards a few employees not assigned.

The present report continues the customary statement of the average daily compensation of 18 classes of employees for a series of years, and also shows the aggregate amount of compensation paid to more than 99 per cent of the number of employees for a period of seven years, excepting 1903, for which the percentage was a little smaller. The amount of wages and salaries paid to employees, as reported for the year ending June 30, 1904, was $817,598,810.

CAPITALIZATION OF RAILWAY PROPERTY.

The par value of the amount of railway capital outstanding on June 30, 1904, was $13,213,124,679, representing a capitalization of $64,265 per mile for the railways in the United States. Of this capital, stock comprised $6,339,899,329, of which $5,050,529,469 was common stock and $1,289,369,860 was preferred; the remaining part, $6,873,225,350, was funded debt, consisting of mortgage bonds, $5,746,898,983; miscellaneous obligations, $723,114,986; income bonds, $229,876,687; and equipment trust obligations, $173,334,694. Current liabilities, which, as a general statement, have relation to the operation rather than the construction and equipment of a road, for the year 1904 amounted to $881,628,720, or $4,288 per mile of line.

It will be observed from the foregoing statement that the gross earnings of railways in this country for the year ending June 30, 1905, are larger than for any other year for which a statistical report has been published by the Commission.

Mr. Chairman, I want to say a word in relation to this bill that I do not think has been mentioned by anyone else thus far, and that is that I hope the House will accept the bill as reported by the committee. I want to say to those that honestly hope for legislation, that are the friends of this legislation, that they should stand by the bill as unanimously reported by the committee, rather than endanger it by amendments offered promiscuously by different members of the House, as will likely be the case. You should let this bill pass the House as it came from the committee; not only that by amending it might endanger the benefits that we hope to get from the measure, but having a unanimous report, it should go through the House as it is; for that is something, I think, if it is not the exception, is very unusual, to have a measure involving a great economic question come from the committee with a unanimous report of the majority and the minority. Its passage promptly through the House will not only have a good effect generally throughout the country, but it may possibly have an effect on some other body that may have to do with it after it leaves this House.

Yesterday we all had the pleasure of listening to the distinguished gentleman from Pennsylvania [Mr. SIBLEY]. We were all edified and entertained by what he had to say. We all respected and admired him for his boldness and for his frankness in opposing this very popular measure. I presume there is no other Member of this body who enjoys the friendship, the love and affection and good will of his fellow-Members, as does the distinguished gentleman from Pennsylvania. It is a source of regret to every Member that he has announced his determination to separate himself from the House and that he does not expect after the expiration of his present term to return. When I came to Congress he occupied a seat on the other side of the Chamber. In the following Congress he was returned, but in the meantime he had seen the light, and when he came back he took his seat on this side of the Chamber. He therefore has had the benefit of association on that side, and when he got tired over there he came over here, and it would seem, Mr. Chairman, that he of all Members at this particular time ought to at least agree with one side of the House, but he states that he can not agree with either, and therefore he is opposed to the bill. He says that the Townsend bill, which passed this House a year ago, if it was up for consideration at this time, would not receive two votes.

I desire, Mr. Chairman, to challenge that statement and to reiterate what I have already said, that if that bill was pending now, and it was the best thing that we could get on this subject, we would do substantially what we did in the last Congress, and that is to pass it practically unanimously. He says that if this bill had been up for consideration before this House two years ago it would not have received 10 votes. Why, Mr. Chairman, this proposition was up for consideration in this House about thirty years ago. It was discussed in the House during a period of about ten years at intervals, particularly in the Forty-eighth and Forty-ninth Congresses, when, in 1887, was passed the present interstate-commerce act, which it was believed contained the legislation that is proposed here, so far as conferring the limited rate-making power is concerned. So if it is socialistic now to consider this legislation, it was socialistic twenty years ago. Why talk about socialism? Somebody might very properly ask what is anarchy. If it were not for the fact that the railroads have disobeyed the law we would not at this time be called upon to legislate compelling them to observe the law.

The gentleman from Pennsylvania [Mr. SIBLEY] assumed a false premise. He assumed that this was a propostion of Government ownership. I listened with much interest to the distinguished gentleman from Missouri [Mr. SHACKLEFORD] yesterday, and if this bill were so amended as to embody the ideas as proposed by him, then, possibly to some extent, the remarks of the gentleman from Pennsylvania would be pertinent and in point. But I say, Mr. Chairman, that this bill does not propose Government ownership. It is not a step toward Government ownership. As it has been stated before, it is a step away from Government ownership, for just as sure as we do not get this legislation, or something very closely akin to it, then just as sure as anything can be it is only a matter of time when possibly there may be legislation that will go to an extreme and go away beyond what any person would wish for or want to see happen. The gentleman yesterday spoke of socialism because we were proposing legislation to regulate the common carriers of this country. In the opening part of his speech he took the position, substantially, that we did not have the right to enact this legislation, that it was an interference with private property rights. I do not know that he went quite that far, but there are gentlemen in this House that I have heard say that we have no more right to legislate as we propose here than we have the right to legislate what a man who might own a house should charge for the rental of the house, to say what improvements he might make, to say what taxes he should pay, and when he should pay them.

But, Mr. Chairman, I do not think that any person will seriously contend that the subject of dealing with the common carriers of the country and their regulation can be considered for a moment as private interests. Before the gentleman from Pennsylvania finished he practically indorsed every word in this bill with the one exception of the power to clothe the Commission with the right to make a rate after finding a rate complained of unreasonable. The gentleman said, on the subject of rebates, that if there were rebates being practiced now it was because some officer charged with a duty of seeing that the law was enforced was not discharging that duty. Mr. Chairman, the report of the Commission, all of the evidence upon this subject of rebates, shows that rebates are being indulged in quite generally throughout the country without any violation of the Elkins Act whatever by means of practices or instrumentalities, such as refrigerator cars, icing charges, elevator charges, terminal and side-track facilities, that rebates are given that are in fact rebates just as if the Elkins law had never been enacted. This bill makes it impossible for those practices to be continued if it should become a law. Why, the gentleman said that he would make a fine, I think, of a hundred thousand dollars for a carrier to give or any person to receive a rebate. Why, apply his argument in the early part of his speech; he would not have any legislation at all governing or regulating the railroads of the country.

Mr. Chairman, I want to impress a little further upon the House the hope that this bill will be accepted as it has come from the committee. As I have before stated, it contains everything that has been asked for by the President and by the Interstate Commerce Commission. It has been framed after great care and great study on the part not only of the committee, but others who have been making a study of this subject. Mr. Chairman, I have heard it stated by some that they were for this bill because it was a step toward Government ownership. I have heard others say that they were in favor of this legislation because it is a step away from Government ownership. Mr. Chairman, speaking for myself, I want to say that I am for this bill because I believe it is honest, because I believe it is right, because I believe that Congress twenty years ago thought they had conveyed to the Commission the power that is sought to be given by this bill. It not only gives that power, but it goes further, and regulates many abuses that are now being indulged in by the railroads, and will, I think, make, with existing laws, a law that will be all that is necessary for many years to come; a law that will be not only fair to the railroads but do justice

to those who have to do business with the railroads. [Applause.]

Mr. MANN. Mr. Chairman, I yield one hour and twenty minutes, to be charged equally to the two sides, to the gentleman from Massachusetts [Mr. McCALL].

The CHAIRMAN. The gentleman from Massachusetts [Mr. McCALL] is recognized for one hour and twenty minutes.

Mr. McCALL. Mr. Chairman, if the pending bill made an effective response to public opinion upon the railroad question, it would deal in the most comprehensive and the most particular terms with rebates or favored rates, whether given directly or in any of the indirect forms in which they have been extended. A secret rate lower than the rate which is published for all or valuable concessions given shippers, under whatever subterfuge, are obnoxious to the law, which contemplates not merely a just and reasonable but an equal rate. What is demanded to meet the real evil, and what was demanded by public opinion until its attention was diverted to an utterly irrational and haphazard remedy, is legislation making clear beyond question the right of every man to equal treatment and giving him the amplest remedy for every violation of his right. The private car, refrigerator car, the industrial switch, receiving a part of the through rate as if it were an independent line, every instrument of favoritism and injustice, had justly received public condemnation. These evils were dealt with in general terms by the amendment known as the "Elkins Act." But that act needed to be broadened; it needed to be made more specific, so that it should prohibit unequal treatment under whatever guise, and then it needed to be enforced, not merely by a fine, but in clear cases of evasion by imprisonment both for the giver and the receiver of the secret rate. If a law had been passed upon these lines one year ago, every demand of what can justly be called "public sentiment" would have been satisfied. The Republican national convention in 1904 made no declaration whatever regarding railroads. The Democratic convention declared against rebates and discrimination. Rebates and discriminations in all their protean forms were the real evil. The President in his annual message declared against them, but he promulgated as a remedy that the Commission be given authority to fix railroad rates whenever a complaint should be made.

The leading authority upon railroad economics in the British Empire said, not long ago, of the bill passed by the House last winter in line with the President's recommendation, that it would have done no more to stop rebates than would the reenactment of Magna Charta. I endeavored to point out at that time upon this floor that there was no possible relation between the giving of rebates and the fixing of rates by a commission, and that a railroad could as easily give a criminal rebate from a rate fixed by a commission as from one fixed by itself. And the advocates of this legislation have refrained from penetrating the awful mystery and have discreetly permitted the relation between rebates and commission rate making to remain a secret until this day.

The issue of political rate making in the Congress of the United States is not the result of any evolution or of any expression of public opinion, but it is a mere fungus growth. It sprung up in a night. It grew out of the Presidential non sequitur, and I am very willing to concede that a non sequitur is something in which a busy man may sometimes indulge. If teachers of logic are looking for a perfect example of a non sequitur for their classes, I commend them to the statement of the evils and the statement of the remedy contained in the President's annual message to Congress in December, 1904.

And at once political rate fixing became a burning issue—I mean in Congress, but not before the people, for there has been no election since it was so suddenly and so illogically sprung upon the country. Mr. Bryan, the once idolized leader of his party, for a time dethroned, but summoned back again by the overwhelming exodus of Silver Democrats at the last election, Mr. Bryan, who might have brought action for infringement, generously hailed political rate making as a decisive step toward his cherished dogma, Government ownership, and he fixed upon it the stamp of his emphatic approbation. He looked upon it as his own child, and not long ago, as he was starting around the globe, in almost the last words he uttered upon American soil, with a paternal solicitude he commended the bantling to the tender care of the President.

The Democratic party followed its leader and took up the cause of rate making with enthusiasm and unanimity. As for the Republicans, rate fixing had been made party policy by our just elected President, and, logic or no logic, we were expected to get in line. This is the genesis of the public opinion upon this point. If any political platform adopted prior to the President's message by either of the great parties suggested any form of rate making by the National Government as a remedy for discrimination or for any other purpose, I trust some gentleman will cite it.

So far as favoritism is concerned, in every one of its forms I am opposed to it. I would have you enact against it the most drastic law which ingenuity could devise. And I would have the right of every man to a just, reasonable, and equal rate taken to the courts at the expense of the Government, in the first instance, and ultimately of the railroads, if they were held to be in the wrong, under every effective species of remedy, taken to that forum where Anglo-Saxon freedom has won its noblest triumphs. For my part I prefer the natural and beneficent liberty of the courts to the cast-iron regulations of a commission. I would encourage proceedings such as that in Scotland, which, for a differential given in good faith, took from a railroad company in damages and costs about $700,000. But in this measure we are neglecting to follow the vital line and paltering with the highest interests of the country. I am for every feature of your bill aimed at discrimination, and I would favor far more stringent features; but your rate fixing, which is the substantial part of your bill, is economically as vicious as it is illogical and I propose to submit to you some reasons why I can not give my support to a measure which I fear you have already almost unanimously determined to enact.

And I shall at the outset dispose of two or three preliminary propositions. It is claimed that it was intended to confer the rate-making power when the interstate act was passed, and that the Commission for ten years exercised it. The facts are that the framers of the act declared in the debate that it did not confer the rate-making power; the courts as early as 1890 decided that the power did not exist; there was no general belief that it had been conferred, and although the Commission assumed to pass on the relative reasonableness of rates in a few cases, when it attempted to exercise the power in a really important case, its authority was challenged, and the Supreme Court finally decided that the act did not confer the power of fixing a rate.

Of the same character as the misapprehension which I have referred to is the pretense that the rate-fixing power in this bill is altogether exceptional in its character—not for every-day use, but likely only to be exercised upon rare and great occasions. Gentlemen simply run away from their proposition, and it is little cause for wonder. Their bill confers the power to revise all the rates in the country and to substitute other rates for them upon the happening of a mere formality. In the maximum-rate case thousands of rates were involved, and there is the testimony of a high officer of one of the railroads concerned that the reduction ordered by the Commission in that case would have cost the railroads $3,000,000 a year. It would have meant bankruptcy to some of the railroads. But if you need a decision of a court upon so plain a proposition, read what the Supreme Court said when it passed upon the asserted power which is similar to that granted in your bill:

If—

Said the court, in 167 United States, 510—

the power existed as is claimed there would be no escape from the conclusion that it would be within the discretion of the Commission, of its own motion, to suggest that all the interstate rates on all roads of the country were unjust and unreasonable, notify the several roads of such opinion, direct a hearing, and upon such hearing make one general order reaching to every road and covering every rate.

It is clear that the present bill gives the Commission, upon the mere formality of somebody's filing a complaint, power to set aside great groups of rates and to substitute other rates for them. The pretense that it contemplates only the challenging here and there of a single rate demonstrates clearly that the advocates of this measure do not understand it or that they do not dare avow its purpose. On the theory that a mere isolated rate is to be tried here and there your bill amounts to nothing from your own standpoint, for, as was said by a railroad president the other day, it would take hundreds of years for your court to sit in judgment upon each of the billion or more rates in the country. Indeed, the new rates would increase faster than your Commission could decide them. I shall therefore assume that this measure is a rate-fixing scheme of the most sweeping character.

The fundamental question, then, involved is, Do we want rate making by a Government board? The burden of proof rests upon the man who contends that such a system should be substituted for the system at present in force. It is upon the advocates of this bill to show that we should set aside the American system of fixing freight rates which has given us rates hardly half as high as are paid by the other great countries of the world, although our railroads pay their labor twice the wages paid in the other countries. The burden of proof, I

say, rests heavily upon those who would radically substitute for our present system the foreign system of fixing rates by the Government. Magnificent platitudes about eminent domain and our duty to exercise the great commerce powers of the Constitution will not sustain the burden. Give us a reason why we should discard a system which has been a success for a system which has been a failure.

The experiment has been thoroughly tried. We have the result of the experience of other nations and of our own. You will find the experience of the great countries of the world admirably set forth in a book by Professor Meyer upon Government Regulation of Rates. If Professor Meyer is wrong in any of his important statements, I have not observed that those who differ with him have pointed out his errors. And my friend from Pennsylvania [Mr. SIBLEY], in his masterly speech yesterday, left little to be said upon this point.

Take first the experience of Germany, which for more than a quarter of a century has had rates fixed by the Government. In the case of Germany, however, the Government owns the railroads and has all the rights which go with the proprietor and also with the state. The state is simply managing its own property and manfully paying the bills. In that country the rates were made upon a mileage basis, and this difficulty was at once encountered. If the rates were high enough per mile so that traffic hauled for a short distance would yield a net revenue, they would be so high for a long haul as to be practically prohibitive of long-distance traffic; and on the other hand, if the mileage rate were so low that merchandize could be carried a great distance profitably, the short-distance traffic would be carried at a loss. The German Government made repeated attempts to give concessions from the mileage rate in favor of long-distance traffic. For instance, it made the so-called "tapering rate," that would permit the wheat of eastern Germany to find its way by rail to the great manufacturing centers along the Rhine. Saxony, in the center of Germany, also produces wheat, and the Saxon millers and landowners contended that they had a "natural right" to the market in their neighborhood, and that it was a discrimination for the Government to bring the wheat of eastern Germany at an exceptionally low rate to western Germany in competition with the wheat and flour of Saxony. The German Government is a reasonably autocratic Government, and yet, resist as it would, it was finally compelled to yield and to reestablish the mileage rate upon the eastern wheat; and the German minister declared that 125 miles was the maximum distance at which wheat could be carried by rail in Germany for domestic consumption. The same minister said that for most purposes of trade eastern Germany and the Rhine country were farther apart than Germany and New York or Germany and Buenos Ayres.

The same thing was illustrated in the raising of sugar. At the time of the sugar campaign there is a great demand for labor in the sugar-producing sections, and the state railroads would sell excursion tickets to the laborer for less than the regular rates; but the landowners of other portions of Germany claimed that these special rates had the result of inducing the labor, which they would naturally employ, to leave them unless they paid higher wages—in effect these landowners claimed that the excursion tickets operated to take away from them their natural rights—and although it was admitted that the laborer secured higher wages and these wages resulted in a better standard of living and that the travel which the workingmen got broadened to an extent their intellectual horizon, yet the Government finally yielded and stopped the practice of selling excursion tickets and restored the hard and rigid state rate.

This insistence upon the right to a market which proximity gives, this resistence to discrimination and favoritism shown by hauling at a low rate the merchandize of a community at a great distance so that it may compete in the same market with the near-by community, is also seen in the manufacture of iron and steel. And the effect of the recognition of the natural-right theory, the mileage theory, in Germany, resisted in vain by that Government, has been undeniably toward establishing a zone system of commerce, toward preventing Germany from becoming a common market, and to break it up into little principalities for the purposes of trade. And it is most striking and significant that the German Government, in order to escape from the consequences following its own exercise of the rate-making power upon railroads, expended millions of dollars upon canals connecting its rivers so that traffic might be conducted by private parties between remote parts of the Empire.

Waterways are to-day the vital currents of German trade, although wherever railroads are permitted to compete with water they secure the bulk of the traffic. This is proven by the vastly greater tonnage of export coal carried by railroad than by the Rhine. Traffic upon the railroads along the Elbe greatly exceeded the traffic upon that river, but after the Government assumed control the situation was reversed. The German Government therefore has expended vast sums of money in order to confer upon private parties the power to fix under the operation of natural laws the rates for long-distance traffic. There could not be a more striking example of the evils of government rate fixing than is afforded by the experience of that great and highly civilized country.

In France the rates are made by the Government, not by a political commission of seven men, as the bill before the House would result ultimately in establishing for this country, but by a bureau of thirty-three highly trained experts with a great staff of assistants, although France has barely a tenth of the mileage of the United States. The Government of France has a very large financial investment in its railroads and, as in Germany, it exercises to quite an extent the functions of proprietor as well as the regulating power of the nation when it fixes rates. You will find a similar condition in France to that which exists in Germany. The natural waterways, supplemented by canals built by the state, are the props which chiefly support industrial France. And you will find, as I have said, in both France and Germany freight rates at least twice on the average what they are in America, although the great item in the operation of the railroad, the wages paid the workingmen, are on a scale less than half what the American railroads pay.

The French experts find it necessary to deviate from their ordinary rates, and in a single year 80 per cent of the traffic was carried at special rates. What would be the effect upon public opinion in this country if our national railroad Commission should yield to fair economic demands and permit, if they could do so under this bill, such a deviation from the regular rates?

In England the railroads are not owned by the nation, and the Government, with the conservatism toward private property which characterizes the British people, permits great latitude to the railroads, and they approach in cheapness of service and efficiency the railroads of the United States, although their rate is much higher and their average wage is much lower than in this country. In England, however, the Government established parliamentary rates which, as Mr. Ackworth says, were obsolete almost before they were enacted. They were maximum rates such as you propose to have created under this bill. The tendency has been for the railroads to adhere to the maximum rate or to approach it closely. The establishment of rates materially lower would be a confession that the maximum rates were unreasonably high and might lead to action by the Government reducing the maximum rate. In all of these countries we see a rigidity to the rates established by the Government, and we see, too, the lack of constant supervision of detail, due to the enormous task of revising the great mass of rates, and a lack of responsiveness to the temporary conditions of business which an army of traffic agents, scattered over the country at the sources of freight supply, would keep in touch with and fully recognize in the making of rates.

The Governments of Austria-Hungary and Russia absolutely fix their railroad rates, and substantially the same results are witnessed there as in Germany, only in a more exaggerated form. I have not alluded to Canada because its rate system has been in operation only a year, and so short an experience would be of little value. But even in that short time the commission have begun to readjust rates from the standpoint of distance and to operate as a protective tariff, and they have succeeded in classifying beans, which are carried in small quantities, with wheat which moves in train loads.

The experience of Australia, where the railroads are controlled by the government, is valuable. Her railroads are everything that the people of this country would not desire. Their operation throws a striking light upon one of the favorite theories of our own Commission—a theory that is entirely natural and would have been effective had the Supreme Court not intervened, and which would be effective under this bill.

Our railroads have made certain points, scattered all over the country, what are termed "basing points," and have given them a special rate slightly better than that to the communities immediately about them. This system results in building up centers of trade and distribution at different points in the country, and it results also in giving the localities around these centers lower freight rates, notwithstanding the claim that they are discriminated against, because it enables the railroads to consolidate their freight and haul it from the seaboard or other sources of supply to the center of distribution at greatly less expense, in perhaps 2,000-ton train loads. The Australian system is hostile to the basing point because it adopts to an extent a mileage rate, as our Commission would be compelled to do, and what is the result? A road is built, say from Melbourne 100 miles into the interior, and at its terminus a town springs up which becomes a center for supply-

ing the country about it and the still farther interior. But the road is afterwards extended, and the manufacturer or the jobber in the once flourishing interior town is obviously at a disadvantage with his competitor at Melbourne, because he has a freight rate from Melbourne and another freight rate when he ships his goods to the buyer. He must either retire from business or go to Melbourne, and the result is that the commercial and banking and great industrial business of Australia is done at the four or five ocean termini of the railroads. The freight trains from the seaboard centers peddle out small parcels of freight at a great number of points, and such distribution is enormously expensive.

The destruction of "basing points," so called, in the United States, would take away a great part of the business of Atlanta, Memphis, and Kansas City, and scores of other interior centers, and would transfer it to New York and Chicago and St. Louis. If you think our industry and trade should be centralized in a few great cities instead of being diffused throughout the States of the Union, then you will support this bill, because, if it permits the adjustment of relative rates, it is an admirable instrument to accomplish that purpose.

Then first-class passenger fares are lower in this country than in Europe, but if one travels third or fourth class he may sometimes travel more cheaply abroad than first-class here, and in Germany one may save by traveling fourth-class in a box car on a slow train. But if one traveled on a corresponding scale of luxury in the United States he would bill himself through and go as freight.

Now, what is the American system which, without any consideration worthy of a great economic subject and upon mere generalities, you are airily proposing in this bill to set aside for the policy which I have been describing? In this country the interstate rates have been made by the railroads with practically no check, so far as governmental interference is concerned. It has been the prime policy of the railroads to develop a vast continental traffic drawn at low rates and between the most remote sections of the country. It has been to make of America a common market. The "natural-right" theory has more than once been involved. The low long-distance rates brought the agricultural products of the West in competition with the farms of New York, New England, and Pennsylvania, in markets which, on the "natural-right" theory, belonged to the farmers of the last-named States. And while your lands have gone up enormously in value the farms of New England and the East have greatly decreased in value. Yet on the whole the East has benefited because it concentrated its energies upon manufactures and trade and the railroads took its products to the West at low rates in the cars which bore your produce East, and which would otherwise have returned empty.

If we had had since 1865 a railroad commission with the power in this bill to fix railroad rates it is a moral certainty that many now civilized portions of the West would be unsettled regions, and as a necessary consequence your great cities would not be the magnificent affairs they are to-day. The East, relatively powerful, would have resisted the invasion upon its natural markets by the low long-distance rates, with the inevitable result that has been witnessed in Germany. There would have been a distance tariff, and a distance tariff would have held back the settlement of the far western lands for generations.

The Interstate Commerce Commission has more than once affirmed the "natural-right" theory, and if it is to pass upon the conflicting claims of sections it can not escape from that theory. The elevator and dock owners and great merchants of New York protested against a rate from the West to New York on wheat destined for export lower than the rate to that city on wheat for internal consumption. The low rate for the export wheat was directly for the benefit of the farmer, but it took from the men of New York certain profits that they claimed the "natural right" to have, because their city was the gateway to the Continent, and the Interstate Commerce Commission ordered that the rate on the wheat destined for export should be the same as that for New York. The question involved was of vital importance to the farmer, and it is significant that the railroads were fighting his battle, which the Commission decided against him in effect upon the natural-right theory. The Supreme Court supported the railroads and overturned the decision of the Commission.

The striking feature in the American railroad system, then, has been the remarkable development of the low long-distance rate which has made of the country a common market and has stimulated trade between its most remote parts. The American railroad rates, in the mass, are not the arbitrary fiat rates such as would be ground out by a governmental machine, but, in a sense, they are self-made rates, and result from the free play of commercial and industrial forces. Even such a differential as that established in favor of Baltimore and Philadelphia against New York and Boston, which would at first sight appear artificial, was the result of one of the fiercest and most expensive commercial wars ever waged upon this continent, and when a few months ago the Interstate Commission was called upon to arbitrate, under an agreement between the cities, as to this differential it reached the very conclusion that was the outcome of that war.

The enormous expansion following the civil war was succeeded by the severe financial crisis of 1873, and for a half dozen years the country was in the gloom of a profound depression. There were armies of unemployed in the factory cities of the East, vast numbers of immigrants seeking employment who had poured into the country during the years of its apparent prosperity. Our industrial collapse would have been even more serious and profound had it not been for the policy of our railroads. New lines had been opened up through rich areas, inhabited only by the buffalo and the wolf. But in spite of the fact that the price of wheat had fallen 30 per cent, the railroads established such low rates to the seaboard that the lands were quickly put under the plow, and a great portion of the surplus population of the East was transferred to the farms of the West. Nearly the entire wheat crop of some of the States beyond the Mississippi found a market on the other side of the Atlantic. Mr. Edward Atkinson, as exact an economic authority as ever lived in America, estimated that the saving upon the transportation of wheat from the Mississippi to the Atlantic during the fourteen years succeeding 1873 amounted to 33 cents on every bushel. Suppose we had had a governmental commission at that time, when the East was politically the strongest section and held the dominant power. Is it not almost a certainty that they would have listened to the protest of the latter section against the disturbance of their domestic market in those depressed times, and that those now mighty and stable Commonwealths that lie beyond the Mississippi would have waited for that great development which the railroads forced upon them? Why, those great States are the very daughters of the economic American system of making freight rates. They would not have come into being under the system established by this bill, and yet they are now blindly clasping hands to strangle the mother who bore them. The working of natural laws and the unhampered genius of the enterprising American railroad men proved during that great crisis the salvation of the country.

The rate making of our railroads is done by an army of tens of thousands of men, picketing every part of the country. Often cars have to be returned empty over a long route. A rate that would pay the difference between hauling a car loaded and hauling it empty in such a case would pay the railroad. The traffic agent will often discover a commodity of low value in one part of the country that can be used in another part, and which, unless carried at a very low freight charge, can not be carried at all. The transportation will pay the owner of the commodity something; it will also pay the railroad, and the commodity will be used to advantage by a distant consumer. That traffic would be at once set in motion. The nicest curve, the strain of a swift train upon a bridge, the building of tunnels, can present no more technical questions to the engineer than are often faced by the thousands of traffic men who, in their eager search for tonnage, must consider rival markets and the relative demands of localities.

The flexibility of this system, where rates are fixed by economic laws, is infinitely preferable to the wooden system established by this bill, where, after a rate has been determined, you walk off and leave it a fixed and immutable fact for three years, unless a decree can be obtained from an overworked Commission changing its decision and establishing a new rate. And by the time the authority would be conferred the necessity for a change of rate would probably have passed away.

The editor of the London Statist, perhaps the leading financial organ of the British Empire, in writing recently of a typical report—that of the American Great Northern Railroad—said the results shown in that report would fill the shippers of Great Britain with envy, in which country he declares that, notwithstanding the density of traffic, the people under tariffs directed by government have had very little reduction in a quarter of a century.

Gentlemen talk of throttled competition. You must remember that the most effective competition is not between two or more parallel railroads serving the same points, but between railroads connecting different sources of supply with the same market. The competition between markets has done more to reduce freight rates permanently in this country than the competition between parallel roads, including the injurious and spasmodic "cutting" in rate wars. The rates from Chicago to New York

compete with the rates from Chicago to New Orleans and, it may be, with the rates from Chicago to the Pacific. The lines from St. Paul to New York or Boston run in opposition to the steamships plying between South America and London or with the railroads that carry the wheat of interior Russia to the sea. The primary instinct of self-preservation will inspire railroads to protect the markets of the territory they serve. Every interest of private property impels them not merely to preserve, but to build up their communities. But here you propose to have a governmental agency step in and set aside the primary edicts of commerce and trade. It may be for this agency to say not that the railroad shall serve its own interests by serving the interests of its territory, but to say that the natural advantages of its community are not equal to those of a competing community a thousand miles distant served by another railroad, and that the latter community should have a relatively better rate. And it will doubtless be claimed that it has the power, in order to prevent what may be called discrimination between communities to readjust the rates.

Suppose the farmers of Vermont should contend before the Commission that they were only 200 miles from Boston, and that it was a destruction of their natural market for the agricultural products of the West to be brought 1,000 miles into Boston as cheaply as their own produce, and that their rate to Boston should be relatively reduced. What will your Government commission say to that? Or, suppose some iron-manufacturing locality in Pennsylvania should assert that the low rates on coal and pig iron to Worcester, in New England, was a discrimination against the rights of the former locality, what will your railroad commission say to that? It is inevitable that sooner or later, struggle as you may, you will repeat the experience of Germany and have a distance tariff. Mr. Ackworth, the leading English authority, speaking fifteen years ago of the effect of low rates to bring distant markets together and of the inevitable tendency of government rates to become distance rates, said if anyone "wishes to put an end to this state of things and to return as near as may be to the age of gold, when the Middlesex farmers had in the London cattle market the full advantage of their geographical position, he can not do better than devote his energies to securing a government control of railway rates." There is no reason why you gentlemen from the South and West should not have the mileage basis if you want it, but I shall do what I can—I fear much too little—to make you see just what you are voting for. If you want sooner or later to put an effective brake upon our progress, you will find no better way to do it than to vote for the policy upon which the pending bill embarks the country.

Then, the port-preference clause of the Constitution would prohibit the Commission from giving one port an arbitrary differential rate better than another port. Do away with these differentials and you strike a mortal wound at competition.

I have not understood that a popular government was adapted to carrying on to advantage, even on its own account, a business ordinarily conducted by private enterprise. From the time when the Pilgrims saved themselves from starvation only by abandoning the practice of raising corn in common and permitting each family to raise its own corn to the time when Massachusetts built the Hoosac Tunnel for about thirty millions, which it afterwards sold for ten millions, or when Illinois completely bankrupted itself in building railroads and canals and conducting the banking business, the experiments of government on this continent in running business enterprises have uniformly been attended with great waste, if not uniformly with failure. But what may not be expected when a governmental agency manages business for which private individuals pay the bills? The pending measure not merely confers upon a commission the power of establishing a rate, but it makes them in important particulars general managers of the railroads.

It confers upon them authority to prescribe just and fair and reasonable regulations or practices in respect to transportation. It attempts to give them both judicial and legislative powers, making them now a little congress and now a little court, for the Supreme Court has held that it is for the judiciary to say what is a reasonable rate and for the legislature to prescribe what a future rate shall be. The latter is the least of the legislative powers conferred. The Commission may by an order destroy the prosperity of a section of the country and may, in effect, impose restrictions upon commerce between States which it was the prime purpose of the Constitution to prevent. With the Government fixing rates, constituencies would inevitably carry their grievances into politics. I believe it will be contended that your bill in substance confers the power to impose a rate for one section in its relation to the rate of another section. You will therefore have the different parts of the country knocking at the door of the National Government for favors, and intrigue and politics will rekindle the sectional jealousies that have now been happily allayed. This policy will again plant the seeds of discord in the hearts of the American people.

The railroads are not even permitted by this bill to give excursion rates between interstate points without first publishing a schedule thirty days in advance, or unless the Commission makes a special dispensation or a general regulation permitting it. If that does not make a legislature of the Commission, then the hitherto accepted notions of the function of legislation will need to be radically revised. The "Be it enacted by the Philippine Commission," which gives vitality to the laws of a people who are neither a citizen nor a foreign people, will be matched by the "Be it enacted by the Interstate Commerce Commission" in laws passed for the government of the people of the United States. If the making of railroad rates is a legislative function which can be delegated by calling it administrative, why may we not in a bill originating in the House confer upon a commission the power to fix tariff rates?

You propose to confer upon a mere human agency a practical task that would be superhuman. It is made their duty upon complaint to revise any and all the thousand millions or more freight rates in the country and an untold number of passenger rates. In addition to administrative functions, in defiance of the Constitution, you confer upon them, as I have said, judicial and legislative powers. They are to be vested with authority over a dozen billions of property and nearly a million and a half of employees. The enormous magnitude of the task is admitted, but there is to be an easy solution for it all.

We are to have a Commission made up of prodigies and paid splendid salaries. The President, at Austin, Tex., last April, before the two houses of the Texas legislature, gave his notion—and a lofty one it was—of the character of the men who should constitute the Commission. "They should not," he said, "be swayed by any influence whatever—social, political, or any other—to show improper favoritism to the railroads," and, "on the other hand, if the rate is unjustly attacked, no matter if that attack has behind it the feeling or prejudice of 99 per cent of the people," they will stand up against that attack. This is a noble ideal, but where are these paragons to be found? Even far higher officers than commissioners are not always found to be unresponsive to public sentiment. The President has undoubtedly selected for the commissions he has already filled the men whom he believed the best adapted to the work. Nearly all the members of the present Commerce Commission were appointed by him, and yet the Administration bill introduced in the House a year ago proposed to abolish this Commission absolutely. The first Canal Commission were paid magnificent salaries, and yet they were unceremoniously deposed from office in scarcely a year after the President had appointed them. And the present Canal Commission, even with the aid of the $10,000 press agent, does not seem to command the admiring approval of the country. [Applause.] The President will be compelled to discover a new field if he finds the remarkable men that he undoubtedly desires to appoint. But, even if he should find them, he can not endow them with immortality, and some day another President will appoint their successors, provided the Board should not be abolished beforehand, and these successors may be made of common official clay. For my part, I doubt that you will get a better Commission than the one you now have. I have known the New England member from boyhood. He is a brilliant lawyer, and one whom it is not possible to corrupt. The chairman is an able and fair-minded man. The other members command the respect of the people who know them.

But the difficulty will be not so much with the men as with the system. They will be unable to perform those impossible duties, and then their work is near the political line, across which they will inevitably drift, and, as has been attempted already in some of the most enlightened States in the Union, some day, acting under pressure or under the spur of ambition or of a desire to "do things," some great schedule is liable to be broken into atoms, and the commerce and industry of one section may be arbitrarily transferred to another. I believe that it is vastly better for the interests of the country, so long as rates can be fixed under the operation of economic laws, to reject the artificial method proposed by this bill, which makes of a commission a sort of Providence with power to create one city and destroy another.

It is an extraordinary power—the power to fix railroad rates. It might be so exercised as to act as a tariff between States; to strike down trade between remote sections of the country; to dissipate the foreign and domestic commerce of New York; to cause the great city of Chicago, like many another exhalation, to sink back again in the marshes from which she sprang. And

yet gentlemen contend that this power is so unimportant that we can call it "administrative" and delegate it.

As representing some of the people of New England upon this floor, I say to you that I believe they do not care to offer up supplications to any statutory deity at Washington for the right to continue to exist, but that they will bravely take their chances with those economic forces which, with a disastrous exception, have hitherto ruled. Having seen her commerce swept from the seas by the action of the national Government in imposing an utterly useless and unstatesmanlike embargo, New England can more safely reckon with the constant or slowly changing economic forces than to have her domestic commerce subject to the "theories of progress" of a commission, possibly of martinets and almost certainly of politicians. The prosperity of her people is vital to the existence of the great railroads which now serve them, but if that should be entirely disregarded, if the railroads should attempt to destroy themselves by destroying the communities which support them, the people of New England still have the courts, and if you will perfect their remedies the dangers that they will be under in even the extreme case I have supposed will be less than the dangers you are creating by the policy of this bill.

Economic writers divide American railroad commissions into two classes—the strong and the weak. The strong ones are those bristling with formidable legal powers and the weak ones have commonly powers of investigating and reporting facts and making recommendations. Mr. Charles Francis Adams, an admirable authority, says the strong commission means "the constable" and the weak one "public opinion." The difference in the effect upon its possessor of the authority to advise and the authority to command is strikingly illustrated by the so-called "strong" and "weak" commissions. The strong commissions, as a rule, are in antagonism with the railroads and often also with the courts which are compelled to intervene to set aside decrees essentially confiscatory. The weak commissions, having the power only to advise, base their advice upon rational and reasonable grounds. The best illustration of the weak commission is that of Massachusetts. Its power regarding rates is purely advisory. When a complaint is made, it investigates and reports, advising the rate which it deems reasonable, and I believe in every instance in the history of the commission its advice has been accepted by the railroads. I venture to say that the Massachusetts commission has done as much for the development of the railroad system and for the protection of its public as any State commission in the Union.

If you are seeking a model for a national commission, I do not know of a better model. The national commission has been most successful in those cases where it has acted somewhat upon the theory upon which the Massachusetts commission is constituted. Over 90 per cent of the complaints made to the national commission have through its influence been adjusted between the railroads and the complainants to the satisfaction of both parties. But in the cases in which the Commission has fulminated decrees as to rates it has accomplished very little for the public or the railroads. Of thirty-four decisions which have been carried to the courts it has been overruled in thirty-two cases and only successful in two. If you want to change the rate-making provisions of the present law, permit the Commission, as now, to declare a rate to be unreasonable and then let them, as in Massachusetts, suggest the rate that they deem reasonable. If their suggestions are rational, they will have public opinion behind them and the railroads will be forced to comply; but arm them, as you do in this bill, with the terrors of the law, with the power to command railroads to make a rate or to fix a so-called maximum rate, with authority to promulgate little statutes, and you are sure to breed antagonism between the Commission and the railroads. Then confer upon them the powers proposed in a bill prepared by a very able member of the Senate, against every species of favoritism, let them proceed in the courts in the interest of individuals who have suffered by unreasonable rates or unfair practices of railroads, have the decision of these cases expedited, and it seems to me you will have made a much better solution of the railroad question than you afford in your bill.

Much could be accomplished by the equal enforcement of the laws already upon the statute books if those who enforce our laws are possessed by the unappeasable rage of justice. Sir, I have no sympathy with that vicious sentiment which would prosecute a man, not because he is guilty, but because he is rich, and that would make our prosecuting offices the refuge of every demagogue and mountebank. But great as is our country, it is not and it never will be great enough to shelter two kinds of law, the one for you and me, for the general mass of American citizenship, and the other for some executive grand duke.

A railroad rate is a fluctuating thing in the cost of its production, and from an economic standpoint no law can fairly fix a future rate which does not fix those material elements upon which the rate depends. As was pertinently asked by Mr. Benton, an able lawyer of my own State, if the State fixes the price that railroads are to receive for transportation, would it fix also the prices that go into the making of the cost of that transportation?

Will it fix the price of coal and ties and iron, the wages of labor, and those other varying elements of the cost of service, all of which absorb by far the greater part of the rates they receive? What prudent man would care to conduct a business with the Government fixing the price at which he should sell his product and leave him subject to the laws of supply and demand for everything he was compelled to buy? A rate that is reasonable to-day may be unreasonable to-morrow simply from the standpoint of the cost of production, and, under the present law, what is a just rate can always be determined at any given time by a court and jury whenever an individual claims that an unreasonable rate has been exacted. The question of unreasonableness can be tested in the courts. The juries will not hesitate to do as they have done in England, and the public will be protected. Is that not far more rational than the method you propose in this bill?

Mr. STEPHENS of Texas. Will the gentleman yield for a question?

Mr. McCALL. If I can get through in the limited time which I have, at the end I shall be very glad to yield to the gentleman.

I can not find an economic authority worthy of the name who, prior to one year ago, supported the theory of Government-made rates for this country. After the President had promulgated the notion of rate making as a cure for rebates and discriminations, there appeared a crop of economists whose names had previously escaped the attention of the country, each with a patent nostrum guaranteed to work a cure on the President's plan. It was the heyday of the economic quack. We have even had it proposed, on high authority, that if it were discovered that one of many competing railroads, say, between Chicago and New York, had given low, secret rates, those rates should immediately be declared to be the reasonable rates although they would be forced upon the competing railroads, who were entirely innocent, and might be made bankrupt by them. That is a fair illustration of some of the economic theories that have been evolved upon this question.

It is said that the sentiment of the shippers is behind this rate-making proposition. With the exception of isolated individuals, whatever sentiment has been expressed in favor of this policy did not appear until it was proposed fourteen months ago and was authoritatively put forth as the remedy for the evils of discrimination and the giving of rebates. Even then, few complaints were made that the rates were too high, but that they were unequal, and on the assumption that the proper remedy for that inequality was in the fixing of rates by the Commission, the proposition was supported by business organizations. But the more the plan was studied the less it received the approbation of the business men of the country. The first serious opposition came at the convention of shippers called by Mr. Bacon, the promoter of this movement. The organizations in that convention were those which he himself had selected and the most important of them, and probably the majority of them, were opposed to his scheme and were therefore ruled out of the convention. It is said that those protesting delegations were packed by the railroads. But what shall be said of the great national convention of the boards of trade of the country, the most representative convention of business men that is held upon this continent? This convention, held in the city of Washington during the last month and only a year after this new gospel had been preached, adopted a resolution with regard to rate fixing where the proceeding was to begin with the courts and end with them and was, in effect, a most emphatic condemnation of this policy.

That resolution was adopted by a vote of ten to one of the delegates assembled. And let me say to Members on the other side of the House that this rate-fixing policy found no more uncompromising opponents in that convention than were found among the delegates from the great cities of the South. They saw its viciousness not merely from the traditional Democratic standpoint, but also from the position of self-interest. They saw the South standing exultant upon the threshold of a brilliant era of prosperity, just entering upon her career of industrial glory, and that the railroads will do for her what they have already done for the North and West unless the capital which would naturally be invested in them should be frightened away by this populistic hullabaloo in which you are joining.

Mr. ADAMSON. May I interrupt the gentleman?

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Georgia?

Mr. McCALL. Certainly.

Mr. ADAMSON. I do not wish to injure the gentleman by taking his time, but I will endeavor to make reparation. I know the gentleman desires to be correct, therefore I desire to make a correction. I understood the gentleman a few moments ago to declare that under this law excursions could not be permitted without taking time in going before the Commission. I wish to call the gentleman's attention to section 22 of the "act to regulate commerce." It makes a provision for excursions as well as for governmental and charitable purposes.

Mr. McCALL. It may be that I am mistaken, but I think that it is provided that schedules of all rates and fares shall be printed thirty days before they are put in force. That would operate by implication to change the existing law.

I willingly agree that my friend has studied the bill more carefully than I have. But that is my conclusion.

Mr. ADAMSON. I do not think there was any intention to alter that special section.

Mr. BARTLETT rose.

The CHAIRMAN. Does the gentleman from Massachusetts [Mr. McCALL] yield to the gentleman from Georgia [Mr. BARTLETT]?

Mr. BARTLETT. May I be permitted to say that in this bill there is a distinct provision that none of the provisions of the act of 1887, unless repealed or altered, are altered by this bill? The saving clause of this particular bill is that it saves to the Commission every right and power they had under the act of 1887.

Mr. McCALL. It covers that particular point of that particular subject in the act of 1887, and what the gentleman says upon that point is all right.

Mr. BARTLETT. We do not cover the point.

Mr. McCALL. I beg the gentleman's pardon. I think the bill very clearly covers the point of supplying the schedules for rates for a period of thirty days before they are put in force.

Mr. BARTLETT. That is the act of 1887 also.

Mr. McCALL. Yes; I may be mistaken, but I am still of the opinion strongly in my reading of the bill that I am correct. I thank the gentleman for calling my attention to the point.

It is contended that the policy of national rate making is necessary in order to avert governmental ownership. Either governmental ownership is an evil or it is not. If it is a wise policy, we should embark upon it, but if it is an evil, the way to avert it is certainly not to take the first long step from economic rectitude that lies in its direction. Some very vicious policies have threatened our country and have been made dangerous by our taking the first step as a compromise. That is true with reference to inflation. It is emphatically true with reference to the coinage of silver, when the reason was given for taking repeated steps in coining or buying that metal that they were necessary to avert free coinage, until finally we had thousands of tons of silver stored in the Treasury, and it was only by an almost unexampled act of Presidential heroism that we did not go to the silver standard by the mere force of gravitation.

You do not propose to have the Government take the railroads by this bill, but you propose to have it take away from the control of the owners their only beneficial interest, which is the rate. It is said by the advocates of the bill, for purposes of prejudice or extenuation, that the securities of our railroads are bountifully watered. If true, that would be a relevant matter, perhaps, for the courts to consider when a shipper claimed that an unreasonable rate had been exacted. Certainly it furnishes no argument for the passage of this bill. It must be considered as a matter of denunciation and indulged in for the purpose of exciting prejudice. But let us see what the fact is. There is no higher authority upon the subject of railroads in the United States than President Hadley, of Yale, who first won distinction as professor of railroad economics in that university.

Last year he made the statement in a letter published in the Boston Transcript—and the letter was by no means generally in favor of our railroads—that the railroads of the country could not be duplicated for $50,000 a mile. In other words, counting their franchises as of no value, the material and labor necessary to duplicate them would be in the aggregate not less than ten and a half or eleven billion dollars, which is substantially the amount of their outstanding capitalization. Probably it would cost the Government, if it undertook to duplicate the work, twice that amount, and that would not include the enormous sums that have been thrown away in reconstruction, where, in order to do away with curves and grades, much original construction has been abandoned. If you count the franchises as nothing—and your railroads can not be duplicated to-day by private enterprise for less than substantially the amount of the capitalization—how can you say that there is any material amount of water in their securities? In the capitalization of some railroads the nominal capital is not equal to the amount actually paid in. In some cases the stock was sold by the railroad at a high premium and the premium went into its treasury. Undoubtedly there are cases where railroads were built over a new country at great risk, where business was not developed, and the men furnishing the capital received stock bonuses. These bonuses were offered openly in order to attract capital necessary for the work. I fancy you will hardly deny that the investor was fairly entitled to a chance for extra profit to pay him for the risk he assumed. If the railroad should turn out to be unprofitable, he might lose his entire investment. The man who paid $2 an acre for his land saw it increase, in many cases, by the building of the railroad, by the jeopardy of the money of other men, to $100 an acre. Are we to call the $98 water? Gentlemen are not heard to advance that theory.

Mr. MANN. Will the gentleman permit me a suggestion in that line?

Mr. McCALL. With pleasure.

Mr. MANN. The total capitalization of the railroads of the United States is about thirteen billion dollars.

Mr. McCALL. I think the total outstanding capitalization is less than twelve billions.

Mr. MANN. The total amount of stocks and bonds is something over thirteen billion dollars, with a railroad mileage of over two hundred thousand miles. In Great Britain, together with continental countries, the total amount of mileage is considerably less than two hundred thousand miles, with a total capitalization of over eighteen billion dollars, so that the amount of capital we have invested per mile in this country is far less than the amount of capital per mile invested in the roads owned by the European governments or by private ownership there, notwithstanding the prevalent opinion that everything here is watered and everything there is not watered.

Mr. McCALL. I am very much obliged to the gentleman for his interruption, and it only adds another excellent authority to the authority whom I have already quoted, President Hadley, of Yale University.

Then it is said that money bonuses and land grants were given to encourage railroad building, and in listening to the very eloquent speech of the gentleman from Michigan on Tuesday I at first thought he was entirely overlooking the fact that there had been any material investment of private capital. That bonuses were given does not now impress me as of the greatest consequence, because the Government, or the people who gave them, did so from the standpoint of their own self-interest, and in many cases they profited richly by the building of the railroad; but I think it fair for gentlemen to correct the order in which they mention the sources of supply of capital to build railroads. I believe I am entirely within the truth when I say your bonuses and grants from national and local governments and individuals would not all combined pay 5 per cent interest for a single year upon our railroad capitalization.

There is no species of property that deserves the grateful consideration of Congress more than the railroad property, for it has conferred incalculable benefits upon the country. Without the railroads our population would be confined to the seaboard and the water courses. Three-fourths of the country would be unsettled and uncivilized. But largely as a result of daring investments that have been made we have to-day, with one-twentieth of the population of the globe, a valuation of more than a hundred billions, or one-third of the entire capital of the globe.

Mr. SIBLEY. Will the gentleman pardon an interruption? The gentleman speaks of one-twentieth population. I think it is important that you also show that with one-twentieth population we are furnishing one-third, or thirty-three and a third per cent, in round numbers, of the entire food products of the world.

Mr. McCALL. Yes.

The great factor in the advancement of America has been the free play given for individual action. If at the outset we had tied up the energies of men by statutes and removed the spur of ambition from the inventor, the railroad builder, and the man of business, the progress of our country would have been far less marked than it has been during the last century, and the progress that the rest of mankind has gained under the influence of our example would also have been less. The American railroad managers, not through altruism or philanthropy, but by their individual genius, called into play by the beneficent influence of our free institutions, have been working out the destiny of the American people. They have helped powerfully to mold a vast and naturally diverse continent into one people. They have, in a double sense, bound together the most remote parts of the country by cords of steel. The have inter-

woven our interests and our hearts inextricably with the meshes of the iron net. And if they are to receive your denunciation intead of your gratitude, then there is no species of property in the country which may not be plundered by law. There is a prescription that will almost infallibly work in forcing through such legislation. Fiercely denounce some Wall street magnate by name and then add some lurid declamation about insurance, and you could successfully rob any business in the country except farming, and if farmers were not so numerous they too would not escape.

Mr. ADAMSON. Will the gentleman allow a question?

Mr. McCALL. Certainly.

Mr. ADAMSON. Do you suppose the law would allow any farmer in this country who would be guilty of such an action to escape the penitentiary?

Mr. McCALL. I trust the gentleman did not think I was reflecting upon the farmer.

Mr. ADAMSON. You are claiming immunity for the others.

Mr. McCALL. I was applying your prescription, that was all.

Mr. ADAMSON. My prescription simply requires those who are powerful to do right—to practice equality and justice—as well as the other classes of the people.

Mr. McCALL. That is a magnificent generality upon which you could put any proposition through in legislation.

Mr. ADAMSON. We have not indulged in generalities, but we have provided some magnificent specialties in this bill.

Mr. McCALL. We often make a mistake, I venture to say, in thinking that there is a genuine public opinion. Quite too often here we think there is a raging popular sentiment when it is only that we have a tendency of blood to our heads. The people do not send us here to enact every popular noise into law. [Applause.]

We have seen, then, two clearly defined systems of rate making—that of France and Germany and other foreign countries and that of America. We have seen that the foreign system, although put in force in countries having dense populations and with a relatively low scale of wages has led to high rates and restricted trade, and that any extensive commerce between portions of these countries remote from each other has only been made possible by rivers and canals. On the other hand, we have seen the American system put in force over a sparsely settled area and, although the wage scale has been more than twice that abroad, the average freight rate has been only half as great, and we have seen the most remote parts of a continent trading with each other, the whole country made a common market and a commerce pouring over our railroads not far in volume from the combined railroad commerce of all the rest of the world, an interstate commerce so vast as to make even our prodigious foreign commerce seem insignificant. And you are proposing by this bill to strike down the American system under which these marvels have been produced and substitute the foreign system. Measuring my word and speaking to the exact relation between the system you are overturning and the system you are adopting I say that I believe you are about to vote for the most un-American proposition ever submitted to an American Congress. The fundamental question here, stripped entirely of sentiment, is whether we shall continue the American system, where the rates have inevitably sprung from the action of economic forces, or whether we shall adopt the expensive foreign system of government-made rates and have the management of your railroads thrown into politics, as if there were not already enough in this country upon which the politician can lay his felonious paws. [Applause.]

The Government may, if it desires, provide and operate at its own cost highways over which its citizens may travel and move their property, but it has not been a commonly exercised function to require citizens, at their own cost, to carry the persons and property of other citizens. It certainly has been a no less common function of government to fix the price of bread and to establish public granaries for corn. And if either of these functions must be exercised, it should be under the most careful safeguards or it will be attended with grave danger. Burke says that certain of the Pope's territories, being obliged to furnish Rome and the State granaries with corn, were utterly ruined, and then he adds: "Having looked to the Government for bread, they on the first scarcity will turn and bite the hand that fed them. To avoid that evil, Government will redouble the causes of it." The philosophy of Burke's illustration applies to the pending bill. It is not the least weighty of the objections against it that it will tend to corrupt the American people. It implies no defamation, but only a slight knowledge of human nature to see that you are holding out to them a temptation dangerous to their morality and dangerous also to the rights of private property. Your railroad securities are held in a comparatively small portion of the country, and the great mass of people scattered over the rest of the country, with little interest of ownership, will be interested in cheaper transportation. Will not the pressure of the greater mass of what you call public opinion have the same effect upon the national Commission as it has had upon State commissions, against whose rates the courts have felt compelled to intervene? If so, you must remember that the constitutional safeguards against the National Government are fewer and less effective than against the State governments.

Can anyone justly say, in view of the history of our railroads and the splendid service they are rendering, that the time has arrived for our Government to embark upon so venturesome a policy? The great organizations of labor, with their admirable sense of self-preservation, clearly see the danger.

Your bill pretends to grant a judicial review of orders of the Commission fixing rates, but it adopts the device of permitting this to the railroad on the peril of its life. If the railroad avails itself of your inestimable privilege of review and the courts decide in its favor, it costs the Government nothing and the railroad has the enjoyment of its former rate; but if, as has happened in two cases out of thirty-four, the court sustains the Commission, the railroad, if it has not adopted the Commission's rate, which may prove to be confiscatory, must pay a penalty to the Government of $5,000 per day, multiplying each day by the number of times the rate is enforced, a penalty that in some cases would mount into the millions. Do you call this a fair judicial review? Would there be any taint of a "square deal" in saying to a man whom a police justice had fined, "Yes; the justice may be wrong, as justices usually are, and you may appeal; but if the higher court happens to sustain the justice, you shall lose your life?"

Mr. ADAMSON. May I interrupt the gentleman?

Mr. McCALL. Certainly.

Mr. ADAMSON. Does not the gentleman think that the carriers can avoid all such risks by putting in force the rates fixed while they litigate to set them aside?

Mr. McCALL. Certainly; and that illustrates the point. You are trying to coerce the carrier on penalty of his life.

Mr. ADAMSON. But if a man is going to the penitentiary he may appeal without asking a supersedeas, then if he does not win he saves that much time.

Mr. McCALL. There is no such proceeding in the bill, as I understand it.

Mr. BARTLETT. The gentleman certainly does not understand that there is no provision in this bill permitting an interlocutory order by the court to stay the enforcement of the order until it can be adjudicated? This bill provides for the interlocutory order.

Mr. McCALL. I think it is doubtful if that is in. Evidently the gentleman's opinion is different from the opinion of his colleague who just interrupted me. I understood him to say the railroad might yield and adopt the rate.

Mr. ADAMSON. I suggested that he might litigate the rate without asking a supersedeas.

Mr. BARTLETT. I started to say it is true that it says unless it is stopped by an injunction. I apprehend that the gentleman must know and believe as a lawyer that it is not in the power of Congress to prevent a railroad from appealing to the court and the processes of the court until the questions have been decided.

Mr. McCALL. In my opinion it is entirely clear that that is the purpose of the bill.

Mr. BARTLETT. I wish I could make it accomplish that.

Mr. McCALL. There may be evidence of a sense of justice in all this, but, if so, it is the sense of justice not of man, but of the hyena and the bear. The philosophy of it is that you may run for your life, but you are eaten if you stand, and you will be eaten if you are caught. Compared with the scheme of this bill there is a certain nobility in the policy of government ownership, wrong as I believe that policy to be. You carve our magnificent railroad system not as a feast fit for the gods, but hew it as a carcass fit for hounds.

We pass laws here with an easy optimism and a profound faith that, so great are the American people, their prosperity is proof even against vicious government. And so the two great parties, in playing the game of politics, sometimes vie with each other in pandering to the popular passion of the hour, and court the roar of the galleries rather than history's approving voice. Undoubtedly the splendid strength and youth of the American people are well-nigh unconquerable, but no state was ever yet so great that a persistence in evil courses could not lay it low. We may presume too far. If we are guilty of reckless and impulsive action here we may wreck the nation. If you will pardon an old fable: As the boy Phaeton, driving the horses of the sun, but lacking Apollo's

darting glance and unerring touch of rein, did not follow the safe middle course, and thus wrought havoc to both the earth and sky; so by impulse and unsteadiness in driving this Washington chariot of ours, now steering too high and now too low, we may put our American constellations to flight, dry up the courses of our iron rivers, and make of our fertile prairies the sands of another Libya. [Applause.]

In some remarks which I submitted on this floor one year ago upon a similar measure I dwelt upon what I regard as much more important aspects of the proposed legislation than its economic features. I shall not repeat what I then said, but content myself with the barest reference. This bill makes an enormous contribution to what I regard as an evil of the times—the steady encroachment of the legislature upon liberty. Our boasted American freedom is being construed to mean the power to weld statutory fetters upon the individual—to impose upon our own selves a species of slavery. We sometimes say that we are restraining the individual in the interest of the other eighty millions, and we thus take away the rights of every individual man in the whole mass and sacrifice liberty to a mere abstraction. This is a condition abhorrent to the idea of the founders of the Republic, who knew that men had suffered as greatly from too much as from too little government; that they had thousands of times been punished by law for actions essentially virtuous, and so, taking care to safeguard that high kind of liberty which would protect the individual against the encroachments of the Government, they set our State upon the middle course that lies between anarchy and despotism. This tendency to too much government is not confined to one party, for I have observed that gentlemen who delight most in quoting the immortal Jefferson are sometimes the fondest of imposing these fetters upon the people. The aggregate achievement of individuals has made America. To my mind, American freedom is individual freedom. Give men as much liberty as you can consistently with order and under the stimulus of freedom and order and the right to enjoy what they accomplish and what they gain this nation will keep magnificently moving on.

And then there is centralization. At the rate we are now moving it will not be long before we regulate everything and everybody from Washington. You can not govern the whole universe from a single point and have a shred of liberty survive.

Instead of chasing every will-o'-the-wisp that shows itself upon somebody's horizon, let us then guide ourselves by the great first principles of the American Government. And to return to this bill, you will have, in my opinion, a better railroad system and a better people if you safeguard in the courts the fundamental right of every man to a reasonable and equal rate and permit those rates to respond, as they have hitherto, to economic forces. In the conditions existing to-day I believe the people would shrink from governmental ownership, because of the expense and danger incident to governmental management. But that expense and that danger would certainly not be less when you make our Interstate Commission general managers of railroads built and owned and operated at the risk of private capital. [Loud applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MONDELL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 9984. An act granting an increase of pension to Samuel McKinney;

H. R. 8409. An act granting an increase of pension to George H. Storowitz;

H. R. 7662. An act granting an increase of pension to Barney Shultz;

H. R. 10365. An act granting a pension to Emeline S. Hayner;

H. R. 8689. An act granting a pension to Frank P. Haas;

H. R. 7735. An act granting a pension to James Kartzel;

H. R. 6172. An act granting an increase of pension to Abraham K. Vantine;

H. R. 5182. An act granting an increase of pension to Robert S. Williams;

H. R. 5158. An act granting an increase of pension to Ephraim N. R. Ohl;

H. R. 749. An act granting an increase of pension to Elkanah M. Wynn;

H. R. 10352. An act granting an increase of pension to Sarah A. Boush;

H. R. 5631. An act granting an increase of pension to Leonard F. Simmons;

H. R. 5642. An act granting an increase of pension to John W. Bancroft;

H. R. 8832. An act granting a pension to William I. Heed;

H. R. 8532. An act granting an increase of pension to Retta M. Fairbanks;

H. R. 8404. An act granting an increase of pension to John H. Ferguson;

H. R. 8403. An act granting an increase of pension to James L. Rector;

H. R. 8374. An act granting an increase of pension to Ellen R. Graham;

H. R. 7673. An act granting an increase of pension to Homer A. Barrows;

H. R. 6983. An act granting an increase of pension to Chalkley Pettit;

H. R. 5779. An act granting an increase of pension to Hannah W. Green;

H. R. 8181. An act granting an increase of pension to Martin B. Noyes;

H. R. 4643. An act granting an increase of pension to Orlena F. Seaver;

H. R. 4392. An act granting an increase of pension to Joseph Miller;

H. R. 7758. An act granting an increase of pension to John L. Whitman;

H. R. 8799. An act granting an increase of pension to Bartholomew Moriarty;

H. R. 7755. An act granting an increase of pension to Adam Wenzel;

H. R. 5237. An act granting an increase of pension to Rebecca Garland;

H. R. 8659. An act granting an increase of pension to James Powers;

H. R. 4740. An act granting an increase of pension to Ransom L. Logan;

H. R. 5236. An act granting an increase of pension to Mary Greene;

H. R. 7888. An act granting an increase of pension to Charles W. Sutherlin;

H. R. 4991. An act granting an increase of pension to William R. Glisan;

H. R. 7889. An act granting an increase of pension to Aaron Noble;

H. R. 9659. An act granting an increase of pension to Abram Smith;

H. R. 6544. An act granting an increase of pension to Buford P. Moss;

H. R. 6186. An act granting an increase of pension to William Harvey;

H. R. 7878. An act granting an increase of pension to Ann Betts;

H. R. 10142. An act granting an increase of pension to Thomas Bush;

H. R. 6183. An act granting an increase of pension to Amanuel Russell;

H. R. 6447. An act granting an increase of pension to Mary E. Davenport;

H. R. 5845. An act granting an increase of pension to Robert T. Knox;

H. R. 10572. An act granting an increase of pension to Mary A. Hackley;

H. R. 4706. An act granting an increase of pension to Anna M. Gardner;

H. R. 6446. An act granting an increase of pension to Silas N. Bradshaw;

H. R. 10573. An act granting a pension to Mariah Baughman;

H. R. 1434. An act granting an increase of pension to Eleazar A. Patterson;

H. R. 1435. An act granting an increase of pension to Jason Robbins;

H. R. 7952. An act granting an increase of pension to Detrick Nortrup;

H. R. 8237. An act granting an increase of pension to Noah Palmer;

H. R. 7950. An act granting an increase of pension to Emma M. Heath;

H. R. 7237. An act granting an increase of pension to Philip Bacon;

H. R. 7423. An act granting a pension to Rachel A. Dailey;

H. R. 7230. An act granting an increase of pension to John M. Wells;

H. R. 6917. An act granting an increase of pension to Edmund R. Strang;

H. R. 7206. An act granting a pension to Nannie Frazier;

H. R. 6916. An act granting a pension to Jacob Meier;

H. R. 5939. An act granting an increase of pension to James Brody.

H. R. 5654. An act granting an increase of pension to Moses Eggleston;
H. R. 5653. An act granting an increase of pension to Henry W. Wells;
H. R. 8071. An act granting a pension to Mary Mitchell;
H. R. 10389. An act granting an increase of pension to John W. Ellsworth;
H. R. 5546. An act granting an increase of pension to James Eastwood;
H. R. 5253. An act granting an increase of pension to Greenberry Suddarth;
H. R. 4682. An act granting an increase of pension to James Whiteman;
H. R. 4731. An act granting an increase of pension to Robert McMullan;
H. R. 3295. An act granting an increase of pension to George W. Knapp;
H. R. 5208. An act granting a pension to Susan J. Rounds;
H. R. 4733. An act granting an increase of pension to John L. Files;
H. R. 10218. An act granting an increase of pension to Melissa Chase;
H. R. 5643. An act granting an increase of pension to Wells Briggs;
H. R. 2959. An act granting an increase of pension to Amos H. Tenant;
H. R. 519. An act granting an increase of pension to William C. Stewart;
H. R. 2262. An act granting an increase of pension to John Seymour;
H. R. 2800. An act granting an increase of pension to Thomas Manahan;
H. R. 1972. An act granting an increase of pension to Stephen Gillen;
H. R. 2266. An act granting an increase of pension to George H. Hodges;
H. R. 520. An act granting an increase of pension to Henry C. Stern;
H. R. 1810. An act granting an increase of pension to James E. Post;
H. R. 9092. An act granting an increase of pension to Lucy Walke;
H. R. 7572. An act granting an increase of pension to Gilbert F. Capron;
H. R. 6113. An act granting an increase of pension to Moses Schoolmaker;
H. R. 5831. An act granting an increase of pension to Julius Zuehlke;
H. R. 6191. An act granting an increase of pension to Martin V. B. Bachman;
H. R. 6116. An act granting a pension to John Gainsback;
H. R. 4747. An act granting an increase of pension to Joseph C. Robinson;
H. R. 4393. An act granting an increase of pension to Henry Allen;
H. R. 1971. An act granting an increase of pension to Melville A. Smith;
H. R. 4177. An act granting a pension to Susan H. Chadsey; and
H. R. 1548. An act granting an increase of pension to Emma Leviness.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 8.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made with a view to providing a harbor suitable for the largest boats at a point opposite or near the following-described land: Sections Nos. 33 and 34, township 37, range 8 west, Lake County, Ind.

REGULATION OF RAILROAD RATES.

The committee resumed its session.

Mr. ADAMSON. Mr. Chairman, I yield such time as he may desire to use to the gentleman from Texas [Mr. RUSSELL], my colleague on the committee.

Mr. RUSSELL. Mr. Chairman, while I do not agree with the conclusions reached by the gentleman from Massachusetts who has just taken his seat, the magnificence of his address, his splendid logic, and the rhetoric with which it was adorned, in my judgment, add dignity and honor to the entire membership of this House. [Loud applause.]

The natural timidity, Mr. Chairman, which I always feel when addressing the House of Representatives is intensified on this occasion by the importance of the subject in hand. Probably no question will come before the Fifty-ninth Congress which approaches in its importance the one arising on this bill. It is claimed that there are more than $13,000,000,000 invested in the railways in the United States and that their stockholders, employees, and laborers number almost 2,000,000 persons. If these statements be true, and we apprehend their full significance, it still will not unfold to us the true import of this great question.

It is said that in 1904 the railway tonnage of the United States amounted to more than 170,000,000,000 tons. Seventy-five per cent of the railway traffic in our country is interstate, and interstate railway rates affect every consumer, every producer, every business man, every laborer in the land. They mean prosperity or poverty not only to the busy marts of trade with their teeming thousands of people, but they reach out to the more obscure sections of the country where the man of smaller means and more unpretentious ambition is struggling for success. So that in order to grasp the full meaning of this great problem we must include in our vision not only the railway capital and the railway employees, but we must also look beyond these to the almost 90,000,000 of American people and the almost $75,000,000,000 of American wealth.

Mr. Chairman, these great considerations cast upon us proportionate responsibilities, and it is our duty to approach the settlement of this great question in a spirit of candor, of frankness, and of courage. No bill before this House has proposed to confer upon the Interstate Commerce Commission the general authority to make rates for railways engaged in interstate commerce. The President has not recommended and no one here has advocated any improper interference with the business of the railways. The gentleman who addressed the House a few moments ago, the gentleman from Massachusetts, and the gentleman from Pennsylvania [Mr. SIBLEY], who addressed the House upon yesterday, proceeded upon the false premise that we are proposing to clothe this Interstate Commerce Commission with a general rate-fixing power. They have set themselves up a man of straw and then proceeded to demolish it with the herculean energy displayed by them both.

Misleading statements of this kind have been repeatedly made; but, sir, they are untrue, and they but add confusion to the proper settlement of this great question. The gentleman from Pennsylvania yesterday, and the gentleman from Massachusetts a few moments ago, proceeded to assail this legislation upon the ground that it was of recent (as they style it) fungous growth; that it was an innovation upon our general ideas of legislation in this regard.

Mr. SHERLEY. If it will not embarrass the gentleman, before he leaves the proposition of whether this bill does or does not give general rate-making power, I would like to ask him this question: Does not this legislation give to the Commission the power that they contended they had in the Maximum Rate Case?

Mr. RUSSELL. I will reach that further along in my argument, and answer that satisfactorily to the gentleman.

Mr. SHERLEY. Of course I do not want to disturb the line of the gentleman's argument.

Mr. RUSSELL. The gentleman from Pennsylvania yesterday, and the gentleman from Massachusetts a few moments ago, claimed that we were innovating upon American institutions. The gentleman from Massachusetts characterized this bill as un-American, and, sir, being proud of the fact that I am an American, I know of no greater stigma that could be cast upon this measure. The gentleman from Pennsylvania said it was a return to the days of Jack Cade, and spoke of spoliation, of anarchism, and of riot and blood, until finally his remarks suggested to me that probably late the night before he had engaged in the enjoyment of a Welsh rarebit, and therefore had these frightfully grotesque images floating through his brain. [Laughter and applause.]

Now, let us for just a moment trace the history of legislation falling in the general class of that contained in this bill; let us see what the facts are, Mr. Chairman.

I want to refer the gentleman from Pennsylvania [Mr. SIBLEY] to a comparatively old case in the Supreme Court Reports of the United States, which contains some valuable political history. I invite the attention of the gentleman to this particular phase of this case, because he has declared that he was not a lawyer; but he can see the history of this great legislation as it is contained in the reports of the country.

In the case of Munn against The State of Illinois, which is one of the so-called "Granger cases," Chief Justice Waite traces the history of this character of legislation from its early inception down to the delivery of that opinion. For instance, he says this:

With the fifth amendment in force, Congress in 1820 conferred power upon the city of Washington to regulate the rates of wharfage at private wharves, the sweeping of chimneys, and to fix the rates of fees

therefor, and the weight and quality of bread; and in 1848 to make all necessary regulations respecting hackney carriages and the rates of fare of the same, and the rates of hauling by cartmen, wagoners, carmen, and draymen, and the rates of commission of auctioneers.

Now, these acts were passed, one in 1820, and the other in 1848. The opinion proceeds:

This brings us to inquire as to the principle upon which this power of regulation rests, in order that we may determine what is within and what without its operative effect. Looking, then, to the common law, from whence came the right which the Constitution protects, we find that when private property is affected with a public interest it ceases to be juris privati only. This was said by Lord Chief Justice Hale more than two hundred years ago in his treatise De Portibus Maris (1 Harg. Law Tracts, 78), and has been accepted without objection as an essential element in the law of property ever since. Property does become clothed with a public interest when used in a manner to make it of public consequence and affect the community at large. When, therefore, one devotes his property to a use in which the public has an interest he, in effect, grants to the public an interest in that use, and must submit to be controlled by the public for the common good to the extent of the interest he has thus created.

And the opinion still further proceeds:

Thus, as to ferries, Lord Hale says, in his treatise De Jure Maris (1 Harg. Law Tracts, 6), "The King has a right of franchise or privilege that no man may set up a common ferry for all passengers without a prescription time out of mind or a charter from the King. He may make a ferry for his own use or the use of his family, but not for the common use of all the King's subjects passing that way, because it doth in consequence tend to a common charge, and is become a thing of public interest and use, and every man for his passage pays a toll which is a common charge, and every ferry ought to be under public regulation, namely, that it give attendance at due times, keep a boat in due order, and take but reasonable toll, for, if he fail in these, he is finable."

Now, I might trace the matter on down further, but it would be a useless consumption of the time. It shows that more than two hundred years ago the great principle upon which this bill rests was recognized by our forefathers in England and was brought over here with our ancestors and made a part of American jurisprudence.

Why, Mr. Chairman, the principle of the regulation of railway rates by commissions is too well settled to need discussion here. There are sixteen States in the American Union to-day with railway commissions clothed with mandatory powers in the regulation of State railway rates. There are twelve other States with railway commissions that possess advisory powers. Each one, I think, of these State commission laws creating commissions with mandatory powers has been before the courts of last resort, either in the State where they were created or in the Supreme Court of the United States, and their constitutionality has been upheld, though they were provided for in State jurisdictions where the great coordinate departments of government were divided into three branches—legislative, executive, and judicial—just as they are under the Federal Constitution. But these State commissions, on account of the constitutional limits between State and Federal authority, only reach about 25 per cent of the railway traffic, and so public attention has become fixed upon Congress.

The subject of the regulation of interstate rates is not a new one. It excited the attention of President Grant in 1872. It was the subject of Congressional investigation in 1874, an investigation which resulted in the famous Windom report. Let me digress here to say that the regulation of railroads by the Federal authority was first propounded in this country in 1878 by that distinguished Member of Congress from Texas, Judge John H. Reagan. [Applause.]

Ex-Governor Larrabee, of Iowa, says that Judge Reagan's bill was the first effective regulation of railway rates that was attempted in the Congress of the United States. In my judgment this country fails to show in all of its records a man of loftier patriotism or of purer character than the great commoner from Texas. [Applause.] After he had gone into the other branch of Congress and our State went into the regulation of railway rates through the commission system, he was called upon by the governor of Texas to serve as chairman of that commission, and he laid aside the Senatorial toga and went back to Texas, assuming a more onerous position at a less salary; and I say to you, sir, that when the roster of the heroes of peace and progress is made up, high among them all, in letters luminous with honor and renown, will appear the name of John H. Reagan, of Texas. [Applause.]

From 1878 until the passage of our interstate-commerce law in 1887 this question of the regulation of interstate rates by this body was constantly and increasingly in the public mind. That interstate-commerce law declared against extortions and discriminations; it gave legislative declaration of the old common-law doctrine that all rates shall be reasonable, and it prohibited unreasonable rates, and in its first section, according to my recollection, it empowered the Commission to enforce and to execute the provisions of that act. The Commission was organized under that law. It proceeded to assume the duties which it thought were cast upon it by the act creating it. For ten years it heard complaints of unreasonable rates. For ten years it determined those complaints, and where it found a rate to be unreasonable it so declared, and substituted a reasonable rate in its place.

In 1897 the Supreme Court of the United States, in the case of The Interstate Commerce Commission *v.* The Cincinnati, New Orleans and Texas Pacific Railroad Company held that the act of Congress organizing the Commission failed to vest the Commission with the power to substitute a reasonable for an unreasonable rate; that they might review the unreasonable rate, declare it to be unreasonable, but they could not substitute for it a rate which they found to be reasonable, that they could not fix a rate for the future, and thus the Commission was shorn of the rate-revising power, which up to that time it had assumed to exercise.

Mr. SHERLEY. Will the gentleman yield now?

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Kentucky?

Mr. RUSSELL. I do.

Mr. SHERLEY. Will the gentleman, as he is discussing the maximum-rate case, tell the House how many schedules were involved in that case?

Mr. RUSSELL. My understanding was that it involved every schedule where complaint was made under section 13. How many during the whole history of the Commission there were, I am unable to state.

Mr. SHERLEY. Is it not a fact that it involved many hundreds of rates?

Mr. RUSSELL. Perhaps so.

Mr. SHERLEY. Now, will the gentleman answer my question which I propounded a few moments ago—whether this legislation gives to this Commission the power it then claimed to have in the Maximum Rate Case?

Mr. RUSSELL. My judgment is that the section conferring the rate-revising power, in section 15 of this bill, could only authorize the Commission to act where complaint had been lodged with it against some rate complained of as being unreasonable.

Mr. SHERLEY. Wasn't that true of the old law?

Mr. RUSSELL. Possibly so.

Mr. SHERLEY. Would they now not have the right under the power this bill undertakes to confer after complaint filed to make an order affecting hundreds of rates?

Mr. RUSSELL. I do not think so, Mr. Chairman, unless the rates so affected were within the complaint filed with the Commission. I think the filing of the complaint specifying the rate complained of is a jurisdictional fact without which the Commission would not have a right to act.

Mr. MANN. Will the gentleman from Texas permit me to make a suggestion?

Mr. RUSSELL. Yes.

Mr. MANN. I want to make a suggestion for the benefit of the gentleman from Kentucky. The only limitation, as I understand it, in this bill differing from the original power claimed would be on the question of full hearings, and that the Commission—if complaint were made under this bill as was made in the Maximum Rate Case, involving all of the rates in the six classifications of the southern classification of freight—that the Commission could only change a rate upon which it had a full hearing. In that case they changed hundreds of rates that never were mentioned in the hearings.

Mr. RUSSELL. So, Mr. Chairman, by the decision in the Maximum Rate Case, in 167 United States, as I remarked a moment ago, the Commission was shorn of its rate-revising power, and we are now presented this question that is like a cast-iron column in its simplicity—shall we let the law stand as it is now, with the barren, fruitless authority conferred on the Commission, or shall we make that law effective by giving the Commission the right when it finds a rate to be unreasonable to substitute for it a reasonable rate? Shall we allow the act of Congress prohibiting unreasonable rates to stand as a useless legislative declaration "as idle as a painted ship upon a painted ocean," or shall we give it vitality and power? In other words, shall we have an imperfect law with simply the declaratory features, or shall we have a perfect statute with proper declaratory, directory, and remedial features? Shall we content ourselves with harmless fulmination against unreasonable rates, or shall we provide the machinery of the law by which they can be made reasonable? That is the question for discussion.

This is not a partisan question, but in order to preserve the truth of history something ought to be said as to its political features.

Not in a spirit of acrimony, but with genuine hospitality, I want to say to you, brethren over on the other side of the aisle,

that we Democrats welcome you to this Democratic feast. We will not even look askance at you when you take the head of the table and proceed to do the carving. We are content with the reflection that, so far as we are concerned, wherever the Democratic Macgregor sits there is the head of the table. [Applause and laughter on the Democratic side.] We take delight in seeing you wear these Democratic clothes, and I must say that they fit you more becomingly than any of the monopoly, trust, and high-tariff toggery with which you have promenaded over the country for a quarter of a century. [Applause and laughter on the Democratic side.] But when you come out of the dining hall and take your seat on the front portico and put your feet up on the balustrade as though you owned the premises, I do want to remind you that you have not got a tax title to a grain of sand on it. [Renewed laughter and applause.]

Mr. MANN. I suppose the gentleman is willing to admit that while his side always resolves we act?

Mr. HAMILTON. Mr. Chairman, will the gentleman please state in this connection who the Democratic Macgregor is?

Mr. RUSSELL. It is the entire Democratic party. We have no individual whom we follow blindly on any of these matters. [Laughter and applause.] Now, let us trace the history of these parties on this subject just briefly. The first and only platform declaration that the Republicans ever made on this question was in the platform of 1884. They there declared in favor of regulating corporations engaged in interstate commerce. The interstate-commerce act that we are now seeking to amend was passed in 1887. The Commission exercised the authority I have just adverted to for ten years. The decision stripping them of that power was rendered in 1897. There has never been a day since that opinion was rendered that the Republican party has not been in complete command of the Government and able at any time to restore to the people's servants the right to protect them from rapacity and extortion, and yet not one platform declaration has fallen from your lips and not one act of Congress has been passed giving the people relief.

Mr. JAMES. Mr. Chairman, I might suggest to the gentleman that the gentleman from Illinois [Mr. MANN] stated that the Republicans have always acted.

Mr. RUSSELL. The gentleman from Illinois [Mr. MANN] is my friend and I admire him very much, but that was one of the impulsive declarations that frequently characterize the gentleman from Illinois.

Mr. JAMES. I merely wanted to call attention to the fact that the gentleman from Texas [Mr. RUSSELL] was convincing him that for ten or twelve years they have failed to act, and I thought that possibly that had escaped his attention.

Mr. RUSSELL. I do not think it did, but like the boy going through the graveyard he is whistling to keep up his courage. [Laughter.]

Mr. MANN. Because we are now acting, whereas you never acted on that side in the course of many years' control of the Government, and probably never would think of it if somebody else were not in control.

Mr. JAMES. I would suggest that the gentleman's party is acting here this session like they acted last session, but they have not acted over yonder—that is, in the Senate.

Mr. MANN. I wish the gentleman were able to act over yonder himself.

Mr. JAMES. If I were, this bill would go through all right.

Mr. RUSSELL. Mr. Chairman, since this diversion has occurred I desire to restate the proposition, that since 1897, when the declaration was made by the court of last resort in this country that this Commission did not have the power which we are now all seeking to give to it, during all those years, with the Republican party in complete control, they have never done that which they now concede ought to have been done. We have had no chance since 1897 to give this relief, and all we could do, as suggested by my friend from Illinois [Mr. MANN], was to pass resolutions showing what we would do if we had the power which you have possessed. In 1896 the Democratic party in its national platform made this declaration:

> The absorption of wealth by the few, the consolidation of our leading railway systems, and the formation of trusts and pools requires stricter control by the Federal Government of those arteries of commerce. We demand the enlargement of the powers of the Interstate Commerce Commission and such restrictions and guaranties in the control of railroads as will protect the people from robbery and oppression.

And in this connection let me remind you that in the title of the bill you have under consideration you actually adopted the language of the Democratic platform of 1896, and style this—

> An act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

[Applause on the Democratic side.]

Mr. MANN. In other words, we gave you the title of the bill and took the substance.

Mr. HEPBURN. Mr. Chairman, will the gentleman permit me to ask, if this power which the gentleman says the Commission had until 1897 was taken away from them in that year—the power that we now propose to give—why did the Democratic party in 1896, a year before it was taken, insist that it should be given?

Mr. RUSSELL. The gentleman from Iowa [Mr. HEPBURN] well knows that in the case reported in 162 United States, reported previous to the Maximum Rate Case, it was generally understood that when that question did reach the courts the very decision rendered in 167 United States would be announced by that body. [Applause on the Democratic side.]

And I will state this to the gentleman: In my judgment as a lawyer there is no escape from the logic of the opinion rendered by the Supreme Court of the United States in the Maximum Rate Case.

Mr. SHERLEY. What does the gentleman then think of the judgment of the Commission that for ten years was contending for a different thing?

Mr. RUSSELL. The judgment of the Commission may have been erroneous, just as I am sure the judgment of the gentleman from Kentucky is erroneous about another matter which we have discussed.

Mr. MANN. What does the gentleman think about the judgment of the Democratic party, which had complete control of the Government?

Mr. RUSSELL. When the interstate-commerce law was passed?

Mr. MANN. As the gentleman knows, the Interstate Commerce Commission did not have the power to fix rates—as a lawyer the gentleman so states—but the Democratic party, in complete control of the Government, made no effort to change the law.

Mr. RUSSELL. The act passed in 1887 was presumed by the country and by the Commission to grant that power, and the Democratic party saw no necessity for a change in it until the decision in the one hundred and sixty-second Report, but as soon as that opinion was delivered they began at once, in 1896, to demand an increase of this power.

Mr. MANN. But the gentleman says——

The CHAIRMAN. To whom does the gentleman from Texas yield? Gentlemen must obtain recognition from the Chair before interrupting the gentleman.

Mr. RUSSELL. My friends can interrupt me, Mr. Chairman. I have no objection.

The CHAIRMAN. To whom does the gentleman yield?

Mr. RUSSELL. I yield to my colleague on the committee [Mr. MANN].

Mr. MANN. The gentleman states in his opinion as a lawyer, and his opinion as a lawyer is as good as anyone I could obtain——

Mr. RUSSELL. Thank you.

Mr. MANN. That the Supreme Court could not do otherwise than decide the Maximum Rate Case as it did. If the Commission did not have authority to fix the rate now, will the gentleman have us to understand the Democratic party had no lawyers able to reach that understanding before the Supreme Court decision? You had the President and you had the House and you had the Senate, you had control of the Government by an overwhelming majority, and yet you made no effort to change that law and confer that power upon the Commission, and I agree with the gentleman that anybody reading the law would have known the Commission did not have the power they sought to exercise.

Mr. RUSSELL. The gentleman from Texas does not agree with you. I say it was a very fair presumption for the country and for the Commission to indulge that the act of 1887 conferred upon that body the right to substitute a reasonable for an unreasonable rate. But after the court had passed upon it my judgment of the question was convinced by the logic of the opinion that was rendered in 1897. Before that opinion was delivered it was the general impression that the Commission had power to fix a rate for the future, and under the provisions of the act, as I stated a moment ago, any lawyer could have presumed it conferred such power by that section which authorized that Commission to enforce the provisions of the act.

Mr. HAMILTON. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield, and to whom?

Mr. MANN. Do I understand the Democratic party learned that from the decision of the Supreme Court, as it learned in a great many other cases, and I hope they will follow the opinion as well as in some other cases?

Mr. HAMILTON. Did not Judge Cooley, while a member of

the Commission, deny the authority of the Commission to regulate rates repeatedly?

Mr. RUSSELL. That is a mooted question. Mr. Clements, in his testimony before the Senate committee, says "no," and I am not prepared to say which is correct.

Mr. GAINES of Tennessee. As a matter of fact, Judge Cooley never did decide that, but agreed with his colleagues often to the contrary. But what I want to ask you is this: Is it not a fact that the railroads for a number of years obeyed the orders of the Commission reducing rates, and every year Judge Cooley and Mr. Morrison—I believe there were three Democrats and two Republicans on the Commission—wrote a unanimous opinion in each of those cases? They thought they did have power.

Mr. RUSSELL. I think that is true.

Mr. GAINES of Tennessee. Do you know where Judge Cooley said or stated in the articles he wrote that the Commission did not have the power?

Mr. RUSSELL. I do not now recall the articles to which the gentleman from Tennessee refers. Mr. Chairman, I do not want to detain the House too long at this point, because I want to address myself to some other features of this legislation. The Democratic platform in 1900 said:

We favor such enlargement of the scope of the interstate-commerce law as will enable the Commission to protect individuals and communities from discrimination and the public from unjust and unfair transportation charges.

This was reiterated in the platform of 1904. That year the national Democratic convention declared:

We demand an enlargement of the powers of the Interstate Commerce Commission, to the end that the traveling public and shippers of this country may have prompt and adequate relief from the abuses to which they are subjected in the matter of transportation. We demand a strict enforcement of existing civil and criminal statutes against all such trusts, combinations, and monopolies; and we demand the enactment of such further legislation as may be necessary effectually to suppress them.

Therefore, during all these years, while the Democratic party in State and national platforms was protesting that this relief ought to be granted, the Republican party, though enthroned in power, was silent as the tomb. Now, aroused by an outraged public sentiment, you are being whipped into action. The President sends in a message upon the rate question, and as soon as that occurs the air is filled with such interrogatories as "Do you stand with the President?" "Are you following the President?" "Do you favor the President's rate policy?"

Now, I want to answer that as far as I am concerned. If the President of the United States favors the Democratic policy of clothing this Commission with the right to substitute a reasonable for an unreasonable rate, then I stand with him, because he will be standing with us. [Applause on the Democratic side.]

Now, Mr. Chairman, where does the President stand on this question? What is the President's attitude on this question? On the 6th of December the President sent to Congress his first message, as I now recall it, upon the rate question. And it is in these words:

While I am of the opinion that at present it would be undesirable, if it were not impracticable, finally to clothe the Commission with authority to fix railroad rates, I do believe that, as a fair security to shippers, the Commission should be vested with the power, where a given rate has been challenged and after a full hearing is found to be unreasonable, to decide, subject to judicial review, what reasonable rate shall take its place, the ruling of the Commission to take effect immediately and to obtain unless and until it is revised by the court of review.

Now, Mr. Chairman, that is a clear, compact, unambiguous declaration of a proposition that has my hearty support. In this declaration the President favors giving the railroad commission larger power. He favors authorizing the Commission to substitute an unreasonable with a reasonable rate and to put that power of the Commission into effect at once, subject only to review by the courts; but as soon as the President announced that doctrine the railways of this country girded their thews for the fray and accepted the challenge thrown out in that declaration. The Members of this House know how our mail enlarged with arguments and appeals from every source and corner protesting against that view embodied in the President's message of 1904.

Whatever else may be said of the railways, they are fighters and they are not quitters. You may whip them the first five days of the week, but they will fight you just as gamely on Saturday. But did we not have in the President a fighter and not a quitter? Would not the President have charged at San Juan Hill, just as many of us thought he did, if he had been there? [Laughter.] Is the President a quitter? Let the sequel answer.

The International Railway Congress met in Washington in May, I think, of last year. During that time the President was making a tour of the West. And while that congress was here they flouted a challenge to the President, which was quickly accepted by him in a speech he made at Denver before the chamber of commerce. The President, on the 8th day of May, I think, spoke before that body to the toast "The nation." What an inspiring theme! The people were back of the President; their plaudits were ringing in his ears. With high courage the President faced his foes with this defiant challenge:

I want to say a word as to a governmental policy in which I feel this country ought to take a great interest and which is itself but a part of general policy to which I think our Government must go. I proposed a policy of extending the powers of the Interstate Commerce Commission and of giving them particularly the power to fix rates and to have the rates that they fix go into effect practically at once.

Mr. Chairman, the President is a college-bred man and trained in the exact use of words, and when he tells us that he favors giving the Commission the power to fix rates we know that by the term "fix rates" he meant to have us understand to definitely settle rates, to determine rates, to establish definitely the railway rates.

So the battle went on, and the people rallied to the President and loved him for the enemies he had made. But just prior to this session of Congress strange stories found their way into the public press. It began to be said that the President was too good a party man to disrupt his party on the rate question; that he was a Republican first and patriotic afterwards; and it begun to be reported that somebody had surrendered and that there was a white flag floating over the White House. At last the President's message on the rate question came to Congress. Here is what he said in his message to this Congress:

In my judgment the most important provision which such law should contain is that conferring upon some competent administrative body the power to decide, upon the case being brought before it, whether a given rate prescribed by a railroad is reasonable and just, and if it is found to be unreasonable and unjust, then, after full investigation of the complaint, to prescribe the limit of rate beyond which it shall not be lawful to go—the maximum reasonable rate, as it is commonly called—this decision to go into effect within a reasonable time and to obtain from thence onward, subject to review by the courts.

Oh, what a fall was there, my countrymen! When this declaration of purpose was made the din of conflict was hushed. People who had fought the President and denounced his policy and proclaimed that it would bring havoc and ruin upon the country now became his friends. "Powerful railroad influences" began to publish to the world that they "stood with the President," and "peace once more reigned in Warsaw." Who was converted? Was there a change of heart by the railroad presidents and their general counsel, or has somebody surrendered?

Let us examine this last declaration of faith. To prescribe the "maximum reasonable rate," says the President in his message. "A maximum reasonable rate!" With that written into the law does anybody doubt that the railways would always prescribe the highest reasonable rate? What is a maximum reasonable rate? It is a rate beyond which to go one iota would be extortion. A maximum reasonable rate! Suppose that were written into the law and a case should arise between a carrier and a shipper. Now, you can not take away from the courts their power to review an unlawful finding by the Commission. It is fixed in the Constitution, and it is inherent in the judicial as one of the great independent coordinate departments of the Government. Now, the Commission would be empowered, under this suggestion of the President, to find the "maximum reasonable rate"—that is, in my judgment, it would be limited to fixing the dividing line between reasonableness and extortion. The finding of the Commission can be set aside by the court upon two grounds, one of the grounds being that they have exceeded the authority granted by the act of their creation, and the other where they have fixed a rate which violates the fifth amendment to the Constitution as being in effect confiscatory. So the Commission finds a rate. It attempts to find and fix the "maximum reasonable rate." But it makes a mistake in judgment. The maximum reasonable rate, to illustrate in this case, we will say, would be 50 cents per hundred; the minimum rate would be 40 cents per hundred. To go above 50 would be extortion; to go below 40 would be confiscation. The Commission attempts to fix a maximum reasonable rate and fixes it at 45 cents, and the case goes to the court. The court will say, in my judgment, that the Commission has exceeded the power given to it by the act that created it. I think that is the fair intendment of the reasoning in the Maximum Rate case. The rate assailed by this Commission was an unreasonable rate, and it substituted a rate that was reasonable, but not the maximum reasonable rate, and the authority conferred in the act was to find the maximum reasonable rate, and therefore, though the rate is not extortionate or confiscatory, yet, not having fixed the maximum reasonable rate, they exceeded the power given in the act of their creation, and the court will reverse them, and the court itself, being powerless to relieve because the court can not fix a rate for the

future, the shipper will have to go back and start it all over again.

Mr. HEPBURN. Do you not think that all this talk of having a maximum reasonable rate and a minimum reasonable rate is a good deal like talking about the tolerably good egg or a moderately virtuous woman?

Mr. RUSSELL. I do not know about that, but the whole difference I will say, if we are to have the law as it now stands and the "maximum reasonable rate" theory of the President, would be the difference between tweedledee and tweedledum.

Mr. SHERLEY. Mr. Chairman, I would like to ask the gentleman if he considers that the court has the right to review a finding of fact of the Commission, and if he does think so, what character of an act does he consider the Commission's act in fixing the rate is—whether legislative, administrative, or what?

Mr. RUSSELL. I am coming to that very proposition. The proposition as it presents itself to my mind is, that when you attempt to impose upon the Commission authority to fix a maximum reasonable rate, the court will hold it to be a limitation upon the power of the Commission to fix the rate, and so hold that whenever the Commission goes beyond the limitation thus imposed, its action will be unlawful, and for that reason the court can set it aside.

Mr. PALMER. Will the gentleman yield?

Mr. RUSSELL. Yes.

Mr. PALMER. I do not know much about this business, and I should like to get a little information. I should like to inquire what the difference is between a "maximum reasonable rate" and a "reasonable rate." If a thing is reasonable it is reasonable; if it is round it is round; if it is square it is square. What difference does it make to call it "maximum" or "minimum?"

Mr. RUSSELL. All the difference in the world.

Mr. PALMER. That is what I want to know.

Mr. RUSSELL. Now, I have not the time to explain it here; but I will say to my friend who asked this question, I assume, in good faith, and I take it in good part, that if he will take the Senate hearings and read the testimony of Mr. Victor Morawetz, who, I believe, is the author of a work on "Private Corporations," he will find that elaborately explained. A rate may be reasonable without being the highest reasonable rate. Any rate is reasonable that is between the lines of confiscation on the one hand and extortion upon the other. When it approaches extortion it is the maximum reasonable rate. When it approaches confiscation it is the minimum reasonable rate. [Applause.]

Mr. SULLIVAN of Massachusetts. I should like to ask the gentleman where in the bill he finds the term "maximum reasonable rate?"

Mr. RUSSELL. It is not in this bill. It was stricken out upon the amendment offered by the Democratic members of the committee.

Mr. SULLIVAN of Massachusetts. I find the language to be——

Mr. RUSSELL—

Shall fix a rate which shall be the maximum to be charged—

Is the language of the bill.

Mr. SULLIVAN of Massachusetts. The language of the bill is:

To determine and describe what will, in its judgment, be the just and reasonable and fairly remunerative rate or rates, charge or charges to be thereafter observed in such case as the maximum to be charged.

Mr. RUSSELL. Certainly.

Mr. SULLIVAN of Massachusetts. That is to say, they are to find out what the just and reasonable rate is, and to say to the railroad, "You can not charge more than that."

Mr. RUSSELL. That is exactly it.

Mr. WILLIAMS. If the gentleman from Texas will allow me, I think the gentleman from Massachusetts misunderstood him. The gentleman from Texas was discussing the President's message and not the bill.

Mr. RUSSELL. Yes.

Mr. WILLIAMS. The bill has been improved in that respect through amendments offered by the minority and patriotically accepted by the majority members of the committee.

Mr. RUSSELL. I am trying to show that in the bill as we now propound it to this House, after my Democratic colleagues and my Republican brethren in the committee have conferred about it, we have made a limitation upon the power of the railroads to charge, instead of making a limitation upon the power of the Commission to fix the rate.

Mr. BURLESON. Is that in advance of the President's recommendation?

Mr. RUSSELL. Why, certainly; altogether different.

Mr. MACON. Before the gentleman leaves that question of a maximum reasonable rate, I should like to ask him if the line of demarcation between a maximum reasonable rate and an extortionate rate is not about as dim as the line between counties or the line between States?

Mr. RUSSELL. Unquestionably so. That is a very apt illustration which my friend from Arkansas has given.

Now, along the line of argument that I have been pursuing, I want to call the attention of the House to the fact that this session of Congress is the first session where a bill has been offered in this body proposing to limit the power of the Commission to fix a maximum reasonable rate. It was not in the bill offered by my distinguished friend from Iowa, Colonel HEPBURN, at the last session. It was not in the bill known as the Esch-Townsend bill, that passed this House at the last session, and I will show you. I have a copy of that part of the Esch-Townsend bill, and here is what it says:

The Commission shall have power, and it shall be its duty, to declare and order what shall be a just and reasonable rate, practice, or regulation to be charged, imposed, or followed in the future, in place of that found to be unreasonable or unjustly discriminatory.

That is the language of the Esch-Townsend bill, and it is practically the language of the bill introduced in this House by the gentleman from Iowa [Mr. HEPBURN].

Mr. HENRY of Texas and Mr. WANGER rose.

Mr. RUSSELL. I will yield first to my colleague [Mr. HENRY of Texas], and I will yield to the gentleman from Pennsylvania [Mr. WANGER] afterwards.

Mr. HENRY of Texas. I should like to make a suggestion or ask a question along this line. At the last session of Congress in the Esch-Townsend bill the word "maximum" was not used.

Mr. BARTLETT. Nor in any other bill.

Mr. RUSSELL. I have just read the language of that bill.

Mr. HENRY of Texas. The question was not mooted. The President did not mention it in his message, as you have just said, but in his speech at Raleigh, N. C., he pronounced the doctrine of maximum reasonable rates.

Mr. RUSSELL. Yes.

Mr. HENRY of Texas. Now, prior to that time the railroad officials had all controverted this intended legislation; but is it not a fact that as soon as the President announced the maximum-rate theory in his North Carolina speech, a number of railway officials and lawyers tumbled over themselves to get into the band wagon and accept that theory?

Mr. BARTLETT. Railway presidents.

Mr. RUSSELL. I think that is so. I think it can be truthfully asserted that when that feature manifested itself people who had theretofore denounced the President and had said that this bill would bring havoc and ruin upon the country began to publish to the world the fact that they stood with the President, and the troubled waters were once more at peace.

Mr. BURLESON rose.

Mr. RUSSELL. If the gentleman from Texas will pardon me, I promised to yield to the gentleman from Pennsylvania [Mr. WANGER].

Mr. WANGER. Under the provisions of the Esch-Townsend bill, when the Commission fixed the rate to be charged in the future, that would have compelled the railroad company to have made that exact charge and nothing else.

Mr. RUSSELL. It would have been an absolute rate, in my judgment.

Mr. WANGER. Does not my friend think that the purpose and meaning of the President, just as the purpose and meaning of the committee in reporting this bill, was to give the effect of the finding of the Commission, to hold the railroad company down to that rate and leave it free to substitute any lower rate at its pleasure?

Mr. RUSSELL. I would not undertake to say what the purpose and meaning of the President was, but I have stated what, in my judgment, was a fair import of the language he has used and what construction the courts would have given that language if we had embraced it in this bill.

Mr. WANGER. I asked the gentleman whether it is not the purpose of the committee.

Mr. RUSSELL. Unquestionably, in this bill. In this bill the Commission could not be limited to fixing the maximum reasonable rate; we made this bill so that this Commission will have the power, where a given rate is complained of and found to be unreasonable, to fix a reasonable rate, which shall be the maximum the railroad company can charge.

Mr. WANGER. And leave the railroad company to charge any lower rate?

Mr. RUSSELL. They can charge any lower rate they see fit.

Mr. HEPBURN. Will the gentleman allow me?

Mr. RUSSELL. Yes.

Mr. HEPBURN. I think the gentleman wants to be entirely fair.

Mr. RUSSELL. I do.

Mr. HEPBURN. If he does, he will promptly say that the Republican members of the committee, when presented with the minority bill that was presented to them when this condition was made, insisted that their interpretation of the language used in that bill was precisely the same as that used in this bill, and that its modification was made simply because our Democratic brethren preferred it. We insisted that it made no difference.

Mr. RUSSELL. That is true. I will go farther and say that I am not attempting in the least to reflect upon the patriotism of the Republican membership of this committee. I will say further I do not know of a gentleman in this House for whom I entertain higher regard as a statesman, and a patriot, and an able lawyer than my distinguished friend from Iowa. [Applause.]

But let us go farther. I see, gentlemen, that this is provocative of so much controversy that I am going to turn to another phase of this subject a few moments. In the report of the Esch-Townsend bill this was the language that was used:

> Your committee, however, believe that the great demands of the people are, first, that the Interstate Commerce Commission shall be vested with power to determine, after full hearing, not only what is the just and reasonable rate, regulation, or practice, but at the same time to determine and to declare what is just and reasonable, and that such determination shall become operative as soon as practicable.

Now, let us go back to the proposition that I have asserted before the House at the outset. That is this: That up to this session of Congress no bill offered in this body proposed to limit the power of the Commission to the fixing of the maximum reasonable rate, and when you brought it in this way for the first time we Democrats were the ones who opposed it, and our opposition resulted in this bill before the House, known as the "Hepburn bill," in which the power of the Commission is not limited to a maximum reasonable rate, but a reasonable rate which shall be the maximum the company can charge.

Mr. BURLESON. And the bill is not in accordance with the recommendation of the President.

Mr. RUSSELL. No.

Mr. MANN. Will the gentleman allow me?

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Illinois?

Mr. RUSSELL. I do.

Mr. MANN. I introduced a bill at the last session of Congress expressly providing that the rate to be fixed should be the maximum rate to be charged and that no higher rate could be charged.

Mr. RUSSELL. I will accept the gentleman's statement.

Mr. SULLIVAN of Massachusetts. It was not a reasonable rate.

Mr. MANN. It was a reasonable rate. I do not understand that the gentleman from Texas is obliged to read all the bills introduced into the House, although I think it would be of interest to him and he might get some instruction from them. [Laughter.]

Mr. TOWNSEND. Will the gentleman from Texas allow me?

Mr. RUSSELL. Yes.

Mr. TOWNSEND. The gentleman has referred to the fact that for ten years the old Commission exercised the power of fixing rates. I will ask the gentleman now if, in every order it ever made, it did not fix in express terms the maximum rate, simply saying they shall charge not to exceed a certain sum?

Mr. RUSSELL. I think so. That is what we have put in this bill, but we do not limit the power of the Commission to fixing the maximum here. The limitation, as I said a moment ago, is a limitation on the right of a railroad company to charge rather than a limitation on the power of the Commission to fix the rate.

Mr. HENRY of Texas. Now, if the gentleman will allow me, I will not interrupt the gentleman again. This language in regard to the maximum reasonable rate I would like to be enlightened upon. On page 10, section 4 of the bill, this language occurs: It shall have the right "to determine and prescribe what will, in its judgment, be the just and reasonable and fairly remunerative rate or rates, charge or charges, to be thereafter observed in such case as the maximum to be charged."

Now, suppose that a rate is fixed by the Commission and that rate is not confiscatory, is it not required that the Commission shall make a rate that is fairly remunerative, whether it be the maximum reasonable rate or not, and if the Commission fails to fix a rate that is fairly remunerative, regardless of whether it is the maximum reasonable rate or not, does not that confer upon the courts the power to say that the Commission has gone further than it is entitled to go? I would like to have that new doctrine of a "fairly remunerative rate" explained.

Mr. RUSSELL. Mr. Chairman, I do not think it is a new doctrine. I think the proper construction of the terms used has been very thoroughly established by the courts.

Mr. HENRY of Texas. It has not been in the acts.

Mr. RUSSELL. I think you can take any of the cases where this question has gone before the courts, and they have held that the railroad companies have a right to impose such a charge as will enable them to meet their fixed charges, to pay operating expenses, and earn a reasonable sum on the money invested.

Mr. HENRY of Texas. I do not think the gentleman quite understood me. I do not agree with him. I do not believe that "fairly remunerative" means confiscatory. I believe that a rate may not be confiscatory and still that the courts may hold it is not "fairly remunerative" under that language, and that is the proposition I desire light on.

Mr. RUSSELL. I do not think the gentleman's contention is right in that. I think the doctrine is very well settled, as I stated a moment ago. I think the holding will be that a confiscatory rate is not fairly remunerative, and a fairly remunerative rate is a reasonable one and is nonconfiscatory.

Mr. SHERLEY. Mr. Chairman, now will the gentleman not answer my inquiry of some time ago, as to whether he considers that the court in reviewing the action of the Commission can pass upon the question of fact, decided by the Commission, as to what is a reasonable rate, or can it only set aside a rate on the ground that it is confiscatory?

Mr. RUSSELL. That is my understanding of this bill, I will state to the gentleman.

Mr. SHERLEY. If I understand the gentleman, then, he thinks the court can not set a rate aside unless it be confiscatory?

Mr. RUSSELL. I think so; or unless the Commission exceeds the power under which it is created.

Mr. SHERLEY. Oh, but I do not want the gentleman to qualify.

Mr. RUSSELL. Then I shall stand on the other proposition. I think both of them are involved, but in order to accommodate myself to the interrogatory, I shall stand on the proposition that the court can not annul a finding of this Commission unless the rate fixed by the Commission is either extortionate or confiscatory. That is the way I want it to be. If we have not got it fixed in that way, we have not enacted our intention.

Mr. SULLIVAN of Massachusetts. In other words, the railroads have the same right of appeal to the courts under the constitutional provision that they would have if no power of appeal were given in this bill?

Mr. RUSSELL. Surely.

Mr. SHERLEY. Does the gentleman consider that he has provided for a judicial review in the ordinary sense of that term?

Mr. RUSSELL. No, no; I do not think it is necessary for us to do it at all. It is a right fixed in the courts that can not be taken away by legislative enactment. We have simply said in some particulars how these appeals to the court shall be made.

Now, Mr. Chairman, I pass to another phase of this question. I desire to discuss briefly, passing away from the political aspects of it, the law as I conceive it to be involved in this piece of legislation. Many sincere men have expressed doubt as to the constitutional power of Congress to vest in the Commission the power to revise railroad rates, and where a rate is found to be unreasonable to substitute for it a reasonable rate. The legal ability of these gentlemen and their evident sincerity entitle their views to great consideration. I am one of those who believe that the question has already been adjudicated and decided in favor of the contention of those who think Congress has such power.

I propound this proposition: That this bill confers upon the Interstate Commerce Commission powers that can be upheld under the Constitution of the United States; and in support of that I desire to call the attention of the House to two or three cases. In the first place, I desire to call attention to the case of Stone *v.* Farmers' Loan and Trust Company, reported in 116 United States. The contention was made a few moments ago by my distinguished friend the gentleman from Massachusetts [Mr. McCALL], and other gentlemen upon the floor have suggested the matter to me, that in one of the sections of this bill we empower the Commission to hear a complaint of an unreasonable rate, and if they find it to be unreasonable to substitute a reasonable rate for it; and he contends that that provision is unconstitutional. One of my friends on the floor suggested this to me in private conversation. He said:

> I concede the fact that under the Constitution of the United States you can give to the Commission the general rate-fixing power and authorize them to go out and fix rates upon all the railroads in the United States, but I deny the proposition that you can confer upon the

Commission the power to hear a complaint of a rate, and, if it finds it to be unreasonable, substitute it with a reasonable rate, upon the ground that it would be an attempt to combine in one tribunal both the administrative and the judicial functions.

Now, I think I can answer that question satisfactorily. In the Stone case there was involved the constitutionality of the Mississippi commission law. In section 9 of that law they made this provision:

Be it further enacted, That it shall be the duty of said Commission to hear complaints made by any person against such tariff of rates so approved, on the ground that the same in any respect is for more than just compensation, or that such charges, or any of them, amount to or operate so as to effect unjust discrimination; such complaint must be in writing and specify the items in the tariff against which complaint is made; and if it appears to the Commission that there may be justice in the complaint, or that the matter ought to be investigated, the Commission shall forthwith furnish the person or corporation operating the railroad a copy of the complaint, together with notice, which said notice shall be served as other legal process is now required by law to be served on railroad companies, that at a time and place stated in the notice the tariff as to said items will be revised by the Commission, and at such time and place it shall be the duty of the Commission to hear the parties to the controversy in person or by counsel, or both, and such evidence as may be offered, oral or in writing, and may examine witnesses on oath, conforming to the mode of proceedings, as nearly as may be convenient, to that required of arbitrators, giving such time and latitude to each side and regulating the opening and conclusion of any argument as the Commission may consider best adapted to arrive at the truth; and when the hearing is concluded the Commission shall give notice of any change deemed proper by them to be made to the person or corporation operating the railroad.

Now, there is a distinct effort to empower the Mississippi State railway commission with the right to hear complaint, receive testimony at the hearing, and to have argument and render judgment. Now, let us go a step farther. On page 323 of this report is a portion of the brief of counsel for the appellee in that case, in which they assail the commission law of Mississippi upon the identical ground that it violated the State constitution in that it attempted to combine in that tribunal both legislative and judicial functions, and in support of their position they quote:

Article 1, section 12, of the constitution of the State of Mississippi provides that "the right of trial by jury shall remain inviolate." Article 3, sections 1 and 2, of that constitution provides: "That the powers of the government of the State of Mississippi shall be divided into three distinct departments, and each of them confided to a separate magistracy, to wit, those which are legislative to one, those which are judicial to another, and those which are executive to another. No person, or collection of persons, being one of these departments, shall exercise any power properly belonging to either of the others, except in instances hereinafter expressly directed or permitted."

This case, then, certainly, directly, pertinently, and plainly presents the very proposition upon which the gentleman from Massachusetts has attacked this bill.

Now, on page 336 in the opinion the court disposes of that question. First let us state the question. Here was a law which attempted to convey to the Mississippi State commission a right to hear complaint and render judgment. Here was the constitution of Mississippi that forbade the conferring upon any one person or collection of persons more than one character of powers, that you could not give to them both judicial and legislative powers. Now, the supreme court of Mississippi rendered judgment that section 9 of the State law, which I have just read, was not a violation of the constitution of the State of Mississippi. When the question reached the Supreme Court of the United States, in an opinion by Chief Justice Waite, that court rendered this opinion:

The supreme court of Mississippi has decided in the cases of Railroad Commission *v.* Yazoo and Mississippi Railroad Company and Railroad Commission *v.* Natchez, Jackson and Columbia Railroad Company, not yet officially reported, that the statute is not repugnant to the constitution of the State "in that it creates a commission and charges it with the duty of supervising railroads." To this we agree, and that is all that need be decided in this case.

Now, by parity of reasoning, if that section 9 of the State law was not in violation of the clause of the State constitution that forbade the combining in one tribunal legislative and judicial functions, then certainly this bill does not violate the letter or the spirit of the Federal Constitution when it gives the Interstate Commerce Commission the right to hear complaint of an unreasonable rate and to grant relief by substituting in its place a reasonable one.

Mr. GILBERT of Kentucky. Was there anything in the decision that indicates the decision of the Supreme Court was merely adhering to the interpretation of the State constitution of Mississippi, which had been adopted by the court of last resort of that State?

Mr. RUSSELL. I think not. I think I understand what the gentleman is getting at; that is, in the construing of a State constitution a Federal court will follow the supreme court of the State; but that question is not in here. They were deciding a simple cast-iron question, whether the Mississippi law violated the Mississippi constitution in attempting to combine in one tribunal legislative and judicial functions, and they held it did not. Now, in Reagan *v.* The Farmers' Loan and Trust Company, reported in 154 United States, the Supreme Court reviewed the constitutionality of the Texas commission law, which authorizes that State commission to hear complaints of railway rates and determine them. First I will say, by way of introduction, that most of the opinion in the Reagan case was directed to the question whether the suit of the Farmers' Loan and Trust Company against the Texas railway commission, known as the "Reagan case," was a suit against the State, and therefore violative of the eleventh amendment to the Federal Constitution. When they passed from this jurisdictional fact they said there can be no doubt of the general power of the State to regulate fares and freights which may be charged or received by railroads or other carriers, and that these regulations can be carried on by means of a commission. Mark the language, Mr. Chairman:

Such a commission is merely an administrative board created by the State for carrying into effect the will of the State as expressed by its legislation.

Now, I make that in reply to the contention of my distinguished friend from Massachusetts [Mr. MCCALL] who addressed us a short while ago. I answer him by quoting decisions of the Supreme Court of the United States of recent date. In both of these cases, Mr. Chairman, the Supreme Court of the United States has distinctly held that the conferring of such a power upon a State railway commission was not tantamount to the delegation of legislative authority. Surely, then, by parity of reasoning, if that power can be conferred by a State legislature upon a State commission, we in this body can confer the power upon an interstate commission to regulate interstate commerce. Why, sir, where do we find this power to take the action we propose to take in this bill. It is in two clauses of the Constitution, one clause saying that Congress has the power—

to regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

The other clause says that Congress shall have the power—

to make all laws which shall be necessary and proper for carrying into effect the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department thereof.

Upon these two provisions of the Constitution hang all the law and the prophets so far as our right to regulate interstate commerce is concerned.

Mr. Chairman, some of the law writers have styled this last paragraph that I quoted as the "great coefficient power of Congress," and that coefficient power has met with construction by the Supreme Court of the United States, a construction to which I want to invite the attention of the House. In the early case of McCulloch *v.* Maryland Chief Justice Marshall, in one of the most luminous opinions rendered by that remarkable man, used this language:

We admit, as all must admit, that the powers of the Government are limited, and that its limits are to be transcended. But we think the sound construction of the Constitution must allow to the National Legislature that discretion with respect to the means by which the powers it confers are to be carried into execution which enables that body to perform the high duties assigned to it in the manner most beneficial to the people. Let the end be legitimate; let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consistent with the letter and spirit of the Constitution, are constitutional.

Now, in the later case of the United States *v.* Fisher, reported in 2 Cranch, Chief Justice Marshall used this language:

Congress must possess the choice of means, and must be empowered to use any means which are in fact conducive to the exercise of the power granted by the Constitution.

In the Legal Tender cases, in 110 United States, Judge Gray used this language:

By the settled construction and only reasonable interpretation of this clause, the words "necessary and proper" are not limited to such measures as are absolutely and indispensably necessary, without which the powers granted must fail of execution; but they include all appropriate means which are conducive or adapted to the end to be accomplished and which in the judgment of Congress will most advantageously affect it.

Now, sir, the power of Congress to regulate commerce between the States has been held by the Supreme Court to be as absolute as the power to regulate commerce with foreign nations, and in the case of Gibbons *v.* Ogden the doctrine was announced, which was emphasized in the case of the Gloucester Ferry Company *v.* Pennsylvania, that this power to regulate means the power to prescribe the rule by which commerce shall be conducted—that is, the conditions upon which it shall be conducted. The power of Congress to regulate commerce was one of the great causes that produced the constitutional convention of 1787. In my judgment, that convention would not have been called but for the lack of this power under the old Articles of Confederation. In my judgment that Constitution

would not have been ratified but for the lack of this power, and we are bound to presume that the framers of the Constitution intended a regulation which would be effective.

The Constitution they framed was not made for a day, but made for all the rapidly changing conditions of a great and progressive people. It was intended to cover the commerce of the people as it existed when that Constitution was ordained, and also intended to cover the commerce of the country as it exists to-day, with its nearly $2,000,000,000 gross receipts of revenue, with its almost 2,000,000,000 tons of freight traffic, moving over 217,000 miles of railway. Why, sir, if I be right in this contention—that a regulation which was effective was intended—then I believe I can assert safely the doctrine that Congress in its collective capacity can not exercise the power of regulation conferred. Why? Because the membership of this body is too large; its times of meeting are too infrequent; its method of transacting business is not suited to effective regulation under this power conferred by the Constitution. I stand upon this proposition: That when the legislative authority has prescribed the rules by which the regulation of railway rates shall be made by the Commission—that is, when Congress declares that all rates shall be reasonable and that all unreasonable rates shall be prohibited, then that the Commission will be performing but an administrative function in carrying out the expressed will of the legislature as contained in the act of its creation, where by its order it substitutes a reasonable railway rate for one which is excessive or exorbitant.

Mr. CONNER. I desire to interrupt the gentleman to ask him if he has had his attention called to what is known as the "Interstate Commerce Case?"

Mr. RUSSELL. In 167 United States?

Mr. CONNER. Yes; and this language——

Mr. RUSSELL. I am going to discuss that case now.

Mr. CONNER. And this language in the opinion of Judge Brewer:

> In the early case of Thatcher *v.* Delaware and Hudson Canal Company (1 Interstate Commerce Commission Rept., 152, 156), a case heard and decided in July of the year in which the Commission was created, the Commission declined, for lack of evidence, to fix certain rates, saying: "It is, therefore, impossible to fix them in this case, even if the Commission had power to make rates generally, which it has not. Its power in respect to rates is to determine whether those which the roads impose are for any reason in conflict with the statute."

I ask the gentleman if he does not construe that language as concerning the action of the Commission in that suit that it did not have the power to fix the rates?

Mr. RUSSELL. I think not, if the gentleman was reading the case I had in mind.

Mr. WILLIAMS. It was the initiation of rates that they were talking about.

Mr. RUSSELL. This is the portion of the opinion which I will now quote substantiating the proposition I have been discussing, that we have a right to delegate to this Commission the administrative function of declaring what shall be an unreasonable rate and substituting for it a reasonable rate. It is found in the case of Interstate Commerce Commission against Cincinnati, New Orleans and Texas Pacific Railway Company, in 167 United States. I read from the opinion by Judge Brewer:

> Before the passage of the act it was generally believed that there were great abuses in railroad management and railroad transportation, and the grave question which Congress had to consider was how those abuses should be corrected and what control should be taken of the business of such corporations. The present inquiry is limited to the question as to what it determined should be done with reference to the matter of rates. There were three obvious and dissimilar courses open for consideration. Congress might itself prescribe the rates; or it might commit to some subordinate tribunal this duty; or it might leave with the companies the right to fix rates, subject to regulations and restrictions, as well as to that rule which is as old as the existence of common carriers, to wit, that rates must be reasonable.

Now, Mr. Chairman, if that opinion is the law, surely the power attempted to be conferred in this bill in giving to a subordinate tribunal the right, when a rate is complained of and found to be unreasonable, to substitute for it a reasonable rate, found so by the Commission, would certainly run the gauntlet of judicial scrutiny in any court in the land.

Mr. MARTIN. Right at that point I should like to ask the gentleman what, in his opinion, is the nature of this power that we are conferring upon the Commission by this bill? Is it legislative?

Mr. RUSSELL. I do not think so.

Mr. MARTIN. Judicial or administrative?

Mr. RUSSELL. I think it is administrative.

Mr. MARTIN. Administrative purely?

Mr. RUSSELL. I think so. I have warrant for that in the opinion I read to the House a moment ago in the case of Reagan against Farmers' Loan and Trust Company, when they used the term distinctly that it is an administrative function performed by the Commission.

Mr. HOGG. May I ask the gentleman a question?

Mr. RUSSELL. Yes; with pleasure.

Mr. HOGG. Is the gentleman familiar with the case of Interstate Commerce Commission *v.* Railway Company, 167 United States, page 499——

Mr. RUSSELL. I have the book before me and have just read an extract from the opinion to the House.

Mr. HOGG. Where the court said this:

> It is one thing to inquire whether the rates which have been charged and collected are reasonable. That is a judicial act——

Mr. RUSSELL. I am aware of that language.

Mr. HOGG (reading)—

> But an entirely different thing to prescribe rates which shall be charged in the future. That is a legislative act.

Mr. RUSSELL. I am aware of that language in that opinion, and I do not see anything in this case that calls for the use of that particular term. I do not want to charge that an opinion emanating from so eminent an authority is dictum, but I do not see anything in the case or in the facts of it that required the use of that term. I sincerely believe that when the courts are directly confronted with this question, as they will be, perhaps, under this bill, that they will hold distinctly when the question is presented that the functions performed by the Commission are administrative and not legislative.

Mr. Chairman, I hurry along to another portion of this discussion. Suppose it be taken for granted that we have the right to vest in the Commission the authority to substitute a reasonable for an unreasonable rate; then is there any necessity for this legislation? That is an important inquiry that ought to be solved by the House. Let us go back once more to what is really proposed to be done. It is not to give the Commission a general rate-fixing power, it is not to engage in political rate fixing, as the gentleman from Massachusetts [Mr. MCCALL] said, but it is, after hearing by the Commission, to substitute an unreasonable rate with a reasonable one. Is there any necessity for the granting of that power? Let us see.

Upon what theory are our American institutions founded? When our fathers announced the doctrine that man is capable of self-government, they announced a doctrine that fell with startling effect upon the ears of monarchical Europe; but I contend, sir, that they never intended in that declaration to announce the doctrine of individualism. They intended to declare that we were capable of proclaiming a system of laws to meet emergencies as they arose. They intended to proclaim the doctrine that we were able to establish a system of government to which every citizen in the land, when aggrieved, could approach with a confiding faith that a remedy, prompt, just, and effective, would be given. That is what we mean by our American system. I assert the proposition, that where a transportation company fixes an unjust charge the shipping public has no remedy except to secure a change in the rate. You tell me you will point the aggrieved shipper to the courts.

Why, the impracticability of the remedy renders it absolutely ineffective. In thousands of the cases the amount of the overcharge would not justify the expense of the litigation, but the sum total of them all will swell into an enormous amount. Therefore there is no remedy except a change of rate. Why, my friend from Massachusetts [Mr. MCCALL] this afternoon discussed the question of rebates and discriminations. That question has practically been provided for. The shipper and the middleman are interested in the law against rebates and discriminations, but the producer and the consumer are the people who are interested in the question whether a rate is extortionate or reasonable. They are the people who are interested.

It is no answer to me to say that the rates in this country are now reasonable. I believe the great body of them are reasonable, but that there are many, many specific instances where they are unreasonable. The time was when a great many of them were unreasonable, and the railroad companies have more power now than they had then.

My friend from Massachusetts [Mr. MCCALL] compared the American rates with European rates. Well, the rates in Europe are higher, but he failed to tell the House the reason why they are higher. As I understand it, they have no such system of express charges in European countries; it is all freight. Freight that goes by express at high rates here goes by freight there. In the second place, all the low-grade tonnage is transported by rivers and canals in Europe, while with us it goes over the railroads. In the third place, their system provides for delivery at both ends of the line, both from the consignor to the

railroad company and from the railroad company to the consignee, and this delivery charge is reckoned as part of the freight charge. This is according to the testimony before the Senate committee by men who profess to know. In the fourth place, the capitalization of their roads is over $200,000 a mile, while of ours the highest amount stated is $65,000 a mile. These things render rates higher there than they are here.

Then the gentleman stated that the wages of labor are better here than they are there. That is true, but there is an average of about five men on an American railway to the mile of road, whereas in Europe there are twenty men to the mile of road. [Applause.] In other words, for this excess of price which the American laborer gets the American laborer performs the work of four or five European laborers. These facts explain why freight rates in Europe are higher than they are in America and why the wages of railway employees are lower there than they are here.

But, Mr. Chairman, these American railway rates have not always been as low as they are now. Formerly they were much higher, and, as I said a moment ago, the railways are possessed of much more power now than they had then. Now their capitalization runs over thirteen thousand million dollars and they employ nearly 2,000,000 persons. During the last few years this enormous wealth and power has been combined in the hands of a few men. Both of these gentlemen who addressed the House against this bill contended that the law of competition ought to regulate these railways. Why, sir, we have no law of competition now. It is a maxim of railway economics that wherever combination is possible competition is impossible [applause], and through the consolidation of these railways in the hands of a few men, as Philip said about the great Napoleon, competition has fled from them as from the glance of destiny.

Now, I will not rest by simply making the assertion—I will submit the proof. In the hearing before the Senate committee, early in that hearing, Mr. Sam Cowan, of Fort Worth, Tex., a lawyer of ability and a man of high character, makes the statement that there are sixty railroads running into the city of St. Louis; that they had a general office, with a secretary and a rate clerk, but that they kept no minutes; that they denied that there was any combination between them, but the fact existed that when one of these sixty roads published a rate on one day that identical day the other fifty-nine published the same rate. This statement went into the printed record before the Senate committee.

Shortly after that Mr. Hooker made a statement that there were four men that fixed all the rates west of the Missouri River; that four other men fixed all of them north of the Ohio and the Potomac, and that four others fixed the rates south of those rivers. In other words, twelve men in the United States fixed the rates of the railways of the United States. Judge Clements, a distinguished member of the Interstate Commerce Commission, placed before the Senate Interstate Commerce Committee this statement, to which I now invite the careful attention of the House. It is a report of conditions prevailing in the Pennsylvania Railway system. It shows how the power of directorship has been combined in the hands of a few men in that system.

For example, he shows that 157 directorships were held by 157 persons on one board only; 63 directorships were held by 26 persons on from two to five boards; 175 directorships were held by 13 persons on more than five boards; and then he proceeds to show how the capital stock is distributed in these railway companies—the Pennsylvania Railroad Company, the Pennsylvania Company, the Baltimore and Ohio Railroad Company, the Chesapeake and Ohio Railway Company, the Norfolk and Western Railway Company, the Philadelphia, Baltimore and Washington Railroad Company, and the Northern Central Railway Company. It is a statement so instructive and suggestive that I shall read it to the House:

Report for the year ending June 30, 1904.

Capital stock outstanding:	
Pennsylvania Railroad Company	$296,504,550
Pennsylvania Company	40,000,000
Baltimore and Ohio Railroad Company	184,244,812
Chesapeake and Ohio Railway Company	62,799,400
Norfolk and Western Railway Company	89,000,000
Philadelphia, Baltimore and Washington Railroad Company	23,494,575
Northern Central Railway Company	11,462,300
Of the stock of the Pennsylvania Company	40,000,000
Pennsylvania Railroad Company owned	40,000,000
Of the stock of the Baltimore and Ohio Railroad Company	184,244,812
Pennsylvania Railroad Company owned	51,773,300
Pennsylvania Company owned	16,044,600
Philadelphia, Baltimore and Washington Railroad Company owned	1,781,500
Northern Central Railway Company owned	1,781,500
Of the stock of the Chesapeake and Ohio Railway Company	$62,799,400
Pennsylvania Railroad Company owned	10,130,000
Pennsylvania Company owned	4,000,000
Northern Central Railway Company owned	1,500,000
Of the stock of the Norfolk and Western Railway Company	89,000,000
Pennsylvania Railroad Company owned	25,830,000
Pennsylvania Company owned	6,500,000
Northern Central Railway Company owned	1,500,000
Of the stock of the Philadelphia, Baltimore and Washington Railroad Company	23,494,575
Pennsylvania Railroad Company owned	23,132,200
Northern Central Railway Company owned	352,200
Of the stock of the Northern Central Railway Company	11,462,300
Pennsylvania Railroad Company owned	9,401,950

Names of persons on the board of directors of more than five railway companies.

	Boards.
Green, John P	24
McCrea, James	17
Rea, Samuel	17
Shortridge, N. P	16
Woods, Joseph	16
Turner, J. J	14
Barnes, W. H	14
Taylor, E. B	13
Pugh, Charles E	12
Wood, George	9
Cassatt, A. J	8
Prevost, S. M	8
Morris, E. B	7

It appears that the members of the boards of directors of certain railway companies, mostly in the Pennsylvania Railroad system, as given in their reports for the year ending June 30, 1904, aggregated 395. An analysis of this number shows that 157 directorships were held by 157 persons on one board only; 63 directorships were held by 26 persons on from two to five boards; 175 directorships were held by 13 persons on more than five boards, distributed as follows:

1 person held	24
1 person held	17
1 person held	17
1 person held	16
1 person held	16
1 person held	14
1 person held	14
1 person held	13
1 person held	12
1 person held	9
1 person held	8
1 person held	8
1 person held	7
13 persons held	175

This shows how the Pennsylvania Railroad system has absorbed the capital stock and power of these other roads, and as a consequence has broken down and destroyed whatever competition prevailed among them. That the public has been the sufferer, who can doubt?

But let us go further. My distinguished friend from Massachusetts [Mr. McCALL] quoted from Hadley's Railway Transportation. I take it, therefore, that he can not impeach his own witness. If he does, I shall object. Well, now, here is what President Hadley, of Yale, says about this question of consolidation:

> And the present age is one of industrial monopoly, however we may shut our eyes to the fact. We have not free competition, nor can we expect to have it in the future. Instead of moving toward it, we are moving away from it. This is a fact to which people are just beginning to open their eyes. They begin to see in a great many cases prices are determined not by competition but by combination. * * * On either side of the Atlantic most persons who have really looked into the subject have come to regard railroads as a sort of natural monopoly, not regulated by the ordinary laws of trade, and needing to be closely watched by public authority.

Now, against Mr. McCALL'S witness, Hadley, I quote Hadley on the subject to show that the law of competition has now been eliminated from the railroad problem. If that be so, what other law shall control them except some such law as we provide for in this case? Why, Senator NEWLANDS made the statement, and printed it in the Senate hearings, that over 200,000 miles of railways in the United States were combined in six groups, and that a few men, and sometimes one man, dominated those groups. This testimony of these gentlemen who testified before the Senate Committee is not only not denied, but corroborated by the railway companies.

Mr. Bond, of the Baltimore and Ohio, and Mr. Harris and Mr. Lincoln, of the Missouri Pacific, all three say that great consolidation of railways has taken place; that competition was practically eliminated; Mr. Bond saying it was the result of the Sherman antitrust act, and the other gentlemen saying that it had taken place, but that the public had been the gainer by it. This testimony of these railway witnesses is corroborated by Mr. Walker D. Hinds, of the Nashville and Chattanooga; by Mr. Morawetz, of the Santa Fe; by Mr. Ramsay, of the Wabash, and by Mr. Tuttle, of the Boston and Maine, all corroborating these gentlemen when they say that

this railroad combination has taken place by which competition has been eliminated. Therefore we have now no law of trade, no law of economics, by which these matters of railway rates can be controlled, and we are compelled to resort to legislation of this character in the interests of the consumers and the producers of this country. Well, what has been the effect of this combination? Let us see. In 1899 the tendency of railway rates to be reduced was arrested by the elimination of the law of competition, and since then railway rates have been on a steady advance. Just in this connection I call the attention of the House to a table contained in a communication from the Interstate Commerce Commission to the United States Senate bearing on this question of the advance in freight rates.

Number of tons of freight carried, freight revenue, and average rate per ton for years ending June 30, 1899–1903.

Year ending June 30—	Tons of freight carried.	Total freight revenue.	Average rate per ton.
1899	959,763,583	$913,737,155	$0.9520
1900	1,101,680,238	1,049,256,323	.9524
1901	1,089,226,440	1,118,543,014	1.0269
1902	1,200,315,787	1,207,228,845	1.0058
1903	1,221,475,948	1,318,320,604	1.0793

The rate in 1899—that is, the average rate per ton, was 95.20 cents. In 1900 it was 95.24 cents. In 1891 it was $1.0269. In 1902 it was $1.0258, a slight reduction in the average rate per ton, which is accounted for by the fact of the enormous increase in the low-grade tonnage of that year. In 1903 it was $1.0793 per ton. Now, further along in this same communication from the Commission is another table, showing how the earnings of the roads have been increased by this advance in rates. I here call the attention of the House to that table:

Statement showing the total number of tons of freight carried by the railroads of the United States for the fiscal years ending June 30, 1899, 1900, 1901, 1902, and 1903, with the total revenue accruing therefrom; also the revenue which would have accrued at the average rate of 95.2 cents per ton for the years ending June 30, 1900, 1901, 1902, and 1903, this being the average rate for the year ending June 30, 1899; and the increase in the revenue for the years 1900, 1901, 1902, and 1903 resulting from the increase in the average rate per ton for those years.

Year ending June 30—	Tons of freight carried.	Total freight revenue as charged.	Amount of freight revenue at average rate per ton of 95.2 cents, being the average rate for the year ending June 30, 1899.	Increase.
1899	959,763,583	$913,737,155	$913,737,155	
1900	1,101,680,238	1,049,256,323	1,048,799,587	$456,736
1901	1,089,226,440	1,118,543,014	1,036,943,571	81,599,443
1902	1,200,315,787	1,207,228,845	1,142,700,629	64,528,216
1903[a]	1,221,475,948	1,318,320,604	1,162,845,102	155,475,502

[a] The figures given for the year 1903 represent about 98 per cent of the total mileage.

This table shows what the earnings would have been had the 1899 rate of 95.20 per ton been in force, and what the earnings actually were through the advance in rates. For instance, in 1900 there was an advance in earnings of $456,730; in 1901 there was an advance of $81,599,443; in 1902 of $64,528,216, and in 1903—and they only had the figures for 98 per cent of the railroad mileage—the average advance in earnings was $155,475,502. All this shows the effect of the elimination of the law of competition. Who paid that, Mr. Chairman? Why, these people in this country whom this bill is designed to protect. But, sir, I place the right to the relief contained in this bill upon another proposition that I do not believe can be assailed. Whatever gentlemen may think about this question, there is a large element in this country that believes these rates are unfair. The memorials which this body and its individual members have received from State legislatures, from municipal corporations, from individual shippers, convince us that a large number of people in the United States believe these rates are unfair. Mr. Chairman, these people are not anarchists who believe this. They are not communists, they are not enemies of wealth, or of the railroad companies, but they are patriotic citizens of the United States.

Now, independent of the proposition as to whether they are right or wrong, they think they are right. What shall we do? Shall we organize a sworn tribunal without interest in the subject-matter of the controversy to decide whether they are right or wrong or shall we force them to leave the decision of that question to the people who exact the charge and who are the beneficiaries of the situation? [Applause.] I say that the latter proposition shocks the moral sense and is contrary to every doctrine of Americanism. We Americans force no man to submit his grievance, either real or fancied, to his adversary. Why, Mr. Chairman, no one here wants to harm the railroads. I recognize what splendid properties they are and how much they have had to do with the development of the country. They have touched with their iron fingers the deserts in the West and made them to blossom as the rose.

The gleaming eyes of their locomotives have gazed into the face of savagery, and churches and schools and contented people now inhabit the places where the red man hunted the buffalo; but, sir, while the railroads have benefited the people, the people have benefited the railroads. [Applause.] To tell me to the contrary would remind me of an anecdote related of old Ethan Allen after the battle of Ticonderoga, when he attended church and heard the parson pray very unctuously, thanking the Lord for the great victory of the American forces. Then Ethan got up and said:

Parson, it is all right to give the Lord praise for this victory, but the next time you pray along this line I just want you to mention that Ethan Allen was there also.

[Applause.]

So while the railroads have benefited the people the people have benefited the railroads. Why, look at the magnificent land bonuses which they have received. Ex-Governor Larabee makes the statement that—

The various grants made to the railroads comprise no less than 300,000 square miles of land, equal to four and a half times the area of New England, or six times that of the State of New York, or equal to the total area of Iowa, Wisconsin, Illinois, Indiana, Michigan, and Ohio.

That is the amount of land grants they have received. Why, in Texas we gave them 16 sections to the mile, with 640 acres to the section, and in their greed they actually took it for switches and sidings, not content with taking it for the main line, until we threw them down and took it away from them when James S. Hogg was governor.

Mr. MACON. Does the gentleman believe the development of government was ever the primary cause for the laying of a single railroad track in this country?

Mr. RUSSELL. I do not know. I will say this: I presume the men who built the railroads intended to make money, but I do not want to make any assault on the gentlemen who built the railroads. I believe they are a splendid and patriotic body of the people, but they are men like we are, of like passions as ourselves. It would be unfair to let the shipper fix the rate, because, being interested, he would make it too low, and it is also unfair to let the carrier fix the rate, because, being interested, the carrier would make it too high, and the common-sense thing to do is to let some tribunal not interested in the result fix the rate, which will do even-handed justice between the people and the railroads. [Applause.]

Mr. Chairman, I come from a section of this Union that is tremendously interested in this proposition. Three years ago that portion of Texas which I represent, my immediate section of it, shipped 5,000 cars of fruit and vegetables to the northern and eastern markets. The business has tremendously increased since then. Now, you can not carry on that business without the use of refrigerator cars. The way that is done is this: The ice is deposited in bunkers at each end of the car. I am advised by reliable authority that ice can be deposited in the bunkers of the car at from $2.50 to $3 a ton. Suppose a car of fruit starts from Tyler, Tex., to St. Louis. St. Louis is thirty-six hours from Tyler. They will start that car of peaches or tomatoes with 3 tons of ice. They will put on, say, 2 tons more at Texarkana and, if it be necessary, they will put on 2 tons more at some other point between Texarkana and St. Louis, making 7 tons in all, yet the refrigerator charge from Tyler to St. Louis is $60. Now, I have here these refrigerator charges, and I want to call the attention of the committee very briefly to some glaring inequalities in these refrigerator rates. For instance, it costs as much to ship a car of fruit or vegetables or anything else requiring refrigeration from a Texas point to Washington as it does to New Haven, Conn. It costs as much to Washington as it does to Helena, Mont.; as much as it does to Butte, Mont.; as much as it does to Portland, Me.; as much as it does to Montreal, Canada; as much as it does to Toronto, Canada, or to Winnipeg.

The icing charges are not fixed on a distance basis, but on a purely arbitrary basis. It costs as much to ship a car to Zanesville, Ohio, as it does to Allegheny, Pa., and it costs as much to Cleveland, Ohio, as it does to Winona, Minn.

Mr. WILLIAMS. Is the gentleman referring purely to icing charges?

Mr. RUSSELL. I am referring to icing charges.

Mr. WILLIAMS. And not to transportation charges?

Mr. RUSSELL. No, indeed; purely icing charges. It costs as much to Columbus, Ohio, as it does to St. Paul, Minn.; it costs as much to Dayton, Ohio, as it does to Detroit, Mich., and it costs as much to Cincinnati, Ohio, as it does to Cedar Rapids, Iowa.; it costs as much to Indianapolis, Ind., as it does to Milwaukee, Wis.; and it costs as much to Davenport, Iowa, as it does to Hannibal, Mo. I might show you other glaring inconsistencies. I also have here——

Mr. GAINES of Tennessee. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman from Texas [Mr. RUSSELL] yield to the gentleman from Tennessee [Mr. GAINES].

Mr. RUSSELL. Certainly.

Mr. GAINES of Tennessee. Can the gentleman tell us whether they charge as much for ice in the winter as they do in summer? [Laughter.]

Mr. RUSSELL. I suppose so. [Laughter.]

Now, gentlemen, I have here a schedule of freight rates. Let me tell you this about them: If a tomato raiser in my State wants to ship tomatoes he gets a minimum weight of 20,000 pounds to the car for transportation charges, outside of the icing charges. If he is a peach raiser, and ships east of the Mississippi River, he pays on a minimum of 24,000 pounds to the car. In other words, the peach raiser, shipping in the same kind of a car as the tomato raiser—and these fruits are about the same, the same number of crates will go in a car, and they sell for about the same price—if that peach raiser ships east of the Mississippi River they will make him pay for 4,000 pounds more of freight than they do the tomato grower. Why? They have been talking to you something about "all the traffic will bear." The reason of it is manifest. If you put the rate too high on the tomato raiser, he will not plant next year, but the peach grower can not afford to take his ax and go into the orchard and cut down the trees that bear the fruit. Therefore they take advantage of his condition to thumbscrew the peach raiser because they know he is bound to stand it.

Now, let us go a little further into this thing. Here are the tomato rates, which are on the 20,000-pound-car basis. The rate to Aurora, Ill., is 47 cents a hundred on tomatoes, whereas to Burlington, Iowa, it is only 44 cents a hundred on tomatoes. The rate to Danville, Ill., is 47 cents a hundred, while the rate to Davenport, Iowa, is only 44 cents a hundred.

Mr. CAMPBELL of Kansas. From what point?

Mr. RUSSELL. From any Texas point. I am glad the gentleman asked me that question, because my statement might have been somewhat obscure without it.

Mr. SHERLEY. Would the gentleman suggest that rates ought to be based upon a mileage basis?

Mr. RUSSELL. Not altogether. I think that ought to be a factor in it. But I would not undertake to go into that, because I think this Commission ought to be composed of men who know more about rates than either myself or the gentleman from Kentucky [Mr. SHERLEY] or any other Member of the House. I do not mean that as a reflection on my friend from Kentucky.

Mr. SHERLEY. I understand. Does not the gentleman believe that reason for the difference between the long and short hauls has always or, rather, has usually been an economic condition that must confront anyone fixing rates, whether it be a commission or a traffic manager?

Mr. RUSSELL. As to that I want to say this—and I am glad the gentleman mentioned that subject—I thought this bill ought to be amended so as to restore the vitality of the long and short haul clause. I believe that somebody ought to be empowered to suspend the operation of the long and short haul clause where the conditions of the case or the economic conditions require it, as the gentleman suggests; but I do not believe that the tremendous power of suspending this law ought to be left with the railroads, where it practically has been left since these decisions of the court upon the subject were made, but I believe the power of suspension ought to be vested alone in the Commission. [Applause.]

Mr. SHERLEY. Has it not been a fact that as a result of the making of a cheap rate over a long distance, which is practically an American practice, we have widened the zone of sale in which products of any section can be marketed?

Mr. RUSSELL. Possibly so, and I say that that power ought to be continued in the Commission and not in the railroads. Now, going back to these transportation rates on fruits, I would like to read you the rate on a carload of peaches from Tyler, Tex., to Aurora, Ill. It is 59 cents a hundred to Aurora on a minimum of 20,000 pounds and 73 cents to Akron, Ohio, on a minimum of 24,000 pounds. It was 59 cents to Chicago on a minimum of 20,000 pounds and 73 cents to Canton, Ohio, on a minimum of 24,000. It was 73 cents to Cleveland, Ohio, on a minimum of 24,000 and only 50 cents to Emporia, Kans., on a minimum of 20,000 pounds. I might show these inconsistencies more glaringly by putting these rate sheets in the RECORD, but the instances I have given illustrate the principle. But, Mr. Chairman, the best way to exhibit these things is to look at them in the concrete, and I have brought to this discussion some individual shipping expense bills that are startling in their facts.

On the 8th day of May a firm at Tyler, Tex., known as Wilcy & Henry, shipped 516 crates of strawberries to a firm in Burlington, Iowa. That car sold for $460. Of this sum, $46 was retained by the commission people as commission, $225 represented transportation charges, and the shippers got $189.

Now, let me call your attention to two more cases.

Mr. ALEXANDER. How much would that be a quart?

Mr. RUSSELL. I have not made the calculation.

On the 22d day of July the Woldert Grocery Company, at Tyler, Tex., shipped a carload of fruit to Chicago. It was a car of mixed fruit. It sold at Chicago for $269.52. Of this amount the commission people retained $7.50. The transportation companies got $205.69 and the shippers received $55.33. In July of last year the Woldert Grocery Company, of Tyler, Tex., shipped a carload of fruit to Buffalo, N. Y. It sold in Buffalo for $400.90. The transportation companies got $258.40; the drayage charge was $8.64; the commission was $28.06, and the shipper got $105.08.

Mr. MARTIN. Mr. Chairman, I would like to ask the gentleman, from the close study that he has evidently given this subject, whether he regards these as usual or exceptional cases that he has given?

Mr. RUSSELL. I have quite a number of these expense bills. I have just picked these out of the expense bills I had. I think they are exceptions, but there is not one of all the bills I have that did not, at least in some degree, show the extortionate charges.

Mr. MARTIN. Is it not quite likely that there might have been surrounding circumstances—such as the condition of the market or damaged fruit—that might have affected the price?

Mr. RUSSELL. It is not a question of the price of the fruit; but, as suggested to me by the gentleman from Mississippi [Mr. WILLIAMS], these instances show that the companies have the power to do just what they have done, as shown in these bills of expense.

Mr. MARTIN. But this is what I am trying to get at: Whether it was a part of the usual operation. Do you regard these as cases in which exceptional high prices were charged by the companies, or whether they were the usual prices?

Mr. RUSSELL. Oh, the transportation prices were the usual prices.

Mr. MARTIN. What I am trying to get at is whether these were exceptional cases and the charge affected the price of the product because these charges were exceptional.

Mr. RUSSELL. I do not think the car sold at Buffalo was the usual price.

Mr. MARTIN. Can the gentleman give us a statement as to his opinion whether these are exceptional rather than usual cases?

Mr. RUSSELL. Of all the expense bills I have they would differ simply in degree. I have picked out those that I had which I thought would glaringly show this injustice; but there is not one in all the number, I will say to the gentleman, that did not show that the extortion differed only in degree.

Mr. ALEXANDER. May I ask the gentleman a question?

Mr. RUSSELL. Certainly.

Mr. ALEXANDER. The gentleman gave one bill for the shipment of a carload of fruit to Buffalo, N. Y.?

Mr. RUSSELL. Yes.

Mr. ALEXANDER. Did the gentleman find any bill where a less price was charged by a railroad company for shipping fruit?

Mr. RUSSELL. I think not. I think the price was the same.

Now, Mr. Chairman, I hurry to a conclusion, because I have now detained the House beyond its patience undoubtedly, and almost beyond my own strength.

Each of these cases that I have had here, and read to the House, is a case where the producer has paid the freight; and the producer always pays the freight wherever he can not fix the price of his product in the market. Wherever that condition prevails the producer always pays the freight.

It is the producers of this country who are complaining of the situation of affairs that now prevails. The producer has been the most patient of all the classes in this country. He has stood aside while others have received relief and has rarely complained.

He generally quietly shoulders his burdens. It may be that these people have not complained because their lives have been too much filled with toil to leave them time to investigate.

But they are complaining now. Wrought to a pitch of indignation by years of wrong they are now demanding relief. It is the producer who is demanding it—the cattlemen of the West, the farmers of the South and great Middle West, the fruit growers of California, of Florida, Georgia, and Texas. They are the people who pride themselves upon our national power and grandeur.

The producer is entitled to our consideration. The agricultural producer is the man who converted this country from a borrower nation into a lender nation. It was of the producer that Mr. Secretary Wilson said that in the last sixteen years he had wiped out an adverse trade balance of $543,000,000 and had piled up five thousand million dollars to the international trade credits of the country. [Applause]. The producer does not believe that a fair share of this stupendous sum has remained in his hands. He knows he has labored, he knows he has made wealth, he knows he has economized, and now he comes to this body and asks us under the Constitution to exercise such efficient regulatory powers over the transportation companies as will protect him from rapacity and extortion. He has a right to ask it. He has stood aside while others had their day in court here. This House has protected labor in the cities from competition with the Chinese. This body has listened to the demands of labor for the eight-hour law, so far as Government works are concerned. This body has listened to the railway employees, and has given them the safety-appliance law. And now the producer claims his day in court. He has made out his case on the law and the facts; and, with malice toward none and charity for all, he relies upon the inexorable logic of the facts and appeals to the integrity of the people's representatives. [Prolonged applause.]

Mr. HEPBURN. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. VREELAND, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12987—the railroad-rate bill—and had come to no resolution thereon.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 86. An act for the erection of a monument to the memory of Commodore John Barry—to the Committee on the Library.

S. 3416. An act to prohibit any vessel from anchoring in such manner as to obstruct or interfere with the range lights established in any navigable waters of the United States by the United States Light-House Board—to the Committee on Interstate and Foreign Commerce.

S. 3409. An act for the construction of an able seagoing brig for the Revenue-Cutter Service for New Bedford, Mass.—to the Committee on Interstate and Foreign Commerce.

S. 3263. An act to amend an act entitled "An act to establish a port of delivery at Salt Lake City, Utah—to the Committee on Ways and Means.

S. 2964. An act for the relief of the L. S. Watson Manufacturing Company, of Leicester, Mass.—to the Committee on Claims.

S. 2786. An act to authorize the Secretary of the Treasury to refund to purchasers of pine timber on ceded Indian lands sums paid in excess of the correct amounts due for timber cut—to the Committee on Claims.

S. 2777. An act for the construction of a suitable vessel for the Revenue-Cutter Service for duty at Savannah, Ga.—to the Committee on Interstate and Foreign Commerce.

S. 2771. An act to establish a light and fog-signal station at or near Southwest Ledge, entrance to New London Harbor, Connecticut—to the Committee on Interstate and Foreign Commerce.

S. 2700. An act to improve the public building at Newport, R. I.—to the Committee on Public Buildings and Grounds.

S. 2658. An act to construct a tender for the Light-House Service in Hawaiian and Pacific islands waters—to the Committee on Interstate and Foreign Commerce.

S. 2656. An act to purchase an additional strip of land to the eastward of the light-house at Pigeon Point, California—to the Committee on Interstate and Foreign Commerce.

S. 2655. An act to establish a light and fog signal on Karquines Strait, California—to the Committee on Interstate and Foreign Commerce.

S. 2451. An act granting to the State of North Dakota 30,000 acres of land to aid in the maintenance of a school of forestry—to the Committee on the Public Lands.

S. 2279. An act to establish a light and fog-signal station near Point Cabrillo, California—to the Committee on Interstate and Foreign Commerce.

S. 2277. An act to establish a light-house and fog signal on Red Rock, upper part of San Francisco Bay, California—to the Committee on Interstate and Foreign Commerce.

S. 2275. An act to provide for the erection of a keeper's double dwelling at Bonita Point, California—to the Committee on Interstate and Foreign Commerce.

S. 2274. An act to establish a fog signal on one of the jetties at the entrance to the harbor at Humboldt Bay, California—to the Committee on Interstate and Foreign Commerce.

S. 1648. An act for the relief of the Hoffman Engineering and Contracting Company—to the Committee on Claims.

S. 1462. An act to establish one or more fish-cultural stations on Puget Sound, State of Washington—to the Committee on the Merchant Marine and Fisheries.

S. 1374. An act to establish a fish-cultural station in the State of Utah—to the Committee on the Merchant Marine and Fisheries.

S. 1031. An act granting to the State of California 5 per cent of the net proceeds of the cash sales of public lands in said State—to the Committee on the Public Lands.

S. 983. An act to validate certain certificates of soldiers' additional homestead right—to the Committee on Private Land Claims.

S. 980. An act to ratify an agreement with the Lower Brulé band of the Sioux tribe of Indians in South Dakota, and making appropriation to carry the same into effect—to the Committee on Indian Affairs.

S. 956. An act providing for the election of a Delegate to the House of Representatives from the district of Alaska—to the Committee on the Territories.

S. 927. An act establishing a fog signal at Ediz Hook light station, State of Washington, and for other purposes—to the Committee on Interstate and Foreign Commerce.

S. 613. An act repealing an act entitled "An act to extend the time for presenting claims for additional bounties" and its amendments and extensions, so far as they limit the time for presenting claims for additional bounties granted to soldiers by the twelfth and thirteenth sections of the act of July 28, 1866—to the Committee on War Claims.

S. 609. An act to establish a fish-cultural station in the State of Wyoming—to the Committee on the Merchant Marine and Fisheries.

S. 541. An act for the relief of certain citizens of Montana claiming the benefit of the homestead laws—to the Committee on the Public Lands.

S. 319. An act to reimburse Abram Johnson, formerly postmaster at Mount Pleasant, Utah—to the Committee on Claims.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 297. An act to authorize the construction of dams and power stations on the Tennessee River at Muscle Shoals, Ala.; and

H. R. 12314. An act to amend an act approved February 3, 1905, authorizing the construction of a bridge across Red River at Shreveport, La.

PRINTING FOR COMMITTEE ON PATENTS.

Mr. CURRIER. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent for the present consideration of a resolution which will be reported by the Clerk.

Mr. WILLIAMS. Mr. Speaker, in accordance with the announcement which I made yesterday, I object.

Mr. CURRIER. I was not aware of the announcement of the gentleman. This is just a little printing resolution.

Mr. WILLIAMS. It is after 5 o'clock.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the Committee on Patents shall have authority to order such printing and binding done as it may deem to be necessary, connected with the business of said committee during this Congress.

The SPEAKER. Is there objection?

Mr. WILLIAMS. I object, Mr. Speaker. I will not object to-morrow.

The SPEAKER. The gentleman from Mississippi objects.

Mr. CURRIER. I will call it up to-morrow.

CHANGE OF REFERENCE.

By unanimous consent, at the request of Mr. MILLER, the Committee on Claims was discharged from the further con-

sideration of the bill (H. R. 12464) for the relief of laborers, mechanics, and other employees of the United States Government injured, and the families of those killed, without fault of their own, while in the discharge of their duties; and the same was referred to the Committee on the Judiciary.

Mr. HEPBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 15 minutes p. m.) the House, under the order heretofore adopted, adjourned until to-morrow, Saturday, February 3, 1906, at 11 a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of Commerce and Labor, transmitting a report of the Director of the Census as to the cotton unginned on January 16, 1906—to the Committee on the Census, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with favorable recommendation, drafts of bills relating to buildings on and near public reservations, and to the sale of certain property in Washington—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of Commerce and Labor relative to the power of the Territory of Hawaii to dispose of certain public property—to the Committee on the Territories, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for Fort Crockett Military Reservation, Galveston, Tex.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor submitting an estimate of increase of limit of cost and increased appropriation for the Brunswick (Ga.) light-vessel—to the Committees on Appropriations and Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting a list of leases granted by the Secretary of War during the calendar year 1905—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of War, submitting recommendations for legislation relative to regulation of coast defenses—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BROWN, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 13372) to authorize the sale of timber on certain of the lands reserved for the use of the Menominee tribe of Indians, in the State of Wisconsin, reported the same with amendment, accompanied by a report (No. 744); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURNETT, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 9045) granting certain lands belonging to the United States and situated in the State of Alabama to the State of Alabama for the use and benefit of the common schools of that State, reported the same with amendment, accompanied by a report (No. 745); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. BROWNLOW: A bill (H. R. 13843) to amend section 35 of an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898—to the Committee on the Judiciary.

By Mr. BONYNGE: A bill (H. R. 13844) to provide for the purchase of a site and the erection of a public building thereon at Boulder, Colo.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13845) to provide for the purchase of a site and the erection of a public building thereon at Fort Collins, Colo.—to the Committee on Public Buildings and Grounds.

By Mr. HOLLIDAY: A bill (H. R. 13846) to provide for the establishment of judicial divisions in the district of Indiana, designating the places where courts shall be held, and for other purposes in connection therewith—to the Committee on the Judiciary.

By Mr. McNARY: A bill (H. R. 13847) providing for the preservation and display of captured foreign battle flags—to the Committee on Military Affairs.

Also, a bill (H. R. 13848) concerning laborers employed in the construction of the Panama Canal—to the Committee on Interstate and Foreign Commerce.

By Mr. POWERS (by request): A bill (H. R. 13849) to regulate the fare for transportation of persons on railroads in the Territories of Arizona and New Mexico—to the Committee on the Territories.

By Mr. BONYNGE: A bill (H. R. 13850) to provide for the purchase of a site and the erection of a public building thereon at Greeley, Colo.—to the Committee on Public Buildings and Grounds.

By Mr. COUSINS: A bill (H. R. 13851) authorizing the appointment of dental surgeons in the Navy—to the Committee on Naval Affairs.

By Mr. HAYES: A bill (H. R. 13852) to provide for the erection of a light-house at Prilar Point, at the entrance to Half Moon Bay, California—to the Committee on Interstate and Foreign Commerce.

By Mr. LORIMER: A bill (H. R. 13853) to regulate interstate traffic in adulterated or misbranded articles and to permit the respective States and Territories to regulate the sale thereof within their respective boundaries—to the Committee on Interstate and Foreign Commerce.

By Mr. POWERS: A bill (H. R. 13854) to provide for filling in the United States quarantine station at Honolulu, Hawaii—to the Committee on the Territories.

By Mr. VOLSTEAD: A bill (H. R. 13855) to provide for denaturalized alcohol, the tax to be paid thereon, and regulating its sale—to the Committee on Ways and Means.

By Mr. WILLIAMS: A bill (H. R. 13856) to prohibit express companies and other common carriers from importing from foreign countries into certain localities of the United States and from transporting from one State into certain localities of another State intoxicating liquors when carried to be delivered with the charge to collect on delivery—to the Committee on the Judiciary.

By Mr. HERMANN: A bill (H. R. 13857) for the construction, equipment, and operation of a seagoing suction dredge, with necessary appliances and scows, for certain Oregon harbors—to the Committee on Rivers and Harbors.

By Mr. BURKE of South Dakota: A bill (H. R. 13858) directing the Court of Claims to hear and determine the question of the restoration of the unpaid annuities of the Sisseton and Wahpeton band of Sioux Indians—to the Committee on Indian Affairs.

By Mr. RODENBERG: A bill (H. R. 13859) to regulate commerce in foods, drinks, confections, condiments, and drugs among the States and Territories, the District of Columbia, insular possessions, and foreign countries, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. GRONNA: A bill (H. R. 13930) to amend an act entitled "An act prohibiting the selection of timber lands in lieu of lands in forest reserves," approved March 3, 1905—to the Committee on the Public Lands.

By Mr. LAFEAN: A bill (H. R. 13931) to prohibit the wearing of the uniform of the Army, Navy, Marine Corps, or Revenue-Cutter Service of the United States, and so forth—to the Committee on Military Affairs.

By Mr. DIXON of Montana: A bill (H. R. 13932) to authorize the Capital City Improvement Company to construct a dam across the Missouri River in Montana—to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: A resolution (H. Res. 208) requesting certain information from the Attorney-General concerning the custom-house property in Wall street, New York City—to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ADAMS of Wisconsin: A bill (H. R. 13860) granting a pension to Edward Mosher—to the Committee on Pensions.

Also, a bill (H. R. 13861) granting an increase of pension to Wilhelm Dickhoff—to the Committee on Invalid Pensions.

By Mr. BISHOP: A bill (H. R. 13862) granting an increase of pension to Luther S. Holly—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 13863) granting an increase of pension to Jonathan Cope—to the Committee on Invalid Pensions.

By Mr. BUCKMAN: A bill (H. R. 13864) granting a pension to Horace G. Butterfield—to the Committee on Invalid Pensions.

By Mr. CALDER (by request): A bill (H. R. 13865) to refund legacy taxes illegally collected from the estate of Mary J. Hustead—to the Committee on Claims.

By Mr. CAPRON: A bill (H. R. 13866) granting an increase of pension to Isaac Place—to the Committee on Invalid Pensions.

By Mr. CLAYTON: A bill (H. R. 13867) for the relief of Joseph P. Ingram—to the Committee on War Claims.

By Mr. COLE: A bill (H. R. 13868) granting a pension to Roy Roberts—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin (by request): A bill (H. R. 13869) for the relief of the heirs of Patrick Sullivan—to the Committee on War Claims.

Also, a bill (H. R. 13870) for the relief of Hans Peter Guttormsen—to the Committee on Claims.

By Mr. COUSINS: A bill (H. R. 13871) granting an increase of pension to William Delaney—to the Committee on Invalid Pensions.

By Mr. DAWES: A bill (H. R. 13872) granting an increase of pension to Alvin D. Hopper—to the Committee on Invalid Pensions.

By Mr. DICKSON of Illinois: A bill (H. R. 13873) granting an increase of pension to William M. Casseday—to the Committee on Invalid Pensions.

By Mr. GARDNER of Massachusetts: A bill (H. R. 13874) to amend the military record of Ogden H. Smith—to the Committee on Military Affairs.

By Mr. GOULDEN: A bill (H. R. 13875) granting a penison to Ada Richards—to the Committee on Invalid Pensions.

By Mr. GRAFF: A bill (H. R. 13876) granting an increase of pension to James Cooney—to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 13877) granting an increase of pension to Juan Canasco—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 13878) to remove the charge of desertion from the record of Thomas Bone, alias Hollingsworth—to the Committee on Military Affairs.

By Mr. HUGHES: A bill (H. R. 13879) referring to the Court of Claims the claim of the legal heirs of Sydney W. Moss, deceased, for certain lots taken by the Government for military purposes in what is now the State of Washington—to the Committee on Claims.

Also, a bill (H. R. 13880) to remove charge of desertion from the records of War Department against Solomon Beck—to the Committee on Military Affairs.

Also, a bill (H. R. 13881) granting an increase of pension to Amos Dyke—to the Committee on Invalid Pensions.

By Mr. JAMES: A bill (H. R. 13882) granting an increase of pension to Levi L. Price—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Nebraska: A bill (H. R. 13883) for the relief of the members of the First, Second, and Third Regiments United States Marine Corps, and for other purposes—to the Committee on War Claims.

By Mr. CHARLES B. LANDIS: A bill (H. R. 13884) granting an increase of pension to Helen Augusta Mason Boynton—to the Committee on Invalid Pensions.

By Mr. LOUD: A bill (H. R. 13885) for the relief of Robert B. Tubbs—to the Committee on Military Affairs.

By Mr. McCARTHY: A bill (H. R. 13886) for the relief of Jennie S. Sherman—to the Committee on Claims.

By Mr. McKINLEY of Illinois: A bill (H. R. 13887) granting an increase of pension to Joseph G. Eagler—to the Committee on Invalid Pensions.

By Mr. McMORRAN: A bill (H. R. 13888) granting a pension to Nancy J. Hennessey—to the Committee on Invalid Pensions.

By Mr. MARTIN: A bill (H. R. 13889) granting an increase of pension to Albion C. Spearin—to the Committee on Invalid Pensions.

By Mr. POLLARD: A bill (H. R. 13890) granting an increase of pension to Lucy Merrill—to the Committee on Invalid Pensions.

By Mr. REID: A bill (H. R. 13891) granting an increase of pension to Hugh G. Wilson—to the Committee on Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 13892) for the relief of certain citizens of the State of Alabama—to the Committee on War Claims.

Also, a bill (H. R. 13893) granting a pension to Edith A. McCarteney—to the Committee on Pensions.

By Mr. RIVES: A bill (H. R. 13894) granting a pension to Martha L. Wilson—to the Committee on Pensions.

By Mr. RYAN: A bill (H. R. 13895) to correct the naval record of Michael Sheehan—to the Committee on Naval Affairs.

By Mr. REYNOLDS: A bill (H. R. 13896) granting an increase of pension to Frank M. Amos—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13897) granting an increase of pension to Ambrose Lindsay—to the Committee on Invalid Pensions.

By Mr. SCROGGY: A bill (H. R. 13898) granting a pension to Ellen Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13899) granting an increase of pension to Francis M. Van Tress—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13900) granting an increase of pension to Valentine Barnett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13901) granting an increase of pension to John L. McBeth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13902) to correct the military record of Esau Henkle—to the Committee on Military Affairs.

Also, a bill (H. R. 13903) to correct the military record of Edward Weir—to the Committee on Military Affairs.

Also, a bill (H. R. 13904) to remove the charge of desertion from the record of Nicholas Welter—to the Committee on Military Affairs.

Also, a bill (H. R. 13905) to refer to the Court of Claims the claim of John S. Armstrong for compensation for loss of wheat in 1862—to the Committee on War Claims.

Also, a bill (H. R. 13906) to amend the military record of Levi G. Fessenden, late leader of the band of the Seventy-fourth Regiment Ohio Volunteer Infantry and of the First Regiment Kentucky Volunteer Infantry—to the Committee on Military Affairs.

By Mr. SIBLEY: A bill (H. R. 13907) granting an honorable discharge to Henry C. Sweet—to the Committee on Military Affairs.

By Mr. SLAYDEN: A bill (H. R. 13908) for the relief of Mrs. James M. Jett, of Brownwood, Brown County, Tex.—to the Committee on War Claims.

Also, a bill (H. R. 13909) for the relief of the estate of J. P. Lawrence, deceased—to the Committee on War Claims.

By Mr. SMITH of Kentucky: A bill (H. R. 13910) granting an increase of pension to Caleb Reynolds—to the Committee on Invalid Pensions.

By Mr. WM. ALDEN SMITH: A bill (H. R. 13911) granting an increase of pension to Pliny Smith—to the Committee on Invalid Pensions.

By Mr. SMYSER: A bill (H. R. 13912) granting an increase of pension to Alfred T. Dunn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13913) granting an increase of pension to Samuel Spicer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13914) granting an increase of pension to Bartholomew Coalman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13915) to remove the charge of desertion from the military record of George Webb—to the Committee on Military Affairs.

Also, a bill (H. R. 13916) to remove the charge of desertion from the military record of Adam Gilbert—to the Committee on Military Affairs.

Also, a bill (H. R. 13917) to remove the charge of desertion from the military record of Robert W. Liggett—to the Committee on Military Affairs.

Also, a bill (H. R. 13918) to remove the charge of desertion from the military record of Jacob Kintner—to the Committee on Military Affairs.

Also, a bill (H. R. 13919) to remove the charge of desertion from the military record of William Baldwin—to the Committee on Military Affairs.

By Mr. TAWNEY: A bill (H. R. 13920) granting an increase of pension to Oren D. Curtis—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 13921) to correct the military record of David Tyler—to the Committee on Military Affairs.

Also, a bill (H. R. 13922) to amend the military record of William G. Alspach—to the Committee on Military Affairs.

By Mr. WEEMS: A bill (H. R. 13923) granting an increase of pension to Martin Dayhuff—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 13924) granting an increase of pension to Minnie Irwin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13925) granting an increase of pension to Jane A. Ward—to the Committee on Invalid Pensions.

By Mr. WACHTER: A bill (H. R. 13926) granting an increase of pension to George Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13927) granting a pension to John M. Thomas—to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 13928) granting an increase of pension to Harvey Foster—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 13929) granting an increase of pension to William B. Earle—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 12026) for the relief of William Bushby—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 8943) for the relief of Arthur Cowsill—Committee on Claims discharged, and referred to the Committee on the District of Columbia.

PETITONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of F. B. Stimen, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. ACHESON: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. ADAMS of Wisconsin: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. ALEXANDER: Petition of Schenectady Lodge, No. 166, Brotherhood of Railway Trainmen, favoring bill H. R. 239—to the Committee on the Judiciary.

Also, petition of W. E. Trick et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Enterprise, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BABCOCK: Paper to accompany bill for relief of Malcom Ray—to the Committee on Invalid Pensions.

By Mr. BARTLETT: Paper to accompany bill for relief of Sarah V. Tanner—to the Committee on War Claims.

By Mr. BONYNGE: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of the board of directors of the Exchange, Denver, Colo., relative to the meat industry—to the Committee on Agriculture.

Also, petitions of H. W. Risler, Frank L. Finch, and the Horseshoers' Magazine, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BRUNDIDGE: Petitions of Howard Reed and W. O. Edmonston, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BURKE of South Dakota: Petition of retail merchants of South Dakota, favoring the President's plan for regulating railway freight rates—to the Committee on Interstate and Foreign Commerce.

By Mr. BURLEIGH: Petition of George M. Hochine, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BURLESON: Petition of P. O. Willson, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BURTON of Delaware: Petition of the American Association of Masters, Mates, and Pilots of Steam Vessels, for a commission to appraise the Chesapeake and Delaware Canal (previously referred to the Committee on Rivers and Harbors)—to the Committee on Railways and Canals.

By Mr. BURTON of Ohio: Petition of the American Society for the Prevention of Cruelty to Animals, against bill H. R. 47—to the Committee on Interstate and Foreign Commerce.

By Mr. CASTOR: Petition of Brotherhood of Locomotive Engineers, Enterprise Lodge, No. 76, for the Bates-Penrose bill—to the Committee on the Judiciary.

By Mr. CHAPMAN: Petition of William Landis, of Flora, Ill., for privileges of second-class mail matter to certain educational and religious publications—to the Committee on the Post-Office and Post Roads.

By Mr. CLARK of Florida: Petitions of T. J. Appleyard, H. H. McCreary, J. T. McBeath, H. V. Foster, R. N. Andrews, the News, J. W. White, H. G. Reed, and Joseph N. Smith, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of St. Johns Harbor, No. 24, against passage of bills H. R. 5281 and 5283—to the Committee on the Merchant Marine and Fisheries.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. COOPER of Pennsylvania: Petition of St. Johns Levee District, No. 1, of Missouri, for an appropriation for Mississippi River improvement—to the Committee on Rivers and Harbors.

By Mr. COOPER of Wisconsin: Petition of the Ministers' Union of Racine, Wis., to investigate conditions in the Kongo Free State—to the Committee on Foregn Affairs.

By Mr. DALZELL: Petition of the Second United Presbyterian Church of Williamsburg, Pa., against polygamy—to the Committee on the Judiciary.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of Dock and Cotton Men's Council, against enlarging the port of New Orleans—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Charleroi (Pa.) Merchants' Association, for a public building—to the Committee on Public Buildings and Grounds.

By Mr. DARRAGH: Petitions of E. L. Sprague and Elmer E. White, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of M. E. Turner et al., of St. Louis, Mich.—to the Committee on Ways and Means.

By Mr. DAWSON: Petition of Brotherhood of Painters, Decorators, and Paper Hangers of America, of Clinton, Iowa, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. DICKSON of Illinois: Petition of E. G. Mendenhall, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DIXON of Montana: Petition of Butte Lodge, No. 580, Brotherhood of Railway Trainmen, for bill H. R. 239—to the Committee on the Judiciary.

By Mr. ELLIS: Petition of citizens of Missouri, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. ESCH: Petition of 23 citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. FLACK: Petition for an appropriation for a public building at Malone, N. Y.—to the Committee on Public Buildings and Grounds.

By Mr. FOSTER of Indiana: Petitions of John C. Leffel and Charles T. Baker, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. FOWLER: Petition of Old Glory Council, No. 16, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. FRENCH: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. FULLER: Petition of L. A. Olsen, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. GILLESPIE: Petition of J. C. Bridges, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. GOLDFOGLE: Petition of the Military Order of Foreign Wars of the United States, New York Commandery, relative to wearing insignia of the order—to the Committee on Military Affairs.

Also, petition of Dr. Edward G. Janeway et al., asking for a pure-food law—to the Committee on Agriculture.

Also, petition of the Minerva Club, of New York, for an increase of the President's salary—to the Committee on Appropriations.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of the Law League of America, for reform in the consular service—to the Committee on Foreign Affairs.

By Mr. GRONNA: Petition of 23 citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of H. F. Arnold, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of J. M. Stewart, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HAY: Petition of citizens of Newmarket, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. HAYES: Paper to accompany bill for relief of Juan Canasco—to the Committee on Invalid Pensions.

By Mr. HEARST: Petitions of the Home Friend Publishing Company, the American Cabinetmaker, Motorcycle Illustrated, Toilets, Junior Toilets, Dry Goods, Standard, and Vanity Fair, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HEDGE: Petition of S. E. Brewer, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HENRY of Texas: Petition of 21 citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. HITT: Petition of citizens of Freeport, Ill., for certain postal privileges to educational and religious publications—to the Committee on the Post-Office and Post-Roads.

By Mr. HOLLIDAY: Petitions of G. W. Sturm, Edwin C. Shutz, and W. A. King, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. KAHN: Petitions of the San Francisco Newsletter, the Political Record, R. A. Crothers, the State Journal, Breeder and Sportsman, and the City Argus, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WILLIAM W. KITCHIN: Petition of the News, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LACEY: Petitions of Clark & Goss and Anderson & Sloan, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LINDSAY: Paper to accompany bill for relief of Mrs. William P. Buchanan—to the Committee on Invalid Pensions.

Also, petition of the American Society for the Prevention of Cruelty to Animals, against amendment to bill H. R. 47—to the Committee on Interstate and Foreign Commerce.

By Mr. LOUD: Petition of Grange No. 862, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. McCALL: Petition of citizens of Cambridge, Mass., with reference to the fourteenth and fifteenth amendments to the Constitution—to the Committee on the Judiciary.

Also, petition of the Emerson Piano Company, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of C. S. Parker & Son, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of citizens of Massachusetts, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of citizens and manufacturers of Massachusetts, in favor of a law compelling the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. McMORRAN: Petition of the Blade, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. McNARY: Petition of Donohoe's Magazine Company, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. MACON: Petitions of J. E. and F. E. Wood and Ira J. Walter, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. MADDEN: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. MAHON: Petition of Waterfall Lodge, No. 773, and L. L. Cunningham et al., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of Mathias Reed (previously referred to Committee on War Claims)—to the Committee on Invalid Pensions.

Also, petition of W. J. Short Grange, No. 1094, of Pennsylvania, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of P. L. Rittee, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. MANN: Petition of the Cable Piano Company, of Chicago, and Charles E. Fox, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petitions of the National Builder and the Medical Record Publishing Company, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. MOUSER: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. OVERSTREET: Petition of the Capital Gas Engine Company, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Fidelity Lodge, No. 109, Brotherhood of Railway Trainmen, for the Bates-Penrose bill—to the Committee on the Judiciary.

By Mr. PALMER: Petition of J. J. Pankytis, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petitions of Harrisburg Lodge, No. 383, and Lodge No. 337, Brotherhood of Railway Trainmen, of Sayre, Pa.; Manor Council, Order of Railway Trainmen; Bradford (Pa.) Lodge, No. 228, Brotherhood of Railway Trainmen; and Laughlin Lodge, No. 633, Brotherhood of Locomotive Firemen—relative to bill H. R. 239—to the Committee on the Judiciary.

By Mr. PARSONS: Petition of citizens of New York, favoring adoption of metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. PAYNE: Petition of Grange No. 348, Patrons of Husbandry, of Wolcott, N. Y., against repeal of the canteen law—to the Committee on Military Affairs.

By Mr. POLLARD: Paper to accompany bill for relief of Lucy Merrill—to the Committee on Invalid Pensions.

By Mr. RIVES: Paper to accompany bill for relief of Martha L. Wilson—to the Committee on Pensions.

By Mr. ROBINSON of Arkansas: Paper to accompany bill for relief of John Lacotts—to the Committee on War Claims.

By Mr. SAMUEL: Petition of Frank C. Angle, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SCROGGY: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of Amity Council, No. 87, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petitions of S. S. Tibbals, E. Allen Griffith, George C. Barns, Karlly Bull, E. N. Workman, J. S. Hummel, and W. M. Sullivan, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SHEPPARD: Paper to accompany bill for relief of James T. Butler—to the Committee on Pensions.

Also, paper to accompany bill for relief of R. S. Cromer—to the Committee on Pensions.

Also, paper to accompany bill for relief of O. B. Nation—to the Committee on Pensions.

By Mr. SIBLEY: Petition of 20 citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of Painters, Decorators, and Paper Hangers' Union No. 347, of Warren, Pa., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petitions of C. F. Laurence & Son, W. D. McLaren, George E. Langdon, and C. E. Linchtone, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SLAYDEN: Paper to accompany bill for relief of I. J. A. Lawrence, heir of I. P. Lawrence—to the Committee on War Claims.

Also, paper to accompany bill for relief of Cynthia E. Jett—to the Committee on War Claims.

Also, petition of the May Headlight, L. A. Heil, and the Gazette, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SMITH of Kentucky: Paper to accompany bill for relief of B. O. Purvis—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Caleb Reynolds—to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: Petition of W. V. Smith, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Hartland and Hegeland Farmers' Club, for reciprocity treaties between France, Germany, and the United States—to the Committee on Foreign Affairs.

By Mr. SMYSER: Petitions of Edward S. Duff, L. J. Hostetter, the Reporter, A. H. Lichty, Elias Compton, W. S. Needham, A. O. Garrison, and the Advocate Printing Company, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of C. L. Nethers and 14 others, of Vanatta, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Alexander Shank and 29 others, of Sugar Creek, Ohio, for a parcels-post law and post-check currency—to the Committee on the Post-Office and Post-Roads.

Also, petitions of Sandyville Council, No. 109; Paul Revere Council, No. 101; West Salem Council, No. 168; Putnam Council, No. 20; Montrose Council; Good Will Council; Warwick Council, No. 117, and Bolivar Council, No. 74, Junior Order United American Mechanics; A. T. Miller and 23 others; S. E. Taylor and 23 others; United Brotherhood of Carpenters and Joiners, Union No. 136; Knights of Pythias, Lodge No. 97; Councils Nos. 17 and 18, Order United American Mechanics, Mineral City, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also petitions of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of Little Miami Lodge, Brotherhood of Locomotive Engineers, No. 34, of Columbus, Ohio, asking that engineers who served on military railroads during the civil war be placed on the pension roll—to the Committee on Invalid Pensions.

Also, petition of the Farmers' Institute of Holmesville, Ohio, for extension of rural mail service, parcels post, post-check currency, improved public highways, for labeling of all cloth, for abolishment of free distribution of seeds, and that money be appropriated for building good roads—to the Committee on the Post-Office and Post-Roads.

Also, petitions of the Reeves Manufacturing Company, of Dover; the Meck Company, of Coshocton; the Robinson-Greeves Sewer Pipe Company, and Wickersville & Swishe Brothers, of Newark, Ohio, for two classes of mail matter only and for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of D. H. Harnly et al., for general arbitration—to the Committee on Foreign Affairs.

By Mr. STERLING: Petition of C. W. Cunningham, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of G. E. Stump, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SULZER: Petition of 21 citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. TAYLOR of Alabama: Petitions of A. B. Tucker and the Press, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. TIRRELL: Petition of the Rollstone Congregational Church, of Fitchburg, Mass., relative to atrocities in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. VREELAND: Petitions of the Post Publishing Company and D. F. Benedict, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WADSWORTH: Petition of C. C. Platt, against the tariff on lintoype machines—to the Committee on Ways and Means.

By Mr. WALLACE: Petitions of J. A. Thomas and James D. Ramsey, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WANGER: Petition of H. W. Knebel, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petitions of Charles W. Scott et al., of Bryn Mawr; Shelly Council, No. 151, of Bucks County, and American Star Council, No. 53, of Bryn Mawr, Pa., Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. WEBB: Petition of Clyde R. Hoag, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Wyatt F. Runian—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Ames Hensley—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Levi N. Lunsford—to the Committee on Pensions.

Also, paper to accompany bill for relief of Wilson Hensley—to the Committee on Pensions.

Also, paper to accompany bill for relief of Willard V. Shepherd—to the Committee on Pensions.

Also, paper to accompany bill for relief of John Cook—to the Committee on Pensions.

By Mr. WEEKS: Petition of the Newton Graphic Publishing Company, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WEEMS: Petition of Steubenville Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. WEISSE: Petition of the American Society for the Prevention of Cruelty to Animals, against amendment of law regulating live-stock transportation—to the Committee on Interstate and Foreign Commerce.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February 3, 1906.*

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

COMMITTEE ON PATENTS.

Mr. CURRIER. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution, which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Committee on Patents shall have authority to order such printing and binding done as it may deem to be necessary connected with the transaction of the business of said committee during this Congress.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was considered and agreed to.

SAN FRANCISCO MOUNTAINS FOREST RESERVE, ARIZONA.

Mr. LACEY. Mr. Speaker, I call up House resolution No. 35, and ask unanimous consent to waive the reading of the original resolution and read the substitute reported by the committee.

Mr. MANN. Mr. Speaker, there is no way of knowing whether this is a privileged resolution or not. I do not wish to waive the right to object to it if it is not.

The SPEAKER. With that reservation, the Clerk will read.

The Clerk read as follows:

Resolved, That the Secretary of the Interior is requested to make a full report as to the facts and circumstances in connection with the formation and enlargement of the San Francisco Mountains Forest Reserve, and as to the present condition of the lieu-land rights growing out of said reserve, and the particulars as to any contract for exchange of railway land and other land in such reserve.

Mr. LACEY. Mr. Speaker, I will say that the substitute was submitted to the gentleman from Texas [Mr. STEPHENS], who drew the original resolution, and it is satisfactory to him. In a brief form it calls for the general information covered by the original resolution.

The SPEAKER. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The resolution as amended was agreed to.

On motion of Mr. LACEY, a motion to reconsider the vote whereby the resolution was agreed to was laid on the table.

REGULATION OF RAILROAD RATES.

Mr. HEPBURN. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12987, the railroad-rate bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the railroad-rate bill, with Mr. VREELAND in the chair.

Mr. ADAMSON. Mr. Chairman, I now yield to the gentleman from Alabama [Mr. CLAYTON].

Mr. CLAYTON. Mr. Chairman, during the discussion on the pending bill it has become apparent that its opponents entertain divergent reasons for their antagonism to the measure. This is well illustrated in the case of the views expressed by the gentleman from New York [Mr. PERKINS], and the views expressed by the gentleman from Pennsylvania [Mr. SIBLEY]. The former has ridiculed what he is pleased to term the child-like simplicity of the supporters of this bill, evidently a majority of the House, who believe that much public good can be accomplished by its passage. He seems to think that the measure is without any merit or efficacy. The other gentleman has treated the matter more seriously, and has predicted, if I can understand the trend of his remarks, that not only much would be accomplished in the matter of the regulation of the railroads, but that, according to his view, too much would be accomplished, and that in the end great disaster would come to the country if this bill be enacted into law. These gentlemen and the others who do not favor this legislation ought in fair-

ness to agree whether such legislation will be futile or whether it will be good or whether destructive in its effect. Such a course would enable the friends of the measure to better consider and remedy whatever defects it may have, to the end that a futile or destructive law might not be enacted, and public good only might be accomplished.

As one of the friends of this bill, I must say that it does not contain every provision that I would like to see enacted into law for the control and regulation of railroads. That it will remedy many defects of existing law and go far toward meeting the public demand for rightful and effective regulation of the great interstate transportation corporations there can be no doubt. That it will prove harmful to any legitimate business enterprise or investment can not be maintained. It will eliminate at least some of the abuses in the management of railroads, and will greatly relieve the complaining public. In short, Mr. Chairman, while the bill could have been made better, yet, as it is, it will in the end be of much benefit to the people and will not harm legitimate business.

It is strange, Mr. Chairman, to one familiar with the legislative history of the country that the opponents of this bill should at this late day express any doubt about legislative authority to regulate by enactment common carriers. The power of the legislative branch of the Government to regulate common carriers or other business of a public or semipublic nature is a principle as old as the common law. The States possessed this power before the formation of the Federal Government and hold it now undiminished except by provisions of the Constitution of the United States. Indeed, Mr. Chairman, if we may refer to history, it may be said that this original plenary power of the States was one of the chief causes that led the fathers to form a more perfect union and to write the Constitution delegating to the Federal Government certain powers which the States deemed it wise to surrender for the common good of all. Ridicule can not be invoked, nor can "dire chimeras" be conjured up to frighten the timid in order to defeat the proposed legislation. The questions involved are not new and the measure itself is not revolutionary, but is in harmony with well-established legal principles and the organic law of our country. The power of Congress to pass this measure is indisputable, and the policy of such legislation accords with precedent. In many of the States of the Union it is the well-established policy to regulate common carriers engaged in commerce wholly within the States, and that policy has gone to the extent of authorizing this regulation through the medium of an administrative board called a commission.

There can be no doubt of the power of a State to control and regulate railroad rates in the matter of transportation wholly within its limits.

A corporation maintaining a public highway, although it owns the property it employs for accomplishing public objects, must be held to have accepted its rights, privileges, and franchises subject to the condition that the government creating it, or the government within whose limits it conducts its business, may by legislation protect the people against unreasonable charges for the services rendered by it. A corporation, after accepting a public franchise, can not construct a public highway simply for its own benefit, without regard to the rights of the public.

There can be no doubt of the general power of a State to regulate the fares and freights which may be charged and received by railroad or other carriers, and that this regulation can be carried on by means of a commission. Such a commission is merely an administrative board created by the State for carrying into effect the will of the State as expressed by its legislation. (Railroad Commission cases, 116 U. S., 307.)

The legislature has power to fix rates, and the extent of judicial interference is protection against unreasonable rates. (Chicago & Grand Trunk Ry. Co. *v.* Wellman, 143 U. S., 339.)

In 128 U. S., 174, a case involving the validity of the Georgia Railroad Commission act, the court said:

> That this delegation of authority by the legislature to the commission to prescribe what shall be reasonable and just rates for the carriage and transportation of persons and property over the railroads within its limits was a proper exercise of its power to provide protection for its citizens against unjust rates for such transportation and to prevent unjust discriminations, and that it was expected, not that the legislature would itself make specific regulations as to what should in each case be a proper charge, but that it would simply provide the means by which such rates should be ascertained and enforced.

In 134 U. S., 467, Minnesota *v.* Railroad, the court said, Justice Field delivering the opinion:

> In regard to the business of common carriers limited to points within a single State, that State has the legislative power to establish the rates of compensation for such carriage.

The power which the legislature has to do this can be exercised through a commission which it may authorize to act in the matter, such as the one appointed by the legislature of Minnesota by the act now under consideration.

In the exercise of this power the following States have created commissions and clothed them with authority to regulate and fix local rates on the domestic traffic of the railroads:

GEORGIA.

Make reasonable and just rates of freight and passenger tariffs, to be observed by all railroad companies doing business in this State on the railroads thereof.

INDIANA.

Upon the failure of the railroad companies so to do, to fix and establish for all or any connecting lines of railroads in this State reasonable joint rates of freight, transfer, and switching charges for the various classes of freight and cars that may pass over two or more lines of such railroads. * * * The commission shall have power to enforce reasonable rates, tolls, or charges for all other service performed by any railroad subject hereto.

MISSISSIPPI.

The commission shall revise such of said tariffs as are not subject to the exclusive regulation of Congress, and determine whether or not, and in what particular, and of the charges are more than reasonable compensation for the services to be rendered, and whether or not discrimination be made improperly against any person, corporation, or locality; and it shall require the proper corrections to be made; and when the tariffs have been corrected, the commission shall append to each its certificate of approval; and the commission shall fix and regulate tariffs of charges for all railroads which fail to furnish their tariffs as required.

TEXAS.

The commission shall have power, and it shall be its duty, to fix to each class or subdivision of freight a reasonable rate for each railroad subject to this act for the transportation of each of said classes and subdivisions. * * * The said commission may fix different rates for different railroads and for different lines under the same management, or for different parts of the same line if found necessary to do justice, and may make rates for express companies different from the rates fixed for railroads.

WISCONSIN.

If upon such investigation the rate or rates, fares, charges, or classifications, or any joint rate or rates, or any regulation, practice, or service complained of, be found to be unreasonable or unjustly discriminatory, or the service shall be found to be inadequate, the commission shall have power to fix and order substituted therefor such rate or rates, fares, charges, or classification as it shall have determined to be just and reasonable, and which shall be charged, imposed, and followed in the future, and shall also have power to make such orders respecting such regulations, practice, or service, as it shall have determined to be reasonable, and which shall be observed and followed in the future.

IOWA.

The board of railroad commissioners of this State are hereby empowered and directed to make for each of the railroad corporations doing business in this State, as soon as practicable, a schedule of reasonable maximum rates of charges for the transportation of freight and cars on each of said railroads, and said power to make schedule shall include the power of classification of all such freights, and it shall be the duty of said commissioners to make such classification.

In my own State, Alabama, a commission with advisory powers has proved to be a disappointment to the public; so much so that there is no doubt that the next legislature of that State will enact an effective and comprehensive law vesting the commission with as ample powers as those possessed by the commissions in the States from whose laws I have quoted. The constitution of Alabama gives the power to the legislature to fix rates and the legislature can effectuate this power through a commission.

The Constitution confers upon Congress the power to regulate commerce between the States and with foreign nations. This clause has been the subject of more debates, of more controversy, of more judicial decisions than any other provision in that instrument. The necessity for this power to be confided to the Federal Government was the chief cause for the formation of the United States into a Federal Government. But we may pretermit historical reference to the subject. This power of Congress to regulate commerce between the States and with foreign nations is plenary. All the decisions of the courts sustain this construction.

In 1887 Congress passed the act commonly called the "Interstate Commerce Commission law," whereby it was intended that the Federal Government under the legislative power of Congress should regulate the great transportation companies engaged in interstate commerce, and this application of the power has received judicial sanction.

In Interstate Commerce Commission *v.* C., N. O. & T. P. Ry. Co. (167 U. S. 479) the right of Congress to confer power upon a commission to fix rates was distinctly presented. As stated by the Attorney-General in his opinion of May 5, 1905, rendered in response to the Senate Committee on Interstate Commerce, on the subject of the power of Congress to regulate the rates of railways engaged in interstate commerce and by whom that power so far as it exists may be exercised constitutionally—

> in this case the Commission had fixed a group of rates on certain railroads and ordered the railroads to readjust their tariffs so that from and after a day named they should conform to the rates thus fixed. The railroads failed to obey this order, and the Commission instituted a suit in the circuit court to compel obedience. The bill was dis-

missed after hearing, and on appeal to the circuit court of appeals that court certified to the Supreme Court the following question:

"Had the Interstate Commerce Commission jurisdictional power to make the order hereinbefore set forth—all proceedings preceding said order being due and regular, so far as procedure is concerned?"

Mr. Justice Brewer, speaking for the court, said:

Before the passage of the act it was generally believed that there were great abuses in railroad management and railroad transportation, and the grave question which Congress had to consider was how those abuses should be corrected, and what control should be taken of the business of such corporations. The present inquiry is limited to the questions as to what it determined should be done with reference to the matter of rates. There were three obvious and dissimilar courses open for consideration. Congress might itself prescribe the rates; or it might commit to some subordinate tribunal this duty; or it might leave with the companies the right to fix rates, subject to regulations and restrictions, as well as to that rule which is as old as the existence of common carriers, to wit, that rates must be reasonable (p. 494).

The question debated is whether it vested in the Commission the power and the duty to fix rates; and the fact that this is a debatable question, and has been most strenuously and earnestly debated, is very persuasive that it did not. The grant of such power is never to be implied. The power itself is so vast and comprehensive, so largely affecting the rights of carrier and shipper, as well as indirectly all commercial transactions, the language by which the power is given had been so often used and was so familiar to the legislative mind, and is capable of such definite and exact statement, that no just rule of construction would tolerate a grant of such power by mere implication. Administrative control over railroads through boards or commissions was no new thing. It had been resorted to in England and in many of the States of this Union. * * * It will be interesting to notice the provisions in the legislation of different States (pp. 494, 495, supra).

Then follow quotations from statutes of several States as to the power to fix and revise railway rates.

In Field *v.* Clark (143 U. S., 650) the court said, in an opinion by Mr. Justice Harlan:

The legislature can not delegate its authority, but it can make a law to delegate a power to determine some fact or state of things upon which the law makes or intends to make its own action depend. To deny this would stop the wheels of government. There are many things upon which wise and useful legislation depends which can not be known to the lawmaking power, and must, therefore, be a subject of inquiry and determination outside of the halls of legislation.

So, Mr. Chairman, we find ourselves not confronted with any novel proposition nor face to face with any question of a revolutionary character. In our present endeavor to regulate the transportation companies we are supported by undoubted constitutional grant and by legislative precedent, and more than this, we find that this exercise of this power through the medium of an administrative board has the approval in repeated instances of the judicial department of our Government—the department which must at last in any case determine the scope and rightful use of legislative authority.

I can not enumerate in the limited time allowed me all the reasons that call for this legislation, but I will specify a few of them. Unjust discriminations practiced by these transportation companies is one reason why this legislation is demanded. The secret preferences and rebates given to favorite shippers is another reason. The unreasonable charges exacted in some cases is another reason why this legislation should be had. There can not be any doubt that it is called for by a great public demand, founded upon a multitude of reasons. Then that brings us to the consideration of this particular form of regulation of the railroads. The present bill proposes to amend existing law, which was thought to be at the time of its enactment sufficiently remedial in its nature to meet the evils complained of by a suffering public; but in the course of litigation and by judicial decisions it has been found that this original law is so defective that it can not meet the demands of the public, that it can not meet the intentions of Congress which was attempted to be expressed in the act of 1887.

I may depart from the discussion to remark that the opponents of this measure combat it and seek to defeat it, which is amendatory of an existing law and seeks to cure existing evils, but they are not fair enough to offer any remedy to meet these admitted evils. In legislating no man should interpose an objection to needed proposed legislation simply to be in opposition. He should in justice to himself and to the country go further and suggest a better remedy and better legislation to meet the great demand of the people. [Applause.] The opponents of this measure have filled their speeches with dire predictions. Not one of them has had the courage to stand up here and deny that evils are practiced by the great transportation companies of the country. Not one of them denies that secret preference and rebates are given. Not one of them denies that in many instances unreasonable charges are exacted. Not one of them denies that the secret methods whereby the great public is wronged ought to be exposed and prevented, and yet they tell us that nothing should be done; that if this bill passes it will lead on, in the development of our Government growth of transportation companies, to woeful results. What the people of this country demand is not mere criticism, is not mere predictions, but they demand immediate legislation from Congress to meet and prevent the abuses from which they suffer to-day. [Applause.]

I need not stop here to recount how slow Congress has been to accord this relief; how the great producing and shipping public has suffered all these long years, since the act of 1887 was emasculated by the decision of the Supreme Court, holding that while the Commission has the power to determine what was a reasonable and just rate, it had no power to fix a rate for the government of the transportation company in the future. The great fruit producers of California, the producers of grain, cotton, lumber, and the producers throughout the country, the small shippers, the small merchants, the consumers, have all united in their petition to the members of Congress. I trust, Mr. Chairman, that the pending measure in its substantial form will not only pass this House with practical unanimity—and I believe that so far as this side of the Chamber is concerned the vote will be unanimous—but that it will pass at the other end of the Capitol; and when it does pass, I am quite sure that the present Chief Magistrate of our nation will give his approval to the enactment.

It has been suggested that the proposed form is not the proper remedy for the evils complained of by the American people. It has been suggested that the remedy ought to be through the medium of the courts. It is needless, perhaps, to say that every tyro in the law knows that so far as the Government of the United States is concerned there is no common law. It has been suggested elsewhere that Congress pass a Federal statute giving the common-law right to sue on account of unreasonable charges exacted by interstate railroads. In reply to that, I beg to say that the remedy by suit for discriminations and for overcharges is a futile remedy, and I challenge any man here to point out any case anywhere under American jurisprudence where any shipper of any commodity has recovered one cent from any railroad for extortionate charges. [Applause.] I have not been able to find such case. Ah, Mr. Chairman, the suggestion of such a remedy is to feed the people upon a false hope. If such a remedy were practical, or might result in fruits to the party who instigated the litigation, it would be an onerous duty to impose upon the average man, and would be of no practical benefit to the great mass of the people. It would be, in effect, a denial of any remedy, and it would leave free these exacting corporations merciless many times in their demand; it would have them to go unwhipped of justice in a civil remedy as well as a criminal.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield to a question?

The CHAIRMAN. Does the gentleman yield?

Mr. CLAYTON. I will.

Mr. STEPHENS of Texas. Does not the gentleman think it would be impracticable to enforce the collection of reasonable rates through the courts, for the reason that the courts are already overcrowded with business?

Mr. CLAYTON. Undoubtedly it would.

Mr. STEPHENS of Texas. And for another reason, that the juries and the courts as now constituted are not capable of comprehending or ascertaining what reasonable rates might be.

Mr. CLAYTON. I must say that so far as the courts and juries are concerned, they have not the time, they have not the machinery, they have not the means of ascertaining all the facts that would establish whether a rate were reasonable or unreasonable.

Mr. STEPHENS of Texas. And is it not a further fact that the railroads are represented by the very best counsel that can be had, and they have a right to appeal through all our system of courts, and that delay would rob a man of any rights that he might have?

Mr. CLAYTON. Undoubtedly that is correct, and the delay and expenses of litigation would not only rob him of any right but it would be an effectual remedy to prevent him from attempting to assert his right.

Mr. STEPHENS of Texas. I agree with the gentleman.

Mr. CLAYTON. Not only that, Mr. Chairman, but the remedy proposed for existing evils is the best remedy. Any remedy through the court rather than a commission would prove to be expensive and inadequate.

Under the common law a shipper claiming to be aggrieved by an unreasonable charge may maintain an action to recover back from the carrier the amount paid in excess of a reasonable rate. He can not obtain his goods without paying the charge. But an action to compel restitution affords no real remedy. The small shipper will generally lose more than he will gain by such a proceeding, even if he win his case. The large shipper will hesitate long before he enters into a controversy with the railroad in the complex matter of charges—a

controversy which, regardless of result, must be expensive, and is likely to be long drawn out. And such an action settles little. The shipper who could win would recover back the comparatively small sum paid by him in excess of a reasonable charge, but nothing is accomplished for the future—and nothing is accomplished with respect to the past except in the case of that particular shipper. It is not surprising, therefore, that actions by shippers to recover amounts paid to carriers in excess of reasonable charges have been few and far between. The Supreme Court of the United States well said in the Trans-Missouri case, 166 U. S., 332:

Any individual shipper would in most cases be apt to abandon the effort to show the unreasonable character of a charge sooner than hazard the great expense in time and money necessary to prove the fact, and at the same time incur the ill will of the road itself in all his future dealings with it.

Even if the remedy at common law were adequate, it would not benefit the person or community really injured. The remedy might benefit a third party—that is, the middleman, the actual shipper who pays the freight—but it is of no particular advantage to the public generally that he recover from the railroad company the amount of the overcharge he has paid. It would not avail the producer, who has received a less price for his product on account of the freight rate, or the consumer, who has been compelled to bear the increased charge on food thereby occasioned.

In Van Patten *v.* Milwaukee and St. Paul Railway Company (81 Fed. Rep., 545) Judge Shiras said:

Furthermore, if it be true that the establishment of reasonable rates for railroad services is to be left to the verdict of juries rendered long after the services have been performed, it is apparent that it will be wholly impossible to secure equality or uniformity therein, and of necessity preferences would result therefrom in favor of individuals and localities, thus violating the most important principles of the act in question. If the plaintiff maintains this action on the theory now contended for and recovers damages in the sum of $50,000 or thereabouts, this will have the same effect upon the shipment counted on in the petition as though the company should now allow a rebate for that amount; and these shipments will secure an advantage over all others made along the line, and upon which the schedule rates have been paid. To secure uniformity, it will be necessary for every shipper not only to see to it that he and all other shippers are charged the posted schedule rates but also to take note whether suits are brought for the recovery of damages, for unless he does so, and promptly sues himself in case others do, he may find that a jury has greatly reduced the rate by way of damage in favor of some competitor, and thus he is placed at a disadvantage. Moreover, it would render it not only impossible, but a matter of comparative ease, for the carrier and favored shippers to provide for rebates upon schedule rates. The shippers can pay the schedule rates. At the proper time suit can be brought to recover damages for an unreasonable charge. A jury can be readily convinced, in the absence of a vigorous defense, that the claim for damages is just, and a verdict follows, and thus the rebate is secured.

It is apparent that if the schedule of rates provided for by the act and adopted and posted in accordance with its provisions is not to be accepted as the basis for determining whether charges made are reasonable, then the carriers and shippers alike are left without any certain or reliable guide for determining the rate that should be demanded and paid for given shipments.

This manner of regulating interstate commerce by means provided in this bill is the best. Congress can regulate the charges of these transportation companies by fixing a legislative standard of charges. This is done when Congress declares that the rate shall be reasonable and just and fairly remunerative. This is the exercise of the legislative function, and it is perfectly competent for the Congress to authorize an administrative board to carry out the legislative will. There can be no dispute of these propositions. A review of the Granger case, of the Reagan case, of the Stone case, or the Mississippi Commission cases, or the Nebraska case, will satisfy one of the correctness of this position. And more than that, Mr. Chairman, this means of administering a law in its details not only has the approval of the highest judicial authority in the land in the cases that I have mentioned, and a number of others, but it has the sanction of that tribunal as expressed in the Nebraska rate case in the 169th U. S. Report, on page 527.

What are the considerations to which weight must be given when we seek to ascertain the compensation that a railroad company is entitled to receive and the prohibition upon the receiving of which may be fairly deemed a deprivation by legislative decree of property without due process of law? Undoubtedly the question could be more easily determined by a commission composed of persons whose special skilled observation and experience qualify them to so handle great problems of transportation as to do justice both to the public and those whose money has been used to construct and maintain highways for the convenience and benefit of the people.

Sometimes, Mr. Chairman, I may remark parenthetically, when Members on this floor speak of the rights of the people they are called demagogues. It is a popular fashion nowadays for writers in the magazines and the public prints to assail the Members of Congress who dare stand up and assert the rights of the people and invoke their great name in behalf of the cause they advocate. Here we have the highest tribunal of the country employing the very expression for the use of which you, Mr. Chairman, and I may be denominated as demagogues. This decision which I have quoted refers to the public "and those whose money has been used to construct and maintain highways for the convenience and benefit of the people." So that no man who advocates or supports this measure, if we pay deference to the Supreme Court decision, can be accused of being a demagogue or be accused of favoring revolutionary or unlawful methods, for that great tribunal has by expressed words sanctioned what we are now about to do. [Applause.]

Now, Mr. Chairman, I should like to dwell upon all the features of the pending bill, for I believe that every feature embraced in this bill is a good feature and should be enacted into law. I believe that every provision of this bill, every word and line of it, makes for the good of the great common people of our common country. [Applause.] They, and not the multimillionaires made such by their unlawful regulations and extortionate and sometimes criminal practices, are deserving of our best consideration. But time will not permit me to refer to all the features of the bill. I would support it did it embrace only putting the single provision of private cars, the icing of cars, terminal and switch facilities under the jurisdiction of the railroad commission. [Applause.] Go and ask any commission merchant, go and ask any shipper, go and ask any producer who has had dealings with these great transportation companies whether or not he has been treated with the same consideration in the shipment of his goods or his produce which has been accorded to the Armours, the Swifts, and the great packing concerns of this country. You will ascertain that they have been given preferences in divers ways so that the small man engaged in competition with them has in many cases been driven from that competition. It is by this species of favoritism that the beef trust has been built up and fostered and is maintained to-day. [Applause.] I believe that this provision of this law will go further than anything else to break down the beef trust and criminal trade conspiracies of the like kind. [Applause.] And the act of 1903, the Elkins law, is strengthened.

The twentieth section of this bill amends that law, and will go far toward preventing secret practices, preferences, rebates, and the like, which have been so difficult to deal with, and which have really resulted in building up immense fortunes in the hands of those favored by such practices, preferences, rebates, and the like. The Standard Oil, United States Steel Corporation, Carnegie, the Armours, and the others have obtained their start and grown rich by reason of these rebates and the like favors. The Elkins law has not been, except in few cases, enforceable, because the receiver and the giver are equally liable to the penalties under the law, and it is therefore only by indirect methods that the violation of the law can be established. The whole system of executing the Elkins law under present conditions without the amendment proposed in this bill is that of espionage and by prying into the affairs of the receiver of rebates and the offending corporation. But under this bill the Interstate Commerce Commission has the power to go into the office of the railroad company and investigate every act performed by them, and will not have to resort to spying systems as the means of obtaining evidence.

Under this bill ample provision is made whereby through bookkeeping, whereby through the system of obtaining information under penalties and by the publicity required, it will be impossible for rebates and preferences to be given without detection. The shipper and the receiver are both, under the Elkins Act, made particeps criminis, and there is no way under existing law to find out the guilty ones; but under this bill the evidence can easily be had.

The question of the "midnight tariff" is prohibited in this bill, and that entitles it to the support of every man here. But the great and crowning feature of this bill is the power conferred upon the Interstate Commerce Commission not only, as under existing law, to ascertain that a rate is unjust and unreasonable, but this law provides that the Commission may prescribe for the future government of that transportation company what shall be a just and reasonable rate. [Applause.] That is the best feature of this bill, good as are all the rest. And I believe that it will go far toward solving the great evil of overcharges complained of by the suffering American public.

Mr. Chairman, let us act for the good of the people as our forefathers did when they founded our government. Let us do, by constitutional methods, what is demanded by the public, and do it now, so that our country may march on in development, in usefulness, and in beneficence to mankind, and so that the Republic may continue to be under heaven the best government in all the ages, in all the world. [Applause.]

Mr. ADAMSON. Mr. Chairman, I yield to the gentleman from Texas [Mr. HENRY].

Mr. HENRY of Texas. Mr. Chairman, the importance of this subject is indicated by the magnitude of the interests involved

It demands most serious consideration at the hands of every Representative casting his vote. There are in this country more than 214,000 miles of railway. These railways and their equipments are valued at something more than $12,000,000,000. Their gross earnings for the year ending June 30, 1905, amount to more than $2,000,000,000. Their net earnings for last year, according to authentic figures, were more than $800,000,000. There are on the pay rolls of the railroads of the United States more than 1,250,000 employees. Their salaries amount to more than $817,000,000. These figures suggest the vast importance of the pending measure. We should proceed with intelligence and conservatism in this legislation. No unworthy sentiment, breathing sensationalism or rashness, should influence the vote of any Representative. Our action should be temperate and deliberate to the utmost degree. It is not believed that any Representative wishes to do harm to the great railway properties of the United States. Their rights should be strictly regarded and scrupulously protected just as those of individuals. Let us hope that every Representative of the people is desirous of according evenhanded justice to those great and valuable institutions that have done so much for the upbuilding and advancement of the material interests of the country.

The gentleman from Pennsylvania [Mr. SIBLEY] has stigmatized this bill as breathing "anarchy, communism, and socialism." He has said that Mr. Bryan is the pioneer and author of the doctrine demanding the enlargement of the powers of the Interstate Commerce Commission. These are grave charges. He states that practically the whole Republican party is now following the banner held aloft by Mr. Bryan while he proclaims the just regulation of the great railway corporations of the United States. The gentleman from Kentucky [Mr. JAMES] pertinently asked the gentleman from Pennsylvania why the Republican party so loyally and solidly followed the banner of William J. Bryan if this measure were prompted by "anarchy, communism, and socialism." The question stunned and staggered the gentleman from Pennsylvania, and he failed to give an intelligent answer. So marked was the effect of this interrogatory upon him that one of my colleagues, sitting near me, quietly remarked that this colloquy reminded him of the old story of a negro preacher who was delivering a sermon on "the beginning of the world and the creation of man." He said to his congregation that "when God made man he took a little piece of mud and rolled it into a round ball and then fashioned it into shape, making it in the image of man, and set it up against a fence to dry in the sunshine." At this point one of his congregation arose from his pew and remarked: "Parson Jackson, will you please tell me whose fence dat was?" The parson promptly replied: "Set down dar and shet your mouth, nigger. Such fool questions as dat will spile any man's theology." [Laughter and applause.]

Mr. Chairman, permit me to say that if this is socialism and anarchy it is not new in this country. Let me further say that if this demand of the people is not heeded at the other end of the Capitol and a wise and conservative regulatory statute enacted into law, the time will speedily come when the American people will arise in their might and follow to victory this banner held aloft by William J. Bryan. [Applause on the Democratic side.] This is no modern doctrine. The gentleman is mistaken when he terms it centralization. The doctrine of regulating interstate commerce is as old as the Constitution. It came into being with that instrument. When that document was penned the power was expressly conferred on Congress to regulate all commerce between the States, with foreign nations, and Indian tribes. There is no centralization in this provision of the Constitution. Prior to its adoption the regulations and restrictions of the various States on commerce with one another was so harassing and oppressive that it became necessary to lodge this power where it could be exerted with uniformity. Out of these different regulations of commerce more than anything else arose the necessity for the Constitution. Hence the States, when the Constitution was adopted, were shorn of their power to regulate interstate commerce, and the whole subject was placed under the Federal Government. The States were not robbed of many of their original and inherent rights, as exemplified in their police powers and various other rights retained by them by express reservation. But this power over interstate commerce was completely surrendered.

The founders of the Constitution wisely provided that interstate commerce and all instrumentalities thereof should come under the control of the Federal Government, and that it should be endowed with plenary power to deal with that subject in whatever form it might arise. Commerce is a term of well-defined meaning. It was ably discussed and elucidated in the memorable opinion delivered by Chief Justice Marshall in the very first case dealing with the commerce clause of the Constitution, Gibbons *v.* Ogden. In that decision the great Chief Justice sharply drew the lines between the powers of the States to deal with commerce and the jurisdiction of the Federal Government, on the other hand, to regulate all interstate commerce. His opinion and reasoning have been adhered to for more than a century and stand out to-day as the settled law of the land. It has been affirmed and reaffirmed hundreds of times by all the appellate courts of the States of this Union and by the Supreme Court of the United States. Take this bill and measure it and square it by that great opinion and there is nothing of anarchy, socialism, communism, or centralization in it. We are but exercising the broad and plenary powers which our forefathers wrote into the Constitution. It will not be amiss to here quote the exact language of the Constitution:

> The Congress shall have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

In this case, as in that, we are dealing with the subject of commerce, which includes the great transportation lines between the States of this Union. Chief Justice Marshall held commerce to mean not only traffic and intercourse between the States, but navigation as well. He says:

> Commerce, undoubtedly, is traffic; but it is something more, it is intercourse. It describes the commercial intercourse between nations and parts of nations in all its branches, and is regulated by prescribing rules for carrying on that intercourse. The mind can scarcely conceive a system for regulating commerce between nations which shall exclude all laws concerning navigation, which shall be silent on the admission of the vessels of the one nation into the ports of the other, and be confined to prescribing rules for the conduct of individuals in the actual employment of buying and selling, or of barter.

So the subject with which we are dealing to-day is commerce and its instrumentalities, as found and carried on between the various States of this Union, and which correctly come within the provisions of this section of the Constitution. Congress is endowed with the very fullest authority to legislate on this subject. Again, Chief Justice Marshall says:

> This power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution. These are expressed in plain terms, and do not affect the questions which arise in this case or which have been discussed at the bar. If, as has been always understood, the sovereignty of Congress, though limited to specified objects, is plenary as to those objects, the power over commerce with foreign nations and among the several States is vested in Congress as absolutely as it would be in a single government having in its constitution the same restrictions on the exercise of the power as are found in the Constitution of the United States.

We may stand by this clear provision of the Constitution, and the masterly opinion of this great Chief Justice, without the shadow of a doubt that we are unequivocally clothed with the power to deal with the subject before us. Are the great interstate railways and their traffic in passengers and freight commerce?

In view of the above an affirmative answer only can be given. It is true that in our early history, when the Constitution was written, there were no railways, and they were not in contemplation in that instrument. The great public highways were the rivers, inlets, bays, the Gulf, and the oceans. Still, our fathers builded wiser than they knew and inserted clauses which, by their language and intendment, necessarily included all instrumentalities of interstate commerce which should come within their legitimate scope in after years. Mr. Chairman, the demand has come from all over this country for the enlargement of the powers of the Interstate Commerce Commission. This is no new thing; it is no sudden outburst on the part of the people. In 1896, when it was indicated by the Supreme Court that the Interstate Commerce Commission was not given the power to establish a reasonable rate in the place of an unreasonable one, the Democratic convention, thereafter assembled, pronounced emphatically in favor of giving that tribunal such power, if it did not then have such jurisdiction. Since that day the question has been agitated before the American people, and the Democratic party thrice, in its platforms of 1896, 1900, and 1904, has unequivocally declared to the country in favor of the same. The Interstate Commerce Commission time after time, in its annual reports, has suggested the deficiency of its power since the ruling of the Supreme Court. In their last report, that of 1905, reiterating their former suggestion, they say:

> Of these, the most important is the delegation of authority to the Commission to determine what rates should be substituted for the future in place of one found, after full hearing, to be unlawful, with the further provision that an order of the Commission prescribing such substituted rate should take effect within a reasonable time unless vacated and set aside by judicial proceedings.

This is the great point contended for by the people. This bill does not contain all that it should express, according to my judgment. It should go much further and include private car lines and express companies by the most explicit language. The long and short haul clause should be amended, so as to revivify that provision, as contained in section 4. The word "maximum"

should be eliminated entirely from this bill. Yet this proposed act has many good features, and travels a number of steps in the right direction. So salutary are its provisions that it shall receive my cordial support, notwithstanding the fact that I strenuously contend that it does not go far enough. In 1897 the Interstate Commerce Commission was shorn of its power to substitute a rate for one found to be unreasonable. The Supreme Court decided that the Commission did not have this power in what is known as the "Maximum Rate Case," found in 167 United States Reports. This language is used:

> We have, therefore, these considerations presented: First, the power to prescribe a tariff of rates for carriage by a common carrier is a legislative and not an administrative or judicial function, and, having respect to the large amount of property invested in railroads, the various companies engaged therein, the thousands of miles of road, and the millions of tons of freight carried, the varying and diverse conditions attaching to a carriage, is a power of supreme delicacy and importance. Second, that Congress has transferred such a power to any administrative body is not to be presumed or implied from any doubtful and uncertain language. The words and phrases efficacious to make such a delegation of power are well understood and have been frequently used, and if Congres had intended to grant such a power to the Interstate Commerce Commission it can not be doubted that it would have used language open to no misconstruction, but clear and direct. Third, incorporating into a statute the common-law obligation resting upon the carrier to make all its charges reasonable and just, and directing the Commission to execute and enforce the provisions of the act, does not by implication carry to the Commission or invest it with the power to exercise the legislative function of prescribing rates which shall control in the future. Fourth, beyond the inference which irresistibly follows from the omission to grant in express terms to the Commission this power of fixing rates, is the clear language of section 6, recognizing the right of the carrier to establish rates, to increase or reduce them, and prescribing the conditions upon which such increase or reduction may be made, and requiring, as the only condition of its action, first, publication, and, second, the filing of the tariff with the Commission. The grant to the Commission of the power to prescribe the form of the schedule and to direct the place and manner of publication of joint rates, thus specifying the scope and limits of its functions in this respect, strengthens the conclusion that the power to prescribe the rates or fix any tariff for the future is not among the powers granted to the Commission. These considerations convince us that under the interstate-commerce act the Commission has no power to prescribe the tariff of rates which shall control in the future, and, therefore, can not invoke a judgment in mandamus from the courts to enforce any such tariff by it prescribed. * * * Our conclusion, then, is that Congress has not conferred upon the Commission the legislative power of prescribing rates, either maximum or minimum, or absolute. As it did not give the express power to the Commission, it did not intend to secure the same result indirectly by empowering that tribunal to determine what in reference to the past was reasonable and just, whether as maximum, minimum, or absolute, and then enable it to obtain from the courts a peremptory order that in the future the railroad companies should follow the rates thus determined in the past to have been reasonable and just.

This opinion emasculated the law and left the Interstate Commerce Commission almost a helpless and irresponsible body for the purposes for which it was created. In 1896 the Supreme Court had already said, in 162 United States Reports:

> Whether Congress intended to confer upon the Interstate Commerce Commission the power to itself fix rates was mooted in the courts below and is discussed in the briefs of counsel. * * * We do not find any provision of the act that expressly, or by necessary implication, confers such a power.

Since the day of the decision in the Maximum Rate Case the people have demanded that the damage done in these opinions be remedied by this body. Hence this is no sudden movement, but comes from a steadfast demand, constant agitation, and righteous appeal on the part of the people extending over a decade.

Permit me to allude briefly to the President's attitude. Believing in his personal honesty and sincerity, I can not but regret that he did not remain firm in his first pronouncement. In his annual message of 1904 he used bold and vigorous language. Those were burning words and would have redounded to his everlasting honor and to the eternal good of the people had he adhered to them and insisted to the end that they be enacted into law. He said:

> The Government must in increasing degree supervise and regulate the workings of the railways engaged in interstate commerce, and such increased supervision is the only alternative to an increase of the present evils on the one hand or a still more radical policy on the other. The most important legislative act now needed as regards the regulation of corporations is this act to confer on the Interstate Commerce Commission the power to revise rates and regulations, the revised rate to go at once into effect and stay in effect unless and until the court of review reverses it.

These were weighty words and met the most righteous demand of the American people. What a pity indeed that he did not continue to stand with the people. Some occult hypnotic or strange power wrought a change in his mind and he shifted his position. What power was it? He there declared that the Interstate Commerce Commission should have the power to revise rates and make regulations in interstate commerce. He insisted that the revised rate should go into effect at once and stay in effect until the court of review reverses it. This was the impregnable position which would have brought salutary effects to the people. It did seem as if his words were well chosen and intended for execution. To this day there appears no good reason for changing the words, but somehow his mind has shifted. In less than twelve months we hear him announcing a different sentiment. When he introduced the views thus expressed the railway presidents and many of their officials and those opposed to railway regulation all over the United States arose opposing him and demanded that his ideas be defeated. The people followed him, cheered him on, and urged that his ideas be crystallized into law. In the spring he made a tour through the South, delivering a series of speeches on the great public questions before the American people. When he reached the historic State of North Carolina, at its capital, in his Raleigh speech, he announced a new doctrine, changed his original language, and declared in favor of what is known as "the maximum reasonable rate" theory. This was a great fall from his former position on the subject. Immediately the railway presidents and other officials and those opposed to railway regulation turned somersaults and ran headlong over one another to get in the procession and follow the President in his crusade for "maximum reasonable rates" under his new theory. They did not resist him then. They gladly accepted and embraced this new doctrine.

Let it be borne in mind that the Commission had simply suggested that the plain power of substituting a reasonable rate for one found to be unreasonable was all that was necessary. The President for a while followed them, but he now recast his language and set up a different standard of regulation, which drew around him those who had been heretofore opposed to him. There is much significance in this part of our history; and in the days to come the battle before the people and in the courts will be fought around these propositions. The word "maximum" will be the source of many a bitter legal struggle. It will be historic ground. When we assembled at this session of Congress the President sent in another annual message, receding from his former position and giving official utterance to his new "maximum rate" theory and ideas. In his message of December 5 he says:

> In my judgment, the most important provision which such law should contain is that conferring upon some competent administrative body the power to decide, upon the case being brought before it, whether a rate prescribed by a railroad is reasonable and just, and, if found to be unreasonable and unjust, then, after full investigation of the complaint, to prescribe the limit of rate beyond which it shall not be lawful to go—the maximum reasonable rate, as it is commonly called—this decision to go into effect within a reasonable time and to obtain from thence onward, subject to review by the courts.

If the President had adhered to his original position, to-day, instead of passing this measure, we would have been enacting into law a more wholesome one, empowering the Interstate Commerce Commission to substitute a reasonable rate for one found to be unreasonable. His party in Congress would have followed him, and he alone is responsible for this fatal change. Such language and such a rate have received judicial construction by the American courts a thousand times and are thoroughly understood by the American people. The term "reasonable rate" has a thoroughly understood and accepted legal meaning. The new language must undergo a period of judicial history and a series of interpretations by the courts, and it will take years to define, construe, and develop the newfangled ideas embraced in this bill. For more than fifty years the courts have held that roads could only charge "reasonable" rates. Why now turn aside from our plain beaten path of judicial history and befog our way with additional qualifications?

Let us now proceed to the question of the power of Congress to establish rates through a commission. Our action here is being scrutinized by the country at large. The authority to endow the Interstate Commerce Commission with the jurisdiction to establish rates is challenged by many eminent lawyers in the United States. Each day brings through the mails pamphlets and books written against our jurisdiction on this proposition. It is challenged by many railroads; their presidents, officers, and agents are filling the press and magazines with arguments against it. A former Attorney-General and Secretary of State has gone into the magazines, challenging the constitutional authority of Congress. There are men of wisdom and eminence in this country who contend that we have no power to authorize the Commission to fix a rate, claiming that it is delegating the legislative authority of Congress. With all these contentions on every hand, it seems to me the part of wisdom that it should be established here in our proceedings that such power is clearly and unequivocally conferred upon this body. The Supreme Court of the United States has settled that question where it was clearly before that tribunal. It is not a mere obiter dictum, as claimed by many, but the concrete proposition was carried up to the Supreme Court of the United States. The question was propounded, and if the

power did not exist and could not have been conferred, the Supreme Court would have undoubtedly so answered on either branch of the proposition. But to put at rest all controversy, permit me to read the exact language contained in the opinion of the Supreme Court of the United States:

There were three obvious and dissimilar courses open for consideration. Congress might itself prescribe the rates, or it might commit to some subordinate tribunal this duty, or it might leave with the companies the right to fix rates subject to regulation and restriction, as well as to that rule which is as old as common carriers, to wit, that the rates must be reasonable. * * * Administrative control over railroads through boards or commissions was no new thing. It had been resorted to in England and in many States of this Union.

Here, on a question directly certified, the Supreme Court, in vigorous language, holds that Congress can confer upon the Interstate Commerce Commission the power to prescribe the rates to be charged on interstate railroads. As said in the opinion of the Supreme Court, it was no new power. It had been exercised for hundreds of years at common law in England. It has been done in this country by the legislatures of various States. The first State commission case came up from Mississippi, and is known as one of the Railway Commission cases. In 1884 the State of Mississippi had passed an act providing for the regulation of freight and passenger rates in that State and to create a commission for that purpose. The commission was authorized to establish tariffs covering the whole body of rates on the railroads within the boundaries of Mississippi. The railroads went into the courts and challenged the law on several grounds, among them "that the law conferred both legislative and judicial powers on the commission and was thus repugnant to the constitution of Mississippi." Chief Justice Waite delivered the opinion of the court, and in an unanswerable opinion sustained the constitutionality of the Mississippi law. In his opinion he says:

The great purpose of the statute now under consideration is to fix a maximum of charges and to regulate in some matters of a police nature the use of railroads in the State. In its general scope it is constitutional, and it applies equally to all persons or corporations owning or operating railroads in the State. * * * The supreme court of Mississippi has decided that the statute is not repugnant to the constitution of the State "in that it creates a commission and charges it with the duty of supervising the railroads." To this we agree, and this is all that need be decided in this case.

This was the pioneer case in State railway commission cases. Another most important decision was rendered in the Texas Commission Case. The opinion is found in 154 United States Reports. Justice Brewer delivered the opinion of the court, and it was one of the strongest ever written on this subject. His language is bold and convincing. He says:

Passing from the question of jurisdiction to the act itself, there can be no doubt of the power of a State to regulate the fares and freights which may be charged and received by railroads or other carriers, and that this regulation may be carried on by means of a commission. Such a commission is merely an administrative board created by the State for carrying into effect the will of the State as expressed by its legislation.

Again:

As we have seen it, it is not the function of the courts to establish a schedule of rates. It is not, therefore, within our power to prepare a new schedule or rearrange this. Our inquiry is limited to the effect of the tariff as a whole, including therein the rates prescribed for all the several classes of goods, and the decree must either condemn or sustain this act of quasi legislation. If a law be adjudged invalid, the court may not in the decree attempt to enact a law upon the same subject which shall be obnoxious to no legal objections. It stops with simply passing its judgment on the validity of the act before it. The same rule obtains in a case like this.

In these two cases the Supreme Court sustained the power of the State legislature to establish a railroad commission, and holds that it is not delegating legislative authority to such a body. It was held that the power of fixing rates is peculiarly a legislative act and one that can best be done through a commission. No reference was made to the constitutional provisions of either State authorizing such action by the legislatures thereof. The Supreme Court placed the constitutionality upon the broad ground that it is within the legislative scope of a State to take such action, having no reference to the organic acts of such State. Logic can not distinguish the difference between the authority of the State to create a commission to fix rates and that of Congress. If the State can do it, by the same parity of reasoning Congress can do it. The power is to perform a mere administrative act and is not a delegation of legislative authority. The courts have, in an unvarying and overwhelming line of cases, so held. The current of decision has set in that direction from the beginning of our history, and Congress has exercised an analogous power more than a hundred times. Indeed, we did nothing more nor less when we created the Interstate Commerce Commission in 1887 and set it as a guardian over commerce between the States. Here in three cases we have the power unequivocally acknowledged by the Supreme Court of the United States.

This great legislative body can well afford to stand upon such high judicial ground already marked out and occupied by eminent judges of the country. There is still a later opinion from the Supreme Court upholding the State railway commission on practically the same grounds. In the case of Smyth *v.* Ames the commission act of the State of Nebraska was sustained in a strong opinion by Justice Harlan, one of the truly great judges of our Republic. That eminent judge says:

A corporation maintaining a public highway, although it owns the property it employs for accomplishing public objects, must be held to have accepted its rights, privileges, and franchises subject to the condition that the government creating it, or the government within whose limits it conducts its business, may by legislation protect the people against unreasonable charges for the services rendered by it. It can not be assumed that a railroad corporation, accepting franchises, rights, and privileges at the hands of the public, ever supposed that it acquired, or that it was intended to grant to it, the power to construct and maintain a public highway simply for its benefit without regard to the rights of the public.

In this case the court reaffirmed the decision in the Mississippi case and in the Reagan case from Texas and held the Nebraska commission law constitutional. Unless the court reverses itself and diverts this strong current of decisions, there is not the semblance of a doubt that Congress has warrant under the Constitution to authorize a Commission to substitute a reasonable for an unreasonable rate.

It is now an accepted fact that six great corporations control more than 180,000 miles of railway of this Republic. It is also true, as said by the Interstate Commerce Commission, that competition between railroads has almost disappeared. Judge Prouty, one of the Interstate Commerce Commissioners, well said before the Senate committee investigating this question:

When I came on the Interstate Commerce Commission eight years ago there was the most vigorous competition in rates between the railroads in all parts of the country. To-day that competition has disappeared.

And again he has truly said:

I say that competition between the railroads has ceased, or, if it has not ceased, it will in the near future. The end is not yet.

Mr. Chairman, I would not do violence to property rights in this country by my vote or my voice. It is realized that these railway interests own and control property worth more than $12,000,000,000. At the same time they assess their property at less than $3,000,000,000. These great interests are given the right by law to tax the people on shipments of interstate traffic. Interstate traffic amounts to almost 80 per cent of the freight shipped in America. These gigantic institutions are authorized to directly tax 80,000,000 people on these shipments. There is now no one standing between them and the shippers to control their avaricious greed. The people are being burdened by them without representation. Here in this bill we propose to pass a temperate law to control them, and to say that the people who are being thus assessed and oppressed are entitled to representation and hearing in some way. These great companies are not private institutions. They are not private property in the commercial sense of the word. These corporations are creatures of the law, having the breath of life breathed into them by the representatives of the people. They have no right to rise above the power that made them. We, as representatives of our constituents, should stand between them and these artificial beings, and see that justice is done to both. [Applause.] Better expression of the nature of their public franchises can not be found than to quote the strong language used by Justice Harlan in the Nebraska case:

A railroad is a public highway, and none the less so because constructed and maintained through the agency of a corporation deriving its existence and powers from the State. Such a corporation was created for public purposes. It performs a function of the State. Its authority to exercise the right of eminent domain and to charge tolls was given primarily for the benefit of the public. It is under governmental control, though such control must be exercised with due regard to the constitutional guaranties for the protection of its property. It can not be, therefore, admitted that a railroad corporation maintaining a public highway under the authority of the State may fix a rate with a view solely to its own interests and ignore the rights of the public. But the rights of the public would be ignored if rates for the transportation of persons or property on a railroad are exacted without reference to the fair value of the property used for the public or the fair value of the services rendered, but in order simply that the corporation may meet operating expenses, pay the interest on its obligations, and declare a dividend to its stockholders.

We are willing to square our conduct here to-day in enacting this law by this temperate and just language of the Supreme Court. If we are anarchists, communists, and socialists, as the gentleman from Pennsylvania says, so are the judges of the Supreme Court. [Applause.] Well may we be thankful that we live in a Government where the representatives of the people can read the plain language of the Constitution and see that it confers upon their servants the power of authorizing a commission to stand between them and these creatures of the law that have grown so powerful that they defy the very mandates of the constituted authorities. And we can congratulate ourselves that those representatives are brave enough to do their duty in the face of criticism and slander. [Applause.] Neither

in my individual nor representative capacity would I lay violent hands upon the railroads. Their benefits are too great, their services have been too useful. We realize what they have done for this country, and also we know what we have done for them. They have aided in building up the waste places all over the Republic. In my own State, the great State of Texas, they have been joint pioneers with the hardy citizens who went to that empire when it was but a wilderness. Still, we have helped them there and given them millions of acres of land and hundreds of thousands of dollars as donations. We have never mistreated them in our State, but our people have undertaken to control them in Texas, and have succeeded as far as their domestic operations are concerned, and we have not injured them. We established a railroad commission and placed at its head the author and founder of the Interstate Commerce Commission idea, the old Roman, John H. Reagan, who has gone to his reward and left a name that is a household word not only in the State of Texas, but throughout the length and breadth of the land wherever patriotism is revered and purity of purpose appreciated. [Applause.]

Mr. Chairman, there were dire predictions made in my State when we established the commission, and it was said that we had retarded the building of railroads, that we were standing in the way of progress. But since our commission was established we have not laid violent hands upon the railroads of Texas. The records show that since our commission was created Texas has constructed more miles of railway than any other State in the Union, and they have prospered more than ever in all their previous history there, thus exhibiting the beneficent effect of such legislation. [Applause.] We did not confer upon the commission merely the simple power of establishing a reasonable rate where one was found to be unreasonable. We gave the commission the broad power to establish tariffs upon the whole body of railway rates in Texas. The railroads contested the law and said that Texas was confiscating their property. They took their cases to the Supreme Court of the United States. They litigated every point and contested every inch of the ground.

Mr. CLAYTON. Mr. Chairman, may I interrupt the gentleman to ask him a question?

Mr. HENRY of Texas. Yes.

Mr. CLAYTON. The difference between the act creating the Texas railroad commission and this act, if I understand it, is that the commission in Texas had the right to fix and prescribe a schedule of rates for the government of railroads doing business in that State, and the present bill, so far is it confers additional power upon the Interstate Commerce Commission, gives them the power to revise and correct an unjust rate fixed by the railroads for interstate transportation.

Mr. HENRY of Texas. The gentleman's contention is correct.

Mr. CLAYTON. May I ask the gentleman further: And if the Texas law was constitutional and right to the full extent, isn't this law, which gives simply revisory and corrective power to the Interstate Commerce Commission, equally as right and constitutional?

Mr. HENRY of Texas. There can be no argument about it, and the Supreme Court of the United States, in deciding in favor of the Texas law, never once referred to the constitution of Texas, but announced its decision on the broad proposition that the State had the right to create a commission to perform an act purely administrative. And still the gentleman from Pennsylvania [Mr. SIBLEY], for whom I have a great regard and admiration, talks about this being anarchy and communism, and says that it tends to socialism. Mr. Chairman, from the Granger cases, which were decided in 94 United States Reports, on down to the last commission case, it has been favorably decided, and in every instance all the appellate courts in the various States of the Union and the Supreme Court have marched right ahead, dismissing the proposition that such laws are confiscatory, anarchistic, socialistic, and have unhesitatingly decided that such power resided in the State legislatures and the Congress of the United States and were as old as the governments exercising it. If it has come to pass in this country that these great combinations, owning more than $12,000,000,000 of the property of the nation, are above the Constitution and the Supreme Court of the land, it is high time that we were reforming our Government and adopting an amendment to the Constitution in order to protect ourselves from these gigantic corporate agencies. [Applause.]

There are many phases of this question to which I would like to refer, but time forbids. It would please me if there were sufficient time to go into an extended legal argument as to the power of Congress in the premises, for by a line of precedents, legal decisions, and eminent authorities that are overwhelming and incontestible I could establish the power for which we are contending to-day. We may well content ourselves with the reflection that this power was given by Congress in 1887 and was exercised by the Interstate Commerce Commission for ten years, and that we are simply but reconferring that authority. The demand comes from all over this country for such legislation. Unreasonable and exorbitant charges by the railroads exist everywhere. They have discriminated against individuals and against localities, and have given undue preferences in hundreds of instances, until the people, outraged by these unlawful acts, have demanded relief at the hands of their representatives. We are the only body that can correct the evil. It would give me pleasure if I could discuss many unreasonable rates that are referred to in the reports of the Interstate Commerce Commission and are seen in many of the legal reports of this country. The Interstate Commerce Commission has condemned the orange rates from California, the fruit rates from Michigan, from Georgia, Texas, and other States, the lumber rates from the South, the rates on coal, the grain rates from many States, the cattle rates from Texas. Turn where you may, an unreasonable rate, already denounced by the Commission, rises up to confront you. These things cry out, demanding relief, from nearly every State in the Union. The shippers are growing sick and tired of litigating in a barren forum. They want, and have a right to expect, relief at our hands. Read the reports of the Interstate Commerce Commission, and they put their fingers on hundreds and hundreds of unreasonable rates in nearly every section of this broad land. They say also, and emphatically reiterate, that the great body of rates have been vastly increased on all the railroads in the last three or four years. And this is certainly undeniable. In 1903 the rates on all the roads leading into Texas were exorbitantly raised. Judge Prouty, in his testimony before the Senate committee, states:

> * * * About the 1st of January, 1903, the rates from St. Louis and that territory into Texas were advanced. They were advanced to a higher point than they had ever touched before since the Interstate Commerce Commission existed, and we felt that it was our duty to investigate the question of those rates. This situation was developed: Articles consumed in Texas are purchased both in St. Louis and Chicago and also in New York. Now, the rate from New York to Galveston and from Galveston to the interior town of Texas, common points, as compared with the rate from St. Louis to Texas common points, determines whether the goods shall be bought in New York or in St. Louis, so that you have there market competition. It turned out that before this advance in rates from St. Louis into Texas, an agreement had been made between the steamship lines which serve Texas and the railroads which carry that traffic into the interior, by which the rates from New York were to be advanced to the same extent that the rates from St. Louis were to be advanced, and the traffic men testified that they could not and they would not have made the advance from St. Louis had not the New York line agreed to make the advance from New York.

The cattlemen of Texas have been subjected to onerous burdens. The rates on their shipments have been raised to an unprecedented and unreasonable degree. Talk about confiscating the property of the railroads! The railroads have almost confiscated the property of the Texas cattle raisers, and many other shippers of products into and out of Texas. [Applause.] By revitalizing the power of the Interstate Commerce Commission, as originally designed, we give the people a tribunal in which they can make their complaints and rectify these outrages and wrongs. It would be far better to strike out the word "maximum" and leave the word "reasonable" in the law—a word that has been construed in the courts. The expression "reasonable rate" has a well-defined meaning and has been adjudicated in innumerable decisions. It also has an accepted common-law meaning. But when we insert the word "maximum" in the language, we open the flood gates of controversy, and it will take a quarter of a century to settle the legal propositions involved. Mr. Chairman, it makes no difference to me whether this be termed a Democratic or a Republican measure. No matter what brand you put upon it, no useful purpose will be subserved by raising the question of party politics here to-day. It is the duty of the representatives of the people, no matter to which party they belong, when a great question like this comes before the American Congress to march in the right direction and make a fight in behalf of righteousness. [Applause.]

Many predict that what we are doing is unconstitutional and when the act goes to the Supreme Court it will declare against it. Reading the decisions of a hundred years as I have, studying the Constitution of my country with my best endeavor, I have come to the conclusion that when we restore to the Interstate Commerce Commission the power of which it was robbed, and the question comes before the Supreme Court there will not be a dissenting vote, but every voice will ring out in favor of the validity of this act. [Applause.] This act will hardly meet the expectations of the American people. It does not go as far

as it should go, but, in my judgment, it goes many steps in the right direction. It is not necessary that this body take any action that is radical; but let us keep before our eyes the rule of conservatism toward the great interests involved. If we but do our duty on this occasion, the American people in the years to come will rise up and bless the name of every Representative for reenacting this law, which is tempered with justice to all the people and injustice to no interests. If I had it in my power, I would so amend the present bill as to restore the powers of the Interstate Commerce Commission given under the long and short haul clause of the interstate-commerce act.

That section reads in part as follows:

SEC. 4. That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers or like kind of property, under substantially similar circumstances and conditions for a longer distance over the same line, in the same direction, the shorter being included in the longer distance, but this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance: *Provided, however*, That upon application to the Commission appointed under the provisions of this act, such common carrier may, in special cases, after investigation by the Commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the Commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section of this act.

The Alabama Midland decision in the 168 United States Reports nullified this section of the law. It was held in that cause that where there was water competition, market competition, or railroad competition, the circumstances were substantially dissimilar and the railroads could charge more for a shorter haul than for a longer haul, and the long and short haul clause did not apply. In this act we should destroy the effect of that opinion and put it beyond the power of the courts to say that competition by water, in the markets, or by rail render the circumstances and conditions dissimilar. Reinvest the Interstate Commerce Commission with the power to say when circumstances and conditions could be waived, letting them say when the railroads could charge more for a shorter haul than for a longer haul. In my judgment, when you put it in the power of the Commission to establish a maximum rate and then leave it in the power of the railroads to fix a rate regardless of the long and short haul clause and regardless of the minimum rate, you give them the power to discriminate against individuals and against localities, and induce them to violate the Elkins law against giving and receiving rebates. In their reports of 1903 and 1904 the Interstate Commerce Commission commended the Elkins law and said that it had gone far toward the prevention of rebates. In 1905, in their report, they apologize for what they said in 1903 and 1904, and say that the effect of the Elkins Act has not been as wholesome as they had thought. They say:

In our annual report for 1903 we endeavored to explain the changes in the regulating statute effected by the Elkins law, so called, which was approved in the previous February, and made some favorable comments upon its operation. A similar opinion was expressed in the report made a year ago. Further experience, however, compels us to modify in some degree the hopeful expectations then entertained. Not only have various devices for evading the law been brought into use, but the actual payment of rebates as such has been here and there resumed. Instances of this kind have been established by convincing proof, on which prosecutions have been commenced and are now pending. More frequently the unjust preference is brought about by methods which may escape the penalties of the law, but which plainly operate to defeat its purpose.

We should amend this bill, restoring the penalties of the interstate-commerce act which inflicted the punishment of imprisonment for its violation. We should so amend it as to make it possible to punish the great railway officials, corporation officers, and agents who willfully and flagrantly violate the law and put them in the penitentiary, as well as the small clerk who happens to make a false entry in the books, perhaps at the dictation of his chief. Wide-open prison doors alone will deter them. Let us throw them open for their reception. If we are very much in earnest, if we mean to give the people relief, why tremble, why hesitate on this question? We have the authority to act. Let us meet the situation. Every man on the other side of this House says that rebates are criminal. If so, let us make them criminal, and authorize the fine and imprisonment of any official or individual who grants or receives them. If we believe what we say, why not enact a law that meets the demands of the people? Why not make our action certain and effective? Why do we hesitate to go as far as conservatism and justice demand? Are we afraid of their influence? If they have grown so powerful that the representatives who breathe the breath of life into them can not control them, it is high time that our system of government be reformed. Shall we tremble and fear to do our duty in enacting a law that calls for imprisonment as well as a heavy fine? With patriotic voice let us say that we are ready to do our duty. [Applause.]

Mr. CLAYTON. Mr. Chairman, before the gentleman leaves the discussion of the Elkins law I desire to ask him if, in his opinion, the present bill would in any respect repeal the penalties provided for in the Elkins law?

Mr. HENRY of Texas. I have not examined it particularly with reference to that, but feel confident that it does not.

Mr. CLAYTON. It is my understanding that it does not repeal the penalties.

Mr. HENRY of Texas. I think it leaves the Elkins law as it was. That is my impression now.

Mr. CLAYTON. Merely provides additional machinery for the enforcement of the provisions of the Elkins law, as I understand it.

Mr. HENRY of Texas. Yes; but I would amend it and restore the imprisonment feature of the law of 1887 and make it effective.

Mr. CLAYTON. Is not that feature of the Elkins law preserved?

Mr. HENRY of Texas. The Elkins law eliminated the imprisonment feature of the interstate-commerce law of 1887, and we should restore that.

Mr. CLAYTON. To the original interstate-commerce law?

Mr. HENRY of Texas. Yes.

Mr. CLAYTON. Then I understand the gentleman's comments.

Mr. JAMES. And it is impossible to imprison a man under that.

Mr. HENRY of Texas. Yes; it is not possible to imprison a man under the law. The act is good as far as it goes, but it does not go as far as it should.

Mr. CLAYTON. I would take pleasure in supporting the amendment suggested by the gentleman to the present bill.

Mr. HENRY of Texas. Such an amendment should be offered and doubtless will be submitted; and until we adopt such an amendment this part of the law will remain indeed puny and ineffective. Now, I say it does not go as far as it should. There is no necessity for cruel or unusual penalties, but I am in favor of one that will count for something, for so long as we assess a mere pecuniary fine against an officer of a corporation, a $5,000 fine, for a violation of law when the corporation is making $500,000, or some large amount, by virtue of that violation, he will not hesitate to break the law. [Applause.]

If we are in earnest and intend to destroy this practice of rebates and preferences, let us provide for imprisoning persons and officers who defy the law. Let us put stripes on the individuals and officers who are guilty, even if it reaches those high up in the world, with their millions and millions of dollars of wealth. The great and wealthy person is no less a criminal when he violates the law than the poor and penniless individual who has been guilty of such acts. [Applause.] Mr. Chairman, I have nothing to say against the man who has built up an honest fortune, against the man who has accumulated a competency for his family, who has erected a shelter over his wife and children to shield them from the storms and disasters of life, and the man who has laid aside a fair share of this world's goods. I would not arouse a spirit of anarchy, communism, or socialism; but so long as I am a Representative of the people I am ready to strike down hydra-headed monsters whenever they raise their hideous forms in this land to oppress the people and violate the laws of our Republic. [Applause.] Let us do no violence to any man who has great wealth, if he has honestly accumulated it. The man who stirs up the prejudices and passions of the people against the wealthy citizen because he is rich is a dangerous citizen. The Representative who would cry out against wealth because it is wealth is worse than a criminal, but the Representative who would favor just laws for all the people regardless of the station of the individual, whether he be high or low, whether he be wealthy or penniless, is a benefactor to his fellow-man and deserves highest praise at the hands of his constituents. The Representative who stands up before the country in favor of just laws, discriminating against none, setting his face firmly against class legislation, so righteous and equitable that all people hail them as a proclamation of equality before the law, establishes for himself a character before American citizenship as a Representative truly worthy of the greatest confidence. [Prolonged applause.]

Mr. HEPBURN. Mr. Chairman, I yield one hour to the gentleman from Wisconsin [Mr. ESCH].

The CHAIRMAN. The gentleman from Wisconsin is recognized for one hour.

Mr. ESCH. Mr. Chairman, the American people are a patient people and are slow to anger. They long endure oppression without revolt, and if relief from such oppression must come through national legislation they are indeed patient and long

suffering, but when once aroused, when once made conscious of wrong unjustly endured, they straightway seek a remedy, and rash would be he who would put obstacles in their way.

Railroading in America may be said to have five ages. First came the age of construction. That was followed by the age of competition. Next came the age of combination, which in turn is about to be followed by the age which this legislation is to usher in—Government control—and there is the fifth and last age, that of Government ownership, from which may God save us. In regard to this evolution, let me call your attention to the status of affairs just prior to the enactment of the original interstate-commerce law. It was a chaotic stage in railroad construction and management. There was instability in methods and instability in rates and charges. Business was not safe, because it could not make definite plans. The moral atmosphere seemed obscured. Rebates were brazenly asked and as brazenly granted.

It was at this time that the American people became aroused. As a result an investigation was demanded at the hands of Congress, and the Cullom Commission of 1886 resulted. That Commission developed some remarkable conditions and showed to what lengths American railroads had gone or been forced to go in the preceding decade. It was this Commission of 1886 which developed the startling evidence in reference to the operations of the Standard Oil Company, to the effect that that company had demanded of the carriers a 10-cent per barrel rate on the oil it shipped, and at the same time had demanded that the carriers should ask of all independent shippers and producers 35 cents per barrel, and that of the 35 cents per barrel the Standard Oil Company was to be paid for its own use 25 cents. Never before had such a case of extortion, such a case of acquiescence on the part of the carrier, been presented to the American people; and this situation, with others, had much to do with promoting the legislation in the following year.

The gentleman from Pennsylvania [Mr. SIBLEY] yesterday or the day before stated that all anarchists, all paternalists, and all socialists favored this kind of legislation. I would like to ask him what act would more promote paternalism, socialism, and anarchy than these acts of the Standard Oil Company? [Applause.] It is a clear fact known of all men that anarchy and socialism and paternalism thrive in the great centers of population. They grow by what they feed upon. Why do these forms so alien to our institutions exist and grow in the great cities of our country? They grow there because in them the masses feel first and most keenly the iron heel of monopoly. In them the citizen sees the franchises which he grants to quasi-public corporations through the common council free of cost immediately capitalized, and then finds himself compelled to pay charges and fares to pay large dividends upon his own gift.

Under the interstate-commerce law of 1887, with the powers which that law gave to the Commission, great good was done and many of the evils which had existed theretofore were in large part abated. Business became more stableized, because rates became more fixed and certain. The railroads themselves, conscious that the Commission had the power, did not violate the law, but evinced a desire to obey it in spirit and letter. I know it is charged here, and it has been frequently charged by the learned counsel of railroad companies, that the Commission did not have the power to determine what rate should be substituted in lieu of one found to be unjust or unreasonable. And there has been a suggestion made on this floor that the Commission had even doubted its own authority to fix rates prior to the decision in the Maximum Rate case.

In replying to such contention and to resolve a doubt, if any exists, I wish to read the statement made by the Hon. William R. Morrison, one of the first Commissioners appointed, and one who was the Chairman of the Commission when, in 1897, the Maximum Rate case was decided. He used this language in the annual report of the Commission following this decision:

> The Commission exercised its power in a case commenced in the second month after its organization and continued to exercise it for a period of more than ten years, during which time no member of the Commission ever officially questioned the existence of such authority or failed to join in its exercise. As already stated, the authority of the Commission to modify and reduce an established rate and to enforce a reasonable rate for the future was not questioned in the answer—
>
> Mark you—
>
> in the answer of the defendant in the Atlantic Rate case, decided March 30, 1896, nor had it ever been denied in any answers made in more than four hundred previously commenced, many of them alleging unreasonable and unjust charges, and praying the Commission to afford a reduction and lower the rates in the future.

Sir, the surest test as to the purview of any law or the powers granted thereby will be found in the answers to any complaints brought under the law. Where would you expect to find doubts or suspicions as to the powers of the Commission if not in the answers filed by the defendants—the railroad companies? And yet, according to this unimpeachable authority, no such defense was ever made during the first ten years of the operation of the law. But in 1897, as has been so often said, the Commission lost its power to fix the rate for the future, but it did not on that account become a worthless body. It still had duties to perform, and still had the power of investigation; it still could hear complaints as to rates and determine as to their reasonableness, but had no power to make its orders effective.

Mr. CLAYTON. May I interrupt the gentleman?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Alabama?

Mr. ESCH. Certainly.

Mr. CLAYTON. I understood the gentleman to say that the Commission lost its power in 1897 by this decision of the Supreme Court. But it lost only one power by the adjudication of the court, which was fixing a rate for the future to govern the railroad in its operation. Was not that the only power it lost?

Mr. ESCH. Exactly; the gentleman is right. The power to fix a rate for the future was lost, but the power to declare whether the rate was reasonable or unreasonable still remained, with no authority to put its findings into effect.

Mr. CLAYTON. But all other powers, the gathering of statistical information, and making rules other than prescribing the rate, has never been denied by the Supreme Court.

Mr. ESCH. The gentleman is right. Its investigations of the Joint Traffic Association, the Northern Securities merger, of the coal strike, of the beef trust, and numerous other unlawful combinations have resulted in focusing public attention upon them and securing the evidence for their successful prosecution. Although it suffered a loss of power, it has justified its cost to the Government. Even the decision in the Maximum Rate case did not result in a useless body. But, Mr. Chairman, it is true that the fact that the Commission lost its power to fix the rate for the future and to enforce the execution thereof diminished the respect and wholesome fear which railroad companies had for the Commission. They no longer put their entire case before the Commission in the event of a complaint and a hearing. It has been said on this floor, and has been often repeated, that the Interstate Commerce Commission rarely if ever has hit the mark in cases of appeal to the Supreme Court. One attorney for the railroads said before our committee that out of thirty-two cases they had hit the bull's-eye once, had come within the circle once, and missed thirty times; but he was unfair in failing to state the circumstances and conditions under which these reversals were obtained. In no less than six of these cases the Commission, insisting upon its rights to declare rates for the future, was overruled. With a multitude of circumstances and conditions surrounding a given contest over any rate or rates, is it wonderful that six cases applying the law should have been brought to the Supreme Court? Fourteen of these thirty cases arose under the long and short haul clause. The Commission was trying to enforce section 4 of the original act and to give it some effect, and thus carry out the purpose of Congress.

The Supreme Court, by these repeated decisions, has refined away the qualifications set forth in section 4, until to-day section 4 is an absolute nullity. These men who criticise the Commission for failing to hit the mark failed themselves to tell the whole truth. They did not tell that since the Maximum Rate case the railroads in many cases had refused to put in their entire testimony before the Commission, but when the case came before the court the defendant companies would put in new evidence which had never been heard by the Commission. On this new evidence the court would make its decisions.

Finally this unwarranted practice became so aggravated that the courts themselves declared they would not decide a case where the evidence had not been first fully presented to the Commission.

Mr. WM. ALDEN SMITH. How many cases have been appealed?

Mr. ESCH. There were thirty cases a year ago in which decisions had been made by the Supreme Court reversing the Commission.

Now, in reference to the extent of the present agitation for this legislation. It was said by the learned gentleman from Massachusetts [Mr. MCCALL] that this demand of the President in his message of December, 1904, was "a non sequitur," and that even a busy President might be permitted to indulge in non sequiturs. What did he mean by declaring that the President's message of 1904 was a non sequitur? Did he intend to say, did he imply, that there was no demand in the country, that there was no request being made of Congress for any legislation looking to an increase in the powers of the Commission? I wish to say that the President's declaration in his annual mes-

sage of a year ago asking Congress to confer "on the Commission the power to revise rates and regulations, the revised rate to go into effect and stay in effect unless and until the court of review reverses it," was not a non sequitur. There were members of the Committee on Interstate and Foreign Commerce who for a year before that message had been urging upon that committee and upon Congress legislation to increase and enlarge the powers of the Commission. I want to say that for the last eight years this important subject has been before the country and committees of Congress had been considering it. In the Fifty-sixth Congress Senator CULLOM introduced a bill giving to the Commission enlarged powers practically along the line of the bill under discussion to-day. His bill was succeeded in the Fifty-seventh Congress by the Nelson-Corliss bill, upon which hearings were had. That, in turn, was succeeded by the Quarles-Cooper bill in the Fifty-eighth Congress, upon which hearings were had; to be in turn succeeded by the bill which my distinguished colleague from Michigan and myself had the honor to present at the last session. That, in turn, is now succeeded by the bill which we are now considering, presented by the able and distinguished chairman of our committee.

Does all this show a non sequitur? Was it a chance thought of the President when he called the attention of the American people to the necessity of this legislation? No; this question had been agitating the minds of the people in various sections of the country for years. The President knew, and for some time must have known, the nature, extent, and volume of this agitation. He knew, as some people of the East do not even yet know, how, especially in the Middle West, the birthplace of national ideas, the birthplace of Republican policies, rate legislation was a burning question, and one which the people, through their legislatures, were settling in the form of law. [Loud applause.] Is it a non sequitur to say that the President "suddenly saw a great light" and therefore inserted this recommendation in his message of December, 1904, when all the papers of the land, when more than a thousand industrial, commercial, and shipping bodies throughout the land had sent petitions, and when more than twelve State legislatures had sent memorials to Congress asking for this identical legislation? No. The President well knew the sentiment of the American people and well knew the extent of the demand back of this legislation. The President of the United States is not narrow; his knowledge of the wants and wishes of his countrymen is not confined to the Atlantic seaboard. He is not "cribbed, cabined, and confined" in his ideas. He knows the United States; he knows every State in the Union as no other President ever has; he became conscious of the popular will, and so made that declaration in his message of 1904. [Loud applause.] And great good did the message do. It gave life to the whole subject of rate control; it gave hope and courage to the friends of this proposition. The first definite results came in the last Congress, when the House took favorable action. The President is with the people in the demand for this legislation, and this House is about to put, so far as it can, his recommendation in the form of a law. He will sign this bill if it reaches him. The House of Representatives will perform its duty and will pass the bill. The question will then remain whether "Mahomet should go to the mountain, or whether the mountain should come to Mahomet." Congress can not afford to adjourn without passing it. I feel confident that rate legislation will be enacted at this session, and that we can go back to our several constituencies and say, "We have tried to do our part."

There were other reasons which brought on this agitation for rate control, some of them deep seated and of slow but certain growth. There is now and for some time has been an opinion among the people that there is a large and unwarranted overcapitalization of railroads. It is generally believed that, while the total capitalization is rated at $12,000,000,000, there is but little more than half of it actual valuation. The conclusion follows that, as dividends and interest must be paid on the stocks and bonds, the money to meet such payments must be derived from the rates, fares, and charges demanded, and that therefore the public is excessively taxed.

It was a knowledge of such stock manipulation and other evils that led the President, in his annual message of December, 1904, to utter these words:

> The Government must in increasing degree supervise and regulate the workings of the railways engaged in interstate commerce, and such increased supervision is the only alternative to an increase of the present evils on the one hand or a still more radical policy on the other.

These words are reenforced by those of similar import in his message of last December. They are the words of a fearless Executive. In these days, when corporate influence seeks through financial contributions to reach the seat of political power, it is a brave thing to say that "the highways of commerce shall remain open to all on equal terms." The President said these words. We expected him to say them. We feel confident that he will make them good. The people further understand that a few men control the railroad interests of the country to-day—that only a hundred men in different directories throughout the land practically have control of 90 per cent of the railroad business and management of the country. And with that tremendous power, exerted by men responsible to nobody but to their stockholders, and sometimes not even to them, the people have a well-founded fear that all may not be well with the Republic if this condition is to continue. The people further understand that competition as originally designed no longer obtains; that railroad companies, by combining into systems, by traffic agreements, by community of interests, by numerous other devices are so far stifling competition that it no longer serves as a regulator of trade and commerce; and this being true, the combination being so extensive that six or seven banking syndicates control 65 per cent of the mileage of the country, the people declare "the Government must enter into the solution of the problem if we are to be saved against an unconscionable despotism." We have a right to demand at the hands of Congress the relief afforded by this legislation.

Now, with reference to the bill here presented, I wish to call attention to the phenomenal fact that it has the almost unanimous indorsement of the Members on both sides of the Chamber and the unanimous indorsement of members of both parties on the committee. A unanimous report ought to insure the passage of any bill. Unanimity in committee was not secured by the sacrifice of principle by any member of it. All were agreed as to the principle, and as to details each yielded something. It is now brought in here really as a nonpartisan measure, and it will receive the support of men of both parties.

This attitude of the American House of Representatives ought to do much toward paving the way for the successful passage of this legislation. Each year's delay will result in an increase of the demand for rate legislation.

It is now presented for your suffrages. I can not take it up in detail, but I wish to call attention to some of its specific features. To my mind, as now drafted it is broad enough to cover express companies. The old law did not reach express companies, but the language of this measure, as indicated on page 3, is broad enough to bring them within its purview. It reads:

> And the term "transportation" shall include cars and other vehicles and all instrumentalities and facilities of shipment or carriage, irrespective of ownership or of any contract, express or implied, for the use thereof and all services in connection with the receipt, delivery, elevation, and transfer in transit, ventilation, refrigeration or icing, storage, and handling of property transported.

Under the original law the question whether that law extended to express companies was raised within six months after that act went into operation, and by a decision of the Commission, handed down in December, 1887, it was held that under the language of the original act express companies could not be considered as under that act. In stating the decision the Commission used this language:

> So far as the public is concerned, this business—
>
> That is, of receiving and delivering the goods—
>
> is wholly done by the express companies, the shipper and receiver of the property having no contract relation with the corporation or the persons owning the railroad or other system of transportation employed, but dealing exclusively with the express companies operating on the route desired, to which alone he looks in case of loss or damage. The express company itself thus becomes a common carrier, employing instrumentalities of commerce in part its own and in part hired from other carriers, but having the responsibilities, duties, liabilities, rights, and liens of a common carrier in its relations with the public. Its position in this respect has been judicially ascertained and is well understood throughout the country, and is not seriously in dispute.

There is need of regulating express companies. While held to be common carriers, they have escaped the restrictions which are imposed upon such carriers. Starting as forwarders of small and valuable packages, their business has grown to enormous proportions until to-day it covers items of traffic from coins to live stock. Most of what they carry is freight, and what they carry deprives the railroads of an equal amount.

These express companies, especially the Adams, United States, American, and Wells-Fargo & Co., have contractural relations with the great railway systems of the country. By the terms of their contracts the latter furnish the cars and haulage, and secure from 40 to 60 per cent of the gross receipts. As such percentage of the gross receipts brings to the carriers a far larger return than would receipts on an equivalent amount of traffic carried as freight the railroads do not complain, but, in fact, are inclined to encourage the express business. This business is a very lucrative one, the dividends of some of these companies being 8 per cent per annum, with additional stock dividends. The total capitalization of these four companies is

sixty millions. They have 40,000 agencies, 50,000 employees, and last year handled over 100,000,000 packages, besides 20,000,000 money packages and 7,000,000 money orders.

There is virtually no competition between the companies, and but one express company can do business on a given line of road. Representatives of the Adams and the American express companies have entered the directory of the United States Company. There is no control whatever over the charges they can make, and these charges are three and four times higher than the freight charges would be on the same goods. The only plea for such higher charges is the greater safety and speedier delivery which this service insures.

There seems to be no limit to the activities of the express companies. They are becoming agents for the sale as well as the carriage of goods. In some States where prohibition obtains they act as agents, disposing of liquor in original packages. One of them recently advertised that it would do a commission business handling fruit and meats.

With this enlargement of the scope of their activities, with their irresponsibility as common carriers under existing law, the time has come when Congress, in connection with its control over railroad rates, should extend such control to these companies. Their business is practically railroad business and there is no reason why it could not be carried on successfully by the railroad companies themselves. In fact, this has been done. In Europe the carriers do their own express business and the money they receive from it goes to swell the total of freight receipts and in some measure accounts for the increase of such rates as compared with the freight rates in this country. Under this bill I believe these express companies can be required to file their tariff schedules, and upon complaint made against them the Commission can determine whether the rates they charge are just and reasonable. Under section 20 as amended full reports as to capitalization, indebtedness, amount of business, the schedule of rates and charges, the character of contracts with the railroad companies, and other valuable data necessary to a fair, reasonable, and wise control of these companies can be secured.

It was supposed that the passage of the Elkins Act in February, 1903, providing for the payment of penalties for the giving or receiving of rebates, would suppress this widespread iniquity. Its enactment, however, has not destroyed rebates, but has had a tendency to change their form. The open rebate, with cash payments, is a kind of work too "rough" to be longer practiced, and it has given way to more insidious forms, disguised as damages, claims, commissions, and gifts and the discriminations effected through private car lines. The abolition by the Elkins Act of the imprisonment clauses of the original interstate-commerce act has robbed the law of some of its terrors and restraining influences, although encouragement may thereby have been given to rival railroad officials to inform upon one another. By the advice of Attorney-General Moody, recently given to the United States district attorneys, all prosecutions because of rebates whenever possible were to be brought under the conspiracy statute, which provides for imprisonment, instead of under the Elkins Act. Vigorous prosecutions of this kind in various sections of the country, supplemented by the enactment of the pending bill, will be a serious, and I trust fatal, blow to the whole rebate evil.

The ills from which the shipping and general public have suffered as a result of unjust charges and discriminations connected with industrial and terminal lines, switching, icing, elevation, and refrigeration were less heard of and less complained about prior to the enactment of the Elkins law than since. As these ills arose out of instrumentalities of shipment or carriage and were not due to the carriers themselves, immunity from prosecution under the Elkins Act was claimed. It is to prevent any further claim from such immunity that this bill makes the common carriers themselves solely responsible for all such instrumentalities and facilities of shipment or carriage, so that they, irrespective of any contracts or agreements they may have, may be held responsible.

Mr. STEENERSON. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Minnesota?

Mr. ESCH. I do.

Mr. STEENERSON. I would like to ask the gentleman under what provision of the present bill the authority over maximum charges of the express companies will be found?

Mr. ESCH. I have read the provision—part of the section on the top of page 3. I think that applies to express companies.

Mr. STEENERSON. It seems to me that if the authority is found there, it is by implication.

Mr. ESCH. Well, where you specify in a statute, there is always danger of elimination. If you use general terms, you are more apt to reach what you are after.

Now, Mr. Chairman, the private car line is like the express business, an evolution. Both have grown to large and even overpowering proportions as a result of the neglect or unwillingness of the carriers to supply all the necessary facilities to accommodate the carriage of the products naturally tributary to their lines. But all railroads have not thus surrendered this part of their business to third parties, but have themselves supplied their lines with a sufficient number of special cars of the most approved pattern and in many respects are giving better service than is now being given by the so-called "private car lines." The refrigerator car has come to stay. Whether owned by the railroad itself or by a separate company there is almost constant use for it the year round. In these days, when railroad systems are practically transcontinental, something can be found for these cars to do during the greater portion of the year, and should there be a shortage for any reason on any one system, there is no reason why one company could not secure a supply from other lines, as is constantly done in the case of box cars.

It is the contention of the Armour and other private car lines, for the use of whose cars the carriers pay a rental of three-fourths of a cent a mile, loaded or empty, that a much more systematic and speedy distribution of these cars can be made over a greater territory, and that as a result of this fruits and vegetables can be safely shipped greater distances in better condition, assuring more stable prices to producers and a more even market for the consumers. But in payment for such advantages these private car lines receive, besides the rental from the carriers for the use of their cars, exorbitant prices for the icing of them.

As these private car lines, especially the Armour line, insist upon making exclusive contracts for the use of their cars with railroad companies, producers are placed at the mercy of the car-line companies and must pay whatever price is demanded. The exclusive contract feature of this business creates an absolute monopoly, and subjects whole communities to a tax from which, under existing law, there is no escape.

I wish to read a section of one of these exclusive contracts. It is found in the testimony given before our committee at the last session.

The railroad agrees and obligates itself to use the car-line cars exclusively in the movement of fruit and vegetables under refrigeration from points on the lines of the railways owned, leased, or operated by it during the life of this contract so long as the car line shall furnish sufficient equipment to protect said business.

The railroad agrees to this contract, and the consumers at once feel its monopolistic and, hence, price-raising effects. Charging for icing almost double what the railroads themselves get for freight, charging from 100 to 400 per cent above the cost of the ice, charging in one instance $67.20 for a little over 2 tons of ice, are instances of extortion which a free people ought not to tolerate.

Think of it! the railroad company surrenders an obligation it owes to the general public in not itself furnishing the necessary refrigerator cars to accommodate all the traffic which originates along its line; it surrenders this to an independent company, and permits this independent company, because of supplying the required number and type of cars, to demand of the railroad company in return an exclusive contract for all the refrigerated freight along its road.

A significant instance of an increase of rate for icing charges after the carrier had entered into an exclusive contract is shown by the Pere Marquette case in Michigan. If I remember rightly, the Pere Marquette and Michigan Central roads had been making an icing charge of only $20 per car from Michigan to New York, and of from $7 to $15 per car to Dubuque or St. Paul and Duluth prior to making exclusive contracts with the Armour car-line company; but soon after these exclusive contracts had been entered into the charge per car to New York was raised from $20 to $55, and from Michigan to Dubuque, St. Paul, and Duluth from $7, $12, and $15 up to as high as $35.

These exclusive contracts forbid the shipper having his own cars, icing them at his own expense, when he could get the ice for $2 a ton and even less. This right has been denied the shipper. The exclusive contract prevented the railway company from asserting its independence and the private car line company dominated the situation. I do not believe that any such situation is tolerable under the American system of jurisprudence. [Applause.] For one I believe that we should so legislate as not to permit any such power to do wrong to be permitted in any section of the country. These so-called "icing charges," exorbitant as they are, have been giving the shipping

world much trouble because of the uncertainty and insufficiency of the relief. When it was attempted to secure relief the private car line companies said: "Why, we are not interstate carriers; the interstate-commerce act does not apply to us; this refrigeration of cars is a purely local matter. We have stations along the line of road stocked with ice from which the bunkers of the cars are filled, but all this is purely a local matter." This is their contention; hence, not being concerned with interstate commerce, the interstate-commerce act could not apply, the Elkins Act could not apply, and the shippers, producers, and consumers are left remediless. If this bill becomes a law, however, it will be broad enough in its application to subject these companies to the restraint of law, it will compel them to give public notice of their tariff schedules and changes therein, and what is more, will compel them to separately note upon their bills of lading their icing charges, so that the shipper will know the amount of ice supplied him and the price he pays for the same. If there was nothing else in this bill than the provision giving a remedy against these private car lines I would most earnestly support it.

This crying demand for relief from the exactions of private car lines comes not merely from the commission merchants throughout the country, but also from the large fruit growing districts of Arkansas, Missouri, Georgia, California, and other sections. As a result of this appeal and doubtless in anticipation of the passage of necessary rate legislation this very week representatives of the Santa Fe road and of the Armour refrigerator service have agreed upon a reduction of rates on fruit from California points to Eastern markets varying from $10 to $17.50 per car. A remarkable feature of this agreement is "that no rebates or other special concessions shall be granted to any fruit shipper in California, and that the reduced rates shall be strictly maintained."

The passage of this bill will place the charges for terminal tracks and switching and industrial lines within the jurisdiction of the Commission. When a great industrial corporation, doing a vast annual freight business, owns and controls a spur track a fraction of a mile in length connecting with trunk lines, it can, under the guise of a joint tariff, secure in return for routing its freight over a given line a certain amount per car as payment for use of its spur track. This charge is out of all proportion to what the spur track bears to the through route, but carriers pay the same in order to secure the business. This undue share of the through route is nothing but a species of rebate to the industrial company, and gives it by so much an advantage over all other companies engaged in the same locality in the same line of business.

This bill will permit the Commission to grant speedy relief to shippers who allege that they have been unjustly discriminated against in withholding facilities of shipment, such as spur-track connections, car allotments, etc., for we give the Commission in this bill the power to determine and order "what regulation or practice in respect to transportation is just, fair, and reasonable."

By requiring thirty days' public notice of a change of rates the rank injustice of the midnight schedule from which the Middle West has suffered in recent years will be curbed, if not entirely checked. Under the existing law only three days' notice of a reduction of rates is required. This short notice permits the railroad company to enter into secret negotiations with large grain dealers or owners of elevator lines for hauling to market vast quantities of produce within a short space of time and at a lower rate. As soon as the produce has been hauled the carrier gives the ten days' notice now required for an increase of the rate. In the meantime, however, the smaller buyers and independent concerns, not knowing of a contemplated reduction in the rate, are unable to take advantage of the reduction and are thus made to suffer loss. A thirty days' notice, as required in the pending bill, will give ample opportunity for all to be apprised of the change of rate, and will place all upon an equal footing.

To my mind, the crux of this legislation is contained in section 4, which amends section 15 of the original act by giving to the Commission the power "to determine and prescribe what will, in its judgment, be the just and reasonable and fairly remunerative rate or rates, charge or charges, to be thereafter observed as the maximum to be charged" in any given case where complaint has been made and a hearing had. It is this grant of power around which the contention with reference to rate regulation has raged for the last year. Those favoring the proposition do so because of their conviction that the time has come when the Government must assert the power given it under the Constitution to provide the necessary safeguards against railroad combinations. Those who oppose it do so in the belief that it will establish a dangerous precedent, that it is contrary to our economic traditions, will lead to abuse, and as a result will affect disastrously the railroad interests of the United States. I am not at all persuaded that any such result will follow. It has not followed in any of the twenty-four States which have adopted more or less rigid laws for the regulation of railroads within their respective borders. In my own State a rate law was enacted a year ago more drastic and far-reaching than has yet been enacted by any State save possibly Texas. Since this law went into effect no injurious results have followed—railroad business is as prosperous now as ever—nor has the law lessened the wages of railroad employees.

Mr. PALMER. Mr. Chairman, will the gentleman permit an interruption?

The CHAIRMAN. Does the gentleman yield?

Mr. ESCH. Yes.

Mr. PALMER. I recognize the gentleman as one of the fathers of this bill, and so I desire to ask him a question. What provision is there in this bill for appeal by the railroad company against whom a decree has been passed by the Commission—against whom the Commission has found a rate to be unreasonable and has fixed a new rate?

Mr. ESCH. I have that provision, if the gentleman will permit me to follow my own line of argument.

Mr. PALMER. I would like to ask the gentleman practically how the railroad company is going to get an appeal or get a chance for a rehearing?

Mr. ESCH. The provisions of the bill allow any change or modification to be made of a given rate——

Mr. PALMER. By the Commission?

Mr. ESCH. Yes; and if the railroad company feels aggrieved it can go into court and secure relief on the ground——

Mr. PALMER. But who will be the defendant in that case? Suppose the railroad wants to go into court, who is going to be the defendant?

Mr. ESCH. Under the provisions of the bill the Government assumes the load when the carrier enjoins the going into effect of the rate fixed by the Commission.

Mr. PALMER. The Government?

Mr. ESCH. Yes; the cost in this case is at the expense of the Government, the Attorney-General——

Mr. PALMER. The district attorneys are charged with prosecuting these penalties.

Mr. ESCH. Yes.

Mr. PALMER. Suppose a railroad company wants to take an appeal, wants to have the reasonableness of the rate which is declared to be unreasonable adjudged by somebody else; who is to be the defendant in that case? Is it the Interstate Commerce Commission or is it the complainant?

Mr. ESCH. I should say it would be the Commission. Its action could be enjoined by the court and would be defended at Government expense.

Mr. PALMER. If it is the Interstate Commerce Commission who is going to pay the expenses, who is going to hire the lawyers for the Commission?

Mr. ESCH. I understand that is paid out of the general fund.

Mr. PALMER. Is there anything in the bill that provides any such thing?

Mr. ESCH. I believe there is.

Mr. PALMER. I would like to have the gentleman point it out.

Mr. ESCH. Notice is required, before either reducing or raising a rate, of thirty days.

Mr. PALMER. This bill provides for every offense, for every violation of a decree of the Commission, that there shall be a penalty of $5,000 for every offense. Well, any railroad company worth considering would violate a decree about a thousand times a day, I suppose, and there is a penalty of $5,000 for every offense——

Mr. ESCH. Yes——

Mr. PALMER. Now, pending an appeal or pending an ascertainment of the question whether this Commission is right or not, would these penalties accumulate? I will not ask the gentleman to stop and look for it——

Mr. ESCH. I was finding that provision as to the fund out of which prosecutions were to be paid, but we make provision for that in the bill itself.

Mr. PALMER. On page 15 it is provided:

> It shall be the duty of the various district attorneys, under the direction of the Attorney-General of the United States, to prosecute for the recovery of forfeitures. The costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States.

Now, the question I am asking is, If a railroad company goes into court who is going to be the defendant, who is the proceeding to be against, and who is to pay the cost of that proceeding

on the part of the Interstate Commerce Commission, if the Interstate Commerce Commission is to be the defendant?

Mr. ESCH. My idea is, the Interstate Commerce Commission is the defendant, and the cost is to be paid out of the general fund provided in the bill.

Mr. PALMER. Will the gentleman refer me to any line or any place where such a provision is to be found, or any place where an appeal is given to a railroad company under any circumstances?

Mr. ESCH. As I stated, the main proposition of this legislation lies in this grant of power to the Commission. We do not attempt to change the procedure in the courts. We have not added to nor taken from them any of their constitutional rights, and if the Commission exceeds the rightful authority conferred upon it carriers can secure relief through the courts.

On the ground that Congress has the right to regulate commerce between the several States and because the railroads are public highways, we have the right to enact this law. As the basis for this declaration I wish to read a part of a decision of Judge Harlan in the so-called "Nebraska case."

A railroad is a public highway, and none the less so because constructed and maintained through the agency of a corporation deriving its existence and powers from the State. Such a corporation was created for public purposes. It performs a function of the State. Its authority to exercise the right of eminent domain and to charge tolls was given primarily for the benefit of the public. It is therefore under governmental control, subject, of course, to the constitutional guaranties for the protection of its property.

Many years ago Justice Bradley, of the Supreme Court, made this statement:

A superintending power over the highways and the charges imposed upon the public for their use have always remained in the Government. This is not only its indefeasible right, but it is necessary for the protection of the people against extortion and abuse.

This is the principle which guided us in placing only upon complaint and after hearing this power in the Commission, and being justified on constitutional grounds, we have no hesitancy in presenting this measure to you for your support. There is no such danger arising from the exercise of this power by Congress as has been predicted by the gentleman from Pennsylvania [Mr. SIBLEY] or the gentleman from Massachusetts [Mr. MCCALL]. I have no sympathy with the dolorous forecasts of the gentleman from Massachusetts. Scholarly and eminent in his way, he seems to be born on anti lines and his independence is one of the chief characteristics in him which we admire. I have no fear that these dangers will ensue if we enact this provision. As I have already stated, disaster did not ensue in the twenty-four States where commissions were given powers not merely of regulation, but even of rate initiation. Disaster did not follow the original enactment in 1887. There was no widespread ruin. There was no going into bankruptcy by the railroads of the country. In fact, an era of prosperity ensued. The gentlemen to whom I have just referred cited to us as a horrible example the case of Germany as a reason why we should not enact this legislation. The gentleman from Pennsylvania and also the gentleman from Massachusetts have taken their ideas with reference to the German system of railway management from Prof. H. R. Meyer, of the University of Chicago, as set forth in his book, Government Regulation of Railway Rates. I question somewhat the authority of Professor Meyer, and I do so upon the statements of men (which I will publish as a part of my remarks) who are familiar with the German system of operation and ownership because of residence or actual knowledge.

Mr. CLAYTON. Mr. Chairman, may I interrupt the gentleman?

The CHAIRMAN. Does the gentleman yield?

Mr. ESCH. Certainly.

Mr. CLAYTON. Have not the great railroad systems of the country flooded the mails with such works as Professor Meyer's and with similar literature against this proposed legislation?

Mr. ESCH. The gentleman is quite right.

Mr. CLAYTON. All ex parte, and all of which tells only a part of the truth and does not disclose the whole case as we have it before us to-day in the Congress.

Mr. ESCH. I quite agree with the gentleman from Alabama. And I will quote from an unquestioned authority with reference to Professor Meyer's statements relative to the operation of the German railway system. I quote from the words of Dr. Alfred von der Leyen, a member of the Prussian ministry of public works, being part of his recent review of Professor Meyer's book. He says:

For a long time there has been no difference of opinion in Germany that a State railway system deserves the preference over private railway systems. Professor Meyer apparently can not realize that it is the duty of the State to administer the great monopolies of transportation as a unified system in accordance with the principle of the welfare of the great masses. The professor continually moves about in contradictions, declaring on one page that the State can make tariffs only with the yardstick, and on the next criticising it for making certain exceptions. He also confuses his readers continually by rehearsing the difficulties which are encountered in adjusting certain tariffs in such a manner that they will be beneficial on the one hand and not injurious on the other, and then carefully omitting to tell how the State has succeeded in nearly every case cited by him in arriving at a satisfactory solution, to be sure only after a very careful investigation of all the circumstances entering into the situation. And whether this method of procedure, which may sometimes be a little tedious, deserves the preference over the practice obtaining in America according to which the great railways judge economic questions chiefly by their own subjective estimates and from the viewpoint of their own interests or that of favored shippers, is a matter with respect to which no German, and I am convinced also many American traffic men are not in the least in doubt.

In listening to the arguments of these distinguished Members of the House one would infer that German trade was stagnant, that cities once powerful were going into decay, and that the mighty Empire itself was on the decline. What is the truth? What nation of Europe has made the greatest progress in commerce and manufactures in Europe in the last two decades? Germany. What nation has become our greatest competitor in the world's markets? Germany. What nation has the most highly developed internal commerce? Germany. If there are tears to shed, do not waste them on Germany.

I will supplement Dr. von der Leyen's criticism with a statement made by Mr. B. H. Meyer, who is no relative of the professor, but was for sometime a Government statistician and is now an able member of the State railway commission of Wisconsin. Both of these gentlemen agree as to the operation of the railroad system in Germany, while Prof. H. R. Meyer, who pretends to superior knowledge, confessed to the Senate investigating committee, upon inquiry made by Senator CLAPP, that he had never been in Germany, but that his information came from printed reports. The reviews I shall print are from men who have actual knowledge of the situation.

But why go so far afield as have the gentlemen from Pennsylvania and Massachusetts? Why go to New Zealand and Australia? Let us stay at home, where we can see an illustration of the operation of a similar law in a neighboring country of ours, the great Dominion of Canada. Canada has had a rate law on her statute books for a little over a year. The gentleman from Massachusetts [Mr. MCCALL] yesterday said that it has been in operation only a little over a year, but that this was hardly time enough for us to determine its defects or its merits. The railroad attorneys, on the other hand, who appeared before the Senate committee declared that if Congress gave the Commission the power to fix a rate for the future the railroad property and interests would go to ruin inside of three months. The Canadian law, in a country like our own, with railroads constructed like our own, with the same rolling stock as in our own, is operating exceedingly well. According to the testimony of Mr. Bickerdike, a member of the Canadian Parliament, Canada has a railway commission which really controls. It has got power, not only over rates and schedules and classifications, but it has got power over the construction of roads, over the speed of trains.

We do not assume to give our Commission any such powers in this bill—far from it. He says:

Canada has a railway commission which really controls. Its powers are as absolute as legislation can make them, and anyone reading the daily papers of the country may see constantly how these powers are being exercised in the interests of the people. The commission has been in control for over a year now, not a very long time, perhaps, but long enough to satisfy the people that a court of this nature is an absolute necessity.

And again:

Instance after instance might be mentioned to show how satisfactorily the board has attended to the appeals of the shippers. Not all appeals have been granted; many have been unjust to the railways. Many other cases have been adjusted by a meeting between the railways and the commissioners.

And again:

It may be objected by many in the United States that the railroads there will gain their ends by bribing the commissioners. The safeguards in Canada against this are the character of the commissioners and the tariff officer, their high office and liberal remuneration, the importance of the business interests at stake, and the publicity given to the appeals made to the board and to its decisions.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. HEPBURN. Mr. Chairman, I yield ten minutes more of time to the gentleman from Wisconsin.

Mr. ESCH. It is needless to say that if Canada can get good men—men who will not be subject to bribery or yield to political influence in order to enforce this railway commission law—this country can secure talent, ability, and integrity of the same kind. We do not yield first place to Canada in this particular. In that Dominion, with a drastic rate law, there has been no injury to railroad interests. In fact, on consulting the railway

statistics and financial reports, I find that in the last year railway stocks and bonds have increased in value, while the gross earnings of its railroads have also increased. Now, with this example at our door, with the fact that disaster has not followed when drastic laws have been enacted in a majority of the States, that no misfortune came to the country after 1887, and during the time the Commission exercised the power of declaring what was and enforcing a reasonable rate, what need we fear from the operation of this bill should it be enacted? This is wise legislation, framed along conservative lines—lines which if carried out will prove to the advantage of the shipping and general public.

I have noticed that railroad labor organizations have been protesting against the enactment of this law, and representatives of these orders came before the President two or three months ago and requested him to desist from his fixed purpose of urging this legislation upon Congress. I can not agree with the premises which these organizations present. I can not see how the enactment of this law will adversely affect them. They fear that if this law is passed railroad receipts will be impaired and consequently railway wages will be reduced. When in the history of American railroads have the wages of railway employees borne a fixed ratio to the income of the roads? Have railway employees upon some of these lines which have been recapitalized into millions ever obtained any benefit from the effects of that action? No; their increase in wage has seldom been proportionate to the increase of income and profit of these great corporations. Their wages depend upon their organization and the law of supply and demand. The passage of this bill will not be inimical to their interests, nor to the interests of any road honestly administered, in my humble judgment.

The almost unanimous belief in the passage of some form of rate regulation at this session has not discouraged railroad construction planned for the present year. On the contrary, the present year is destined to surpass all others in new mileage, in permanent improvements, and in the purchase of equipment. Some of the leading railway officials of the country do not believe rate regulation will have disastrous effects. President Ingalls, of the Big Four, recently declared:

I do not look for any unfavorable effect from Federal rate supervision on the earnings and conditions of the railways.

General Manager Miller, of the Wabash system, states that—

It is doubtful whether Federal rate supervision would have any effect on traffic conditions.

And I understand that President Stickney, of the Chicago Great Western, is of like mind. In this connection it is proper to state that Chairman Knapp, of the Interstate Commerce Commission, believes that—

The proposed rate legislation will not have any material effect on railway revenues nor in anywise disturb the fundamental conditions of railway operation. Indeed, I believe that effective rate regulation will prove a benefit to railway interests.

With reference to the great subject involved in this debate as to the constitutional right of Congress to delegate power to the Commission, I wish to say simply that on the strength of the Mississippi case, the Texas and Pacific case, the Nebraska case, the old case of McCulloch against the State of Maryland, the case of the Milwaukee road against the commissioners of Minnesota, on this question I firmly believe that Congress, having passed the rule that the rate should be just and reasonable, can empower the Commission to see that the rates are made to conform to that standard. These cases are analogous to the case in 192 U. S. Reports, the so-called "tea case." In that case Congress had passed a law by which teas of a certain low grade should be prohibited from entering the United States, and empowered the Secretary of the Treasury, through a commission or board of appraisers, to determine what teas could come in and what teas could not. The commission rejected certain teas as being below the standard. The importers brought suit, claiming that this was a delegation of legislative authority to the commissioners or appraisers, and therefore unconstitutional. The Supreme Court declared that Congress, having fixed the standard, to wit, that teas of a certain grade only should be allowed to enter, had fixed a rule; that the commissioners or appraisers only were empowered to see that the rule was observed; that it was a delegation of authority to an administrative board, and that the board of appraisers, acting under the rule, acted within its constitutional limitations.

I believe that on all such orders of the Commission a review should be had only where the rate or charge fixed by the Commission is unlawful or is confiscatory.

Mr. SMITH of Kentucky. I would like to ask the gentleman a question just on that point, whether the rate fixed by the Commission that would be unreasonable is necessarily confiscatory?

Mr. ESCH. No; I would think the jurisdiction of the court would only arise on the rate being confiscatory.

Mr. SMITH of Kentucky. And on none of the rates that might lie between the point of confiscation and extortion, the court would not have the power to investigate. Is that the gentleman's construction?

Mr. ESCH. I would limit the jurisdiction of the court to the lawfulness of the Commission's order.

The courts, as has been repeatedly decided, can not be invested with the power of making the rates for the future, this being a purely legislative function, the province of the court being confined to the question of the lawfulness of the rate, and the court exhausts its power when it decides this question. I believe that any attempt to give the court the power to declare the extent of the unreasonableness of a rate, and thereby fix the rate, would be unconstitutional; nor would it be safe to permit the court to certify to the Commission what it deems the lawful rate, and that the Commission should thereupon publish the rate so certified to it by the court and make it the future rate. As long as we may be sure of our constitutional grounds and are convinced that we are acting within constitutional limitations, why hazard this entire legislation by the injection of some feature which may nullify the whole?

Expedition in the hearing of complaints is a prime requisite in rate regulation. The bill secures this by putting in force and effect the orders of the Commission thirty days after notice, and such order is to remain in force and be observed by the carrier unless suspended or modified or set aside by the Commission or suspended or set aside by the court, and in case the matter in controversy is taken into the court the provisions of the expediting act under the Sherman trust law are made applicable to the proceedings, so that a decision is made at the earliest possible moment by practically an appellate court, in which court, as well as in the Supreme Court, the matter has precedence over all causes save criminal causes. When it is remembered that under the existing law cases have remained pending in the court from four to eight and even nine years, and when decisions had been finally rendered were of little or no avail because of an entire change in the conditions which originally brought on the litigation, speedy decision becomes a consummation devoutly to be wished.

Mr. Chairman, your committee realized that in order to make rate regulation through the Interstate Commerce Commission effective; in order to secure the suppression of rebates and unlawful discriminations and preferences; in order to secure the necessary evidence to make prosecutions for such offenses successful, it was necessary to give to the Commission visitatorial powers of the broadest and most thorough character. We believe that section 7, amending section 20 of the original interstate-commerce act, gives the Commission through its own members and through its special agents and examiners these powers.

At present almost every carrier has its own system of bookkeeping and there is uniformity among carriers only in the method of publishing the reports at present required by law. Uniformity in bookkeeping would greatly lessen the task of Government inspection. It is for this reason that we have provided in this bill that—

The Commission may, in its discretion, prescribe the forms of any and all accounts, records, and memoranda to be kept by carriers subject to the provisions of this act, including the accounts, records, and memoranda of the movement of traffic as well as the receipts and expenditures of moneys.

And it is further provided that—

The Commission shall at all times have access to all accounts, records, and memoranda kept by carriers subject to this act, *and it shall be unlawful for such carriers to keep any other accounts, records, and memoranda than those prescribed or approved by the Commission.*

In order that complete and accurate statistics of railways may be secured for the information of the public, not only annually, but at any time, this bill requires all carriers subject to this act to file annual, monthly, and even special reports on forms to be prescribed by the Commission. The necessity for a uniform system of bookkeeping as to accounts, records, and memoranda kept by carriers and the necessity of annual, monthly, and special reports of their earnings and expenses and the right of thorough and frequent inspection on the part of the agents of the Government is shown by the loose and deceptive methods practiced by many carriers in the keeping and publication of their accounts.

In recent years so great have been the actual gross and net earnings of some of the railroads that efforts have been made to conceal them, with a view to deceive the general public and thereby to silence any demand for a reduction of rates, fares, and charges. There are many methods whereby gross and net earnings are minimized by charging up to operating expenses items which should have been charged up to permanent improvements. President Baer, of the Philadelphia and Reading Rail-

road, admitted that a steel bridge on his line was charged up to operating expenses. On other roads brick depot buildings and other structures and spur and side tracks are not charged up to permanent improvements, but to operating expenses. Other accounts wherein like concealment of the true situation is practiced are the loss and damage accounts, accounts for the repairs and renewals of locomotives, of passenger and freight cars. These several accounts on examination will show enormous increases wholly out of proportion to operating expenses. Such unfair methods, such padding of accounts, will not be possible should this bill become a law.

In order to show the necessity of publicity of railway accounts and of railway management I shall append and make a part of my remarks a statement prepared by Hon. Charles S. Hanks, of Boston, assisted by George W. R. Harriman, an engineer of large experience, of the same city. These gentlemen, after months of labor and with access to all Government statistics relating to railways, have come to the conclusion that it would be possible to make a uniform reduction of 10 per cent on railway rates, fares, and charges throughout the country without such reduction interfering in any way with the present rate of dividends on stocks, interest on bonds, or wages of railway employees. That such reduction is possible is shown by the readjustment of accounts of two roads—the Southern and the New York, New Haven and Hartford. A like investigation of three other great railway systems in other parts of the country leads to the same conclusion.

If, as Judge Harlan declared in the Nebraska case, the carrier is entitled to a fair return upon his investment, ought not the Commission and, in case of appeal, the court take into consideration not merely the question of overcapitalization, but also the question of the padding of accounts?

No one denies the prosperous condition of the railroads of the country during the last few years, and especially since the general raising of rates through reclassifications in official southern and western territory, beginning in January, 1900. Had the rates and classifications in force prior to that date remained, the revenues of the railroads last year would have been less by over $100,000,000.

I am not in any sense a railroad baiter. I concede to the railroads the right to live and prosper, and in return ask a like concession from them to the people. I would ask them to remember that old maxim, "So use thine own as not to injure thy neighbor." With so much of their own and so much which the people out of their generosity have given them and which they have used as their own, I respectfully ask that they do not injure their neighbors—the amassed millions of our population, each one of whom in comparison has so very little.

We believe that the Commission appointed by the President under this act—a commission of seven members—will be a nonpartisan commission, a commission of men of high integrity and of high ability. It will not be a political body. There is no more reason why it should be charged with being such a body than is the Supreme Court of the United States. Its members are named by the President; they are confirmed by the Senate.

It is charged that this agitation, not springing from the people, has risen out of the lust of power on the part of the present Commissioners. Gentlemen, when they have been appealed to under an emasculated statute, when they have been harassed by appeals for aid from all parts of the country and knew that their hands were tied and they could not afford relief, do you wonder that for ten years in annual reports they have appealed to Congress to give them the power which Congress supposed it had originally delegated? I would think them less than human if they had not done this, if they had not in good faith tried to magnify their office. We can get men for the Commission who will give to the interpretation and administration of this act the greatest ability, the widest knowledge, and the results, I have no doubt, will be beneficial to the country. [Applause.]

[Here the hammer fell.]

APPENDIX 1.

Statement of Hon. Charles S. Hanks, of Boston, Mass.

NEW YORK, NEW HAVEN AND HARTFORD RAILROAD.

Station service.

1900	$3,777,000
1901	3,885,000
1902	4,133,000
1903	4,602,000
1904	4,714,000
1905	4,670,000

The above is approximately $2,180,000 a year more than it should be on the percentage basis of this item of disbursements to the total disbursements and is undoubtedly largely padded.

Car service per diem and mileage (rentals).

1900	$688,000
1901	687,000
1902	772,000
1903	1,230,000
1904	1,094,000
1905	1,555,000

The above is approximately $500,000 a year more then it should be on the percentage basis of this item of disbursements to the total disbursements and is undoubtedly largely padded.

In the last report published the outstanding bonds were $9,639,000, paying, approximately, annually $385,560 in interest. The stock outstanding was $80,000,000, paying a yearly dividend of $6,400,000. If the liabilites of the road were carried on practically the same percentage basis as the other roads of the country, and if these bonds had been increased to the amount of $44,814,500, namely, one-half of the bond and stock issue, there would have been an annual saving to the road of over $1,400,000, even if the bonds and stocks had been sold as low as par. Why this was not done is obvious. In a word, the freight and passenger rates could have been reduced $4,430,000 a year and the road still pay its employees the same wages and the stockholders the same dividends. That this reduction could be made is indicated from the fact that the Great Northern road, which runs through a sparsely settled section, is operated for 48.40 per cent of its income, and the New York, New Haven and Hartford Railroad, which has a density of traffic, costs 71.89 per cent of its income to operate it.

SOUTHERN RAILWAY.

Loss and damage.

1900	$385,000
1901	415,000
1902	491,000
1903	698,000
1904	941,000
1905	1,090,000

The above is approximately $375,000 a year more than it should be on the percentage basis of this item of disbursements to the total disbursements, and is undoubtedly largely padded.

Injury to person.

1900	$261,000
1901	350,000
1902	510,000
1903	728,000
1904	962,000
1905	1,125,000

The above is approximately $358,000 a year more than it should be on the percentage basis of this item of disbursements to the total disbursements, and is undoubtedly padded.

Repairs and renewals of locomotives.

1900	$1,687,000
1901	1,722,000
1902	1,912,000
1903	2,891,000
1904	3,173,000
1905	3,063,331

The above is approximately $377,000 a year more than it should be on the percentage basis of this item of disbursements to the total disbursements, and is undoubtedly padded.

Repairs and renewals of passenger cars.

1900	$656,000
1901	696,000
1902	745,000
1903	826,000
1904	809,000
1905	868,000

The above is approximately $193,000 a year more than it should be on the percentage basis of this item of disbursements to the total disbursements, and is undoubtedly padded.

Repairs and renewals of freight cars.

1900	$1,922,000
1901	2,188,000
1902	2,556,000
1903	2,772,000
1904	2,879,000
1905	3,091,000

The above is approximately $477,000 a year more than it should be on the percentage basis of this item of disbursements to the total disbursements, and is undoubtedly padded.

The returns of the Southern Railway show that it increased its assets between 1900 and 1905 $67,000,000, as follows: By the purchase of stock and bonds of other roads, $27,000,000; by new cost of road, $16,000,000; by new equipment, $5,000,000; by miscellaneous property, $16,000,000; by cash and current assets, $3,000,000. The offset to this $67,000,000 is shown by issuing $51,000,000 bonds without any additional stock issue, the balance of $16,000,000 coming from the earnings of the road. In a word, the freight and passenger rates could have been reduced $3,200,000 a year and the road still pay the employees the same wages and the stockholders the same dividends. That this reduction could be made is indicated from the fact that the Great Northern Railroad is operated for 48.40 per cent of its income and the Southern Railroad for 69.99 per cent of its income.

APPENDIX 2.

Hugo Richard Meyer, assistant professor of political economy in the University of Chicago. Government regulation of railway rates. A study of the experience of the United States, Germany, France, Austria-Hungary, Russia, and Australia. New York, 1905. The Macmillan Company. XXVII u. 486 S. 8.

[Translation of a review by Dr. Alfred von der Leyen, of the Prussian ministry of public works, Berlin, published in the Archiv für Eisenbahnwesen for January-February 1906.]

The author is a decided opponent of state railway systems and of all regulation of railways and railway tariffs by the government, for it is the verdict of all experience that governments will not and can not make railway rates that will meet the needs of expanding trade and industry. (P. XVII.) A most emphatic and very harsh verdict which

this professor (care should be taken not to confound him with Prof. Balthasar H. Meyer, now railway commissioner of Wisconsin) attempts to prove from the experiences which Germany, Austria-Hungary, France, Russia, and Australia have made with government-made freight tariffs and in the United States with company-made tariffs. According to our author, we find on the one hand, in the countries in which the state influences the tariffs, heavy shadows, dense mediæval darkness, while on the other hand, the privately made tariffs of the United States reflect nothing but clear light, sparkling sunshine, which would beam still more brightly if the error had not been made in the United States of restricting the freedom of the exemplary private railways through the enactment of the interstate-commerce law and the institution of the Interstate Commerce Commission. Part I of Professor Meyer's book, composed of eight chapters, pages 1 to 203, depicts the pernicious effect of state railway tariffs, while Part II, pages 203 to 473, portrays the magnificent, overwhelming economic results of the far-sighted tariff policy of the railways of the United States.

This is undoubtedly an entirely new conception, new not only for the German, but also for the American reader. It is seldom that an American has the opportunity of reading such a spirited song of praise regarding his own railways and such a hard, depreciative judgment with respect to the work of the Interstate Commerce Commission, which is charged with the supervision of rates affecting interstate traffic by the interstate-commerce act of February 4, 1887.

It is a different question whether the author has succeeded in proving his case. This question is of greater interest to American than to German readers. During the winter of 1905 President Roosevelt himself launched a movement against the existing tariff policy of the American railways. The President has expressed the opinion that the tariff policy affects the common interest unfavorably; he regards it necessary that the Federal Government exercise a more effective supervision of these tariffs, and that the Interstate Commerce Commission receive enlarged powers over the railways. A bill embodying these views passed the House of Representatives, but not the Senate. In May and June of 1905 the Senate Committee on Interstate Commerce had extended hearings on the subject, and the testimony is published in five large volumes. The message to Congress of December, 1905, again called the attention of that body, with still more emphatic words, to the necessity of controlling railway tariffs through public authority. Whether the President will succeed remains to be seen. At all events, he has succeeded in greatly arousing public opinion and has created anxiety on the part of the powerful railway managements. A rescuer has arisen for these railways in the person of Mr. Meyer, who, armed with what has the appearance of a mighty scientific armament, attempts to show how objectionable the efforts of the Government of his fatherland have been.

However, the first part of his book was written and published before President Roosevelt had advanced his views. Meyer's studies concerning state railway tariffs in European states and in Australia appeared between July 10 and October 9, 1903, in that excellent American publication, the Railway Age; also the chapter on Prussian tariff policy, concerning which the author deems it prudent to remain silent in his preface (P. IX). The short chapter on France (pp. 123 to 136) is new. If the author did not resolve until later to oppose the railway policy of his Government, he naturally could make good use of these articles. In his testimony before the Senate committee on the 4th and 5th of May, 1905 (vol. 2, pp. 1552 et seq. of the report), the author repeated much of that which he had theretofore written in these articles.

If in the following review I enter upon details more than would be necessary for German readers, regarding Professor Meyer's utterance with respect to state railway rate policy, I do so in the hope that these lines may also come under the observation of American readers. In my estimation it can not be a matter of indifference to us that views like these, presented with great confidence and apparently resting upon thorough investigations, should take root in the United States. The railway questions which at present are agitating America have only academic interest for us.

Let us see upon what the author bases his derogatory verdict regarding the freight tariffs of the Prussian state railways. Not by the method of presenting to the Americans the German tariff system, German basal rates, etc., and then attempt to prove that this system is an erroneous one; that rates are incorrectly formed; that trade and industry generally suffer from these rates, and are incapable of adequate development, etc. Rather he contents himself with saying in two pages (pp. 3–5) that our freight rates are composed of two parts, terminal charges and movement expenses. The remainder of his discussion is intended to show, on the basis of a few examples taken from German, partially very prejudiced, sources that under such a system it is impossible to avoid conflicts between different branches of industry and industrial sections, and that the effective competition of railways with waterways is thereby prevented. The fundamental defect of Prussian rates, according to the author, is their lack of elasticity, that they are not constructed on a falling scale, and that they can not be thus constructed in accordance with the accepted principles. However, on the same page on which the author advances this bold assertion he has the misfortune to cite Special Tariff III, *which is constructed on a falling scale.* In addition to these regular tariffs, as is well known, piece-goods rates and express piece-goods rates are tapering rates; and there lies before me a compilation which shows that in May last there were not less than 61 commodity rates, including those for the most important bulky goods (wood, all kinds of raw material, fertilizers, ores, etc.), which were constructed on the falling scale; and carload rates on live stock are tapering rates. It is therefore a gross misrepresentation of facts, when the author says:

"And to-day in Prussia their introduction is opposed by two powerful forces. One of these is the Prussian Government's fear of temporary or permanent loss of revenue; the other, the jealousy of the sectional interests and trade interests that are concerned about the preservation of the established course of trade and industry."

Among the examples of erroneous tariff construction which Meyer recites, the first is the cancellation of the tapering rates on grain, which were withdrawn in the year 1894 in order to make possible the ratification of the Russian treaty of commerce of that time. This example is chosen not without skill, since uncertainty existed then, and even to-day opinions differ with respect to the correctness of this procedure. But it proves nothing with respect to the inability of the State to make railway tariffs, because in cases where such complications of economic policy did not exist the older tapering grain rates were maintained (such as the graded mileage rates of the Prussian Eastern Railway)—indeed, new tapering rates for the export of grain were introduced, which fact, however, was known to Professor Meyer. The second illustration he claims to find in the export rates on sugar. It is true that their adoption was preceded by extensive investigations, but nevertheless they were finally introduced, as he himself states on page 15. And with this all his preceding assertions fall to the ground. On page 16 he claims that the restriction on workmen's return tickets is connected with this question. Herein lies a remarkable misunderstanding. Meyer confuses the return tickets of laborers with the reductions in party tickets for the so-called "season laborers" who, it is true, are attracted in part by beet culture. But in both cases the question is one of beets. The reduced rates for the so-called "season laborers" have never been canceled. They exist to-day.

Then Professor Meyer takes up the question of the ore tariffs from Lorraine-Luxemburg to Westphalia. Before their introduction, too, difficulties had to be overcome; and the question was investigated very thoroughly, but finally, on June 1, 1901, they were introduced, *and this Mr. Meyer conceals.* And with this the entire edifice, constructed from material brought together from many sources, collapses. The author in his statements has confused fact and fiction to such an extent that it would require considerably more space to uncover his errors in detail than these through-and-through confused statements themselves occupy, and out of all of which only this remains true, that there are in Prussia, as in all parts of the world, people who are dissatisfied with certain rates and desire reductions.

The second chapter is devoted chiefly to a discussion of the competition of railways and waterways. Professor Meyer considers it the duty of the railways to maintain the strongest possible competition with waterways. That this competition is not directed more strenuously against the Rhine, the Elbe, or the Oder, meets with his disapproval, and he can not understand why the railways should permit the natural waterways to carry an increasing tonnage. It is their duty, according to his views, to adjust their tariffs in such a manner that all freight is hauled by the railways and the waterways lie waste. Furthermore, the author can not understand why the Prussian Government does not favor the Prussian port of Stettin by means of railway tariffs in such a manner that it can compete more effectually than heretofore with Hamburg. On page 45 he states that—

"While the Prussian Government and the German people generally believe it a patriotic act to cut railway rates against foreign cities, such as Rotterdam, they would not approve any departure from their uniform system of rates for the purpose of strengthening one German city as against another."

Naturally, Meyer considers it equally absurd to construct a canal between Stettin and Berlin. It is entirely incomprehensible to him why the State railways did not prevent the deflection of a large part of the petroleum trade of Bremen to the waterways. It is not enough for him that low commodity rates on petroleum are in force from Bremen to southern and western Germany, although even these low rates are frequently met by the tank ships via Rotterdam and the Rhine. This struggle for the petroleum trade should have led to the reduction of rates by rail also to the east, to Berlin, and to Madgeburg. In consequence of this mistaken rate policy the oil trade has been driven from Bremen to Hamburg.

That with such views Professor Meyer is a still more pronounced opponent of artificial waterways and of canal construction is not surprising. In the fourth chapter a short summary is given of the various attempts to carry a canal bill through the Prussian Parliament during the last few years. He advances the same objections to the first two canal bills which were urged by opponents of canals with us. The fate of the last canal bill is not mentioned. No mention is made of the fact that in the elaboration of this bill an attempt was made to overcome the objections of the opponents to the canal and to incorporate provisions whereby the cooperation of rail and water ways was to be assured in the future for the general welfare. All these difficult questions have been thoroughly and exhaustively discussed within the last few years, in parliament as well as in the daily and technical press. Nor are they unknown to the American public. I need only to recall the fight for the improvement of the Erie Canal, the competition of the railways with the Great Lakes, and the plans for an artificial waterway from the Great Lakes to the Mississippi. In Germany and in Prussia the question has long been viewed from a higher plane, even during the time in which private railways still existed. The opinion has always obtained that the natural waterways had a right to exist alongside the railways. The interests of traffic in general have been rated higher than the exclusive financial interests of the railways. Whether or not the waterways have occasionally not been favored too much is a question which I do not desire to discuss on this occasion. At all events, the railway traffic has developed substantially alongside the waterways, and, to put it mildly, it is gross exaggeration on the part of Professor Meyer when he maintains that the Prussian railways have been degraded into mere feeders for the waterways. But this question also is certainly not connected with the assumed inferiority of the State in making rates as compared with private enterprise. The illustration of the commodity rates on sugar which Professor Meyer presents proves exactly the opposite. Furthermore, the fierce wars of the American trunk lines for the grain trade on the Erie Canal are by no means a glorious page in the history of American railway tariffs.

The third chapter of Meyer's book deals with the financial policy of the Prussian railways, which are accused, by means of arguments well known here and amply refuted, of being operated too much in the interests of the State Treasury. In this attempt, which is again highly characteristic of his entire method of proof, he joins the economic crisis of 1873 with the alleged mistaken financial policy of the year 1891 and following. He claims that instead of obtaining great surplus earnings from the railways it should have been the object of the administration to reduce rates, to extend the system, to increase the number of cars, and especially to purchase larger cars. Here we meet all the well-known assertions which have occasionaly been made by a few of our magnates, from whose arsenal Mr. Meyer secured his weapons. Professor Meyer passes in silence over the proof brought forward time and time again in Parliament and elsewhere how greatly these charges have been exaggerated. Although otherwise apparently a diligent reader of the Archiv für Eisenbahnwesen, Professor Meyer has seen fit to utterly disregard the article published in the January number of the preceding year on the development of the freight tariffs of the Prussian-Hessian State railways, in which these very questions were treated with great thoroughness, supported by a wealth of illustrative material.

These in the main are the arguments by means of which Professor Meyer attempts to prove the premises set forth in the opening chapter of his book. They are directed less against the tariffs than the system of State railways as such. The author seems to occupy an entirely different viewpoint from ours, and it would be entirely superfluous were I in this place to take up with him the discussion of the question of the justification of the State railway system in Germany.

For a long time there has been no difference of opinion in Germany that a state railway system deserves the preference over private railway systems. Professor Meyer apparently can not realize that it is

the duty of the state to administer the great monopolies of transportation as a unified system in accordance with the principle of the welfare of the great masses. The professor continually moves about in contradictions, declaring on one page that the state can make tariffs only with the yardstick and on the next criticising it for making certain exceptions. He also confuses his readers continually by rehearsing the difficulties which are encountered in adjusting certain tariffs in such a manner that they will be beneficial on the one hand and not injurious on the other, and then carefully omitting to tell how the state has succeeded in nearly every case cited by him in arriving at a satisfactory solution—to be sure, only after a very careful investigation of all the circumstances entering into the situation. And whether this method of procedure, which may sometimes be a little tedious, deserves the preference over the practice obtaining in America, according to which the great railways judge economic questions chiefly by their own subjective estimates and from the viewpoint of their own interests or that of favored shippers, is a matter with respect to which no German—and, I am convinced, also many American traffic men—are not in the least in doubt.

The American reader may possibly be impressed with the many source references and figures cited by Professor Meyer. One would think him, in consequence of this, uncommonly well read and an expert of a high order. But this appearance is deceiving. In the illustrations which have been given above I have been able to show how superficially Professor Meyer has done his reading. Here I may add a few further examples picked up at random. On pages 26 and 27 he states that the Society of German Railway Administrations is a union of officials of the various German state railways. Everybody knows that this society embraces all German, Austro-Hungarian, and several neighboring state railways, as well as private railways. On page 148 he asserts that Posen is a port situated on the Oder, near the Galician border. The statement, on page 358, that a Prussian minister, angered over certain transportation difficulties, had recently uttered the words "Commerce be hanged" is simply a fabrication of the author.

In closing this review I will take up the following example, which is especially characteristic of the method of work of this author. On page 158 Professor Meyer states:

"And within the city limits of Berlin one can count—and smell—upward of 14,000 cows, kept there to supply the population with milk that the railways are not allowed to bring from a distance."

The assertion is repeated in the following words, on page 387, after the author has described how the railways supply New York with milk and cream:

"And in the year of our Lord 1902 the firm of Von Bolle was stabling within the city of Berlin 14,000 milch cows, which supplied milk to 50,000 families. In addition there were in the suburbs of Berlin hundreds of dairies, each one stabling a considerable number of milch cows."

In the last citation the source from which Meyer claims to have taken his staement is given. It is the Zeitung des Vereins Deutscher Eisenbahnverwaltungen of the 29th of October, 1902. Now, let us see what that paper says:

"*It is reported* that the well-known dairy of Von Bolle, in Berlin, has a supply of 14,000 cows, which furnish daily about 85,000 liters of fresh milk to meet the demand of 50,000 households. Besides this, there are in the suburbs several hundred lare daries, which send their milk wagons into Berlin."

Up to this point Professor Meyer has copied with tolerable accuracy, aside from the fact that he states as a fact that which his reference merely states as a report. But his reference continues:

"But this is not nearly enough. Millions of liters of milk are brought in from the open country, some of it from a great distance, principally by the railways."

Then follows a detailed description of the facilities which the railways have provided for bringing in milk, such as low rates, fast trains, convenient train schedules, reductions for sending back empties, etc.; and from these facts the conclusion is drawn that in this manner the public as well as the railways receive their just dues. *Yet all this Professor Meyer omits, although he certainly must have read this article.* He would have his readers believe that all Berlin is dependent on the milk produced in Bolle's dairies. It is his purpose to give a very striking illustration of the backwardness of Prussian freight rates. Having this in mind, it does not suit his convenience that just in this matter the Prussian railways have performed splendid service; and since the evidence dose not support his line of argument *he suppresses the facts which do not suit him.*

As a matter of fact of the 250,000,000 liters of milk which were consumed in Berlin in the year 1902, 44,700,000 were produced in Berlin, 25,400,000 were brought into the city on wagons, and 180,000,000 were brought in by rail. (Statistical Yearbook of the city of Berlin, 1903, p. 314.) We are also enabled to state more exactly the figures representing the number of dairy cows than the source from which Professor Meyer quotes. According to a special census there were in 1902 in Berlin, Charlottenburg, Schoenberg, and Rixdorf together (not in Berlin alone) only 11,431, not 14,000 milk cows, which produced the above-mentioned 44,700,000 liters. The milk that came by rail originated at 216 stations, of which 198 are in the province of Bradenburg, 11 in the province of Saxony, etc. Further details Professor Meyer may read in the official statistics of the city of Berlin, Volume I, 1903. According to these statistics he has turned the facts upside down, deliberately, in order to cause hilarity among his readers, if he has read the article, or he read only the first sentence of his reference. In either case, this is a method of procedure which one has a right not to expect in a scientific book.

I can pass over more lightly the following chapters. The French tariffs are faulty, according to Professor Meyer, because they make energetic competition against the waterways impossible. He claims that it is the duty of the railways of Austria-Hungary and of the regions of the lower Danube to transport agricultural products of the east to Germany by means of low-graded mileage rates. These railways, like the Russian, especially the Siberian Railway, ought to follow the example of the American railways; then the agriculture of the Danubian provinces and Siberia would blossom forth like that of the great American west (p. 177). In this Meyer overlooks the fact that eastern Europe and the German Empire are not unified economic domain, and that European states will maintain, what is to him an entirely antiquated point of view, that the policy of customs duties and freight-rate policy shall not negative each other.

Professor Meyer, of course, maintains the direct contrary, when in another place (p. 340 ff) he considers it utterly false that the Interstate Commerce Commission does not regard railroad rates which render nugatory the Federal tariff legislation permissible. It is unnecessary for me to point out that a comparison of Siberia with the far west of the United States is ludicrous, except that I wish to use this as an example of Meyer's method. He claims that the Russian Government has impeded the development of the grain industry in Siberia by a faulty policy of its state tariffs. On page 178, he says: "Therefore it is worth while to recount what the Siberian peasant has been made to do under the incentive of gain in the single instance in which the railways were free to cooperate with men of enterprise and capital in the development of Siberia's resources." This he claims was the result of lower rates for the exportation of butter. Hence this same Siberian Railway is at one time an irrational state railway and at another an intelligently operated private railway. And the best part of it all is that it was just the Russian Government that has always promoted the dairy interests and the exportation of butter from Siberia in every way possible.

[The remainder of von der Leyen's review is devoted chiefly to Professor Meyer's comments on American conditions, closing with the following paragraph:]

I should regret it exceedingly if the very one-sided, and, so far as our railway conditions come into consideration, often absolutely untruthful representations of Meyer's book, should interfere with what seems to me a very wholesome movement on the part of the American Government with respect to railway policy, and possibly to thwart the strivings of the President of the Union.

DR. A. V. D. LEYEN.

APPENDIX 3.

RAILROAD COMMISSION OF WISCONSIN,
Madison, Wis., January 15, 1906.

Hon. JOHN J. ESCH,
Committee on Interstate Commerce,
House of Representatives, Washington, D. C.

DEAR SIR: I have delayed answering your letter of December 16, 1905, requesting me to submit an opinion regarding Prof. Hugo. R. Meyer's book, entitled "Government regulation of railway rates; a study of the experience of the United States, France, Austria-Hungary, Russia, and Australia," in order that I might send you at the same time a critical review of the book by Dr. Alfred von der Leyen, who has long been known as one of the foremost students of transportation in the world and who has for many years occupied a high position in the Prussian Railway administration. I inclose a translation of this review, which was published in the January number of the Archiv für Eisenbahnwesen. Doctor von der Leyen's international reputation and his great practical experience, together with his scientific attainments, are ample guaranties of the correctness of the statements which he makes.

Before your letter was addressed to me I had been requested by a number of persons, whose opinion I esteem, to publish a review of Prof. Hugo R. Meyer's book for the reason that this book and the testimony of its author before the Senate committee had been given wide publicity and that the public should be informed as to the reliability of the book and testimony. I have never before consented to review a book of this kind, and a sense of public duty and regard for truth alone impel me to do so in this case. Substantially the following review will appear in the February number of the Journal of Political Economy, of the University of Chicago.

The book as a whole gives evidence of a great deal of hard work. The author has gone through much material in order to select what is included within the pages of the volume. It is written in an attractive, clear style, to which the author's convictions and feelings add vigor.

Perhaps it should be stated at the outset that the author of the book has never visited the European countries whose institutions he partially describes and at times assails so vehemently, as the following extracts from his testimony before the Senate committee will show:

"Senator CLAPP. May I ask whether you have made a personal examination of the conditions of Germany; and if so, how lately?

"Mr. MEYER. I am familiar with the situation down to the present day by means of the study of all of the official statistics published by the several governments and by means of a study of the parliamentary debates and by reading the reports of chambers of commerce and matters of that kind. The work itself has been done here, but I have used precisely the same material that I should have used had I gone to Germany.

"Senator CLAPP. Your statement will not rest upon what you have actually seen personally of the workings?

"Mr. MEYER. No, sir; if you mean by 'personally' that I have not seen the trains moving in Germany; but I have read the statements made in Parliament by the persons whom I should have been obliged to consult if I had wanted to make a personal investigation."

If he had ever made inquiries on the ground, the first half of his book would perhaps never have been written, or at least its pages would probably have reflected a more judicial spirit and a better temper.

In the first paragraph of the preface the author states that he began this study some twelve years ago, "with a strong bias in favor of state intervention in industry." "Bias" is a refractory medium against which Herbert Spencer and many others have warned people. A scientific student begins an inquiry not with bias, but with a free and untrammeled mind. He collects all available data and draws conclusions in the direction of the weight of evidence, and keeps his mind open for new evidence. The statements of facts of a student are given completely and without color or artifice, so that anyone who may interpret the given facts differently may draw different conclusions. Prof. Hugo R. Meyer began, as he says, with "a strong bias" in one direction. He ended with a stronger bias in the opposite direction. "Bias" is the unifying principle of his book.

The first 200 pages, comprising the smaller half of the book, are devoted to government regulation of railway rates in foreign countries, while the second half is devoted to the United States, with numerous allusions to foreign experience.

The author's general method of treatment is illustrated by what he says about the milk supply of the city of Berlin. On page 158 of his book he says:

"And within the city limits of Berlin one can count and smell upward of 14,000 cows, kept there to supply the population with milk that the railways are not allowed to bring from a distance."

On page 387 he says:

"In Germany they have no group rates on milk. And in the year of our Lord 1902 the firm of Van Bolle was stabling within the city of Berlin 14,000 milch cows, which supplied milk to 50,000 families. In addition there were in the suburbs of Berlin hundreds of dairies, each one stabling a considerable number of milch cows."

In his testimony before the Senate committee, May 5, 1905, he said: "Berlin is a city of upward of a million and a half of people, and

one single dairy firm is stabling to-day within the very city limits of Berlin 41,000 cows; and there are hundreds of other dairy firms stabling within the limits of Berlin considerable numbers of cows. * * * The health of hundreds of thousands of people is endangered by the presence of these cows. The price of milk is kept at a materially higher price than it would be if they had refrigerator cars and the group-rate practice, and you could bring milk into Berlin from farms hundreds of miles away. The consumers of Berlin would be infinitely better off."

In substance, these statements were also contained in contributions to railway journals.

Now, what are the facts?

During the latter part of March, 1905, I visited Bolle's establishment in Berlin in order to satisfy myself that the pasturized milk which our son was getting was being properly prepared. I noticed no "smells" and saw not one of the 14,000 cows. (People who live in glass houses should throw no stones. Think of a citizen of Chicago preaching to Berlin on "smells" and danger to health!) A little over two months later my attention was called to Hugo R. Meyer's sensational testimony. Having been unable to pay a second visit to Bolle's establishment, I later addressed a series of questions to Mr. Bolle, referring to the Meyer testimony, which he kindly answered in writing, and from which I quote the following:

"1. At present I keep no cows in Berlin, but in a model dairy in Marienhain, near Coepenick, I maintain 150 cows.

"2. According to the last census, the total number of cows in Berlin and adjacent suburbs is 10,000 to 11,000.

"3. There exists no casual connection between the railway rates on milk and the number of cows maintained in Berlin.

"4. Berlin requires about 600,000 liters of milk daily, and of this amount approximately one-sixth is produced in Berlin (and suburbs)."

On page 387 of the book under review is a reference to the Zeitung des Vereins Deutscher Eisenbahnverwaltungen, which is given as authority for the statement regarding "Von" Bolle's dairy. The Zeitung referred to contains an article on the history of the development of the milk traffic. In the opening paragraph of the article the writer states in a casual way:

"In Berlin soll die bekannte Molkerei von Bolle einen Bestand von 14,000 Milchkühen haben * * *."

This is obviously not given as a statement of fact, but merely as a matter of report or hearsay, which our author's "bias" at once appropriated as a fact. It will also be observed that the "von" before the name Bolle is not a title. This great dairyman signs himself "C. Bolle." That our author should have made this ludicrous error regarding the use of the word "von," together with his misconstruction of the entire sentence, leads one to suspect that his knowledge of the German language is as open to criticism as his statements regarding German railways. But this is not all. The article in the Zeitung gives, among other things, a summary of the railway regulations governing the milk traffic. In the course of the discussion the writer describes the small beginnings of the milk traffic in shipments of single cans in baggage cars and its growth into shipments in milk cars and milk trains. He mentions a plan for shipping milk from Hanover to Berlin, a distance of 172 English miles. Men like Bolle favor an increase in the long distance milk traffic. Commenting upon these various matters, the writer in the Zeitung says that the requirements of the agricultural and dairy interests have been met in a most satisfactory manner, and that an experience of twenty years has met all demands reasonably well.

I would like to ask the author of the book under review whether due respect for fair play and truth should not have impelled him to give a hint of these things to his American readers, instead of garbling a single sentence from the article and offering it to Americans as a statement of fact when the writer of it expressly put it forward as a matter of report or hearsay, in a manner entirely incidental to the main purpose of the article, of which our author leaves his readers in complete ignorance. After the author of the book had published his essays on German railways in the Railway Age during 1903, I requested a competent Prussian traffic man to write a reply to the same. My German friend answered in substance, that in order to make the corrections to Prof. Hugo R. Meyer's essays intelligible to foreign (American) readers it would be necessary to draw a number of detailed maps of Germany and write a dozen volumes of description and fact. What I have found it necessary to say regarding the Bolle dairy certainly bears out this statement.

Suppose a German student were to send for American newspaper articles, speeches, and reports relating to the canal policy of the State of New York. Suppose he were to go through this material and cull all those expressions which give support to his "preconceived" theory that American railways have failed to meet the needs of commerce and trade; and, in order to touch the climax of his arguments, tell his German readers that the expenditure of over $120,000,000 on the part of New York State, approved by popular vote, is final and convincing proof of the absolute inefficiency, incompetency, and mismanagement of the New York Central and Hudson River Railway!

This is exactly what our author has done for American readers with respect to Prussian railways. He argues that because the German railways have not paralyzed or annihilated the waterways, as he says they have paralyzed German industry, they have been a failure. The down-trodden and long-suffering German manufacturer has been compelled to fall back upon canals and rivers in order to create competition for the railways which shall compel them to make rates under which commerce and industry can live. In almost the same breath we are told that the Germain Government has paralyzed the railways, that the railways have paralyzed industry, that there has been a "huge increase in the volume of the traffic" of the railways, and that the canals and waterways, not the railways, have created the modern industrial Germany which has won the admiration of all the world. Except the conflict of sectional interests, to which I shall call your attention presently, the competition of waterways for the salvation of industrial Germany is the most pivotal point in the book, and to this point the author returns again and again as the touchstone by means of which he can establish any particular bias.

What are the facts?

I desire to state in advance that I am by no means a supporter of the Prussian canal policy any more than I can approve the canal policy of New York. Artificial waterways present a very different problem than natural waterways. But I have no right to let my personal convictions and opinions on the matter of artificial inland waterways in general stand in the way of a truthful presentation, so far as I am able, of facts of German railway history. To attribute the revival of canal building in Prussia to the failure of the railways and to the necessity of creating competition for lowering rates is, in reality, to argue that the Prussian Government is creating a second monopoly in order that it may regulate the first.

The Prussian Government has a monopoly of towing (Schleppmonopol) on three canals, and motor boats can not be operated upon them without the permission of the Government. A strong movement is on foot to make all canals and improved streams Government monopoly. The thirty-first annual meeting of the Deutscher Handelstag, or trade parliament, representing 130 chambers of commerce, in February, 1905, adopted a series of resolutions relating to canals and streams, from which I select the following as indicative of the situation which has to be met in the Prussian state and German federal legislatures:

"1. The towing monopoly shall not be extended into a general monopoly of operation.

"2. The monopoly of the Government shall not be extended to other waterways.

"3. The monopolized waterways shall be kept open to private boats which provide their own motive power.

"4. The fees for towing shall not be higher than is necessary to cover fixed charges and provide for a sinking fund."

There is much more in the resolutions, but this is sufficient to illustrate one phase of the canal question in Prussia. The canal policy of Prussia proves absolutely nothing regarding governmental control of railway rates. So radical a paper as the Frankfurter Zeitung favors the Government monopoly of canals. The minister of public works has submitted statements showing, for instance, that the canal from Dortmund to the Rhine will cost much less than a fourth track on the present railway would cost. It is imperative that either should be done. Competent men hold that for certain kinds of traffic canals are cheaper than railways can ever hope to be. Others dispute this. The present Prussian canal projects probably rest more upon military considerations and the personal wishes of Germany's energetic Emperor than upon any other grounds.

The author is right when he criticises the political bargaining which characterized the parliamentary history of the late canal projects, but he errs when he attributes the canal movement to the alleged failure of the railways. In fact, if the author had really studied one of the references which he gives on page 109 (Schmoller's Jahrbuch, vol. 24, heft 3), he would have learned that what he ascribes in this instance to Prussian railway administration is only a part of the entire political system of the State which is attributable to the railway administration only in so far as this constitutes a part of the system of Prussian administration as a whole. One might as well attribute the recent cabinet changes in England to English railway management as to take the position the author does regarding Prussian railway policy. Prof. Gustav Schmoller is the author of one of the essays referred to on page 109. I would respectfully suggest that Prof. Hugo R. Meyer request Professor Schmoller to publish a few paragraphs stating his opinion regarding this part of the book under review. Furthermore, Prof. Hugo R. Meyer gives no specific reference in this, as in so many other instances, thus tending to convey the impression that eminent scholars like Schmoller support his views. The book abounds in such general references. On page 31, where Professor Meyer discusses opposition to the principle of what the traffic will bear, he refers to Ulrich, Staffeltarife and Wasserstrassen. This is a book of 234 pages, and the specific reference should have been given, for on page 76 Ulrich states that freight rates on waterways regard the value of goods much less than railway freight rates do; and on poge 138 Ulrich says that gains in traffic on artificial waterways are largely attributable to the unequal treatment by the state of railways and waterways, favoring the latter by not compelling them to earn interest on the investment. On page 67 the author refers to an essay of 247 pages, without indicating the exact place. On page 7 he gives a general reference to a review of a book on the "Statistical description of the city of Frankfurt on the Main."

I have by no means tested all his references, but I have found so much unreliability in those which I have examined that I am convinced that the book is untrustworthy also in this respect. The author attributes the concentration of the population in Germany to the mismanagement of railway traffic, but the comparative statistics of urban and rural population of the United States and Prussia show proportionately a greater percentage of increase in the urban population of the United States than Prussia during the railway era. We should be justified in ridiculing anyone who would venture to explain the growth of urban population solely by bad railway management, but that is what the author has suggested for Prussia. He seems to regard it good logic to consider mere coincidence as casual relations and to explain complex phenomena by a single cause, namely, government rate making.

In the opinion of Prof. Hugo R. Meyer, the conflict of sectional interests continually results in deadlocks which prevent changes and reductions in rates. Such a conflict of interests exists in Prussia. It exists also in the United States. In Prussia all these conflicts take place in the full light of publicity. The proceedings of councils and committees and legislature reveal every phase of every railway rate question which is brought forward. A decision is finally made, and the defeated party or interest feels dissatisfied and complains. By accumulating utterances of the discontented for a quarter century back, the author has constructed his indictment of the Prussian system. He has exaggerated the idea of conflict, and omitted a proper presentation of the many published proceedings which show nothing but earnest discussions aiming at the truth in the matter and a rational decision. If we had proceedings of this kind in the United States, we should be able to read of the same conflict of interests, only sometimes greater and more severe; the same discontent and complaints, as well as many others which have long been forgotten in Prussia or which have never existed there.

In Prussia every interest, no matter how small, has an opportunity of being heard publicly on every railway question which affects it, and the decision is made public and known to all. In the United States only the strong and importunate ones are sure of consideration; there are no public deliberations; there is no public decision. Little or nothing may become known to those who would profit by such knowledge. The author makes much of political rate making and politics in the Prussian railways. In a large way politics do enter transportation questions, especially with reference to export and import trade. Germany has a protective tariff, and railway rates are adjusted in harmony with the tariff policy of the state. The tariff laws of the United States are negatived every week when railways carry imported articles from seaports to inland cities at a fraction of what they will carry the same domestic product for. Men differ on the tariff policy. But if a tariff law stands on the books, who can justify its violation through the instrumentality of a through rate from a foreign point of origin to a domestic point of destination? The author criticises the Prussian

railway administration for making rates in harmony with the export and import policy of the country. This is the only sane policy, and it requires no extended arguments to prove it. A tariff law, like every other law, should either be obeyed or repealed, and not circumvented. But in the invidious American sense of the word, the Prussian railways are most emphatically not in politics. There are no paid lobbyists, no subsidized newspapers, no partisan publication bureaus, no "rake offs." I have been able to discover only one instance of dishonesty and faithlessness, and that was a case of a subordinate employee who had appropriated railway scrap to his own uses. The case was tried only a few months ago. The man was sentenced to the penitentiary for a term of five years. Who will venture to say what would happen if the books of the American railway companies were to be subjected to the tests of the Prussian, with the same consequences in the courts? In all the testimony taken before the Senate Committee on Interstate Commerce I do not remember having seen a single statement something like this:

Question. Mr. ——— ———, does your road discriminate?

Answer. No. sir.

Question. Mr. ——— ———, do you pay rebates?

Answer. No. And I wish to say to you, Senators, that if you desire to convince yourselves of the truth of my statements I cordially invite you to appoint expert accountants to investigate the books of my company.

With all due respect to our railway officials, I can not help wondering why it is that not one of the many witnesses ever thought of making this suggestion in order to set at rest this vexing question. There is still time to volunteer before Congress gets through with the consideration of railway legislation.

One of the most astonishing chapters in the book is that relating to railway revenue and technical efficiency. The author pronounces the verdict of technical inefficiency on the Prussian railways, and the only proof which he offers is the use of small freight cars, small trainloads, and that the railways have not killed off the waterways. Prussian officials are incessantly in search of improvements. They send experts into all parts of the world for new ideas. I had supposed that, all in all, the Prussian railways represented the very height of technical advancement, and I have never heard a word to the contrary from anyone who has actually made an investigation.

The author might have considered the safety of Prussian railway traffic and the block system, the splendidly constructed and maintained railway stations in large and small places, the systematic and orderly arrangement of every branch of the service, the regularity of trains, the frequency of passenger traffic, the splendid financial results of operation and a hundred other things. Not counting the millions which the Prussian railways have paid in taxes to subordinate political units, averaging during the last five years almost exactly 13,000,000 marks, or about $3,250,000, annually, they have paid into the State treasury more than enough to pay off every cent of railway indebtedness, including interest, leaving the great system of about 20,000 miles with all equipment as a net asset in the hands of the State. This, too, in spite of the fact that many unprofitable branch lines have been constructed which private capital probably never would have attempted, and that no account has been taken in this estimate of the interest on the aggregate of $1,000,000,000, which has been taken out of net earnings year by year for general State expenses since 1882. The production of such vast surplus earnings has given rise to criticisms about the level of rates, the critics maintaining that the entire surplus should go to trade and industry in the form of reduced rates, while the supporters of the administration hold that the original promises when the State acquired the roads did not imply that all these benefits should flow to commerce, but simply that rates should be reduced and that industry should be well served.

Important reductions have been made, as is shown by tables published in the Archiv für Eisenbahnwesen, January-February number, 1905, pages 96 to 100; but still greater reductions could be made, so far as the financial ability of the railways is concerned. The net surplus from operation, according to the budget for the present year (1905), after all expenses and interest charges have been paid, including new equipment, construction, special funds, etc., is about $120,000,000. A reduction in rates amounting to $120,000,000 would indeed make itself felt! But the Prussian State, like all modern states, is a unit; and the practical question is, Considering the concrete conditions under which this state exists, shall we raise $120,000,000 by means of a higher rate of taxation, or shall we raise it through the medium of the railway rate? This is the fundamental question which the author does not bring into the horizon of the book. The matter of the size of the cars and trainloads is one that affects all Europe. It has been discussed with much zeal on both sides in England. The author does not say that the English railways are technically inefficient because they use small cars. He says absolutely nothing about England, although from the point of view of government control English experience is especially valuable to the United States. During the early part of 1903 calculations were made which showed that the freight carried in 458 ordinary London and Northwestern freight cars could have been hauled in 322 30-ton American cars, but that the tare weight in the latter instance would have been 4,669 tons as compared with 2,199 tons in the former. I do not know whether these figures are unassailable.

English and Prussian railway administrations are introducing larger cars as fast as they think it feasible, but mere "bigness" does not turn their heads. I express no opinion upon the subject. I am satisfied to leave that to the operating experts, but I believe that American readers should know that English railway officials, like those of Prussia, are not at all agreed upon the size of freight cars, and that these officials dwell upon their short distances and the retail nature of their traffic as compared with the great distances and the wholesale nature of the traffic in the United States.

In his annual message for 1904 President Roosevelt said:

"I am of the opinion that at present it would be undesirable, if it were not impracticable, finally to clothe the Commission with general authority to fix railroad rates."

Every citizen of the United States knows, or ought to know, how the President stands on the Commission question. Suppose the above sentence were to be quoted in a German book to convince readers in Germany that President Roosevelt was opposed to the regulation of rates through commissions. Quotations from Bismarck, Miquel, Thielen, and others can be used in the same way. Jencke is an ardent supporter of state railways, but as the representative of a great primitive interest he has uttered complaints. These our author seems to have discovered.

I wish to say a few words regarding the opponents of the Prussian railway system in Germany. In the sense in which the author represents the opposition, I could find none of consequence in Berlin, and I inquired diligently among all classes of people. I had interviews with the only parliamentary leaders who, as far as I could learn, ever express serious criticisms; also with the editor of Die Nation, quoted by the author, and who has criticised the railway administration; members of the chamber of commerce; several great merchants, and others. To repeat all that these men said to me would require a series of articles. Among other things, I asked of each of them this direct question:

"Is there anything of consequence in the railway experience of Prussia which could be construed as an argument against effective control of railway rates in the United States?"

Everyone of them answered with an emphatic "No." When I told one of them that the utterances of parliamentary leaders like himself were being used in the United States to influence public opinion against President Roosevelt's railway policy, he pronounced such attempts as dishonest and insane. With much feeling he said that in the light of the experiences of the past no man of sense could to-day advocate a purely individualistic policy in dealing with the railways, and that the only question which could be rationally discussed was that of "strictest governmental control of rates or state ownership." He believes in the former. Nearly all Germans hold to the contrary. I have always opposed government ownership for the United States for reasons which I can not advance here. But I have always felt, too, that this was no reason why I should refuse to recognize the merits of the Prussian system. It is not necessary to prove state-owned railways of other countries a failure in order to demonstrate the present impracticability and undesirability of government ownership of railways in the United States.

Our author stands upon the let-alone platform of Adam Smith, apparently unmindful of the fact that the world of to-day is very different from that which caused Adam Smith to formulate his individualistic doctrines. It is no longer open to debate that new conditions require new laws. At the recent meeting of the American Economic Association at Baltimore Prof. Hugo Meyer declared that originally he started out to "preach socialism," but that he became thoroughly converted to the doctrine of laissez faire. The partisanship and misrepresentations of his book are likely to do more for the spread of socialism than any direct efforts of his to preach socialism would have done.

The brief chapter on France has all the characteristics of the discussion of German conditions. Here, as elsewhere, there is wanting a fairly adequate presentation of the French system of control as it actually exists. Here, as in most parts of the book, the references are very general or entirely wanting. The author quotes, for instance, Colson's Transports et Tarifs a number of times without specifying the page. Colson is good authority. This one of Colson's volumes contains nearly 700 pages. Colson is diametrically opposed to the author in his views regarding Government control in France; yet he is apparently quoted as siding with the author. The author might have referred to pages 348, 350, 363, 366, 666, and scores of other places in Transports et Tarifs, where views very different from those of the author are expressed. In one place (p. 363) Colson comments upon the power of the French Government to approve or disapprove rates made by the companies. This arrangement he characterizes as a "very happy" one.

Every student of transportation knows Richard von Kaufmann's 2-volume work, of over 800 pages each, on French railways. Von Kaufmann has made the study of French railways practically his life work. He spent years in going through the documents and in conferring with all classes of people with reference to the subject of his inquiry. In the concluding pages of his work he gives a most appreciative summary of French experience. (Vol. II, German edition, 563, 693, 824–831.) In extended conversation with von Kaufmann he amply demonstrated to me his conviction regarding the general success of the French railways from every point of view, and he emphatically repudiated the allegations of Prof. Hugo R. Meyer. He was unqualified in his approval of strict Government control of railway rates in the United States, the wisdom of which policy, in his estimation, the experience of France conclusively demonstrated.

Among the other countries treated in the book under review, the discussion relating to Australia appears to me to come nearest the mark; but, in the light of other things the author has said, I prefer to suspend judgment regarding Australian railways until I can learn more from some one who has studied them "without a strong bias."

Russian railways have been constructed and managed almost exclusively from a military point of view. They have been rich in deficits. But most people will be surprised to learn that Government rate making in Russia has not only paralyzed the Siberian railway, but also created the unfortunate conditions prevailing in that country (pp. 179–180, 186, 452). "Had the Roumanian farmer in 1902 been served by modern railways the wheat which he raised would have brought him upward of 7 per cent to 14 per cent more than it in fact brought him" (p. 146). I would like to ask if, when Columbus discovered America, the American Indians had been served by transcontinental railways, what would the price of Indian corn, potatoes, and wampum have been, and what would have happened to Columbus? If every Dakota farmer had a locomotive and a steamship, how much more would Dakota wheat lands be worth?

The author reaches his highest level in the first four chapters of the second part of the book, which is devoted to the United States. He has thorough control of his selected facts, and stands commanding in the arena like a masterful controversialist.

If one could eliminate from the chapters on The Workings of Competition and The Adjustment of Railway Rates, the author's aspersions regarding the Interstate Commerce Commission and his partisan flings at the railways of Germany and government control of rates in general, I should unhesitatingly say that these chapters represented the best account of the influence of sectional or territorial interests on railway rates which has yet been written. The great work which American railways have accomplished in developing our resources is fully acknowledged. The abuses which have crept into the business, many of which still persist, the author regards, as a rule, as mere "pains of progress." It being assumed that railway practices have been generally beneficent, the question of how many of these pains were really inseparable from progress is not seriously discussed. For instance, in only one place (p. 301) is there the slightest intimation that there can be anything wrong connected with the basing point system. I have heard quite a few railway men say that they were not at all enthusiastic about the system of percentage grouping (p. 290).

What the author says about this system is excellent, but if he had included some statements from people who believe that they have not been located in the correct group, the reader of the book would get something to which he is fairly entitled before making up his mind with respect to the merits of the system. The reliance of the author upon competition is something inspiring in these days, when eighteenth century theories rarely appear in living form. No railway world could be better, he seems to think, than that which has been developed in

the United States under the competitive régime, free from the shackles which the Interstate Commerce Commission would have enjoyed putting on the roads. The Supreme Court of the United States is cited many times for the purpose of showing that the Interstate Commerce Commission has been in error. The author has scarcely a redeeming word for this Commission. No one would suspect from what the author says that the Interstate Commerce Commission has ever uttered one word regarding what were, in its estimation, undesirable effects of certain decisions of the Supreme Court.

Now, the Interstate Commerce Commission may have been all wrong in what it has thus said, but it would seem that the reader should know that such ideas had sometime been expressed by the Commission. I know of no student of transportation who does not regard the application to railways of the Sherman antitrust law, the trans-Missouri, the joint-traffic, and a number of other decisions of the Supreme Court as matters of grave concern. But the mention of such things is unnecessary when it is the purpose of an author to show how foolishly the Interstate Commerce Commission has always decided. It is alleged that the inevitable rule of railway commissions is a distance tariff, but there is in this book no authoritative statement of such tariffs in the thirty-odd States in which commissions exist; nor a word regarding the distance tariffs which railway companies apply. The Interstate Commerce Commission has distinctly not committed itself to a distance tariff, although persons familiar with traffic matters believe that distance has often been too much disregarded. In fact, the author seems to assume that the rates prescribed by commissions are always the very worst conceivable, while rates made by railway officials are uniformly the very best possible.

The unrestricted activity of railway officials in controlling the transportation of this country is, in the estimation of our author, the best guaranty of progress, because these men, the author believes, are the most reliable interpreters of "the established law of our country and the genius of our institutions." It is my pleasure to know several of the greatest railway men in the country. I yield to no man in my admiration for the great work which they have done; but, as a free citizen, I am unwilling to place the destiny of my own life, of my community, and of my State in their hands without reserving the right to have their mandates modified, and, if necessary, tested before an impartial tribunal with power to act promptly.

I have devoted so much space in the first part of my letter to foreign railways that it is necessary to be this brief on what the author says regarding the United States. I wish, however, to add another word. Suppose all the allegations regarding the stupidity and mechanical action of foreign governmental authorities having in charge the regulation of railway rates, as depicted by the author, were true, what has that to do with the real question before the American people, which is the protection of those interests which now suffer as a result of arrangements and practices connected with railway transportation? The people of the United States have a railway problem of their own, which they must solve in their own way, under conditions which prevail in this country, and no discussion of foreign questions, valuable as it may be, should permit us to have our own problems obscured.

Shall we be content to leave the adjustment of hundreds of thousands of transactions to the one-sided methods of purely private action? I care not how conscientious and diligent a traffic manager and his assistants may be, they are bound to make mistakes, and many of them; and those who suffer in consequence have not always the power or opportunity to secure a recognition of their just rights. An impartial, competent commission, clothed with adequate powers, is exactly what is needed to meet such contingencies. The author's let-alone policy has long been discredited. Governmental regulation of railway rates is the only alternative to government ownership, which is still open for discussion. I am in favor of the first alternative.

In conclusion, I wish to say again that I undertook this review reluctantly. It has not been pleasant for me to say some of the things which, in the interest of fair play and truth, I felt it was my duty to say. It was distressing to observe how often a splendid page or chapter of the book lost much of its value because of the apparent partisanship of the author. On the whole it is not much of an exaggeration to say that Prof. Hugo R. Meyer's book bears the same relation to a scientific study of transportation that Coin's Financial School bears to a scientific study of money and banking.

Hoping that these remarks may be of service, I am,

Very respectfully, yours,

B. H. MEYER.

Mr. HEPBURN. Mr. Chairman, I yield one hour to the gentleman from Ohio [Mr. KENNEDY].

Mr. KENNEDY of Ohio. Mr. Chairman, I am glad to be able to state, as other Members have, that in the action of our committee we have all joined in the recommendation of this bill. It contains so many things with which all are satisfied that all of the members of the Interstate Commerce Committee join in the determination to support this bill without alteration or amendment. Democrats and Republicans concur in this.

For many years the railroads of America have been administered as though they were private property owned by the railroad corporations. They have charged what tolls they pleased; favored one community and injured another—in fact, have forgotten at times and disregarded their duties as the trustees of a public trust. In this connection it becomes important for us to consider what is the legal status of the American railroad. Upon this subject there is no lack of authority.

At the last session of Congress I was able, in the brief time allotted me, to say a very few of the things that I wished to say upon the subject of rate legislation. In the little, however, that I did say I was criticised and taken to task by my distinguished colleague from Ohio [Mr. GROSVENOR] for repeating several times the declaration that "the American railroads were in no sense private property; they were built by the public, and that those controlling them are public trustees, owing a duty to the public." The distinguished gentleman expressed surprise, calling this doctrine "something new; something good that nobody knew before." I deny that it is novel or new. Upon the other hand, it is as old as our railroads are—recognized and declared by every court that has ever spoken upon the subject.

The supreme court of Pennsylvania, in the case of the Erie and Northeast Railroad Company *v.* Casey, reported in 26 Pennsylvania State Reports, at page 287, held "that a railroad built by the authority of the State for purposes of commerce is a public highway and in no sense private property, and that a corporation authorized to build and operate it is a servant of the State as much as any other legally appointed officer appointed to perform any other public duty." There was not one dissenting opinion in the court upon this proposition, and this was no mere dicta, but a decision involving millions of dollars' worth of property. The charter of the Erie and Northeast Railroad Company had by the legislature of Pennsylvania been repealed for the abuse of privileges, and in the same act the governor was directed to appoint one or more persons to take and have the custody of said railroad for the use of the State. And the question was made whether the State could take the road constitutionally without first making compensation in money. This contention was upon the theory that the railroad was the private property of the corporation which had furnished money to build it under its franchise granted by the State.

I wish to quote briefly from this opinion. The court said:

> The authority given by the act of October, 1855, to the defendant to take possession of the railroad is asserted by the plaintiff's counsel to be an act of confiscation—a taking of private property for public use without compensation. If this be true, the injunction ought to be awarded; for no legislature can do such a thing under our constitution. When a corporation is dissolved by a repeal of its charter the legislature may appoint or authorize the governor to appoint a person to take charge of its assets for the use of creditors and stockholders; and this is not confiscation any more than it is confiscation to appoint an administrator to a dead man or a committee for a lunatic. But money or goods or lands which are or were the private property of a defunct corporation can not be arbitrarily seized for the use of the State without compensation paid or provided for. This act, however, takes nothing but the road. Is that private property? Certainly not. It is a public highway, solemnly devoted by law to the public use.
>
> When the lands were taken to build it on they were taken for public use; otherwise they could not have been taken at all. It is true the plaintiffs had a right to take tolls from all who traveled or carried freight on it, according to certain rules fixed in their charter, but that was a mere franchise, a privilege derived entirely from the charter, and it was gone when the charter was repealed. The State may grant to a corporation, or to an individual, the franchise of taking tolls on any highway opened or to be opened whether it be a railroad or river, canal or bridge, turnpike or common road. When the franchise ceases by its own limitation, by forfeiture or by repeal, the highway is thrown back on the hands of the State, and it becomes her duty, as the sovereign guardian of the public rights and interests, to take care of it. She may renew the franchise, give it to some other person, exercise it herself, or declare the highway open and free to all the people. If the railway itself was the private property of the stockholders, then it remains theirs and they may use it without a charter as other people use their own—run it on their own account, charge what tolls they please, close it or open it when they think proper—disregard every interest except their own. The repeal of charters on such terms would be courted by every railroad company in the State, for it would have no effect but to emancipate them from the control of law, convert their limited privileges into a broad, unbounded license. On this principle a corporation might be rewarded, but never punished for misconduct. Repeal of its charter, instead of bringing it to a shameful end, would put "length of days in its right hand and in its left hand riches and honor." But it is not so. Railroads made by the authority of the Commonwealth upon lands taken under the right of eminent domain, and established by her laws as thoroughfares for the commerce that passes through her borders, are her highways. No corporation has any property in them, though corporations may have franchises annexed to and exercisable within them. Such a franchise the plaintiffs had, but they have it no longer. The right to take tolls on a road is an incorporeal hereditament, which may be granted to a corporation or to an individual, and the grantee has an estate in the franchise. The estate endures forever if the charter be perpetual; for years if it be given for a limited period, and at will if it be repealable at the pleasure of the legislature. This corporation, after its privileges are abused, had an estate at will, and the Commonwealth chose to demand repossession. That terminated the estate as completely as an estate for years would be terminated after the expiration of the term. The grant was exhausted; the corporation lived its time out. Its lease of life was expressly limited at the day of its creation to a period when the legislature should dissolve it for its conduct. When the legislative will was spoken, its hour had come.

In the court's brief summary of its decision the eighth and ninth findings are as follows:

> VIII. The charter being constitutionally repealed, the franchises are, as a necessary consequence, resumed to the State, and the road remains what it always was—public property.
>
> IX. The corporators can not be entitled to compensation, for they had no property in the road, and after their default they held the corporate franchises at the will of the legislature, and the exertion of that will, in the resumption of franchises, did them no injury but what they agreed to submit to. The injunction which the plaintiffs have moved for is to be refused.

It will be noted that this case involved a question not only of the constitutionality of the act under the constitution of the State of Pennsylvania, but of its constitutionality under the Federal Constitution. The case therefore could have been taken to the Supreme Court of the United States upon that question, but the decision was sustained by such clear reason and such abundant authority that it was acquiesced in by the stock-

holders of the corporation, notwithstanding the fact that it deprived them of the possession of an immensely valuable railroad.

The decision thus laid down by this court, as far as I know, has never once been criticised, nor in all the numberless cases involving this question has there been a single voice raised challenging this doctrine. "Something new, something good, something that nobody knew about before," indeed. There is not a single railroad in America—and I challenge the distinguished gentleman from Ohio to name one—that has not affirmatively invoked this principle in its own behalf in lawsuits and won judgments in its own favor that were predicated upon nothing else. In every appropriation case that is brought against the citizen the first issue litigated is whether or not there is a public necessity for the taking of his land and whether or not the railroad corporation represents that public necessity. That being found affirmatively, the citizen's land is taken from the category of private property, his every right is divested therein, and the land is returned again to the great public domain and placed in the custody and control of the public's agent and servant—the railroad company.

It is universally recognized by good lawyers ever since the decision of the celebrated Dartmouth College case that when a corporation accepts from the public a charter there is established between the public and the corporation accepting and acting under the charter, spending money thereon, a contract.

The corporators of a railroad company on their part bind themselves to build for the State a railroad to be used by the people as a public highway. The railroad is to be built between certain designated termini. In consideration thereof the State consents to clothe the shareholders with a portion of her own sovereignty; to erect them into a body politic; to delegate to them her right of eminent domain, and to grant them the franchise of taking reasonable tolls from all who should travel or carry on her highway.

It will be perceived that under this status thus judicially defined every railroad company is a public trustee. It is an official part of the government, and ought to be held to as strict an accountability as any other department of our public service.

The charter of a railroad corporation, when accepted and moneys are spent in accordance therewith, becomes a contract and rights vest thereunder, and it becomes important to inquire what those rights are. It has been judicially determined that the right to charge toll over the railroads of the country is limited to such charges as are reasonable. This principle has been recognized by every State legislature in the fixing of maximum rates. Then the railroads of the country, it will be seen, have a vested right so long as their franchises endure to collect reasonable tolls. The power has been delegated to them to levy a tax upon all interstate commerce passing over their road, provided that levy be always reasonable. Beyond this they have no right to go. Thus far their right is absolute—surrounded by all the guaranties of the Constitution protecting private property and vested rights under contracts.

While, therefore, railroads perform their duty strictly there is not the slightest power in the legislative arm to touch them, but if they go beyond the limits of their rightful authority and levy an unreasonable and excessive toll, or oppress one business to help another, make unreasonable exactions upon one set of shippers to "wickedly give the money in rebates to another more favored, they should be promptly driven back under the lash of the law."

A right understanding of the legal status of the railroad companies of America I deem so important to the working out and correct solution of this legislation that is sought in this regard that I shall take occasion to print in the RECORD and make a part of my argument extracts from the speech made by Judge Jeremiah S. Black before the legislature of Pennsylvania in the year 1883. That argument has never been answered. It is unanswerable. And I trust that I, in this way, may make those dead lips vocal again and bring their wondrous message to the ears of another generation, if happily it may hear and heed its warning.

SPEECH DELIVERED BY JEREMIAH S. BLACK BEFORE THE JUDICIARY COMMITTEE OF THE PENNSYLVANIA SENATE AT THE SESSION OF 1883.

The irrepressible conflict between the rights of the people and the interests of railroad corporations does not seem likely to terminate immediately. I beg your permission to put our case on your record somewhat more distinctly than heretofore.

Why do I give myself this trouble? My great and good friend, the president of the Reading Railroad Company, expresses the suspicion that I am quietly acting in the interest of some anonymous corporation. I wish to contradict that as flatly as I can.

The charge that I am communist enough to wish the destruction of all corporate property is equally untrue. I think myself the most conservative of citizens. I believe with my whole heart in the rights of life, liberty, and property, and if anybody has struggled more faithfully, through good report and evil, to maintain them inviolate I do not know who he is. I respect the State constitution. Perhaps I am prejudiced in favor of natural justice and equality. I am convinced that without the enforcement of the fundamental law honest government can not be expected.

These considerations, together with the request of many friends, would be sufficient reason for doing all the little I can to get "appropriate legislation." At all events, it is unfair to charge me with any motive of lucre or malice.

It is not proposed by those who think as I do that any corporation shall lose one atom of its property. A lawful contract between a railroad company and the State is inviolable and must not be touched by hostile hands however bad the bargain may have been for the people. Mr. Gowen and all others with similar contracts on their hands are entitled each to his pound of flesh, and if it be "so nominated in the bond" the Commonwealth must bare her bosom to all their knives, and let them "cut nearest the heart."

But we, the people, have rights of property as well as the corporations, and ours are—or ought to be—as sacred as theirs. Between the great domain which we have ceded to them and that which still belongs to us the line is plainly and distinctly marked, and if they cross it for purposes of plunder they should be driven back under the lash of the law. It is not the intent of the amended Constitution nor the desire of those who demand its enforcement to do them the slightest injury. We only ask for that impartial and just protection which the State as parens patriæ owes to us not less than to them.

In the first place, it will, I think, be admitted by all impartial persons of average intelligence that the companies are not the owners of the railroads. The notion that they are is as silly as it is pernicious. It is the duty of every commercial, manufacturing, or agricultural State to open thoroughfares of trade and travel through her territory. For that purpose she may take the property of citizens and pay for the work out of her own treasury. When it is done she may make it free to all comers or she may reimburse the cost by levying a special tax upon those who use it; or she may get the road built and opened by a corporation or an individual and pay for it by permitting the builder to collect tolls or taxes from those who carry and travel on it. Pennsylvania has tried all these methods with her turnpikes, canals, and railroads. Some have been made at her own cost and thrown open; on others, made by herself, she placed officers to collect a special tax; others have been built for her by contract in which some natural or artificial person agreed to do the work for the privilege of appropriating the taxes which she authorized to be levied.

But in all these cases the proprietary right remained in the State and was held by her in trust for the use of the people. Those who run the railroads and canals are always public agents. It is impossible to look at them in any other light or to conceive how a different relation could exist, because a railroad which is not managed by public agents can not be a public highway. The character of their appointment, even upon the same work, has differed materially. The Columbia Railroad and all the canals were for a time under the management of officers appointed by the governor, or elected by the people, and paid out of the State treasury. Afterwards the duty was devolved by the State upon the persons associated together under acts of incorporation, who contracted to perform it upon certain terms. The Erie and Northeast Railroad was at first run for the State by a company; the company was removed from its trust for misbehavior; the governor then took it and appointed an officer to superintend the work; later the governor's appointee was displaced, with the consent of the legislature, and the duty was again confided to a corporation newly chartered.

None of these agents—neither the canal commissioner nor the State receiver, nor any corporation that went before or came after—had the slightest proprietary right or title to the railroads themselves. To say that they had would be as preposterous as to assert that township roads are the private property of the supervisors.

The legal relations existing between the State and the persons whom she authorizes to supervise her highways were somewhat elaborately discussed by the supreme court of Pennsylvania in the case of the Erie and Northeast Railroad Company *v.* Casey. (2 Casey, pp. 307–324.) It was there determined that a railroad built by authority of the State for the general purposes of commerce is a public highway and in no sense private property; that a corporation authorized to run it is a servant of the State as much as an officer legally appointed to do any other public duty; as strictly confined by the laws and as liable to be removed for transgressing them.

All the judges concurred in this opinion. The two who dissented from the judgment do so on the technical ground that certain circumstances, which would have estopped the State in a judicial proceeding, disarmed the legislature of the power to repeal. Neither they nor any other judge in the country whose authority is worth a straw ever denied the doctrine for which I have here cited that case, though it may have been sometimes overlooked, ignored, or perhaps evaded. This principle and no other was the basis of the decision in Pennsylvania and all the other States that cities and counties might issue bonds, or their money, and tax their people to aid in building railways. The Supreme Court of the United States has affirmed it in scores of cases. It was so universally acknowledged that the convention of 1873 incorporated it into the constitution as a part of the fundamental law. I do not know upon what foundation more solid than this any great principle of jurisprudence was ever established in a free country. When in addition you consider the reason of the thing, and the supreme necessity of it for the purposes of common justice, it seems like a sin, a shame, a scandal to oppose it.

It being settled that the railroads and canals belong of right to the State for the use of the people, and that the corporations who have them in charge are mere agents to run them for the owners, it will surely not be denied that all proper regulations should be made to prevent those agents from betraying their trust. The wisdom is very plain of those provisions in our constitution which put them on a level with other public servants and forbid them to prostitute their functions for purposes merely mercenary or to engage in any business which necessarily brings their private interests into conflict with their public duty. Seeing the vast magnitude of the affairs intrusted to them, and the terrible temptation to which their cupidity is exposed, it is certainly necessary that you should hold them to their responsibilities and hold them hard.

But, on the other hand, the corporations deny that they owe any responsibility to the State more than individuals engaged in private business. They assert that the management of the railroads, being a mere speculation of their own, these thoroughfares of trade and travel must be run for their interests, without regard to public right. If they take advantage of their power to oppress the labor and overtax the land of the State; if they crush the industry of one man or place to build up the prosperity of another; if they plunder the rich by extortion, or deepen the distress of the poor by discriminating against them, they justify themselves by showing that all this was in the way of business; that their interest required them to do it; that if they had done otherwise their fortunes would not have been so great as they are; that it was the prudent, proper, and successful method of managing their own affairs. This is their universal answer to all com-

plaints. Their protests against legislative intervention to protect the public always takes this shape, and with more or less distinctness of outline. In whatever language they clothe their argument it is the same in substance as that with which Demetrius, the silversmith, defended the sanctity of the temple for which he made shrines: "Sirs, ye know that by this craft we have our wealth."

That railroad corporations and their paid adherents should take this view of the subject is perhaps not surprising, nor does it excite our special wonder to see them supported by the subsidiary rings whom they patronize; but it is surprising to find that this odious and demoralizing theory has made a strong lodgment in the minds of disinterested, upright, and high-placed men. Two members of the Senate judiciary—I do not say they are the ablest, because comparisons are odious, but they are both of them among the foremost men of the country for talents and integrity—these gentlemen emphatically dissented from me when I asserted that the management of the railroads was not a matter of business to be conducted like a private enterprise merely for the profit of the directors and stockholders. A heresy so supported is entitled to serious refutation, however absurd it may seem on its face.

I aver that a man or corporation appointed to do a public duty must perform it with an eye single to the public interest. If he perverts his authority to purposes of private gain he is guilty of corruption, and all who aid and abet him are his accomplices in crime. He defiles himself if he mingles his own business with that intrusted to him by the Government and uses one to promote the other. If a judge excuse himself for a false decision by saying that he sold his judgment for the highest price he could get, you cover his character with infamy. A ministerial officer, like a sheriff, for instance, who extorts from a defendant, or even from a convict in his custody, what the law does not allow him to collect, and puts the surplus in his pocket, is a knave upon whom you have no mercy. You send county commissioners to the penitentiary for consulting their own financial advantage to the injury of the general welfare. When the officers of a city corporation make a business of running it to enrich themselves, at the expense of the public, you can see at a glance that they are the basest of criminals. Why, then, can you not see that the officers of a railway corporation are equally guilty when they pervert the authority with which they are clothed to purposes purely selfish? A railroad corporation is a part of the civil government as much as a city corporation. The officers of the former, as much as the latter, are agents and trustees of the public, and the public has an interest precisely similar in the fidelity of both. Why, then, should partiality or extortion be condemned as criminal in one if it be tolerated as fair business when practiced by the other? Yet there are virtuous and distinguished statesmen among us who think that faithful service ought not to be enforced against the railroad companies, however loudly it may be claimed by the body of the people as their just due, and no matter how distinctly it may be commanded by the constitution itself.

I am able to maintain that all the corruption and misgovernment with which the earth is cursed grows out of this fatal proclivity of public servants to make a business of their duty. Recall the worst cases that have occurred in our history and see if every one of them does not finally resolve itself into that. Tweed and his associates, the Philadelphia rings, the carpetbag thieves, the star-route conspirators all went into business for themselves while pretending to be engaged in the public service. Oakes Ames distributed the stock of the Crédit Mobilier where he thought it would "do the most good" to himself and others with whom he was connected, and that was the business in him who gave and in them that took his bribes. Madison Wells, when he proposed to Mr. Kenner that he would make a true return of the election if he could be assured of getting "$200,000 apiece for himself and Jim Anderson and a less sum for the niggers," had as keen an eye to business as if he had been president of a railroad company instead of a returning board. Certain greedy adventurers made it a business to rob the nation of its lands, and, uniting with Congress, carried it on so magnificently that they got away with an area nearly equal to nine States as large as Pennsylvania. The imposition of the whisky tax, excluding what was held on speculation, was business to the officers and legislators who were sharp enough to anticipate their own votes. You will see, on reflection, that every base combination which officers have made with one another or with outside parties has been a business arrangement, precisely like that which the railroads justify on the sole ground that it is business. The effect is not only to corrupt those who engage in such transactions, but to demoralize all who are tempted by personal and party attachments to apologize for it.

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The functions of railroad corporations are clearly defined, and ought to be as universally understood as those of any servant which the State or General Government employs. Without proprietary right in the highways, they are appointed to superintend them for the owners. They are charged with the duty of seeing that every needed facility for the use of those thoroughfares shall be furnished to all citizens, like the justice promised in Magna Charta, without sale, denial, or delay. Such services, if faithfully performed, are important and valuable, and the compensation ought to be a full equivalent. Accordingly they are authorized to pay themselves by levying upon all who use the road a tax, a toll, or freight sufficient for that purpose.

But this tax must be reasonable, fixed, certain, and uniform; otherwise it is a fraud upon the people which no department of the State government, nor all of them combined, has power to legalize.

It is much easier to see the nature and character of the mischief wrought by the present practices of the railroad companies than it is to calculate its extent. If your action depends in any degree upon the amount of the spoliation which the people of the State have suffered and are now suffering for want of just laws to protect them, you certainly ought to direct an official inquiry into the subject and ascertain the whole truth as nearly as possible.

But investigations have already taken place in Congress and the legislatures of several States; complaints founded upon specified facts come up from every quarter; verified accusations are made by some of the companies against others; railroad men have openly confessed their fraudulent practices, and sometimes boasted of the large sums they accumulate by them. Putting these together, you can make at least an approximate calculation. I doubt not you will find the sum total of the plunder they have taken in the shape of excessive charges to be frightful.

Three or four years ago a committee of the United States Senate collected the materials and made a report upon this general subject, in which they showed that an excess of 5 cents per hundredweight charged on the whole agricultural crop of the then current year would amount to $70,000,000. Upon the crop of the last year it would doubtless come nearer a hundred millions. The railroads would not get this sum, because not nearly all of it is carried, but it would operate as an export tax operates—that is to say, the producer, the consumer, or the intermediate dealer would lose that sum on the whole crop, carried or not carried. In 1880 the charges from Chicago to the eastern markets were raised from 10 cents per hundredweight to 35 cents, the latter rate being unquestionably twice as high as a fair one. You can count from this date the terrible loss sustained by the land, labor, and trade of the country. It was the end and the attainment of a combination still subsisting between the great trunk lines, as they are called, to pool their receipts, to stop all competition, to unite the stealing power of all into one grand monopoly and put the whole people at their mercy. It was a criminal conspiracy by the common and statute laws of all the States.

We are often told that in this struggle for honest government against the power of the railroad corporations the just cause has no chance of success. We do seem to be out on a forlorn hope. The little finger of monopoly is thicker than the loins of the law.

The influence of our enemies over the legislature is mysterious, incalculable, and strong enough to make the constitution a dead letter in spite of oaths to obey it, and a popular demand, almost universal, to enforce it. There is no other subject upon which the press is so shy as upon this, the most important of all. Afraid to oppose the corrupt corporations and ashamed to defend them, it sinks into neutrality. Prudent politicians always want a smooth road to run on, and the right path here is full of impediments. In this state of things we seem weaker than we really are, for the unbroken heart of the people is on the side of justice, equality, and truth. Monopolists may sneer at our blundering leadership and the unorganized condition of our common file, but they had better bethink them that when the worst comes to the worst our raw militia is numerous enough to overwhelm their regulars, well paid and well drilled as they are. They have destroyed the business of hundreds for one that they have favored. For every millionaire they have made ten thousand paupers, and the injured parties lack no gall to make the oppression bitter.

The people certainly got one immense advantage over the carrying corporations when they adopted the seventeenth article of the constitution. That concedes to us all the rights we ask, puts the flag of the Commonwealth into our hands, and consecrates our warfare. The malign influence that heretofore has palsied the legislative arm can not last forever. We will continue to elect representatives again and again and every man shall swear upon the gospel of God that he will do us the full and perfect justice which the Constitution demands. At last we will rouse the "conscience of a majority, screw their courage to the sticking place, and get the appropriate legislation" which we need so sorely.

Whenever a majority in both houses becomes independent enough to throw off the chains which now bind them to the service of monopoly; when frequent repetitions of the oath to obey the constitution shall impress its obligations upon their hearts; when admonition and reproof from within and without—"line upon line, precept upon precept, here a little and there a little"—shall have taught them that fidelity to the rights of the people is a higher virtue than subserviency to the mere interests of a corrupt corporation; when the seventeenth article shall have been read and reread in their hearing often enough to make them understand the import of its plain and simple words, then, without further delay and with no more paltry excuses, they will give us legislation apropriate, just, and effective. A tolerably clear perception of their duty, coupled with a sincere desire to do it, will enable them to catch the shortest and easiest way. All trifling with the subject will cease at once; all modes of evading this great point will go out of fashion; no contrivance will be resorted to of ways not to do it while professing to be in favor of it; our common sense will not be insulted by the offer of a civil remedy to each individual for public offenses which affect the whole body of the people and diminish the security of all men's rights at once. The legislative vision, relieved from the moral strabismus which makes it crooked now, will see straight through the folly of trying to correct the general evil except by the one appropriate means of regular punishment at the suit of the State. Does this seem harsh? Certainly not more severe than other criminal laws on our statute books which apply to railway managers as well as to everybody else. They need not suffer the penalty unless they commit the crime, and they will not commit the crime if you make a just penalty the legal consequence. Pass a proper law to-day and they will be as honest as you are to-morrow. Every one of them can be trusted to keep clear of acts which may take them to the penitentiary. They have been guilty in their past lives and will continue in evil doing for some time to come, because the present state of your laws assures them that they shall go "unwhipped of justice." But threaten them with a moderate term of imprisonment and a reasonable fine, and they will no more rob a shipper on the railroad than they will pick your pocket at a prayer meeting. Your law will do its work without a single prosecution. Thus you could, if you would, effect a perfect reform, and yet not hurt a hair on any head—"a consummation most devoutly to be wished."

But it is not to be expected that such good will come immediately. Nearly ten years ago the legislature was commanded to carry out the beneficent measure of the constitution. For nine years that illustrious body was a dumb impediment to the course of justice, all its faculties paralyzed by some inscrutable influence—dead—devoid of sense and motion, as if its only function was to "lie in cold obstruction and to rot." At last, when it was wakened up by the present governor and reminded of the seventeenth article, it opened its mouth and spoke as one who did not know whether he was sworn to oppose the constitution or to obey it. Some members have shown their utter hostility to it, some have been willing to defend small portions of it, and one senator discovered that it was all equally sacred. But this plan meets no favor. Still, we need not despair. The people and the constitution, mutually supporting one another, will be triumphant yet. Meanwhile let all the railroad rings rejoice. This is their day; ours is to come.

Of this speech Justice David J. Brewer, one of the judges of the Supreme Court of the United States, as editor of the work entitled "The World's Best Orations," says editorially, in terms of commendation:

It is doubtful if any other speech on a technical question of law and industrial economy ever produced effects so profound and far-reaching.

Mr. GAINES of West Virginia. Before the gentleman leaves that case, which is a very interesting one, will he tell us what finally became of that railroad property?

Mr. KENNEDY of Ohio. The legislature of Pennsylvania granted a new charter to the same corporation.

Not long since an able and learned lawyer, Mr. James P. Wilson, whose business it is to represent railroads in my home city, in a public address used the following language in speaking about the Esch-Townsend bill:

> Can you imagine a more ideal scheme for the destruction of private property and one more likely to corrupt our people? And not merely does the proposition involve the rights of private capital and invade the practical freedom of a man to sell his labor in the open market uncontrolled by the Government, but it vests in a commission the power to revise the geography of the country, to nullify natural advantages, to give an inland city the benefit of a location upon the seaboard or upon a great river, and to give to the seaboard city the dignified seclusion of an inland town. I believe this power, with the ineffective safeguards of this bill, is too vast and too dangerous to be wielded by any political government.

The power to make rates is referred to. Here, at least, is one thing upon which all agree: the tremendous and dangerous power was not exaggerated. We all agree here. The opponents of this legislation think this power too dangerous to be intrusted to a commission of men selected for their honesty, probity, and disinterestedness. The friends of this bill think it is too dangerous a power to be reposed longer without supervision with a set of frenzied financiers, whose public duty as railroad directors is in direct conflict with their private interest as shippers.

This same language or its equivalent is familiar to all the Members of this House, as it is one part of every argument that has been made by the opponents of this legislation. What a vicious piece of special pleading it is. This wondrous power. The distinguished gentlemen who have submitted the argument to the Members of this House in pamphlet, leaflet, and book might have gone even further and said that this power to make rates, to fix tolls on the roads of the nation, to tax the nation's commerce as it passes along the highways, might be exercised so as to even repeal the laws of Congress. As illustrative of this, I wish to call attention to a communication which I received recently from the president of the American Potters' Association, Mr. W. E. Wells, of East Liverpool, Ohio. And, by the way, the business of manufacturing pottery is a highly protected one under the Dingley tariff law. The skilled artisans in that trade and business manufacture in this country as fine pottery as can be made in the world. Under the protection afforded them by the Dingley Act, if accorded fair treatment by the railroads of this country, they could supply the American market with the wares which they produce. It is one of the great industries of my district, and I wish to present before this House and the country the simple statement of facts furnished me by the president of the Potters' Association of America.

The following are the published rates from East Liverpool, Ohio, situated on the bank of the Ohio River in the eastern part of the State, to various central and western points in the country as compared with the rates to the same points from London and Liverpool, England.

Published rates for crockery and earthenware in crates from East Liverpool, Ohio, to various central and western points, as compared with rates from London and Liverpool, England.

[Rates in cents per hundred pounds.]

To—	From—	
	East Liverpool, Ohio.	London and Liverpool, England.
Chicago, Ill	21	22
East St. Louis, Ill	30	26
St. Paul, Minn	48	42
Minneapolis, Minn	48	42
Beatrice, Nebr	73	54
Lincoln, Nebr	69	51
Cedar Rapids, Iowa	55	37
Des Moines, Iowa	60½	41½
Fort Dodge, Iowa	63	42
Ottumwa, Iowa	55	38
Waterloo, Iowa	56	38½
Abilene, Kans	103	73
Coffeyville, Kans	99½	69
Hutchinson, Kans	111	74
Salina, Kans	107½	74
Topeka, Kans	84	59
Wichita, Kans	111	74
Missouri River points	65	47
Colorado common points	145	74
Utah common points	235	150

What does this mean? The railroads in making these rates have gone to the extent of repealing pro tanto the law enacted to protect American potters. There may be some explanation that will look reasonable for these outrageous discriminations, but why should not the enterprising people of my district, engaged in making pottery, have the right to submit this question to an impartial tribunal to pass upon this rate so manifestly unfair to the people of my district? The potters of America are among the most intelligent of all the skilled labor in America. They know that the American Congress intended to protect their labor against all the cheaper labor of other lands. Is it fair to them that the railroads of America, the public highways for commerce, which they own in common with all other Americans, should charge these potters of my district two or three times as much for carrying pottery over the highways as potters in England and Germany are charged for the same service? I am not now entering into a discussion of the merits of this rate, but I do wish to insist that the American potters shall have a right to bring this question before a responsible commission—an impartial commission—a commission the members of which will not own stock in these foreign corporations who are favored upon our highways, and have a chance at least for a square deal.

And now to the argument that this power may destroy one city and build up another, may destroy one man's business and foster another's; it may go to the extent of repealing the protective laws enacted by the Congress of the United States. Conceding all this, recognizing also the fact that this power must be exercised by some one, this bill in its terms enacted for the public welfare, is conservative, is exceedingly solicitous of every legitimate right of the railroad corporations. It leaves this power vested in the first instance with the railroad-rate makers, giving to the Interstate Commerce Commission only the right to supervise and correct in cases where they manifestly do wrong or fail to do right.

This bill calls into existence no new power. It simply puts Government supervision and control over the rate-making power where it has been exercised for the last half century. In the exercise of this power we need not cite instances nor make arguments that this wondrous power has been debauched to private ends. That is universally believed. But whether it has or not, there is in existence no law adequate to restrain such rate makers from such abuse. I have no patience with the argument made that public officials, that the "Interstate Commerce Commission, could not be trusted with this power; this argument starts with the assumption that a railroad company can do no wrong, it claims, as a matter of course, for these companies that charity that endureth all things and believeth all things; "while for the nation's public officials we must assume that they always act from bad motives or false opinions."

The great railway corporations have been operating for years with no sort of supervision; no responsibile public authority looking into their transactions to see whether their charges upon the public highways are reasonable or not. All sorts of schemes of watering stocks and inflating the liabilities of these corporations have been resorted to, evidently in anticipation of the time when the public would awake to the importance of looking into the manner and method in which its roads are managed.

In recent years the attention of the whole country has several times been attracted by the very remarkable spectacle of a great Titanic struggle between certain financiers to gain control of certain railroads. Millions of dollars were expended to that end. Several times the financial affairs of the nation were almost thrown into a panic by the disturbances occasioned by those struggles.

Now, remembering that those railroads were public institutions; that the duty of the management was to administer them with an eye single to the public welfare; that they had a right to collect only reasonable tolls sufficient to compensate the stockholders for the money expended and for no other purpose could one dollar be honestly raised, how inexplicable becomes the actions of those contending forces. The very conduct of these men appears sane only upon the theory that they contemplated the maladministration of their public trusts, such maladministration as would bring to those who gained the control great and personal gain beyond the dreams of avarice. Whence did they expect to derive this great profit except by despoiling the shipper; by extortionate rates or by robbing the stockholders and employees by the payment of rebates to themselves and their associates from money legitimately obtained to pay stockholders and operating expenses? These contests for control are as much out of character, as much a disgrace to our civilization, as it would be for two competing manufacturing companies manufacturing letter boxes to enter into an open, notorious campaign, each striving to place its own subservient creature in the Post-Office Department as purchasing agent.

The administrative department having in charge the great highways of interstate commerce should have all its transactions opened up fully to the gaze of the public.

Oh, but it has been objected that it would be unfair to make

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